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November 2, 2020

VIA ELECTRONIC MAIL

Mayor Bryan K. Barnett
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Mr. Ryan Deel, President
City of Rochester Hills City Council
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Re: ***City of Rochester Hills / Rules to Govern Virtual Meetings***

Dear Mayor Barnett and Council President Deel:

After the Michigan Supreme Court's decision earlier this month invalidating the Governor's Covid-related executive orders issued after April 30, uncertainty resulted over whether municipal boards and commissions may continue to hold electronic, remote participation meetings while the pandemic goes on. The State Legislature and Governor solved that – at least temporarily – by enacting and signing into law 2020 PA 228 (copy attached) amending the Open Meetings Act to allow municipal boards and commissions to hold electronic meetings, and establishing conditions, limitations, and procedures for electronic meetings.

The amended OMA does several things: (i) It validates all electronic meetings held since March, (ii) Allows local boards and commissions to continue to hold electronic meetings through the end of this calendar year, (ii) It authorizes remote meetings to be held during 2021 only to accommodate members absent due to military duty, a medical condition, or a statewide or local state of emergency or disaster, and (iii) After 2021, allows remote participation by board and commission members only for military duty.

For the most part, electronic meetings must be conducted similar to the way they were conducted under the prior executive orders of the Governor. But the amended OMA sets forth various additional notice and procedural requirements for electronic meetings. Among the requirements is that absent board and commission members participating remotely must announce the municipality and state where the member is remotely participating from. This disclosure must be made part of the meeting minutes.

Also, a public body with an official internet presence (i.e., a website) must post advance notice of an electronic meeting on its website where it can be accessed by the public at least 18 hours prior to the meeting. Meeting agendas must also be available and accessible to the public on the internet at least 2 hours before the meeting.

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The amended OMA requires a public body to establish procedures to govern electronic meetings. Therefore, I offer the attached proposed City Council Resolution to amend the City Council Rules of Procedure to add rules for electronic meetings. These rules, as drafted, closely track the statutory provisions and procedures of the amended OMA. In addition please note that in the last rule proposed to be added will cover all the City's other boards and commissions by applying these same Electronic Meetings rules to them.

Under the current Rules of Procedure, the rules cannot be amended at the same meeting a proposed amendment is introduced. Also, a majority vote (i.e., 4 affirmative votes) is required to approve an amendment to the rules. Consequently, I recommend that the proposed resolution to amend the Rules of Conduct be introduced at the Council's next meeting, and then be considered for approval at the Council's following meeting.

Very truly yours,



John D. Staran

JDS/ijd

cc: Ms. Tina Barton, City Clerk
Ms. Sara Roediger, Planning & Economic Development