



Internal Memo

March 19, 2020

TO: Mayor and City Council

FROM: Mark C. Meyers, City Administrator *MCM*

SUBJECT: General Information Packet

Attached are general items of information you may find interesting. If you have any questions or comments regarding the information, please contact me.

MCM/th
Attachments



Internal Memo

March 19, 2020

TO: City Council Members

FROM: Mark C. Meyers, City Administrator *WCM*

SUBJECT: Electronic Meetings

As City Council members may be aware, the Governor signed an executive order last night to allow public meetings to be held electronically as long as two-way communication between the public body and the general public is provided for. Staff possesses the expertise and equipment to conduct virtual meetings and we're developing a solution. The executive order is in effect through April 15.

In the meantime, the March 24, 2020 work session has been cancelled. As I explained at Tuesday's City council meeting, the proposed Fiscal Year 2021 Capital Improvement Program can be presented at the April work session along with the operating budget and the County's presentation of the park plan for the former Nugent Sand mining site can also be postponed to the April work session.

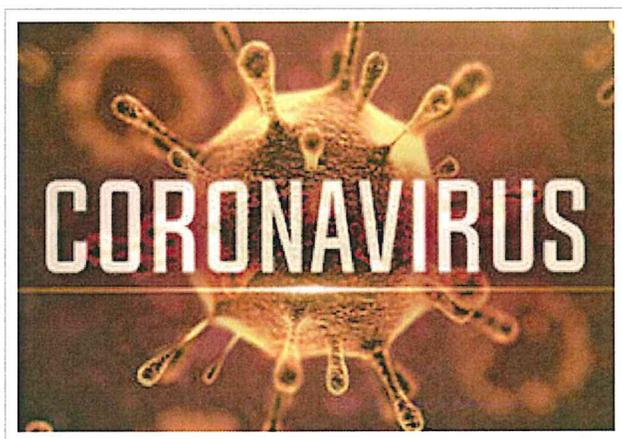
Please contact me with any comments or questions you may have regarding this matter. Until then please see a synopsis of the Governor's executive order from the Michigan Municipal League, attached.

/ss
Attachment

c: Mayor Nelund

Governor Whitmer Issues Executive Order to Allow Local Governments to Conduct Essential Meetings Virtually

Posted on **March 18, 2020** by **Matt Bach**



At the urging of the Michigan Municipal League, Governor Whitmer, has issued **executive order 2020-15** giving local units of government the ability to conduct public meetings through remote access technology, including conference calling, real-time streaming, or other platforms.

[View our media statement about this here.](#)

[View the executive order here.](#)

Resolving conflicts between the Open Meetings Act and social distancing requirements set by the state, has been one of the most pressing issues of Michigan Municipal League members since the COVID-19 situation began. In response to our members, the League has worked with the Governor on a potential solution and we are very pleased to see this executive order issued today.

This order will allow local governments to meet virtually for the purposes of passing budgets, authorizing emergency spending, and taking other action necessary to conduct essential government business in public meetings without endangering the health



and safety of the participants of these meetings. Here are the key parts to the executive order:

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.

It is important to reiterate that this executive order should be used to conduct essential business. In conducting these remote-access meetings, it is required that local units of government comply with all the requirements of the executive order, including public notice provisions, public access and public participation.

This action will remain in place until April 15, 2020 at 11:59 p.m.

The League is scheduling a free webinar for our members about this executive order and what it means to communities. We will send a separate email with those webinar details when they become available.

The Michigan Press Association (MPA) has developed a method for League members to get notices of emergency meetings up on MIPublicNotices.com. All you need to do is email emergencypublicnotices@michiganpress.org with the notice and what county you are in and they will take it from there. There will be a button on the MIPublicNotices.com homepage labeled "Emergency Coronavirus Meetings" that will take the reader to all these uploaded notices. The reader can search for notices by county if they desire. The MPA also asks that our members continue to post notices as the law requires for their meetings in the normal way. During these unprecedented times, we appreciate the willingness of the MPA to assist our members.

This executive order does not address another key issue our members have asked us about dealing with Freedom of Information Act requests. Please know the League is actively working to address these concerns and other COVID-19-related questions you have.

