

**TAUD COVID-19 UPDATE: Electronic Participation in Utility Board Meetings Extended through October 28, 2020**

**September 30, 2020**

**On August 28, 2020, Governor Lee issued Executive Order No. 60 in which he extended through October 28, 2020, the authorization for the members of governing bodies of local governments to participate in board meetings electronically.**

The guidance for the governing boards of utility districts, utility authorities and municipal and county utility systems on the parameters and conditions for conducting electronic board meetings, which are described in TAUD COVID-19 Update – March 24, 2020: Conducting Utility Board Meetings with Electronic Access, are still applicable with the following changes:

1. **All meetings of a governing body conducted by electronic means under this Order shall remain open and accessible to the public by providing real-time, live audio or video access to the public**. Providing a clear audio or video recording within two days of a public meeting in lieu of providing real-time, live audio or video access to the meeting is no longer acceptable.
2. **A clear audio or video recording of the meeting shall be made available to the public as soon as practicable following the meeting, and in no event more than two (2) business days after the meeting**. Providing a clear audio or video recording within two days of a public meeting is now ***mandatory*** when an electronic board meeting is held – even when the public has been given real-time, audio or video access to the board meeting.
3. **In the public notice required by Tennessee Code Annotated, Section 8-44-103, governing bodies shall provide information regarding how the public can obtain real-time, live access to or broadcast of the meeting, and governing bodies are strongly urged to provide an agenda for the meeting in such notice**. The encouragement to provide an agenda for the public meeting in the notice of the meeting was not in the Governor’s prior executive orders which addressed electronic board meetings by local governments.

Don Scholes

TAUD General Counsel