

ORDINANCE NO. 204

Village of Carleton Ordinance Regarding Virtual Public Meetings

This is an Ordinance regarding the continuation of conducting electronic council meetings in the Village of Carleton, Monroe County, Michigan.

WHEREAS, due to the coronavirus pandemic, the state has put regulations in place to protect the public health and still enable local governing bodies to hold meetings; and

WHEREAS, as of January 2021, there are two actions in play: The Michigan Department of Health and Human Services (**DHHS**) emergency order on gatherings and Public Act 254 of 2020; and

WHEREAS, the DHHS order put limits on indoor and outdoor gatherings, and PA 254 of 2020 amend the OMA to permit public bodies to meet electronically by telephone or videoconferencing through March 31, 2021; and

WHEREAS, the DHHS emergency order is in effect through February 21, 2021. The order expressly prohibits any indoor gatherings at a non-residential venue, except where no more than 10 persons from no more than two households are gathered, and limits any outdoor gathering to the fewer of 25 persons or 20 persons per 1,000 square feet; and

WHEREAS, DHHS has published guidance stating that public meetings are only permissible if the meeting is outdoors and has fewer than 25 persons (or 20 persons per 1,000 square feet) in attendances. All persons participating in gatherings are required to wear a face mask; and

WHEREAS, if a public body holds an in-person meeting before April 1, 2021, (e.g. after the DHHS order expires on February 22, 2021) it must adhere to social distancing and mitigation measures and adopt heightened standards of facility cleaning in line with recommendations by the Centers for Disease Control and Prevention; and

WHEREAS, the law allows a local state of emergency or state of disaster to be declared pursuant to local ordinance and/or any charter in the current law, and adds a local chief administrative officer as a person who may declare the local state of emergency; and

WHEREAS, starting April 1, 2021, and continuing through 2021, public bodies may conduct electronic meetings only if a member of the public body is absent due to

military duty, a health condition, or a statewide or local state of emergency/state of disaster; and

WHEREAS, Larry Buckingham, as President of the Village of Carleton is hereby declared a local chief administrative officer and by such authority may declare a state of emergency; and

WHEREAS, the Village of Carleton Council is unable to conduct meetings with up to 25 people while maintaining a six-foot distance and therefore virtual public meetings are to be continued; and

WHEREAS, pursuant to the Charter of the Village of Carleton, Chapter III, Section 1, the Village of Carleton may pass ordinances for the public peace and health, and for safety of persons and property as it may deem proper; and

WHEREAS, pursuant to the Charter of the Village of Carleton, Chapter III, Section 41, the council of any village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases with the village or within one mile thereof.

NOW, THEREFORE, THE VILLAGE OF CARLETON

ORDAINS: SECTION 1: Virtual Public Meetings

Pursuant to the Charter of the Village of Carleton, Chapter III, Section 1 and Section 41, and to protect the public health and safety, Larry Buckingham, President of the Village of Carleton and chief administrative officer is declaring a state of emergency and therefore continuing virtual public meetings from April 1, 2021, through December 31, 2021.

SECTION 2: Technical Requirements

Virtual public meetings must utilize an electronic platform that allows for two-way communications between the members of the governing body and the public. In addition, meetings must be properly noticed, to include:

- a. publishing the notice on the public body's website homepage at least 18 hours in advance;
- b. an explanation of why the public body is meeting virtually;

. how the members of the public (including persons with disabilities) may participate;

a. how members of the public can directly contact members of the public body; and

b. posting the meeting agenda online at least two hours before the meeting begins.

Further, members of the governing body participating virtually are required to announce at the beginning of the meeting that they are participating remotely. If a member is attending the meeting remotely for a purpose other than military duty, the member's announcement must further identify his/her physical location by county, city/township/village and state.

SECTION 3: Conflicts

All Ordinances, or parts of Ordinances, in conflict with this Ordinance are, to the extent of such conflict, repealed.

SECTION 4: Severability

The various parts, portions, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, portion, sentence, paragraph, section, phrase, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5: Effective date

This Ordinance shall be effective after legal publication of this Ordinance, or a summary thereof, and in accordance with provisions of the Act governing same.

I, Lenora Buckingham, Village of Carleton Clerk, do hereby certify that this Ordinance was adopted by the Village Council of the Village of Carleton, Monroe County, Michigan, at a virtual meeting of the Village Council held ZOOM platform pursuant to the Open Meetings Act changes (Pa 254 OF 2020), on the 16 day of March, 2021.

Vote on said Ordinance: Four (4) members being present and Two (2) members being absent was as follows:

Dennis McCormick, Yes, David Klavon, Yes, Joseph Dunne, Yes, Lena Kaczmarek, Yes,

Jonathan Jones, Absent, James Donovan, Absent.

Lenora Buckingham

Lenora Buckingham
Clerk of the Village of Carleton

Attested:

Larry Buckingham

Larry Buckingham
President of the Village of Carleton

CERTIFICATION

This is to certify that the foregoing Ordinance was duly published in the Monroe News, a newspaper of general circulation which is circulated in the Village of Carleton by publication on the 30 day of March, 2021. And further, a copy of this Ordinance was posted at the Village Office, 1230 Monroe Street, Carleton, Michigan; Carleton Police Department, 1143 Monroe Street, Carleton, Michigan; and KAS Market, 12599 Grafton Road, Carleton, Michigan, these being three (3) of the most public places, all located within the Village of Carleton. Such posting was done by the undersigned clerk on the 25 day of March, 2021

Lenora Buckingham

Lenora Buckingham
Clerk of the Village of Carleton