YOUTH POLICY LAB
UNIVERSITY OF MICHIGAN

MICHIGAN
TOWNSHIPS
ASSOCIATION

VIRTUAL MEETING REFERENCE GUIDE FOR TOWNSHIPS

EXECUTIVE SUMMARY

Virtual meetings are meetings held via phone or videoconference. Holding virtual public meetings while complying with the Michigan Open Meetings Act, as well as current Executive Orders regarding open meetings during the pandemic, is a complex challenge.

Many townships have already held virtual open meetings in order to conduct necessary business during this crisis. Through surveys and interviews, hundreds of townships shared their virtual meeting successes and struggles with the MTA. This guide draws from these townships' "lessons learned" to provide best practices for holding successful virtual open meetings that follow the current legal requirements.

Why hold a virtual meeting?

1. Public health:

Virtual meetings are essential tools for conducting necessary business while maintaining social distance to prevent the spread of COVID-19.

2. Accessibility:

Online meetings can offer more accessibility options to the hearing impaired, who can take advantage of closed captioning or an American Sign Language interpreter. Additionally, participants without internet/computer access can still call in to an online meeting.

3. Information sharing:

Virtual meetings provide technical options like screen sharing that can enhance meetings.

4. Military service absence:

Members of public bodies who cannot attend meetings in person due to military service can attend meetings virtually.

TABLE OF CONTENTS

HOLDING A PHONE-ONLY MEETING

Why hold a phone-only meeting?

Phone conferencing allows townships to hold public meetings that meet the two-way communication requirements of the OMA and EO 2020-129 with the fewest technical barriers.

If your township or a significant portion of its residents has limited broadband internet access, you may prefer to conduct meetings using phone-only platforms.

1. Preparing for the Meeting

Conference service
- Choose a conference call service that provides the features you need and fits your budget.
- FreeConferenceCall.com is a popular free/pay-what-you-can service with helpful features including muting, recording, and an online dashboard to manage calls and recordings.
- Zoom's Pro Plan is $14.99 per month and offers an audio-only conferencing option. However, the host/moderator should have computer access to facilitate the meeting. The Zoom Pro Plan also includes the following features: muting, recording, hand raising, and an online dashboard to manage calls and recordings.

CASE STUDY: DeWitt Charter Township

At the beginning of the pandemic, DeWitt Charter Township used a hybrid socially distanced, in-person public meeting format combined with a virtual attendance option. However, an agenda topic that generated a lot of interest made the in-person option too risky, by potentially violating either the Executive Order with high attendance, or Open Meetings Act by turning away the public. Consequently, DeWitt shifted to all-virtual public meetings. They were deterred from using video-conferencing because they had heard stories of Zoom-bombing and their members have differing technical ability levels. So, they decided on phone-only meetings.

DeWitt uses FreeConferenceCall.com to host meetings, requiring just a landline or cellular phone. The meeting host, the township clerk, uses a laptop to manage the meeting online. As the host, the clerk can monitor who is on the conference call and mute and unmute participants to reduce background noise. Participants are instructed to join the call between 5-15 minutes before the official start time. The clerk calls roll and announces membership and guests.

During the meeting, the chairperson facilitates the agenda. All votes are by roll call vote. Guests may only speak during designated comment periods. Only one person is permitted to speak at a time. As with in-person meetings, there is a structured manner in which business on the agenda is addressed: The chair presents the member or guest who will present an item of business; the chair then facilitates roundtable member discussion, amendments are considered, and a motion and a second are entertained. The public is then invited to give comment by dialing 5* on their keypad.

Technical requirements & equipment
- Each participant needs a mobile or landline phone to participate.
- Headsets with microphones, earpieces, and conference phones are useful additional hardware.

Facilitation
- As with in-person meetings, virtual meetings run more smoothly when a designated facilitator, such as the township clerk or an administrative staff person, helps the person who is running the meeting. The facilitator can act as the conference call "host."
- In addition to the recordkeeping and meeting management that a facilitator would normally provide, the facilitator should become familiar with the conference call service so that they can help address technical issues as needed.

