



CITY OF NOVI CITY COUNCIL
MAY 23, 2020

SUBJECT: Consideration to approve Resolution Declaring Local State of Emergency (COVID-19)

SUBMITTING DEPARTMENT: City Attorney

BACKGROUND INFORMATION: Effective March 18, 2020, Mayor Gatt signed a Mayor's Declaration of Local State of Emergency (COVID-19), a copy of which is attached. As recited in the Declaration, the Mayor's action followed the Declarations of a State of Emergency by the President of the United States, the Governor of the State of Michigan, and the Oakland County Executive. The Declaration of a local emergency situation is provided for in the State Emergency Management Act, Act 390 of 1976, MCL 30.401, *et seq.* The State Act is primarily focused on actions by the State, but does include some provisions for declaring a local state of emergency that gives a municipality like Novi various additional authority and options to deal with emergency situations and disasters and the like.

The City has also adopted, essentially by reference to the State Act, its own "Emergency Preparedness" Chapter of the City Code, which is found in Chapter 14 of the Code. That Ordinance sets forth the various duties and authorities of the Mayor and also for the "Emergency Management Coordinator" who is required to be appointed under the State Act. Novi adopted an Emergency Operations Support Plan in October 2018 (updating previous plans) under which it agrees to work cooperatively with Oakland County for emergency responses. That sort of plan is contemplated under the State Act.

Both the Mayor's Declaration and the City's adopted Emergency Management Plan identify Public Safety Director David E. Molloy as the City's Emergency Management Coordinator.

The City's Emergency Preparedness Ordinance does contemplate the involvement of City Council at various points during decision making processes in the event of a declared local state of emergency. In addition, the State Act contemplates approval by the City Council of a *local* state of emergency that has been declared by the Mayor *if* the State of emergency extends beyond a period of seven (7) days.

Because this is expected to be a longer-term emergency situation than seven (7) days, the matter has been placed on City Council's agenda for consideration.

Attached is a Resolution that **confirms** the Mayor's Declaration of a Local State of Emergency and **extends** it until the Governor's State of Emergency is terminated or the City Council terminates the local State of emergency.

Note that there are some **additional provisions** in the attached Resolution that Council may want to consider.

The first paragraph generally confirms the appropriateness of the City Manager closing municipal buildings and facilities to the public and acknowledges his authority to determine staffing throughout this situation.

Paragraph two is intended to authorize the City Manager to do appropriate things during the emergency situation—some of which might otherwise come to City Council—to make sure that there is continuity in City business operations.

The third paragraph relates to public meetings that are held during the Declaration. To the extent the City is obligated to allow physical public attendance at those meetings—which can have an electronic or remote attendance as a result of the Governor's Executive Order 2020-15 relating to Open Meetings Act compliance—the resolution sets some rules as to how the public is to behave during those meetings, including compliance with social distancing measures, etc.

RECOMMENDED ACTION: Approval of Resolution Declaring Local State of Emergency (COVID-19).

**CITY OF NOVI
STATE OF MICHIGAN**

**MAYOR'S DECLARATION OF
LOCAL STATE OF EMERGENCY
(COVID-19)**

RECITALS:

A. The President of the United States, the Governor of the State of Michigan, and the Oakland County Executive have all declared a State of Emergency, and federal, state, and county orders, directives, guidelines, and recommendations have been issued in an effort to control the COVID-19 pandemic declared by the World Health Organization and the Centers for Disease Control (CDC).

B. These orders, directives, guidelines, and recommendations have included closing business establishments; cancelling, postponing, and limiting the numbers at gatherings of people; and postponing, or at least limiting the number of persons in attendance at, public meetings.

C. Under the State of Michigan's Emergency Management Act, MCL 30.410(d), and also under Sections 14-5, 14-6, and 14-7 of the City of Novi's Emergency Preparedness Ordinance, in Chapter 14 of the Novi City Code, the Mayor has the authority to declare a local state of emergency if a large-scale emergency situation exists or is imminent.

