

Agenda
City Council Meeting
City of Edina, Minnesota
VIRTUAL SPECIAL MEETING

CLOSED FOLLOWED BY OPEN SESSION The open portion of the meeting will be broadcast live on Edina TV (Comcast Channels 813 or 16), [Facebook.com/EdinaMN](https://www.facebook.com/EdinaMN) and the City's "Watch a Meeting" web page at EdinaMN.gov/LiveMeetings.

Monday, June 29, 2020

4:00 PM

- I. Call To Order
- II. Roll Call
- III. Approval Of Meeting Agenda
- IV. Reports/Recommendations: (Favorable vote of majority of Council Members present to approve except where noted)
 - A. MOTION TO CLOSE SESSION: As permitted by Minn. Stat. 13D.05 Subd. 3(b) for Attorney-Client Privilege to Discuss RJ Reynolds v. City of Edina
 - B. Discuss RJ Reynolds v. City of Edina Litigation
 - C. Motion to move back into Open Session
 - D. Community Masking Policy Discussion
- V. Adjournment

The City of Edina wants all residents to be comfortable being part of the public process. If you need assistance in the way of hearing amplification, an interpreter, large-print documents or something else, please call 952-927-8861 72 hours in advance of the meeting.



CITY OF EDINA

4801 West 50th Street

Edina, MN 55424

www.edinamn.gov

Date: June 29, 2020

Agenda Item #: IV.A.

To: Mayor and City Council

Item Type:

Other

From: Jane Timm, Deputy City Clerk

Item Activity:

Action

Subject: MOTION TO CLOSE SESSION: As permitted by
Minn. Stat. 13D.05 Subd. 3(b) for Attorney-Client
Privilege to Discuss RJ Reynolds v. City of Edina

ACTION REQUESTED:

Adopt motion as stated.

INTRODUCTION:

This motion is necessary to close the meeting.



CITY OF EDINA

4801 West 50th Street

Edina, MN 55424

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Date: June 29, 2020

Agenda Item #: IV.B.

To: Mayor and City Council

Item Type:

Other

From: Jane Timm, Deputy City Clerk

Item Activity:

Subject: Discuss RJ Reynolds v. City of Edina Litigation

Action, Information

ACTION REQUESTED:

None; discussion only.

INTRODUCTION:

Attorneys and City Council to discuss RJ Reynolds v. City of Edina.



CITY OF EDINA

4801 West 50th Street

Edina, MN 55424

www.edinamn.gov

Date: June 29, 2020

Agenda Item #: IV.C.

To: Mayor and City Council

Item Type:

Other

From: Jane Timm, Deputy City Clerk

Item Activity:

Subject: Motion to move back into Open Session

Action

ACTION REQUESTED:

Adopt motion as stated.

INTRODUCTION:

This motion is necessary to exit the closed session.



CITY OF EDINA

4801 West 50th Street

Edina, MN 55424

www.edinamn.gov

Date: June 29, 2020

Agenda Item #: IV.D.

To: Mayor and City Council

Item Type:

Report / Recommendation

From: Scott Neal, City Manager

Item Activity:

Subject: Community Masking Policy Discussion

Discussion

ACTION REQUESTED:

None; discussion only.

INTRODUCTION:

The City Council will discuss a Community Masking Policy.

ATTACHMENTS:

Memo on Masking Policies

Edina Emergency Public Health Order

Minneapolis Masking Policy

St. Paul Masking Policy

Summit County, Colorado, Masking Policy

Department Name

Phone 952-927-8861 • Fax 952-826-0390 • EdinaMN.gov



Date: 6/22/20
To: Scott Neal, City Manager
From: Risi Karim, City Management Fellow
Subject: Research on Community Wide Mask Policy

Overview:

Due to the rapid spread of Covid-19 and an effort to decrease the spread of the virus; communities within the State of Minnesota and across the county have turned to implementing mandatory mask wearing policy in an effort to keep the virus at bay and protect citizens.

Minnesota

In Minnesota only two cities thus far have implemented a city-wide mask policy, those cities being Minneapolis and St. Paul. Both cities were able to do this by way of an executive order. The city of Duluth and Rochester have publicly announced their consideration of implementing a community wide mask policy in their respective cities but have since announced against the measure for now.

The City of Minneapolis

- On May 26th, 2020, the city's mask policy went into effect and will stay in place until further notice. The order specifically states and outlines two key things which are:

“any individual who is over the age of two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when indoor spaces of public accommodation”

“All employers of business that are space of public accommodation as defined by this order shall require their employees to wear a cloth face covering whenever employees have face to face contact with the public.”

