MTA Guidelines on How to Conduct Meetings under
Executive Order 2020-129 and the Open Meetings Act
Effective June 18 through July 31, 2020
Visit the MTA Coronavirus Information webpage for additional information and resources.

For questions, contact MTA Member Information Services staff at (517) 321-6467 or:
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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.

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.

While Executive Orders 2020-110 and 2020-115 have opened much of the activities restricted by earlier Executive Orders, each still limits the ability of the public to gather indoors to groups of no more than 10 persons in Regions 1,2,3,4,5, and 7 under EO 2020-110, and no more than 50 persons in Regions 6 and 8 under EO 2020-115.

According to MTA Legal Counsel, once a meeting of a public body is going to exceed the 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 2020-129. 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 Executive Orders 2020-110, 2020-115 and 2020-145 (requiring masks):

- **Governor’s Office FAQ on EO 2020-147**: Are local and state government offices that are open to the public subject to the requirement to refuse service as outlined in section 3 of Executive Order 2020-147? Yes. No business, including local and state government offices 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 this order.

**EO 2020-110** (Regions 1,2,3,4,5, and 7):
4. Any individual who leaves his or her home or place of residence must:
   a. Follow social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.
5. Indoor social gatherings and events among persons not part of a single household are permitted, but may not exceed 10 people. *(In Regions 1,2,3,4,5, and 7)*

6. Outdoor social gatherings and events among persons not part of a single household are permitted, but only to the extent that:
   a. The gathering or event does not exceed 100 people, and
   b. People not part of the same household maintain six feet of distance from one another.

**EO 2020-115** (Regions 6 and 8):
7. a. A social gathering or organized event among persons not part of the same household is permitted, but only to the extent that:
   1. Persons not part of the same household maintain six feet of distance from one another.
   2. If it is indoors, the gathering or event does not exceed 50 people. *(In Regions 6 and 8)*
   3. If it is outdoors, the gathering or event does not exceed 250 people.

**EO 2020-147** (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. The requirement to wear a face covering does not apply to individuals who:
   a. Are younger than five years old, though children two years old and older are strongly encouraged to wear a face covering, pursuant to guidance from the Centers for Disease Control and Prevention (“CDC”);
   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 in the activity;
e. Are receiving a service for which temporary removal of the face covering is necessary to perform the service;
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 hearing impaired or otherwise disabled 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;
i. Are officiating at a religious service; or
j. Are giving a speech for broadcast or an audience.

EO 2020-129 (Conducting meetings with less than a physical quorum):

Acting under the Michigan Constitution of 1963 and Michigan law, the Governor in EO-2020-129 ordered the following:

1. To the extent that the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 to 15.272 ("OMA") 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 remotely by electronic means. [Emphasis added]

   (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 2020-147**. 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:

(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 electronically, 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. **[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 2020-147. 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. 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 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 also avoid “round-the-horn” decision-making in a manner not accessible to the public at an open meeting.

3. Meetings Held in Compliance with EO are in Compliance with OMA: 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. 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 to 141.440a, [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, also is permitted.

5. [Applied only to school boards.]

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.
Virtual meeting resources for public meetings

The following are some common teleconference service companies, along with tips and suggestions as townships consider this new option for public meetings.

Conference call services:
- RingCentral—www.ringcentral.com
- UberConference—www.uberconference.com
- FreeConferenceCall.com—www.freeconferencecall.com
- Vast Conference—www.conferencecalling.com

Steps to setting up a virtual meeting via conference call:
1. Select your conference call service provider and create an account.
2. Select appropriate dial-in numbers for your callers.
3. Pick a date and time for your meeting via conference call—and invite your fellow board members and the public to participate.
4. All participants dial into your conference at the appointed time.
5. Commence your meeting.

