

RESOLUTION TO APPROVE VIRTUAL MEETINGS OF THE BOARD OF
MAYOR AND ALDERMEN, COMMITTEES OF THE CITY OF COVINGTON AND
ALL OTHER “GOVERNING BODIES” OF THE CITY OF COVINGTON

Resolution No. _____

WHEREAS, on March 12, 2020 Governor Bill Lee issued Executive Order No. 14 declaring a state of emergency in the State of Tennessee due to the worldwide pandemic of coronavirus spreading across our state; and

WHEREAS, on March 19, 2020 Governor Bill Lee issued Executive Order No. 15 extending the state of emergency and taking further steps to mitigate the spread of the virus in our state; and

WHEREAS, according to guidance issued by the Centers for Disease Control Americans should “avoid social gatherings of more than 10 people” and those over the age of 65 and/or with serious underlying health conditions should remain at home.

WHEREAS, the City of Covington must continue to carry out essential functions, including but not limited to, considering annual budgets and other routine municipal business; and

WHEREAS, in accordance with state and federal guidance, during this continued emergency caused by coronavirus, the interest of public health and safety requires avoiding large gatherings of people in the same physical location; and

WHEREAS, Section 3 of the Charter of the City of Covington says, “The legislative powers of the City of Covington shall be vested in and exercised by a Board of Mayor and Aldermen, elected under provisions of this act, over whose meetings the Mayor shall preside, Any form of Board action shall be passed by a majority of the entire membership of the board. A quorum shall consist of four (4) Aldermen. The Board of Mayor and Aldermen shall hold regular monthly meetings and hear and take action on ordinances, resolutions and other matters of City business...” and

WHEREAS, Section 14 of the Charter of the City of Covington states, “The Board of Mayor and Aldermen shall hold regular meetings at least once monthly,” and

WHEREAS, Section 15 of the Charter of the City of Covington makes clear that the Board of Mayor and Aldermen may determine its own rules of procedure; and

WHEREAS, despite these mandates for the preservation of the public health and safety, public access to government proceedings and transparency of municipal government administration, as guaranteed by Article I, Section 19 of the Tennessee

Constitution and the Open Meetings Act, codified in Tennessee Code Annotated, Title 8, Chapter 44, Part 1, is of critical importance; and

WHEREAS, in a letter dated March 20, 2020 the Tennessee Coalition for Open Government acknowledge the need to balance these interests, stating that, in light of the COVID-19 outbreak, governing bodies should be able to meet electronically regarding essential business, so long as they provide electronic access to the public and reasonable safeguards to ensure transparency;

WHEREAS, Tennessee Code Annotated § 58-2-107(e) provides that during a state of emergency the Governor is authorized to suspend laws and rules regarding the conduct of state business, if necessary to cope with the emergency, utilize all available state and local resources and state departments and personnel to combat the emergency, order evacuations, make orders concerning the entry and exit and the occupancy of premises within an emergency area, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, on March 20, 2020 Governor Bill Lee issued Executive Order No. 16 which suspended Tennessee Code Annotated Title 8, Chapter 44, Part 1 to the extent necessary to allow governing bodies to meet and conduct its essential business by electronic means, rather than being required to gather in a quorum of members physically present at the same location; and

WHEREAS, the Board of Mayor and Aldermen, Finance and Administration Committee, Public Safety Committee, Public Relations/General Welfare Committee, Public Works Committee, Municipal Planning Commission, Regional Planning Commission, Board of Zoning Appeals, Historic Zoning Committee, and Board of Property Maintenance Appeals are all governing bodies of the City of Covington, Tennessee as defined in Tennessee Code Annotated § 8-44-102; and

WHEREAS, Executive Order no. 16 requires that all meetings of governing bodies conducted by electronic means pursuant to the authority granted by the order must remain open and accessible to the public, and each governing body must make reasonable efforts to ensure that the public access to the meeting in live access, but if the governing body is unable to provide live access despite reasonable efforts, the governing body must make clear audio of video recording of the meeting available to the public as soon as practicable following the meeting; and

