

**Michigan Municipal League  
Stay Home Stay Safe Executive Order 2020-21 webinar Q&A  
March 27, 2020**

**Should municipalities use minimal crews for streets, water treatment plants, parks, etc.?**

Yes, you should be minimizing crews to the point where you can still complete the job.

**First Question I have is from a business owner, "We have been told to now check temperatures of people coming into business. Everywhere is out of thermometers... Amazon is sold out till April 27th." How do we provide the tools to these businesses so that they provide help?**

You must be referring to the Oakland County Exec Order: temp check daily screening of those on premises and working. This only applies if a touchless thermometer is available. Businesses don't have to go out and try to find a touchless thermometer. You can ask employees if they have a fever or ask about any of the other symptoms (on the list).

**At what point will the National Guard be activated for enforcement, if local law enforcement may be challenged due COVID-19 diagnoses may or are increasing.**

The League received a letter from the National Guard that will be posted on our website, The National Guard is out for humanitarian efforts not law enforcement at this time.

**Golf courses have been questioned many times. Will we be receiving clarification as to whether or not they will be allowed to open for golf, provided areas such as clubhouses and dining facilities remain closed?**

This was addressed in the supplemental Q&A the state put out. The answer is no. While EO 2020-21 contemplates outdoor activity, opening a golf course to the public does not fall under the designation of critical infrastructure. Consequently, a golf course may not designate employees as critical infrastructure employees and authorize them come to work.

**Can municipalities stop short term rentals temporarily to stop the spread of the virus? Are short term rentals considered "essential" businesses?**

You have to demonstrate that the order to shelter at home is being violated (by the visitor or the operator). And who's jurisdiction it falls under, under the order.

**Residential Home Construction - We have a builder who has homes partially constructed and he has said he should be allowed to secure them and finish putting the roof on. Our prosecutor has said no as of now, but it seems he is waiting on more guidance from AG. Any update on this?**

Construction can continue only if you need to secure the house to prevent it from ruin. Different than whether the structure could weather a month without further repair. Sounds like prosecutor thinks it could make it the month. Any construction has to be absolutely necessary to maintain the building.

**Citizen concerned about ice cream (Dairy Queen) and pastry shops being open. Doesn't consider them to be "essential" food providers. Can we have better definitions.**

The restaurant rule doesn't specify the type of food. If a restaurant provides carry out, deliver, etc. there isn't a category of restaurants. As long as you keep distancing of people in line, it is OK. Municipalities shouldn't pick and choose which businesses are operational. It's not your job to make those determinations.

**The EO and the AGs statement dumps it all onto local law enforcement. This is left to the individual officer's "best judgement" as to whether a business is in violation. Will the AGs office support each officer's decision to take action?**

We can't tell you that you will be supported by the AG. The AG's office is going to try and create some consistency in some areas, and none in others. Law enforcement shouldn't call AG, they should call local prosecutor if they have questions. The prosecutor may call the AG but not individual officers.

**Are volunteers being used to support park maintenance and other city services etc. considered essential and allowed?**

Don't consider volunteers critical. If it was an essential or critical service, a paid employee would be performing the job. Pare down work force to bare minimum of paid employees. Volunteers would violate the spirit of the order (not volunteer firefighters, of course).

**Is a bicycle shop considered to be an essential transportation business?**

Only if it is repairing bicycles that people are using as transportation to get to work because the person is a critical infrastructure worker. AG office said tread very carefully here.

**Has FOIA been addressed with any municipalities or under the Governor's order?**

No, but the League is continuing to work on this and is creating an informational document in cooperation with the MI Press Association.

Given the intent of sunshine laws, you're going to want to try and meet those requirements and fulfill FOIA requests to the best of your ability.

**Are businesses that have closed to the public able to continue to allow a small number of employees into the business to fulfill online orders?**

In a very limited manner, with no customer contact.

**If a local governing body is able to meet the social distancing requirements, may they hold a public meeting to conduct minimal business?**

If you are able to do remote meetings, that is the preference. Public bodies are not supposed to meet if they don't have to. If you must meet, it should be remotely. If you are going into city or village hall, you are touching the same doorknobs, etc. when going into building.

**Is it the responsibility of a zoning administrator or building department to suspend the issuance of permits for non-essential construction activity, or is the responsibility of the applicant not to proceed? In other words, would the zoning or building department be out of compliance with EO 2020-21 if they issue a permit for non-essential construction?**

We don't think you would be out of compliance for issuing permit, but not requiring the work to go forward, may want to safeguard by saying the permit does not authorize construction in violation of executive orders.

**Businesses have been arranging curbside delivery in front of store and local delivery to front porch. Is this okay?**

Yes. Those type of services still allowed but follow social distancing (e.g. Grub Hub). If retail, would still have to go through the mail (e.g. Macy's).

**Is leaf collection on the curb allowed for DPW workers?**

Solid waste collection is essential and in general curbside trash and recycling. Yard waste seems to be set aside as something not essential right now. So, no.

**What about litter in downtown areas? Can landscape crews continue to maintain public areas?**

That sounds like an activity for curbside appeal, appearance – not waste removal. That would not be considered essential infrastructure at this time.

**Should public restrooms remain closed?**

I would shut them down. They are analogous to playgrounds in park. Unless you have a mechanism to clean them constantly, don't know how you don't run into issues. But, there have been no specific guidance on this. There is a reference to police officers, mail carriers to go into restaurants and open businesses to use the restroom (anticipating that public restrooms will be closed).

**Who is the prosecuting authority for citations issued for violating the EO? Can a local government adopt an ordinance doing the same thereby permitting the city attorney to prosecute?**

I don't think you can pass an ordinance in time before this order even runs out. The best thing is to take it one day at a time. The AG and Governor's office want all to be handled on level of clear violation issue be sent to prosecutor's office. All we've seen are those 6 steps released yesterday. Probably won't get a lot of action on this. The AG is hoping for voluntary compliance. Follow the AG's steps instead of attempting a local ordinance.