

SPECIAL MEETING NOTICE
THE CITY OF OKLAHOMA CITY
CITY COUNCIL

FILED

2020 JUL 15 12:54 PM
CITY OF
OKLAHOMA CITY OKLA
OFFICE OF
CITY CLERK *JK*

FRIDAY, JULY 17, 2020
1:00 P.M.

I, David Holt, Mayor of The City of Oklahoma City hereby call a special meeting of the City Council of The City of Oklahoma City pursuant to Article II, Section 12 of the Charter of The City of Oklahoma City to wit:

(Agenda attached)

Friday, July 17, 2020
1:00 p.m.

LOCATION

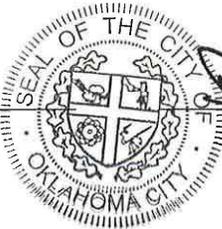
Phone: 1-346-248-7799 (cell phone)
Toll Free: 1-888-475-4499 or 1-877-853-5257 (land line)
Meeting URL:
https://okc.zoom.us/webinar/register/WN_uBiL9by_RxGfrWzQb1_2DA
Meeting ID: 995 2869 3663

Signed this 15th day of July 2020.

Attest:

Frances Kersey

Frances Kersey, City Clerk



David Holt

Mayor David Holt

FILED

**PROCLAMATION AND NOTICE FOR CALLING A SPECIAL MEETING OF THE
CITY COUNCIL TO BE HELD BY VIDEO CONFERENCE**

2020 JUL 15 PM 12:54 PM

CITY OF
OKLAHOMA CITY OKLA
OFFICE OF
CITY CLERK

8

WHEREAS, the Mayor of The City of Oklahoma City, Oklahoma, has determined the need to call a Special Meeting to consider an ordinance amending Chapter 23, entitled “Health and Sanitation,” of the Oklahoma City Municipal Code, 2010; enacting the “Oklahoma City COVID-19 Safety Code,” to be codified as Sections 23-23 through 23-31, inclusive, of Article III of Chapter 23 of the Code; providing a short title for Article III; providing the findings and declarations of the City Council; providing a definition of “face covering;” requiring face coverings shall be worn in certain places or settings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency by video conference for Friday, July 17, 2020 at 1:00 p.m.; and

WHEREAS, all City Council persons will attend the Special Meeting on Friday, July 17, 2020 by video conference; and

WHEREAS, Article II, § 12 of the Oklahoma City Charter authorized the Mayor to call a special meeting of the City Council of The City of Oklahoma City at any time upon such written notice as may be prescribed by ordinance, and

WHEREAS, the Oklahoma City Municipal Code, 2010, § 2-27 and the Oklahoma Open Meeting Act, 25 O.S. §§ 301 *et seq.* set forth the procedures for providing public notice of special meetings of the City Council of The City of Oklahoma City; and

WHEREAS, I, David Holt, the Mayor of The City of Oklahoma City, desires to call a Special City Council Meeting to consider an ordinance amending Chapter 23, entitled “Health

and Sanitation,” of the Oklahoma City Municipal Code, 2010; enacting the “Oklahoma City COVID-19 Safety Code,” to be codified as Sections 23-23 through 23-31, inclusive, of Article III of Chapter 23 of the Code; providing a short title for Article III; providing the findings and declarations of the City Council; providing a definition of “face covering;” requiring face coverings shall be worn in certain places or settings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency by video conference Friday, July 17, 2020 at 1:00 p.m. as set forth in the Special Meeting Agenda attached hereto as Exhibit A.

NOW, THEREFORE, I, David Holt, Mayor of The City of Oklahoma City, Oklahoma, by virtue of the authority vested in me by Oklahoma City Charter, Article II, § 12, do hereby proclaim that the Special Council Meeting shall be held at 1:00 p.m. on Friday, July 17, 2020 by video conference, to consider the ordinance;

AND, I DO FURTHER PROCLAIM, that the only item of business to be conducted at the Friday, July 17, 2020 video conferenced Special City Council Meeting shall be the item set forth in the Special Meeting Agenda attached to this Proclamation as Exhibit A.

