

**Electronic Special Meeting of the City of Coldwater City Council**  
**Telephone Conferencing Meeting Notice**  
**Tuesday March 31, 2020 at 5:30 p.m.**

In accordance with Gov. Gretchen Whitmer and the Michigan Department of Health and Human Services' recommendations designed to help prevent the spread of Coronavirus Disease 2019 (COVID-19) and Executive Order 2020-15 declaring public bodies subject to the Open Meetings Act can use telephone or video conferencing technology to meet and conduct business, the City of Coldwater City Council will hold such a meeting via telephone conferencing at **5:30 p.m. on Tuesday, March 31, 2020**, for the purpose of adopting City of Coldwater policy temporarily allowing remote attendance by members of City Councilmembers and other City public boards and members of the public at public meetings due to Coronavirus outbreak. For current and up-to-date information regarding the coronavirus, visit:

<http://www.Michigan.gov/Coronavirus> or <http://www.CDC.gov/Coronavirus>.

Members of the public wishing to participate in the meeting through electronic means will have access to the meeting through the following methods:

**ELECTRONIC CITY COUNCIL MEETING ACCESS**

For individuals who may wish to give public comment, the method for providing public comment during this remote-participation meeting is to call the following toll-free numbers:

**1-888-475-4499 or 1-877-853-5257 (Meeting ID: 698-968-817#)** Participant ID is not required.

Callers wishing to give public comment may call in before the meeting starts and wait in a "virtual waiting room." These instructions will be included in every official published agenda of the City Commission. Those calling in will be able to hear the audio of the City Commission meeting, yet their microphone will be muted. Callers who do not wish to give public comment are encouraged to view the meeting live-streamed on YouTube at, [bit.ly/ColdwaterVideo](http://bit.ly/ColdwaterVideo).

**ELECTRONIC CITY COUNCIL MEETING PARTICIPATION**

The following are the procedures by which persons may contact members of the public body to provide input or ask questions about any business that will come before it.

- To help meeting flow and organization, all public comment—will be taken at the beginning of the meeting and again at the end of the meeting.
- Phone-in audience: To make a public comment, state your name and express your interest when called upon to do so.
- The time limit for an individual's public comments shall remain 5 minutes.

If you would like to contact City Council about any matter, on the agenda or otherwise, please do so via the email addresses below by 3:30 pm prior to the meeting:

- Mayor Tom Kramer: [tkramer@coldwater.org](mailto:tkramer@coldwater.org)
- Mayor Pro Tem Randall Hazelbaker: [rhazelbaker@coldwater.org](mailto:rhazelbaker@coldwater.org)
- 1<sup>st</sup> Ward Councilmember Emily Rissman: [erissman@coldwater.org](mailto:erissman@coldwater.org)
- 1<sup>st</sup> Ward Councilmember Travis Machan: [tmachan@coldwater.org](mailto:tmachan@coldwater.org)
- 2<sup>nd</sup> Ward Councilmember Jim Knaack: [jknaack@coldwater.org](mailto:jknaack@coldwater.org)
- 3<sup>rd</sup> Ward Councilmember Michael Beckwith: [mbeckwith@coldwater.org](mailto:mbeckwith@coldwater.org)
- 3<sup>rd</sup> Ward Councilmember John Petzko: [jpetzko@coldwater.org](mailto:jpetzko@coldwater.org)
- 4<sup>th</sup> Ward Councilmember Scott Houtz: [shoutz@coldwater.org](mailto:shoutz@coldwater.org)
- City Manager Keith Baker: [kbaker@coldwater.org](mailto:kbaker@coldwater.org)
- City Clerk Susan Heath: [sheath@coldwater.org](mailto:sheath@coldwater.org)

The City of Coldwater will provide necessary reasonable auxiliary aids such as YouTube viewing of the meeting complete with Closed Captioning. If other aids and services are needed for individuals with disabilities please contact the City Clerk, at [sheath@coldwater.org](mailto:sheath@coldwater.org).

Technical support for this meeting is available by calling the CBPU Help Desk at [517-279-1330](tel:517-279-1330).

