

Public Entities Should Continue Providing Online Access to Meetings after the Pandemic

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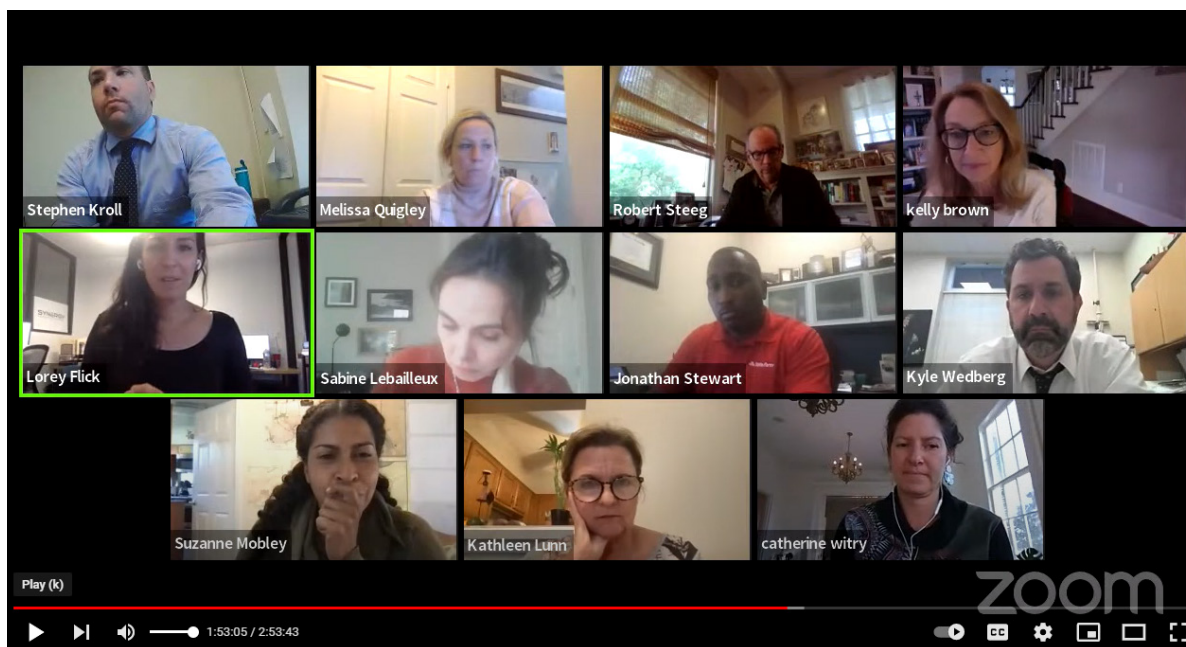


As citizens of southeastern Louisiana know all too well, times of crisis can lead to improvements and innovations. The Hurricane Katrina disaster, for example, galvanized support for consolidating the region's balkanized levee districts as well as the multiple offices for assessor and for sheriff in New Orleans. Today, the COVID-19 pandemic has, at least temporarily, changed the way people around the globe live and work. Some of these adaptations have benefits that merit keeping them in place after the public health crisis ends. For instance, some employers plan to retain elements of working remotely, flexible scheduling and videoconferencing.

In the public sector, one positive byproduct of the pandemic protocols has been increased citizen access to government meetings. Because the pandemic generally prevented public entities from holding in-person meetings, the Louisiana Legislature and governor temporarily authorized them to hold virtual meetings via video or teleconference.¹ As a result, many government entities are currently providing some form of remote access to their meetings. This practice enables more citizens

to view or listen to the meetings, especially when the government entities record and archive the meetings so citizens can access them anytime. The increased access online and on demand is important because government entities usually hold meetings during normal business hours when it is inconvenient or impossible for most citizens to attend.

