

COVID-19 EMERGENCY PROCLAMATION NO. 3

PROCLAMATION PROVIDING FOR ELECTRONIC MEETINGS

I, John M. Wirth, as Mayor and Chief Executive Officer of the City of Mequon, make the following Proclamation in consideration of the following:

A. COVID-19, a novel strain of coronavirus, was detected in December of 2019 and has subsequently spread throughout the world, including every state in the United States.

B. On January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern.

C. On March 12, 2020, Governor Tony Evers declared a public health emergency in connection with COVID-19.

D. On March 13, 2020, President Donald Trump proclaimed a National Emergency in connection with concerning COVID-19.

E. On March 16, 2020, I proclaimed, on behalf of the City of Mequon, a Public Health Emergency as defined in Wisconsin Statutes Section 323.02(16) and a Disaster as defined in Wisconsin Statutes Section 323.02(6); accordingly, the City of Mequon implemented its emergency authority under Wisconsin Statutes Section 323.11. The Common Council affirmed that proclamation at its meeting on March 17, 2020.

F. As of Tuesday morning, March 30, 2020, there were 1,330 total confirmed cases of people with COVID-19 in Wisconsin, with 27 confirmed deaths. COVID-19 has been confirmed in 42 counties in the State of Wisconsin, including Ozaukee County. As of Tuesday morning, March 30, 2020, there were 42 total confirmed cases of people with COVID-19 in Ozaukee County with five confirmed deaths. Cases are not reported on a community-by-community basis, but there have been one or more confirmed cases in the City of Mequon.

G. With a few exceptions, the Mequon Code of Ordinances (the "Code") contains various provisions mandating that officials and the public appear and vote in person at meetings of the Common Council, Planning Commission and the City's various other boards, commissions and committees (each of the foregoing being a "City body").

H. Meetings of the various City bodies have been postponed since March 17, 2020, allowing the City time to plan for future meetings while maintaining social distancing.

I. The City of Mequon always values public input and believes that, generally, meetings should be in person; however, during the current emergency, and considering various orders of the Governor and the policy in favor of social distancing, in-person meetings would be inappropriate.

J. The City should resume meetings for the following and other reasons:

1. No one knows how long the current emergency situation will last.
2. Without meetings of the City bodies, the City is unable to move forward with its own policies and initiatives, to proceed with its own construction projects, including its road program, or to effectively govern and provide the services the public expects from the City.
3. Various residential and commercial construction projects cannot move forward without approvals by the applicable City bodies, and delays in approvals by the City might prompt defaults under various private contracts.
4. Fairness to various parties interested in deliberations of the City's bodies dictates prompt consideration of the matters considered during such deliberations.

K. It is necessary and proper, pursuant to Wisconsin Statutes Section 323.14(4)(b), in order to provide for the health, safety, protection and welfare of people and property within the City, for me to issue this Proclamation in advance of a Common Council meeting in order to allow (a) the Common Council's standing committees to meet electronically in advance of the Common Council's consideration and (2) the Common Council to meet electronically to consider the provisions of this Proclamation.

BASED ON THE FOREGOING and pursuant to Wisconsin Statutes Section 323.14(4)(b) and Sections 26-24 of the Code, I proclaim as follows:

1. Generally. Except as provided in Section 2, all meetings of City bodies shall be held electronically. No City body other than the *ad hoc* Emergency Management Committee or the Common Council, if a special meeting becomes necessary, shall meet prior to April 14, 2020. A City body, at the discretion of its chair and subject to staff availability, may hold a special meeting after that date outside of its regularly meeting schedule to replace a meeting that has been postponed.

2. Architectural Board. Due to the number of reserve panel members of the Architectural Board (as described in Section 2-443(b) of the Code), and the difficulty of coordinating an electronic meeting with so many people coming and going, the Architectural Board will only consist of the five at-large members, as defined in Sec. 2-443(a) of the Code. A quorum shall consist of three members. Any reserve panel member may serve as an alternate member if the permanent alternate member(s) are unable to participate.

3. Regulations. Each electronic meeting shall be subject to the following regulations:

(a) Packets. No paper copies of the packet for any City body's meeting shall be made by the City; instead, links to the packets shall be electronically transmitted to members of the City body.

(b) Notices. The City shall provide notices of the meeting pursuant to state law and the Code. Notices shall (a) inform the public that the meeting will be held remotely, (b) provide all information necessary for the public to monitor the meeting, including the telephone number, video conference link and any necessary passcodes or other login information; (c) provide that, except with respect to a public hearing, public comments should be sent to an email address specified in the notice, or delivered in writing to the City depository at City Hall, or left on the voice mail of a person specified in the notice, in each instance no later than two hours prior to the meeting (except with respect to a morning meeting, no later than 4:00 p.m. on the day prior to the meeting); and (d) provide that reasonable accommodations will be made for people without telephone or internet access or who are deaf or hard of hearing provided that notice of such need is provided to the City in the same manner as public comments.