Video conferencing services:
(note that several of these companies offer conference call services as well)
- Skype
- GoToMeeting  (Also has conference call capabilities)
- Microsoft Teams  (Also has conference call capabilities)
- Zoom
- WebEx  (Also has conference call capabilities)
- Facebook Live

Tips for successful virtual public meetings:
- Do speak clearly
- Do maintain eye contact by looking into the camera
- Don't interrupt other speakers
- Don't carry on side conversations
- Don't communicate with other members of the board by text or email while in the meeting

Check with your township’s IT consultant for options that may work best in your community. The following MTA vendors are also able to assist townships with questions:

- Aunalytics, 6395 Technology Ave., Ste. A Kalamazoo, MI 49009
  Phone: (800) 875-4222  Email: mason.everett@aunalytics.com
- Shumaker Technology Group, 3721 W. Michigan Ave., Ste. 103 Lansing, MI 48917
  Phone: (517) 388-3120  Email: kyle@shumakergroup.com
Examples of Electronic Meeting Notices

NOTICE OF REGULAR TOWNSHIP BOARD MEETING
TO BE HELD ELECTRONICALLY
____________ TOWNSHIP
__________ COUNTY, MICHIGAN

To: The residents and property owners of ________ Township, _______ County, Michigan, and any other interested parties.

Please take notice that a regular meeting of the ___________ Township Board will be held on _____,______, 2020 at ______ p.m. by electronic remote access.

Electronic remote access, in accordance with the Michigan Governor’s Executive Order 2020-129, will be implemented in response to COVID-19 social distancing requirements and Michigan Governor’s EOs 2020-110, 2020-115, and 2020-147. The public may participate in the meeting through Zoom access by computer and smart phone using the following link:

_____________________________________________________

The public may also participate by calling into the below toll-free number:
_____________________________________________________

Members of the public will only be able to speak during the public comment portion of the meeting and such comment will be limited to three minutes per person. To provide for orderly public participation, a person wishing to speak must state their name and request to be recognized by the Township Supervisor. The Supervisor will recognize all persons wishing to speak during public comment. If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting then such persons may contact the Township Board members through______________, Township Clerk, by email to ______________, or by mail at ____________. A copy of the meeting material may be found on the link on the Township’s homepage at ____________________.

The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon 72-hour advance notice by contacting ______________, Township Clerk, by email, phone, or mail at the below.

______________, Township Clerk
____________________
________________, MI ______
Phone (___) ___-____
Email ________@_____.com
NOTICE OF SPECIAL TOWNSHIP BOARD MEETING
TO BE HELD ELECTRONICALLY

____________ TOWNSHIP

__________ COUNTY, MICHIGAN

To: The residents and property owners of _________ Township, _______ County, Michigan, and any other interested parties.

Please take notice that a special meeting of the ___________ Township Board will be held on _____,______, 2020 at ______ p.m. by electronic remote access for the purpose of consideration of issues specified in the attached agenda.

Electronic remote access, in accordance with the Michigan Governor’s Executive Order 2020-129, will be implemented in response to COVID-19 social distancing requirements and Michigan Governor’s EOs 2020-110, 2020-115, and 2020-147. The public may participate in the meeting through Zoom access by computer and smart phone using the following link:

The public may also participate by calling into the below toll-free number:

Members of the public will only be able to speak at the meeting during the public comment portion of the meeting and such comment will be limited to three minutes per person. To provide for orderly public comment, a person wishing to speak during public comment must state their name and request to be recognized by the Township Supervisor. The Supervisor will recognize all persons wishing to speak during public comment. If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting then such persons may contact the Township Board members through ______________, Township Clerk, by email to ______________, or by mail at ________________. A copy of the meeting material may be found on the link on the Township’s homepage at ________________.

The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon reasonable advance notice by contacting ______________, Township Clerk, by email, phone, or mail at the below.

____________, Township Clerk

__________, MI ______

Phone (___) ___-____
Email ___________@_____.com
NOTICE OF SPECIAL TOWNSHIP BOARD MEETING
AND PUBLIC HEARING TO BE HELD ELECTRONICALLY

___________ TOWNSHIP
___________ COUNTY, MICHIGAN

To: The residents and property owners of _________ Township, _______ County, Michigan, and any
other interested parties.

Please take notice that a special meeting/public hearing of the ___________ Township Board will be held
on _____,______, 2020 at _____ p.m. by electronic remote access for the purpose of consideration of
issues specified in the attached agenda.

