

RESOLUTION

NO: 2021-05-070

LIVINGSTON COUNTY

DATE: May 10, 2021

Resolution Authorizing the Issuance of FOIA Requests for documents supporting an extension of the MIOSHA COVID-19 Emergency Rules - Board of Commissioners

WHEREAS, on April 10, 2021 Governor Whitmer declared “the COVID-19 Emergency Rules shall remain effective until October 14, 2021”; and

WHEREAS, these MIOSHA COVID-19 Emergency Rules (henceforth referred to as “Rules”) impact all Michigan employers, including Livingston County; and

WHEREAS, the extension of the Rules are required to be based upon the Governor’s finding of a need for an extension based upon a Finding of Emergency; and

WHEREAS, the Governor’s certificate of need for extension is devoid of any factual basis and, rather, appears to be relying on assertions of Finding of Emergency in the original Rules, which includes an assertion that it was “based upon on the best available scientific evidence and public health guidance published by the U.S. Centers for Disease Control (CDC) and other public health authorities.” Further, the Finding of Emergency asserts, “There is currently no approved vaccine or proven effective antiviral treatment for COVID-19”; and

WHEREAS, clearly the Governor’s failing to provide a factual basis to extend the Rules (without following the procedures of the Administrative Procedures Act) and instead relying on outdated and wrong assertions that there is “currently no approved vaccine”, and the Governor’s apparent reliance on this blatantly incorrect information calls into question what other outdated or wrong information she is relying upon to support her Finding of Emergency.

THEREFORE BE IT RESOLVED, that the Livingston County Board of Commissioners authorizes the Livingston County Administrator to issue Freedom of Information Act (FOIA) requests to the Governor and the Department of Labor and Economic Opportunity to provide those records establishing what the Governor considers to be “the best available scientific evidence and public health guidance published by the U.S. Centers for Disease Control (CDC) and other public health authorities.”

BE IT FURTHER RESOLVED, that this FOIA request shall also ask for the records establishing what the Governor considers to be “the best available scientific evidence and public health guidance available regarding the spread of COVID-19 in the workplace,” which she relied upon when she asserted, “Based on the best available scientific evidence and public health guidance available regarding the spread of COVID-19 in the workplace, I find that these emergency rules are necessary to protect employees.”

BE IT FURTHER RESOLVED that upon approval by the Livingston County Board of Commissioners this resolution shall be distributed to the other eighty-two (82) Michigan Counties and Livingston County's three (3) State Legislators.

#

#

#

MOVED:
SECONDED:
CARRIED: