

**Governor's Executive Order**  
**Suspending Portions of the Brown Act Due to COVID-19 Emergency**

On March 17 the Governor issued Executive Order (“EO”) N-29-20, part of which suspended certain Brown Act requirements and superseded portions of his prior EO (N-25-20 of March 12) applicable to the Brown Act. The Governor’s March 17 EO is attached (see Paragraph 3, beginning on page 2).

Under the Governor’s current EO, several provisions that made teleconferencing unworkable under the Brown Act have been suspended. Specifically:

- Board members may participate telephonically or electronically *without* noticing their remote locations or making the locations open to the public (members may safely “phone-from-home”).
- *All* board members can participate remotely from any location. No board member needs to be physically present at a noticed, physical location. Also, a quorum of the board members no longer needs to participate from within the physical jurisdictional limits of the body.

Furthermore, under the current (March 17) EO—and this is a change from the prior EO—a Brown Act body may legally conduct a meeting *entirely* telephonically or electronically, without having any physical location at which members of the public may come to observe the meeting and offer public comment.

**Specific Requirements Under Governor’s Current EO When Holding Telephonic or Electronic Meetings:**

- The remote meeting system (e.g. teleconference) must allow for the public to observe the meeting telephonically or otherwise electronically and allow for the delivery of public comment.
  - Note - “Observe” in this EO (unlike the prior EO) can be accomplished by allowing the public to “hear” if the meeting is conducted entirely by phone.
- The NC must “implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities” per the ADA. For those meetings utilizing teleconferencing only, this may mean utilizing a TTY service.
  - Note - the above procedure must be advertised in the meeting agenda.
- Every meeting agenda must indicate how a member of the public may observe the meeting and offer public comment (i.e., inform the public how they can participate telephonically or electronically).

- Every meeting agenda must advertise the procedure for requesting reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt in favor of accessibility.
  
- All other agenda posting requirements still apply.
  - The required timelines for publishing agendas are unchanged (72 hours for regular meetings; 24 hours for special meetings).
  - The physical and electronic posting requirements are unchanged. Agendas should be posted as usual in compliance with the Brown Act, BONC policy, and NC bylaws.