We have established a [COVID-19 resource page here](#) that includes the latest news and information for local governments. We also have established a partnership with Governor Whitmer's office where our members can send us questions, they have for the Governor. We are posting the answers to your questions as soon as we get them [here on this page](#).

SHARE THIS:



This entry was posted in [Uncategorized](#) and tagged [executive order](#), [michigan municipal league](#), [open meetings act](#), [virtual meetings](#) by [Matt Bach](#). Bookmark the [permalink \[http://blogs.mml.org/wp/inside208/2020/03/18/governor-whitmer-issues-executive-order-to-allow-local-governments-to-conduct-essential-meetings-virtually/\]](http://blogs.mml.org/wp/inside208/2020/03/18/governor-whitmer-issues-executive-order-to-allow-local-governments-to-conduct-essential-meetings-virtually/).

Contact: Matt Bach
Michigan Municipal League
c: (810) 874-1073; mbach@mml.org

FOR IMMEDIATE RELEASE: March 18, 2020

Michigan Municipal League thanks Governor Whitmer for flexibility in running local government meetings

The following can be attributed to Dan Gilmartin, CEO and Executive Director of the Michigan Municipal League:

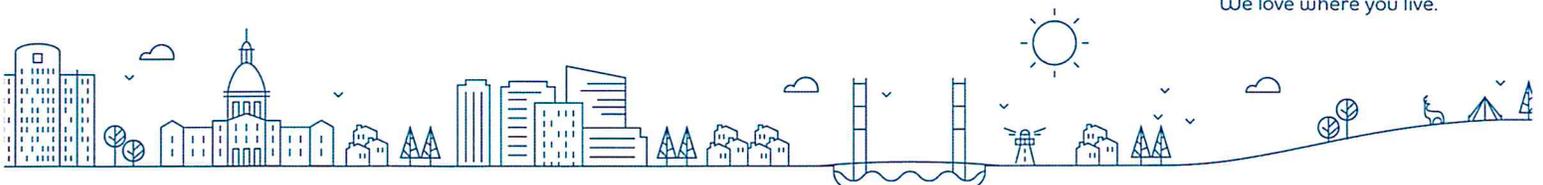
Members of the Michigan Municipal League take their responsibilities to operate local governments in a transparent fashion seriously, and strongly support the Open Meetings Act. However, given the conflicts between traditional meetings of elected officials and the public health recommendations to limit face-to-face gatherings, **we are pleased** that Governor Whitmer has provided us with the clear ability to use remote-access-technology for necessary community meetings.

While many public meetings are being cancelled, it is imperative that local governing bodies continue meeting for the purposes of passing budgets, authorizing emergency spending, and taking other action necessary to conduct essential government business. In conducting remote-access meetings, it is required that local units of government comply with all the requirements of the executive order, including notice provisions and maintaining public access and participation.

We thank Governor Whitmer for taking extraordinary action in this time of crisis and look forward to returning to regular meeting operations as quickly as possible.

For additional information contact Matt Bach, communications director for the Michigan Municipal League, at 810-874-1073 and mbach@mml.org.

We love where you live.





March 19, 2020

Nancy Cuncannan
EGLE Water Resources Division
Grand Rapids District Office
Grand Rapids, MI 49503-2341

Submission No. HNW-ZFTQ-9F7QK

Dear Nancy,

On behalf of the City of Norton Shores, please accept this letter waiving the City's opportunity to review the Special Exception Application by the Mona Lake Improvement Association within the 60-day notice period related to the above referenced permit regarding repair and improvement to the Mona Lake Channel. In addition, the City respectfully requests that EGLE move forward with the permit expeditiously so that the work can be completed as soon as possible and no later than May 1st. Timing is critical to ensure that the existence of the south channel wall is preserved. Further, dredging is necessary to provide for recreational boating which could be restricted until after July 1st given the spawning moratorium.

