

State of Michigan
Independent Citizens Redistricting Commission (MICRC)
Remote and Hybrid Meeting Policies and Procedures

Adopted and Effective April __, 2021

DRAFT (dated April 6, 2021)

A. Purpose

These Policies and Procedures are adopted in accordance with the Open Meetings Act (“OMA”), Public Act 267 of 1976, as amended, being MCL 15.261 *et seq.*, and the MICRC Rules of Procedure, dated February 4, 2021. The Michigan Independent Citizens Redistricting Commission (MICRC) is a public body required by law to establish these procedures to ensure compliance with the requirements of the OMA, in particular Sections 3 and 3a, related to electronic meetings and participation in meetings by members of the public body remotely.

The MICRC adopts the following Remote and Hybrid Meeting Policies and Procedures (“Policy”) to permit in certain circumstances the MICRC to meet electronically and to permit members to participate in, and vote on, business before the MICRC remotely; to set forth applicability and guidelines for MICRC remote and hybrid meetings; to accommodate public participation; to provide relevant definitions; and to establish other requirements for remote meetings as well as remote participation of members in in-person meetings.

B. Definitions

1. "Medical condition" means an illness, injury, disability, or other health-related condition.
2. “Meeting” means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy. Meetings shall include public hearings where these conditions are met.
3. “Open Meetings Act” or “OMA” means Public Act 267 of 1976, as amended, being MCL 15.261 *et seq.*

C. Applicability and Guidelines

1. Circumstances Permitting Electronic Meetings and/or Remote Participation by Members. Electronic meetings of the MICRC, in whole or in part, and/or attendance by members of MICRC remotely may be permitted under any of the following circumstances:

- a. Through December 31, 2021, only for one of the following:
 - i. Military service.
 - ii. A medical condition.
 - iii. A statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person, but only to permit the following:
 - (1) To permit the electronic attendance of a member of the public body who resides in the affected area.
 - (2) To permit the electronic meeting of a public body that usually holds its meetings in the affected area.
 - (a) The MICRC shall adopt a resolution by majority vote to conduct the meeting electronically and require all members to attend remotely. This resolution shall reference the specific declaration of a statewide or local state of emergency or state of disaster.
 - (b) All members of the public wishing to attend a meeting of the MICRC must do so electronically if a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.
- b. After December 31, 2021 only in the circumstances requiring accommodation of members absent due to military duty.
- c. Individual members remotely attending a meeting of the MICRC under subparts 1(a)(i), (ii), (iii)(1) or (b) of this Section shall notify the Secretary to the Commission via email as soon as possible but not later than 6 business hours in advance of the start of the meeting so that the notice requirements under Section 3(b) of this Policy may be fulfilled. For purposes of this Policy, business hours are 9:00 a.m. to 5:00 p.m., Monday through Friday. Members may not attend remotely if the mandatory notice requirements under the OMA cannot be fulfilled.

2. Meetings held Electronically.

- a. Communication. When the MICRC conducts a meeting electronically where all participants attend remotely pursuant to Section C(1)(a)(iii)(2) of this Policy, the MICRC:
 - i. Shall utilize electronic video and/or audio services or equipment that ensures 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period, provided the participant signed up to provide public comment in advance.
 - ii. Shall use technology to provide contemporaneous public observation during all meetings.

