

City of Opa-locka

City Commission Chambers
215 Perviz Avenue
Opa-locka, FL 33054



Virtual Workshop (COVID-19)

Agenda

Thursday, May 07, 2020

5:30 PM

City Commission

Mayor Matthew A. Pigatt

Vice Mayor Chris Davis

Commissioner Sherelean Bass

Commissioner Alvin Burke

Commissioner Joseph L. Kelley

Appointed Officials

City Manager John E. Pate

City Attorney Burnadette Norris-Weeks

City Clerk Joanna Flores, CMC



CITY OF OPA-LOCKA VIRTUAL COMMISSION MEETING PROCEDURES

Pursuant to Governor Ron DeSantis Executive Order Number 20-69, the following rules will ensure that the City Commission Meetings and any other necessary city public meetings, governed by Florida's public meeting laws will provide for necessary public notice, allow for public participation and are conducted in the Sunshine. The following rules shall govern all City of Opa-locka public virtual meetings during the duration of Executive Order Number 20-69.

Virtual public meetings will be aired through Livestream, accessible at: <https://www.youtube.com/user/CityofOpaLocka>

All residents will be able to view the meeting by tuning in to the link mentioned above. If you have comments you must submit those using the email address provided under the Public Comment section below.

Platform

All City of Opa-locka public meetings shall be conducted via Zoom or other similar platform. *Please note that Governor DeSantis' Executive Order 20-69, suspended the requirement of a quorum to be present in person or requires a local government to meet at a specific public place.*

Meeting Notice

The City of Opa-locka will send notice of virtual meetings in the same manner as all other commission meetings. Additionally, the notice will include an email address with instructions on providing comments ahead of the meeting.

Public Comment

The public may comment by submitting their comment ahead of the meeting via email to PublicComments@opalockafl.gov. Please be sure to state your full name and address in your email for your comment.

Comments submitted by members of the public by email will be read into the record during the meeting as long as they provide the comments by the deadline, 2 hours prior to the scheduled meeting time. Comments received after the deadline will be kept for the record, but will not be read during the meeting.

For questions and/or additional information, please contact the Office of the City Clerk at (305) 953-2800 or (786) 877-4038.

CITY OF OPA-LOCKA
“The Great City”

VIRTUAL WORKSHOP (COVID-19)

Thursday, May 07, 2020

5:30 p.m.

AGENDA

- 1. WELCOME/OPENING REMARKS:**
- 2. INVOCATION:**
- 3. PLEDGE OF ALLEGIANCE:**
- 4. PUBLIC COMMENT:**
(agenda item only)
- 5. DISCUSSION ITEM:**
 - **City’s Response to the Coronavirus Disease 2019 (COVID-19)**
- 6. ADJOURNMENT:**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUIRING FACE MASKS IN PUBLIC IN THE CITY OF OPA-LOCKA DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY AND ANY OTHER EMERGENCY DECLARED TO BE A PANDEMIC THAT THREATENS LIFE, HEALTH AND SAFETY OF RESIDENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Opa-locka recognizes the emergency declarations of the President of the United States, the Governor of the State of Florida, and the Mayor of Miami-Dade County related to the spread of COVID-19 disease in our community; and

WHEREAS, several Executive Orders have been issued for the closure of certain businesses and the limitations on the operation of essential businesses within their respective jurisdictions; and

WHEREAS, the Commission has authority under the Governor Ron DeSantis' Executive Order 20-52, to prevent the introduction of contagious, infectious, or pestilential diseases into the City and to establish and regulate a sufficient quarantine, not inconsistent with laws of the state, in the City and to punish any breach of quarantine law; and

WHEREAS, the City Commission finds that an emergency of unprecedented size resulting from the natural cause of community spread of a novel human coronavirus disease, COVID-19, has occurred in the City of Opa-locka; and

WHEREAS, COVID-19 is a disease caused by a novel coronavirus, previously unknown in humans, and causes upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with certain chronic medical conditions; and

WHEREAS, the World Health Organization declared COVID-19 to be a global pandemic as of March 15, 2020; and

