




500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: October 20, 2020

To: Mark F. Miller, City Manager 

From: Mark F. Miller, City Manager
Lori Grigg Bluhm, City Attorney
Robert J. Bruner, Assistant City Manager
M. Aileen Dickson, City Clerk

Subject: Resolution for Continued Virtual City Council Meetings To Address COVID Concerns
(Introduced by: Lori Grigg Bluhm)

On March 16, 2020, at the last in person meeting, the Troy City Council declared an emergency in Resolution 2020-03-048. This declaration rested, in part, on the emergency declarations of President Trump (March 13, 2020), Governor Whitmer (March 11, 2020), and Executive David Coulter (March 11, 2020), as well as the City's activation of its Emergency Operations Center on March 11, 2020. This declaration allowed the City to impose regulations and measures designed to reduce the spread of COVID-19, as well as apply for reimbursement from federal, state and local grants, and it was based on MCL 30.401 as well as the City Charter. Subsequently, Governor Whitmer issued a number of executive orders setting forth various restrictions as part of Stay Safe/Stay Home. On April 13, 2020, the Troy City Council passed a resolution that waived the Troy City Council Rules of Procedure, allowing all City Council members to electronically participate in any City Council meeting during the pendency of the declared State of Emergency (Resolution 2020-04-054). At that same meeting, the Troy City Council extended its declared State of Emergency until the termination of all declared State and National Emergencies (Resolution 2020-04-054). On October 12, 2020, the Michigan Supreme Court issued a ruling, finding that Governor Whitmer did not have the authority to issue executive orders that extended beyond April 30, 2020. This retroactive decision led to very quick legislative action to amend the Open Meetings Act, which was effective on October 16, 2020, and reaffirmed the ability of local governments to virtually meet from March 18, 2020 until December 31, 2020 for any reason. Additionally, this legislation allows for virtual attendance at meetings in future years, subject to some additional restrictions.

The Michigan Department of Health and Human Services issued epidemic orders, which are currently effective until at least October 30, 2020, which require persons to wear masks, observe at least 6 feet of social distance, and limits capacity in indoor settings to 20%, including but not limited to City facilities. These epidemic orders are issued under a different authority than the Governor's Executive Orders, and in light of the recent uptick in coronavirus cases in Michigan, these epidemic orders are expected to be extended. This could be interpreted as an extension of the State's declared emergency, and therefore the City's emergency declaration continues. However, City Administration recommends a resolution that re-affirms Council's determination, in light of the subsequent procedural developments. A proposed resolution is attached for your consideration.