Council Chamber  
Henry L. Brown Municipal Bldg.  
One Grand Street  
Coldwater, Michigan



**March 31, 2020**  
5:30 p.m.  
(517) 279-9501  
[www.coldwater.org](http://www.coldwater.org)

**CITY COUNCIL AGENDA**  
City of Coldwater  
Electronic Special Meeting

---

**Any interested person or group may address the City Council on any agenda item when recognized by the presiding officer or upon request of any Council Member. Also, any interested person or group may address the City Council on any matter of City concern not on the Agenda during the agenda item designated Public Comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Council.**

For individuals who may wish to give public comment, the method for providing public comment during this remote-participation meeting is to call the following toll-free numbers:

**1-888-475-4499 or 1-877-853-5257 (Meeting ID: 698-968-817#)** Participant ID is not required.

Callers wishing to give public comment may call in before the meeting starts and wait in a “virtual waiting room.” Those calling in will be able to hear the audio of the City Commission meeting, yet their microphone will be muted. Callers who do not wish to give public comment are encouraged to view the meeting live-streamed on YouTube at, [bit.ly/ColdwaterVideo](https://bit.ly/ColdwaterVideo).

**CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PUBLIC COMMENTS**

1. Letter from Megan Angell, City Attorney, regarding establishing rules for remote attendance by council members and others due to Coronavirus Pandemic – Consider adoption of [Resolution No. 20-12](#).

**PUBLIC COMMENTS**

**ADJOURNMENT**

Susan E. Heath, CMC  
City Clerk



# CITY of COLDWATER

**Henry L. Brown Municipal Building**

One Grand Street

Coldwater, Michigan 49036

(517) 279-9501 [www.coldwater.org](http://www.coldwater.org)

March 30, 2020

Honorable Mayor and City Council  
One Grand Street  
Coldwater, MI 49036

**Re: Resolution No. 20-12 - Establishing Rules for Remote Meetings**

Dear Mayor and Council Members:

On March 18, 2020 the Governor signed Executive Order No. 2020-15. This Executive Order temporarily suspends the Michigan Open Meetings Act (OMA) requirements to the extent that OMA requires meetings of a public body to be held at a physical place and requires members of a public body to be present at the meeting. This Order, issued under the Michigan Constitution of 1963 and Michigan law, is intended to mitigate the spread of COVID-19 and to protect the public health while providing for the general public to continue to be able to participate in government decision-making. A copy of this Executive Order (the EO) as signed is included with this letter.

Under the EO, a meeting of a public body may be held electronically provided the following conditions are met:

- (1) A meeting may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and members of the public body may participate by electronic means.
- (2) A meeting must permit two-way communication so that (i) members of the public body can hear and be heard by other members of the public body, and (ii) members of the general public can hear members of the public body and can be heard by members of the public body and other participants during a public comment period.
- (3) Members of the public body and members of the public participating electronically will be considered present at the meeting and may participate as if physically present at the meeting. Voting should be done by roll call to avoid any question over how members of the public body may vote.
- (4) Electronic meetings may be recorded or broadcast by anyone without needing the public body's approval.

March 30, 2020

Page -2-

(5) All persons wanting to participate in an electronic meeting must be permitted to participate, except as otherwise provided in the OMA. Time limits and other rules of procedure for public comment may still be enforced. A participant shall not be required to register or to otherwise identify themselves as a condition of participation in the meeting. A person may not be excluded from a meeting held electronically except for a breach of the peace actually committed during the meeting.

(6) In addition to the meeting notice requirements of the OMA, the public body must post advance notice of an electronic meeting on the home page of its website. The Notice must include:

- (i) an explanation of why the meeting is being held electronically;
- (ii) detailed procedures on how the public may participate electronically, including a telephone number, internet address or both;
- (iii) procedures by which persons may contact members of the public body to provide input or ask questions about any business that will come before the public body at the meeting; and
- (iv) procedures by which persons with disabilities may participate.

(7) Members of the public body must avoid emailing, texting, instant messaging, and other electronic forms of communication not accessible to the public at a meeting.

(8) The Executive Order 2020-15 is effective immediately and continues until April 15, 2020 at 11:59 pm.

Staff recommends that Council establish rules to authorize and allow its members and all members of City of Coldwater public bodies and members of the public to attend meetings electronically and remotely until expiration of Executive Order 2020-15. Please consider adoption of the attached resolution, Resolution No. 20-12, on a roll call vote.

Please contact me if you have any questions or concerns.

