

WAYNE COUNTY LOCAL PUBLIC HEALTH DEPARTMENT EMERGENCY
EPIDEMIC ORDER IN RESPONSE TO THE COVID-19 PANDEMIC UNDER MCL 333.2453

DECLARATION OF CONTINUED EMERGENCY DUE TO COVID-19
TO ALLOW PUBLIC MEETINGS OF GOVERNMENTAL BODIES TO BE HELD REMOTELY
UNDER PUBLIC ACT 228 OF 2020
EXTENDED FROM JUNE 30, 2021 to DECEMBER 31, 2021

On June 14, 2021, I, Carol Austerberry, the Health Officer of the Wayne County Local Public Health Department, am extending the Local Public Health Emergency Epidemic Order (originally issued March 20, 2021) for the Coronavirus Disease 2019 (COVID-19) pursuant to section 333.2453 of the Public Health Code of the State of Michigan, as it has been determined that it is necessary to continue to protect the public health from further transmission of COVID-19 within Wayne County. The jurisdiction of the Wayne County Local Public Health Department is Wayne County, except for the City of Detroit.

COVID-19 remains an imminent threat to the public throughout Wayne County. In the jurisdiction of the Wayne County Local Public Health Department, meetings of governmental bodies must be accessible to all members of the public, vaccinated and unvaccinated. Therefore, I am extending my originally issued emergency order to allow a local body to continue to hold remote meetings under the Open Meetings Act until December 31, 2021.

In making the decision to extend this order, several factors were carefully considered:

Many areas within the jurisdiction of the Health Department and demographic groups within those areas have vaccine rates below the rate to achieve herd immunity to limit spread of the virus. This remains a concern as the spread of COVID-19 may result in emerging and more dangerous variants, such as B.1.617.2, becoming higher proportionally through the interactions of vaccinated and unvaccinated individuals, all of whom can become infected with COVID-19. Additionally, for certain individuals with mobility or transportation concerns, access to vaccinations has not been fully achieved, as programs for home-bound and other socially vulnerable populations are in the process of being implemented. The ability to access and participate in public meetings is maximized in allowing for remote, hybrid, and in-person meetings, when local bodies can make the determination that in-person meetings may safely be held.

Additionally, multiple governmental bodies within my jurisdiction have directly communicated the desire to have the flexibility to hold hybrid meetings with both in-

person and virtual components, which were allowed until the latest revision of the Open Meetings Act and which would not currently be allowed without this extension.

Also, the current Michigan Department of Health and Human Services (MDHHS) Emergency COVID-19 Order dated June 1, 2021, no longer exempts public bodies from capacity limits for indoor gatherings. For a large meeting, the number of participants could exceed the venue's capacity, creating concerns about safe and transparent public access to the meeting in conflict with the Open Meetings Act. Based on the current guidance from MDHHS, individual public bodies would be required to research, provide specific guidance, and monitor compliance with the Open Meetings Act, an undertaking that may be well beyond their expertise.

Finally, many governmental bodies have been in direct contact, on a weekly basis, seeking certainty and expressing the desire to have the emergency order extended. Under this order, each individual public body within the jurisdiction of the Wayne County Local Public Health Department can plan for remote, hybrid, and in-person meetings that allow for safe public access and participation in response to the rapidly changing COVID-19 environment.

This order is hereby effective as of June 30, 2021, and will remain in effect until December 31, 2021, at 11:59 p.m., unless withdrawn or replaced.

Such measures will be enforced, and any violations are subject to citation and penalties as outlined in the Michigan Public Health Code.

This order may be revised as well as supplemented with specific procedures and orders per the Michigan Public Health Code.

Carol Austerberry

Carol Austerberry, RS, MS, MPA
Wayne County Dept. of Health, Human & Veterans Services
Division Director/Local Health Officer

Dated: June 14, 2021