

RESOLUTION # 2020-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, TO AUTHORIZE CERTAIN ACTIONS IN FURTHERANCE OF THE DECLARATION OF A STATE OF EMERGENCY BY THE ST. LOUIS COUNTY EXECUTIVE.

WHEREAS, On March 6th, St. Louis County partially activated its Emergency Operations Center (“EOC”) in anticipation of the potential impact of COVID-19 in St. Louis County that included bringing together at County’s EOC the following assets: the Department of Public Health, Office of Emergency Management, Public Information Officers, local Fire/EMS, and the St. Louis Medical Operations Center; and

WHEREAS, the City has an Emergency Operations Plan dated March 9, 2020, (the “EOP”) that sets forth the plan of the City to be taken to reduce vulnerability of City residents, establish capabilities of protecting citizens, respond effectively, and provide recovery in the case of an emergency in the City. The City’s Emergency Management Coordinator (the St. Louis County Office of Emergency Management) has not yet advised the Mayor to activate the City’s Emergency Operation Center, consistent with the EOP; and

WHEREAS, on March 13, 2020, the County Executive of St. Louis County, Missouri (“St. Louis County”), declared a State of Emergency in St. Louis County relating to the immediate and significant risk posed to the health, safety, and wellbeing of the people of St. Louis County due to the potential spread of COVID-19 (“Executive Order No. 1”); and

WHEREAS, pursuant to Paragraph 10 of Executive Order No. 1, the “State of Emergency ... shall expire only upon further order declaring that the emergency no longer exists[;]” and

WHEREAS, Paragraph 6 of the March 13th Executive Order, as amended by the Executive Order issued on March 15, 2020 (“Executive Order No. 2”) declared, the following:

It is hereby declared unlawful for any person to organize or to attend an intentional gather of 50 people or more in a single space or room. It is further provided that any person who organizes a gather of 49 people or less shall take appropriate action to minimize the risk to the greatest extent possible by implementing and enforcing mitigation measures, including but not limited to social distancing, limiting the time period of gathers, frequent cleaning of all surfaces, and posting signs. It is further declared unlawful for any person to organize or to attend an intentional gather of more than 10 individuals of high-risk groups as that term may be defined by the Director of the Department of Public Health. This paragraph shall not apply to school attendance, places of employment, grocery stores, retail stores, or any activity that a court of competent jurisdiction holds cannot constitutionally be closed in these specific circumstances; and

WHEREAS, for purposes of the restrictions set forth in Paragraph 6 of Executive Order No. 1, as amended by Executive Order No. 2, high-risk groups include: individuals over 60 years of age; with underlying health conditions including heart disease, lung disease, or diabetes; with weakened immune systems; or who are pregnant; and

WHEREAS, the County Executive issued another Executive Order on March 16, 2020, (“Executive Order No. 3”) authorizing the establishment of rules, orders, policies and guidance as it relates to the protection of County employees; and

WHEREAS, the County Executive on March 17, 2020, issued an Executive Order (“Executive Order No. 4”) imposing limited and temporary restrictions on the use of certain places of public accommodation, including, the following:

All places of public accommodation shall institute appropriate health and safety protections including social distancing techniques (e.g., requiring people to be at least six feet apart; reducing the number of employees, customers, or other people present; reducing face-to-face contact; using phone calls, virtual meetings, and drop-offs/curbside pickups rather than in-person contact); and

WHEREAS, on March 18, 2020, the County Executive issued an Executive Order (Executive Order No. 5) (Executive Order No. 1, Executive Order No. 2, Executive Order No. 3, Executive Order No. 4, and Executive Order No. 5 being hereinafter collectively referred to as the “Executive Orders”) that rescinded the gathering restrictions set forth in Executive Order No. 1, as amended by Executive Order No. 2, and replaced it with, the following:

It is hereby declared unlawful for any person to organize or to attend an intentional gathering or 10 people of more in a single space or room. It is further provided that any person who organizes a gathering of 9 people or fewer shall take appropriate action to minimize risk to the greatest extent possible by implementing and enforcing mitigation measures, including but not limited to social distancing; and

WHEREAS, Executive Order No. 5 further provides that “The Director of the Department of Public Health may promulgate such mandatory or advisory rules, orders, policies, and guidance as is necessary and appropriate to implement this Executive Order, to provide exclusions or exemptions, or to define any of the terms used herein;” and

WHEREAS, consistent with the authority set forth in Executive Order No. 5, on March 18, 2020, the Director of the Department of Public Health (the “Director”) issued an Order Prohibiting Certain Intentional Gatherings (the “Order”), effective as of 12:01 a.m. on March 19, 2020, which contains the following pertinent provisions:

“A person shall not organize or attend an intentional gathering of 10 people or more in a single space or room.”

“A person who organizes a gathering of 9 people or fewer shall take appropriate action to minimize risk to the greatest extent possible by implementing and enforcing Social Distancing Requirements.

“This order shall apply to activities in theatres, funeral homes, gyms, fitness centers, country clubs, and indoor shopping malls.”