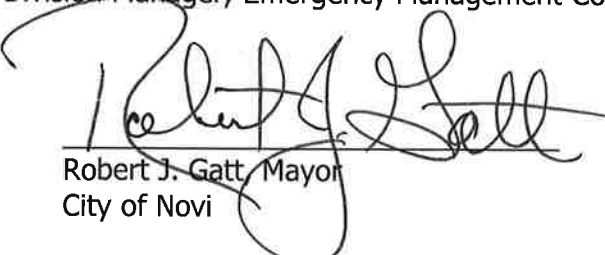
D. I have determined that, in order to provide for the health and safety of City personnel and the general public, it is appropriate to declare a Local State of Emergency and to invoke the provisions of Chapter 14, Emergency Preparedness, of the Novi City Code, and to recognize and confirm the appointment of the Director of Public Safety, David E. Molloy, as the Emergency Management Coordinator for all purposes under that ordinance, including coordination with any and all other federal, state, county, and local governmental entities.

IT IS THEREFORE DECLARED that there is a Local State of Emergency in the City due to the facts, circumstances, and considerations underlying the COVID-19 State of Emergency already declared by the President, the Governor, and the Oakland County Executive; that the response and recovery elements of the City's emergency operations plan have been activated; and that local resources are to be used to the fullest extent possible.

NOTICE OF THIS DECLARATION SHALL BE PROVIDED TO:

- Emergency Management and Homeland Security Division, Michigan State Police
- Oakland County Executive
- Oakland County Homeland Security Division Manager, Emergency Management Coordinator

Effective: March 18, 2020


Robert J. Gatt, Mayor
City of Novi

**CITY OF NOVI
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION DECLARING LOCAL STATE OF EMERGENCY
(COVID-19)**

RECITALS:

- A. The President of the United States, the Governor of the State of Michigan, and the Oakland County Executive have all declared a State of Emergency, and federal, state, and county orders, directives, guidelines, and recommendations, including from the Centers for Disease Control ("CDC"), have been issued in an effort to control the COVID-19 Coronavirus pandemic declared by the World Health Organization (WHO).
- B. These federal, state, and county orders, directives, guidelines, and recommendations have included closing business establishments; cancelling, postponing, and limiting the numbers at gatherings of people; postponing or limiting the number of persons required to physically attend public meetings; and calling for appropriate steps to be taken by local governments in an effort to control the spread of COVID-19.
- C. These federal, state, and county orders, directives, guidelines, and recommendations have been changed or updated on a frequent basis, and further changes or updates are expected. Most recently, on March 18, 2020, the Governor issued Emergency Executive Order 2020-15, temporarily authorizing remote participation in public meetings and hearings as a suspension of the rules and procedures for physical presence at meetings and hearings of public bodies under the Open Meetings Act.
- D. COVID-19, and the possible exposure to persons afflicted with it, constitute a clear and present danger to the health, safety, and welfare of City personnel and persons doing business with or residing in the City.
- E. Under the authority provided in Section 410 of the State of Michigan's Emergency Management Act, MCL 30.410, and also under Sections 14-5, 15-6, and 14-7 of Chapter 14 of the City Code, the City's Emergency Preparedness Ordinance, the Mayor has declared a Local State of Emergency due to COVID-19.
- F. Under the Emergency Management Act, the Mayor's Declaration of a Local State of Emergency is limited to seven (7) days without City Council consent.
- G. The City Council agrees with the Mayor's Declaration and finds it appropriate to extend such Declaration until its termination as set forth herein, including the appointment of

Public Safety Director David E. Molloy as Emergency Management Coordinator, and has further determined that emergency certain additional measures and actions should be taken or authorized.

