

ORDINANCE # 11 - 2021

AN ORDINANCE OF THE CITY OF BERE A, KENTUCKY, REVISING 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, pursuant to the provisions of Ordinance No. 08-2020, the City Council established meeting protocols for City meetings and provided for remote-only meetings to be conducted by video conferencing; and

WHEREAS, Kentucky has seen significant progress in its contention with the COVID-19 pandemic, inasmuch as cases of COVID-19 have continued to decline for ten straight weeks as of March 21st, with a positivity rate of 2.97%, which is the lowest since July, 2020, and more than 1.175 million Kentuckians have been vaccinated; and

WHEREAS, Governor Beshear has permitted K-12 schools to reopen to in-person classes, in addition to increasing the capacity and hours of bars and restaurants; and

WHEREAS, it is possible and practical for Berea's council, boards, and commissions, to meet in person and maintain appropriate social distancing; and

WHEREAS, large "community gatherings" continue subject to limitations and remain a potential cause of community spread; and

WHEREAS, while it remains prudent 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, members of the public will continue to only be able to view and hear meetings remotely via live-feed video; and

WHEREAS, the Kentucky Open Meetings Act, 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, continue to dictate limitations on meeting attendance by members of the public; and

WHEREAS, the City Council determines that the provisions of Ordinance 08- 2020 should be amended to permit members of the council, boards, and commissions to attend meetings in person based on certain conditions;

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

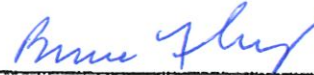
- 1 With regard to City Council meetings held on and after the adoption of this ordinance and subject to the conditions and exceptions described below, the Council may conduct its meetings in council chambers in person.
2. Subject to the conditions and exceptions listed below, any other City of Berea board, commission, or other official public meeting of the City of Berea may conduct its meetings at its regular meeting venue in person.
3. The Mayor and the chair of each respective board and commission shall determine whether to conduct a meeting with in-person attendance of counselors and members, or whether to conduct the meeting remotely via video teleconferencing pursuant to KRS 61.826 utilizing existing meeting protocols.
4. Community gatherings and public attendance at meetings remain a potential spreader event for COVID-19, so that City meetings and meetings of City boards and commissions shall continue to be limited to members of the council, and the particular board or commission.
5. Due to the circumstances previously described in Ordinance 08-2020, 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.
6. Notices that public viewing of regular or special meetings of the City Council, and City boards and commissions, will be made available by live-feed video 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 meeting which is to be disseminated to the public by video teleconference.

7. 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.
8. This Ordinance shall apply to the meetings of any City of Berea council meeting, board, commission, or other official public meeting of the City of Berea; provided, however, that the Mayor or the chair of any board or commission may determine that it is in the interest of public health to conduct the meeting completely by video conference for all members and the public, in which case currently existing protocols shall continue to be followed.
9. All ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published according to law.

FIRST READING: April 6, 2021.

SECOND READING AND ENACTMENT: April 8, 2021

APPROVED BY:



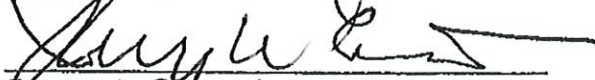
Bruce Fraley, Mayor

ATTEST:


Robin Adams
Clerk of the City Council

Published this 14 day of April, 2021.

PREPARED BY:


Corporate Counsel