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# City of Detroit

## CITY COUNCIL

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**TO:** Internal Operation Standing Committee

**FROM:** David D. Whitaker   
Legislative Policy Division Staff

**DATE:** October 4, 2020

**RE:** **RESOLUTION IN SUPPORT OF MICHIGAN HOUSE BILL 6207 AND  
SENATE BILL 1108**

On September 29, 2020, the Honorable Council Member James Tate Jr., requested the Legislative Policy Division draft a resolution in support of House Bill 6207 and Senate Bill 1108, if passed will amend the *Open Meeting Act* to facilitate the continuation of government operations in a manner that has proven to be safe, transparent, and accessible to citizens, while maintaining the basic legal structure of the OMA, *i.e.*, quorum, adequate meeting notice, voting requirements, and significantly, public input and to require a public body to establish procedures to accommodate the absence of a member due to a medical condition or a statewide or locally declared state of emergency that would risk the health and safety of members or the public.

The draft resolution is attached for your review.

**BY HONORABLE COUNCIL MEMBER JAMES TATE, Jr.**

10/4/2020

**RESOLUTION IN SUPPORT OF MICHIGAN HOUSE BILL 6207 AND SENATE BILL  
1108**

**WHEREAS,** The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit’s citizens through the exercise of its Charter-mandated legislative functions; and

**WHEREAS,** Michigan’s Open Meetings Act, MCL 15.261 *et seq.*, took effect in 1977, part of a nationwide movement to guaranteed public access to government, particularly public policy decisions, to promote a better informed citizenry; and

**WHEREAS,** As the world has reacted to the new landscape of life under the continuing threat of the COVID-19 pandemic, Governor Whitmer issued Executive Order 2020-15, temporarily suspending certain provisions of the Open Meetings Act (OMA), to authorize public bodies (otherwise subject to the Act) to hold meetings by safer, alternative means, specifically electronically or “virtually”. This action facilitated the continuation of government operations in a manner that has proven to be safe, transparent, and accessible to citizens, while maintaining the basic legal structure of the OMA, *i.e.*, quorum, adequate meeting notice, voting requirements, and significantly, public input; and

**WHEREAS,** House Bill 6207 and Senate Bill 1108 were introduced in the Michigan Legislature on September 15, 2020, to amend the OMA by adding section 3a. to include the following:

- Require a public body to establish procedures to accommodate the absence of a member due to a medical condition or a statewide or locally declared state of emergency that would risk the health and safety of members or the public;
- Allow a meeting of a public body to be held electronically and specify that a meeting held in that manner would be subject to the same requirements as an in-person meeting;
- Require an electronically held meeting to be conducted in a manner that permitted two-way communication between members and participants;
- Prescribe notice requirements for meetings held electronically;
- Prohibit a public body from requiring a person to register or provide his or her name as a condition of participating in an electronic meeting; and
- Require members of the public to be excluded from participating in a closed session of a public body held electronically, if that session complied with the Act; and

**WHEREAS,** COVID-19 has restructured society in dramatic ways. It is within these crisis moments that the opportunity to create more refined and malleable use of technology presents itself. As communication and virtual technology have advanced, the substantial benefits of adapting the OMA to incorporate technological capacity has been a recurring theme in the public sector. School boards, local legislative bodies, boards, commissions, and other public regulatory bodies would greatly benefit from the proposed bills, while protecting the public’s right of full access as well as protecting the safety of all. **NOW THEREFORE, BE IT**

**RESOLVED,** Given the paramount importance of maintaining public health and safety during the current and continuing pandemic, as well as to create the necessary flexibility to address a potential future need, the Detroit City Council strongly urges the Michigan Legislature to

expeditiously advance House Bill 6207 and Senate Bill 1108 at this most critical time. **BE IT FINALLY**

**RESOLVED,** The Detroit City Clerk is directed to send copies of this resolution to the Detroit delegation of the Michigan Legislature, the Michigan House Committee on Government Operations, Mayor Mike Duggan, the City of Detroit's Lansing lobbyist, and Governor Gretchen Whitmer.