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TO: DeWitt Charter Township Board of Trustees

FROM: Adam Cramton, Clerk *AC*

SUBJECT: DeWitt Township Public Meeting Policy Update

DATE: April 8, 2021

The State of Michigan has issued an update to the Michigan Department of Health and Human Services (MDHHS) Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order. The newest version is dated March 19, 2021, with an amendment added on March 31, 2021. DeWitt Township will be holding in-person public meetings up to 50% the fire-rated capacity of the meeting space.

Additionally, the Clinton County Board of Commissioners has extended the Declaration of Local “State of Emergency” which, in combination with Senate Bills 1108 and 1246, amending the Open Meetings Act (OMA), will allow the Township to simultaneously allow for remote participation in public meetings by both membership and public.

The DeWitt Charter Township Open Meeting Policy & Procedure Manual has been updated to reflect these changes.

**Strategic plan:**

Strategic: Fiscal and Organization Excellence

Strategies: 4. Enhance Township services, giving consideration to the latest technology and best practices.

**Suggested action:**

Adopt the DeWitt Charter Township Open Meeting Policy & Procedure effective April 12, 2021.

# DeWitt Charter Township Open Meeting Policy & Procedure Manual

Adopted by Township Board of DeWitt Charter Township at a  
Regular Board meeting held on ~~March 8~~ April 12, 2021

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## 1. Introduction

This policy and procedure document is designed to serve as a guide for all DeWitt Charter Township Boards, Committees, and Commissions subject to the Open Meetings Act (OMA), Act 267 of 1976, as amended, MCL 15.261 to 15.272.

## 2. Purpose

This policy addresses procedural changes related to the OMA as a result of the Coronavirus (COVID-19) Pandemic and its impact on public bodies' ability to hold in-person meetings. Specific items are likely to change as Executive Orders expire and "social distancing" requirements change. Those items are printed in *italics* for future modification.

The following procedures and systems were developed by the Board of Trustees to ensure efficient conduct of business in a manner that is fair and equitable to both membership and the public. The intent of this policy is to provide direction to the Township's Boards, Committees, and Commissions and authorize remote participation for both membership and the public to the extent permitted by law or executive order.

For all questions related to open meetings but not covered in this policy, please review the OMA and *the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order dated March 219, 2021, the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order Amendment dated March 31, 2021, Senate Bill 1108, Senate Bill 1246, and Clinton County Board of Commissioners Declaration for a Local "State of Emergency"*.

## 3. Definitions

- a. **Public body:** MCL 15.262(a) defines a "public body" as "any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution or rule to exercise governmental or proprietary authority ... ." Any committee, subcommittee or other body that meets the definition of "public body" will be subject to the OMA.
- b. **Meeting:** MCL 15.262(b) defines a "meeting" as "the convening of a public body at which a quorum is present for the purpose of **deliberating toward** or **rendering a decision** on a public policy ... ."
- c. **Decision:** MCL 15.262(d) defines a "decision" as "a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy."
- d. **Quorum:** the minimum number of members of an assembly or society that must be present at any of its meetings to make the proceedings of that meeting valid. If a quorum of a public body does not attend a scheduled regular or special meeting, then business

cannot be conducted, and a meeting cannot be held. The same holds true if a quorum is lost during a meeting.

- e. **Regular meetings:** MCL 15.265 effectively defines a “regular meeting” of a public body as a meeting that is on the schedule of meetings adopted by the body and posted within 10 days after the first meeting of the public body’s year (fiscal or calendar).
- f. **Special meetings:** MCL 15.265 effectively defines a “special meeting” of a public body as a meeting that is not on the schedule of regular meetings, and is called as needed to address business between regular meetings.
- g. **Facilitator:** a person or thing that makes an action or process easy or easier. For public meetings, the facilitator can be designated by the meeting chair to execute the items outlines in sections 4, 5, & 6 of this policy, with the intent of maintaining order and efficiently conducting the business of the body in a public forum. The Chair is still the designated leader of the meeting unless absent. The Chair is responsible for open and adjourning the meeting, calling for motions and votes, and ensuring the agenda is followed. When absent, the remainder of membership will vote to designate a Chairperson.