AND, I DO FURTHER PROCLAIM and direct that public notice of the Friday, July 17, 2020 Special Council Meeting shall be given by the City Clerk as required by Oklahoma City Municipal Code, 2010, § 2-27, and the Oklahoma Open Meeting Act, 25 O.S. §§ 301 *et seq.*

GIVEN under my hand and the Seal of The City of Oklahoma City on this 15th day of July, 2020.

ATTEST:

Maureen Terry

City Clerk



David Holt

David Holt, Mayor

REVIEWED for form and legality.

Wiley J. Wilkins

MUNICIPAL COUNSELOR



The City of
OKLAHOMA CITY
FORMAL AGENDA

Special Meeting of the City Council

1:00 p.m. July 17, 2020

During the COVID-19 pandemic, no physical location will be provided for this meeting. The meeting will instead be live streamed from remote locations as allowed by SB 661, 25 O.S. Supp. 2019 §304(7). Instructions on how to join the meeting can be found on the second page of this agenda.

David Holt, Mayor

Council Members:

James Greiner..... Ward 1
James Cooper..... Ward 2
Larry McAtee..... Ward 3
Todd Stone..... Ward 4
David Greenwell..... Ward 5
JoBeth Hamon..... Ward 6
Nikki Nice..... Ward 7
Mark K. Stonecipher..... Ward 8

Craig Freeman, City Manager
Frances Kersey, City Clerk
Kenneth Jordan, Municipal Counselor

2020 JUL 15 12:54 pm. ds
CITY OF
OKLAHOMA CITY OKLA
OFFICE OF
CITY CLERK

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ALL MEMBERS ATTENDING THE MEETING BY VIDEO CONFERENCE

Phone: 1-346-248-7799 (cell phone)
Toll Free: 1-888-475-4499 or 1-877-853-5257 (land line)
Registration URL: https://okc.zoom.us/webinar/register/WN_uBiL9by_RxGfrWzQb1_2DA
Meeting ID: 995 2869 3663

Participant Instructions

The City encourages participation in the public meeting from the residents of Oklahoma City. The City Council Chamber will be closed and the only alternative to participate in the meeting will be by video conference. Below are instructions on how to access to the meeting and request to speak on agenda items.

- To participate in the meeting via ZOOM, go to **Registration URL:**
https://okc.zoom.us/webinar/register/WN_uBiL9by_RxGfrWzQb1_2DA
- When prompted, enter Meeting ID: **995 2869 3663**
- To participate in the meeting by cell phone, call 1-346-248-7799.
- To participate by land line toll free, call 1-888-475-4499 or 1-877-853-5257.
- To speak on a certain agenda item, you must place a call to 405-297-2391 or text your request in advance of the meeting to 405-219-7987 or email cityclerk@okc.gov. Include your name, the reason you would like to speak. **Please submit your request prior to the beginning of the meeting to avoid receiving your request after your item has been considered.** City staff will attempt to submit requests received during the meeting to process them to the Mayor. Please press *6 to speak when recognized by the Mayor.

The Mayor will announce at the beginning of the meeting that if connections are lost, the City will attempt to restore communications for a maximum of ____ minutes and if communications cannot be restored, the meeting will reconvene at a certain date, time and place. If you are disconnected, please try again before calling 405-297-2391 or texting 405-219-7987.

It is the policy of The City of Oklahoma City to ensure that communications with participants and members of the public with disabilities are as effective as communications with others. Anyone with a disability who requires an accommodation, a modification of policies or procedures, or an auxiliary aid or service to participate in this meeting should call (405) 297-2396 or TDD (405) 297-2020 at least 24 hours in advance (excluding weekends or holidays). The department will give primary consideration to the choice of auxiliary aid or service requested by the individual with disability before the scheduled meeting. If you need an alternative format of the agenda, or any information provided at this meeting, call (405) 297-2396 at least 24 hours before the meeting (excluding weekends or holidays).