(c) Platform. Unless otherwise approved by city staff, all meetings shall held using an electronic (internet and/or conference call) platform provided by the City.

(d) Telephonic Option. To the extent a videoconference or internet-based meeting shall be conducted, participants and the public shall be provided with an alternative telephone dial-in option for listening to the meeting so that lack of internet access is not a barrier to listening to the meeting.

(e) Recording of Meetings. All meetings shall be recorded. To the extent a video of a meeting would ordinarily be posted to the City's website, Channel 25 or youtube.com, the recording shall be posted instead of the video.

(f) Roll Call and Announcement. At the beginning of each meeting, the chair or staff liaison shall conduct the roll call. Upon determination that a quorum is on-line, the chair shall (i) request that members of the City body identify themselves before they begin to speak; (ii) remind all members of the City body not to speak over one another; (iii) tell all people participating in or observing the meeting to silence their phones or microphones except when speaking; and (iv) inform the public that public comments cannot be heard during the meeting (except with respect to public hearings, if applicable) but that, for future meetings, comments can be provided in advance of the meeting as specified on the public notice.

(g) Public Hearings.

(i) If a public hearing is on the agenda, the section describing the public hearing shall notify the public that, in order to be recognized during such meeting, a person must notify the City of his or her request to be recognized by email to an email address specified in the notice, or by delivering a request in writing to the City depository at City Hall, or by leaving a message on the voice mail of a person specified in the notice, in each instance no later than two

hours prior to the meeting (except with respect to a morning meeting, no later than 4:00 p.m. on the day prior to the meeting).

(ii) Only people who have registered as described above to speak during a public hearing shall be recognized.

(iii) Matters for which a public hearing is held shall be considered by the City body immediately following the public hearing.

(h) Speaking at Meetings. Only the following people may speak during a meeting:

(i) Members of the City body.

(ii) City staff and consultants engaged by the City.

(iii) The public during any public hearing.

(iv) Whenever a City body is acting as a quasi-judicial body, any party to the matter being reviewed, any agent for such a party and any witness called by a party or the City.

(v) In the discretion of the chair, any applicant, or the agent for any applicant. An applicant shall be a person or entity who has paid the required fee in connection with the matter being discussed.

(i) Public Comments. Public comments received by the City pursuant to Section 3(b) shall be read (or summarized in the discretion of the chair) by staff or the chair when the applicable matter is discussed.

(j) Recognition by Chair. No person shall speak at a meeting unless he or she first states his or her name and then is recognized by the chair.

(k) Disruption. The chair may cut-off any person on the call if such person is not allowed to speak or if a person is otherwise allowed to speak but becomes disruptive to the orderly conduct of the meeting.

(l) Closed Session. To the extent a City body goes into closed session, all connections to the electronic meeting shall be disconnected other than those people and entities legally entitled to participate in the closed session. No action shall be taken on any matter discussed in closed session until another scheduled and noticed meeting after the closed session.

4. Common Council Meetings. In order to keep Common Council meetings orderly, and to reduce the time of meetings that will necessarily be made longer through electronic meetings, the following additional changes are made:

(a) Amendments. Any member of the Common Council who desires to propose an amendment to any ordinance, resolution or other matter being considered by the Common Council should email a written copy of the amendment to the City Administrator, the department member named on the memorandum for the item and all members of the Common Council at least two hours prior to the meeting. No amendment shall be precluded if it is not so emailed; however, if the Mayor or other presiding officer determines that consideration of an amendment offered orally (other than an amendment to this Proclamation when it is considered pursuant to Section 7) will cause confusion or unduly delay the meeting, such presiding officer may order that such item be tabled until the next meeting so the amendment can be put in writing and distributed to the Council.

(b) Public Appearances and Public Comments. The Section of the normal Common Council agenda entitled Public Appearances and Public Comments shall be deleted. To the extent written comments are received by the Clerk that would otherwise be heard in that part of the meeting, the Clerk shall provide copies to the Common Council.

5. Postponement. Nothing in this Proclamation shall remove any discretion by a chair to postpone, to the extent allowed by law, a meeting or matter if the chair determines that postponement is in the public interest.

6. Conflicting Ordinances. To the extent that this Proclamation conflicts with any provision of the Code, the provisions of this Proclamation shall govern and shall constitute an amendment to such provision of the Code until such time as the City's emergency proclamation is terminated. To the extent any ordinance is not amended by this Proclamation explicitly or by necessary implication, including any ordinance governing the procedures of a City body, such ordinance remains in full force and effect.

7. Common Council Ratification. Pursuant to Wisconsin Statutes Section 323.14(4)(b), this Proclamation is subject to ratification, alteration, modification or repeal by the Common Council at its next meeting, which shall occur as soon as the Common Council can meet, but the subsequent action taken by the Common Council shall not affect the prior validity of this Proclamation.

Dated April ____, 2020.

John M. Wirth
Mayor