



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

NOTICE OF PUBLIC MEETING VIA VIDEO CONFERENCE

In accordance with Executive Order 2020-48, which declares that public bodies subject to the Open Meetings Act can use telephone and/or video conferencing technology to meet and conduct business during the ongoing COVID-19 pandemic, the Cascade Charter Township Board of Trustees will conduct a special meeting on Monday, April 20, 2020 at 1pm utilizing the Zoom video conferencing platform. For the purpose of conducting official business while complying with Executive Order 2020-42 and the Michigan Department of Health and Human Services recommendations designed to help prevent the spread of COVID-19. For up-to-date information regarding the ongoing public health crisis, please visit:

<http://www.Michigan.gov/coronavirus> or <http://www.CDC.gov/coronavirus>

INSTRUCTIONS FOR ACCESS AND PARTICIPATION

Meeting ID: 923 4517 2810

Please click the link below to join the webinar:

<https://zoom.us/j/92345172810>

iPhone one-tap :

US: +13126266799,,92345172810#

or

+19292056099,,92345172810#

Telephone:

(for higher quality, dial a number based on your current location):

+1 312 626 6799

or +1 929 205 6099

or +1 346 248 7799

or +1 669 900 6833

or +1 253 215 8782

or +1 301 715 8592

International numbers available: <https://zoom.us/u/adrxAXMLIP>

Members of the public with disabilities may utilize the Michigan Relay System (7-1-1) to participate in the meeting. If other aids or services are needed for individuals with disabilities please contact the Township Deputy Clerk, Padley Gallagher, at pgallagher@cascadetwp.com or 616-949-1500 at least 24 hours prior to the meeting

PUBLIC PARTICIPATION

Members of the public will be able to listen to and view all discussion by the Township Board and all official materials for this meeting prepared for the Township Board will be included in the meeting packet and available to the public on the Township website www.cascadetwp.com. Individuals will be permitted to speak during public comment periods in accordance with the Township Remote Public Meeting Procedure Policy.

If you would like to contact the Cascade Township Board about any matter, on the agenda or otherwise, please do so via email at the addresses below a minimum of 8 hours prior to the meeting. If you wish comments to be read into the public record during the public comment period, you must indicate so and draft communication that can be read in the allotted 3-minute timeframe.

Supervisor Rob Beahan: rbeahan@cascadetwp.com

Clerk Sue Slater: sslater@cascadetwp.com

Treasurer Ken Peirce: kpeirce@cascadetwp.com

Trustee Jim Koessel: jkoessel@cascadetwp.com

Trustee Jack Lewis: jlewis@cascadetwp.com

Trustee Tom McDonald: tmcdonald@cascadetwp.com

Trustee John Shipley: jshipley@cascadetwp.com

Manager Ben Swayze: bswayze@cascadetwp.com

**AGENDA
CASCADE CHARTER TOWNSHIP
SPECIAL BOARD MEETING**

Monday, April 20, 2020

1:00 P.M.

Expected Meeting Procedures

1. During public comments you may speak on any item not noted on the agenda for a public hearing.
2. Please limit comments to 3 minutes per person and the Board may or may not choose to respond.
3. Please limit your comments to a specific issue.
4. Please turn OFF cellular phones.

- Article 1. Call to Order, Roll Call**
- Article 2. Pledge of Allegiance to the Flag**
- Article 3. Approval of Agenda**
- Article 4. Public Comments-Anything on the Agenda not scheduled for a public hearing. (limit comments to 3 minutes)**
- Article 5. Financial Actions**
- Article 6. Unfinished Business**
- Article 7. New Business**
014-2020 Consider Approval of Resolution of Adoption of the Remote Meeting Policy. (roll call)
- Article 8. Public Comments – Any comments...whether it is on the Agenda or not. (limit comments to 3 minutes)**
- Article 9. Manager Comments**
- Article 10. Board Member Comments**
- Article 11. Adjournment**



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

Date: April 20, 2020
To: Supervisor Beahan and Township Board Members
From: Ben Swayze, Township Manager
Subject: Resolution Adopting Policies and Procedures for Remote Meetings