WHEREAS, Executive Order No. 16 authorizes the City of Covington, Tennessee to make, amend, rescind orders and rules necessary to conduct electronic meetings adhering to the provisions and spirit of the Tennessee Constitution and Open Meetings Act; and

WHEREAS, Executive Order No. 16 suspends any law, order, rule or regulation that is inconsistent with the Order; and

WHEREAS, Executive Order No. 16 is effective through midnight on May 18, 2020 at which time any suspension of any law, rule or regulation effective under the Order ceases.

WHEREAS, an Executive Order from the Governor of the State of Tennessee, as authorized under state law and pursuant to the state of emergency in our state and county, supersedes the requirements of the Charter of the City of Covington; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF COVINGTON:

SECTION 1: Until further notice, as determined by the Board of Mayor and Aldermen, or the expiration of Executive Order No. 16 as referenced hereinabove, all governing bodies of the City of Covington, Tennessee shall meet electronically in accordance with the requirements of the Executive Order No. 16.

SECTION 2: “Governing body” is defined in Tennessee Code Annotated § 8-44-102(b)(1)(A) in relevant part as:

The members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

For purposes of this Resolution, governing bodies within the City of Covington shall include the Board of Mayor and Aldermen, Finance and Administration Committee, Public Safety Committee, General Welfare/Public Relations Committee, Public Works Committee, Municipal Planning Commission, Regional Planning Commission, Historic Zoning Commission, Board of Zoning Appeals, Board of Property Maintenance Appeals and any other committee not specifically mentioned herein which meets the definition hereinabove as may be determined by the city attorney.

SECTION 3: All regularly scheduled Board of Mayor and Aldermen meetings on the second and fourth Tuesdays of each month at 5:30pm will continue. The Mayor will preside over the meeting from the Board Room at City Hall with the Recorder/Treasurer and city attorney present, but at a safe distance. All Aldermen are encouraged to attend remotely via the “Go To Meeting” electronic platform. If any Alderman is not able to attend the meeting visually via the “Go To Meeting” platform, they shall be allowed to call into the meeting. All meetings will be conducted in compliance with current guidance from the Centers for Disease Control, and in the event there are more people present in the room than are

allowed appropriate adjustments will be made to protect the health and well-being of all present.

SECTION 4: All Aldermen, committee members, and other members of governing bodies to which this Resolution applies shall announce their presence by roll call of the Mayor or Chairperson immediately after the meeting is called to order. All Aldermen, committee members and other members of governing bodies who respond to the roll call of the Mayor or Chairperson shall be considered present for the meeting in order for a quorum of the governing body to exist.

SECTION 5: All votes taken during any virtual Board of Mayor and Aldermen, committee meeting or other public meeting held pursuant to this Resolution shall be taken by roll call vote, and prior to casting their vote each member of the Board or committee shall announce their name prior to casting their vote so that all votes may be recorded accurately.

SECTION 6: All virtual Board of Mayor and Aldermen, committee meetings or other public meetings held pursuant to this Resolution shall be accessible to the public by being streamed live over the City of Covington Facebook page and, if available, streamed live on the City of Covington's website. If for any reason any meeting to which this Resolution applies is not streamed live, it shall be made publicly available within 48-hours.

SECTION 7: Any citizens, organization or other persons with essential business before the Board of Mayor and Aldermen, committees or other public meetings held pursuant to this Resolution shall be allowed to attend by electronic means, including via the "Go To Meeting" platform or the dial in number. Those persons/organizations shall submit all relevant and/or necessary documentary evidence to the appropriate City of Covington Department heads prior to the meeting. City of Covington Department heads are directed to facilitate virtual attendance of those with essential business before their respective committees.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage, **THE PUBLIC HEALTH, SAFETY AND WELFARE REQUIRING IT.**

ADOPTED this 24th day of March, 2020.

MAYOR

RECORDER/TREASURER