Sincerely,

Mark C. Meyers
City Administrator

/ss

c: ✓ Mayor and City Council, Norton Shores
Thomas Hillstrom, Mona Lake Improvement Association
Mike DeVries, Maranatha Bible and Mission Conference
Peter Dunning, Great Lakes Dock and Dredge

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

Mark Meyers

From: Karen Blackledge <KBlackledge@madl.org>
Sent: Wednesday, March 18, 2020 10:47 AM
To: Karen Blackledge
Cc: Anita Varela
Subject: Muskegon Storyville Grand Opening Postponed

Good Morning,

As you might have heard, Governor Whitmer has ordered that all Michigan libraries close to the public from March 16 through March 30. Due to this, we must postpone the grand opening of Muskegon Storyville. We will let you know when a new Grand Opening date is scheduled. Thank you for your continued interest and support.

Sincerely,
Karen

Karen Blackledge
Early Literacy Coordinator
231-737-6248 | www.madl.org
4845 Airline Rd #5 | Muskegon, MI 49444

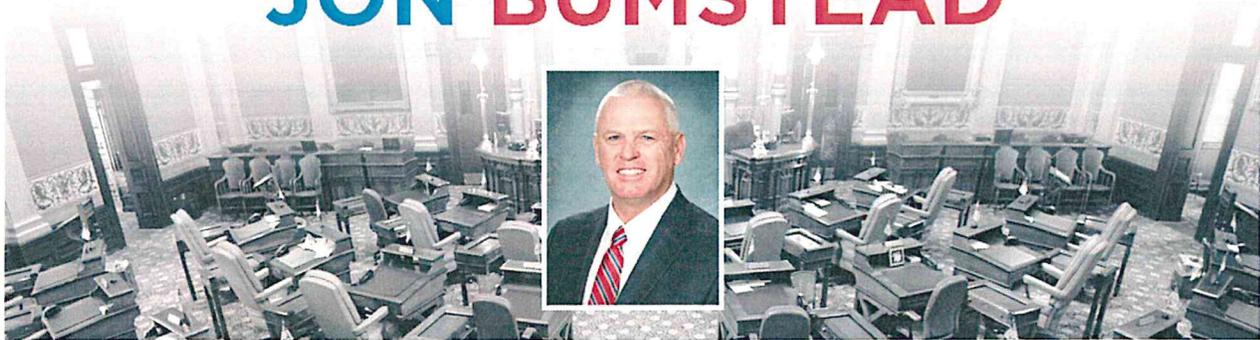


#MISENATE **G**OP



STATE SENATOR

JON BUMSTEAD



Bumstead legislation allowing brewery collaboration heads to governor

March 17, 2020

LANSING, Mich. — Legislation to help grow Michigan’s craft beer industry was granted final approval from the state Legislature Tuesday afternoon.

“This legislation will allow Michigan breweries to expand their business operations and offer more unique products to

consumers,” said [Sen. Jon Bumstead](#), R-Newaygo “We need to limit the layers of government bureaucracy and allow small businesses like La Colombe to flourish and focus on serving their customers.”

La Colombe opened a manufacturing facility in Norton Shores in 2015. The company, known for its coffee products, later teamed up with Miller Coors to develop the “La Colombe Hard Cold Brew Coffee.” La Colombe purchased a bulk beer product from out of state and blended the beer with its coffee product in Norton Shores. The final product is then sold to Miller Coors for distribution.

Currently, the Michigan Liquor Control Commission (MLCC) does not expressly permit makers to transfer beer from one brewery to another brewery or further process beer that was initially made by another brewery. La Colombe was granted a one-time exception, which is set to expire next month, to complete the order they had already invested time and resources in.

Bumstead was approached by the company, and after conversations with company leaders and MLCC officials, he introduced [Senate Bill 711](#). The bill would codify into law a licensing process, giving companies like La Colombe the ability to import beer and further manufacture it in their facility. The legislation outlines additional guidelines for such collaborations.

“La Colombe has been part of Norton Shores since 2015. They employ over 100 people, give back to the community, and function as a textbook example of how businesses can benefit their communities,” Bumstead said. “As we work to get these reforms signed into law, La Colombe is already looking at ways

to expand their operations in West Michigan over locations in other states. This means more jobs and more growth here in Michigan, especially in our district.”

SB 711 now moves to Gov. Gretchen Whitmer for final approval.

###



© 2020 Michigan Senate Republicans | [Site map](#) | [Privacy Policy](#)