



MICHIGAN CIVIL RIGHTS COMMISSION

RESOLUTION

OPEN MEETINGS ACT

COMPLIANCE DURING COVID

Whereas, As a result of the ongoing Covid-19 pandemic, the Michigan Civil Rights Commission has been meeting remotely through electronic means, since March 2020, initially under the authority of a state of emergency and accompanying executive orders declared by the Governor; and

Whereas, On October 16, 2020, the Governor signed Public Act 228 of 2020, amending the Open Meetings Act (OMA) to allow public bodies to hold meetings electronically, under any circumstances, retroactive to March 18, 2020, through December 31, 2020; and under specified circumstances through December 31, 2021.

Whereas, Public Act 228 of 2020 as amended allows members of public bodies to attend public meetings electronically under specified circumstances through December 31, 2021.

Now, therefore, be it Resolved, The Michigan Civil Rights Commission may meet remotely through December 31, 2021, and the following procedures as set forth in Public Act 228 of 2020, amended section 3a., in pertinent part are adopted:

- Individual members of the Commission may participate, count towards quorum, and vote electronically if required to do so due to:
 - (a) military duty.
 - (b) a medical condition (defined as an illness, injury, disability, or other health-related condition.) This includes an immune deficiency such that attending in person would risk their personal health.
 - (c) the absent member resides in an area under a local state of emergency or state of disaster declared by a local official or governing body and would risk the personal health or safety of members of the public or the public body if they attended in person.

- A Commission member attending a meeting electronically must at the beginning of the meeting, make a public announcement that they are attending the meeting remotely and, except for military service, indicating their physical location by stating the county, city, township, or village and state from which they are attending the meeting remotely. This announcement must be included in the meeting minutes.
- Public notice of the physical absence must be provided in advance of the meeting. This can be accomplished either by placing the information on the public agenda when it is posted, or if that is not posted at least 24 hours prior to the meeting on an updated public notice.
- Public wishing to contact a Commissioner who plans to participate remotely prior to a meeting may do so by emailing or calling the department with a request that the message be forwarded.
- A meeting of the Commission may be held electronically for the reasons stated above, except that a local state of emergency only applies when it covers a meeting being held at the body's usual location.
- A meeting of a The Michigan Civil Rights Commission held electronically under this section must be conducted in a manner that permits 2-way communication so that members of The Michigan Civil Rights Commission can hear and be heard by other members of the Michigan Civil Rights Commission, and so that public participants can hear members of the Michigan Civil Rights Commission and can be heard by members of the Michigan Civil Rights Commission and other participants during a public comment period. The Michigan Civil Rights Commission may use technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the Michigan Civil Rights Commission and other participants to satisfy the requirement under this subsection that members of the public be heard by others during the electronic meeting and the requirement under section 3(5) that members of the public be permitted to address the electronic meeting.
- Except as otherwise provided in subsection (8), a physical place is not required for an electronic meeting held under this section, and members of the Michigan Civil Rights Commission and members of the public participating electronically in a meeting held under this section that occurs in a physical place are to be considered present and in attendance at the meeting for all purposes.
- The Michigan Civil Rights Commission shall, in addition to any other notices that may be required by law, post advance notice of a meeting held electronically under this section on a portion of the Michigan Civil Rights Commission's website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for nonregularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of nonregularly scheduled or electronic public

meetings. Subject to the requirements of this section, any scheduled meeting of a Michigan Civil Rights Commission may be held as an electronic meeting under this section if a notice consistent with this section is posted at least 18 hours before the meeting begins. Notice of a meeting of the Michigan Civil Rights Commission held electronically must clearly explain all of the following:

- (a) Why the Michigan Civil Rights Commission is meeting electronically.
 - (b) How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.
 - (c) How members of the public may contact members of the Michigan Civil Rights Commission to provide input or ask questions on any business that will come before the Michigan Civil Rights Commission at the meeting.
 - (d) How persons with disabilities may participate in the meeting.
- The Michigan Civil Rights Commission shall, on a portion of its website that is fully accessible to the public, make the agenda available to the public at least 2 hours before the electronic meeting begins. This publication of the agenda does not prohibit subsequent amendment of the agenda at the meeting.
 - The Michigan Civil Rights Commission shall not, as a condition of participating in an electronic meeting of the Michigan Civil Rights Commission held under this section, require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the Michigan Civil Rights Commission necessary to permit the person to participate in a public comment period of the meeting.
 - Members of the general public otherwise participating in a meeting of the Michigan Civil Rights Commission held electronically under this section are to be excluded from participation in a closed session of the Michigan Civil Rights Commission held electronically during that meeting if the closed session is convened and held in compliance with the requirements of this act applicable to a closed session. and

Be it further resolved, The Michigan Civil Rights Commission is directed to publicly and electronically post and distribute copies of this resolution widely.