FACTS:

The State of Michigan is currently under a state of emergency and state of disaster, declared by the Governor by Executive Order (EO) 2020-4 and extended by EO 2020-33, due to the COVID-19 pandemic. COVID-19 is a respiratory disease that can result in serious illness or death. It is caused by an emergent strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

In order to slow the spread of COVID-19, the Governor has enacted a series of Executive Orders designed to protect public health and provide essential protections to vulnerable Michigan residents. These critical mitigation measures include social distancing and limiting the number of people interacting in public gatherings. To this end, the Governor enacted EO 2020-15, superseded by EO 2020-48, which temporarily suspends rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan, The EO is designed to ensure public bodies can continue to conduct essential business and the general public can continue to participate in government decision-making without unduly compromising public health, safety and welfare

Attached for your review are:

- Resolution Adopting Policies and Procedures for Remote Meetings
- Remote Public Meeting Procedure
- Governor Whitmer Executive Order 2020-48

ANALYSIS & CONCLUSIONS:

Due to the nuisances of hosting a remote meeting as opposed to a traditional in-person meeting, it is essential that the Township Board adopt policies and procedures so that the meeting can be held in an orderly fashion with minimal disruption or inconvenience to the public. In addition, there are certain requirements that the public body must adhere to, which are covered in the proposed resolution and/or policies and procedures document. Among the new requirements the Township must adhere to that are addressed in the proposed documents:

- Meeting must be held in a manner in which both the general public and the members of the public body may participate by the selected means
- Meeting must be held in a way 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.

- Public body must post on an official internet presence, if regularly maintained:
 - An explanation of why the public body is meeting electronically
 - Detailed procedures of how the public may participate in the meeting remotely, including a telephone number, internet address, or both
 - 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
 - Procedures by which persons with disabilities may participate in the meeting
- Meeting be held in a manner that does not require a member of the public to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance
- Public must be provided an opportunity to address the meeting of the public body held electronically under rules established and recorded by the public body.
- Public body is urged to take all votes by roll call
- Public body is encouraged to make all official documents of the meeting reviewable to the public via an internet presence prior to the meeting
- Public body is encouraged to hold a remote meeting in a manner that effectuates as fully as possible the purposes of the OMA, including refraining from means of communication during the meeting (text, email, etc...) that cannot, at a minimum, be heard by members of the public in attendance.

Township staff have recommended the remote conferencing/webinar platform Zoom as the means for holding electronic remote meetings. This platform was selected for its general ease of use, familiarity among members of the public, free access for public attendees and relative low cost.

FINANCIAL CONSIDERATIONS:

There are no expenditures related directly to the approval of the proposed resolution and policies and procedures. The Zoom platform, including the modules necessary to facilitate the meeting in compliance with EO 2020-48 and the proposed policies and procedures of the Township Board, cost around \$150 per month.

RECOMMENDED ACTION:

Approve the resolution establishing policies and procedures for remote attendance by members of Cascade Charter Township Board of Trustees and other Township Public Bodies and members of the public at public meetings due to coronavirus pandemic

**CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN**

RESOLUTION __ of 2020

**RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR REMOTE
ATTENDANCE BY MEMBERS OF CASCADE TOWNSHIP BOARD OF TRUSTEES
AND OTHER TOWNSHIP PUBLIC BODIES AND MEMBERS OF THE PUBLIC AT
PUBLIC MEETINGS DUE TO CORONAVIRUS PANDEMIC**

Minutes of a special meeting of the Township Board of Cascade Charter Township, County of Kent, State of Michigan, held via remote access in said Township on April 20, 2020 at 1:00 o'clock p.m., Eastern Daylight Time

PRESENT: Members _____

ABSENT: Members _____

The following preamble and resolution were offered by Board Member _____ and supported by Board Member _____.