- b. Notice.
 - i. Any meeting to be held electronically shall be preceded by a notice posted at least 18 hours in advance of the start of the meeting on the MICRC's website that is fully accessible to the public. The notice shall be posted on the homepage of the website or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings.
 - ii. The notice of the electronic meeting shall comply with all the following:
 - (1) The notice shall clearly state the reason(s) why the public body is meeting electronically.
 - (2) The notice shall include the telephone number, Internet address, or both, plus any required passwords or access codes, needed to allow the public, including those with disabilities, to participate in the electronic meeting.
 - (3) The notice shall include information on how members of the public may contact members of the public body sufficiently in advance of the meeting to provide input or ask questions on any business that will come before the public body at the meeting. In accordance with Section 6(11) of Article 4 of Michigan's 1963 Constitution, except for an MICRC meeting or a town hall forum that has been publicly noticed and open to the general public, members may only communicate about redistricting matters with members of the public to gain information relevant to the performance of his or her duties if such communication occurs in writing.
 - (4) The notice shall include the name, telephone number, and email address of the person designated by the Secretary to the MICRC, so that persons with disabilities may seek reasonable accommodations necessary to participate in the electronic meeting.
- c. Agenda. If an agenda exists for an electronic meeting, then the agenda for that meeting shall be made available to the public at least two hours before the electronic meeting begins by posting the agenda on that portion of the MICRC's website that is fully accessible to the public. Posting of the agenda, however, shall not prohibit subsequent amendment of the agenda at the meeting.
- d. Identification of Members Attending Remotely.
 - i. Prior to roll call, the Chairperson shall explain the electronic components of the meeting and the purpose behind them.
 - ii. For each member of the MICRC attending the meeting remotely, that member shall announce during roll call that he or she is attending the meeting remotely and shall, except when his or her absence is due to military duty, announce the member's physical location by stating the county, city, township, or village and the state from which he or she is attending the meeting remotely. This announcement must be included in the minutes of the meeting.
- e. Identification of the Public. The MICRC shall not, as a condition of participating in an electronic meeting, require a person to register or otherwise provide his or her name or other information to fulfill a condition precedent to attendance, other than mechanisms

established and required by the MICRC necessary to permit the person to participate in a public comment period of the meeting such as unique identifying username or phone number.

- f. Closed sessions. Members of the general public otherwise participating in a meeting of a public body held electronically are to be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.
3. Remote Attendance by a Member of the Public Body.
 - a. Communication. When an individual member of a public body is physically absent from an in-person meeting, but attends the meeting remotely pursuant to Section C(1)(a)(i), (ii), (iii)(1) or (b) of this Policy, the MICRC:
 - i. Shall utilize electronic video and/or audio services or equipment that ensures 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period, provided the participant signed up to provide public comment in advance.
 - ii. Shall use technology to provide contemporaneous public observation during all meetings.
 - b. Notice.
 - i. When a member of a public body is physically absent from a meeting, but attends the meeting remotely, the member shall notify the Secretary to the Commission pursuant to Section C(1)(c) of this Policy so that the required notice may be posted in advance of the start of the meeting on the MICRC's website dedicated to public notices for non-regularly scheduled or electronic public meetings that the member of the public body will be attending the meeting remotely. The Secretary may also post this notice on MICRC social media accounts. Members may not attend remotely if the mandatory notice requirements under the OMA cannot be fulfilled.
 - ii. The notice shall include the email address for the member of the public body who will be attending the meeting remotely, so that the public may contact the member sufficiently in advance of the meeting to provide input or ask questions on any business that will come before the public body at the meeting. In accordance with Section 6(11) of Article 4 of Michigan's 1963 Constitution, except for an MICRC meeting or a town hall forum that has been publicly noticed and open to the general public, members may only communicate about redistricting matters with members of the public to gain information relevant to the performance of his or her duties if such communication occurs in writing.
 - c. Identification of Members Attending Remotely.
 - i. Prior to roll call, the Chairperson shall explain the electronic components of the meeting and the purpose behind them.

- ii. For each member of the MICRC attending the meeting remotely, that member shall announce during roll call that he or she is attending the meeting remotely and shall, except when his or her absence is due to military duty, announce the member's physical location by stating the county, city, township, or village and the state from which he or she is attending the meeting remotely. This announcement must be included in the minutes of the meeting.
 - d. Identification of the Public. The MICRC shall not, as a condition of participating in an electronic meeting, require a person to register or otherwise provide his or her name or other information to fulfill a condition precedent to attendance, other than mechanisms established and required by the MICRC necessary to permit the person to participate remotely in a public comment period of the meeting such as unique identifying username or phone number.
 - e. Closed sessions. Members participating remotely in a meeting of a public body may participate in a closed session of the public body held during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.
4. Physical Presence Required. Consistent with Section C(1) of this Policy, only those members absent due to military duty or a medical condition or who reside in an area affected by a statewide or local state of emergency/disaster may participate remotely in an in-person meeting. Any member who is not on military duty or does not have a medical condition or does not live in an area affected by a statewide or local state of emergency/disaster must be physically present at an in-person meeting to participate.