

The following language was added to the OMA: “to accommodate the absence of any member of the public body due to...a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person...” MCL 15.263(2).

The amendment gave strict reasons for virtual meetings, and after the March 30 sunset, public bodies are not permitted to hold electronic meetings in the absence of a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person.

Local states of emergency are now being introduced at a lightning pace to extend the March 30th deadline. Check with your city or village to see if they have declared a state of emergency or a state of disaster under the police/public health powers. Notably, each local municipality will affirm an end date to the local state of emergency and they have differed based on the community.

We encourage you to advocate to your local municipality to extend the dates by which virtual meetings can continue if this is something that is of interest to your library board. MLA will continue to watch for further movement at the state level, but for now, a local municipality must declare a state of emergency/state of disaster before virtual meetings can proceed after March 30, 2021, unless a member of the public body is participating virtually due to military duty or a medical condition until December 31, 2021.

****Please note, this information is not intended as legal advice.** Library staff, boards, and directors should consult with their library's attorney if they have questions regarding the Open Meetings Act.