

RESOLUTION NO 21-12

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

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY FOR THE PURPOSE OF PERMITTING THE CITY COUNCIL AND OTHER PUBLIC BODIES OF THE CITY TO MEET BY ELECTRONIC AND TELEPHONIC MEANS.

A RESOLUTION of the City Council of the City of St. Clair adopted at a regular meeting of said Council held at the St. Clair City Council Chamber, located at 547 N. Carney Drive, St. Clair, Michigan, on the 5th day of April, 2021 at 7:00PM.

WHEREAS, on March 19, 2021, the Michigan Department of Health and Human Services ("MDHHS"), by and through its Director Elizabeth Hertel, made the following findings:

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.

In recognition of the severe, widespread harm caused by epidemics, the Legislature has granted MDHHS specific authority, dating back a century, to address threats to the public health like those posed by COVID-19. MCL 333.2253(1) provides that:

If the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code. *See also In re Certified Questions from the United States District Court, Docket No. 161492 (Viviano, J., concurring in part and dissenting in part, at 20) ("[T]he 1919 law passed in the wake of the influenza epidemic and Governor Sleeper's actions is still the law, albeit in slightly modified form."); id. (McCormack, C.J., concurring in part and dissenting in part, at 12).* Enforcing Michigan's health laws, including preventing disease, prolonging life, and promoting public health, requires limitations on gatherings and the establishment of procedures to control the spread of COVID-19. This includes limiting the number, location, size, and type of gatherings, and requiring the use of mitigation measures at gatherings as a condition of hosting such gatherings.

On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of March 18, 2021, Michigan had seen 618,421 confirmed cases and 15,835 confirmed deaths attributable to COVID-19. Michigan was one of the states most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March. Strict preventative measures and the cooperation of Michiganders drove daily case numbers dramatically down to fewer than 200 confirmed cases per day in mid-June, greatly reducing the loss of life. Beginning in October, Michigan again experienced an exponential growth in cases. New cases peaked at nearly 10,000 cases per day in mid-November, followed by increases in COVID-19 hospitalizations and deaths.

On November 15, 2020, MDHHS issued an order enacting protections to slow the high

and rapidly increasing rate of spread of COVID-19. Cases, hospitalizations, and deaths remained high through early December, threatening hospital and public health capacity. On December 7, 2020, December 18, 2020, and January 13, 2021, MDHHS issued orders sustaining those protections. These orders played a crucial role in slowing the spread in Michigan and had brought new cases down to about 1,500 per day. This decrease in cases prevented Michigan's healthcare system from being overwhelmed with a holiday surge. On January 22, 2021, considering the reduction in cases, MDHHS issued an order permitting indoor dining. And on February 4, 2021, in light of continued decreases in cases of COVID-19 in the state, MDHHS issued an order permitting contact sports to be played.

Cases dropped to under 1,000 per day in mid-February. However, these trends have shifted and cases are once again increasing. The State of Michigan had a seven-day average of 1,825 daily cases on March 11, nearly 90% higher than the number of cases in mid-February. Test positivity has also increased 86% since the mid-February trough. The statewide positivity was 6.5% as of March 16. While metrics remain below all-time highs, progress has stalled and epidemiologists are concerned that this portends another spike with the presence of more infectious variants in Michigan and the United States. A high number of cases creates significant pressure on our emergency and hospital systems. Improvements in healthcare capacity have reversed and hospitalizations are once again increasing. An average of 168 daily hospital admissions was seen in Michigan in the past week, with individuals under the age of 60 accounting for nearly 50% of all new admissions. As of March 17, 1,226 Michiganders were hospitalized with COVID-19, and 5.0% of all available inpatient beds were occupied by patients who had COVID-19. During this time, the state death rate was 1.3 deaths per million people and there were approximately 95 weekly deaths in Michigan attributable to COVID-19. This is a 90% decrease from the second peak, which reached 13.7 deaths per million on December 10, 2020. However, deaths trends have historically lagged four to six weeks following trend shifts in cases and hospitalizations.

Even where COVID-19 does not result in death, and where Michigan's emergency and hospital systems are not heavily burdened, the disease can cause great harm. Recent estimates suggest that one in ten persons who suffer from COVID-19 will experience long-term symptoms, referred to as "long COVID." These symptoms, including fatigue, shortness of breath, joint pain, depression, and headache, can be disabling. They can last for months, and in some cases, arise unexpectedly in patients with few or no symptoms of COVID-19 at the time of diagnosis. COVID-19 has also been shown to damage the heart and kidneys. Furthermore, minority groups in Michigan have experienced a higher proportion of "long COVID." The best way to prevent these complications is to prevent transmission of COVID-19.