The City of St. Paul

- Effective May 27th, 2020 the city began enforcing a similar policy to that of Minneapolis with its own regulations including:
 1. Individuals at city-controlled property must wear face covering at all times when social distancing of at least 6ft is not maintained”
 2. Businesses licensed by the city of Saint Paul must require all individuals to wear a face covering at all times when social distancing of at least 6ft is not maintained



3. All businesses are strongly encouraged to implement in their Covid-19 preparedness plan a requirement that all individuals wear a face covering at all times when social distancing of at least 6ft is not maintained.

The City of Duluth

After being faced with community push back about the implementation of a city-wide mask requirement the city of Duluth will not be mandating face mask be worn during the Covid-19 pandemic. The decision was announced June 18th, 2020 after community outcry began due to concern about medical issues brought up by disability advocates citing that mandatory mask policies put ableism, ageism and racism in play have led the city the city.

Mayor of Duluth Emily Larson confirmed this decision to news outlets stating that she did not believe requiring them in public would actually get people to wear mask in public. She is also quoted as saying "We *don't have an enforcement mechanism besides basic human connection to motivate people to be good to one another. They have to choose it. They have to mean it. And they have to believe it*".

Source: <https://www.duluthnewstribune.com/newsmd/policy/6540263-Duluth-mayor-tells-disability-rights-advocate-No-citywide-mask-requirement-coming>

The City of Rochester

Rochester being the 3rd largest city in Minnesota has decided not to follow the lead of Minneapolis and St. Paul. The city has not abandoned all efforts to implement a city-wide mask policy but is instead choosing to wait to make that decision if and when cases start to spike in the city. The city is taking the approach of basing their policy actions based on spikes of Covid-19 cases to depoliticize any pandemic responses.

Mayor of Rochester Kim Norton suggested to media outlets that she would only reconsider a mask policy if a spike in cases became worrisome, she stated "It is my hope that the community continues to understand the virulence of this virus and, therefore, the necessity to wear masks in public, I am hopeful that this medically savvy community will voluntarily wear masks to protect those we care about and care for".

Source: <https://www.medcitybeat.com/news-blog/2020/no-citywide-mask-mandate-for-now>

Across the U.S.

A growing number of U.S. states have mandated the use of masks and face coverings while in public. With many states starting to lift coronavirus restrictions, more people are venturing out in public. The following 16 states have adopted a state wide mask policy by way of an executive order issued by their respective governors:

California, Connecticut, Delaware, District of

Columbia, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, Pennsylvania, and Rhode Island.

California

As of June 18th, 2020 California became the most recent U.S. state to issue a statewide order requiring the use of face coverings in public indoor spaces, including while shopping, riding on public transportation or seeking medical care.



Governor Newsom's order also mandated the use of masks or face coverings in public outdoor spaces when social distancing is not an option. There was no guidance on how the order will be enforced or if violators will face any penalties or citations.

Source: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf

Local Governments

Some Localities that are left without a statewide mandate for the mandatory use of mask in public have taken it upon themselves to issue a public masking policy for their communities. Over this past weekend two additional communities have issued mandatory masking policy, one being in Phoenix and the other being Dallas County.

State governments such as Arizona have given leeway to cities to decide on their own whether a mandatory mask policy is needed for their communities. Several cities in Arizona have already taken up the opportunity to implement mandatory mask policy for their communities, the most recent being the city of Phoenix. By way of a city council declaration the City of Phoenix issued a mandatory face masking policy for residents when in public spaces.

The declaration clearly states that “ All persons six years old or older who are present in the city of Phoenix shall have possession of a face covering when they leave their home or place of residence and shall wear the face covering whenever they are within 6ft of another person who is not a member of their family or household”.

It is important to note that Phoenix’s declaration also considers a handful of expectations to their masking policy, some of the exceptions include:

- for children under 6 years old; or
- for people whose religious beliefs prevent them from wearing a face covering; or
- for restaurant patrons while they are dining; or
- for individuals exercising outdoors or while walking or exercising with other people from the same household, if social distancing from others who are not your family or household members can be maintained; or
- for engaging in organized group or team sports, exercise or other physical activities where it is not practicable or feasible to wear a mask or socially distance.

Source: https://www.phoenix.gov/newssite/Documents/Mayor%27s%20Declaration_06-19-20.pdf

Source: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/061920-Amended-SupplementalOrderonContinuingRequirements.pdf>

**Mandatory Mask Policy Brings Lawsuit to City**

Effective June 20th, 2020 Orange County, FL has put into effect a mandatory face covering policy through an emergency executive order issued by the Mayor. The order states that *“every person working, living, visiting, or doing business in Orange County is required to wear a Face Covering consistent with the current CDC guideline while in any public place”*.

The order itself is in line with many of the other mandates that have been issued by local governments across the U.S. however, Orange County has found itself in the midst of lawsuit due their masking policy. On June 21st, a Florida state lawmaker filled suit against the county alleging that *“the order violates a person's right to privacy without government infringement and questions the exemption of government employees from the order”*. The suit requests that the county order be declared unconstitutional and seeks temporarily relief from enforcement of the order.

