

Roll Call

The Kalamazoo City Commission met as a Committee of the Whole on Monday, August 2, 2021 at 5:00 p.m. This meeting was held as an electronic meeting under the authority of the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel

COMMISSIONERS ABSENT:

Jack Urban*

All members present indicated they were physically located in the City of Kalamazoo.

Also present were City Manager Jim Ritsema, Deputy City Manager Jeff Chamberlain, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioner Excused

Commissioner Cunningham, seconded by Commissioner Knott, moved to excuse the absence of Commissioner Urban. With a voice vote the motion passed.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

Scott "Rusty" Ernstes, non-resident and a First Lieutenant with the Michigan State Police, introduced himself as the Commander of the Paw Paw Post.

Elizabeth Kimball, non-resident, asked that the City allocate more funding to address gun violence and requested an accounting of the \$100,000 allocated for this purpose in December of 2020.

Jeff Messer, City resident, asked that Commissioners attend Lunchtime Live on Fridays to be accessible and available to the public. Mr. Messer requested that the time allowed for public comments be restored to four minutes when the City Commission resumed meeting in public.

*Commissioner Urban arrived at 5:06 p.m.

Review of Items on
Upcoming City
Commission Agendas

Deputy City Manager Chamberlain reviewed items for upcoming City Commission meeting agendas, including items on the agenda for the 7:00 business meeting and the following topics for future Committee of the Whole (CoW) meetings: on August 16th, a presentation on the proposed process for allocating federal stimulus funds.

2021-00

Discussion re: a Return
to In-Person Meetings of
Public Bodies

City Manager Ritsema recapped the July 19th discussion about a return to in-person meetings of public bodies, and he noted the agenda for the 7:00 business meeting included a resolution extending the local state of emergency to allow for continued remote participation in meetings. City Manager Ritsema referenced the rise of the COVID-19 Delta variant and recent increases in the number of positive cases across the country.

City Manager Ritsema and the City Commission worked through decision points laid out in a slide show entitled *Return to In-Person Meetings: Discussion*. A copy of the slides was filed with the papers from this meeting.

Decision Point #1: Should Kalamazoo mandate social distancing and masks beyond what is required by the CDC and State guidelines at public meetings?

Commissioner Urban suggested the City follow, but not exceed, the guidelines from the state and the CDC.

Commissioner Knott reported Michigan had entered the “substantial transmission” category, and she stated the City should mandate the use of masks.

Vice Mayor Griffin questioned how the City would determine whether people were not wearing masks due to one of the allowed exceptions.

Mayor Anderson offered that the City Commission would be able to continue meeting virtually through the end of the year, and he questioned how that option influenced the current discussion.

City Manager Ritsema clarified that the question at hand was how in-person meetings would look whenever they resumed. City Manager Ritsema reported the Kalamazoo County Health Department would be advising the County Board of Commissioners regarding the timing of a return to in-person meetings, and he suggested the City take advantage of the County Health Officer’s medical expertise and follow his recommendations.

Commissioner Praedel spoke about the rising number of COVID-19 cases and the impact of the Delta variant. Commissioner Praedel suggested the City wait to resume in-person meetings and monitor the situation.

In response to a question from Mayor Anderson, Deputy City Manager Chamberlain indicated in-person meetings could resume the next day if the Commission wanted to continue with the status quo from March of 2020. Deputy City Manager Chamberlain stated the installation of an air filtration system in City Hall would not happen until the end of the year, but portable air filters would be used until a permanent filtration system could be installed. Deputy City Manager Chamberlain indicated the City Commission Chambers was the only room that could accommodate hybrid meetings, and there were efforts underway to expand those capabilities to the Community Room.

Commissioner Cunningham expressed support for the Commission’s direction.

City Manager Ritsema noted several boards managed by the Community Planning and Economic Development (CPED) Department had public hearings with noticing requirements, which meant those boards would need more lead time to prepare for in-person meetings.

Commissioner Urban expressed support for upgrading the audio-visual system in the City Hall Community Room.

Vice Mayor Griffin expressed support for not resuming in-person meetings at this moment. Vice Mayor Griffin remarked on the need to figure out how to do hybrid meetings.

2021-00

Discussion re: a Return to In-Person Meetings of Public Bodies (cont’d)

2021-00

Discussion re: a Return to In-Person Meetings of Public Bodies (cont'd)

City Manager Ritsema stated he understood the direction of the Commission to be: 1) the City's public bodies should continue meeting virtually for now; and 2) the City should seek input from the County Health Department before the Commission decides when and how to resume in-person meetings.