Passed on the 23rd day of November 2020, by the
MICHIGAN CIVIL RIGHTS COMMISSION

Stacie Clayton, Chair
Jeffrey Sakwa, Secretary
Zenna Faraj Elhasan
Denise Grim

Laura Reyes Kopack, Vice Chair
Ira Combs
Regina Gasco-Bentley
Portia Roberson

Adopted November 23, 2020 (replaces guidelines of May 24, 2015)

Michigan Civil Rights Commission

Self-Governance Guidelines for Commission Meetings

GENERAL INFORMATION:

All Commission meetings are subject to, and will comply with, the Open Meetings Act.

PROCEDURE:

The following procedure will apply to all meetings of the Commission:

Quorum:

A quorum of the Commission is 5 members.*

For any matter that is not purely administrative, a motion requires 5 members in support to pass, regardless of the number of members participating.*

Agenda:

The agenda will be structured with the intent of meetings not exceeding 2.5 hours (the only variable may be the volume of people presenting during the public comment segment).

Each agenda item will include a targeted time allotment.

Following input if any, from commissioners and/or the executive director, the meeting agenda will be developed by the executive council with the goal of transmitting it, and accompanying materials, to commissioners at least five days in advance of the commission's scheduled meeting date.

If due to time constraints or other reasons an agenda item that was specially requested by a Commissioner is not included in the agenda, all commissioners will be informed of that item at the time the agenda is transmitted.

Within 24 hours of transmittal the agenda will be made publicly available on the Commission's web site.

After transmission of the agenda, any requested additions or deletions must be made by motion and a majority vote of the Commission prior to the meeting agenda being adopted.

A Commissioner seeking to add or remove an item from the agenda shall, when possible, inform the Chair and other Commissioners prior to the meeting, and provide accompanying materials if any.

**Based on an 8 member Commission*

Electronic attendance/voting:

Through December 31, 2021 individual members of the Commission may participate, count towards quorum, and vote electronically if required to do so due to;

- military duty.
- a medical condition (defined as an illness, injury, disability, or other health-related condition.) This includes an immune deficiency such that attending in person would risk their personal health.
- the absent member resides in an area under a local state of emergency or state of disaster declared by a local official or governing body and would risk the personal health or safety of members of the public or the public body if they attended in person.

A Commission member attending a meeting electronically must at the beginning of the meeting, make a public announcement that they are attending the meeting remotely and, except for military service, indicating their physical location by stating the county, city, township, or village and state from which they are attending the meeting remotely. This announcement must be included in the meeting minutes.

Public notice of the physical absence must be provided in advance of the meeting. This can be accomplished either by placing the information on the public agenda when it is posted, or if that is not posted at least 24 hours prior to the meeting on an updated public notice.

Public wishing to contact a Commissioner who plans to participate remotely prior to a meeting may do so by emailing or calling the department with a request that the message be forwarded.

Electronic meetings:

Through December 31, 2021 a meeting of the Commission may be held electronically for the reasons stated above, except that a local state of emergency only applies when it covers a meeting being held at the body's usual location.

An electronic meeting is not required to also have a physical location.

Two-way communications for an electronic meeting must provide both communication between members and means for public comment to take place.

If a meeting is to be held electronically the notice of the meeting must clearly state:

- Why the meeting is to be conducted electronically.

- Specific information explaining how members of the public may participate in the meeting electronically.
- How members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
- How persons with disabilities may participate in the meeting.

Public comment:

People wishing to address the Commission during public comment must sign in using the provided card, or when the meeting is being conducted remotely by using the electronic procedure identified.

Individuals wishing to make public comment will be provided up to two minutes to present.

If a group (three or more persons) is present and wishes to make public comment it will designate one person to present on their behalf who will be provided up to five minutes to present.

All presenters must be civil at all times. Inappropriate language or behavior is not permitted. If not severe a person will be provided with one reminder before being cut off.

Sign in sheet(s) will include an acknowledgement of the time limit and civility requirement, the time limit and civility requirement may be provided orally if the meeting is being conducted electronically.

The time limits may be shortened by Commission vote when it deems the number of persons wishing to participate in public comment is large enough to delay the comment period beyond the 30 minutes it will be afforded in the meeting agenda.

Commissioners:

Commissioners will extend common courtesy to fellow commissioners and attempt to make their points as succinctly as possible.

It is the responsibility of commissioners making motions upon which the MCRC is being asked to take action to clearly articulate those instructions.

During the public comment portion of the meetings, commissioners will not engage presenters.

During the commissioner comment portion of the meeting, each commissioner will be solicited for comment by the chair.