Respectfully,



Megan R. Angell  
City Attorney  
City of Coldwater

**RESOLUTION NO. 20-12**  
**ESTABLISHING TEMPORARY RULES FOR REMOTE ATTENDANCE**  
**BY MEMBERS OF COLDWATER CITY COUNCIL OTHER CITY PUBLIC BODIES**  
**AND MEMBERS OF THE PUBLIC AT PUBLIC MEETINGS DUE TO CORONAVIRUS PANDEMIC**

Minutes of a special meeting of the City Council of the City of Coldwater, County of Branch, State of Michigan (the "City"), held on March 31, 2020, at 5:30 p.m., prevailing Eastern Time.

PRESENT: Councilmembers:

ABSENT: Councilmembers:

The following preamble and resolution were offered by Councilmember \_\_\_\_\_, and seconded by Councilmember \_\_\_\_\_:

WHEREAS, on March 10, 2020, Governor Whitmer declared a state of emergency as a result of the Coronavirus (COVID-19) outbreak; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020, the President declared a National Emergency as a result of the COVID-19 outbreak; and

WHEREAS, the Michigan Department of Health and Human Services (MDHHS) issued Interim Recommendations for COVID-19 Community Mitigation Strategies; and

WHEREAS, such strategies include encouraging staff to tele-work when feasible, implementing social distancing measures, including limiting in-person meetings, and limiting large work-related gatherings; and

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 which temporarily suspends certain rules and procedures relating to physical presence of members at meetings and hearings of public bodies so as to enable public bodies to continue to conduct public business during the COVID-19 emergency and so as to enable 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 and allow the City Council and all other City boards, commissions, and committees (hereinafter referred to collectively as “Public Bodies”) to continue to conduct public business, and to allow the public to attend meetings of the Public Bodies remotely, consistent with and in compliance with Executive Order 2020-15, the Coldwater City Council desires to establish rules to authorize and allow its members and those of other Public Bodies, and members of the public to attend meetings of the Public Bodies by telephone or other electronic means as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Coldwater City Council immediately authorizes its members, members of other Public Bodies, 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 the City’s website in a conspicuous location either the following information or a link to the following information and also on the door of the Henry L. Brown Municipal Building at One Grand Street, Coldwater, 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 members to provide input on any business that will come before the Public Body. Emails to members of the Public Body must be posted no later than two hours before the meeting to which they relate.
  - c. The dial-in conference number and/or web address and all other information that will be necessary for members of the public to use 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 on or linked to 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 utilized for the remote meeting shall permit the members of the Public Body in attendance to hear and be heard by the other members of the Public Body in attendance, and shall permit the participants from the general public to hear the members of the Public Body and be heard by the members of the Public Body and the other participants during a public comment period.
2. A member's remote attendance shall be considered attendance for the purpose of establishing a quorum.
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. 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.
6. Emails, texting, or other forms of electronic communication by or between members during the meeting shall not be allowed.
7. If an email, text or other form of electronic communication is received by a member of the Public Body or the City Clerk two or more hours prior to beginning 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 shall be read by the member of the Public Body receiving the communication during the first public comment period and it shall be addressed by the Public Body as appropriate during the meeting.

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 is attending the meeting by telephone other remote mean they have any public comment. If the member of the public is attending by a remote means that provides a "raise your hand" or other similar tool, then the City Clerk or designated facilitator shall only call on those members of the public who have access to and have used the tool.
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 the closed session that is not available to the public. The City Clerk shall clearly state at what point in the agenda the closed session will occur, the projected length of the closed session, and that the public will not be able to hear the Public Body or provide comment during the closed session. 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 City of Coldwater Public Bodies and attendance by remote access by members of the public in the interest of the public health, safety, and welfare during the COVID-19 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 Council, or other Public Body the terms of this Resolution shall control.

This Resolution shall be effective immediately and shall remain in effect until April 15, 2020 at 11:59 pm or for so long as Executive Order 2020-15 is in effect, whichever is longer.

AYES: Councilmembers: \_\_\_\_\_

NAYS: Councilmembers: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

---

Susan E. Heath, City Clerk  
City of Coldwater

I, Susan E. Heath, the City Clerk of the City of Coldwater, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Coldwater, County of Branch, State of Michigan, at a special meeting held on March 31, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

---

Susan E. Heath, City Clerk  
City of Coldwater

SECRETARY OF SENATE  
2020 MAR 19 AM 10:52

GRETCHEN WHITMER  
GOVERNOR



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

## EXECUTIVE ORDER

No. 2020-15

### Temporary authorization of remote participation in public meetings and hearings and temporary relief from monthly meeting requirements for school boards

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. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945, provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings.

