

## Municipal Retirement Boards and Joint Energy Boards May Now Hold Electronic Meetings Under the OMA

---

February 12, 2024

On February 13, 2024, **Public Act 214 of 2023** ("PA 214") takes effect, amending Michigan's **Open Meetings Act** to give some public bodies greater freedom in holding electronic meetings.

In the case of public bodies responsible for the investment, administration, or management of municipal public employee retirement systems and joint agencies formed under the Michigan Energy Employment Act that are subject to the Open Meetings Act, PA 214 will allow them to hold meetings electronically **for any reason**. There is no sunset date for this authorization.

Municipal public employee retirement systems include retirement systems, trusts, plans, or reserve funds that a local unit of government (a city, village, township, county, road commission, or other "local unit of government" as defined in Section 3 of the Protecting Local Government Retirement and Benefits Act, Public Act 202 of 2017) establishes, maintains, or participates in and that provides retirement pension benefits, retirement health benefits, or both.

A public body eligible to meet remotely must establish procedures governing electronic meetings and specifically set and publish an attendance policy that includes how the public body will determine a quorum when one or more members are participating electronically.

Electronic meetings must be held in a manner that allows two-way communication so members of the public body can hear each other, public participants can hear the members, and members of the public body and public participants can hear public comments during the designated public comment period. To meet this requirement, a public body may use technology that allows public participants to submit typed comments that will be read to or shared with members of the public body and other public participants.

Notice of an electronic meeting must be posted at least 18 hours before the meeting starts in a publicly accessible location on the public body's website. Additionally, the notice must explain why the meeting is being held electronically, how members of the public can participate in the meeting, how members of the public can contact members of the public body, and how persons with disabilities can participate in the meeting. A meeting agenda must be made available to the public at least two hours ahead of the meeting.

Note: Retirements systems established under the State Employees' Retirement Act, Public School Employees Retirement Act, Judges Retirement Act, State police Retirement Act, and Michigan Legislative Retirement System Act **are not included** within the definition of a municipal public employee retirement system.

If you have questions about PA 214 and how it may impact your organization, please contact your Miller Canfield attorney or one of the authors of this alert.