

Commissioner Simmons introduced the following resolution and moved its adoption:

**RESOLUTION ADOPTING EMERGENCY
PUBLIC HEARING ALTERNATIVES**

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
WEST FARGO, NORTH DAKOTA:

WHEREAS, on March 13, 2020, North Dakota Governor Doug Burgum declared a statewide emergency related to the Coronavirus pandemic (COVID-19); and

WHEREAS, COVID-19 is a severe respiratory illness, caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of West Fargo (the “City”); and

WHEREAS, the North Dakota Department of Health activated its Emergency Operations Center in January 2020, and has been actively coordinating and in communication with health care providers, schools, universities, childcare providers, businesses, churches, and the general public to make sure North Dakotans are educated and as prepared as possible to assist in reducing the spread of COVID-19; and

WHEREAS, it is recommended that social distancing be implemented statewide in an effort to slow the spread of COVID-19; and

WHEREAS, under N.D.C.C. § 44-04-19, “[e]xcept as otherwise specifically provided by law, all meetings of a public entity must be open to the public;” and

WHEREAS, under N.D.C.C. § 44-04-19(4), members of the Board of City Commissioners and Planning and Zoning Commission are permitted to participate in meetings via phone call or video streaming; and

WHEREAS, these City meetings may have public hearings which provide interested persons the opportunity to provide comments to the governing bodies; and

WHEREAS, in an effort to promote social distancing while still allowing interested persons to provide public comments, the City deems it necessary for the health, safety, and welfare of its citizens to adopt alternative methods for interested persons to provide public comment to the governing bodies; and

WHEREAS, this Resolution provides for implementation of alternative methods of public comment provided to the West Fargo Board of City Commissioners and the West Fargo Planning and Zoning Commission while the State and Nation are under emergency protocols related to COVID-19; and

WHEREAS, once such alternatives are in place and posted, such alternatives remain in effect until they are rescinded or altered by action of the Board of City Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of West Fargo as follows:

1. The governing bodies of the City will limit the length of meetings or, if necessary, postpone or cancel any meetings that are deemed non-essential. If meetings cannot be postponed or cancelled, only essential business of the governing body will be considered at the meeting (e.g. paying bills, approving contracts, and other business operation items).
2. In the event the governing body holds a meeting on a non-scheduled meeting date or holds a meeting via conference call, real time/live streaming, or similar remote access, the governing body will provide public notice of this alternative access via the governing body's website, social media page(s), informing the newspaper of general circulation, and posting notice on the window or door of the governing body's principal office. The public will be asked not to attend these meetings at the governing body's principal office, but rather participate via conference call, real time/live streaming, or similar remote access.
3. If a public hearing is required for an agenda item during a special meeting as previously discussed, the governing body will accept public comment via mail, electronic mail, or other written means, by providing a deadline for interested persons to provide public comment after the governing body holds a "public hearing" via call-in numbers, real time/live streaming online, or similar remote means.
4. Before accepting the alternative methods of public comment, the governing body should provide the public with notice informing interested persons where they should send their public comment, the deadline to send public comment, and inform them that their written comments will be taken into consideration at the next regular or special meeting.
5. Upon completion of the public comment period, the governing body will consider any public comments received at its next regular or special meeting. All votes will be conducted by roll call vote that discloses each person's identity.
6. This Resolution is effective from the date of approval until such time as it is rescinded or altered by action of the Board of City Commissioners.

Dated this 25th day of March, 2020.

APPROVED:



Bernie L. Dardis, President of the Board of
City Commissioners

ATTEST:

A handwritten signature in blue ink that reads "Tina Fisk". The signature is written in a cursive style with a horizontal line underneath it.

Tina Fisk, City Auditor

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Gjerdevig, and upon vote being taken thereon, the following voted in favor thereof: Simmons, Gjerdevig, Olson, Thorstad, and Dardis. The following commissioners were absent and not voting: none. The following commissioners voted nay: none. The majority having voted aye, the motion carried and the resolution was duly adopted.