WHEREAS, the spread and effect of COVID-19 has created a humanitarian crisis of unanticipated proportions; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency related to the COVID-19 pandemic, restricting international travel to prevent spread of the disease; and

WHEREAS, the City of Opa-locka is threatened by COVID-19 because of the extraordinary 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 the City; and

WHEREAS, although under investigation and development, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS, as of April 27, 2020, Florida has had 32,138 identified cases of coronavirus, including 11,570 in Miami-Dade County, where the City of Opa-locka is located; and

WHEREAS, Florida has recorded 1,088 deaths attributed to COVID-19, with 302 of those deaths occurring in Miami-Dade County; and

WHEREAS, current discussions about COVID-19 include plans to safely return the public to jobs and regular activities; and

WHEREAS, the Centers for Disease Control (“CDC”) continues to study the spread and effects of COVID-19 and has found that a significant portion of individuals with the novel coronavirus lack symptoms and those that eventually develop symptoms can transmit the virus to others before those symptoms appear, meaning that the virus can be spread between people interacting in close proximity to each other by actions such as speaking, coughing, or sneezing, even without exhibiting symptoms; and

WHEREAS, in light of this new evidence, CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain, for example, grocery stores, pharmacies and other businesses people must visit to acquire goods and services necessary to maintain their comfort and well-being; and

WHEREAS, the City Commission recognizes that it is critical to continue to maintain maintaining 6-feet social distancing to slow the spread of the virus COVID-19, but that the additional use of simple cloth face coverings, as recommended by CDC, can further help aid in slowing the spread of the virus by helping reducing the chances of asymptomatic people who may have the virus and do not know it from transmitting the virus to others; and

WHEREAS, the use of masks or face coverings will be beneficial in returning the City of Opa-locka to a more normal level of business activity in attempting to reopen certain businesses and other activities in the City of Opa-locka, and it is in the best interest of public health for individuals to continue to use social distancing and the additional precaution of face coverings or masks while in public contact with other persons; and

WHEREAS, members of households with vulnerable individuals need to use all reasonable precautions to avoid potential exposure to the virus; and

WHEREAS, the City of Opa-Locka intends that is a requirement for masks to be worn and shall be extended for any emergency purpose declared to be a pandemic by the State of Florida, Miami-Dade County or the City of Opa-Locka Commission where the

health, life and safety of City residents is at issue due to a deadly contagious virus resulting in a pandemic; and

WHEREAS, the City Commission finds that it is in the best interest of the public peace, health, welfare, and safety, and to preserve the lives of citizens of the City of Opa-locka, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in public spaces in the City of Opa-locka during any declared pandemic.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1. The recitals to the preamble herein are incorporated by reference.

Section 2. The City Commission of the City of Opa-Locka, Florida hereby amends Article ____ of its Municipal Code as set forth herein:

Section 3.

(a) DEFINITIONS:

Face covering or mask: A device to cover the nose and mouth of a person to impede the spread of saliva or other fluids during speaking, coughing, sneezing or other intentional or involuntary

action. Medical grade masks are not required; coverings may be fashioned from scarves, bandanas or other suitable fabrics. The mask must cover the mouth and nose of the wearer.

Public place: Any place other than an individual's home or personal vehicle; provided, however, that face coverings or masks should be worn when interacting with someone other than a member of the household at home or when traveling with someone who is not a member of the household.

Vulnerable individuals: Elderly individuals or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and

those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

(b) Face coverings or masks shall be worn at all times by persons over the age of two (2) years and who can medically tolerate doing so when in public places within the City of Opa-locka.

(c) The requirement to wear face coverings or masks shall apply to all persons, whether employees or customers or clients of businesses within the City.

(d) Exceptions:

(1) Face coverings or masks are not required to be worn over the face during individual outdoor exercise, for example, walking or jogging, but must be worn when

encountering and interacting with groups of other people in a park or other public place.

