



To: Board Members
From: Ronald J. Styka, Township Supervisor
Date: March 30, 2021
Re: Revised Electronic and Telephonic Meeting Procedures

We have learned from our legal counsel that beginning April 1-December 31, 2021 there will be some changes required by the Open Meetings Act (OMA).

The following changes are now required by the OMA:

1. Each member of the public body attending the meeting remotely must make a public announcement at the outset of the meeting (to be included in the meeting minutes), that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.
2. Remote meeting notices must clearly explain all the following:
 - a. Why the public body is meeting electronically;
 - b. How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically;
 - c. How members of the public may contact members of the public body before the meeting to provide input or ask questions on any business that will come before the public body at the meeting; and
 - d. How persons with disabilities may participate in the meeting.

A motion is prepared for Board consideration:

MOVE TO ADOPT THE REVISED ELECTRONIC AND TELEPHONIC MEETING PROCEDURES, AS ATTACHED.

Attachment:

1. Revised Electronic and Telephonic Meeting Procedures

CHARTER TOWNSHIP OF MERIDIAN
ELECTRONIC AND TELEPHONIC MEETINGS PROCEDURES

(REVISED MARCH 30, 2021 PURSUANT TO AMENDED OPEN MEETINGS ACT)

Procedures adopted by the Township Board of the Charter Township Meridian to protect health, safety, and welfare by establishing meeting procedures for Township public bodies in compliance with the Michigan Open Meetings Act, Act 267 of 1976, et seq.

THE CHARTER TOWNSHIP OF MERIDIAN TOWNSHIP BOARD DECLARES THAT:

Section 1. Title. These Rules may be cited as the Charter Township of Meridian Electronic and Telephonic Open Meetings Act Procedures.

Section 2. Purpose. It is the policy of the Charter Township of Meridian to establish these reasonable rules and procedures in compliance with Sections 3 and 3a of the Michigan Open Meetings Act, Act 267 of 1976, *et seq.* (“OMA”), for electronic or telephonic meetings of Township public bodies in which there exists the absence of a member or members of such bodies and which may minimize the possibility of disruptions during such electronic or telephonic meetings.

Section 3. Electronic and Telephonic Meetings Authorization.

A. Authorization to hold remote electronic and telephonic meetings. Section 3 and 3a of the OMA provides that a physical place is not required for meetings held, in whole or in part, electronically by telephonic or video conferencing, in the following circumstances:

1. Before April 1, 2021, under any circumstances;
2. On or after April 1, 2021 through December 31, 2021, only in circumstances in which there is an absence of a member(s) of the body due to:
 - i. Military duty;
 - ii. A medical condition; or
 - iii. A statewide or local state of emergency or state of disaster declared pursuant to law or charter by the Governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting was held in person.
 - (1) For the purpose of permitting an electronic meeting due to a local state of emergency or state of disaster, only to permit the electronic attendance of a member of the public body who resides in the affected area or to permit the electronic meeting of a public body that usually holds its meetings in the affected area.
3. After December 31, 2021, only in circumstances requiring accommodation of members absent due to military duty.

B. Physical Presence. At a meeting that accommodates members absent due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate remotely. Any other member must be physically present at the meeting.

C. Notice of Needed Accommodation. Members of a Township public body that must meet electronically on account of the member's military duty or medical condition, shall file a Notice of Needed Accommodation with the Township Clerk. Copies of the Notice of Needed Accommodation will be available through the Township Clerk's office and shall be submitted seventy-two (72) hours in advance of the first meeting the member will participate in electronically on account of their medical condition or military duty. Once filed, the Notice of Needed Accommodation will remain in effect until it is withdrawn by the member or until the Township can no longer accommodate the member's electronic participation under the Open Meetings Act. It is a member's sole responsibility to withdraw a Notice of Needed Accommodation if they cease to have a medical condition or no longer have military duty obligations that enable their electronic participation.

D. Attendance at Meetings Held Electronically In-Part. Members of a Township public body or members of the public participating electronically in a meeting held pursuant to these rules and procedures that occurs in a physical space in part are to be considered present and in attendance at the meeting for all purposes.

E. Participation Requirement. A meeting of a public body held electronically must be conducted in a manner that permits two-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period. The public body may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants.

Section 4. Notice Requirements.

