



**Resolution Establishing Rules for Remote Attendance
By Commission Members and other City Public Bodies
And Members of the Public At Meetings Due to Coronavirus Pandemic**

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 tele-work when feasible and implementing social distancing measures as feasible, including limiting in-person meetings, and to limit large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 to suspend rules and procedures relating to physical presence at meetings and hearings of public bodies to allow for public bodies to continue to conduct public business during the COVID-19 emergency and 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, allow the City Commission and all other City boards, commissions, and committees (hereinafter referred to collectively as "Public Bodies") to continue public business, and to allow the public to attend meetings of the Public Bodies remotely if they desire, consistent and in compliance with Executive Order 2020-15, the City Commission desires to establish rules to authorize and allow its members and members of the public to attend meetings of the Public Bodies by telephone or other electronic means as set forth in this Resolution; and

WHEREAS, in October 2020, the Michigan legislature passed, and the Governor signed, legislation allowing for remote participation meetings under certain circumstances;

NOW THEREFORE BE IT RESOLVED, that the City Commission 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 the homepage of City's website in a conspicuous location and at the Governmental Center at 400 Boardman Avenue, Traverse City, 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 member(s) 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 utilize in order 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 or linked 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 being utilized 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 members' remote attendance shall be considered attendance for the purpose of establishing a quorum. For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting shall be made by that member, to be included in the meeting minutes, that the member is in fact attending remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township or village and state from which they are attending the meeting remotely.
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 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, 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 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 email, text, or other electronic communication may be read by the member of the Public Body receiving the communication if the receive becomes aware of the message in time, during the agenda item and 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 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 City Clerk or designated facilitator asking each individual who has attending the meeting by telephone 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 utilize for a closed session that is not available to the public, the 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 Commission, or other Public Body the terms of this Resolution shall control.

This Resolution shall be effective immediately and shall remain in effect as long as authorized by law.

Ayes: McGillivary, Minervini, Putman, Walter, Werner, Shamroe, Carruthers

Opposed: 0

I, Benjamin Marentette, City Clerk for the City of Traverse City, do hereby certify that on March 23, 2020, the preceding resolution was adopted by the City Commission of the City of Traverse City and that it was amended on October 19, 2020, by the City Commission of the City of Traverse City.

Dated: October 21, 2020



Benjamin Marentette, MMC
City Clerk