

EMPIRE TOWNSHIP

ORDINANCE NO. 01-2021

April 6, 2021

**AN ORDINANCE DECLARING A LOCAL STATE OF EMERGENCY
FOR THE PURPOSE OF PERMITTING THE TOWNSHIP BOARD AND
OTHER PUBLIC BODIES OF THE TOWNSHIP TO MEET BY
ELECTRONIC AND TELEPHONIC MEANS**

STATEMENT OF INTENT

WHEREAS, as recently as 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 Director of the MDHHS has 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 Empire Township Board desires to conduct the public business of the Township in a manner so as not to place at risk members of the public, Township staff, or members serving on public bodies of the Township; and

WHEREAS, Pursuant to the authority contained in the Michigan Townships Act, MCL §41.181(1) authorizing the township to adopt ordinances regulating the public health, safety, and general welfare of persons and property; §3 of the Open Meetings Act, MCL 15.263 (2) permitting a public body to meet by electronic or telephonic means upon declaration of a local state of emergency or state of disaster if meeting in person would place at risk the personal health or safety of members of the public or members of the public body;

THE TOWNSHIP OF EMPIRE HEREBY ORDAINS:

Section 1. Declaration of Local Emergency

The Empire Township Board declares a local state of emergency to permit the Township Board and all other public bodies of the Township to continue to meet by electronic and telephonic means.

Section 2. Scope

A local state of emergency under this ordinance shall be limited to the purpose stated in this ordinance. Remote meetings held pursuant to a declaration made under this ordinance shall comply with all requirements of the Michigan Open Meetings Act, MCL §15.261 et seq.

Section 3. Duration

The local state of emergency under this ordinance shall be in place for 120 days, if needed, once effective and may be renewed at the discretion of the Empire Township Board.

Section 4. Effective Date

This Ordinance is effective upon publication as provided in MCL §66.1.

The above ordinance was offered by Neiswonger and supported by Carl Noonan.

Voting for: Neiswonger, Carl Noonan, and Price.

Voting against: None.

The Township Supervisor declared the ordinance adopted.

Carl F. Noonan, Township Supervisor

CERTIFICATE

The foregoing is a true copy of Ordinance No. 01-2021 which was enacted by the Empire Township Board for the Township of Empire at a special meeting held on April 6, 2021.

Christine M. Neiswonger, Township Clerk