



**CITY OF NOVI CITY COUNCIL
MARCH 22, 2021**

SUBJECT: Consideration to approve Resolution Declaring and Affirming 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.

SUBMITTING DEPARTMENT: City Manager

BACKGROUND INFORMATION: The “no reason” zoom/remote meetings that Council and other boards and commissions are about to expire under the Open Meetings Act (OMA) on March 31, 2021. If the Legislature does not amend the OMA to extend that date, then in order for those meetings to continue, the City Council or the City Manager will need to declare a local state of emergency, which will allow zoom meetings to continue until the state of emergency is over. A draft of such a resolution is attached for Council's consideration.

If there is no state of emergency declared, the Council, boards, and commissions like the City's Planning Commission and Zoning Board of Appeals would need to return to “live” and in person meetings, while still accommodating and allowing participation only by members who are either in active military duty or who allege a medical condition. If in person meetings are reinstated, it appears that the state's 25 person limit would still need to be adhered to.

RECOMMENDED ACTION: Approve Resolution Declaring and Affirming 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

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION DECLARING AND AFFIRMING 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**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on _____, _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS, as recently as March 2, 2021 the Director of the Michigan Department of Health and Human Services (MDHHS) 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.

On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of March 1, 2021, Michigan had seen 589,150 confirmed cases and 15,534 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 have brought new cases down to about 1,500 per day. These lower rates prevented Michigan's healthcare system from being overwhelmed with a holiday surge.

As of February 27, the State of Michigan had a seven-day average of 91.2 cases per million people, nearly 88% lower than the case rate in mid-November. While that case rate is similar to the rate in early October, it has plateaued over the past week and remains three times the rate of the summer low point.

Test positivity was 3.7% as of February 27, and has started to plateau as well. While metrics have decreased from all-time highs, further progress has tapered off and there is growing concern of another spike with the presence of more infectious variants in Michigan and the United States as a whole.

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 400 cases, and this is one fifth of all cases identified in the United States. 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."

WHEREAS, the Director of the MDHHS has concluded that the COVID-19 pandemic continues to constitute an epidemic in Michigan and that control of the epidemic requires restrictions on public gatherings, and;

WHEREAS, the City Council desires to conduct the public business of the City 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; and

WHEREAS, given the number of members of all the various boards and commissions within the City, and their diverse membership, and the potential for members of the

public to attend the meetings those boards and commissions, the City Council believes that it is appropriate to ensure the safest possible conditions for conducting the public's business at their meetings; and

WHEREAS, the City Council and the various boards and commissions of the City have been meeting remotely under various legal authority, and such meetings have not greatly hindered the conduct of public business; and

WHEREAS, the City Council does not want the authority of the various City boards, commissions, committees, and other public bodies to meet remotely to be dependent on whether there is a State- or County-declared emergency;

NOW, THEREFORE, IT IS RESOLVED, THAT, pursuant to the authority contained at § 3 of the Home Rule Cities Act, MCL 117.3 (j) authorizing cities to provide for the public health and safety of persons; §3 of the Open Meetings Act, MCL 15.263 (2) permitting a public body 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 §10 (b) of the Emergency Management Act permitting the Mayor or Council to declare a local state of emergency:

Based on the findings made by the Michigan Department of Health and Human Services regarding the public health threat posed by the COVID-19 novel coronavirus and its variant strains, the Mayor of the City of Novi, as affirmed by the City Council, hereby 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 31, 2021 through June 30, 2021.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Cortney Hanson, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this _____ day of _____, 2021, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of

Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Cortney Hanson, City Clerk
City of Novi