WHEREAS, on March 10, 2020, Governor Whitmer declared a state of emergency as a result of the Coronavirus (COVID-19) outbreak; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020, the President declared a National Emergency as a result of the COVID-19 outbreak; and

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) issued Interim Recommendations for COVID-19 Community Mitigation Strategies; and

WHEREAS, such strategies include encouraging staff to tele-work when feasible, implementing social distancing measures, including limiting in-person meetings, and limiting large work-related gatherings; and

WHEREAS, on April 15, 2020, Governor Whitmer issued Executive Order 2020-48 which temporarily suspends certain rules and procedures relating to physical presence of members at meetings and hearings of public bodies so as to enable public bodies to continue to conduct public business during the COVID-19 emergency and so as to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, to implement MDHHS's mitigation strategies and allow the Township Board and all other Township boards, commissions, and committees (hereinafter referred to collectively as "Public Bodies") to continue to conduct public business, and to allow the public to attend meetings of the Public Bodies remotely, consistent with and in compliance with Executive Order 2020-48, the Cascade Township Board of Trustees desires to establish rules to authorize and allow its members and those of other Public Bodies, and members of the public to attend meetings of the Public Bodies by telephone or other electronic means as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Cascade Township Board of Trustees immediately authorizes its members, members of other Public Bodies, and members of the public to attend all meetings of Public Bodies by telephone or other electronic means and establishes rules as follows:

A. NOTICE OF MEETINGS:

1. For every meeting to be held remotely pursuant to this Resolution, the Township Clerk shall cause to be posted on the homepage of the Township's website in a conspicuous location either the following information or a link to the following information and also on the public message board of the Cascade Charter Township Hall, 2865 Thornhills SE. , the following:

- a. An explanation of why the Public Body is meeting remotely.
- b. Contact information for all members of the Public Body along with information about how the public may contact the members to provide input on any business that will come before the Public Body.
- c. The dial-in conference number and/or web address and all other information that will be necessary for members of the public to use to access the meeting remotely.
- d. The agenda for the meeting at least 18 hours prior to the meeting.
- e. Procedures by which persons with disabilities may participate in the meeting.

2. If any meeting includes a public hearing, all material that will be considered by the Public Body at the public hearing shall be posted on or linked to on the homepage of the Township's website in a conspicuous location or as otherwise required by law. This provision shall not apply to written public comments received by the Public Body for the public hearing.

B. CONDUCT OF THE MEETING:

1. The telephone or other electronic technology utilized for the remote meeting shall permit the members of the Public Body in attendance to hear and be heard by the other members of the Public Body in attendance, and shall permit the participants from the general public to hear the members of the Public Body and be heard by the members of the Public Body and the other participants during a public comment period.
2. A member's remote attendance shall be considered attendance for the purpose of establishing a quorum.
3. Any vote by a member participating remotely pursuant to this resolution shall be counted in the total number of votes for any matter and shall not be held invalid for the reason that it was cast by a member remotely.
4. If any member is participating remotely, all votes on any matter shall be taken by roll call vote.
5. For closed sessions conducted under this policy, each member and authorized attendee of the closed session shall not allow anyone else to hear or view the closed session. All members and authorized attendees of the closed session shall affirm, before the closed session begins, that they are in compliance with this subsection.
6. Emails, texting, or other forms of electronic communication by or between members during the meeting shall not be allowed.
7. If an email, text or other form of electronic communication is received by a member of the Public Body or the Township Clerk eight or more hours prior to beginning of the meeting related to any item on the agenda for the meeting, and the sender requests such, the email, text, or other electronic communication shall be read by the member of the Public Body receiving the

communication during the appropriate public comment period and it shall be addressed by the Public Body if appropriate during the meeting.

C. REMOTE PUBLIC MEETING PROCEDURES

Remote Public Meeting Procedure are outlined in the policy attached as Exhibit “A”

This Resolution is intended to establish rules for and authorize participation by remote access by members of Cascade Charter Township Public Bodies and attendance by remote access by members of the public in the interest of the public health, safety, and welfare during the COVID-19 outbreak while preserving meaningful access to meetings and communication for Public Body members and members of the public, including members of the press and other news media.

In the event of a conflict between this Resolution and the Rules of the Township Board, or other Public Body the terms of this Resolution shall control.