“This order shall not apply to Essential Businesses or Minimum Basic Operations so long as every person complies with Social Distancing Requirements to the greatest extent possible.”

“This order shall also not apply to places of employment, grocery stores, pharmacies, retail stores with public exterior entrances not in an indoor shopping mall, means of public transit [...] so long as every person at any such location shall comply with Social Distancing Requirements to the greatest extent possible;” and

WHEREAS, for purposes of interpretation of the provisions of the Order, the terms Essential Business and Social Distancing Requirements are defined to include, the following:

“Essential Business” means:

[...]

Essential Infrastructure [defined to include “public works, [...] roads, highways, [...] solid waste collection and removal];

Essential Government Functions [defined to mean “all services needed to ensure the continuing operation of federal, state, and local government departments, offices, agencies, and officials, political subdivisions, and to provide for the health, safety, and welfare of the public;

“Social Distancing Requirements” means remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (of approximately 6 feet) from others when possible to stop or slow down the spread of a highly contagious disease or as otherwise defined by order; and

WHEREAS, based on what is known of COVID-19, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services (the “CDC”) notes that the spread of COVID-19 “from person-to-person happens most frequently among close contacts (within 6 feet)[,]” and recommends that persons should maintain a safe separation of six (6) feet away from others when possible; and

WHEREAS, the City Council deems it to the benefit of the health, safety and general welfare of the residents of the City to comply with and implement, to the extent possible, the requirements and recommendations of the Executive Orders and the CDC guidelines to protect the health, safety, and general welfare of the employees, residents, and other occupants of the City; and

WHEREAS, the City Council further finds and determines that certain measures are necessary and appropriate to carry out such requirements and recommendations set forth in the Executive Orders and any additional Executive Orders as may be instituted from time to time, and the recommendations issued by the CDC to prevent and curtail any risks that may be posed to the employees, residents, and other occupants of the City imposed by the potential spread of COVID-19 and the limited and temporary restrictions imposed by the Executive Orders as a result thereof; and

WHEREAS, the City Council further finds and determines that certain additional necessary immediate actions supplemental to those set forth in the EOP be authorized for the benefit of the health, safety and general welfare of the residents of the City;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. That the City Council of the City of Wildwood, Missouri, hereby directs that no committee, commission, or board over which the City Council has authority shall call or hold any meetings unless the Chairperson of such committee, commission, or board deems such meeting to be materially necessary to the furtherance of operations of the City or the health, safety and general welfare of the residents of the City, or that the business of such committee, commission, or board is required to occur pursuant to City Charter or Ordinance, State Statute or the Constitutions of the State of Missouri or the United States.

Section Two. As to any committee, commission, or board not subject to the provisions of Section One of this Resolution, the City Council does hereby advise and encourage each chairperson of a committee, commission, or board of the City to withhold from calling or holding any meeting unless the Chairperson deems

such meeting to be materially necessary to the furtherance of the operations of the City or the health, safety and general welfare of the residents of the City, or that the business of such committee, commission, or board is required to occur pursuant to City Charter or Ordinance, State Statute or the Constitutions of the State of Missouri or the United States.

Section Three. That the Mayor be and is hereby authorized, empowered and directed to, on behalf of the City, take such steps as may be necessary or desirable to carry out and comply with the limitations and restrictions imposed by the Executive Orders, as may from time to time be amended, the Order, and with all guidance and recommendations as may from time to time be provided by the CDC or the Director of the Department of Health of St. Louis County related to the spread or potential spread of COVID-19.

Section Four. City Council Members, subject to physical presence of a quorum at Council Meetings, and other members of the various committees, commissions, and boards of the City are authorized to participate in any meetings of their respective public governmental bodies by either telephone or videoconferencing subject to the provisions of Chapter 610, RSMo. Council Members may participate in meetings to the same extent as being physically present, relative to, among other things, voting and debate, except that any Council Member participating in a City Council Meeting via telephone will not be allowed to participate in roll call votes except as otherwise set forth in Section 610.015, RSMo.

Section Five. That the Mayor be and is hereby authorized and empowered to direct the City Administrator to suspend the enforcement of certain ordinances of the City as may be necessary or convenient to promote the health, safety and general welfare of the City's residents or to accommodate the disruption of business activity or the daily lives of residents of the City during the pendency of the restrictions imposed by the Executive Orders or the Order, as they may from time to time be amended.

Section Six. That the Mayor and the City Administrator be and are hereby authorized, empowered and directed to, on behalf of the City, take all actions as may be necessary or desirable to carry out and comply with the intent of this Resolution and to protect the health, safety, and welfare of the residents and businesses of the City.

Section Seven. This Resolution shall be in full force and effect from and after its passage and approval, and shall expire upon a declaration by the County Executive that the emergency declared in the Executive Orders no longer exists, or by action of the City Council.

This Resolution was passed and approved this _____ day of _____ 2020, by the Council of the City of Wildwood.

The Honorable James R. Bowlin, Mayor

ATTEST:

Colleen Lohbeck, Deputy City Clerk