Source: <https://www.bizjournals.com/orlando/news/2020/06/22/face-off-florida-lawmaker-files-lawsuit-against.html>

Source: <https://www.orangecountyfl.net/Portals/0/Library/Emergency-Safety/docs/coronavirus/2020-23%20EEO.pdf>

City of Edina
DRAFT Emergency Public Health Order
June 29, 2020

1. Purpose, Effective Area. This Emergency Public Health Order of the Mayor of Edina is being issued to limit the negative health impacts of COVID-19. This Order sets forth requirements and guidelines for group gatherings, business operations, personal responsibility, and additional guidance to slow the spread of COVID-19. This Order is effective within the City of Edina, Minnesota.

2. Effective Date and Time, Limitations. The Public Health Order will become effective at 12:01 a.m. on July 6, 2020, unless otherwise specifically provided for herein, and will remain in effect until 11:59 p.m. August 6, 2020, unless extended, rescinded, superseded, or amended in writing.

3. Findings and Intent. As of June 1, 2020, there are _____ known cases of COVID-19 in Minnesota; _____ Minnesotans have been hospitalized and _____ Minnesotans have died from COVID-19. There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, so gatherings of people facilitate transmission of COVID-19.

There are visitors from many communities throughout the state and the country in Edina that if unregulated, may introduce increased illness into the community, imposing burdens on the local economy, local workers, our health care system, public services, first responders, food supplies and other essential services during the ongoing COVID-19 pandemic.

Further, in the absence of a widely available vaccine and/or treatment, we must use other tools, such as physical distancing and face coverings, to mitigate the spread of COVID-19 to protect health and save lives.

The intent of this Order is to minimize contact among individuals and reduce the public's exposure to the novel coronavirus, while lifting some of the existing restrictions on social, civic, businesses and commercial activities.

4. Legal Authority. This Order is adopted pursuant to the legal authority set forth in Minnesota Statutes 12.29 and Edina City Code section 14-23 as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Mayor has the authority to promulgate regulations in an emergency to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the City of Edina; and to prohibit the gatherings of people to protect the public health; all as the Mayor may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety and welfare.

5. Most Restrictive Standard Controls. To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control. Individuals should be aware that new orders from Governor Walz and the Minnesota Department of Health (MDH) are being issued on a

regular basis, and all members of the public are responsible for following the Governor's orders, MDH orders, and local orders. The more restrictive City of Edina provisions expressly provided below shall control.

6. Incorporation of State Orders. All Executive Orders issued by the Governor and all MDH Orders are hereby adopted and deemed incorporated herein. This Public Health Order is intended to clarify and harmonize this City of Edina Public Health Order with all of the State's orders.

For purposes of this order, the term "Physical Distancing Requirements" shall have the same meaning as the State defined term "Social Distancing Requirements".

7. Five Commitments of Containment. Preventing a resurgence of COVID-19 in the City of Edina requires all individuals and businesses to comply with the mandatory provisions of this Order. In addition, all persons in Edina are strongly encouraged to assume additional personal responsibility and adopt the Five Commitments of Containment to keep transmission of illness low. These are:

- a. I will maintain 6 feet of physical distance from other individuals.
 - i. Physical distance is one of the most effective COVID-19 prevention measures.
 - ii. I will keep this distance from any person who is not from my household.
- b. I will wash my hands frequently and thoroughly for at least 20 seconds.
 - i. Hand washing is especially important after visiting public settings and businesses and before eating or touching my face.
- c. I will cover my face in public.
 - i. I will wear a face covering whenever I am outside and may not be able to maintain 6 feet of physical distance from others.
 - ii. I will wear a face covering whenever I am in indoor areas open to the public.
 - iii. Face coverings are not a substitute for maintaining physical distance.
- d. I will stay home when I am sick.
 - i. Isolating myself from others, including household members, will help protect others and limit the spread.
- e. I will get tested immediately if I have COVID-19 symptoms.
 - i. Testing early after COVID-19 symptoms develop can provide valuable information to help prevent spreading COVID-19 to other people and to inform public health officials about the extent of disease spread in the community.

8. Physical Distancing Protocol (formerly known as Social Distancing Protocol).

- a. All Critical Businesses, Critical Government Functions, Non-Critical Office Based Businesses, Critical and Non-Critical Retail, Limited Healthcare Settings, Restaurants, Houses of Worship, Non-Critical Manufacturing, Personal Services, Outdoor Recreation, Personal Recreation, Children's Day Camps, Youth Sports Day Camps and Exempt Single Skill Building Youth Camps, prior to performing operations or services, complete the online Summit County Business Physical Distancing Protocol Form. The completed form must be posted at or near the entrance of the establishment and shall be easily viewable by employees, customers, clients and others

on site. The completed form must also be posted on the establishment's website, if the establishment has a website.

b. All aforementioned entities must also comply with all applicable Governor's order, CDPHE orders, and DORA and State rules, regulations and guidance.

