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TO: The Detroit City Council

FROM: David D. Whitaker, Director 
Legislative Policy Division Staff

DATE: April 1, 2022

RE: **Resolution Establishing Procedures For City Of Detroit Public Bodies To Continue To Provide Remote Public Access To Open Meetings**

The Legislative Policy Division has prepared the attached resolution for your consideration to authorize the continuation of hybrid meetings of the Detroit City Council.

BY THE DETROIT CITY COUNCIL

**RESOLUTION ESTABLISHING PROCEDURES FOR CITY OF DETROIT
PUBLIC BODIES TO CONTINUE TO PROVIDE REMOTE
PUBLIC ACCESS TO OPEN MEETINGS**

WHEREAS, On December 16, 2021, the Chief Public Health Officer of the City of Detroit issued a renewed *Declaration of Continued Emergency Due to COVID-19*, based upon findings, including, “many areas of Detroit have vaccination rates below the level required to achieve community immunity to limit spread of the virus” and “may result in emerging and more dangerous variants, such as B.1.617.2 (Delta) and B.1.1.529 (Omicron) becoming higher proportionally through the interactions of vaccinated and unvaccinated individuals, all of whom can become infected with COVID-19.”; and

WHEREAS, The Emergency Order operates to “limit gatherings in public meetings and establishes procedures to be followed to insure continuation of essential public health services and enforcement of health laws until March 31, 2022.”; and

WHEREAS, On December 21, 2021, in concurrence with the Detroit Health Department’s *Declaration of Continued Emergency Due to COVID-19*, the Detroit City Council adopted a resolution that mirroring the Emergency Order; and

WHEREAS, Mayor Duggan has issued an Executive Order 2022-2 that continues the Health Department’s guidance on public participation in meetings open to the public; and

WHEREAS, Many areas of Detroit have vaccination rates below the level required to achieve community immunity to limit the spread of the virus, which remains a concern as the spread of COVID-19 may result in emerging and more dangerous variants; and

WHEREAS, Public bodies must continue to conduct public business and the public must be able to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, The ability to attend and participate in public meetings is maximized by allowing the public to remotely access public meetings while minimizing the risks associated with COVID-19 to the personal health and safety of both members of the public and public bodies; and

WHEREAS, The City currently provides low-cost telephone and internet based technologies that permit members of the public to participate in public meetings that are subject to the Open Meetings Act, 176 PA 267, MCL 15.261 et al, through virtual means in accordance with the requirements of §15.263(2). **NOW, THEREFORE, BE IT,
RESOLVED**, In recognition of the persisting health crisis due the COVID-19 virus and the City residents’ low vaccination rates, the Detroit City Council shall continue to provide a medium for

virtual public participation and maintain its restrictions in that “all meetings of public bodies of the City of Detroit subject to the OMA shall continue to allow for remote public participation by electronic means in compliance with the OMA, as follows:

- Members of the public participating remotely must be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.
- All members of the public must be permitted to remotely participate in any meeting of a public body, except as otherwise provided in the OMA.
- In complying with the notice requirements of the OMA, a public body must include both detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both, and 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.
- A public body may not require a person as a condition of remotely participating in a meeting of the public body 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 remotely participate in a public comment period of the meeting.
- A person remotely participating must be permitted to address a meeting of a public body under rules established and recorded by the public body. A person remotely participating must not be excluded from a meeting of a public body open to the public except for a breach of the peace actually committed during the meeting.
- Members of the public otherwise remotely participating in a meeting of a public body may be excluded from participation in a closed session of the public body during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.
- Except as otherwise provided by law, a public body holding a meeting subject to the OMA shall limit the number of people physically gathered in that meeting place to the extent necessary to ensure that individuals present remain at least six feet apart.
- Nothing in this order permits a public body to limit or restrict the rights of the press or other news media. Public bodies are encouraged to facilitate access by members of the press and other news media both to meetings held and to members of public bodies.”

AND, BE IT FURTHER

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

April 1, 2022