Security
- Check the phone conferencing system's terms of service to make sure that calls are not automatically recorded or used for any purpose without your permission.
- Most conference call services have a "call count" feature that will tell you how many people are on the call (on FreeConferenceCall.com, you can get a call count by dialing *2).
- Some services will send the host a report after the call of who was on the call and for how long.
- Some services will also allow you to see and manage participants via an online dashboard during the call.

II. During the Meeting

Minutes/recordkeeping
- Most conference services can record calls (on FreeConferenceCall.com, you can record by dialing *9). This may be a good option if you don't have a facilitator available to take minutes during the meeting.

Public participation
- The Open Meetings Act does not allow public bodies to require that participants identify themselves in order to participate in an open meeting. However, public bodies are allowed to make reasonable rules about when participants are allowed to comment in order to minimize disruptions.

- Most conference services have a feature that allows the host to mute and unmute all participants (on FreeConferenceCall.com, you can mute and unmute participants by dialing *5). This can help minimize disruptions if too many people are speaking at once or if there is a disruptive caller.
- Participants can unmute themselves when it is their turn to comment (on FreeConferenceCall.com, you can mute and unmute yourself by dialing *6).
- If participants send written comments, they should be read out loud during the meeting to satisfy the requirement that comments must be heard by all meeting attendees.

Board/Commission member participation/communication
- Members of the public body should be careful not to deliberate or make decisions via private electronic communications, including text, email, and chat, outside of or during public meetings.
- Roll call votes are the clearest way to make decisions during a conference call meeting.

Closed sessions
- Members of a public body, and other required attendees like the supervisor or attorneys, can leave the public meeting conference call and join a separate conference call to conduct a closed session.
- Some conference services allow you to lock a conference call to prevent other attendees from joining (on FreeConferenceCall.com, you can lock a call by dialing *7). This feature should only be used for closed sessions.
- Once the closed session has concluded, members of the public body must return to the public meeting conference call to make decisions or conduct any further business, even if it is only to adjourn the meeting.

Glitches/WFH Distractions
- Be honest and open with your constituents. Acknowledge that a conference call is not a perfect substitute for an in-person meeting, but even though it won't be the same, everyone is doing their best to be transparent while conducting necessary business.
- When there is a technical glitch or "work-from-home" distraction (ex: dropped call; loud noise), briefly

HOLDING AN ONLINE/VIDEO MEETING

Why choose an online/video meeting?

Online meetings in which participants can share video provide visual feedback, and therefore higher-quality interaction, than voice-only meetings.

Online meetings also provide additional features, like screen sharing, that can enhance meetings.

Online meetings can offer more accessibility options to the hearing impaired, who can take advantage of closed captioning or an American Sign Language interpreter. Additionally, participants without internet/computer access can still call in to an online meeting.

CASE STUDY: OxfordTownship

Once the Governor issued the first Executive Order temporarily suspending the OMA requirement for a quorum to be physically present, Oxford Township began hosting public meetings using an all-virtual, video-conferencing format. They use the Zoom platform and purchased Zoom Pro so that meetings could last any length of time.

There have been several benefits as well as some minor challenges associated with adjusting to the new video-conferencing format. Oxford's members have appreciated the increased convenience and reduced health risks as a result of the format's de facto social distancing. They have also avoided any difficulty of hearing fellow meeting participants that may arise at an in-person meeting from social distancing and muffled speaking while wearing a mask. However, converting to this format has required that participants make slight adjustments. One common issue is that participants' video will freeze and they have to exit the application and log back on. These delays usually last no more than 1-2 minutes. In addition, participants physically raise their hands to request to speak, which feels odd compared to an in-person meeting. (They do not use Zoom's "raise hand" feature.) For security purposes, Oxford makes use of Zoom's "Waiting Room" feature so that Oxford's meeting monitor can speak with an incoming guest to confirm the guest is present for the right reasons, to prevent "Zoom bombing," which happened at their meeting once prior to implementing this protocol.

Township officials are careful to prepare for online meetings as they would for in-person meetings. This often means having documents printed so that their laptop screen can be reserved for screen sharing in the Zoom meeting. While some township officials were initially nervous about the transition to video-conferencing, they adjusted to the new technology and protocols after the first or second online meeting.

