

ELECTRONIC PARTICIPATION PROCEDURE

I. Purpose

Clinton County desires to have full attendance and participation by all members of the County's public bodies. Subject to the requirements of the Open Meetings Act ("OMA"), the County must adopt procedures to accommodate the absence of any member of the Public Body for any reason permitted by the OMA. This Procedure shall only apply to meetings that are required to be open to the public pursuant to the OMA.

II. Definitions

For purposes of this Electronic Participation Procedure, the following definitions apply:

- A. *County*. "County" means the Clinton County.
- B. *Members*. "Members" include any County Commissioner, Planning Commissioner, or other member of any Public Body.
- B. *Public Body*. "Public Body" includes the County Board of Commissioners, Planning Commission, and other public body, as defined by the OMA, that is part of the County.

III. Application

Because participation and interaction with fellow Members of the Public Body is important, all Members should strive to attend meetings in person if permitted. However, the OMA does permit Members to participate electronically in limited circumstances. This Procedure is intended to allow for electronic participation under the following circumstances:

- A. *Until Prohibited by the OMA (and retroactive to March 18, 2020)*: Members of the Public Body may have an electronic meeting for any reason. A physical place is not required for an electronic meeting. Members of the Public Body and public participants who participate electronically in a meeting are considered present and in attendance at the meeting for all purposes. All Members of the Public Body and public participants may attend electronically.
- B. *From January 1, 2021 to December 31, 2021 (or any extended date range as permitted by an amendment to the OMA)*. A Member of the Public Body may attend and participate in a public meeting electronically for any of the following reasons:
 - 1. Military duty.
 - 2. A medical condition (a medical condition means an illness, injury, disability, or other health-related condition), or

3. 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 Members of the Public Body if the meeting were held in person. For the purpose of permitting an electronic meeting due to a local state of emergency or state of disaster, this subdivision applies only as follows:

a. To permit the electronic attendance of a Member of the Public Body who resides in the affected area.

b. To permit the electronic meeting of a Public Body that usually holds its meetings in the affected area.

C. *After December 31, 2021 (or any extended date range as permitted by an amendment to the OMA).* The Public Body may only allow electronic attendance by a Member to accommodate that Member's absence due to military duty. Only those Members absent due to military duty may participate electronically.

IV. Procedures for Electronic Participation by Members

The Public Body has adopted the following procedures for electronic participation at meetings:

A. *Notice of Absence.* If a Member cannot be physically present at the main location for any meeting ("Main Meeting Location") but can participate electronically by electronic means, the Member must provide the County Administrator and Board Chair reasonable notice (ideally at least 24 hours) so that the Public Body may post notice of the electronic meeting 18 hours in advance. The notice shall include how to contact that Member who is participating electronically in sufficient time before a meeting of the Public Body to provide input on any business that will come before the Public Body. .

B. *Two-Way Communication Required.* If the Public Body holds an electronic meeting or a meeting in which one or more Members participate electronically, the meeting must be held in a manner that permits 2-way communication so that Members of the Public Body can hear and be heard by other members of the 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. The Public Body 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 Members of the Public Body and other participants to satisfy the requirements:

1. That members of the public be heard by others during the electronic meeting, and

2. That members of the public be permitted to address the electronic meeting.

C. *Receipt of Information by Virtual Participant.* A Member who participates in a meeting electronically must have access to technology that allows the Member to receive the board packet or other documents before the meeting. If material is handed out at the meeting, the Public Body must send a copy to a Member participating electronically, if feasible, or reasonably describe or summarize the contents of the document.

D. *Notice on Website.* If a Member is participating in a meeting electronically, as permitted by this Procedure and the OMA, the Public Body must provide notice to the public that the Member(s) will be attending electronically. The notice must be posted at least 18 hours in advance of the meeting on the home page of the County's website or on a separate webpage dedicated to public notices for non-regularly 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 non-regularly scheduled or electronic public meeting. The notice must include the following:

1. Why the Public Body is meeting electronically.
2. 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.
3. 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.
4. How persons with disabilities may participate in the meeting.

E. *Agenda on Website.* Because the County directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, the Public Body must, on a portion of the 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.

E. *Vote; Quorum.* Members who are participating in a meeting electronically are counted when determining whether a quorum is present and have full discussion and voting rights.

F. *Public Announcement.* At each meeting, there must be a public announcement as follows:

1. For each Member attending the meeting electronically, a public announcement at the outset of the meeting must be made and included in the meeting minutes that the Member is in fact attending the meeting electronically.

This announcement does not require the Public Body to reveal the reason for electronic attendance.

2. If the Member is attending the meeting electronically for a purpose other than for military duty, the Member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting electronically.

G. *Minutes.* For each Member attending the meeting electronically, the public announcement mentioned above in Section IV.F must be included in the meeting minutes identifying the Members that are in fact attending the meeting electronically

V. Rules of Electronic Participation by the Public

A. *Public Comment.* Members of the public may only participate electronically if permitted by the OMA and the Public Body, if the Public Body has discretion to permit participation electronically.

B. *Conditions to Public Comment.* The Public Body must 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 or otherwise to fulfill a condition precedent to attendance, other than mechanisms established and required by the Public Body necessary to permit the person to participate in a public comment period of the meeting.

C. *Reasonable Rules.* The Public Body's rules for public comment, including time limits, shall apply to electronic public comment periods.

VI. Recording of Rules

These Procedures must be kept on file with the County Administrator. The County Administrator has authority to update the Procedure by (1) expanding dates, (2) changing dates, or (3) eliminating electronic procedure options in accordance with any future amendments to the OMA.

Revised and adopted by Clinton County Board of Commissioners 04/27/2021

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CLINTON COUNTY BOARD OF COMMISSIONERS

NOTICE OF ELECTRONIC REGULAR MEETING

April 27, 2021 at 9:00 a.m.

**THE MEETING WILL ONLY BE HELD ELECTRONICALLY
FOR PUBLIC PARTICIPATION**

The Clinton County Board of Commissioners will hold a regular meeting on April 27, 2021 at 9:00 a.m. This meeting will only be held electronically pursuant to the Open Meetings Act. The purpose of the meeting is to consider any business to come before the Board of Commissioners as permitted by law.

Pursuant to the Open Meetings Act, Act 267 of 1976, the Board of Commissioners also gives notice of the following:

1. **Reason for Electronic Meeting.** The Board of Commissioners is holding the meeting by electronic means only (i) because the County is operating under a local state of emergency declared pursuant to law, and (ii) because of the gathering restrictions set forth in the MDHHS Epidemic Order and potential spread of COVID-19.

2. **Procedures.** The public may participate in the meeting and may make public comment electronically by video or telephone conference using the following information:

**Online Meeting Link:
Passcode:**

OR, you can dial in using your phone**

**United States Toll Free:
Meeting Identification:
Passcode:**

**To unmute microphone from a cell phone dial *6 (star 6)
To raise your hand from a cell phone dial *9 (star 9)

3. **Contact Information.** For those people who desire to contact members of the Board of Commissioners to provide input or ask questions on the business that will come before the public body at the meeting, please contact Diane Zuker, County Clerk, at 989-224-5140 prior to the start of the meeting.

4. **Persons with Disabilities.** Persons with disabilities may participate in the meeting through the methods set forth in paragraph 2. Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the County Clerk at 989-224-5140 within a reasonable time in advance of the meeting.

Dated: April ___, 2021

By: Diane Zuker, County Clerk
100 E State Street
St. John's Michigan 48879
Telephone No: (989) 224-5120

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SAMPLE