

**VILLAGE OF PINCKNEY
LIVINGSTON COUNTY, MICHIGAN**

**Village President's
Declaration of Local State of Emergency
(COVID-19)**

WHEREAS, on 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 MDHHS website reflects that as of March 13, 2021, Livingston County has had 9,701 confirmed COVID-19 cases and 136 confirmed COVID-19 related deaths; and

WHEREAS, the State of Michigan has been repeatedly declared to be under a public health emergency by the Governor and Director of MDHHS in Orders that have prohibited and limited gatherings, including at meetings of public bodies; and

WHEREAS, the Director of the MDHHS in her March 2, 2021 Emergency Order has again 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 Village Hall meeting facilities do not provide enough available space to reasonably meet the State mandated capacity and social distancing requirements for attendance at in-person public meetings attended by the Village Council, boards and commissions members, the required staff for public meetings, and even a limited number of public attendees; and

WHEREAS, the Village desires to conduct the public business of the Village in a manner so as not to place at risk members of the public, Village staff, or members serving on public bodies of the Village; and

WHEREAS, pursuant to the Open Meetings Act, as amended (MCL 15.261 *et seq.*), the ability to conduct remote, electronic meetings after March 31, 2021, is in most cases contingent on the declaration of a state or local state of emergency; and

WHEREAS, Open Meetings Act, as amended under Public Act 254 that took effect on December 22, 2020, allows remote electronic meetings of public bodies after March 31, 2021, if there is a statewide or local state of emergency that would risk the personal health or safety of members of the public or the public body if the meetings were held in person; and

WHEREAS, pursuant to Section 10 of the Emergency Management Act, Act 390 of 1976, as amended [MCL 30.410(b)], a municipality that has appointed an emergency management coordinator may declare a local state of emergency if circumstances within the municipality indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists; and

WHEREAS, the President of the Village of Pinckney pursuant to Village Charter is the Chief Executive Officer as contemplated by the Emergency Management Act; and

WHEREAS, I have nominated the Village Police Chief, Jeffrey Newton, to serve as the Pinckney Emergency Management Coordinator pursuant to the Emergency Management Act and Village Charter Section MCL 62; and

WHEREAS, I have concluded that COVID-19 and possible exposure to persons with it is a clear and present danger to the health, safety and welfare of Village personnel, and persons doing business with or residing in the Village that should be avoided; and

WHEREAS, I believe that it is necessary to protect members of the boards and commissions meeting to conduct vital governmental business and all citizens in the Village from placing themselves in danger of injury and loss of life when participating in open meetings of the Village; and

WHEREAS, the Village also needs to comply with MDHHS, MIOSHA, CDC, and other applicable orders and guidance related to gathering size given the amount of evidence of danger provided by those governmental agencies and others; and

WHEREAS, I believe that it is in the best interest of the public health, safety, and welfare to declare a local state of emergency; and

WHEREAS, I request that the Village Council as the Village's governing body consents to declaration of a local state of emergency to be continued or renewed for longer than seven (7) days as authorized by the Emergency Management Act (MCL 30.410).

THEREFORE, I, Rebecca Foster, as the President and Chief Executive Officer of the Village of Pinckney, hereby **DECLARE** this State of Emergency within the Village of Pinckney as outlined in this Declaration as of the date indicated next to my signature, and request that the Village Council affirm it and extend it more than the statutory seven (7) days as Council deems appropriate.

FURTHER, I have asked the Village Clerk to place consideration of such affirmation on the Village Council's March 22, 2021 meeting, which meeting is to be conducted remotely, and that that this declaration of a Local State of Emergency shall be promptly filed with the Emergency Management Division of the Department of State Police and to the Livingston County Emergency Services Coordinator.

Rebecca Foster, President
Village of Pinckney

Date

RESOLUTION

NO. : 21 - _____

VILLAGE OF PINCKNEY

DATE: March 22, 2021

A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY FOR THE PURPOSE OF PERMITTING THE VILLAGE COUNCIL AND OTHER PUBLIC BODIES OF THE VILLAGE TO MEET BY ELECTRONIC AND TELEPHONIC MEANS

WHEREAS, on 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 MDHHS website reflects that as of March 13, 2021, Livingston County has had 9,701 confirmed COVID-19 cases and 136 confirmed COVID-19 related deaths; and

WHEREAS, the State of Michigan has been repeatedly declared to be under a public health emergency by the Governor and Director of MDHHS in Orders that have prohibited and limited gatherings, including at meetings of public bodies; and