As public entities return to in-person meetings, they have an opportunity to preserve the benefits of remote access by livestreaming and archiving video recordings of their meetings. The technology to do so is not overly burdensome or costly. Recording a meeting could be as simple as setting up microphones and a stationary video camera, which provides more information than audio alone. Moreover, a videographer and livestreaming expert told BGR that making a video recording does not present a significantly greater technical challenge than an audio recording. Livestreaming meetings would require software to process the meeting video for live broadcast over the internet, but such investments are modest compared to the benefits of increased citizen



Many local governments have met by videoconference during the pandemic. Some, such as the New Orleans City Planning Commission (shown here), have archived recordings of those meetings, giving citizens increased access to their decision making.

BGR screenshot of virtual meeting of the New Orleans City Planning Commission on November 30, 2021, [available on YouTube](#).

engagement. As for any concerns about increasing the cost of hosting a website, public entities can create a free YouTube channel to archive meeting recordings.

Given the relative ease of providing online access and the substantial increase in transparency and public accountability it ensures, BGR urges government entities to livestream their meetings and provide online archives of video recordings, and to continue providing this access after in-person meetings resume. This recommendation extends to committee meetings, where many public policy issues receive in-depth discussion and analysis.

Based on BGR's regular [monitoring](#) of more than 70 government entities, some were already livestreaming and archiving video of their meetings before the pandemic. These include, among others, the New Orleans City Council, the Jefferson Parish Council, the St. Tammany Parish Council, the Sewerage and Water Board of New Orleans, the Southeast Louisiana Flood Protection Authority-East (SLFPA-East), and school boards in Orleans, Jefferson and St. Tammany parishes.

But many other entities that make decisions with significant implications for residents and taxpayers did not provide livestreaming or online meeting recordings before the pandemic. These include the following four entities that are required by law to either record or

broadcast their meetings because they are governed by non-elected boards and levy taxes:

- The Regional Transit Authority (RTA), which received \$85.7 million in sales and hotel tax revenues in 2019, the last full year before the pandemic, to operate the New Orleans public transit system.
- The New Orleans Ernest N. Morial Convention Center (Convention Center), which received \$65.3 million in 2019, primarily from hotel taxes.
- The Louisiana Stadium and Exposition District (LSED), which received \$65.2 million in hotel taxes in 2019 to operate the Caesars Superdome, the Smoothie King Center and other facilities.
- The Southeast Louisiana Flood Protection Authority-West (SLFPA-West), which received \$13.2 million in property taxes in 2019 for the flood protection systems on the west bank of Jefferson and Orleans parishes.

A 2013 Louisiana law requires these and all other taxing entities with appointed boards to “video or audio record, film or broadcast live all proceedings in a public meeting.”² All four entities told BGR that they satisfied this requirement before the pandemic by making au-



The Southeast Louisiana Flood Protection Authority-East (shown here) is an appointed board that has livestreamed its meetings and maintained an archive of video recordings of them online.

BGR screenshot of livestreamed meeting of the Southeast Louisiana Flood Protection Authority-East, July 15, 2021, [available on YouTube](#).

audio recordings of their meetings available to the public upon request. However, they did not post the recordings online.

During the pandemic, all four entities held meetings by video or teleconference. Once in-person meetings resume, Convention Center and RTA administrators told BGR they plan to broadcast their meetings live. LSED administrators said they have not decided what to do after the pandemic. Officials with SLFPA-West said they are not set up to do livestreaming but would do so if required. The Legislature has already recognized that these entities should be more transparent and accessible to the public. BGR urges them to seize the opportunity to go beyond the Legislature’s current minimum requirement by continuing remote access after the resumption of in-person meetings. Watching a live broadcast or an online video recording would give citizens a first-hand look at important decisions on the use of taxpayer dollars.

Many other public entities in the New Orleans area are not subject to the 2013 law and did not provide online recordings or livestreaming of their meetings before the pandemic. BGR did not conduct a comprehensive survey of these entities’ post-pandemic plans. However, as part of BGR’s ongoing monitoring program, we will continue to assess their commitment to enhanced citizen access to public meetings as in-person meetings resume. Most, if not all, of these entities are currently providing some form of remote access. To discontinue this access when in-person meetings resume would be a step backward in transparency and accountability.

