

Local Government Remote Voting, Approvals, and Property Tax Extensions During the COVID-19 Emergency Declaration

[Senate Bill 841 \(PN 1623\)](#), introduced by Senator Scott Martin, amends Title 35 (Health and Safety) in a number of ways. The bill passed the Senate on April 7th and was sent to the House. We are anticipating House action the week of April 13.

Following are Senate amendments impacting local government:

First, Chapter 75, Section 7501 concerning the general authority of local governments during emergency declarations is amended establishing the blanket authority to hold a meeting without a physical quorum present in any one location. A quorum may be established through the use of telecommunications devices.

Second, a new subchapter is added to Title 35 concerning local government meetings during the COVID-19 emergency declaration. This subsection is only in effect for the duration of the Governor's emergency declaration.

A political subdivision and its boards, commissions, departments and agencies (entity) may conduct business through the use of an authorized telecommunications device defined as a device which permits, at a minimum, audio communication between individuals. A physical quorum is not required, but there must be a quorum of members through the use of telecommunications devices.

To the extent practicable, advance notice of a meeting shall be posted on the entity's website, in a newspaper of general circulation, or both. Notice shall include the date, time, technology to be used and how the public can participate. If a meeting is called without advance notice and under exigent circumstances to address COVID-19 related issues, draft minutes of the meeting must be posted within 20 days or before the entity's next meeting, whichever is earlier. Notice of meetings to consider applications, plats, plans, submissions, appeals or curative amendments not related to the COVID-19 emergency declaration must be provided 5 days prior to the meeting by a posting on the entity's website or in a newspaper of general circulation, or both.

To the extent practicable, entities must allow public participation in meetings, hearings or other proceedings through telecommunication or written comments.

For approvals, applications, plats, plans, submissions, appeals or curative amendments received or pending as of the Governor's declaration, the days provided to satisfy the statutory time limits are suspended for 30 days from the effective date of this act to give the entities time to prepare for remote meetings. Written notice of the 30-day suspension shall be provided to each applicant. Applicants can request that a meeting or hearing proceed before the 30-day suspension is lifted. Granting such a request is at the entity's discretion. If granted, the applicant and each party to the proceeding shall be deemed to have waived any challenge to the proceedings. At the end of the 30-day suspension, the statutory time limits will resume.

A third amendment to SB 841 concerns property tax relief and is also limited to the COVID-19 emergency. For property taxes due by December 31, 2020, a municipal taxing district has the option to collect the tax at the prescribed discount rate through August 31, 2020, or to waive any fee or penalty otherwise associated with a late payment if payment is made in full by December 31, 2020. Such action would be accomplished with the adoption of a resolution that is then delivered to the tax collector.

These amendments are effective immediately upon the Governor's signature.