9. Employee Health Surveillance for Restaurant and Lodging Workers. All Restaurants and other places of public accommodation permitted to offer food and beverages for on-site consumption pursuant to the rules and regulations of the MDH and all lodging operators shall maintain a record of the following employee information, for the purposes of contact tracing activities in the event of a suspected or confirmed outbreak of COVID-19:

a. Current contact information for all employees,

b. Dates of all shifts worked by all employees, dating back to re-opening, and 4

c. Other known places of employment for each employee.

10. Public Transportation Services.

a. Agencies or individuals providing public transportation, including rideshares, taxis and hotel shuttles must follow the MDH COVID-19 Guidelines for Public Transportation Providers as may be amended. Appropriate Physical Distancing Requirements and other administrative operational directives and permissions may be issued by the City of Edina; members of the same household may sit together.

b. All transportation services riders and operators ages 3 and older must wear face coverings at all times and follow appropriate Physical Distancing Requirements to the greatest extent possible.

11. Municipal Services and Property

a. All persons seeking services or assistance from City of Edina employees, except for emergency public safety or health services, within or upon municipal property shall comply with the provisions of section 13 of this order. Failure to comply with the provisions of section 13 of this order may result in the denial of service by City employees.

b. Any person who fails to comply with the provisions of this Order within or upon municipal property will be asked to leave the property. If the person asked to leave the property does not leave the property, the person will be deemed to be trespassing and be subject to criminal penalties as provided in law.

12. Isolation and Quarantine Requirements for Symptomatic Persons and Exposures

a. For purposes of this Order, the following definitions shall apply:

i. "Self-Isolate" is specific to a person with illness and means to stay at home, maintain distance (minimum of 6 feet) away from other household members, do not share a bedroom or bathroom, wear a mask to cover your mouth and nose when in common areas within the household, and do not leave the home unless seeking medical care.

ii. "Self-Quarantine" is specific to a person who does not have symptoms but has been exposed to someone confirmed to have COVID-19 or who is experiencing symptoms, and means to stay home, do not go to public places unless seeking medical care, and avoid contact with other people until the incubation period for COVID-19 is over, for 14 days.

b. Individuals experiencing symptoms of COVID-19 must Self-Isolate as defined in Section 11(a), above, for a minimum of ten (10) days from the start of symptoms AND 72 hours until fever free (without the use of any fever-reducing medications), PROVIDED that such symptoms are significantly improving. This obligation to self-isolate includes people that have tested positive, people awaiting their test results, and people who have symptoms but have not been tested.

c. Individuals in close contact with someone with confirmed COVID-19 disease, or a person who has symptoms consistent with COVID-19 but who has not been tested, must Self-Quarantine, as defined in Section 11(a), above, for 14 days at their place of residence. For healthcare workers and others responding to the COVID-19 pandemic, Summit County Public Health will provide more specific guidance.

d. Employers do not need to and should not require negative test results or a medical release for anyone that has completed the Self-Isolation requirements in subsection 11(b), above, or the Self-Quarantine requirements in subsection 11(c), above, each as applicable.

e. In the event an employee has confirmed COVID-19 or has symptoms but was not tested, employers should not require testing for any other employees as a condition of employment.

f. Employers should not otherwise require a negative test result as a condition of employment.

13. Face Coverings.

a. Individuals must wear face coverings that cover nose and mouth whenever:

i. In indoor areas open to the general public or

ii. Outdoors whenever at least 6 feet of separation cannot be maintained among all individuals.

iii. Exceptions: cloth face coverings do not need to be worn by persons who are consuming food or beverages, young children under the age of 2, persons with medical conditions that make it difficult to breathe or persons otherwise unable to remove the mask without assistance.

b. In order to ensure that sufficient supplies of medical face masks are available to health care workers, members of the public are strongly encouraged to use non-medical cloth face coverings, unless a medical face mask is medically necessary.

c. Employers and operators of places of public accommodation, and those authorized on their behalf, shall have discretion to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering. Such action shall be applied in a manner consistent with the American Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of

the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq.*), and any other relevant federal or state law.

14. Additional Information, Recommendations and Requirements for all Persons.

a. Importance of Public Actions: These actions are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the spread, we protect our family, friends, and neighbors. In particular, this includes all adults over age 65 and anyone with an underlying health condition.

These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and the actions required or recommended herein will help hospitals, first responders, and other health care services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread, the greater the benefit for the whole community.

b. Importance of Business Actions: The actions listed in this Order are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of hospitalizations and deaths caused by COVID-19. By slowing the spread, businesses protect their workers and customers and our local economy.

