

## Michigan Governor Signs Open Meetings Act Amendment Extending Sunset for Electronic Public Meetings

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December 29, 2020

On December 23, 2020, Michigan Governor Gretchen Whitmer signed into law Senate Bill 1246, extending the authority for public bodies to conduct electronic "virtual" meetings for any reason through March 31, 2021. The law, now known as Public Act 254 of 2020 ("Act 254"), amends the Open Meetings Act (the "OMA"), with immediate effect, to extend authority for virtual meetings that was previously set to expire on December 31, 2020.

Act 254 also adds COVID-related safety procedures for public meetings held in-person before April 1, 2021 (assuming such in-person meetings are permitted under Michigan Department of Health and Human Services orders). Specifically, for an in-person meeting held before April 1, 2021, the public body shall do both of the following:

- To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including the measure that an individual remain at least 6 feet from anyone outside the individual's household.
- Adopt heightened standards of facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in the public body's meeting place.

Act 254 provides that, commencing on April 1, 2021, public bodies may only meet remotely under specific circumstances (i.e. military duty, a medical condition, or a statewide or local state of emergency or state of disaster).

Act 254 incorporates recognition that a public body may declare a local state of emergency or state of disaster pursuant to a local ordinance—as well as pursuant to law or charter—and recognizes a municipality's chief administrative officer as an individual who may declare a local state of emergency or state of disaster. Public bodies and chief administrative officers are encouraged to consult with legal counsel regarding authority to declare a local state of emergency or state of disaster.

If you have any questions about the Michigan Open Meetings Act, please contact your Miller Canfield attorney or any of the authors listed on this e-alert.