

## RESOLUTION 20-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA, PROVIDING FOR ADMINISTRATIVE ACTIONS, CLOSURE OF CERTAIN PUBLIC PROPERTIES AND FACILITIES; PROVIDING FOR SUSPENSION OF PERMITS; PROVIDING FOR PROCEDURES FOR FUTURE CITY COUNCIL MEETINGS AND OTHER CITY BOARD, BID OR COMMITTEE MEETINGS; PROVIDING DIRECTION TO CITY STAFF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

*WHEREAS*, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and

*WHEREAS*, in December 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Okaloosa County and 26 other counties in the State of Florida; and

*WHEREAS*, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

*WHEREAS*, on March 13, 2020, President of the United States, Donald J. Trump, issued a Proclamation declaring a National Emergency Concerning the Novel Coronavirus Disease Outbreak pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

*WHEREAS*, as of March 18, 2020, the Centers for Disease Control and Prevention (CDC) is reporting that the total confirmed cases in the United States has increased to 7,038 with a total death at 97; and

*WHEREAS*, with the advancement in testing of COVID-19 in the past week, the COVID-19 White House Task Force as well as the CDC are predicting that the amount of confirmed cases in the United States will increase rapidly in the next four to five days; and

*WHEREAS*, no vaccine or drug is currently available to cure or combat COVID-19; and

*WHEREAS*, The City of Mary Esther, Florida is threatened by COVID-19 because of the apparent ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of Mary Esther; and

*WHEREAS*, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

*WHEREAS*, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 regarding COVID-19, declaring a state of emergency in the State of Florida and authorizing in

accordance with Section 252.38, Florida Statutes, each political subdivision within the State to “waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;” and

**WHEREAS**, on March 17, 2020, Governor DeSantis issued Executive Order Number 20-68 regarding COVID-19, closing Bars, Pubs and Nightclubs and limited gatherings of people on beaches and in restaurants; and

**WHEREAS**, on March 17, 2020, Governor DeSantis at a press conference discussing Executive Order Number 20-68 stated that the Order was the “floor for Florida for the foreseeable future” and he encouraged communities to go further with regulations as needed: and

**WHEREAS**, on March 17, 2020, the Okaloosa County Board of County Commissioners declared a local state of emergency; and

**WHEREAS**, the White House Taskforce on COVID-19 cautioned on March 18, 2020, that younger people are not taking seriously the need to social distance as they do not fall into the highest risk groups for COVID-19 and as a result, other countries are beginning to see an increase in the number of young people becoming seriously ill in the ICUs; and

**WHEREAS**, due to school and university closings as well as extended spring break periods, there is an overwhelming number of younger individuals on the beaches, parks, and throughout the communities of Okaloosa County and the City of Mary Esther which may jeopardize the health and safety of the City’s citizens; and

**WHEREAS**, on March 20, 2020, the City Council at an emergency meeting declared a State of Emergency exists in the City; and

**WHEREAS**, the Declaration of State of Emergency empowers the City with wide latitude allowing it to adopt any measure allowed by law that is in the best interest of the public’s health, safety, and welfare; and

**WHEREAS**, the Declaration of State of Emergency enables the City to seek additional resources and apply for federal and state aid to assist the City’s efforts to address the health and economic impacts of the COVID-19 pandemic; and

**WHEREAS**, the additional resources provide logistical support during the response phase while the federal and state aid serves to make local businesses and taxpayers whole during the recovery phase; and

**WHEREAS**, on March 19, 2020, the Okaloosa County Board of County Commissioners adopted the Okaloosa County Declaration of Emergency Protective Measures Related to COVID-19 (the “County Declaration of Emergency Measures”); and

**WHEREAS**, the County Declaration of Emergency Measures closes public beaches, public beach accessways, parking areas solely for accessing public beaches, county beachfront parks, among other amenities; and

*WHEREAS*, the measures implemented below are as narrowly tailored as possible to protect the public's health, safety, and wellbeing; and

*NOW, THEREFORE BE IT RESOLVED*, the City Council for the City of Mary Esther, Florida, does hereby declare and establish the following:

**Section 1. Recitals.**

The foregoing recitals are true and correct, and incorporated into this Resolution.

**Section 2. Administrative Actions**

Any administrative or executive decision which would normally come before the City Council for action will be acted upon by a committee comprised of the Mayor, Mayor Pro Tem and City Manager or Acting City Manager, with advice from the City Attorney. All actions taken by this committee will, at a future date at a duly called public meeting, be brought before the City Council for discussion and ratification.

**Section 3. Closure of Public Properties and Facilities.**

The following public properties and facilities are closed, effective March 21, 2020, through April 30, 2020, at which time the entire state of emergency will be re-evaluated for necessary continuation or revocation:

- a. Mary Esther Public Library
- b. Mary Esther City Hall, and
- c. City parks where reservations for gatherings such as reunions, parties, and participants other than immediate family members would normally be accepted.

Municipal services provided through City Hall will remain available to the public via phone and online options. Further, limited in person meetings are available at the discretion of City staff but such meetings shall be by appointment only. These closures, or any part thereof, may be lifted at the discretion of the City Manager or Acting City Manager or his/her designee.

**Section 4. Suspension of Permits.**

Permitting for any construction projects structural in nature or requiring engineered plans and County review are hereby suspended for the period of time this order is in force and effect.

Permitting for minor repairs, remodels, and the like and which do not require engineered plans, will be transacted online through the Code Enforcement/Planning/Zoning Department.

**Section 5. Procedures for City Council Meetings, Other Board, Bid, and Committee Meetings.**

1. The City Council shall suspend its regular meetings until further notice or revocation of this emergency declaration, effective April 1, 2020. This does not prevent the calling of an emergency meeting by the Mayor or City Manager.

2. Any procurement, bid openings, bid evaluation, or similar type non-board meetings shall be held or postponed on a case-by-case basis.

3. Any other City Board, Magistrate, or Committee meetings are cancelled until further notice.

**Section 6. Direction to the Staff and Public.**

City staff is directed to engage in all practices recommended by the Center for Disease Control, Department of Health, and any other health organization. Further, the City encourages the public accessing public parks, facilities, or any other outdoor activity to follow the CDC guidance by limiting their gatherings to no more than 10 persons.

**SECTION 7. Severability.**

If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution.

**SECTION 8. Effective Date.**

Except as otherwise indicated herein, this Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 20<sup>th</sup> day of March 2020.

By: Margaret McLemore  
Margaret McLemore, Mayor

ATTEST:

Dana L.S. Williams  
Dana L.S. Williams, MMC  
City Clerk