I. Preparing for the Meeting

Online meeting service
- Choose an online meeting service that provides the features you need and fits your budget.
- Zoom is a popular service, with a limited free version as well as several tiers of paid service that are relatively affordable. It offers many features that townships have found useful in hosting virtual meetings, including muting, recording, a waiting room, breakout rooms, hand raising, and more. Zoom's Pro Plan is $14.99 per month and gives you an extended time limit for online meetings (24-hour limit compared to the free version's 40-minute limit).

Technical requirements & equipment[1]
- Participants will need computers or mobile devices with reliable internet access.
- For the participant to use computer sound, their computer or mobile device will need to have a microphone and speakers, either built-in or attached. Otherwise the participant can call in to the online meeting to use their landline or cell phone's sound.
- For others to see the participant, the participant's computer or mobile device will need to have a camera, either built-in or attached.
- Headphones or headsets with microphones are additional accessories that can help reduce audio feedback during online meetings.
- Zoom support resources recommend that meeting hosts and participants have internet speeds of at least 800kbps/1.0Mbps (up/down) for high-quality video.

Facilitation
- As with in-person meetings, virtual meetings run more smoothly when a designated facilitator, such as the township clerk or an administrative staff person, helps the person who is running the meeting. The facilitator can act as the "host" or "co-host" of the online meeting.
- In addition to the recordkeeping and meeting management that a facilitator would normally provide, the facilitator should become familiar with the online meeting service so that they can use all of the features and help address technical issues as needed.

Security
- Check the online meeting platform's terms of service to make sure that meetings are not automatically recorded or used for any purpose without your permission.
- Make sure that you have downloaded any updates to the online meeting platform you are using. These updates may include security updates.
- Some online meeting services have features that allow the host to let people in to the meeting as they join (on Zoom, this feature is called "waiting room"). This can be helpful for keeping track of who is in the meeting. However, keep in mind that public bodies are not allowed to require participants to identify themselves by name before they can join the meeting.
- Some online meeting services allow you to set a password that participants must enter in order to join the meeting. If you use this feature to increase security, make sure you clearly include the password on the meeting notice along with the rest of the information about joining the meeting.

II. During the Meeting

Minutes/recordkeeping
- Most online meeting services can record meetings. This may be a good option if you don't have a facilitator available to take minutes during the meeting.
- Some online meeting services include a chat function. Some services, like Zoom, will send the chat transcript to the host after the meeting. You may want to consider disabling or restricting the use of the chat function, since 1) public chat messages must be read out loud to comply with the requirement that all meeting discussion must be heard by all attendees, and 2) private chat messages between board members could be considered violations of the requirement that all deliberation take place in public.

Public participation
- The Open Meetings Act does not allow public bodies to require participants to identify themselves in order to participate in an open meeting. However, public bodies are allowed to make reasonable rules about when participants are allowed to comment in order to minimize disruptions.
- Most online meeting services allow the host to mute and unmute participants (on Zoom, this can be done on the "participants" dashboard). This can help minimize disruptions if too many people are speaking at once or if there is a disruptive caller.
- Some online meeting services allow participants to indicate when they want to speak (on Zoom, this feature is called "raise hand"). This can help the facilitator manage public comments.
- If participants send written comments, including via a chat function, they should be read out loud during the meeting to satisfy the requirement that comments must be heard by all meeting attendees.

Board/Commission member participation/communication
- Members of the public body should be careful not to deliberate or make decisions via private electronic communications, including text, email, and chat, outside of or during public meetings. Members should also be careful about using the chat function in an online meeting. Private chat messages should not be used, and any public chat messages should also be read out loud.
- Roll call votes are the clearest way to make decisions during an online meeting.

Closed sessions
- Some online meeting services allow the host to put certain participants into separate online meetings (on Zoom, this feature is called "breakout rooms"). Members of a public body, and other required attendees like the supervisor or attorneys, could be placed into a breakout room by the facilitator to conduct a closed session.
- Alternatively, members of a public body and other required attendees could leave the public online meeting and join a separate online meeting or conference call to conduct a closed session.

- Some online meeting services allow the host to put certain participants into separate online meetings (on Zoom, this feature is called "breakout rooms"). Members of a public body, and other required attendees like the supervisor or attorneys, could be placed into a breakout room by the facilitator to conduct a closed session.

