Open Meetings Act—Virtual Meetings until April 1, 2021
COVID-19 (DHHS Emergency Order and PA 254 of 2020)

Introduction
Due to the coronavirus pandemic, the state has put regulations in place to protect the public health and still enable local governing bodies to hold meetings. As of early March 2021, there are two actions in play: the Michigan Department of Health and Human Services (DHHS) emergency order on gatherings and masks, and Public Act 254 of 2020. The DHHS order put limits on indoor and outdoor gatherings, and PA 254 of 2020 amended the OMA to permit public bodies to meet electronically by telephone or videoconferencing through March 31, 2021.

DHHS Gatherings and Masks Emergency Order
The most recent DHHS emergency order goes into effect on March 5 and remains in effect through April 19, 2021, at 11:59 PM. The order provides for the following:

(a) Indoor gatherings:
   (1) Are prohibited at residential venues, except where no more than 15 persons from no more than 3 households are gathered. Such gatherings should be held consistent with guidance issued by DHHS for such gatherings; and
   (2) Are prohibited at non-residential venues, except where no more than 25 persons are gathered.

(b) Outdoor gatherings are permitted only as follows:
   (1) At residential venues, 50 or fewer persons are gathered;
   (2) At non-residential venues, 300 or fewer persons are gathered.

Open Meetings Act (PA 254 of 2020)
Technical Requirements
Virtual public meetings must utilize an electronic platform that allows for two-way communication between the members of the governing body and the public. In addition, meetings must be properly noticed, to include (MCL 15.263 and 15.263a):

- publishing the notice on the public body’s website homepage at least 18 hours in advance of the meeting;
- an explanation of why the public body is meeting virtually,
- how the members of the public (including persons with disabilities) may participate,
- how members of the public can directly contact members of the public body; and
- posting the meeting agenda online at least two hours before the meeting begins.

Further, members of the governing body participating virtually are required to announce at the beginning of the meeting that they are participating remotely. If a member is attending the meeting remotely for a purpose other than military duty, the member’s announcement must further identify his/her physical location by county, city/township/village and state.

State of Emergency
The League requested changes to the OMA allowing a local state of emergency or state of disaster to be declared pursuant to a local ordinance (in addition to those declared under law or charter in the current law) and adds a local chief administrative officer (in addition to a local official or local governing body) as a person who may declare the local state of emergency.

What happens after March 31, 2021?
Starting April 1, and continuing through 2021, public bodies may conduct electronic meetings only if a member of the public body is absent due to military duty, a health condition, or a statewide or local state of emergency/state of disaster.