SPECIAL MEETING AGENDA

CITY COUNCIL

**JULY 17, 2020
1:00 P.M.**

- I. Call to Order**
- II.** Ordinance be introduced and adopted with emergency, amending Chapter 23, entitled "Health and Sanitation," of the Oklahoma City Municipal Code, 2010; enacting the "Oklahoma City COVID-19 Safety Code," to be codified as Sections 23-23 through 23-31, inclusive, of Article III of Chapter 23 of the Code; providing a short title for Article III; providing the findings and declarations of the City Council; providing a definition of "face covering;" requiring face coverings shall be worn in certain places or settings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency.
- III. Adjournment**

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. <item_outline>
7/17/2020

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

RE: Ordinance amending Chapter 23, entitled “Health and Sanitation,” of the Oklahoma City Municipal Code, 2010 (Code); enacting the “Oklahoma City Covid-19 Safety Code,” to be codified as Sections 23-23 through 23-31, inclusive, of Article III of Chapter 23 of the Code; providing a short title for Article III; providing the findings and declarations of the City Council; providing a definition of “face covering;” requiring face coverings shall be worn in certain places or settings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency.

The attached Ordinance was drafted at the request of Councilmember Mark Stonecipher, Ward 8. To address the recent surge in Oklahoma City of positive test results for COVID-19 (mask) requirement for Oklahoma City, the Ordinance would adopt a “COVID-19 Safety Code” containing the face covering mandate as an amendment to Chapter 23, Health and Sanitation of the Oklahoma City Municipal Code, 2010.

In summary, the Ordinance contains the following provisions:

- ✓ A list of 24 “Findings” documenting the need for the mask mandate—Ord., Sec. 23-24.
- ✓ A definition of “face covering,” which must cover both the nose and mouth— Ord., Sec. 23-25.
- ✓ A mandate for “face coverings,” stating: “All persons shall wear face coverings when entering and while inside any indoor place open to the public”—Ord., Sec. 23-26.
- ✓ Seven exceptions to the mask mandate (Ord. Sec. 23-27), excluding the following:
 - Persons under age six unless required by a school or day care to wear a face covering;
 - Persons working in a professional office who do not have any face-to-face interactions with the public;
 - Restaurant patrons while eating or drinking;
 - Persons in a setting where it is not practical or feasible to wear a face covering, such as when receiving dental services, medical treatments, or while swimming or at a splash park;
 - Persons engaged in sports, professional and amateur, or merely for recreation;
 - Persons performing cardio exercises;
 - Persons inside any Federal, State, or county building/facility; and

- Persons inside a public or private school building/facility unless required by the school to wear a face covering; and
 - Persons attending any indoor religious service or ceremony as long as all persons who do not live in the same household are social distancing from one another, meaning not less than 6 feet apart.
- ✓ An effective date and time of 12:00 am on July 17, 2020, and an expiration date and time of 12:00 am on September 8, 2020 (day after Labor Day)—Ord., Sec. 23-29.
 - ✓ An enforcement authorization, to include OCCHD Inspectors, Development Services Inspectors and OCPD Officers—Ord., Sec. 23-30; the authorized enforcers can be amended, if desired.
 - ✓ A penalties section (Ord., Sec. 23-31), setting the penalties for violation to be in amounts not exceeding \$50 for the first violation, \$250 for the second violation, and \$500 for the third or subsequent violations (with a mandatory Municipal Court appearance for the third and subsequent violations).
 - ✓ A “defense” section (see Ord., Sec. 23-32), providing that it “shall be a defense to any violation of Section 23-26 of this article if an individual produces a document demonstrating that his/her/their physician has verified that wearing a face covering could cause impairment or would constitute a hazard to the individual.”

