

# City Council Agenda Memo

**From:** Paul M. Briseno, City Manager

**Council Meeting:** May 4, 2020

**Subject:** Action on COVID 19 Legislation

**Person(s) Responsible:** Paul M. Briseno, City Manager

## **Summary:**

The current ordinance regulating bars, restaurants, gyms, salons, casinos, etc. is set to expire May 6<sup>th</sup>. Brookings community and local businesses have successfully kept COVID-19 spread to a minimum. This has allowed the medical profession to adequately prepare. A recommendation for reduced regulation is presented to Council that allows the incremental opening of businesses while protecting employees and the public.

If approved, the City would have three (3) types of regulation available for action based on any spikes that need immediate action.

## **Background:**

The current emergency COVID-19 ordinance 20-005 is set to expire May 6<sup>th</sup>. This ordinance was originally passed March 23<sup>rd</sup> and amended April 14<sup>th</sup>. The ordinance was implemented to reduce potential spread in Brookings. The first case of COVID-19 was realized March 23<sup>rd</sup> and as of May 1<sup>st</sup>, Brookings County had thirteen (13) cases.

On April 14<sup>th</sup>, the City Council passed the first reading of a Stay-at-Home ordinance should a spike in positive COVID-19 cases or other circumstances warrant implementation to counter an outbreak. On April 28<sup>th</sup>, the Governor issued a "Back to Normal" order that recognizes a community's ability to implement regulations.

The Brookings community partners and residents have worked diligently to flatten the curve which has given health care professionals time to prepare for a future peak and surge. It's essential all continue to be vigilant with prevention measures regardless of the regulation implemented. This includes social distancing and wearing of masks.

## **Item Details:**

Staff engaged the Chamber of Commerce, health care professionals and peer cities to craft an incremental easing of the existing ordinance. The resolution presented grants immediate implementation of new regulations May 6<sup>th</sup> should Council take action. A second reading of the presented ordinance is desired to solidify the law. The proposed language impacts various businesses and a series of frequently asked questions is

attached. If a business does not know what half their capacity is, staff will prepare a calculator to assist regulated businesses in this calculation.

#### Restaurants/Bars

- Maximum of ten customers or 50% occupancy, whichever is greater
  - Occupancy capacity posted at front entry
- Groups of ten (10) or less and six (6) feet apart
- Cleaning of high touch areas/materials between users
- Screening employees recommended
- Employees required to wear masks
- Cleaning of used spaces before and after each customer
- No self-serve buffets or salad bars
- No sharing of condiments unless wiped between use
- Grocery, Casino, Gyms, and Recreational Facilities
  - Cleaning of equipment after use by customer and/or employee
  - Maximum of ten customers or 50% occupancy, whichever is greater
    - Occupancy capacity posted at front entry
  - Employees will wear masks
  - Protective measures/operations will be provided
- Salons/Barber Shops
  - Customers six (6) feet spacing & recommend service by appointment-only
  - Employees will wear masks
  - Clean equipment before and after each customer
  - Adequate social distancing for waiting customers
- Administrative exemptions that allow modifications to allow flexibility that meets the CDC requirements.

Staff will continue to identify implementation for each phase of regulation desired based on positive COVID-19 cases, testing, spikes and hospitalization. This would include decreased or increased regulations based on the community impact of COVID-19.

#### **Legal Consideration:**

None.

#### **Financial Consideration:**

None.

#### **Options and Recommendation:**

The City Council has the following options:

1. Approve as presented
2. Deny
3. Do nothing

Staff recommends approval of the resolution as presented and hold a first hearing for the presented ordinance.

**Supporting Documentation:**

1. Resolution
2. Frequently Asked Questions