

# Work Session Memo

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

**Council Meeting:** October 20, 2020

**Subject:** Ordinance Renewal 20-010 & Mask Mandate

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

## **Summary:**

The current ordinance (Phase 3) is set to expire November 7<sup>th</sup>. Based on threshold metrics an extension is warranted of the ordinance regulating bars, restaurants, salons, retail and requires face coverings for indoor businesses and indoor public spaces. Further discussion is desired of Council to determine if specific regulation should be augmented. Brookings is in substantial spread with all triggers met but hospitalization.

A regular meeting is set after the work session to hold the first hearing of the phase three (3) ordinance. Additionally, an initial hearing on phase two (2) is set should the thresholds at the time warrant implementation. Council can table the second hearing of phase two (2) if the metrics are not met to warrant such action. Phase two (2) includes the closure of bars, restaurants, salons, theaters, gyms, and other facilities.

Staff recommends renewal of the existing ordinance and any amendments.

## **Background:**

On September 2<sup>nd</sup> City Council renewed the existing 20-010 ordinance that requires bars, restaurants, casinos, grocery, retail, and fitness businesses to operate at half capacity and all employees are required to wear face coverings at all times. The ordinance has other requirements outlined.

September 8<sup>th</sup> Council approved an amendment that mandated face coverings where social distancing could not be achieved for indoor businesses and public places. A resolution was passed further detailing the implementation of the mask mandate.

The City collaborated with many local professionals to develop a weekly report to monitor COVID 19 within Brookings. The guiding document considers metrics of control, testing and hospitalization. Additionally, an ordinance phasing was created based on previous ordinances. The transition between these phases is guided by the weekly data. Currently the City of Brookings is in Phase three (3) which is moderate. <https://www.cityofbrookings.org/699/Guidelines-Ordinance-Information>

**Discussion:**

At the September 22<sup>nd</sup> meeting City Council requested further discussions of the fifty percent (50%) occupancy limitations within the phase three (3) ordinance.

Two of the three metrics within the guiding document have been triggered. Brookings has seen an increase in cases and percentage of positive over the past two weeks. The state of South Dakota Department of Health now provides a report of regional hospitalization and capacity. Further discussion of transitioning between phases should occur.

A work session is set for October 20<sup>th</sup> to allow City Council discussion of phase movement and specific requirements within the ordinance. Additional insight will be given from local professionals including Bonny Specker Director of EAM Program, Jason Merkley President and CEO of Brookings Health System, Amy Hockett Sanford RN Clinic Director, Patrick Siegling Avera Clinic Director, Barry Dunn SDSU President, and Klint Willert Superintendent of Brookings School District.

A renewal of ordinance 20-010 and face coving ordinance is recommended. In summary the renewal defines requirements of businesses and residents:

**Restaurants/Bars**

- Maximum of ten (10) 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 (10) customers or 50% occupancy
  - Occupancy capacity posted at front entry
- Employees of Grocery stores 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

**Face Covering required if adequate social distancing cannot be achieved**

- Required for all indoor businesses and indoor public spaces
- Required for all City permitted events

- Exceptions include children under 5, medical conditions, religious place, educational units, certain non-profits, organized sports activity that have an approved plan

Administrative exemptions allow for requested flexibility.

Businesses and residents who violate sections of this ordinance will be subject to fines.

**Legal Consideration:**

There are no legal considerations at this time.

**Financial Consideration:**

The city's monthly sales tax report is included to understand broadly the impact of COVID19 to revenues.

**Supporting Documentation:**

Threshold Report (uploaded Oct 19)

Phasing Plan

Sales Tax Report

Proposed Ordinance (new form)