Open Meetings Act—Meetings after March 31, 2021

Introduction

Due to the coronavirus, the state put regulations in place to protect the public health and still enable local governing bodies to hold meetings. There were two actions in play: the Michigan Department of Health and Human Services (DHHS) order on gatherings and masks, and Public Act 254 of 2020. The DHHS limited indoor and outdoor gatherings, and PA 254 of 2020 amended the Open Meetings Act (OMA) to permit public bodies to meet electronically by through March 30, 2021. After March 30, 2021 public bodies are only permitted to hold electronic meetings under a statewide or local state of emergency or disaster.

DHHS Gatherings and Masks Emergency Order

The DHHS emergency order that went into effect on March 5 (and remains in effect through April 19, 2021, at 11:59 PM) was amended on March 31 to exempt gatherings of public bodies and attendees of meetings held by public bodies from indoor and outdoor gathering limits. Previously there was a 25-person limit on indoor gatherings, and a 300-person limit on outdoor gatherings. The March 31, 2021 order states:

- The limitations to gatherings do not apply to gatherings of public bodies and attendees of meetings held by public bodies in compliance with the OMA.
- As a condition of hosting a gathering under this order, organizers and facilities must design the gathering to encourage and maintain physical distancing and must ensure that persons not part of the same group maintain 6 feet of distance from one another to the extent possible.
- Face mask requirement at gatherings: All persons participating in gatherings are required to wear a face mask.

State of Emergency or Disaster under the OMA

The League requested changes to the OMA allowing a local state of emergency or state of disaster to be declared pursuant to a local ordinance (in addition to those declared under law or charter in the current law) and adds a local chief administrative officer (in addition to a local official or local governing body) as a person who may declare the local state of emergency. See Fact Sheet “Declaring a Local State of Emergency or Disaster.”

What happens after March 31, 2021?

Starting March 31, and continuing through 2021, public bodies may conduct electronic meetings only if a member of the public body is absent due to military duty, a health condition, or there is a statewide or local state of emergency or disaster.

The amended DHHS order of March 31, 2021 now allows meetings of public bodies to be held indoors or outdoors with no limits on the number in attendance. However, the other provisions of the order must be followed: if indoors, persons not part of the same group must maintain 6 feet of distance from one another to the extent possible, and face masks must be worn.