Businesses shall not require, incentivize, encourage or coerce employees, contractors or subcontractors into risking their health by violating this Order, including by working while sick, working without a face covering, working in close quarters with others, or working without proper protective equipment or protocols.

Businesses are strongly encouraged to be supportive of employees who are ordered to self-isolate or quarantine, including by paying them to stay home. Summit County Public Health may publish information about any outbreak at a business so that the public is aware of the extent and nature of disease spread in the community.

15. Penalties. A violation of this Emergency Public Health Order may be enforced by the issuance of warning letter(s), administrative citation to City-licensed businesses, and/or misdemeanor prosecution under Minnesota State Statutes 12.45.

By: _____

Mayor James Hovland

City of Edina, MN

June 29, 2020



Emergency Regulation

Issued pursuant to MCO Section 128.60

I, Jacob Frey, Mayor of the City of Minneapolis, subject to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances (MCO), Sections 128.50 and 128.60 do hereby proclaim the following Emergency Regulation:

PROCLAMATION OF THE MAYOR

Emergency Regulation No. 2020-12

Whereas, on March 16, 2020, I declared a local public health emergency related to the COVID-19 pandemic in the City of Minneapolis and assumed executive responsibilities attendant thereto; and

Whereas, Governor Walz signed Executive Order 20-56 to rescind the Stay at Home order put in place by Executive Order 20-48, and included in the order that all Minnesotans are strongly encouraged, "to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others)"; and

Whereas, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Minneapolis Code of Ordinances, Sections 128.50 and 128.60, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency; and

Whereas, it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

Whereas, the data shows that older individuals and those suffering from underlying conditions are prone to more severe disease, and also shows that in Minneapolis Black, Indigenous, people of color, and immigrant community members are testing at a higher rate with Black community members accounting for 35 percent of cases and Hispanic accounting for 18 percent of cases; and

Whereas, COVID-19 cases of community contact or unknown transmission continue to account for over 50 percent of the cases in Minneapolis; and

Whereas the City's workers and other essential workers continue to provide essential services during this emergency, and some of these critical workers face an outsized risk of exposure, and we must protect these essential workers from infection; and

Whereas health officials are increasingly urging non-medical workers to wear non-medical grade cloth face coverings to help curb the spread of COVID-19, by preventing the transmission of respiratory droplets that contain the virus; and

Whereas, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms; and

Whereas, public health experts have determined that the use of a cloth face covering may reduce the risk of transmission by an infected person as a force multiplier for physical distancing, hand washing, and other prevention measures, understanding that face coverings are not recommended as a replacement for these activities; and

Whereas, according to the CDC, because COVID-19 is primarily transmitted by respiratory droplets, population density plays a significant role in the acceleration of transmission and cities like Minneapolis, the densest city in the State of Minnesota, are at a higher risk while also serving a greater proportion of vulnerable populations; and

Whereas, Minneapolis has 10 percent of the state's population and 12 percent of the COVID-10 positive cases, in addition Minneapolis accounts for 14 percent of the state's deaths, including large outbreaks in congregate health care facilities; and

Whereas, as state leaders continue to dial back restrictions in spaces of public accommodation, the City of Minneapolis has redoubled its efforts to maintain good hand hygiene, respiratory etiquette, and physical distancing while proceeding cautiously and with a focus on slowing community spread and avoiding unnecessary strain on our medical system; and

Whereas, to aid in our efforts, under the emergency authorities vested in the Mayor pursuant to the emergency declaration, to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency and adopt additional protections for the preservation of public health and safety.

NOW, THEREFORE, I, Jacob Frey, Mayor of the City of Minneapolis, do hereby order the following emergency regulation:

1. Effective May 26, 2020 any individual who is over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a mask or cloth face covering in accordance with CDC guidance when in indoor spaces of public accommodation.
2. All employers of businesses that are spaces of public accommodation as defined by this Order shall require their employees to wear a cloth face covering whenever such employees have face-to-face contact with the public.

Definitions:

3. A space of public accommodation means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, government buildings, and service establishments as well as educational institutions, recreational facilities, and service centers.
4. Cloth face-covering means a covering that fully covers a person's nose and mouth but is not a Medical-Grade Mask.
5. Medical-Grade Mask means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.

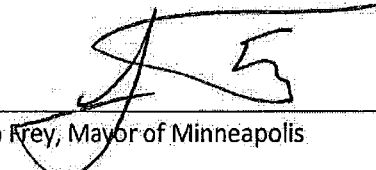
Additional Terms

6. This Order is effective 5:00 p.m. (CST) May 26, 2020 and continuing until further notice or until it is extended, rescinded, superseded, or amended.
7. A violation of this Emergency Regulation may be enforced by the issuance of warning letter(s), administrative citation to City-licensed businesses, and/or misdemeanor prosecution. Minn. Stat. § 12.45; MCO § 1.30.

