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IMPORTANT CLIENT UPDATE

The Michigan Legislature enacted and the Governor signed Senate Bill 1246 as 2020 Public Act 254, which modified the Open Meetings Act, 1976 PA 267 (OMA), effective last December 23, 2020. These revisions were made to address the continuation of remote attendance to meetings open to the public.

Specifically, public bodies were allowed to hold wholly or partly electronic meetings by telephonic or video conferencing through December 31, 2021, to accommodate members of the public body absent due to (a) military duty, (b) a medical condition, or (c) a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would put the personal health and/or safety of the public body or members of the public at risk if held in person.

However, **effective January 1, 2022**, the only legal basis for a member of a public body to participate in a meeting via telephonic or video conferencing as a member of the public body (i.e., to vote, to be counted toward a quorum, or to deliberate toward a decision), is if that member is absent due to military duty. This amendment to the OMA eliminates the previously permissive practice of a public body allowing its members to participate and vote remotely if a physical quorum was present. (A public meeting could still have a partial “hybrid” remote component at the public body’s option to allow members of the public and/or staff to attend and participate remotely if they can be heard by all persons attending the meeting. However, during such a hybrid meeting, board members *must* be present to be counted as part of the quorum, to vote, and to otherwise participate in a meeting as a member of the public body.)

County Boards of Commissioners and other public bodies are encouraged to modify their Bylaws, Board Rules, and procedures as needed to be consistent with the OMA, as amended.

Should you have questions or require assistance, please do not hesitate to contact our Office.

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November 29, 2021