



# OPEN MEETINGS VIA ELECTRONIC MEANS POLICY

<b>POLICY NUMBER</b>	<b>4-16</b>	<b>VERSION</b>	<b>001</b>
<b>DRAFTED BY</b>	<b>LEGAL/COMPLIANCE</b>	<b>DIVISION</b>	<b>COMPLIANCE</b>
<b>RESPONSIBLE PERSON</b>	<b>COMPLIANCE/LEGAL COMMUNICATIONS</b>	<b>ANNUAL REVIEW</b>	<b>OCTOBER 17, 2024</b>
<b>REVISION HISTORY</b>		New document	<b>DATE OF APPROVAL</b> <b>OCTOBER 25, 2023</b>

## 1.0 PURPOSE

[Act 393 of the 2023 Regular Session](#) amended Louisiana's Open Meetings law to permit certain, eligible public bodies and agencies to conduct its open meetings via electronic means (e.g., videoconference or teleconference). However, regardless of its eligibility status, agencies are required by Act 393 to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities.

All public bodies that have the capability to conduct electronic meetings (tele or videoconference) shall adopt rules, regulations, and procedures to allow any member of the public with a disability recognized by the Americans with Disabilities Act (ADA), or caretaker of such person, to participate in its meetings if such person so requests.

## 2.0 RESPONSIBILITIES

This shall apply to all MHSD public board meetings and any other public meeting that is hosted by MHSD.

## 3.0 REFERENCES

[Act 393 of the 2023 Regular Session](#)

[42§17.2.1. Public body; member with a disability](#)

[42§14. Meetings of public bodies to be open to the public](#)

## AUTHORIZATION

A handwritten signature in blue ink, appearing to read "Rochelle Head Dunham".

Rochelle Head Dunham, M.D., DFAPA FASAM  
Executive Director/Medical Director  
Metropolitan Human Services District  
Wednesday, October 25, 2023

[La. R.S. 42:19, Notice of Meetings](#)

[La. R.S. 42:14 Meeting of Public Bodies to be Open to the Public](#)

#### 4.0 DEFINITIONS

**Agency Ineligibility:** MHSD does not meet the criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means, because it has powers, duties, or functions that are limited in scope to a particular political subdivision or region.

**Disability:** Under the ADA, an individual with a disability is a person who: Has a physical or mental impairment that substantially limits one or more major life activities; Has a record of such impairment; or is regarded as having such impairment as described in item #1 above.

**Impairment:** Any physiological, mental, or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities when active.

**Substantially Limits:** An impairment that prevents the ability of an individual to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration, and long-term impact of the condition. Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids or medications used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).

**Major Life Activities:** 1. Generally, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others and working; and 2. The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Essential Functions:** The fundamental and primary job duties of a position. Considerations in determining whether a function is essential include such factors as the written job description; whether the reason the position exists is to perform that function; the limited number of employees available to perform that function; and the degree of expertise required to perform the function.

**Qualified Individual:** Under Title I, an individual with a disability who meets the requisite skill, experience, and education requirements for the position and who can perform the essential functions of the position held or applied for, with or without reasonable accommodation(s).

Under Title II, an individual with a disability who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by **MHSD**, with or without reasonable accommodation(s).

## 5.0 POLICY

Despite ineligibility to conduct open meetings via electronic means, nonetheless the MHSD is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

Requirements of R.S. [42:14\(E\)](#) are not applicable during a properly held executive session or during any meeting that is sequestered in accordance with the law.

## 6.0 PROCEDURE

### A. Board Participation:

1. A member of the MHSD Board of Directors, who has a disability recognized by the ADA *shall* be allowed to participate and vote in a meeting via electronic means as defined in R.S. [42:17.2](#) (video or teleconference).
2. Such a member's participation via electronic means shall also count towards the making of a quorum.
3. In accordance with R.S. [42:17.2.1\(A\)](#), MHSD adopts these and procedures to facilitate the requirements.

### B. Notice:

No later than 24 hours prior to the electronic meeting, MHSD shall provide all the following:

1. The notice and agenda for the meeting posted on the MHSD website, emailed to any member of the public or the news media who requests notice and posted and distributed as otherwise required by law.
2. Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the MHSD website of, emailed to any member of the public or the news media who requests notice of meetings of the public body.

### C. Meeting Requirements: [R.S. 42:17.2\(C\)](#)

1. The presiding officer shall be present and shall preside over the meeting at an "anchor location," defined as the public location at which MHSD holds in-person meetings or is specifically equipped with the technology necessary to meet via electronic means. This anchor location shall be open to the public and any member of the public shall be allowed to participate in person at the anchor location.
2. MHSD shall provide a mechanism to receive public comment electronically in the manner it prescribes prior to and, to the extent practical, during the meeting.
3. MHSD shall identify and acknowledge all public comments, inclusive of those received in person during the meeting (at the anchor location) and those received in writing or electronically prior to any submission deadline for the meeting and shall maintain those comments in its record of the meeting.
4. The presiding officer shall ensure all the following:
  - (a) That each person participating in the meeting is properly identified.

(b) That all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

(c) That the voting decision of each participating member of the public body on each matter is clearly identified during each vote during the meeting and recorded and included in the archive of the meeting.

5. MHSD is aware of any technical problem that causes the meeting to no longer be audible/visible to the public, the meeting shall be recessed until the problem is resolved. If the problem is not resolved within one hour, the meeting shall be adjourned. The presiding officer shall try to alert all participants to that fact.

6. The meetings shall be recorded and made available to the public in an online archive located on MHSD's website for at least two years.

7. All documents made available to members of the public in attendance at the anchor location shall be made available electronically to members of the public participating electronically to the extent practicable.

**D. Quorum, Voting and Rules: [42:17.2\(E\)](#)**

All members of the public body participating in a meeting held pursuant to [R.S.42:17.2 \(E\)](#), either at the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

**E. Per diem R.S. [42:17.2\(G\)](#)**

Members of the MHSD Board, who participate in a meeting via electronic means are not eligible to receive a per diem.

**E. Public Participation**

1. People with disabilities are defined as any of the following:
  - a. A member of the public with a disability recognized by the [Americans with Disabilities Act \(ADA\)](#).
  - b. A designated caregiver of such a person; or
  - c. A participant member of the agency with an ADA-qualifying disability.
2. The MHSD shall ensure that the written public notice for an open meeting, as required by [R.S. 42:19](#), includes the name, telephone number and email address of the agency representative to whom a disability accommodation may be submitted.
3. Upon receipt of an accommodation request, the designated agency representative is only permitted to ask if the requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no). The requestor shall not be required to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.
4. The designated agency representative shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

## **7.0 RELATED DOCUMENTS**

[Louisiana ADA Coordinator Resources](#)

[Act 393, 2023 Regular Session](#)

[Louisiana Legislative Auditor Open Meetings Law Update](#)