Decision Point #2: Can City Commissioners and members of other boards attend meetings virtually.

City Attorney Robinson stated there had been no guidance from the courts or the Attorney General's Office regarding the rules for remote participation by board members for in-person meetings. City Attorney Robinson stated the easiest way handle remote participation by members was to require that a quorum of the Commission (four members) be together in a physical place.

Discussion followed.

In response to questions from Commissioners, City Attorney Robinson provided the following information:

- members who were virtually present for an in-person meeting would be able to participate in the meeting and vote.
- all members could participate virtually until the end of the year; the difficulty came when trying to figure out hybrid meetings, where some of the members were in-person. Robert's Rules of Order indicated that a board needs to have a quorum present in a "place."
- there had been no request for an Attorney General's opinion on this issue.
- hybrid meetings were not an issue between now and the end of the year. Questions about the definition of a quorum were for after January 1st.

Commissioner Cunningham observed that having a quorum virtually present was the current requirement.

Commissioner Urban noted some of the situations discussed were hypothetical and unlikely scenarios. Commissioner Urban expressed support for the City Attorney's recommendations.

Decision Point #3: Should Kalamazoo continue to stream public meetings and receive call-in public comments.

By consensus the City Commission agreed its meetings should be live-streamed, and the public should be able to call in with comments.

Deputy City Manager Chamberlain reported the City Administration was looking at a live, call-in system for public comments, in which a caller would be on-hold in a queue until it was their turn to speak.

Discussion followed regarding the meetings of other boards, committees, and commissions, and whether remote public comments should be recorded or live.

Commissioner Praedel stated it was hard to connect with people who were not at a meeting in-person, and especially those who called with comments but did not leave any contact information.

Vice Mayor Griffin expressed support for all boards, committees, and commissions having hybrid meetings. Vice Mayor Griffin stated she would like to have speakers identify their connection to the City, and not just whether they are a resident.

Commissioner Cunningham expressed support for recorded public comments. Commissioner stated he supported the Vice Mayor's recommendation and offered as an option that public comments for City Commission meetings be recorded, while other boards, commissions, and committees used the live call-in system.

Commissioner Urban expressed support for recorded comments and suggested that the phone lined be open for recorded comments during business hours, to reduce the burden on staff.

Deputy City Manager Chamberlain stated the Administration was trying to create a process for public comments that was sustainable, and he explained staff time was required to queue the play the recordings.

Mayor Anderson noted not all boards met in the Community Room. Mayor Anderson stated a budget/funding proposal would need to come to the City Commission for facility improvements. Mayor Anderson asked Commissioners to suggest the type of proposal they wanted.

Commissioner Urban suggested the Administration submit two proposals to the City Commission: 1) a proposal that would enable all boards to have hybrid meetings with recorded public comments; and 2) a proposal that would enable a limited number of boards to have hybrid meetings with recorded comments (Planning Commission, Zoning Board of Appeals, Brownfield Redevelopment Authority Board, Economic Development Corporation Board, and the Shared Prosperity Kalamazoo Organizing Committee).

City Manager Ritsema suggested the City Administration and City Commission use the budget process for this proposal, and he noted the timing was right to talk about resources and budgets. In response to a question from Commissioner Praedel, City Manager Ritsema stated the proposal would include additional staffing for the Information Technology Department.

Commissioner Hess suggested that each board, commission, and committee have a dedicated email addresses, which would offer another opportunity for people to have their voice heard.

Deputy City Manager Chamberlain briefly reviewed what was being done regarding an air filtration system, and he discussed other considerations like room capacities and building security.

Next an opportunity was given for comments from City Commissioners.

Commissioner Praedel thanked the City Administration for reaching out to him to discuss the in-person meetings issue.

Vice Mayor Griffin thanked Lieutenant Ernstes for his remarks. Vice Mayor Griffin expressed her desire to have an answer to the problem of gun violence. Vice Mayor Griffin asked that staff provide an update on how the \$100,000 allocated in December to address gun violence was being used.

2021-00

Discussion re: a Return to In-Person Meetings of Public Bodies (cont'd)

Commissioner
Comments

Adjournment

The meeting adjourned at 6:13 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on September 7, 2021

Approved by: _____
David F. Anderson, Mayor
Dated: September 7, 2021

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