Since December 11, 2020, the Food and Drug Administration has granted emergency use authorization to three vaccines to prevent COVID-19, providing a path to end the pandemic. Michigan is now partaking in the largest mass vaccination effort in modern history and is presently working toward vaccinating at least 70% of Michigan residents 16 years of age and older as quickly as possible.

New and unexpected challenges continue to arise: in early December 2020, a variant of COVID-19 known as B.1.1.7 was detected in the United Kingdom. This variant is roughly 50 to 70 percent more infectious than the more common strain. On January 16, 2021, this variant was detected in Michigan. It is anticipated that the variant, if it becomes widespread in the state, will significantly increase the rate of new cases. Currently, Michigan is second in the nation with respect to the number of B.1.1.7 variants detected. To date, there are over 600 cases in Michigan. CDC modeling predicts B.1.1.7 could become the predominant variant by the end of March. At

present, however, it appears that cases have plateaued. And on March 8, 2021, the first case of variant B.1.351 was detected in Michigan. A recent study suggests that B.1.351 may impair vaccine efficacy.

In the past four weeks, spread of COVID-19 has risen 105% amongst persons aged 10-19. As of March 11, local health departments had reported 162 new and ongoing outbreaks among K-12 schools, with 54 of those outbreaks reported in the week prior. Additionally, there are 135 identified outbreaks among minors participating in school and club sports. The social activities surrounding sports, such as team meals and parties, may be a major factor in this spread. To promote the continued safe operation of in-person schools, additional mitigation measures related to youth sports activities are warranted.

Considering the above, and upon the advice of scientific and medical experts, I have concluded pursuant to MCL 333.2253 that the COVID-19 pandemic continues to constitute an epidemic in Michigan. I have also, subject to the grant of authority in 2020 PA 238 (signed into law on October 22, 2020), herein defined the symptoms of COVID-19 based on the latest epidemiological evidence. I further conclude that control of the epidemic is necessary to protect the public health and that it is necessary to restrict gatherings and establish procedures to be followed during the epidemic to ensure the continuation of essential public health services and enforcement of health laws. As provided in MCL 333.2253, these emergency procedures are not limited to the Public Health Code; and

WHEREAS, the Director of the MDHHS has concluded the COVID-19 pandemic continues to constitute an epidemic in Michigan and that the control of the control of the pandemic requires restrictions on public gatherings; and on March 11, 2020, the World Health Organization declared the Coronavirus outbreak a pandemic; and

WHEREAS, on March 26, 2021, the St. Clair County Health Department, by and through its Director Annette Mercatante, M.D., issued a Public Health Alert that stated “St. Clair County is experiencing a rapid and concerning acceleration of COVID-19 positive cases. Since Saturday, March 20th there have been 1,080 new cases which represent a positivity rate of 20.2%. This increase signals community spread and the recommendation that every business/agency allow employees to work remotely from home, if at all possible;” and

WHEREAS, Dr. Mercatante has said that St. Clair County residents “must double down on our mitigation efforts;” and

WHEREAS, the City Council desires to conduct the public business of the City of St. Clair in a manner so as not to place at risk members of the public, City staff, or members serving on public bodies of the City;

NOW, THEREFORE, IT IS RESOLVED, THAT pursuant to the authority contained at Section 3 of the Home Rule Cities Act, MCL 117.3 (j), authorizing cities to provide for the public health and safety of persons; Section 3 of the Open Meetings Act, MCL 15.263(2), permitting public bodies to meet by electronic or telephonic means upon declaration of a local state of emergency or state of disaster, if meeting in person would place at risk the personal health or safety of members of the public or members of the public body; and Section 10(b) of the Emergency Management Act, permitting the Mayor to declare a local state of emergency;

I, Bill Cedar, Jr., Mayor of the City of St. Clair, based on the findings made both by the Michigan Department of Health and Human Services and the St. Clair County Health Department regarding the public health threat posed by the COVID-19 novel coronavirus and its variant strains declare a local state of emergency to permit the City Council and all other public bodies of the City to continue to meet by electronic and telephonic means after March 30, 2021 and respectfully request the City Commission affirm this action through August 31, 2021.

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 5th day of April, 2021. 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 amended by 2020 Public Act 254, and the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Members Present: Cedar, Kindsvater, Klieman, Kuffa, LaPorte, McCartney, Volz
Members Absent: None

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

Members Voting Yes: Volz, Kindsvater, Klieman, Kuffa, LaPorte, Cedar
Members Voting No: McCartney

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