



MTA Guidelines on How to Conduct Meetings under [Executive Order 2020-154](#) and the [Open Meetings Act](#)

Visit the [MTA Coronavirus Information webpage](#) for additional information and resources.

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MTA—Note that these provisions apply to all township public bodies, including the township board, board of review, annual meeting of the electors (if still held by township), planning commission, zoning board of appeals, elective library board, elective park commission, etc.

For more information, refer to:

- [MTA Virtual Meetings Reference Guide](#)
- [Open Meetings Act](#)

Holding Township Board Meetings In-Person or Electronically

Even though a township board or other public body could meet in-person now, the limits on persons gathering indoors still poses a restriction on the public's in-person attendance. But the Open Meetings Act does not allow a public body to prohibit access to any or some of the public who wish to attend and do not cause a breach of the peace.

Executive Order [2020-176](#) limits **INDOOR social gatherings and organized events, including meetings of township public bodies**, in **ALL Regions to no more than 10 persons** not part of the same household. Persons not part of the same household must maintain 6-feet of distance from one another, **including by designing the gathering or event to encourage and maintain social distancing**

According to MTA Legal Counsel, once a meeting of a public body is going to exceed that number--no matter which zone you are in--you would either need to end the meeting or go outside to continue the meeting with safe distancing. A township should not allow a violation of the law, and under the OMA you cannot limit access to a public meeting to first come, first serve. **Boards and other public bodies that want to meet in person should still notice the meeting as an electronic meeting and then allow the public to participate either over the phone or video conference.** The board would need to keep open the teleconference or video conference during the meeting **even if no one signs on**, because someone can always sign in at any point.

As a result, township boards and other public bodies are strongly advised to conduct meetings electronically, in compliance with EO 2020-154. This can be done via teleconference or video conference options—note that teleconferences (phone conference calls) do not require any special equipment and may be done entirely on the board members’ and public attendees’ phones, including dial-up land line phones.

If a meeting is held with any persons attending in-person, all attendees must comply with EOs [2020-176](#) and [2020-153](#) (requiring masks):

- **No business, government offices, or operation that is open to the public** may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by [EO 2020-153](#) (subject to exceptions in EO)
 - Township may require removal when entering public space for ID purposes
 - Person may be refused entry/access by business/building owner (township board) if they refuse to wear or identify the applicable exception.
 - **Township must post signs at entrance(s) instructing legal obligation to wear mask.** [Michigan Department of Labor and Economic Development’s Covid-19 Workplace Safety Guidance web portal](#), which includes guidance for [Offices](#), including [Printable Posters](#):
 - [Workplace Safety Guidelines Poster](#)
 - [Wear a Mask, It’s the Law](#) (customer poster)
 - [No Mask, No Entry](#) (customer poster)
 - Township may not assume person meets exceptions other than medical but may accept verbal representation they fall within a specified exception.
- **INDOOR social gatherings and events, including meetings of township public bodies, allowed in ALL Regions among no more than 10 persons, as long as persons not part of single household maintain 6-foot distance. (10-person indoor gathering limit now applies in Regions 6 and 8)**
 - **Note that the limits on numbers of persons indoors do NOT apply to polling places. But the requirement for 6-foot distancing DOES apply. It also does not apply to aspects of law enforcement, medical, or first responder personnel not capable of being performed remotely.**
- **OUTDOOR social gatherings and organized events, including meetings of township public bodies, allowed in:**
 - **Regions 1, 2, 3, 4, 5, 7** among no more than **100** persons not part of a single household, as long as persons not part of single household **maintain 6-feet of distance from one another, including by designing the gathering or event to encourage and maintain social distancing.**
 - **Regions 6 and 8** among no more than **250** persons not part of a single household allowed, as long as persons not part of single household **maintain 6-feet of distance from one another, including by designing the gathering or event to encourage and maintain social distancing.**

EO 2020-153—Masks (All Regions of Michigan):

1. Any individual who leaves their home or place of residence must wear a face covering over their nose and mouth:

- (a) When in any indoor public space;
- (b) When outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; and
- (c) When waiting for or riding on public transportation, while in a taxi or ridesharing vehicle, or when using a private car service as a means of hired transportation.

2. Although a face covering is strongly encouraged even for individuals not required to wear one, the requirement to wear a face covering does not apply to individuals who:

- (a) Are younger than five years old (and, per guidance from the Centers for Disease Control and Prevention (“CDC”), children under the age of two should not wear a mask);
- (b) Cannot medically tolerate a face covering;
- (c) Are eating or drinking while seated at a food service establishment;
- (d) Are exercising when wearing a face covering would interfere with the activity;
- (e) Are receiving a service for which temporary removal of the face covering is necessary;
- (f) Are entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes;
- (g) Are communicating with someone who is deaf, deafblind, or hard of hearing and where the ability to see the mouth is essential to communication;
- (h) Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a mask would seriously interfere in the performance of their public safety responsibilities;
- (i) Are at a polling place for purposes of voting in an election;**
- (j) Are officiating at a religious service; or
- (k) Are giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

EO 2020-154—Alternative means to conduct government business during the COVID-19 pandemic:

I. Remote meetings of public bodies

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 may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants to satisfy the requirement that members of the public can be heard by others during the meeting.

(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. ***[MTA—This means the members may discuss, make motions and vote. The public must be given at least one opportunity for public comment.]***

(d) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA. ***[MTA—This means that the public must be able to participate, not just the members of the public body. It also means that a person cannot be excluded except for a breach of the peace actually committed at the meeting. (MCL 15.263) Note that MTA Legal Counsel have determined that an in-person indoor meeting of a township public body is a public space and everyone—including board members—must now wear a mask in all Regions under EO 2020-153. If someone intentionally does not wear a mask (unless they are exempted under the EO) they are committing a misdemeanor. MTA Legal Counsel believe that they can be excluded from the meeting because such conduct would be a breach of the peace. It puts everyone at risk in the meeting in violation of law.]***

(e) ***[MTA—Notice must be posted in the normal physical locations (notice board, door) and may be posted, in addition, on the township’s website:]*** 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:

- (1) An explanation of the reason why the public body is meeting electronically.
- (2) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both.
- (3) 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.
- (4) 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. ***[Note that MTA Legal Counsel have determined that an in-person indoor meeting of a township public body is a public space, and everyone must now wear a mask in all Regions under EO 2020-153. If someone intentionally does not wear a mask (unless they are exempted under the EO) they are committing a misdemeanor. MTA Legal Counsel believe that they can be excluded from the meeting because such conduct would be a breach of the peace. It puts everyone at risk in the meeting in violation of law.]***

(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. ***[MTA—This means each member of the body must be asked how they vote, and their name and vote must be recorded in the minutes.]***

(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. Meetings Held in Compliance with EO are in Compliance with OMA: If a decision or other action of a public body complies with the requirements of this part and the requirements of the OMA not suspended by this part, it must be considered to comply with the OMA.

3. Commenting at Public Hearings: 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 et seq., ***[the budget public hearing]*** 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, is also permitted.

4. *[Applied only to school boards.]*

5. **Public Body Must Still Make Decisions in Public: [MTA—The full discussions and deliberations of a public body, not just the voting, must still be done with public access.]** A public body holding a meeting electronically as provided under this part 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.

6. Nothing in this part 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.