Glitches/WFH Distractions
- Be honest and open with your constituents. Acknowledge that an online meeting is not a perfect substitute for an in-person meeting, but even though it won't be the same, everyone is doing their best to be transparent and conduct necessary business.
- When there is a technical glitch or "work-from-home" distraction (ex: frozen video; loud noise), briefly acknowledge the disruption, address the issue as quickly as possible (ex: leave and rejoin meeting; mute participants), then return to the meeting agenda.

HOLDING A HYBRID VIRTUAL/IN-PERSON MEETING

Why choose a hybrid virtual/in-person meeting?

Currently in-person meeting attendance is not advisable (social distancing, EO 2020-110, 115) and not required for quorum (EO 2020-129).

However, some townships have chosen to hold in-person meetings, which currently means that they must continue offering virtual meeting access.

I. Preparing for the meeting

Conference or online meeting service
- Choose a conference service or an online meeting service that provides the features you need and fits your budget.

- FreeConferenceCall.com is a popular free/pay-what-you-can service with helpful features including muting, recording, and an online dashboard to manage calls and recordings.
- Zoom is a popular service, with a limited free version as well as several tiers of paid service that are relatively affordable. It offers many features that townships have found useful in hosting virtual meetings, including muting, recording, a waiting room, breakout rooms, hand raising, and more.
- Zoom's Pro Plan is $14.99 per month and also offers an audio-only conferencing option.

CASE STUDY: Chikaming Township

From the start of the pandemic, Chikaming Township conducted hybrid in-person and video-conference public meetings. The township purchased the Pro version of Zoom. The township used features such as muting participants, screen sharing, participants using the phone-only option, and hand-raising for public comment.

Chikaming found many benefits and drawbacks to the video-conferencing format. Benefits included convenience and reduced health risks due to the de facto social distancing, and increased attendance. In addition, residents who live out of town for some months of the year were able to participate. Drawbacks included poor sound quality, sound delays, and spotty connectivity for some participants; these issues were not easily solved. In addition, participants found that it became more difficult to understand other participants' emotion and body language as a result of meeting virtually.

Chikaming continues to offer hybrid virtual/in-person open meetings to accommodate the governor's requirement to keep in-person gatherings below 10 people. Chikaming may revert back to socially distanced all-in-person meetings while reserving the option to add a virtual component upon resident request, but they also will want clarification from the state on those rules.

Technical requirements & equipment

Conference call

- A conference phone designed to pick up multiple voices could help virtual participants hear the in-person meeting more clearly. In larger rooms, additional conference phone microphones may also be needed.
- Each virtual participant needs a mobile or landline phone to participate.
- Headsets with microphones and earpieces are additional useful accessories.

Online meeting[2]

- One key challenge of hybrid online meetings is making sure that all participants can be heard and, if possible, seen by the other participants. There are many technological tools to address this challenge.

In-person participants:

- Hand-held microphones, as well as a sound system with microphones for members of the public body, can help make sure that all of the in-person participants in a meeting are heard.
- A motion-sensing camera can be helpful for capturing all of the in-person participants in a meeting. Alternatively, one or two static cameras could be used to capture the public body and the audience.
- A monitor, smart TV, or projector and screen can be helpful for displaying all of the virtual participants to the attendees at the in-person meeting.

Virtual participants:

- Virtual participants will need computers or mobile devices with reliable internet access.
- For a virtual participant to use computer sound, their computer or mobile device will need to have a microphone and speakers, either built-in or attached. Otherwise the participant can call in to the online meeting to use their landline or cell phone's sound.
- For others to see a virtual participant, the participant's computer or mobile device will need to have a camera, either built-in or attached.

- Zoom recommends that virtual meeting hosts and participants have internet speeds of at least 800kbps/1.0Mbps (up/down) for high-quality video.
- Headphones or headsets with microphones are additional accessories that can help capture audio and reduce audio feedback for all participants during hybrid online meetings.

Facilitation

- Hybrid meetings are complex - essentially two meetings, one in-person and one virtual, running at the same time. As with in-person meetings, hybrid meetings run more smoothly when one or more designated facilitator(s), such as the township clerk and/or administrative staff, helps the person who is running the meeting. The facilitator(s) can act as the "host" or "co-host" of the conference call or online meeting.
- In addition to the recordkeeping and meeting management that a facilitator would normally provide, the facilitator(s) should become familiar with the conference call or online meeting service so that they can use all of the features and help address technical issues as needed.