RECOMMENDATION: Consider introducing and adopting the Ordinance with the emergency.

**City Council Action
Financial Impact Report**

Title of Item: Ordinance amending Chapter 23, entitled “Health and Sanitation,” of the Oklahoma City Municipal Code, 2010 (Code); enacting the “Oklahoma City Covid-19 Safety Code,” to be codified as Sections 23-23 through 23-31, inclusive, of Article III of Chapter 23 of the Code; providing a short title for Article III; providing the findings and declarations of the City Council; providing a definition of “face covering;” requiring face coverings shall be worn in certain places or settings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency.

Originating Department: City Council

Description of Impact

Residents and visitors to the City will be required to wear face coverings when entering and while inside any indoor place open to the public. Violation of the ordinance may result in a fine of up to \$50 for the first violation, \$250 for the second violation and \$500 for the third violation.

This ordinance will require citizens to purchase or make a mask or face covering if they are going to be in buildings open to the public. The cost of material to make masks or the cost of purchasing masks is highly variable. In addition, a high percentage of the population already has a mask or face covering. This combination of factors makes estimating the financial impact of this ordinance on residents very difficult.

Summary of Impact

a. Cost to City Organization: No additional cost.

b. Cost to Residents: Residents will have to purchase or make a mask to be in buildings open to the public

c. Cost to Business Community: None.

d. Revenue Produced: Fine revenue may be produced, which will be based on the number of violations and cannot be estimated at this time.

Source of Funds N/A

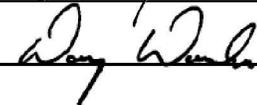
Fund Name: Fine revenue will be deposited in the General Fund

Agency Name: N/A

Department Head Signature:



OMB Review Completed by:



ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 23, ENTITLED “HEALTH AND SANITATION,” OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010 (CODE); ENACTING THE “OKLAHOMA CITY COVID-19 SAFETY CODE,” TO BE CODIFIED AS SECTIONS 23-23 THROUGH 23-31, INCLUSIVE, OF ARTICLE III OF CHAPTER 23 OF THE CODE; PROVIDING A SHORT TITLE FOR ARTICLE III; PROVIDING THE FINDINGS AND DECLARATIONS OF THE CITY COUNCIL; PROVIDING A DEFINITION OF “FACE COVERING;” REQUIRING FACE COVERINGS SHALL BE WORN IN CERTAIN PLACES OR SETTINGS; PROVIDING EXCEPTIONS; PROVIDING AN EFFECTIVE AND EXPIRATION DATE AND TIME; PROVIDING FOR ENFORCEMENT, VIOLATIONS, AND PENALTIES FOR VIOLATIONS; PROVIDING A DEFENSE; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY, OKLAHOMA:

SECTION 1. Sections 23-23 through 23-31, inclusive, of Article III of Chapter 23 of the Oklahoma City Municipal Code, 2010, are hereby enacted to read as follows:

CHAPTER 23. HEALTH AND SANITATION

ARTICLE III. COVID-19 SAFETY CODE

§23-23. Short Title.

This article is entitled and shall be known as the OKLAHOMA CITY COVID-19 SAFETY CODE.

§23-24. Statement of Findings by the City Council of the City.

1. The United States is experiencing an outbreak of Novel Coronavirus-2019 also known as COVID-19; and
2. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