Electronic remote access, in accordance with the Michigan Governor’s Executive Order 2020-129, will be
implemented in response to COVID-19 social distancing requirements and Michigan Governor’s EOs
2020-110, 2020-115, and 2020-147. The public may participate in the meeting/public hearing through
Zoom access by computer and smart phone using the following link:

________________________________________________________________________

The public may also participate by calling into the below toll-free number:

________________________________________________________________________

Members of the public will only be able to speak during the public hearing and public comment portions
of the meeting/public hearing and such comments will be limited to three minutes per person during each
opportunity to speak. To provide for orderly public participation, a person wishing to speak must state
their name and request to be recognized by the Township Supervisor. The Supervisor will recognize all
persons wishing to speak during the public hearing and public comment. If, prior to the meeting/public
hearing, members of the public have certain questions or wish to provide input on any business that will
be addressed at the meeting/public hearing then such persons may contact the Township Board members
through__________________, Township Clerk, by email to__________________, or by mail at
___________________. A copy of the meeting material may be found on the link on the Township’s
homepage at ________________________.

The Township will provide necessary reasonable auxiliary aids and services to individuals with
disabilities at the meeting upon reasonable advance notice by contacting ____________________, Township
Clerk, by email, phone, or mail at the below.

_________________________________, Township Clerk
_________________________________, MI ______
Phone (___) ___-____
Email ________@_____.com
TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF ________________, _______________ COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

Please take notice that a regular meeting/public hearing of the _______________ Township Planning Commission will be held on _____, _____, 2020 at _____ p.m. by electronic remote access for the purpose of consideration of issues specified in the attached agenda.

Electronic remote access, in accordance with the Michigan Governor’s Executive Order 2020-129, will be implemented in response to COVID-19 social distancing requirements and Michigan Governor’s EOs 2020-110, 2020-115, and 2020-147. The public may participate in the meeting/public hearing through Zoom access by computer and smart phone using the following link: __________________________________________

The public may also participate by calling into the below toll-free number: __________________________________________

Members of the public will only be able to speak during the public hearing and public comment portions of the meeting/public hearing and such comments will be limited to three minutes per person during each opportunity to speak. To provide for orderly public participation a person wishing to speak must state their name and request to be recognized by the Planning Commission Chairperson. The Chairperson will recognize all persons wishing to speak during the public hearing and public comment. If, prior to the meeting/public hearing, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting/public hearing then such persons may contact the Planning Commissioners through ________________, _______________ Township Clerk, by email to ________________, or by mail at ________________. A copy of the meeting material may be found on links on the Township’s homepage at ________________, including the application for the special land use and site plan and the _______________ Township Zoning Ordinance/Map/Land Use Plan.

Ross Township will provide necessary reasonable auxiliary aids and services at the meeting to individuals with disabilities upon 72 hours advanced notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Clerk by email, phone, or mail at the below.

_____________ Township Planning Commission
By: ______________, Chairperson

_____________ Township Clerk
______________, Michigan __________
Phone __________________
Email _______________@_____________
NOTICE OF SPECIAL BOARD MEETING
______________________ SEWER AND WATER AUTHORITY
TO BE HELD ELECTRONICALLY

_______________________________________, MI ________

Please take notice that a special meeting of the ________________________ Sewer and Water Authority Board will be held on _____, _____, 2020 at _____ a.m. by electronic remote access for the purpose of consideration of issues specified in the attached agenda.

Electronic remote access, in accordance with the Michigan Governor’s Executive Order 2020-129, will be implemented in response to COVID-19 social distancing requirements and Michigan Governor’s EOs 2020-110, 2020-115, and 2020-147. The public may participate in the meeting through Zoom access by computer and smart phone using the following link:

_____________________________________________________

The public may also participate by calling into the below toll-free number:

______________________________

Members of the public will only be able to speak during the meeting during the public comment portion of the meeting and such comment will be limited to three minutes per person. To provide for orderly public comment, a person wishing to speak during public comment must state their name and request to be recognized by the Board Chairperson. The Chairperson will recognize all persons wishing to speak during public comment. If, prior to the meeting, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting then such persons may contact the Board members by contacting ____________, County Sewer and Water Authority Administrator, by email to ___________ or by mail at the below address. A copy of the meeting material may be found on the link on the Authority’s homepage at www. ________________________________

The Authority will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting upon reasonable advance notice by contacting ____________, ____________ Sewer and Water Authority Administrator, by email, phone, or mail as provided below.

[Include contact info and address block]