Security

Conference call

- Check the phone conferencing system's terms of service to make sure that calls are not automatically recorded or used for any purpose without your permission.
- Most conference call services have a "call count" feature that will tell you how many people are on the call (on FreeConferenceCall.com, you can get a call count by dialing *2).
- Some services will send the host a report after the call of who was on the call and for how long.
- Some services will also allow you to see and manage participants via an online dashboard during the call.

Online meeting
- Check the online meeting platform's terms of service to make sure that meetings are not automatically recorded or used for any purpose without your permission.
- Make sure that you have downloaded any updates to the online meeting platform you are using. These updates may include security updates.
- Some online meeting services have features that allow the host to let people in to the meeting as they join (on Zoom, this feature is called "waiting room"). This can be helpful for keeping track of who is in the meeting. However, keep in mind that public bodies are not allowed to require that participants identify themselves by name before they can join the meeting.
- Some online meeting services allow you to set a password that participants must enter in order to join the meeting. If you use this feature to increase security, make sure you clearly include the password on the meeting notice along with the rest of the information about joining the meeting.

II. During the meeting

Minutes/recordkeeping
- Most conference call and online meeting services can record meetings. This may be a good option if you don't have a facilitator available to take minutes during the meeting.
- Some online meeting services include a chat function. Some services, like Zoom, will send the chat transcript to the host after the meeting. You may want to consider disabling or restricting the use of the chat function, since 1) public chat messages must be read out loud to comply with the requirement that all meeting discussion must be heard by all attendees, and 2) private chat messages between board members could be considered violations of the requirement that all deliberation take place in public.

Public participation
- You may want to state on the meeting notice the number of people who can fit in the in-person meeting room given any social distancing rules in effect. State what the procedure will be for attendees who arrive after the meeting room is full (e.g., they can call into the conference call, or join the online meeting).
- If you know an agenda item is controversial and the meeting will attract many attendees, you may want to consider holding the meeting only virtually (via conference call or online meeting service) in order to minimize the risk of violating any social distancing or public gathering rules in effect.
- The Open Meetings Act does not allow public bodies to require that participants identify themselves in order to participate in an open meeting. However, public bodies are allowed to make reasonable rules about when participants are allowed to comment in order to minimize disruptions.
- Minimizing conference call disruptions:

    Most conference services have a feature that allows the host to mute and unmute all participants (on FreeConferenceCall.com, you can mute and unmute participants by dialing *5). This can help minimize disruptions if too many people are speaking at once or if there is a disruptive caller.

    Participants can unmute themselves when it is their turn to comment (on FreeConferenceCall.com, you can mute and unmute yourself by dialing *6).

- Minimizing online meeting disruptions:

    Most online meeting services allow the host to mute and unmute participants (on Zoom, this can be done on the "participants" dashboard). This can help minimize disruptions if too many people are speaking at once or if there is a disruptive caller.

    Some online meeting services allow participants to indicate when they want to speak (on Zoom, this feature is called "hand raising"). This can help the facilitator manage public comments.

- If participants send written comments, including via a chat function, they should be read out loud during the meeting to satisfy the requirement that comments must be heard by all meeting attendees.

Board/Comission member participation/communication
- Members of the public body should be careful not to deliberate or make decisions via private electronic communications, including text, email, and chat, outside of or during public meetings. Members should also be careful about using the chat function in an online meeting. Private chat messages should not be used, and any public chat messages should also be read out loud.
- Roll call votes are the clearest way to make decisions that can be heard by all participants during a hybrid meeting.

Closed sessions
- If all of the members of the public body and required attendees for the closed session are present in person, the closed session can be conducted in person (in a separate room or in the main meeting room that has been cleared of other attendees). Make sure the virtual participants who remain in the public meeting are not able to hear the closed session.
- If some members of a public body and other required attendees are present in person and some are virtual, the closed session can be conducted in a separate online meeting or conference call (with the in-person attendees in a separate room or in the main meeting room that has been cleared of other attendees).
- Once the closed session has concluded, members of the public body must return to the public meeting (or allow the public to return to the meeting room) to make decisions or conduct any further business, even if it is only to adjourn the meeting.

