

RESOLUTION NO 20-08

**CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN**

RESOLUTION ESTABLISHING RULES FOR REMOTE ATTENDANCE BY CITY COUNCIL MEMBERS, MEMBERS OF OTHER CITY BOARDS AND COMMISSIONS, AND MEMBERS OF THE PUBLIC AT MEETINGS DUE TO THE COVID-19 PANDEMIC.

A RESOLUTION of the City Council of the City of St. Clair adopted at a special meeting of said Council held at City Hall, located at 547 N. Carney Drive, St. Clair, Michigan, on the 8th day of April, 2020 at 7:00 PM.

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

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

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

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

WHEREAS, such strategies include encouraging staff to work from home and to implement social distancing measures as feasible, including limiting in-person meetings and large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 to suspend rules and procedures of the Open Meetings Act relating to physical presence at meetings and hearings of public bodies in order to allow for public bodies to continue to conduct public business during the COVID-19 emergency and the general public to participate in government decision-making without unduly compromising public health, safety, and welfare; and

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

NOW THEREFORE BE IT RESOLVED, that the City Council immediately authorizes its members 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 both the home page of City's website and in a conspicuous location at City Hall, 547 N. Carney Drive, St. Clair, 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 members to provide input on any business that will come before the Public Body.
 - c. The dial-in conference number or other necessary information for members of the public to use in order to access the meeting remotely.
 - d. The agenda for the meeting at least eighteen (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 or linked on the home page of the City's website 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 being used shall allow the members of the Public Body to communicate to any other member in attendance and any member of the public or staff attending and shall allow any member, any member of the public, or staff attending to communicate with any member attending.
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. Adjournment of a meeting shall occur only on a roll call vote of the Public Body.
6. For any closed session 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.

7. E-mails, texting, or other forms of electronic communication by or between members during the meeting shall not be allowed.
8. If an e-mail, text, or other form of electronic communication is received by a member of the Public Body by 5:00 p.m. on the day of the meeting related to any item on the agenda for the meeting, and the sender requests such, the e-mail, text, or other electronic communication may be read by the member of the Public Body receiving the communication during the agenda item; and, if read, it shall be addressed by the Public Body as appropriate during the meeting. The City Clerk shall also follow this subsection.

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 without any decision or deliberation on any matter.
2. For all members of the public attending remotely, they shall have the opportunity to provide public comment during that portion of the meeting's agenda dedicated to that purpose. Such opportunity shall be given by the Chair, the City Clerk or other designated facilitator asking each individual who has attending the meeting by telephone or other electronic means whether they have any public comment.
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 use for a closed session that is not available to the public. The Chair or City Clerk shall clearly indicate at what point in the agenda the closed session will occur; the projected length of the closed session; that the public will not be able to hear the Public Body or provide comment during the closed session; and 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 the Public Body and attendance by remote access by members of the public in the interest of the public health, safety, and welfare during the Coronavirus 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.

RESOLUTION DECLARED ADOPTED

Bill Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of a Resolution adopted by the City Council in the City of St. Clair, St. Clair County, Michigan at a regular meeting held on the 8th day of April, 2020. Public Notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of 1976 as temporarily amended by Governor Whitmer's Executive Order 2020-15, and the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Members Present: Mayor Cedar, Members Ellery, Kindsvater, Kuffa, LaPorte, McCartney, Watt
Members Absent: None

It was moved by Member Kuffa and supported by Member Kindsvater to adopt the Resolution.

Members Voting Yes: LaPorte, McCartney, Watt, Ellery, Kindsvater, Kuffa, Cedar
Members Voting No: None

The Resolution was declared adopted by the Mayor and has been recorded in the Resolution Book.

Annette Sturdy, City Clerk
City of St. Clair, Michigan