MAY 21 2020

Date





Jacob Frey, Mayor of Minneapolis

ATTEST



City Clerk

POSTED: MAY 21 2020

EMERGENCY EXECUTIVE ORDER 2020-09

I, Melvin Carter III, Mayor of the City of Saint Paul, on May 27, 2020, pursuant to Saint Paul Legislative Code Section 13.06, do hereby issue the following Executive Order:

On March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-01 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 pursuant to Minn. Stat. § 12.31, Subd. 2.

On March 15, 2020, Saint Paul Mayor Melvin Carter issued an Emergency Declaration in response to the COVID-19 pandemic pursuant to Minn. Stat. § 12.29; which the City Council consented to on March 17, 2020.

Saint Paul Leg. Code Chapter 13.06(b) provides that, "whenever necessary to meet an emergency ... the mayor may by executive order promulgate regulations ... for which adequate regulations have not been adopted ... respecting the conduct of persons and the use of property during emergencies; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations; and all other matters which are required to protect public safety, health and welfare in emergencies."

Governor Walz on March 25, 2020 issued Executive Order 20-20 directing all Minnesotans to Stay at Home with limited exceptions. On April 8, 2020 and April 30, 2020, Governor Walz issued Executive Orders 20-33 and 20-48, respectively, extending and modifying the previous Stay at Home orders. On May 17, 2020, Executive Order 20-48 expired, and Minnesotans are again allowed to leave their homes for certain non-work activities outside of the home, including activities that are not conducive to social distancing and hygiene, for many reasons.

There are documented community acquired COVID-19 cases in Saint Paul. The potential for community contact transmission is especially concerning for vulnerable individuals, emergency workers, and other essential workers who continue to provide services to the community. The CDC and local public health officials recommend that everyone wear a cloth face covering when leaving their homes, regardless of whether they have fever or symptoms of COVID-19. This is because of evidence that people with COVID-19 spread the disease even when they do not have any symptoms. While such coverings are not personal protective equipment, face coverings, whether manufactured or homemade cloth, provide "source control" by helping to limit the person wearing the covering from infecting others and by helping to control the spread of the virus.

Governor Walz's Executive Order 20-56 issued on May 13, 2020 "strongly encourage(s) all Minnesotans to wear a manufactured or homemade cloth face covering when they leave their homes and travel to any public setting where social distancing measures are difficult to maintain. . . and to follow face covering guidelines issued by MDH and the CDC."

NOW, THEREFORE, I, Melvin Carter, Mayor of the City of Saint Paul, do hereby issue the following Emergency Executive Order:

Regulations:

1. Individuals At City-Controlled Property: Must wear a face covering at all times when social distancing of at least 6 feet is not maintained.
2. Businesses Licensed By the City of Saint Paul: Must require all Individuals to wear a face covering at all times when social distancing of at least 6 feet is not maintained.
3. All Businesses: Strongly encouraged to include in their COVID-19 Preparedness Plan under Governor Walz' Executive Order 20-56 a requirement that all individuals wear a face covering at all times when social distancing of at least 6 feet is not maintained.

Terms:

1. Individual: all persons except young children at risk of suffocation and persons who cannot medically tolerate wearing a face covering.
2. City-Controlled Property: includes park facilities, libraries, and City offices and workplaces.
3. Face Covering: includes manufactured or homemade cloth face coverings. Face coverings must fully cover an individual's nose and mouth. Face coverings are not required to be medical-grade masks.

Enforcement:

1. Any Individual who fails to comply with this requirement will be asked to leave any city-controlled property. Any individual who subsequently refuses to leave said property upon request will be deemed to be trespassing and may be subject to criminal penalties as provided by law.
2. Any business licensed by the City of Saint Paul found in violation of this requirement may face adverse licensing action and penalties under Chapter 310 of the Saint Paul Legislative Code.

Pursuant to Chapter 13 of the Saint Paul Legislative Code, this Executive Order will take effect on June 1 following my signature and, if not sooner rescinded or later extended, shall expire at the end of forty (40) days after its effective date or at the end of the declared local emergency to which it relates, whichever occurs first.

Signed: May 27, 2020


Mayor Melvin Carter III



SUMMIT COUNTY PUBLIC HEALTH

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JUNE 4, 2020

**AMENDED AND RESTATED STANDING PUBLIC HEALTH ORDER
REGARDING THE COVID-19 PANDEMIC
FOR SUMMIT COUNTY, COLORADO**

1. Purpose, Effective Area. This Amended and Restated Public Health Order is being issued to limit the health impacts of COVID-19. This Order sets forth requirements and guidelines for group gatherings, business operations, personal responsibility, and additional guidance to slow the spread of COVID-19. This Order is effective within the entirety of Summit County, including all towns within the County.