Glitches/WFH distractions
- Be honest and open with your constituents. Acknowledge that a hybrid meeting is challenging to run and not a perfect substitute for a fully in-person meeting. Even though it won't be the same, everyone is doing their best to be transparent and conduct necessary business.
- When there is a technical glitch or "work-from-home" distraction (ex: frozen video; loud noise), briefly acknowledge the disruption, address the issue as quickly as possible (ex: leave and rejoin meeting; mute participants), then return to the meeting agenda

APPENDIX A: KEY OPEN MEETINGS ACT & EXECUTIVE ORDER REQUIREMENTS

NOTICES

OMA Citations:

1. 15.264 (b) "A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice."

2. 15.264 (d) "If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves…"

3. 15.265 (1) "A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body."

4. 15.265 (3) "If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings."

5. 15.265 (4) "…for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public."

6. 15.265 (5) "…Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). "

EO 2020-129 Citations

1. (1)(e) "If a public body directly or indirectly maintains an official internet presence, the public body must, consistent with and in addition to any other applicable notice requirements under the OMA, post advance notice of a meeting held electronically on a portion of the public body's website that is fully accessible to the public. 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 public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings. Notice of a meeting of a public body that will be held electronically must include all of the following: (i) An explanation of the reason why the public body is meeting electronically. (ii) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both. (iii) Procedures by which persons 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. (iv) Procedures by which persons with disabilities may participate in the meeting."

2. (1)(j) "If a public body holding a meeting electronically directly or indirectly maintains an official internet presence, the public body is encouraged to make available to the general public through the public body's website homepage an agenda and other materials relating to the meeting."

QUORUM

OMA Citation:

1. 15.263 (3) "All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8 [regarding closed sessions]."

EO 2020-129 Citations:

1. (1) "To the extent that the Open Meetings Act ("OMA"), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical-presence requirements, as follows: (a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means."

2. (1)(c) "Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting."

PUBLIC PARTICIPATION

OMA Citations:

1. 15.263 (1) "All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act...a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting." [reiterated in EO 2020-129 (1), (1)(f)]

2. 15.263 (4) "A person shall not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance."

3. 15.263 (5) "A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body...."

4. 15.263 (6) "A person shall not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting."

EO 2020-129 Citations:

1. (1) "To the extent that the Open Meetings Act ("OMA"), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical-presence requirements, as follows: (a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means."

2. (1)(b) "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 general 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 to satisfy the requirement that members of the public can be heard by others during the meeting."

3. (1)(c) "Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting."

4. (1)(d) "All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA."

5. (1)(g) "A public body may not require a person as a condition of participating in a meeting of the public body held electronically 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 a public comment period of the meeting."

6. (1)(h) "A person must be permitted to address a meeting of a public body held electronically under rules established and recorded by the public body. A person must not be excluded from a meeting held electronically otherwise open to the public except for a breach of the peace actually committed during the meeting."

7. (4) "If a statute or rule other than the OMA requires that public comments be permitted or a public hearing be held, including in conjunction with the issuance of a permit or a hearing required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a, a public body or department or agency may provide a means for remote public comment or participation through the use of any technology that would facilitate a member of the general public's ability to participate remotely to the same extent as if the member of the general public appeared in person. If not expressly authorized by statute or rule, written comment, including by electronic means, also is permitted."

DECISION-MAKING

OMA Citation:

1. 15.263 (2) "All decisions of a public body shall be made at a meeting open to the public."

EO 2020-129 Citations:

1. (1)(i) "During a meeting of a public body held electronically, members of the public body are urged to take all votes by roll call to avoid any questions about how each member of the public body votes."

2. (2) "A public body holding a meeting electronically as provided under this order is encouraged to do so in a manner that effectuates as fully as possible the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Discussions or deliberations at an open meeting that cannot at a minimum be heard by the general public participating in the meeting are contrary to these purposes. Accordingly, members of a public body must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision, and must avoid "round-the-horn" decision-making in a manner not accessible to the public at an open meeting."

3. (3) "If a decision or other action of a public body complies with the requirements of this order and the other requirements of the OMA, it must be considered to comply with the OMA."

