

PROCEDURE MANUAL

19-17



MICHIGAN STATE POLICE

Conducting Meetings Subject to the Open Meetings Act

Purpose: This manual provides guidance to members who are organizing and facilitating meetings that are subject to the Open Meetings Act. This includes the technology to be used, the organization of the meetings, and the disposition of recordings that are required to be made public.

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Definitions:

Organizer: The organizer is responsible to notifying those required to be in attendance of the date, time, and location of the meeting. Additionally, the organizer creates the agenda and facilitates the meeting to ensure identified objectives are addressed.

Section 1: Open Meetings Act

1.1 The Open Meetings Act

- a. The [Open Meetings Act \(OMA\)](#) was enacted to promote accountability and transparency of governmental decision making to the “public body.” The OMA defines “public body” as:

“Any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the [lease agreement](#); or the board of a nonprofit corporation formed by a city under section 40 of the Home Rule City Act, 1909 PA 279, MCL 117.40.”
- b. The OMA requires public meetings of state licensing boards, state commission panels, and state rule-making boards to record meetings to allow for the capture of sound, such as an audio-only recording, a video recording with sound and picture, or a broadcast that is capable of being recorded.
- c. [Executive Directive 2019-11](#) encourages advisory bodies located within the department not subject to the Open Meetings Act to voluntarily comply with the Open Meetings Act.
- d. Members shall refer to Official Order 14-03 – Meetings Subject to the Open Meetings Act for a list of boards, commissions, and other bodies housed within the department that are subject to the OMA.
- e. Members can find detailed information on the OMA in Procedure Manual 14-04 – Open Meetings Act Handbook.

1.2 Notice and Location of Meetings

- a. Members responsible for organizing department-held meetings subject to the OMA shall ensure the public notice is published at the following locations:
 - i. The physical location where the meeting is to be held using the DIR-003 Annual Meeting Notice or DIR-003A Rescheduled Meeting Notice
 1. For meetings held at MSP Headquarters, this is the “Public Notice” board on the exterior of the main entrance to the Michigan State Police Headquarters.
 - ii. On the Public Meetings page of the MSP Internet site. This is done by submitting the DIR-003 or DIR-003A to the web editor for the division that is responsible for the advisory body.
 1. If a web editor for the division is not available, members can seek guidance from the Communications and Outreach Division at MSP-Web-Editor@michigan.gov.
- b. Meetings are required to be accessible to members of the public. Closed meetings shall only be held if one of the conditions listed in section 8 of the OMA is present.

1.3 Determining Reasonable Accommodations

- a. Meetings that are subject to the Open Meetings Act require members of the public body to be physically present in one physical space, with accommodations to members on military duty or in accordance with the Americans with Disabilities Act.
- b. To ensure compliance with the Americans with Disabilities Act, reasonable accommodations must be provided to all participants of a meeting, if requested, whether in person or virtual. If an American Sign Language (ASL) interpreter is requested for a virtual setting, ensure the appropriate settings are activated during the meeting to accommodate that request.
 - i. [Microsoft Teams: Sign Language View](#)
 - ii. [Zoom: Accessibility Options](#)
- c. If accommodations are requested, members need to address how to provide the services needed to deliver effective communication. Additionally, meetings that are subject to the Open Meeting Act (OMA) may need to provide a virtual platform and accommodations in accordance with the Americans with Disabilities Act (ADA).
- d. Commonly requested ADA resources include audio recordings, braille materials, large print materials, live captioning, and reader programs. For additional information on requests, contact the department’s ADA Coordinator, visit the State of Michigan page on Accommodations, or the ADA Resource Guide.




Section 2: Conducting Meetings

2.1 Record Keeping

- a. It is the responsibility of the meeting organizer to ensure meeting minutes are kept in accordance with the OMA.
- b. Sound recording is required for all non-closed session meetings subject to the OMA in one of the following forms:

- i. A sound-only recording.
- ii. A video recording with sound and picture.
- iii. A digital or analog broadcast capable of being recorded.

2.2 Recording Meetings

- a. All meetings that are subject to the OMA shall be audio recorded using a department-issued device.
- b. The device should be positioned in a manner that allows for audio capture of all parties in attendance.
- c. Prior to the calling the meeting to order, the organizer of the meeting will begin recording the audio file.
- d. Members are encouraged to use the “Voice Memo” function on their department issued Apple devices. This allows for consistent audio files across all meetings.
 - i. Select the “Voice Memo” application  from the Home Screen
 - ii. To begin recording, tap 
 - iii. To end the recording, tap 
 - iv. The recording is saved with the name “New Recording” automatically. Select the name of the recording and change it to “NAME OF PUBLIC BODY – DATE OF MEETING.”
- e. Recordings made with alternative programs on department-issued devices shall still follow the naming convention outlined above.
- f. Meeting participants are encouraged to identify themselves prior to speaking during the meeting.

2.3 Posting and Retention of Meeting Records

- a. Recordings are required to be retained for a minimum of one year following the date of creation.
 - i. The organizer of the meeting is responsible for maintaining the recording in a secure location during this period and in a format that can be reproduced upon a request under the Freedom of Information Act.
 - ii. Recordings can be destroyed after one year from creation in accordance with the General Schedule for Meeting Records, item #703.
- b. Minutes from the meeting must be posted to the Public Meetings page on the department’s Internet site within five business days following the meeting. Minutes shall be sent electronically to the web editor for the division that is responsible for the advisory body.
 - i. If a web editor for the division is not available, members can seek guidance from the Communications and Outreach Division at MSP-Web-Editor@michigan.gov.

Review Responsibility: Office of the Director; Communications and Outreach Division, Records Retention Section

Accreditation Standards: N/A