

RESOLUTION NO. R-20-14

A RESOLUTION PROCLAIMING A STATE OF EMERGENCY IN THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI.

WHEREAS, the City of Gladstone, Missouri, (the “City”) is a body corporate, a third class City and political subdivision of the State of Missouri, duly created, organized, and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on March 13, 2020, the President of the United States of America issued a Proclamation finding and proclaiming that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, On March 13, 2020, the City Manager declared a state of emergency, directed the activation of the Emergency Operation Plan, and establishment of an Emergency Operation Center, and

WHEREAS, on March 18, 2020, the Governor of Missouri issued Executive Order No. 20-02 declaring that a State of Emergency exists in the State of Missouri arising out of a highly contagious virus known as COVID-19 and directing the activation of the Missouri State Emergency Operation Plan; and

WHEREAS, On March 18, 2020, the Director of the Clay County Public Health Center declared a public health emergency, and subsequently on March 22, 2020, amended and expanded that order, and

WHEREAS, On March 18, 2020, the Clay County Presiding Commissioner declared a state of emergency, and

WHEREAS, the power to protect the health of the inhabitants of a municipality is wider in range than other police powers granted to a municipality by the State of Missouri; and

WHEREAS, pursuant to the provisions of §77.260 of the Missouri Revised Statutes, the Mayor and City Council “shall have the care, management and control of the City and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same; and

WHEREAS, pursuant to the provisions of §77.530 of the Missouri Revised Statutes, the City Council may make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the City, and for the abatement of the same, and may make quarantine laws and enforce the same, and may make regulations to secure the general health of the City; and

WHEREAS, for any purpose or purposes set forth in Chapter 77 of the Missouri Revised Statutes, §77.590 of the Missouri Revised Statutes provides that the City Council may enact and make all necessary ordinances, rules and regulations; and they may enact and make all such ordinances and rules, not inconsistent with the laws of the state, as may be expedient for maintaining the peace and good government and welfare of the City; and

WHEREAS, the Center for Disease Control (the “CDC”), in addressing COVID-19 has stated that spread of the virus from person-to-person happens most frequently among close contacts; and

WHEREAS, there does exist a state of emergency in the City of Gladstone which has been created by COVID-19; and

WHEREAS, the City desires to more fully protect the health of the public by establishing certain rules and policies to be followed and applied during a health emergency such as the one the City is presently experiencing involving the prevention of the introduction of COVID-19, a highly contagious virus, into the City; and

WHEREAS, the existence and spread of the COVID -19 virus has resulted in the declaration of a worldwide pandemic, and it is necessary and appropriate to take quick action to reduce the possibility of exposure to COVID-19 and to reduce the spread of COVID-19; and

WHEREAS, as of March 22, 2020 the COVID19 virus has been confirmed in multiple cases in and around the entire Kansas City Metro area involving multiple fatalities, as well as now demonstrating community spread with the number of cases escalating each day; and

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, a gathering of individuals without necessary mitigation for the spread of infection may pose a risk of the spread of infectious disease; and

WHEREAS, the City wishes to employ all means available under the law to protect public life, health, safety and property to limit the development, contraction and spread of COVID-19 creating this emergency.

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

Section 1. The City Council of the City of Gladstone, Missouri, does hereby find and determine that the City should be prepared to address the emergency created by COVID-19 in order to (a) ensure that preparations are being made and will continue to be made which will address this declared emergency, (b) generally protect the public health, safety, and welfare, (c) preserve the lives and property of the citizens of the City, (d) maintain essential government operations, and (e) support the overall health care system.

Section 2. To accomplish the goals and objectives set forth in Section 1, the City Council finds and declares it necessary:

A. To continue the emergency operation center activated on March 13, 2020, which will continue to plan and prepare for emergency government operations during the time of a declared health emergency.

B. Where necessary and appropriate under the circumstances to provide for the rendering or receiving of mutual aid between the City and other political subdivisions of this state and of other states with respect to the carrying out the intent of this Resolution.

C. To comply with the provisions of all applicable laws and orders of the United States, the State of Missouri, Clay County, and Gladstone, Missouri including the Clay County Health Center as follows:

I. Stay At Home

A. Individuals may leave their residences or place of rest only to perform “Essential Activities,” as defined infra. People at high risk of severe illness from COVID-19 are urged to stay in their residence or place of rest except as necessary to seek medical care and to obtain provision of essential life items. All individuals shall exercise social distancing requirements at all times.

II. Non-Essential Business and Other Non-Essential Operations Must Cease

A. All businesses and other operations in Clay County, except as defined infra or exempted by force of law or Order, are required to cease all in-person operations. Non-essential businesses and other operations may continue operations consisting exclusively of employees, contractors, or other agents of businesses performing activities at their own residences or places of rest.