This Resolution shall be effective immediately and shall remain in effect until the expiration of Executive Order 2020-48 or any superseding Executive Order issued by the Governor of Michigan

YEAS: Board members _____

NAYS: Board members _____

ABSTAIN: Board members _____

ABSENT: Board members _____


RESOLUTION DECLARED ADOPTED

Susan B. Slater, Township Clerk

I HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Township Board of Cascade Charter Township, County of Kent, Michigan, at a special meeting held on April 20, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Governor's Executive Order No. 2020-48 and the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, unless superseded by EO 2020-48, and that the minutes of said meeting were kept and will be or have been made available as required by said EO and Act.

Dated: _____

Susan B. Slater, Township Clerk

	CASCADE CHARTER TOWNSHIP, MICHIGAN			
	POLICIES AND PROCEDURES		# OF PAGES: <u>3</u>	POLICY #: 2020-002
	SUBJECT: Electronic Public Meeting Procedure		APPROVED BY: TOWNSHIP MANAGER, BENJAMIN SWAYZE	
	DEPARTMENT: Township Board	SUPERCEDES: None	DATE OF ISSUE: 04/15/2020	DATE OF EFFECT: Immediate

I. PURPOSE

The purpose of this policy is to establish rules and procedures for holding remote meetings in accordance with and authorized by the Governor’s Executive Order (EO No. 2020-48 and any subsequent extension) to temporarily authorize remote participation in public meetings and hearings.

II. POLICY STATEMENT

It is the policy of the Cascade Township Board of Trustees, in order to suppress the spread of COVID-19 and protect the public health and safety of the Township and its residents, that remote meetings are authorized, in accordance with Governor’s Executive Order No. 2020-48 (and any subsequent extensions) subject to the procedures outlined in this policy

III. PROCEDURES

A. Remote Meeting Overview

1. **Statutory Requirements** – All remote meetings will be held in accordance with Governor’s Executive Order No. 2020-48 (and any subsequent extension), the Open Meetings Act (unless relief is granted by Executive Order) and the Freedom of Information Act (FOIA)
2. **Public Participation** – As required by EO-2020-48, Participants will be able to view and listen to the Board or Commission Members and participate during the public comments period
 - Persons with disabilities may participate by utilizing the Michigan Relay Service or 711 Telecommunications Relay Service
 - Muted audio will be the default option for all public participants
3. **Remote Meeting Format** – The Township has selected the web application ZOOM (www.zoom.us) to facilitate remote meetings. Should an alternative format be selected, these policies and procedures will be updated to conform the software platform selected.

- All meetings will be recorded to the Zoom cloud and be subject to FOIA

B. Software Set-Up for Participation

1. Use a computer or tablet if possible. Mobile phones tend to struggle with audio
2. Navigate to www.zoom.us and set-up a new account
3. You will receive an email from Zoom prompting you to enter your name and set up a password. Please remember that the name you enter will be displayed during the meeting. Be sure to use Supervisor, Treasurer, Clerk, Trustee titles.
4. Allow Zoom to install on your computer or device. Be sure you are always updated to the latest version.
5. Select a quiet location with proper lighting and without a window behind you. Be mindful of how you are dressed and what is in your background. Virtual backgrounds will be provided for you if you so desire.
6. Be mindful that people can see and/or hear what you are doing at all times.
7. You will be able to attend the meeting either by clicking on the link to the meeting that is emailed to you or by launching the Zoom app and manually entering the meeting information

C. Entering a Remote Meeting

1. **Meeting Moderator** – The Township Manager, or his/her designee, will serve as the meeting moderator. Meeting Moderator will be responsible for handling the administrative tasks of the meeting (i.e. setting up the meeting, ensuring participants can speak during public comment, troubleshooting issues, etc...)
 - Moderator may designate a co-moderate to assist with meeting administration
2. **Meeting Opening** – The Meeting Moderator will open the meeting for everyone 15 minutes prior to the scheduled start of the meeting
3. **Meeting Participants** – Meeting participants (Board members, staff, etc...) will be unmuted immediately upon joining the meeting.
 - Meeting participants will be able to mute/unmute themselves throughout the course of the meeting.
4. **Public Participants** – Public participants will be muted upon joining the meeting
 - The Meeting Moderator or co-moderator will be the only individuals able to unmute public participants during the meeting.