WHEREAS, the Director of the MDHHS in her March 2, 2021 Emergency Order has again 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 Village Hall meeting facilities do not provide enough available space to reasonably meet the State mandated capacity and social distancing requirements for attendance at

in-person public meetings attended by the Village Council, boards and commissions members, the required staff for public meetings, and even a limited number of public attendees; and

WHEREAS, the Village Council desires to conduct the public business of the Village in a manner so as not to place at risk members of the public, Village staff, or members serving on public bodies of the Village; and

WHEREAS, pursuant to the Open Meetings Act, as amended (MCL 15.261 *et seq.*), the ability to conduct remote, electronic meetings after March 31, 2021, is in most cases contingent on the declaration of a state or local state of emergency; and

WHEREAS, Open Meetings Act, as amended under Public Act 254 that took effect on December 22, 2020, allows remote electronic meetings of public bodies after March 31, 2021, if there is a statewide or local state of emergency that would risk the personal health or safety of members of the public or the public body if the meetings were held in person; and

WHEREAS, pursuant to Section 10 of the Emergency Management Act, Act 390 of 1976, as amended [MCL 30.410(b)], a municipality that has appointed an emergency management coordinator may declare a local state of emergency if circumstances within the municipality indicate that the occurrence or threat of widespread or severe damage, injury, or loss of life or property from a natural or human-made cause exists; and

WHEREAS, the President of the Village of Pinckney pursuant to Village Charter is the Chief Executive Officer as contemplated by the Emergency Management Act; and

WHEREAS, the President nominated the Village Police Chief, Jeffrey Newton, to serve as the Pinckney Emergency Management Coordinator pursuant to the Emergency Management Act and Village Charter Section MCL 62.2 and the Village Council has confirmed that appointment; and

WHEREAS, the President has found that COVID-19 and possible exposure to persons with it is a clear and present danger to the health, safety and welfare of Village personnel, and persons doing business with or residing in the Village that should be avoided; and

WHEREAS, the President and the Emergency Management Coordinator have found it necessary to protect members of the boards and commissions meeting to conduct vital governmental business and all citizens in the Village from placing themselves in danger of injury and loss of life when participating in open meetings of the Village; and

WHEREAS, the Village also wishes to comply with MDHHS, MIOSHA, CDC, and other applicable orders and guidance related to gathering size given the amount of evidence of danger provided by those governmental agencies and others; and

WHEREAS, the Village finds that it is in the best interest of the public health, safety, and welfare to declare a local state of emergency; and

WHEREAS, the Village Council, being the Village’s governing body, consents to declaration of a local state of emergency to be continued or renewed for longer than seven (7) days as authorized by the Emergency Management Act (MCL 30.410).

NOW, THEREFORE, the Village Council of the Village of Pinckney, Livingston County, Michigan, resolves that pursuant to Section 10 of the Emergency Management Act (MCL 30.410), the Village Council declares that a local state of emergency exists in the Village due to the COVID-19 pandemic, and the Village President’s Emergency Declaration under that Act shall be extended beyond seven (7) days to have a duration as provided in this Resolution.

BE IT FURTHER RESOLVED, that all Village boards and commissions to the extent feasible will conduct their business and public hearings via electronic, remote means in compliance with the Michigan Open Meetings Act remote meeting procedures.

BE IT FURTHER RESOLVED, that the Village President and Emergency Services Coordinator are authorized to take any and all necessary administrative actions in order to effectuate this Resolution.

BE IT FURTHER RESOLVED, that this Resolution and the Emergency Declaration shall remain in effect until the later of: (1) the date that all federal, state, and county COVID-19 restrictions on indoor gathering attendance and social distancing have been repealed; (2) on December 31, 2021; or (3) when the Village Council determines through a formal resolution that the local State of Emergency no longer exists.

BE IT FURTHER RESOLVED, that the Village Clerk shall have a certified copy of this Resolution and the Village President’s Emergency Declaration promptly filed with the Emergency Management Division of the Department of State Police and with the Livingston County Emergency Services Coordinator.

Village Council Member _____ offered the foregoing Resolution and moved its adoption. The motion was second by Village Council Member _____, and upon being put to a vote, the vote was as follows:

Rebecca Foster, President	_____
Eirik Kausrud, Trustee	_____
Ted Kinczkowski, Trustee, Pro Tem	_____
Linda E. Lavey, Trustee	_____
Brian Matson, Trustee	_____
Shawn Tibus, Trustee	_____
Robert Vedder, Trustee	_____

The President thereupon declared this Resolution approved and adopted by the Village Council of the Village of Pinckney this 22nd day of March, 2021.

Rebecca Foster, Village President

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on March 22, 2021.

Jill Chapman, Village Clerk

N:\Client\Pinckney\Resolutions\Local Emergency Order\Res re Emergency Declaration - Council.docx