To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to

conduct public business during this emergency, including actions to respond to COVID-19, and the general public must be able to continue to participate in government decision-making without unduly compromising public health, safety, and welfare.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Effective immediately and continuing until April 15, 2020 at 11:59 pm, to the extent that the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 to 15.272 (“OMA”) requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical-presence requirements, as follows:
  - (a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.
  - (b) A meeting of a public body held electronically must be conducted in a manner that permits two-way communication so that members of the public body can hear and be heard by other members of the public body and so that general public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period. The public body also may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants.
  - (c) Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.
  - (d) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA.
  - (e) If a public body directly or indirectly maintains an official internet presence, the public body must, consistent with and in addition to any other applicable notice requirements under the OMA, post advance notice of a meeting held electronically on a portion of the public body’s website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website’s homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings. Notice of a meeting of a public body that will be held electronically must include all of the following:
    - (i) An explanation of the reason why the public body is meeting electronically.

- (ii) Detailed procedures by which the public may participate in the meeting electronically, including a telephone number, internet address, or both.
  - (iii) Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
  - (iv) Procedures by which persons with disabilities may participate in the meeting.
- (f) The right of a person to participate in a meeting of a public body held electronically includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations to minimize the possibility of disrupting the meeting.
- (g) A public body may not require a person as a condition of participating in a meeting of the public body held electronically to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in a public comment period of the meeting.
- (h) A person must be permitted to address a meeting of a public body held electronically under rules established and recorded by the public body. A person must not be excluded from a meeting held electronically otherwise open to the public except for a breach of the peace actually committed during the meeting.
- (i) During a meeting of a public body held electronically, members of the public body are urged to take all votes by roll call to avoid any questions about how each member of the public body votes.
- (j) If a public body holding a meeting electronically directly or indirectly maintains an official internet presence, the public body is encouraged to make available to the general public through the public body's website homepage an agenda and other materials relating to the meeting.
- (k) Members of the general public otherwise participating in a meeting of a public body held electronically may be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.
2. A public body holding a meeting electronically as provided under this order is encouraged to do so in a manner that effectuates as fully as possible the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Discussions or deliberations at an open meeting that cannot at a minimum be heard by the general

public participating in the meeting are contrary to these purposes. Accordingly, members of a public body must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision, and must avoid “round-the-horn” decision-making in a manner not accessible to the public at an open meeting.

3. If a decision or other action of a public body is in compliance with the requirements of this order and the other requirements of the OMA, it is in compliance with the OMA.
4. Effective immediately and continuing until April 15, 2020 at 11:59 pm, if a statute or rule other than the OMA requires that public comments be permitted or a public hearing be held, including in conjunction with the issuance of a permit or a hearing required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a, a public body or department or agency may provide a means for remote public comment or participation through the use of any technology that would facilitate a member of the general public’s ability to participate remotely to the same extent as if the member of the general public appeared in person. If not expressly authorized by statute or rule, written comment, including by electronic means, also is permitted.
5. Effective immediately and continuing until April 15, 2020 at 11:59 pm, strict compliance with subsection 6 of section 11a, subsection 7 of section 384, and subsection 1 of section 418a of the Revised School Code, 1976 PA 451, as amended, MCL 380.11a(6), MCL 380.384(7), and MCL 380.418a(1), is temporarily suspended so as not to require school district boards to hold meetings at least once each month.
6. Nothing in this order permits a public body to limit or restrict the rights of the press or other news media. Members of public bodies are encouraged to facilitate access by members of the press and other news media both to meetings held electronically and to members of public bodies.
7. As used in this order, the terms “decision,” “meeting,” and “public body” mean those terms as defined under section 2 of the OMA, MCL 15.262, except this order does not apply to state legislative bodies.
8. A provision of this order will prevail over any conflicting provision of a local charter, ordinance, or rule.
9. This order supersedes sections 2 and 3 of Executive Directive 2020-2.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 18, 2020

Time: 4:46 pm



\_\_\_\_\_  
GRETCHEN WHITMER  
GOVERNOR



By the Governor:



\_\_\_\_\_  
JOCYLYN BENSON  
SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 3/19/20 AT 10:18 A.M.