III. Definitions and Exemptions

A. Definitions. For purposes of this section, the following terms will have the meaning ascribed to them:

1. “Essential Activities,” shall mean:

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), or close personal acquaintances, such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
- ii. To obtain necessary services or supplies for themselves and their family or household members, or close personal acquaintances, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and

vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;

- iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, biking, walking, hiking, or running;
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined infra, at Non-Essential Businesses; and
 - v. To care for a family member, close personal acquaintance, or pet in another household.
 - vi. Essential Activities do not include weddings, funerals, wakes, memorial services, or similar gatherings.
2. “Essential Businesses” means any for-profit, non-profit, or educational entities, regardless its corporate or entity structure and includes:
- i. Healthcare Operations and Essential Infrastructure;
 - ii. Grocery stores, farmers’ markets, farm and produce stands, markets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and persons;
 - iii. Food cultivation, including farming, livestock, and fishing;
 - iv. Human and animal food processing facility workers;
 - v. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - vi. Newspapers, television, radio, and other media services;
 - vii. Gas stations and auto-supply, auto-repair, and related facilities;
 - viii. Banks and related financial institutions;
 - ix. Hardware stores;

- x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions related to distance learning and provision of other services related student welfare, including but not limited to food provision and delivery, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- xiii. Laundromats, dry cleaners, and laundry service providers;
- xiv. Railroads and rail systems;
- xv. Restaurants and other facilities that prepare and serve food and drink, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food or drink to be consumed at the site where it is provided, or at any other gathering site;
- xvi. Businesses that supply products needed for people to work from home;
- xvii. Businesses that supply other essential businesses with the support or supplies necessary to operate;
- xviii. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xix. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order, as well as transportation maintenance services such as mechanics necessary to keep transportation services operational;
- xx. Home-based care for seniors, adults, or children;
- xxi. Residential facilities and shelters for seniors, adults, and children;

- xxii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxiii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities should operate under the following conditions:
 - 1. Childcare should be carried out in stable groups, preferably with 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day);
 - 2. Children should not change from one group to another;
 - 3. If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other; and
 - 4. Childcare providers should remain solely with one group of children.
- 3. “Essential Infrastructure,” shall mean to include, but not be limited to, public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil refining, railroad and rail systems, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- 4. “Healthcare Operations” shall include hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
- 5. “Minimum Basic Operations” includes the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business’s inventory and facilities, ensure security, process payroll and employee benefits, or for related functions; and

- ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, place of rest, or elsewhere.

6. **“Social Distancing Requirements” includes maintaining at least six-foot physical distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, regularly cleaning high-touch surfaces, and not shaking hands.**

B. Regulated Activities. To the fullest extent allowed by law, the following restrictions are imposed:

- 1. Individuals may leave their residence or place of rest only to undertake Essential Activities or to provide any services or perform any work necessary to the operations and maintenance of Essential Business, Essential Infrastructure, Healthcare Operations, Minimum Basic Operations, or other enumerated exempted categories as prescribed by City Order or other prevailing law.
- 2. Individuals at high risk of severe illness from COVID-19 and those who are sick are urged to stay in their residence except as necessary to seek medical care.

C. Exemptions. All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, and school personnel operating at the direction of administrator designation, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of any government agencies, including schools, and provide for the health, safety and welfare of the public. All Essential Governmental Functions should be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

School Operations.

A. For purposes of this section, “School Operations” means any institution of elementary or secondary education, including but not limited to public, chartered, private, or parochial institutions. School Operations does not include a requirement that school buildings be closed if needed to house individuals, distribute food or clothing, provide medical care or any other services deemed necessary to protect the life and property of Clay Countians and other critical resources.

B. That due to unique characteristics and risks associated with transmission dynamics, the likely spread of the disease based on factors of social distancing, the clinical severity of COVID-19, the lack of vaccine or antivirals as treatment options, the crowd density, the inability to ensure social distancing and to prevent close contact among groups, in-person classroom-based School Operations are prohibited from taking place in Clay County, Missouri, during the duration of this Order.

Violation of any provision of this Order constitutes an imminent threat, creates an immediate menace to public health, and shall be considered a violation of Section 205 of Clay County's Code of Ordinances

The Order of the Clay County Health Center will begin at 12:01 am Tuesday March 24th and expire on 11:59 PM on Friday, April 24, 2020 unless and until it is extended, rescinded, superseded, or amended in writing.

Section 3. Nothing in this Resolution shall be interpreted or applied so as to create any power, duty or obligation in conflict with, or preempted by, any Federal or State law.

Section 4. Further Authority. The City Manager is hereby authorized and directed to take such further action, and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.


Section 5. Effective Date. This Resolution shall be in full force and effect immediately after its passage by the City Council. This Resolution will automatically expire when the stated health emergency has ended.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 23rd DAY OF MARCH, 2020.



Mayor Carol J. Suter

ATTEST:



Ruth E. Bocchino, City Clerk