

ADDENDUM
TO THE CITY COUNCIL AGENDA

March 24, 2020 – 6:00 p.m.

City Hall – Midwest City Council Chambers, 100 N. Midwest Boulevard

D. DISCUSSION ITEMS.

5. Discussion and Consideration of an Ordinance amending the Midwest City Municipal Code, Chapter 11, City Emergency Management, Section 11-3 Emergency Operating hours and procedures for Commercial Enterprises; providing for repealer, severability and declaring an emergency. (City Attorney – H. Poole)
 - 5A. Discussion and consideration approving the Emergency Clause.





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To: Honorable Mayor and Council

From: Heather Poole, City Attorney

Date: March 24, 2020

Subject: Discussion and Consideration of an Ordinance amending the Midwest City Municipal Code, Chapter 11, City Emergency Management, Section 11-3 Emergency Operating hours and procedures for Commercial Enterprises; providing for repealer, severability and declaring an emergency.

The City of Midwest City has continued to address the issues raised by COVID-19 and the changing recommendations on public health controls. On March 13, 2020, the President of the United States declared COVID-19 a national emergency and ordered each state to set up emergency operations centers and ordered hospitals to activate their emergency preparedness plans; then on the 15th of March, 2020 the State of Oklahoma declared an emergency caused by the impending threat of COVID-19 to the people of this state and the public's peace, health and safety, and all 77 of Oklahoma's counties were included in the declaration. The State's declaration of emergency activated the State of Emergency Operations Plan, and the resources of all state departments and agencies were made available to meet the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. The state's efforts will be coordinated by the director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the state.

The City wants to insure that public health measures are enforceable and to that end has chosen to enact ordinances to address the public health measures the City is taking under the authority granted under Title 63 Oklahoma Statutes Section 683.3, the Oklahoma Emergency Act of 2003

The current CDC guidelines set out that individuals aged 65 or older and those with underlying health issues are at the highest risk of both contracting and suffering from the effects of COVID-19, that all individuals should remain six feet apart at work, shopping or at home, that individuals avoid gathering in groups of 10 or more, and that proper personal hygiene measures should be taken. The current changes in the City's Ordinances are made in an attempt to insure compliance where possible with these guidelines.

Currently, there is a severe blood shortage caused blood drive cancellations and individuals avoiding any group events. The term "gatherings" as used in Presidential Executive Order 14FY1920 March 18, 2020, as used in Section I (a), does not apply to blood drives conducted by the American Red Cross provided social distancing practices are implemented to the maximum extent practicable in the administration of such drives, therefore this need is also addressed in the ordinance change.

Action is at the discretion of Mayor and Council.

Heather Poole, City Attorney

40 6. The above restrictions shall not apply to blood drives held by the American Red Cross or
41 Oklahoma Blood Institute provided social distancing practices are implemented to the maximum
42 extent practicable in the administration of such drives.

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44 **SECTION 2.** REPEALER. All ordinances or parts of ordinances in conflict herewith are
45 hereby repealed.

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47 **SECTION 3.** SEVERABILITY. If any section, sentence, clause or portion of this ordinance is
48 for any reason held to be invalid, such decision shall not affect the validity of the remaining
49 portions of the ordinance.

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51 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
52 on the ____ day of _____, 2020.

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54 THE CITY OF MIDWEST CITY, OKLAHOMA

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MATTHEW D. DUKES, II, Mayor

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59 ATTEST:

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62 _____
SARA HANCOCK, City Clerk

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64 APPROVED as to form and legality this ____ day of _____, 2020.

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HEATHER POOLE, City Attorney

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69 **SECTION 4.** EMERGENCY. The City Council declares this ordinance to be an emergency, it
70 being immediately necessary for the preservation of the peace, health and safety of the City of
71 Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full
72 force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall
73 take effect and be in full force from and after its passage as provided by law.

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75 EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the
76 City of Midwest City,

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78 Oklahoma, this ____ day of _____, 2020

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CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2020

HEATHER POOLE, City Attorney