

## **COHOCTAH TOWNSHIP POLICY No. 10**

### **REMOTE PARTICIPATION IN MEETINGS**

The Cohoctah Township Board desires to set up procedures allowing remote participation in meetings for members of a public body pursuant to the Open Meetings Act (“OMA”), MCL 15.261, et seq., as amended. Accordingly, the Cohoctah Township Board hereby adopts the following policy in compliance with the OMA:

#### **A. Definitions.**

1. “Military duty” means training and service performed by an inductee, enlistee, reservist, or any entrant into a temporary component of the armed forces of the United States, and time spent reporting for and returning from such training and service, or if rejection occurs, from the place of reporting, pursuant to a lawful order.
2. “Public body” includes but is not limited to the Township Board, Planning Commission, Zoning Board of Appeals and Board of Review.
3. “Medical condition” is an illness, injury, disability, or other health-related condition.
4. “Household” is a group of persons living together in a shared dwelling with common kitchen and bathroom facilities. In a dwelling with a shared kitchen or bathroom facility occupied by 20 or more unrelated persons, households shall be defined by individuals who share a bedroom.
5. “Face Mask” means a tightly woven cloth or other multi-layer absorbent material that closely covers an individual’s mouth and nose.

#### **B. In person meetings of a public body are allowed beginning March 5, 2021 through April 19, 2021 so long as the following requirements are satisfied:**

1. No more than 25 people may physically attend the meeting;
2. Persons not part of the same household must maintain 6 feet of distance from one another to the extent possible; and
3. All persons physically attending the public meeting must wear a face mask unless one of the following exceptions apply:
  - a. The person attending the meeting is less than 5 years old, and the person’s legal guardian verbally represents to a member of the Township in attendance at the meeting that this exception applies to the person.
  - b. The person cannot medically tolerate a face mask, and the person or the person’s legal guardian verbally represents to a member of the Township in attendance at the meeting that this exception applies to the person.
  - c. The person is asked to temporarily remove their face mask for identification purposes.
  - d. The person is communicating with someone who is deaf, deafblind, or hard of hearing whose ability to see the mouth is essential for communication, and the person or the person’s legal guardian verbally represents to a member of the Township in attendance at the meeting that this exception applies to the person.
  - e. The person is actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency personnel, and where wearing a face mask would seriously interfere in the performance of the person’s public safety responsibilities.

- f. The person is giving a speech for broadcast or to an audience, provided that the audience is at least 12 feet away from the speaker.
- C. A meeting of a public body held, in whole or in part, electronically by telephonic or video conference is permitted in the following circumstances:
  1. Before March 31, 2021, and retroactive to March 18, 2020, under any circumstances.
  2. On March 31, 2021, through December 31, 2021, only under those circumstances requiring accommodation of members absent due to military duty, medical condition, or statewide or local state of emergency or state of disaster. In addition, exceptions for statewide state of emergency or state of disaster may apply only if:
    - a. A statewide or local state of emergency or state of disaster has been declared pursuant to law or local ordinance by the governor or a local official, governing body, or a chief administrative officer that would risk the personal health or safety of the members of the public or public body if the meeting were held in person, and
    - b. The accommodation is to permit electronic attendance of members of the public body who reside in the affected area or to permit the electronic meeting of a public body who usually holds meetings in the affected area.
  3. After December 31, 2021, only circumstances requiring accommodation of members absent due to military duty.
- D. A meeting of a public body held electronically must be conducted in a manner permitting 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so public participants can hear members of the public body and be heard by members of the public body and other participants during a public comment period. To satisfy this requirement, a public body may use technology to facilitate typed public comments submitted by the public and shared or read aloud to the other members of the public.
- E. In addition to regular public notices required by the OMA, advance notice of an electronic meeting must be posted on the Township's website at least 18 hours before the meeting begins. The public notice on the website must be either on the homepage or on a separate webpage dedicated to public notices for special meetings or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for special meetings or electronic public meetings. Notice of a public meeting held electronically must clearly explain all of the following:
  1. Why the public body is meeting electronically;
  2. How members of the public may participate in the meeting electronically, including with specificity any necessary information to facilitate participation such as telephone number or internet address;
  3. How members of the public may contact members of the public body to provide input and ask questions on any business that will come before the public body at the meeting; and
  4. How persons with disabilities may participate in the meeting.
- F. The agenda for an electronic meeting must be made available to the public at least two hours before the electronic meeting begins on a portion of the Township's website that is fully accessible to the public. The agenda may be subsequently amended.

- G. The Township shall not, as a condition precedent to participating in an electronic meeting, require a person to register or provide his or her name or other information 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.
- H. For a meeting where there is a remote accommodation for any member absent due to military duty or a medical condition, only those members absent due to military duty or a medical condition may participate remotely. All other members must be physically present at the meeting to participate.
- I. Members of the public body and the public participating electronically in a meeting are considered present and in attendance at the meeting for all purposes including for quorum and voting purposes.
- J. Any voting of the public body when a member is attending remotely shall be by roll call.
- K. Each member of the public body attending a meeting remotely must announce at the beginning of the meeting they are participating remotely, this announcement must be documented in the meeting minutes, and, except for military absence, must identify the County, City, Township, or Village and State from which they are attending remotely.
- L. A member of a public body in remote attendance at a meeting shall be paid for meeting attendance.
- M. For a meeting of a public body held in person prior to April 1, 2021, the public body must:
  - 1. To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including the measure that an individual remain at least six (6) feet from anyone outside of the individual's household.
  - 2. Adopt heightened standards of facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in the public body's meeting place.

Effective February 11, 2021, as amended on March 11, 2021.

I, Barb Fear, Cohoctah Township Clerk, hereby certify the amendment to the Cohoctah Township Policy No. 10 were approved at a regular meeting of the Cohoctah Township Board on March 11, 2021.

/s/ \_\_\_\_\_  
Barb Fear, Cohoctah Township Clerk