

## **VILLAGE OF MAYVILLE**

### **PROCEDURES REGARDING ABSENCE OF MEMBERS OF PUBLIC BODIES DUE TO MILITARY DUTY**

#### **I. INTRODUCTION**

The State of Michigan’s legislature has recently enacted an amendment to the Open Meetings Act (“OMA”), MCL 15.261 *et seq.* Specifically, MCL 15.263(2) has been amended to mandate that all public bodies establish “procedures to accommodate the absence of any member of the public body due to military duty.” In particular, the procedures must provide a mechanism by which a member of a public body who is absent from a public meeting due to military duty “may participate in, and vote on, business before the public body, including, if feasible, procedures that ensure 2-way communication.” MCL 15.263(2)(a). Additionally, all public bodies must enact procedures “by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.” MCL 15.263(2)(b).

The Village of Mayville (“the Village”) recognizes the sacrifices made by all members of the military, and the Village wishes to codify the procedures contained herein in order to ensure that all Village residents who are members of the military are permitted to engage in the public service of Village government if they so choose. To that end, the procedures contained herein shall serve as the Village’s procedures regarding the absence of a member of a Village public body due to military service, in conformance with MCL 15.263(2).

#### **II. DEFINITIONS**

The following definition shall apply to accommodate the absence from a public meeting, workshop and/or work session (hereafter “meeting”) of a member of the public body due to military duty:

(1) “Military Duty” means (a) training and service performed by an inductee, enlistee or reservist or any entrant into a temporary component of the armed forces of the United States, and (b) time spent in reporting for and returning from such training and service, or if rejection occurs, from the place of reporting, pursuant to a lawful order.

#### **III. PARTICIPATION OF ABSENT MEMBER OF PUBLIC BODY DUE TO MILITARY DUTY**

As discussed herein, the Village desires to provide a mechanism by which an absent member of a public body, whose absence is due to military duty, may participate in, and vote on, business before the public body, including procedures that ensure 2-way communication.

To that end, the member of the public body who will be absent from a meeting due to military duty shall notify the Village President of the intended absence and affected dates sufficiently in advance of the public meeting to allow the public to provide input to the absent

member on any business that will come before the public body, along with an email address and telephone number where that member can be reached during the absence from the meeting for military duty.

Upon notification to the Village President, the Village President shall notify the Village Clerk of the member's absence due to military duty, and the Village Clerk shall post a notice of the affected public meeting, which shall include a notification to the public of the name of the member who will be absent due to military duty and a notification that the member may be contacted through the Village's governmental office or through the member's Village e-mail address (if applicable), which shall be included in the posting. If the Village has not issued the member an e-mail address, members of the public should contact the member through the Village's governmental office.

Where a member of a public body of the Village will be absent from a public meeting due to military duty, the Village shall provide that member with a copy of the agenda and all associated documentation for the meeting sufficiently in advance of the meeting so as to allow the absent member to meaningfully review the materials and submit any comments as described herein.

Upon receipt of the agenda and associated documentation, the absent member may provide the public body with written comments regarding any matter of Village business that will be addressed at the public meeting. If the Village does receive written comments from an absent member, whose absence is caused by military duty, the Village, through a Village Council member, will read the written comments aloud at the public meeting.

The member of the public body who will be absent from a public meeting due to military duty shall be permitted to participate in, and vote on, business before the public body in a manner determined by the Village President, or his/her designee, to ensure 2-way communication wherever feasible, ideally utilizing a form of teleconferencing whenever possible, such as FaceTime, Skype or other similar program.

The member of the public body who will be absent from a meeting due to military duty shall be considered to be present at the public meeting when that member has participated in that meeting pursuant to the procedure prescribed in the preceding paragraph.