3. On March 13, 2020, the President of the United States declared a National Emergency because of the COVID-19 pandemic and which declaration is still in effect today; and
4. On March 15, 2020, the Governor of Oklahoma declared a State of Emergency because of the COVID-19 pandemic and which declaration is still in effect today; and
5. The Center for Disease Control (“CDC”) has emphasized the COVID-19 risk to individuals is dependent on exposure, and transmission is through respiratory droplets produced when an infected person coughs or sneezes; and
6. There have been COVID-19 related deaths statewide with over 110 deaths in the Oklahoma City metropolitan area; and
7. Oklahoma City-County Health Department (“OCCHD”) states this is the worst public health crisis to face our city in the last half-century; and
8. The City Council of The City of Oklahoma City (City) finds that the CDC has identified a virus, COVID-19, which is causing a pandemic throughout the world and the United States, and which remains present, extremely contagious, and potentially deadly within the City; and
9. After reaching a low point for positive tests and hospitalizations, in June Oklahoma City experienced a significant increase in the number of COVID-19 positive tests and hospitalizations; and
10. After a period where the rise in new cases subsided, the increase in new cases and positive testing percentages has resumed this past week and remains at an elevated level relative to previous phases of the pandemic; and
11. Since mid-June, hospitalizations have consistently remained at an elevated level that causes concern to public health officials; and
12. The OCCHD data have successfully identified safety measures that will substantially improve the City’s response to this pandemic, preserving the health of the community; and
13. Based upon information provided by local healthcare providers and public health experts, the current surge occurred, in part, due to public gatherings associated with the Fourth of July holiday where social distancing and mask wearing protocols were not observed; and
14. One strong recommendation by the CDC and OCCHD is the adoption of the safety measure for the mandatory wearing of face coverings (masks) over the nose and mouth to help prevent air-borne virus particles from causing new infections and, depending on the design of the mask, can also help prevent the persons wearing the face covering to not become infected with COVID-19; and

15. With the transmission of COVID-19 and COVID-related hospitalizations continuing at an elevated level, provisions for the safety of the life, health, and property of Oklahoma City residents are still necessary; and
16. The City Council of the City declares that the continuing occurrence and threat of widespread or severe damage, injury or loss of life or property from COVID-19, including severe economic damage to the City and the State of Oklahoma, which can result from COVID-19, justifies emergency action by the City to help avert such danger or damage and to protect the public health; and
17. The City Council further declares an emergency need for an ordinance containing the COVID-19 safety measure for the mandatory wearing of face coverings over the nose and mouth whenever persons are in any place or setting open to the general public; and
18. The City Council of the City notes that on Friday, July 10, 2020, Dallas Federal Reserve Bank President Robert Kaplan publicly stated that:
 - i. The “key to ensuring a faster U.S. economic recovery is wearing masks to slow the spread of the coronavirus;” and
 - ii. “How the [COVID-19] virus proceeds, and what the incidence is, is going to be directly related to how fast we grow [economically]”...; and
 - iii. “While monetary and fiscal policy have a key role to play, the primary economic policy from here is broad mask wearing and good execution of...health care protocols; if we do that well, we’ll grow faster”; and
 - iv. “The message I’d have today about the economy (is that) while monetary policy and fiscal policy are very important, they are not as important right now in us doing a good job of flattening this curve on the virus, and if we do that, we’ll grow faster”...; and
19. The City Council of the City further notes that the recent surge in COVID-19 cases in several U.S. states is raising concern that the economic recovery that likely began in May could falter if authorities re-impose lockdowns or consumers reduce spending out of fear that getting out and about could mean they get the sometimes fatal disease; and
20. The City Council of the City further notes that Goldman Sachs Group Inc. economists have argued that a national mask mandate would boost the chances of a faster recovery; and that Mr. Kaplan, a former Goldman Sachs bank officer, reiterated that the U.S. economy will likely shrink by 4.5% to 5% in 2020, even after what he expects to be growth during the third and fourth quarters; and
21. The City Council also finds that it is appropriate and in the interests of the public health, safety, and welfare and would further protect property and civil order, for the City Council to adopt this COVID-19 Safety Code with a regulation mandating the

wearing of masks over the nose and mouth whenever persons are entering and while inside any indoor place open to the public; and