IT IS THEREFORE DECLARED by the City Council of the City of Novi, Oakland County, Michigan, that there is a Local State of Emergency in the City due COVID-19, on the basis of the States of Emergency already declared by the President of the United States, the Governor of the State of Michigan, and the Oakland County Executive; that the response and recovery elements of the City's emergency operations plan have been activated; and that local resources are to be used to the fullest extent possible.

IT IS FURTHER DECLARED THAT:

1. Except for legally required meetings and necessary exceptions that absolutely require physical presence, and subject to restrictions approved by the Mayor, City owned or occupied buildings are closed to the public, with the City Manager authorized and directed to determine and provide public notice of this closure and the manner in which the public may communicate with City offices, which shall continue to be staffed by City personnel in a manner and at a level determined by the City Manager.
2. The City Council authorizes the City Manager to take appropriate measures, in his discretion, to respond to or protect City citizens, businesses, and personnel from the declared State of Emergency by adopting and enforcing all appropriate measures, including but not limited to:
 - a. Taking actions necessary to comply with a federal, state, or county order or directive that is binding on the City.
 - b. Limiting City meetings and functions to those required by law.
 - c. Extending deadlines for City responses to submissions and applications for City approvals, permits, and inspections.
 - d. Temporarily releasing all non-essential City personnel from reporting to the City offices for work.
 - e. Approve the payment of bills after additional approval of the City Treasurer as necessary to avoid interest, penalties, or delinquency.
 - f. Authorize temporary employees or contractors, equipment rental, supply and material purchases, and necessary contracts.
 - g. Cancelling, postponing, or establishing emergency rules for any public meeting of a City board, commission, or committee (not including City Council).
3. That for public meetings that are subject to the Open Meetings Act, and where the attendance is not completely electronic/remote by members of the public and the public body (e.g., where some component of the meeting is held at the a city facility and the City determines that it is obligated to permit the public to attend in person under the OMA and/or Executive order 2020-15), the number of persons physically attending should be documented and limited, to the extent possible and legal, in an effort to protect the health and safety of persons that do attend by the following measures:

- a. The City will make reasonable efforts to implement the authority provided in the Governor's March 18, 2020, Emergency Executive Order 2020-15, to allow remote participation in public meetings and hearings.
 - b. Persons that do physically attend a meeting are required to provide their name, address, and an email address or phone number for follow-up contact in the event someone at that meeting tests positive for COVID-19.
 - c. Members of the public desiring to attend a meeting are requested to refrain from doing so in person, in favor of attending remotely by viewing and participating in one of the ways provided in the Governor's Emergency Executive Order 2020-15 to be described on the City's website and in the Notice of the meeting, or may be prohibited from attending in person to the extent possible and legal or ordered by state or federal authorities, provided remote attendance is provided for the public in accordance with Executive Order 2020-15.
 - d. Members of the public that attend a meeting in person shall refrain from all physical contact with and maintain a minimum distance of six (6') feet from other persons in attendance at the meeting or in the building in which it is held.
 - e. Members of the public that attend and speak at a meeting shall refrain from touching the microphones, podium, and tables and from approaching the members or support staff for the council/board/commission/committee.
 - f. Public comment as required by the Open Meetings Act and/or Executive Order 2020-15 shall occur at the beginning of the Agenda.
 - g. Measures as necessary shall be taken to comply with the maximum number of persons at a gathering as ordered, directed, or recommended by the President, CDC, Governor, or County Executive.
4. This Declaration shall remain in effect until the Governor's declared State of Emergency is terminated or the Mayor determines that the COVID-19 emergency upon which this Declaration is based no longer exists in the City.

IT IS FURTHER ORDERED AND DECLARED THAT NOTICE OF THIS DECLARATION SHALL BE PROVIDED TO:

- Emergency Management and Homeland Security Division, Michigan State Police
- Oakland County Executive
- Oakland County Homeland Security Division Manager, Emergency Management Coordinator
- Any other individual or entity required by law or by the City's Emergency Operations Plan

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 March, 2020, 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/or Executive Order 2020-15, 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