#### 4. Prior to a meeting

- a. A public notice for a meeting of a public body must always be posted at its principal office, either within 10 days of the setting of a schedule of regular meetings, or at least 18 hours prior to a special meeting. (MCL 15.264)
- b. The Clerk or meeting organizer will provide an agenda for membership and public. (See Attachment - A for suggested Agenda contents)
- c. The Clerk or meeting organizer will provide a conference phone number on the posted agenda for those members and public who are unwilling or unable to meet in-person. See DeWitt Township Clerk to have a conference number assigned.
- d. *COVID-19: the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order dated March 2, 2021, sec. 2.a.2, prohibits indoor gatherings at non-residential venues except where no more than 25 persons are gathered. Until April 19, 2021, all public meetings are to be posted and conducted as hybrid in-person / virtual meetings for both membership and public, utilizing the steps outlined below.*
- e. *COVID-19: Senate Bill 1108, ~~and~~ Senate Bill 1246, and Clinton County Board of Commissioners Declaration for a Local “State of Emergency” allows a public body to conduct electronic meetings virtually for any reason until ~~March 31~~ April 30, 2021. More information from Senate Bill 1108 and 1246 can be found in Section 7 of this document.*
- f. Initiate the conference call 15 minutes prior to established start time of meeting.

- g. Instruct remote participants to dial-in at 5-to-15 minutes prior to established start time of meeting.
- h. The Clerk, recording secretary, or meeting facilitator will monitor call-ins and provide the meeting Chairperson or facilitator with a written roll of all attendees in person and on call at time of call-to-order. Late attendees will be asked to identify themselves by name when they dial-in. (Attachment – B)
- i. The meeting Chairperson calls the meeting to order. The Clerk, recording secretary, or meeting facilitator will monitor the call, and will announce membership and guests (“on the call we have...”, “the Clerk / recording secretary has recorded the roll...”).
- j. The meeting Chairperson or facilitator may invite on-call membership to make opening comments.

## 5. During the Meeting

- a. The Chair / Facilitator must strictly maintain order.
  - i. Questions and comments asked of membership and guests are done by title and name.
  - ii. Only one person will be allowed to speak at a time.
  - iii. Requests to speak by membership and guests (interruptions) are not allowed as each member or guest will be afforded the opportunity to speak at the designated time.
  - iv. Those members, guests, and any public attending on conference call shall be reminded to keep their phones on mute. They will be called upon to comment at the appropriate time.
- b. The agenda will be followed in its familiar format. (Attachment – A)
  - i. As mentioned above, membership may be invited for an opening comment before any business is conducted.
  - ii. Membership and guests will be afforded their usual end-of-meeting comment time.
- c. All votes (agenda, consent agenda, new and old business) will be conducted as a ROLL CALL VOTE.
- d. Only the vote of adjournment shall be done as a voice vote (“all in favor...”)

## 6. Conducting Old / New Business

- a. Chair / Facilitator introduces member or guest responsible for presenting the business item.
- b. Member or guest presents business item. (*present proposal*)
- c. Chair / Facilitator initiates a round-table discussion, calling membership by title and name, in turn, as appropriate.
  - i. Clarification & question round, if necessary. All questions will be answered by the appropriate person(s), in the order received, at the end of the completed round (not one at a time).
  - ii. A second clarification & question round, if necessary. Again, all questions will be answered by the appropriate person(s), in the order received, at the end of the completed round (not one at a time).
  - iii. Amendments to the proposed action, if appropriate, by any member.
  - iv. Further discussion round.
- d. When every member has contributed to their satisfaction, meeting Chair or Facilitator can call for a motion.
- e. Motion will be called by meeting Chair or Facilitator, at random, by calling member by title and name. Member will be asked if they would like to make a motion on the suggested action, and member may make motion, or decline and another member will be chosen at random. Clerk or recording secretary will record motion.
- f. Second will be called by meeting Chair or Facilitator, at random, by calling member by title and name, excluding member who made motion. Member will be asked if they would like to make a motion on the suggested action, and member may make motion, or decline and another member will be chosen at random. Clerk or recording secretary will record second.
- g. The public will be invited to comment. Public attending by phone conference will be invited to comment by dialing 5\* on their phone keypad. The Chair or meeting facilitator may then call upon members of the public, in turn, by using their phone number as listed in the conference program provided by the Clerk.
- h. The Clerk or recording secretary will take a roll call vote and announce the result of the vote.