22. The City Council of the City states that this COVID-19 Safety Code measure is being enacted to help limit the health impacts and slow the spread of COVID-19 by mandating the wearing of face coverings over the nose and mouth whenever persons are entering and while inside any indoor place open to the public; and City Council further states and declares that this ordinance should be enacted with only one or two hearings, not three, and Council further declares that adoption of this ordinance by not less than a majority of the City Council waives any City administrative policy for a third hearing before final passage; and
23. Based upon further information from local healthcare providers and public health experts, the period until immediately after Labor Day on September 7, 2020, will allow local healthcare providers and public health experts to gather empirical evidence regarding the effects of this mask policy and may help to prevent the potential for an additional surge associated with the Labor Day holiday weekend; and
24. Accordingly, the City Council also finds that it is appropriate and in the interests of public health, safety, and welfare and would further protect property and civil order, for the City Council to limit the duration of this ordinance to and until the day after Labor Day, with the mask requirement expiring at 12:00 a.m. on September 8, 2020.

§23-25. Definition.

The term “face covering” as used in this article shall mean a uniform piece of material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands.

§23-26. Face Coverings required.

All persons shall wear face coverings when entering and while inside any indoor place open to the public.

§23-27. Exceptions. Nothing herein shall require the wearing of face coverings by:

- a. persons under six years of age unless required by a school or day care to wear a face covering;
- b. persons working in a professional office who do not have any face-to-face interactions with the public;
- c. restaurant patrons while eating or drinking;
- d. persons in a setting where it is not practical or feasible to wear a face covering, such as when receiving dental services, medical treatments, or while swimming or at a splash park;

- e. persons engaged in any competitive sporting activities, whether professional or amateur or merely for recreational purposes;
- f. persons engaged in performing cardio exercise;
- g. persons inside any Federal, State, or County government building or other facility;
- h. persons inside any public or private school building or other facility unless required by the school to wear a face covering; and
- i. persons attending any indoor religious service or ceremony as long as all persons who do not live in the same household are social distancing from one another, meaning not less than 6 feet apart.

§23-28. Effective and Expiration Dates and Times.

This article will become effective and enforceable at 12:00 a.m. on July ____, 2020, and will expire and become unenforceable at 12:00 a.m. on September 8, 2020.

§23-29. Enforcement.

This article may be enforced by any legally authorized code-enforcement inspectors or sworn police officers, as follows: authorized OCCHD inspectors, authorized Development Services Department Inspectors, and sworn peace officers of the Oklahoma City Police Department.

§23-30. Violation and Penalties.

- a. Failure to comply with this article shall constitute a violation of this Code. Each act of violating this article shall constitute a separate offense.
- b. The first violation of this article shall, upon conviction, be punishable with a fine not exceeding \$50.
- c. The second violation of this article shall, upon conviction, be punishable with a fine not exceeding \$250.
- d. Any third or subsequent violation of this article shall require a mandatory appearance in Municipal Court and shall, upon conviction, be punishable with a fine not exceeding \$500.

§23-31. Defense to Violation.

It shall be a defense to any violation of Section 23-26 of this article if an individual produces a document demonstrating that his/her/their physician has verified that wearing a face covering could cause impairment or would constitute a hazard to the individual.

SECTION 2. Emergency. WHEREAS, it being immediately necessary, for the preservation of the peace, health, safety and public good of Oklahoma City and the inhabitants thereof, that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect, and be in full force, from and after its passage, as provided by law.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City this _____ day of _____, 2020.

ADOPTED by the City Council and **SIGNED** by the Mayor of The City of Oklahoma City this _____ day of _____, 2020.

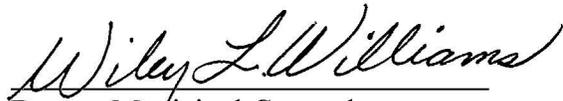
THE CITY OF OKLAHOMA CITY

ATTEST:

City Clerk

MAYOR

REVIEWED for form and legality.



Deputy Municipal Counselor

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