

EXECUTIVE ORDER NO. 2022 – 02

TO: ALL BOARDS, COMMISSIONS, DEPARTMENT DIRECTORS, CITY COUNCIL MEMBERS AND CITY CLERK

FROM: MICHAEL E. DUGGAN, MAYOR

RE: EXTENSION OF VIRTUAL PUBLIC PARTICIPATION AT OPEN MEETINGS

WHEREAS, on December 16, 2021, Denise Fair Razo, the Chief Public Health Officer of the City of Detroit, extended the Local Public Health Emergency Epidemic Order (originally issued March 20, 2021) from January 1, 2022 to March 31, 2022, to allow remote public access to public meetings and prohibit gatherings at meetings that risk the personal health and safety of members of the public and public bodies;

WHEREAS, after December 31, 2021, the Open Meetings Act (“OMA”), 1976 PA 267, as amended, authorizes the continued use of hybrid electronic meetings to provide virtual public participation in accordance with the requirements of MCL §15.263a(2);

WHEREAS, I recognize that many areas of Detroit have vaccination rates below the level required to achieve community immunity to limit the spread of the virus, which remains a concern as the spread of COVID-19 may result in emerging and more dangerous variants;

WHEREAS, public bodies must continue to conduct public business and the public must be able to continue to participate in government decision making without unduly compromising public health, safety, and welfare;

WHEREAS, the ability to attend and participate in public meetings is maximized by allowing the public to remotely access public meetings while minimizing the risks associated with COVID-19 to the personal health and safety of both members of the public and public bodies;

WHEREAS, the City currently provides low-cost telephone and internet based technologies that permit members of the public to participate in public meetings that are subject to the OMA through virtual means in accordance with the requirements of §15.263a(2); and

WHEREAS, I authorize and recommend the continued use of virtual public participation at public meetings, as identified below;

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. Beginning April 1, 2022, all meetings of public bodies subject to the OMA shall continue to allow for remote public participation by electronic means in compliance with the OMA.
2. All members of the public participating remotely must be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.

3. All members of the public must be permitted to remotely participate in any meeting of a public body, except as otherwise provided by the OMA.
4. A public body must include both detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both, and procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public at the meeting in compliance with the notice requirements of the OMA.
5. A public body may not require a person as a condition of remotely participating in a meeting of the public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to remotely participate in a public comment period of the meeting.
6. A person remotely participating must be permitted to address a meeting of a public body under rules established and recorded by the public body. A person remotely participating must not be excluded from a meeting of a public body open to the public except for a breach of the peace actually committed during the meeting.
7. Members of the public otherwise remotely participating in a meeting of a public body may be excluded from participation in a closed session of the public body during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.
8. This order does not apply to the legislative branch of City government.

This Executive Order shall remain in place until further notice by this Office.



Michael E. Duggan, Mayor
City of Detroit