BUDGET HEARINGS

Uniform Budgeting Act (2) Citation:

1. 141.434 (5) "The chief administrative officer shall furnish to the legislative body information the legislative body requires for proper consideration of the recommended budget. Before final passage of a general appropriations act by the legislative body, a public hearing shall be held as required by 1963 (2nd Ex Sess) PA 43, MCL 141.411 to 141.415, and the open meetings act, 1976 PA 267, MCL 15.261 to 15.275."

Budget Hearings of Local Governments Act (43) Citations:

1. 141.412 "A local unit shall hold a public hearing on its proposed budget. The local unit shall give notice of the hearing by publication in a newspaper of general circulation within the local unit at least 6 days before the hearing. The notice shall include the time and place of the hearing and shall state the place where a copy of the budget is available for public inspection. The notice shall also include the following statement printed in 11-point boldfaced type: "The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing."."

2. 141.413 "Each local unit shall hold such public hearing prior to final adoption of its budget. Except for a local unit that has a fiscal year that begins before the convening of the county tax allocation board, a local unit that submits its budget to a county tax allocation board shall hold such hearing after its tax rate allocation has been fixed by such board."

EO 2020-129 Citations:

1. (4) "If a statute or rule other than the OMA requires that public comments be permitted or a public hearing be held, including in conjunction with the issuance of a permit or a hearing required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a, a public body or department or agency may provide a means for remote public comment or participation through the use of any technology that would facilitate a member of the general public's ability to participate remotely to the same extent as if the member of the general public appeared in person. If not expressly authorized by statute or rule, written comment, including by electronic means, also is permitted."

CLOSED SESSIONS

OMA Citations:

1. 15.263 (3) "All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8 [regarding closed sessions]."

2. 15.267 (1) "A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken."

3. 15.267 (2) "A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved."

4. 15.268 "A public body may meet in a closed session only for the following purposes: (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions... (c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing. (d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. (e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body. (f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act... (h) To consider material exempt from discussion or disclosure by state or federal statute..."

EO 2020-129 Citations:

1. (1)(k) "Members of the general public otherwise participating in a meeting of a public body held electronically may be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session."

MINUTES

OMA Citations:

1. 15.269 (1) "Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting…"

2. 15.269 (3) "A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body."

3. 15.267 (2) "A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved."

EO 2020-129 Citation

1. (1)(j) "If a public body holding a meeting electronically directly or indirectly maintains an official internet presence, the public body is encouraged to make available to the general public through the public body's website homepage an agenda and other materials relating to the meeting."

ADA/Closed Captioning

Americans with Disabilities Act Citations:

1. 35.160(a)(1) "A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others."

2. 35.160(b)(1) "A public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity."

3. 35.160(b)(2) "The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability."

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Center for Local, State, and Urban Policy
Gerald R. Ford School of Public Policy
University of Michigan

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UNIVERSITY OF MICHIGAN

PRACTICAL POLICY ENGAGEMENT

University of Michigan Youth Policy Lab
5201 Institute for Social Research
426 Thompson St
Ann Arbor, MI 48104

734-647-8829
@YouthPolicyLab
youthpolicylab.umich.edu

About the Authors

Lindsey Dowswell iis a dual degree student in public policy and urban planning. Her focus is on suburban equity issues, including education, housing segregation, and transportation.

Michael Payne is a second-year master's student at the University of Michigan School of Information. His areas of focus are user experience research and web development.

Alex Serwer is a Ford School of Public Policy MPP student interested in economics, business, and policy. He plans to work in financial services.

Gina Spelman is a master's student at the UM School of Information specializing in user experience design.

Youth Policy Lab Mission

The University of Michigan Youth Policy Lab helps community and government agencies make better decisions by measuring what really works. We're data experts who believe that government can and must do better for the people of Michigan. We're also parents and community members who dream of a brighter future for all of our children. At the Youth Policy Lab, we're working to make that dream a reality by strengthening programs that address some of our most pressing social challenges.

We recognize that the wellbeing of youth is intricately linked to the wellbeing of families and communities, so we engage in work that impacts all age ranges. Using rigorous evaluation design and data analysis, we're working closely with our partners to build a future where public investments are based on strong evidence, so all Michiganders have a pathway to prosperity.