2. Effective Date and Time, Limitations. The Public Health Order will become effective at 12:01 a.m. on June 5, 2020, unless otherwise specifically provided for herein, and will remain in effect until 11:59 p.m. June 30, 2020, unless extended, rescinded, superseded, or amended in writing.

3. Findings and Intent. As of June 1, 2020, there are 26,577 known cases of COVID-19 in Colorado; 4,372 Coloradans have been hospitalized and 1,185 Coloradans have died from COVID-19. There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, so gatherings of people facilitate transmission of COVID-19.

The Public Health Director further finds that the presence of visitors from many communities throughout the state and the country, if unregulated, may introduce increased illness into the community, imposing burdens on the local economy, local workers, our health care system, public services, first responders, food supplies and other essential services during the ongoing COVID-19 pandemic.

The Public Health Director further finds that, in the absence of a widely available vaccine and/or treatment, we must use other tools, such as physical distancing and face coverings, to mitigate the spread of COVID-19 to protect health and save lives.

The intent of this Order is to minimize contact among individuals and reduce the public's exposure to the novel coronavirus, while lifting some of the existing restrictions on social, civic, businesses and commercial activities.

4. Legal Authority. This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Summit County Public Health Director has the duty to investigate and control the causes of the epidemic or communicable diseases and conditions affecting public health; to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the territorial limits of Summit County; and to prohibit the gatherings of people to protect the public health; all as the Public Health Director may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety and welfare.

5. Most Restrictive Standard Controls. To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (CDPHE) are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders. The more restrictive Summit County provisions expressly provided below shall control.

6. Incorporation of State Orders. All Executive Orders issued by the Governor and all CDPHE Public Health Orders are hereby adopted and deemed incorporated herein. This Amended and Restated Public Health Order is intended to clarify and harmonize this Summit County Public Health Order with all of the State's orders.

For purposes of this order, the term "Physical Distancing Requirements" shall have the same meaning as the State defined term "Social Distancing Requirements".

7. Compliance with State Orders. In order to safely open and operate, the following businesses and entities as defined by the State: Critical Businesses, Critical Government Functions, non-Critical Office-Based Businesses, Personal Services, Limited Healthcare Setting, and Non-Critical Retail must comply with all Executive Orders issued by the Governor and all CDPHE Public Health Orders applicable to such operations.

8. Five Commitments of Containment. Preventing a resurgence of COVID-19 in Summit County requires all individuals and businesses to comply with the mandatory provisions of this Order. In addition, all persons in Summit County are strongly encouraged to assume additional personal responsibility and adopt the Five Commitments of Containment to keep transmission of illness low. These are:

- a. I will maintain 6 feet of physical distance from other individuals.
 - i. Physical distance is one of the most effective COVID-19 prevention measures.
 - ii. I will keep this distance from any person who is not from my household.

- b. I will wash my hands frequently and thoroughly for at least 20 seconds.
 - i. Hand washing is especially important after visiting public settings and businesses and before eating or touching my face.
- c. I will cover my face in public.
 - ii. I will wear a face covering whenever I am outside and may not be able to maintain 6 feet of physical distance from others.
 - iii. I will wear a face covering whenever I am in indoor areas open to the public.
 - iv. Face coverings are not a substitute for maintaining physical distance.
- d. I will stay home when I am sick.
 - i. Isolating myself from others, including household members, will help protect others and limit the spread.
- e. I will get tested immediately if I have COVID-19 symptoms.
 - i. Testing early after COVID-19 symptoms develop can provide valuable information to help prevent spreading COVID-19 to other people and to inform public health officials about the extent of disease spread in the community.

9. Physical Distancing Protocol (formerly known as Social Distancing Protocol).

a. All Critical Businesses, Critical Government Functions, Non-Critical Office Based Businesses, Critical and Non-Critical Retail, Limited Healthcare Settings, Restaurants, Houses of Worship, Non-Critical Manufacturing, Personal Services, Outdoor Recreation, Personal Recreation, Children’s Day Camps, Youth Sports Day Camps and Exempt Single Skill Building Youth Camps, prior to performing operations or services, complete the online Summit County Business Physical Distancing Protocol Form. The completed form must be posted at or near the entrance of the establishment and shall be easily viewable by employees, customers, clients and others on site. The completed form must also be posted on the establishment’s website, if the establishment has a website.

b. All aforementioned entities must also comply with all applicable Governor’s order, CDPHE orders, and DORA and State rules, regulations and guidance.

10. Employee Health Surveillance for Restaurant and Lodging Workers. All Restaurants and other places of public accommodation permitted to offer food and beverages for on-site consumption pursuant to the CDPHE Fifth Amended Public Health Order 20-28 and all lodging operators shall maintain a record of the following employee information, for the purposes of contact tracing activities in the event of a suspected or confirmed outbreak of COVID-19:

- a. Current contact information for all employees,
- b. Dates of all shifts worked by all employees, dating back to re-opening, and

- c. Other known places of employment for each employee.

