

April 10, 2020

Motion language for adopting the COVID-19 virus Resolution:

As we are all aware, due to the COVID-19 virus pandemic that is presently sweeping across the United States, the Governor of the State of Michigan, as allowed by law, has issued emergency orders prohibiting the gathering of persons for most purposes. It is important, however, that local governments continue to function in order to help their citizens cope with this unique situation that has come upon us.

Unique situations and problems call for unique thinking and solutions and a resolution allowing the Essexville City Council and other public bodies has been created to allow for their meeting by electronic means that best allows for compliance with the city charter and Michigan law. This resolution has been posted on the door of the city hall and on the city website for viewing by the public and details how such meetings shall be conducted during this time of emergency.

I therefore move that the resolution posted at these locations be adopted and stay in effect until such time as the governor's emergency orders regarding such topics expire and that copies of the resolution continue to be posted at their present locations during the time it remains in effect and that contents of the resolution be stated in the minutes of this meeting.

Sincerely,

Daniel J. Hansford ICMA

City Manager

City of Essexville

RESOLUTION
ESTABLISHING TEMPORARY RULES FOR REMOTE ATTENDANCE
BY MEMBERS OF ESSEXVILLE CITY COUNCIL, OTHER CITY PUBLIC BODIES,
AND MEMBERS OF THE PUBLIC AT PUBLIC MEETINGS DUE TO CORONAVIRUS PANDEMIC

The following resolution was motioned and passed as reflected by the minutes of the monthly meeting of the City Council of the City of Essexville, County of Bay, State of Michigan (the "City"), held on April 14, 2020, at 7:00 p.m., prevailing Eastern Time:

PRESENT: Councilmembers:

ABSENT: Councilmembers:

The following preamble and resolution were offered by Councilmember _____, and seconded by Councilmember _____:

WHEREAS, on March 10, 2020, Governor Whitmer declared a state of emergency as a result of the Coronavirus (COVID-19) outbreak; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020, the President declared a National Emergency as a result of the COVID-19 outbreak; and

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) issued Interim Recommendations for COVID-19 Community Mitigation Strategies; and

WHEREAS, such strategies include encouraging staff to tele-work when feasible, implementing social distancing measures, including limiting in-person meetings, and limiting large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 which temporarily suspends certain rules and procedures relating to physical presence of members at meetings and hearings of public bodies so as to enable public bodies to continue to conduct public business during the COVID-19 emergency and so as to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, to implement MDHHS's mitigation strategies and allow the City Council and all other City boards, commissions, and committees (hereinafter referred to collectively as "Public Bodies") to continue to conduct public business, and to allow the public to attend meetings of the Public Bodies remotely, consistent with and in compliance with Executive Order 2020-15, the Essexville City Council desires to establish rules to authorize and allow its members and those of other Public Bodies, and members of the public to attend meetings of the Public Bodies by telephone or other electronic means as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Essexville City Council immediately authorizes its members, members of other Public Bodies, and members of the public to attend all meetings of Public Bodies by telephone or other electronic means and establishes rules as follows:

A. NOTICE OF MEETINGS:

1. For every meeting to be held remotely pursuant to this Resolution, the City Clerk shall post on the homepage of the City's website in a conspicuous location either the following information or a link to the following information and also on the door of the Essexville City Hall located at 1107 Woodside Avenue, Essexville, the following:
 - a. An explanation of why the Public Body is meeting remotely.
 - b. Contact information for all members of the Public Body along with information about how the public may contact the members to provide input on any business that will come before the Public Body. Emails to members of the Public Body must be posted no later than two hours before the meeting to which they relate.
 - c. The dial-in conference number and/or internet website address and all other information that will be necessary for members of the public to use to access the meeting remotely.
 - d. The agenda for the meeting at least 18 hours prior to the meeting.
 - e. Procedures by which persons with disabilities may participate in the meeting.
2. If any meeting includes a public hearing, all material that will be considered by the Public Body at the public hearing shall be posted on or linked to on the homepage of the City's website in a conspicuous location or as otherwise required by law. This provision shall not apply to written public comments received by the Public Body for the public hearing.

B. CONDUCT OF THE MEETING:

1. The telephone or other electronic technology utilized for the remote meeting shall permit the members of the Public Body in attendance to hear and be heard by the other members of the Public Body in attendance, and shall permit the participants from the general public to hear the members of the Public Body and be heard by the members of the Public Body and the other participants during a public comment period.
2. A member's remote attendance shall be considered attendance for the purpose of establishing a quorum.
3. Any vote by a member participating remotely pursuant to this resolution shall be counted in the total number of votes for any matter and shall not be held invalid for the reason that it was cast by a member remotely.
4. If any member is participating remotely, all votes on any matter shall be taken by roll call vote.
5. For closed sessions conducted under this policy, each member and authorized attendee of the closed session shall not allow anyone else to hear or view the closed session. All members and authorized attendees of the closed session shall affirm, before the closed session begins, that they are in compliance with this subsection.
6. Emails, texting, or other forms of electronic communication by or between members during the meeting shall not be allowed.
7. If an email, text or other form of electronic communication is received by a member of the Public Body or the City Clerk two or more hours prior to beginning of the meeting related to any item on the agenda for the meeting, and the sender requests such, the email, text, or other electronic communication shall be read by the member of the Public Body receiving the communication during the first public comment period and it shall be addressed by the Public Body as appropriate during the meeting.

C. ATTENDANCE BY MEMBERS OF THE PUBLIC:

1. Immediately after calling the meeting to order, the City Clerk or other designated facilitator shall ensure that the dial-in number or other means of conducting the meeting remotely is working. If the dial-in number or other means of conducting the meeting remotely is not working, the meeting shall be immediately adjourned by the chair of the meeting without any decision or deliberation on any matter.
2. If any member of the public is attending remotely, each member of the public shall be provided an opportunity to provide public comment during a public comment portion of the agenda pursuant to the rules of the Public Body on public comment. Such opportunity shall be given by the Mayor asking each individual who is attending the meeting by telephone other remote mean they have any public comment. If the member of the public is attending by a remote means that provides a "raise your hand" or other similar tool, then the City Clerk or designated facilitator shall only call on those members of the public who have access to and have used the tool.
3. If any member of the public is attending, and a closed session is called by the Public Body as permitted by the Open Meetings Act, a separate call-in number or other electronic means of remotely participating shall be available for the Public Body to utilize for the closed session that is not available to the public. The Mayor shall clearly state at what point in the agenda the closed session will occur, the projected length of the closed session, and that the public will not be able to hear the Public Body or provide comment during the closed session. The Public Body shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.

This Resolution is intended to establish rules for and authorize participation by remote access by members of City of Essexville Public Bodies and attendance by remote access by members of the public in the interest of the public health, safety, and welfare during the COVID-19 outbreak while preserving meaningful access to meetings and communication for Public Body members and members of the public, including members of the press and other news media.

In the event of a conflict between this Resolution and the Rules of the City Council, or other Public Body the terms of this Resolution shall control.

This Resolution shall be effective immediately and shall remain in effect until April 30, 2020 at 11:59 pm or for so long as Executive Order 2020-42 is in effect, whichever is longer.

AYES: Councilmembers: _____

NAYS: Councilmembers: _____

RESOLUTION DECLARED ADOPTED.

Sarah Wilcox, City Clerk
City of Essexville

I, Sarah Wilcox, the City Clerk of the City of Essexville, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Essexville, County of Bay, State of Michigan, at a special meeting held on April 14, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Sarah Wilcox, City Clerk
City of Essexville