## 7. Attendance

- a. Attendance for meetings of DeWitt Township's Public Bodies will be kept by the recording secretary.
  - i. Present
  - ii. Excused Absent
  - iii. Unexcused Absent
- b. Attendance requirements are outlined in each body's bylaws.
- c. *COVID-19: At this time, in-person or remote attendance shall construe full participation in that it can be utilized for both the making of a quorum and voting. This will be readdressed as Executive Orders and other changes get rolled-out due to the Coronavirus (COVID-19) Pandemic.*
- d. *COVID-19: Senate Bill 1108, and Senate Bill 1246, allows a public body to conduct electronic meetings virtually for any reason until March 31, 2021. After March 31, 2021, public bodies may only meet remotely under certain statutorily prescribed circumstances. From March 31, 2021, to December 31, 2021, public bodies may only meet remotely under the following circumstances requiring accommodation of absent members due to:*
  - *military duty;*
  - *a medical condition; the OMA is amended to define a "medical condition" as an illness, injury, disability or other health-related condition;*
  - *a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body (and meeting held in person would risk the personal health or safety of members of the public or the public body).*

*After December 31, 2021, only members of public bodies who are absent due to military duty may participate remotely in public meetings.*
- e. *Electronic Meeting Requirements Senate Bill 1108 and Senate Bill 1246*
  - *Electronic meetings 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."*
  - *Public bodies must post notice at least 18 hours in advance of a meeting held electronically if the public body "directly or indirectly maintains an official internet presence." The advance notice must be posted on the public body's website on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic meetings that is fully accessible to the public, and must include, among other things:*
    - *A statement as to why the public body is meeting electronically;*
      - *How members of the public may participate in the electronic meeting;*

- *If the public body has prepared an agenda for the meeting, the agenda must be made available to the public on the public body's website at least 2 hours before the electronic meeting begins.*
- *Further, the amendments impose a new requirement for any member of the public body participating remotely to publicly announce, at the outset of the meeting, that he or she is participating remotely. If the announcing member's remote participation is for any reason other than military duty, the member must announce his or her physical location "by stating the county, city, township, or village and state from which he or she is attending the meeting remotely." The member's public announcement must be included in the meeting minutes.*





**BOARD OF TRUSTEES MEETING**  
**1401 W. Herbison Road, DeWitt, MI 48820**  
**\_\_\_\_\_ day, \_\_\_\_\_, 20\_\_\_\_ :00 \_\_M**

Per the State of Michigan Department of Health and Human Services (MDHHS) Emergency Order – Gatherings and Face Mask Order dated November 15, 2020, and the Open Meetings Act (OMA) 1976 PA 267, this meeting will be held virtually by phone conference. Per OMA, Board members and public may listen and participate at the phone number below.

**Meeting Dial-in: (623) 600-3750, PIN: 457968**

The call will be muted to reduce interference with proceedings. The public will be invited to make comments during the public comment sections of the meeting as well as before any vote. If you desire to comment, you will be invited to dial 5\* so the Clerk can unmute your line. Please contact the Clerk's Office at (517) 668-0270 with any additional questions.

**AGENDA**

**CALL TO ORDER – REGULAR BOARD MEETING \_\_:00 PM**

**PLEDGE OF ALLEGIANCE**

\*Verbal roll of members present and on conference call

**APPROVAL OF AGENDA**

**APPROVAL OF CONSENT AGENDA**

**BRIEF PUBLIC COMMENTS ON AGENDA ITEMS\***

**PUBLIC HEARING**

**PRESENTATIONS**

**COUNTY COMMISSIONER REPORT**

**CORRESPONDENCE**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**PUBLIC\*\* & STAFF COMMENTS**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**Note: Public Participation Policy adopted 9/11/89 provides:**

**\*Public Comments on agenda items shall be limited to three (3) minutes.** Any citizen may address the Board regarding any agenda item at this time, or they may reserve the right to address the Board when the agenda item is discussed. Each citizen is limited to a total of 3 minutes on any one issue.

**\*\*Extended Public Comments - limited to five (5) minutes.** Any topic of Township interest can be addressed.

DeWitt Charter Township will provide to individuals with disabilities, reasonable auxiliary aids and services which are needed to fully participate in any Township meeting, providing a 72 hour notice is received by phone or in writing. Contact DeWitt Charter Township, Clerk's office, 1401 W. Herbison Road, DeWitt, MI 48820, or phone (517) 668-0270 to request the necessary assistance.

**Board policy prohibits the use of cellular phones, pagers, and the noise emitted from the same. Please disengage ringers on cell phones and pagers, and leave the meeting room if you need to have a phone conversation.**