11. Public Transportation Services.

a. Agencies or individuals providing public transportation, including rideshares, taxis, ski resort buses and shuttles must follow the CDPHE COVID-19 Guidelines for Public Transportation Providers as may be amended. Appropriate Physical Distancing Requirements and other administrative operational directives and permissions may be issued by the Summit County Public Health Department; members of the same household may sit together.

b. All transportation services riders and operators ages 3 and older must wear face coverings at all times and follow appropriate Physical Distancing Requirements to the greatest extent possible.

12. Construction Site Health Protection. All construction activities must adhere to the Summit County Building Department COVID-19 Policies and Procedures or the equivalent document within the applicable jurisdiction.

13. Isolation and Quarantine Requirements for Symptomatic Persons and Exposures

a. For purposes of this Order, the following definitions shall apply:

- i. “Self-Isolate” is specific to a person with illness and means to stay at home, maintain distance (minimum of 6 feet) away from other household members, do not share a bedroom or bathroom, wear a mask to cover your mouth and nose when in common areas within the household, and do not leave the home unless seeking medical care.
- ii. “Self-Quarantine” is specific to a person who does not have symptoms but has been exposed to someone confirmed to have COVID-19 or who is experiencing symptoms, and means to stay home, do not go to public places unless seeking medical care, and avoid contact with other people until the incubation period for COVID-19 is over, for 14 days.

b. Individuals experiencing symptoms of COVID-19 must Self-Isolate as defined in Section 13(a), above, for a minimum of ten (10) days from the start of symptoms AND 72 hours until fever free (without the use of any fever-reducing medications), PROVIDED that such symptoms are significantly improving. This obligation to self-isolate includes people that have tested positive, people awaiting their test results, and people who have symptoms but have not been tested.

c. Individuals in close contact with someone with confirmed COVID-19 disease, or a person who has symptoms consistent with COVID-19 but who has not been tested, must Self-Quarantine, as defined in Section 13(a), above, for 14 days at their place of residence. For

healthcare workers and others responding to the COVID-19 pandemic, Summit County Public Health will provide more specific guidance.

d. Employers do not need to and should not require negative test results or a medical release for anyone that has completed the Self-Isolation requirements in subsection 13(b), above, or the Self-Quarantine requirements in subsection 13(c), above, each as applicable.

e. In the event an employee has confirmed COVID-19 or has symptoms but was not tested, employers should not require testing for any other employees as a condition of employment.

f. Employers should not otherwise require a negative test result as a condition of employment.

14. Face Coverings.

a. Individuals must wear face coverings that cover nose and mouth whenever:

- i. In indoor areas open to the general public or
- ii. Outdoors whenever at least 6 feet of separation cannot be maintained among all individuals.
- iii. Exceptions: cloth face coverings do not need to be worn by persons who are consuming food or beverages, young children under the age of 2, persons with medical conditions that make it difficult to breathe or persons otherwise unable to remove the mask without assistance.

b. In order to ensure that sufficient supplies of medical face masks are available to health care workers, members of the public are strongly encouraged to use non-medical cloth face coverings, unless a medical face mask is medically necessary.

c. In accordance with Governor Polis' Executive Order D 2020 092, employers and operators of places of public accommodation, and those authorized on their behalf, shall have discretion to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering. Such action shall be applied in a manner consistent with the American Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq.*), and any other relevant federal or state law.

15. Additional Information, Recommendations and Requirements for all Persons.

a. Importance of Public Actions: These actions are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the

spread, we protect our family, friends, and neighbors. In particular, this includes all adults over age 65 and anyone with an underlying health condition.


These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and the actions required or recommended herein will help hospitals, first responders, and other health care services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread, the greater the benefit for the whole community.

b. Importance of Business Actions: The actions listed in this Order, as well as those outlined in the Summit County Business Physical Distancing Protocol Form and in the State of Colorado Public Health Order, are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of hospitalizations and deaths caused by COVID-19. By slowing the spread, businesses protect their workers and customers and our local economy.

Businesses shall not require, incentivize, encourage or coerce employees, contractors or subcontractors into risking their health by violating this Order, including by working while sick, working without a face covering, working in close quarters with others, or working without proper protective equipment or protocols.

Businesses are strongly encouraged to be supportive of employees who are ordered to self-isolate or quarantine, including by paying them to stay home. Summit County Public Health may publish information about any outbreak at a business so that the public is aware of the extent and nature of disease spread in the community.

16. Penalties. Failure to comply with this Order is subject to the penalties contained in Section 25-1-516 and 18-1.3-501, Colorado Revised Statutes, including a fine of up to five thousand (\$5,000) dollars and imprisonment in the county jail for up to eighteen (18) months.

By:  _____
Amy Wineland, RN, MSN, ND, CPNP
Summit County Public Health Director
June 4, 2020