



110 W. Michigan Ave., Suite 200  
Lansing, MI 48933  
517-372-5374 Fax 517-482-4599  
www.micounties.org  
Stephan W. Currie, Executive Director

March 31, 2020

**Memo from Cohl, Stoker & Toskey to MAC**  
**Subject: OMA and public attendance under the current EO**

In response to the question of whether a County Board of Commissioners (BOC) can hold an in person meeting and prevent the public from being present but have a mechanism to allow public participation through alternate means, the answer is yes due to the net effect of EO 2020-15 (virtual meetings) and 2020-21 (stay at home).

There is no mechanism to bar the public from the meeting under the OMA or in EO 2020-15; however, the provisions of EO 2020-21 could be violated by a member of the public who traveled to attend the meeting.

That said, under EO 2020-15 there is a mechanism to allow public participation in a virtual meeting and arguably, since the public can not travel to the meeting under EO 2020-21, telephone conferencing or video conferencing should suffice for public access and participation. If the BOC uses that option it still needs to be in compliance with the steps in EO 2020-15, including reflecting remote access to the meeting is available and how the public can participate, in the meeting notice.

While a presence of a quorum would now not be required pursuant to EO 2020-15, some, or all, of the BOC (and necessary County staff and elected officials) could still meet in-person under EO 2020-21, as a board meeting would likely be an activity necessary to support the County's emergency operations (though social distancing and similar safety measures would need to be taken).

However, since the public attending such a meeting would not be permissible under EO 2020-21, the BOC will need to allow public participation remotely.