The entities that are not subject to the 2013 law and did not provide remote meeting access before the pandemic include, among others:

- Two ethics boards created to promote government transparency and accountability – the New Orleans Ethics Review Board and the Jefferson Parish Ethics and Compliance Commission.
- The French Quarter Management District, a state entity that in October 2021 started overseeing the uses of revenue from a local [sales tax](#) for enhanced public safety in the French Quarter.

“ **Watching a live broadcast or an online video recording would give citizens a first-hand look at important decisions on the use of taxpayer dollars.** ”

- The Board of Liquidation, City Debt, which manages the issuance and repayment of hundreds of millions of dollars in bonds issued by the City of New Orleans, the Sewerage & Water Board and other entities.
- The board of trustees for the New Orleans Municipal Employees’ Retirement System, which has seen its unfunded liabilities and [public costs rise sharply](#) in recent years.
- Several entities leading economic development efforts and granting property tax abatements, including the New Orleans Business Alliance, the Industrial Development Board of the City of New Orleans, the Jefferson Parish Economic Development Commission (JEDCO) and St. Tammany Corp.

Maintaining remote access after in-person meetings resume would advance the legislative intent of an existing provision in Louisiana open meetings laws that allows government entities to video record and broadcast their meetings.³ Ideally, public entities would embrace the spirit of this provision and voluntarily provide online meeting access to the citizens they serve. As an assurance, the Legislature, which livestreams and archives video of its own meetings online, should amend the State’s open meeting statutes to require online access to government meetings. It should scale the level of access to the magnitude of the entity’s responsibilities and public funding. For entities with substantial responsibilities and funding, the access should consist of live and archived video. For entities with lesser responsibilities, an online archive of video meeting recordings may be sufficient. The Legislature also should direct an appropriate State entity to provide technical support to help public entities livestream and video record their meetings.

Legislative attention to this issue is overdue. Some of Louisiana’s open meeting statutes date to the 1950s, long before the digital revolution transformed the way people receive and transmit information. In addition, the 2013 law requiring greater public access to meetings of non-elected boards that have taxing authority does not apply to elected boards with taxing authority. Requiring all public entities to provide remote access to their meetings would remedy this inconsistency.

Public entities can take other steps to improve meeting transparency and accessibility. While State law requires just 24-hour notice for public bodies to meet, entities should provide as much advance notice as possible. They also should make agendas available to the public as soon as they finalize them. In addition, they should post online the meeting documents and information that board members receive to help the public follow and understand the proceedings. They should also maintain an online archive of meeting minutes.

It is a tenet of democracy that government entities should conduct the people’s business in public to the greatest extent possible. In this case, governments and policymakers should harness readily available technology to expand and modernize citizen access to government meetings.

BGR RECOMMENDATIONS

Government entities in Louisiana should livestream their meetings and provide online archives of meeting video recordings.

Government entities should supplement online meeting access by publishing notice of meetings on their websites more than the minimum 24 hours in advance, posting online the meeting documents and other information that board members receive, and maintaining an online archive of meeting minutes.

The Louisiana Legislature should amend open meeting laws to require public entities to provide online access to their meetings. This should include livestreaming and archived video of meetings for entities with substantial responsibilities and public funding, based on a threshold established by the Legislature. The minimum for entities below the threshold should be an online archive of video recordings. The Legislature also should direct an appropriate State entity to provide technical support to help public entities comply with the new requirements.

ENDNOTES

- 1 See La. Acts [No. 302 of the 2020 Regular Session](#) and Section 4 of Gov. John Bel Edwards’ Proclamation No. [JBE 2020-30](#).
- 2 La. R.S. [42:23](#).
- 3 Ibid.

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