

ORDINANCE # 08 - 2020

AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, REGARDING MEETING PROTOCOLS FOR NOVEL CORONAVIRUS (COVID-19).

WHEREAS, on March 6, 2020, the Governor issued Executive Order 2020-215, declaring a state of emergency throughout Kentucky pursuant to his power under the Kentucky Constitution and KRS Chapter 39A regarding the threats to public health presented by the Novel Coronavirus (COVID-19) pandemic; and

WHEREAS, the Secretary of the Kentucky Finance and Administration Cabinet has more fully described the public health threats of COVID-19 in the "Memorandum Re: Meeting Protocol for Novel Coronavirus (COVID-19)" dated March 16, 2020 (hereinafter the "Meeting Protocol"); and

WHEREAS, the Meeting Protocol requires "all Kentucky Boards and Commissions" to take proper health precautions to mitigate the spread of COVID-19 and accordingly, with respect to the public attendance at meetings of said bodies, states "[m]embers of the public will only be able to view video-teleconferenced meetings remotely;" and

WHEREAS, the same emergency public health considerations as described in the Meeting Protocol apply to Kentucky municipalities and their legislative bodies, boards and commissions; and

WHEREAS, the Kentucky Cabinet for Health and Family Services has advised that all Kentuckians practice "social distancing" during the state of emergency, including but not limited to keeping a distance of at least six (6) feet between individuals and the cancellation of large "community gatherings;" and

WHEREAS, the Kentucky Open Meetings Act at KRS 61.840 provides that "no condition other than those required for the maintenance of order shall apply to the attendance of any member of the public at any meeting of a public agency"; and

WHEREAS, due to the emergency conditions currently existing under the present state of emergency and the need to mitigate the spread of COVID-19 via person-to-person contact in large community gatherings of persons where social distancing is difficult, the conditions necessary at this time for the maintenance of order, which include the mitigation of the spread of disease during a public health pandemic, at meetings of city councils, commissions, and boards, include limitations on meeting attendance by members of the public such as described in the Meeting Protocol;

NOW, THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEREA, KENTUCKY, AS FOLLOWS:

- 1 With regard to City Council meetings held on and after the adoption of this resolution and subject to limited exceptions described below, the Council shall conduct its meetings in conformity with the procedures set forth in KRS 61.826 for video teleconferencing of meetings.
- 2 City Counselors shall use their best efforts to avoid attending any council meeting in person and shall observe any binding governmental directive or order that may be issued in the future to prohibit such attendance.
- 3 The Mayor shall arrange for resources and instructions necessary to allow City Council meetings to be conducted via video teleconferencing pursuant to KRS 61.826 and Council policy:
- 4 Due to the circumstances previously described herein, in the Governor's declaration of a state of emergency, and in the Meeting Protocol, and based upon the authority to impose conditions to maintain order under KRS 61.840 in these extraordinary and emergency circumstances, the requirement in KRS 61.826(2)(b) that the City Council provide a "primary location ... where the public may attend" is suspended to the extent that provision requires an in-person meeting location.
- 5 Notices that regular or special meetings of the City Council are to be held as video teleconferences shall provide directions on public viewing of meetings via the internet. The City will provide members of the general public with notice and a video link to observe meetings. Provision of such link shall not otherwise interfere with the conduct of the meeting. Absent emergency circumstances qualifying under KRS 61.823(5), these notices shall be provided at least 24 hours before the video teleconference meeting.
- 6 Should there be an interruption in the public video or audio broadcast of the meeting, the meeting shall be suspended until the full functionality is restored. If there is such an interruption for a City Counselor attending the meeting via video teleconference, the meeting may continue after reasonable efforts to restore connections so long as a quorum is still participating.
7. Pursuant to KRS 83A.060(7), the City Council declares that an emergency exists for the reasons specified in the preamble to this Ordinance, and the requirements for a second reading and publication are SUSPENDED and this Ordinance is effective upon passage. Publication requirements for this Ordinance shall be complied with within ten (10) days of date of enactment.
8. This Ordinance shall apply to the meetings of any City of Berea board, commission, or other official public meeting of the City of Berea; provided, however, that no such meeting shall occur until the Mayor has certified the need for such meeting considering the then-current Covid-19 situation regarding public safety.

9. All ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published according to law.

FIRST READING AND ENACTMENT: March 24, 2020.

APPROVED BY:

Bruce Fraley
Bruce Fraley, Mayor

ATTEST:

Robin Adams
Clerk of the City Council

Published this 25 day of March, 2020.

PREPARED BY:

Greg W. Lewis
Corporate Counsel