A. Notice Requirements. Notices of any electronic and telephonic meeting shall be posted on the Township's website at least 18 hours before the meeting. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of non-regularly scheduled or electronic public meetings. The public notice shall contain the following information:

1. Why the public body is meeting electronically;
2. Which member(s) of the public body will be participating in the meeting electronically;
3. How members of the public may participate in the meeting electronically, including a telephone number, internet address, or both;
4. How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting; and
5. How persons with disabilities may participate in the meeting.

Notice must also be provided on a portion of the Township's website. The notice must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage.

B. Agendas. If an agenda exists for a meeting held pursuant to these rules and procedures, the Township shall make the agenda available to the general public through the Township's website at least two (2) hours before the meeting begins.

Section 5. Electronic and Telephonic Meeting Procedures and Rules. Consistent with the authority to establish reasonable rules under the OMA and the Township's obligation to establish procedures for electronic meetings authorized by the OMA, such meetings shall be conducted in accordance with the following rules and procedures:

A. Use of Electronic Service. Public body members and the public may participate in electronic meetings through a Township provided software or interface using electronic conferencing and telephone.

B. Muting. During the meeting, each participant shall be permitted to mute or unmute themselves to the extent it does not create any distractions or disruptions of the meeting. To the extent necessary, a meeting host may mute or unmute participants to facilitate effective two-way communication.

C. Public Comment. Members of the public shall speak only when called upon. The public body will then designate an opportunity for each member of the public to be heard. Members of the public not speaking should remain muted unless and until called upon to provide comment or shall not otherwise cause disruptions. Comments shall be limited to two (2) minutes.

D. Public Announcement. For any member of the public body attending remotely, the member must make a public announcement at the outset of the meeting, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending remotely for any other purpose other than for military duty, they shall identify their location by stating the county, city, township or village and state from which they are attending.

E. Contacting Absent Members. Members of the public shall be noticed of the absence of a member of a public body through the notice required in Section 4 of these rules and procedures. The public may contact those absent members prior to the meeting to provide input on any business that will come before the public body by emailing or calling the Township Clerk. The Clerk shall then transmit the input to the absent member in advance of the meeting for which the member is absent. "Absent member" is defined as any member authorized to participate in a meeting electronically.

F. Roll Call. During the electronic and telephonic meeting, members of the public body will vote by roll call to avoid any questions about how each member of the public body votes. Each member of the public body must be asked how they vote, and their name and vote must be recorded in the minutes.

G. Right to Record. The right of a person to participate in an electronic meeting includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the meeting. The exercise of this right does not depend on the prior approval of the public body. However, individuals shall at a minimum provide written or oral notice to the public body prior to the start of an electronic meeting of their intent to tape-record, videotape, broadcast, or telecast the meeting.

H. Registration. The public body may not require a person participating in an electronic meeting to register or otherwise provide his or her name or other information or otherwise to fulfill a condition

precedent to attendance, other than mechanisms necessary to permit the person to participate in the public comment period of the meeting.

I. Breach of Peace. A person must be permitted to address the public body during an electronic meeting under these rules, provided that no specific rules by order of the public body are not needed to address specific circumstances or technical issues that arise during the meeting. A person must not be excluded from an electronic meeting otherwise open to the public except for a breach of the peace committed during the meeting.

J. Closed Session. Members of the general public participating in an electronic meeting may be excluded from participation in an electronic closed session of the public body if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.

K. Discussion, Deliberation, and Voting. A public body's electronic meeting will effectuate as fully as possible, the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Except as it relates to closed sessions, the full discussions and deliberations of the public body, not just the voting, must still be done with public access.

L. Additional Rules. The chair or host of an electronic meeting has the authority to ensure that the meeting is conducted in an orderly manner. This includes the ability to institute additional rules and procedures reasonably necessary to further the requirements of the OMA.

Section 6. Review of Electronic and telephonic Meetings Rules. The Township Board shall review these rules and procedures if any substantive changes are made to the current provisions of the OMA, Act 267 of 1976, *et seq.*

Section 7. Validity and Severability. If any part of these rules or procedures are declared by any court of competent jurisdiction to be invalid, that declaration does not affect the validity of the remainder of the rules or procedures.

Section 8. Repealer. While in effect, these rules and procedures supersede all policies (or parts of policies) of the Township that conflict with these Rules.

Section 9. Effective Date. These rules and procedures are effective immediately.

Adopted by the Township Board of the Charter Township of Meridian on March 30, 2021.