

Michigan Townships Association Q&A on Township Considerations for COVID-19 Planning (March 19, 2020, 11:30 a.m.)			
I. Township Meetings			
Open Meetings Act Compliance Required?	<a href="#"><u>Governor's Executive Order 2020-15--Temporary authorization of remote participation in public meetings</u></a>	Includes all meetings of public bodies, not just school boards.	
Cancelling	There is no statutory authority in the Open Meetings Act to cancel a meeting of a public body.		
Rescheduling	A township public body may add, remove or reschedule meetings of that public body by (1) changing its regular meeting schedule while in a regular or special meeting of that public body (with the new schedule posted within 3 days after the meeting at which the change is made) or (2) calling a special meeting (with notice posted at least 18 hours prior to the meeting) in compliance with the OMA and township statutes.		
Public Body Participation	<b>EO 2020-15: 1.(c)</b> 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. <b><i>(MTA--Members of public body will be able to discuss, make motions, and vote.)</i></b>		
	<b>EO 2020-15: 2.</b> 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. <b>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.</b>		
Public Participation	The OMA guarantees the public the right to attend the open session of a meeting of a public body, with at least one opportunity for public comment.		
Actions by Public Body	All township public bodies must be in a meeting held in compliance with the OMA and <b>EO 2020-15</b> , if a quorum of the body is deliberating toward or deciding a matter of that body's business.		
Recommendations regarding COVID-19 safety in meeting?	<a href="#"><u>Michigan Department of Health and Human Services (MDHHS) Interim Recommendations for COVID-19 Community Mitigation Strategies March 11, 2020</u></a>		

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<b>II. Township Facilities</b>			
Who determines whether township facilities are or stay open to public?	The township board determines what facilities a township will have and the degree to which they are open to the public. A township board may adopt (at a meeting) policies directing that individual officials or staff may make determinations on whether township facilities will be open or closed. Township facilities are not automatically open to the public, with the exception of polling places on election day for the purpose of voting, and during the open session of a meeting of a public body at a township facility.		
Who determines whether township officials work?	Township board members with statutory administrative duties (clerk, treasurer and supervisor) are not directed by the township board in when or where they perform those duties. But they must still perform or ensure the performance of their statutory duties. As elective officeholders, they do not have set hours and are not subject to minimum wage or hour requirements, and are paid the salary of the office regardless of the number of hours worked.		
Who determines whether township employees work?	The township board is the employer and determines the hours that township employees work and benefits (subject to any applicable collective bargaining agreements). A township board may adopt (at a meeting) policies directing that individual officials or staff may make determinations on whether employees work from home or not work under emergency conditions (subject to any applicable collective bargaining agreements).		
What township activities would require use of township facilities?	Only a few "hours" are required of certain township officials or boards:		
		The clerk's statutory election registration and administration days.	May be done from township or home office.
		The statutory days the treasurer or designee must be available to receive tax payments.	May be done from township or home office.
		The Board of Review <u>must</u> hear tax appeals on statutorily mandated days (in March), meets as needed in July or December.	<a href="#">Michigan Department of Health and Human Services (MDHHS) Interim Recommendations for COVID-19 Community Mitigation Strategies</a>

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<b>III. Events Using Township Facilities</b>			
What events are impacted by federal guidelines?	On March 16, the <b>President</b> announced guidelines for Americans to follow over the next 15 days to help avoid spread of the novel coronavirus, but did not impose a national quarantine or curfew. The new guidelines call on Americans to avoid social gatherings involving groups of 10 or more. Note that this is not the same thing as telling public bodies they cannot meet or that the Open Meetings Act should not be followed. That may come, but is not currently what is being recommended. Note that township boards have either 5 members (and a quorum is 3) or 7 members (and a quorum is 4). The public are encouraged to follow the President's guidelines.		
<a href="#">What events are impacted by the Governor's Executive Order 2020-11?</a>	The <b>Governor</b> issued Executive Directive 2020-11 which states that beginning on March 17, 2020 at 9:00 am, and continuing through April 5, 2020 at 5:00 pm, all assemblages of more than 50 people in a single indoor shared space and all events of more than 50 people are prohibited in this state. A single indoor shared space includes but is not limited to a room, hall, cafeteria, auditorium, theater, or gallery. The prohibition on assemblages set forth in this section does not apply to: health care facilities; workplaces or portions thereof not open to the public; The state legislature; and assemblages for the purpose of mass transit, the purchase of groceries or consumer goods, or the performance of agricultural or construction work. The prohibition set forth in this section does not abridge protections guaranteed by the state or federal constitution under these emergency circumstances. <b><i>A willful violation of this order shall constitute a misdemeanor.</i></b>	Includes all meetings of public bodies, as well as other meetings or gatherings, such as hall rentals.	