(2) Children less than five (5) two (2) years of age and under, as face coverings or masks may pose a risk of choking, strangulation or suffocation to infants and young toddlers. Carriers and strollers with coverings that allow the child to breathe comfortably are alternatives for infants and young toddlers are not required to wear face coverings or masks in public, unless exhibiting symptoms. Parents shall judgment in routinely using face coverings or masks with children under the age of five. Parents and guardians shall be responsible for ensuring proper masking of children over the age of two (2) years when in public but must ensure that the face covering or mask does not pose a choking hazard for children older than two (2) and can be safely worn without obstructing a child's ability to breathe. Parents and guardians shall also exercise judgment in and avoid bringing children not wearing masks into public places, especially where contact with persons with vulnerable conditions (age, certain chronic medical conditions) individuals is expected.

(3) Patients in examination rooms of medical or dental offices or clinics or hospitals where there is a necessity to examine or treat the mouth or nasal area, subject to the direction of the medical or dental professionals in charge of the office, clinic or hospital.

(4) When wearing a face covering or make poses a greater mental or physical health, safety or security risk such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance.

(e) Business owners, managers and supervisors shall ensure that employees, customers, clients

and/or visitors observe the requirement for face coverings or masks while at the place of business. This shall not be interpreted as requiring businesses to provide face coverings or masks to employees.

(f) Reusable face coverings or masks must be kept clean and sanitary, including regular washing at least daily.

(g) This ordinance shall remain in effect, subject to modification for evolving information on preventing the spread of COVID-19 or other direction from federal, state or local officials.

Section 4. To the extent that this Ordinance is in conflict with other Ordinance of the City, this Ordinance shall supersede the others until this Ordinance is amended or repealed.

Section 5. Failure to comply with this ordinance is punishable by a civil fine of up to Two Hundred and Fifty (\$250.00) to be collected as follows:

_____ (PROCESS TO BE DETERMINED) _____

Section 6. If any subsection, sentence, clause, phrase, or word of this Ordinance or any

application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this ordinance.

Section 7. Be it ordained by the city commission of the City of Opa-locka, Florida that facial coverings or “masks” shall be required in public places within the city to slow the spread of the novel coronavirus disease, known as COVID-19, and any other emergency declared pandemic by the state of Florida, Miami-Dade county or the city of Opa-locka as follows:

Section 8. This Ordinance shall become effective on _____, 2020 and upon passage, approval and publication or as otherwise provided by law.

PASSED AND ADOPTED this _____ **day of** _____, 2020.

Matthew Pigatt
Mayor

Attest to:

Approved as to form and legal sufficiency:

Joanna Flores
City Clerk

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by:

Seconded by:

Commissioner Vote:

Commissioner Bass:

Commissioner Burke:

Commissioner Kelley:

Vice Mayor Davis:

Mayor Pigatt:

Financial Analysis Face Cover Ordinance

Developing a financial analysis of the impact of enforcing an ordinance requiring the wearing of face covering whenever in a public space except when individually exercising is challenging since it's difficult to define either the amount of additional resource that might be required or the duration.

I've discussed this with Chief Dobson and we've developed some thoughts, although no precise figures.

1. It is unclear how much enforcement will be required, if any, to enforce this amendment.
2. Code Enforcement shouldn't be assigned any of this responsibility since the City needs their services focused on other issues.
3. The Police department is currently performing these duties. Among other things, over the past weekend they shut down a couple of businesses where face covering was missing.
4. If a determination is made that additional enforcement presence is need, Chief Dobson believes he could add a layer of presence through further additional overtime. This would cost roughly in the range of \$45 to \$50 per hour.
5. If alternate resources were required, the Chief's recommendation is that the equivalent of service aides could be used, costing in the range of \$30,000 per year. However, issues such as terms of employment, reporting relationships and vehicle availability, among other issues, would have to be worked out.

The recommendation is to not add any resources at the outset and to monitor compliance and the potential need for additional enforcement presence. If the decision is made that additional enforcement presence is appropriate, additional Police overtime would be the first option. After evaluation of the effectiveness of this approach, if determined that even additional Police overtime wasn't achieving the desired results, a cost-benefit analysis would be made as to what further action should be taken. It is not believed necessary to do this at this time since the impact and the need for enforcement is speculative for the moment.