

BY THE DETROIT CITY COUNCIL

RESOLUTION CONTINUING PROCEDURES FOR CITY OF DETROIT PUBLIC BODIES TO MEET REMOTELY

WHEREAS, As a result of the ongoing and continuing COVID-19 pandemic, the City of Detroit’s public bodies, including City Council, have been meeting remotely through electronic means, since March 2020; and

WHEREAS, As amended, the Open Meetings Act (OMA) allows public bodies to hold meetings electronically, under *any circumstances*, retroactive to March 18, 2020, through March 30, 2021 (MCL 15.263a(1)(a)), and further provides that on or after March 31, 2021 through December 31, 2021, public bodies can meet remotely through electronic means pursuant to a “local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by . . . a local official, governing body, or chief administrative officer”; and

WHEREAS, On March 30, 2021, the Chief Public Health Officer of the Detroit Health Department (DHD) issued *Emergency Order for Control of Epidemic* (Emergency Order) determining that “action is necessary to reduce transmission of COVID-19 and to protect the public’s health in Detroit”, noting that cases in Detroit have been on a significant upward trend and that “certain in-person open meetings pose a substantial risk to members of the public and governmental bodies in the City of Detroit”; and

WHEREAS, The Emergency Order acknowledges the March 19, 2021 *Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order*, issued by the Michigan Department of Health and Human Services, limiting indoor gatherings to 25 individuals and requiring masks and distancing. The DHD Emergency Order specifically recognizes that “[a] number of public bodies in Detroit . . . will find it difficult, if not impossible, to conduct their business in live meetings that are open to the public, without violating safety guidelines issued by the CDC, the Michigan Department of Health and Human Services and the Detroit Health Department”; and

WHEREAS, The DHD Emergency Order therefore declares “a local state of emergency, effective March 30, 2021 until May 31, 2021, or until an earlier time when this order is rescinded by a subsequent order, and public bodies subject to the OMA must avoid meeting in person in order to reduce the risk of spreading infection.” **NOW, THEREFORE, BE IT**

RESOLVED, All public bodies of the City of Detroit may meet remotely pursuant to the DHD Emergency Order through May 31, 2021, unless the Order is rescinded by subsequent order earlier, and the following procedures as set forth in Public Act 228 of 2020, amended section 3a of the OMA, in pertinent part are adopted:

- A meeting of a public body held electronically under this section must be conducted in a manner that permits 2-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. A public body may use technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants to satisfy the requirement under this subsection that members of the public be heard by others during the electronic meeting and the requirement under section 3(5) that members of the public be permitted to address the electronic meeting.

- Except as otherwise provided in subsection (8), a physical place is not required for an electronic meeting held under this section, and members of a public body and members of the public participating electronically in a meeting held under this section that occurs in a physical place are to be considered present and in attendance at the meeting for all purposes.
- If a public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body shall, in addition to any other notices that may be required under this act, post advance notice of a meeting held electronically under this section 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 or electronic public 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. Subject to the requirements of this section, any scheduled meeting of a public body may be held as an electronic meeting under this section if a notice consistent with this section is posted at least 18 hours before the meeting begins. Notice of a meeting of a public body held electronically must clearly explain all of the following:
 - Why the public body is meeting electronically.
 - 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.
 - 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.
 - How persons with disabilities may participate in the meeting.
- Beginning on the effective date of the amendatory act that added this section, if an agenda exists for an electronic meeting held under this section by a public body that directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the public body shall, on a portion of the website that is fully accessible to the public, make the agenda available to the public at least 2 hours

before the electronic meeting begins. This publication of the agenda does not prohibit subsequent amendment of the agenda at the meeting.

- A public body shall not, as a condition of participating in an electronic meeting of the public body held under this section, require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the public body necessary to permit the person to participate in a public comment period of the meeting.
- Members of the general public otherwise participating in a meeting of a public body held electronically under this section are to 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 this act applicable to a closed session.

AND, BE IT FURTHER

RESOLVED, The Detroit City Clerk is directed to send this resolution to Mayor Mike Duggan and publicly and electronically post and distribute copies of this resolution widely.

March 30, 2021