- Meeting moderator will unmute Public Participants in accordance with the public comment procedures.

D. Meeting Agenda

1. Supervisor or Chair will call the meeting to order at the time specified.
2. Supervisor or Chair will defer to the Moderator to explain the rules for public comment and the format nuisances of the meeting.
3. Standard meeting agenda will be followed.
4. Multiple people will be able to talk at the same time. The Supervisor or Chairperson will do their best to ensure people are recognized for speaking in order to ensure meeting participants are not speaking over each other.
5. All votes will be roll call votes to ensure the minutes can be properly reflected
6. Supervisor or Chair will repeat who moved and seconded each motion to ensure the minutes can be properly reflected
7. The Meeting Moderator will monitor participants during items under consideration to ensure all participants are afforded an opportunity to comment.

E. Public Comment

1. Supervisor or Chair will announce that we reached our public comment section.
2. The Meeting Moderator will explain the public comment process:
 - Participants must “raise their hand” in order to be in the public comment queue
3. The Supervisor/Chair will announce those who wish to speak one-by-one and ask them to state their name, home address and remind them that comments are limited to 3 minutes
 - It should be noted that the EO does require that public participants can remain anonymous. If a member of the public declines to identify themselves they will still be allowed to speak.

4. The Meeting Moderator will unmute the member of the public once they have been identified by the Supervisor or Chair to speak
5. At the conclusion of the public member comments, the Meeting Moderator will mute the participant.
 - Members exceeding their allotted 3-minute time will be muted by the Meeting Moderator

F. Meeting Adjournment

1. The meeting will be adjourned by the standard rules of procedure. Once the meeting has been adjourned the time of adjournment will be announced by the Supervisor or Chair.
2. The Meeting Moderator will close the meeting after the meeting has been adjourned

IV. REGULATION

A. Enforcement of Policy

The Township Supervisor and Township manager shall be responsible for the enforcement of the provisions contained within this policy.

B. Adoption/Amendment of Policy

The Township Board of Trustees shall be responsible for the adoption and amendment of this policy upon the recommendation of the Township Supervisor and/or Township Manager.



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2020-48

Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards

Rescission of Executive Order 2020-15

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings.

To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to conduct public business during this emergency, including actions to respond to COVID-19, and the general public must be able to continue to participate in government decision-making without unduly compromising public health, safety, and welfare.

Executive Order 2020-15 provided this limited and temporary relief from certain rules and procedures. This order clarifies and extends the duration of that relief, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-15 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

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.
 - (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 also may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants.
 - (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.
 - (d) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA.

- (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.
- (f) The right of a person to participate in a meeting of a public body held electronically includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations to minimize the possibility of disrupting the meeting.
- (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.
- (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.
- (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.
- (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.

- (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.
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. If a decision or other action of a public body is in compliance with the requirements of this order and the other requirements of the OMA, it is in compliance with the OMA.
 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.
 5. Strict compliance with subsection 6 of section 11a, subsection 7 of section 384, and subsection 1 of section 418a of the Revised School Code, 1976 PA 451, as amended, MCL 380.11a(6), MCL 380.384(7), and MCL 380.418a(1), is temporarily suspended so as not to require school district boards to hold meetings at least once each month.
 6. Nothing in this order permits a public body to limit or restrict the rights of the press or other news media. Members of public bodies are encouraged to facilitate access by members of the press and other news media both to meetings held electronically and to members of public bodies.
 7. As used in this order, the terms "decision," "meeting," and "public body" mean those terms as defined under section 2 of the OMA, MCL 15.262, except this order does not apply to state legislative bodies.

8. A provision of this order will prevail over any conflicting provision of a local charter, ordinance, or rule.
9. This order supersedes sections 2 and 3 of Executive Directive 2020-2.
10. This order is effective immediately and continues through May 12, 2020.
11. Executive Order 2020-15 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 14, 2020

Time: 8:17 pm



GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE