

CITY OF CHARLOTTE, COUNTY OF EATON, STATE OF MICHIGAN

RESOLUTION NO. 2021-056

A RESOLUTION TO APPROVE COUNCIL POLICY 2021-05

REMOTE AND HYBRID MEETINGS

WHEREAS, PA 254 of 2020 which amended section 3 (MCL 15.263) of PA 267 of 1976 (amended previously by PA 228 of 2020 and PA 485 of 2018) and added a section 3a, allowing for the following: a) An allowance for members of the public body to attend a meeting of the public body electronically under certain terms and conditions, and b) A requirement that members of the public and media attend a meeting of the public body electronically under certain terms and conditions; and

WHEREAS, section 3 (MCL 15.263) further states that the public body shall establish procedures to accommodate the absence of any member of the public body due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person; and

WHEREAS, the County of Eaton declared a local emergency on March 17, 2021 and the City of Charlotte public meetings are held within the county jurisdiction; and

WHEREAS, the City Council desires to continue to meet electronically to comply with Michigan Department of Health and Human Services public gathering limits; and

THEREFORE, BE IT RESOLVED that Council Policy 2021-05 regarding remote and hybrid meetings of public bodies of the City of Charlotte is hereby approved.

The foregoing resolution offered by Council member _____ and supported by _____.

Upon roll call vote, the following voted:

Aye:

Nay:

Absent:

I, the undersigned, the duly qualified and acting Clerk of the City of Charlotte, County of Eaton, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City of Charlotte at a regularly scheduled meeting held on Monday, April 5, 2021, relevant to the Michigan Open Meetings Act, the original of which is on file in m48.y office as part of council minutes.

IN WITNESS WHEREOF, I have hereunto set my official signature this 5th day of April 2021.

Pearl Tidwell, City Clerk / Treasurer
City of Charlotte



Memo

Date: April 2, 2021
To: Honorable Mayor Armitage; City Council
From: Erin LaPere, City Manager
Re: Policy 2021-05 - Remote or Hybrid Meetings

On the agenda for Council's consideration is a resolution related to formalizing the procedures for remote or hybrid meetings of any public body of the city. The adoption of these procedures is required by the Open Meetings Act, as amended, and the draft policy includes language specific to electronic meetings held after March 31, 2021 due to a locally declared state of emergency. These procedures are consistent with how the city has been conducting its electronic meetings and adoption of this policy serves to formalize those procedures in written policy.

This is on the agenda for expedited approval as formalization of these procedures is time-sensitive to ensure the city is in compliance with the requirements of the OMA. It should be noted, meetings held entirely in-person are subject to gathering and other public health requirements in effect per MDHHS rules. At this time, the capacity for an in-person, non-residential gathering is 25 persons. This capacity would significantly impact the city's ability to hold a public hearing should the number of interested persons exceed the allowable limit. Furthermore, the county and state health departments have identified a two-week trend of positive testing increasing within the county and statewide.

A copy of the policy and resolution of approval is included for Council's review and consideration.

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attachments

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1. PURPOSE

The purpose of this policy is to describe the requirements for remote or hybrid public meetings.

2. AUTHORITY

This policy is adopted pursuant to PA 254 of 2020 which amended section 3 (MCL 15.263) of PA 267 of 1976 (amended previously by PA 228 of 2020 and PA 485 of 2018) and added a section 3a, allowing for the following: a) An allowance for members of the public body to attend a meeting of the public body electronically under certain terms and conditions as set forth in this policy, and b) A requirement that members of the public and media attend a meeting of the public body electronically under certain terms and conditions as set forth in this policy.

3. BACKGROUND

Public Act 254 of 2020 added provisions to the Open Meetings Act to allow for a public body to meet remotely or hybrid remote/in-person for any reason until March 31, 2021 and until December 31, 2021 if a local or state emergency is declared provided certain provisions are met. The Act requires the public body, defined in Section 2(a) of the OMA to be the Charlotte City Council, including all boards, commissions, committees, subcommittees, authorities, or councils of the City of Charlotte, to establish procedures to ensure compliance with the requirements of the Act related to electronic meetings and participation in meetings by members of the public body remotely. The Charlotte City Council hereby establishes the following procedures to permit the Council and all other public bodies of the City to meet electronically and to permit members of the City Council and members of those other public bodies to participate in, and vote on, business before the public body remotely.

4. MEETINGS HELD ELECTRONICALLY

4.1 Electronic Meetings. Electronic meetings of public bodies, in whole or in part, and/or attendance by members of those public bodies remotely may be permitted under any of the following circumstances:

- a. Before March 31, 2021, for any circumstances.
- b. On and after March 31, 2021 through December 31, 2021, only for one of the following:
 - i. Military service.
 - ii. A medical condition.

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iii. 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 that would risk the personal health or safety of members of the public or the public body if the meeting were held in person, but only to permit the following: (1) To permit the electronic attendance of a member of the public body who resides in the affected area. (2) To permit the electronic meeting of a public body that usually holds its meetings in the affected area.

c. After December 31, 2021 only in the circumstances requiring accommodation of members absent due to military duty.

The County of Eaton has declared a local state of emergency as of March 17, 2021 at which time they identified that conducting meetings electronically in compliance with the Open Meetings Act should remain an option for municipalities to remain in compliance with current health orders limiting in-person gatherings and minimize the risk of an outbreak occurring within the County.

4.2 Communication. The City of Charlotte shall utilize electronic video and/or audio services or equipment that ensures 2-way communication so that during the electronic meeting members of the public body can hear and be heard by other members of the public body and so that participants in the electronic meeting can hear members of the public body and can be heard by members of the public body and other participants during the public comment period. To accommodate individuals with a disability, the City 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.

4.3 Location of Members. For each member of a public body attending the meeting remotely, that member shall announce at the beginning of the meeting that he or she is attending the meeting remotely and shall, except when his or her absence is due to military duty, announce the member’s physical location by stating the county, city, township, or village and the state from which he or she is attending the meeting remotely. These announcements must be included in the minutes of the meeting.

4.4 Notice. Any meeting to be held electronically shall be preceded by a notice posted at least 18 hours before the meeting on the City’s website that is fully accessible to the public. The notice shall be posted on the homepage of the website or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings.

The notice of the electronic meeting shall comply with all of the following: (1) The notice shall state why the public body is meeting electronically. (2) The notice shall

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include the telephone number, Internet address, or both, plus any required passwords or access codes, needed to allow the public to participate in the electronic meeting. (3) The notice shall include the link to the telephone numbers or email addresses for each member of the public body, so that all 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 electronic meeting. (4) The notice shall include the name, telephone number, and email address of the City Clerk, or other person designated by the Council, so that persons with disabilities may seek reasonable accommodations necessary to participate in the electronic meeting.

5. REMOTE PARTICIPATION BY MEMBER(S) OF THE PUBLIC BODY.

5.1 Communication. When a member of a public body is physically absent from a meeting, but attends the meeting remotely, the City shall utilize electronic video and/or audio services or equipment that ensures 2-way communication so that during the meeting the member can hear and be heard by other members of the public body and so that participants in the meeting can hear and be heard by the member.

5.2 Location of Members. For each member of a public body attending the meeting remotely, that member shall announce at the beginning of the meeting that he or she is attending the meeting remotely and shall, except when his or her absence is due to military duty, announce the member's physical location by stating the county, city, township, or village and the state from which he or she is attending the meeting remotely. These announcements must be included in the minutes of the meeting.

5.3 Notice. When a member of a public body is physically absent from a meeting, but attends the meeting remotely, the City shall post at least 18 hours before the meeting on the Village's website dedicated to public notices for non-regularly scheduled or electronic public meetings a notice that the member of the public body will be attending the meeting remotely. The notice shall include the link to the telephone number or email address for the member of the public body who will be attending the meeting remotely, so that all members of the public may contact the member to provide input or ask questions on any business that will come before the public body at the meeting.

5.4 Physical Presence Required. If a meeting is held electronically because of the absence of a quorum of members due to military duty or a medical condition, or if a member participates in a meeting remotely due to military duty or a medical condition, then only those members absent due to military duty or a medical condition may

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participate remotely. Any member of the public body who is not on military duty or does not have a medical condition must be physically present at the meeting to participate.

6. PARTICIPATION BY THE PUBLIC

6.1 Public Input. A public body shall not, as a condition of participating in an electronic meeting of the public body, require a person to register or otherwise provide his or her name or other information to attend the meeting, 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. The public will have an opportunity for public participation. The public will need to be recognized by the Mayor or Chairperson and may be limited to five minutes. Pursuant to Council Policy 2021-02, a member of the public who wishes to participate in the public comment period will be required to identify themselves by name and city of residence.

6.2 Electronic Participation. All members of the media and public wishing to attend a meeting of any of the City’s elected or appointed boards must do so electronically.

6.3 Decorum. During the course of all meetings, the public will conduct itself appropriately so as not to rise to the level of being disorderly or disruptive. Any person speaking out of turn, using foul language, or otherwise being disorderly or disruptive will be ruled out of order and not permitted to participate.

6.4 Closed Session. Members of the general public otherwise participating in a meeting with electronic components are to be excluded from participation in a closed session of the public body.

7. EFFECTIVE DATE

This policy shall become effective upon its approval by the City Council.

8. SUNSET DATE

This policy shall sunset on December 31, 2021.