Traverse City Light and Power

Traverse City Light and Power Board Meeting

MEETING NOTICE
Special Meeting
Will Be Held On

3/24/2020

At

5:15 PM

Meeting to be Held Remotely due to Coronavirus Outbreak and in the Interest of the Public, Health Safety and Welfare

MEMBERS OF THE PUBLIC ARE INVITED TO VIEW OR ATTEND THE MEETING AS ASKED TO FOLLOW THE GUIDELINES DEFINED HERE:

https://www.tclp.org/Display/itemDetails/Item/424

AGENDA

Traverse City Light and Power will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon notice to Traverse City Light & Power. Individuals with disabilities requiring auxiliary aids or services should contact the Light and Power Department by writing or calling the following.

Jennifer St. Amour
Administrative Assistant
1131 Hastings Street
Traverse City, MI 49686
(231) 932-4543

Traverse City Light and Power
1131 Hastings Street
Traverse City, MI 49686
231-922-4940

Posting Date:
03/23/2020
4:00pm
AGENDA

1. Roll Call
2. Disclosure of Recusal
3. Consent Calendar
   The purpose of the consent calendar is to expedite business by grouping non-controversial items together to be dealt with by one Board motion without discussion. Any member of the Board, staff or the public may ask that any item on the consent calendar be removed therefrom and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected. If an item is not removed from the consent calendar, the action noted in parentheses on the agenda is approved by a single Board action adopting the consent calendar
   a. Approval of Agenda

4. Unfinished Business

5. New Business
   a. Consideration of adopting a resolution regarding Michigan Executive Order 2020-15, which provides temporary authorization for remote participation in public meetings and hearings. (Arends)
      TCLP-20-029 - Pdf

6. Reports and Communications
   a. From Legal.
   b. From Staff.
   c. From Board.

7. Public Comment
   a. General Public Comment

8. Adjournment
Governor Gretchen Whitmer issued Executive Order 2020-15 on March 18, 2020 to grant public bodies the flexibility to meet electronically during the COVID-19 emergency. Based on this Executive Order and other guidance, General Counsel has drafted the attached resolution, *Resolution Establishing Rules for Remote Attendance by Board Members and Members of the Public at Meetings Due to Coronavirus Pandemic.*

This resolution allows the Board to continue public business, and the public to attend meetings of the TCL&P Board and its committees by telephone or other electronic means. It will remain in effect until April 15, 2020 at 11:59 p.m., unless extended by the state legislature.

Staff recommends the Board approve the attached resolution prepared by legal counsel. If the Board agrees the following motion would be appropriate:

MOVED BY ____________________________, SECONDED BY ________________________.

LIGHT & POWER BOARD ADOPTS THE RESOLUTION ESTABLISHING RULES FOR REMOTE ATTENDANCE BY BOARD MEMBERS AND MEMBERS OF THE PUBLIC AT MEETINGS DUE TO CORONAVIRUS PANDEMIC.
TRAVERSE CITY LIGHT & POWER BOARD

RESOLUTION 2020-01

RESOLUTION ESTABLISHING RULES FOR REMOTE ATTENDANCE BY BOARD MEMBERS AND MEMBERS OF THE PUBLIC AT MEETINGS DUE TO CORONAVIRUS PANDEMIC

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

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

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

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

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

WHEREAS, on March 18, 2020, Governor Whitmer issued Executive Order 2020-15 to suspend rules and procedures relating to physical presence at meetings and hearings of public bodies to allow for public bodies to continue to conduct public business during the COVID-19 emergency and 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, allow the Board to continue public business, and to allow the public to attend meetings of the Traverse City Light & Power (TCL&P) Board and its committees remotely if they desire, consistent and in compliance with Executive Order 2020-15, the Board desires to establish rules to authorize and allow its members and members of the public to attend meetings of the Board by telephone or other electronic means as set forth in this Resolution;

NOW THEREFORE BE IT RESOLVED, that the Board immediately authorizes its members and members of the public to attend all meetings of the Board or its committees 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 Executive Director or designee shall post on the homepage of TCL&P’s website in a conspicuous location and at TCL&P’s office and the Governmental Center at 400 Boardman Avenue, Traverse City, the following:
a. An explanation of why the Board or committee is meeting remotely.
b. Contact information for all members along with information about how the public may contact the member(s) to provide input on any business that will come before the Board or its committees.
c. The dial-in conference number or other necessary information for members of the public to utilize 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 Board or committee at the public hearing shall be posted or linked on the homepage of TCL&P’s website in a conspicuous location as well as available for inspection at TCL&P’s offices and the Governmental Center, 400 Boardman Avenue, not less than 18 hours prior to the public hearing or as otherwise required by law. This provision shall not apply to written public comments received by the Board or committee for the public hearing.

B. CONDUCT OF THE MEETING BY BOARD MEMBERS:

1. The telephone or other electronic technology being utilized shall allow the member to communicate to any other member in attendance and any member of the public or staff attending and shall allow any member, any member of the public, or staff attending to communicate with any member attending.

2. A members’ 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. Adjournment of a meeting shall occur only on a roll call vote of the Board or the committee.

6. A member participating remotely shall disclose any person or persons present in the same room as the member during their remote attendance. 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.
7. Emails, texting, or other forms of electronic communication by or between members during the meeting shall not be allowed.

8. If an email, text or other form of electronic communication is received by a member of the Board or committee prior to the meeting or during the meeting related to any item on the agenda for the meeting, the email, text, or other electronic communication shall be read by the Board or committee or the member receiving the communication during the agenda item and it shall be addressed by the Board or committee as appropriate during the meeting.

C. ATTENDANCE BY MEMBERS OF THE PUBLIC:

1. Immediately after calling the meeting to order, the chair of the meeting shall insure 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 the dial-in number or other means of conducting the meeting remotely is working and if the number of persons in attendance, including Board, commission, board, or committee members, exceeds 100, the meeting shall be immediately adjourned without deliberation or a decision on any matter except to adjourn the meeting. If members of the public remotely join the meeting and wish to give public comment, they will be asked prior to speaking to identify themselves. No member of the public shall be required to identify themselves except as necessary to permit the person to participate in public comment.

3. 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 Board or committee on public comment. Such opportunity shall be given by the chair of the meeting or such other person as designated by the chair to ensure each member of the public attending has an opportunity to provide public comment as allowed by the remote meeting platform being utilized.

4. If any member of the public is attending, and a closed session is called by the Board or committee as permitted by the Open Meetings Act, a separate call in number or other electronic means of remotely participating shall be available for the Board or committee to utilize for a closed session that is not available to the public, the chair of the meeting shall clearly indicate at what point in the agenda the closed session will occur, the projected length of the closed session, that the public will not be able to hear the Board or committee or provide comment during the closed session, and
the Board or committee 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 the Board and its committees and attendance by remote access by members of the public in the interest of the public health, safety, and welfare during the Coronavirus outbreak while preserving meaningful access to meetings and communication for Board and committee 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 TCL&P Board, 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 so long as Executive Order 2020-15 is in effect, whichever is longer.

Ayes:

Opposed:

I, ____________________________, ____________________________ for the Traverse City Light & Power Board, do hereby certify that on March ___, 2020, the preceding resolution was adopted by the Traverse City Light & Power Board.

Dated: ____________________________

__________________________