VILLAGE OF NORTHPORT

Resolution _____ of 2020

RESOLUTION TO AUTHORIZE AND ESTABLISH RULES FOR REMOTE ATTENDANCE BY COUNCIL MEMBERS AND MEMBERS OF THE PUBLIC AT PUBLIC MEETINGS DUE TO THE CORONAVIRUS PANDEMIC

WHEREAS, on March 10, 2020, Michigan 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 of the United States 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 (including but not limited to encouraging staff to tele-work, implementing social distancing measures, limiting in-person meetings, and limiting large work-related gatherings); and

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

WHEREAS, on March 23, 2020, Governor Whitmer issued Executive Order 2020-21, directing that citizens remain at home or in their place of residence to the maximum extent feasible; and

WHEREAS, on April 9, 2020, Governor Whitmer issued Executive Order 2020-42, reaffirming the measures set forth in Executive Order 2020-21, clarifying them, and extending their duration to April 30, 2020; and

WHEREAS, to abide by applicable Executive Orders, to implement MDHHS's mitigation strategies, to allow the Village Council of the Village of Northport (hereinafter, the "Village Council") and all other Village 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 Village Council desires to establish rules to authorize and allow its members, 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 Village Council of the Village of Northport 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 Village Clerk shall post on the homepage of the Village's website in a conspicuous location either the following information or a link to the following information and also at the front of the Northport Village Office building at 116 Nagonaba St., Northport, 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 a Public Body must be posted no later than two hours prior to the meeting to which they relate.
    c. The dial-in telephone conference number, web address, and all other necessary information 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 Village'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 BY MEMBERS:

1. The telephone or other electronic technology utilized shall permit the each member of the Public Body in attendance to hear and be heard by the other members of the Public Body in attendance and any member of the general public or staff attending the meeting, and shall allow any member of the Public Body, any member of the public, or staff attending to hear 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. Adjournment of a meeting shall occur only on a roll call vote of the Public Body.

6. A member participating remotely shall disclose any person or persons present and participating in hearing the meeting in the same room as the member during their remote attendance. 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.

7. Emails, texting, chat functionality within video conference software, or other forms of electronic communication by or between members during the meeting shall not be allowed.

8. If an email, text or other form of electronic communication is received by a member of the Public Body or the Village Clerk at least two (2) 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, if the member becomes aware of the communication in time, during the first available public comment period and said communication 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 Village President, the chair of the meeting, or other designated facilitator of the meeting 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 or the number of persons in attendance (including the members of the Public Body) exceeds 100 (or the actual capacity of the phone line and/or tele/video conferencing software), the meeting shall be immediately adjourned by the chair of the meeting without any decision or deliberation on any matter.

2. If the dial-in number or other means of conducting the meeting remotely is working and attendance does not exceed 100 persons, attendance shall be taken for all members of the Public Body in attendance. No member of the public shall be required to identify themselves except as necessary to permit the person to participate in public comment.

3. 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 Village President, the chair, or the designated facilitator to ensure each member of the public attending has an opportunity to provide public comment as allowed by the remote meeting platform being utilized.

4. 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 Village President or chair 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 Village of Northport 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 Village 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 2020-15 is in effect, whichever is longer.

Yeas _____

Nays _____

Abstain _____

Absent _____

I, Joni Scott, Northport Village Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Village Council at a regular meeting thereof held on the 24th day of April, 2020.

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Joni Scott
Village Clerk