

The City of Bessemer, Alabama

June 26, 2020

Re: COVID-19 and matters necessary to perform essential minimum functions of the governmental body.

The Council of the City of Bessemer, Alabama met in special session via teleconference on Friday, June 26, 2020 at 1:00 p.m. Central Time. The purpose of the special meeting was to consider matters within the Council's authority that are (a) necessary to respond to COVID-19, and (b) necessary to perform essential minimum functions of the governmental body. The meeting was called to order by Council President Cynthia Donald who was Chairman of the meeting. The following Council members were found to be present: Councilors Kimberly Alexander, Ron Marshall, Jesse Matthews, Latricia Crusoe, and Cynthia Donald. Absent: Councilors Jarvis Collier and Donna Thigpen. The City Council voted on the following resolution:

Councilor Donna Thigpen arrived at the teleconference meeting at 1:14 p.m.

RESOLUTION NO.: 253-20

A RESOLUTION AUTHORIZING THE EXPENDITURE OF MUNICIPAL FUNDS FOR THE ACQUISITION OF EQUIPMENT AND SERVICES TO BROADCAST THE DELIBERATIVE MEETINGS OF THE CITY COUNCIL OF THE CITY OF BESSEMER, ALABAMA TO THE GENERAL PUBLIC DURING THE COVID-19 PANDEMIC

WHEREAS, by Proclamation dated March 13, 2020, the Governor of the State of Alabama, Kay Ivey, declare the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19 in the State of Alabama as the result of the national epidemic and international pandemic;

WHEREAS on March 16, 2020, the Jefferson County, Alabama Health Officer, in response to a rapidly growing number of cases of COVID-19 being detected in Jefferson County, issued an order suspending certain public gatherings in Jefferson County, Alabama. The City of Bessemer, Alabama lies within Jefferson County, Alabama;

WHEREAS, the Alabama Open Meetings Act, codified at Section 36-25A-1, et seq., Code of Alabama 1975 provides in Section 36-25A-(2) that the deliberative process of governmental bodies, which includes the City Council of the City of Bessemer, Alabama, shall be open to the public during meetings as defined in Section 36-25A-2(6);

WHEREAS by Proclamation dated March 18, 2020, Alabama Governor Kay Ivey proclaimed the existence of conditions warranting implementation of additional extraordinary

measures and relief during the state health emergency including finding that the government response to COVID-19 requires a careful balance between concerns for public health and safety and for the right of the public to the open conduct of government and, to that end, the Governor proclaimed that, “[n]otwithstanding any provision of the Open Meetings Act, members of a governmental body may participate in a meeting—and establish a quorum, deliberate, and take action – by means of a telephone conference” provided the governmental body complies with the requirements set forth in Article III of said Proclamation;

WHEREAS, the Proclamation of March 18, 2020 further provided that “[g]overnmental bodies conducting a meeting pursuant to this section are encouraged, to the maximum extent possible, to use communications equipment that allows members of the public to listen to, observe, or participate in the meeting”; and

WHEREAS, the governing body of the City of Bessemer, Alabama desires to authorize the purchase communications and broadcast equipment and services to allow the broadcast of its deliberations and actions to permit and allow members of the public to listen to, observe, or participate in the meetings during the COVID-19 State of Emergency.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BESSEMER, ALABAMA, AS FOLLOWS:

1. The Mayor of the City of Bessemer, Alabama is hereby authorized to expend municipal funds for the acquisition of communications and broadcast equipment and services to allow the broadcast of deliberations of the City Council of the City of Bessemer, Alabama to the public to permit and allow members of the public to listen to, observe, or participate in said meetings during the COVID-19 State of Emergency.
2. This resolution shall become effective immediately upon its adoption as required by law.

ADOPTED this the 26th day of June, 2020.

Councilor Donna Thigpen left the teleconference meeting.

Councilor Crusoe made a motion to approve the resolution that authorized the expenditures for the acquisition of equipment to broadcast the deliberative meetings of the city council to the general public during the COVID-19 pandemic. Councilor Alexander seconded the motion and upon roll call the following votes were recorded; Ayes: Councilors Alexander, Matthews, Crusoe and Donald. Nays: Councilor Marshall. The motion carried.

The meeting was adjourned.

Wanda D. Taylor
City Clerk
City of Bessemer