

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **Senate Bill 1108-Passed by the Senate amending Open Meetings Act**

DATE: October 16, 2020

The purpose of this memo is to advise you that on Tuesday, October 13, 2020, Michigan Legislature adopted amendments to the Open Meetings Act which will allow public bodies to conduct electronic “virtual” meetings with remote participation for any reason through the end of 2020 and in 2021 under specific circumstances. The most important aspect of these changes are that it allows the Council and Board Members of any public body to participate remotely. Through December 31, 2020, remote participation can be for any reason. After December 31, 2020, there may be remote participation by Board or Council Members for military duty, a medical condition, as an illness, injury, disability or other health-related condition, or a statewide or local state of emergency or disaster.

There are certain conditions as it relates to statewide or local state of emergencies. There are two conditions for such attendance relating to where the member resides, or where the meeting is held. After December 31, 2021, only members of public bodies who are absent due to military duty may participate remotely in public meetings.

Significantly, when signed by the Governor, it will take effect retroactively to March 18, 2020. That means, while this Act has yet to be signed by Governor Whitmer (although it will most assuredly be signed) if you desire to hold a meeting immediately under the new rules, you are permitted to do so. With the passage of this Act, on its way to the Governor, this changes my opinion, and Council Members or Board Members for any governmental bodies may participate remotely.

TMH:cf