

CITY OF ROCHESTER, MINNESOTA MAYORAL DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Mayor of the City of Rochester, Minnesota ("Mayor") finds that the following local health emergency exists in the City of Rochester, Minnesota ("City"):

1. On March 11, 2020, the World Health Organization determined that the COVID-19 outbreak constitutes a pandemic, which was followed by federal and state declarations of emergency;
2. On March 20, 2020, I declared a local emergency due to the pandemic and the City Council acted by resolution the same day to extend the declaration;
3. The subsequent development and distribution of highly effective vaccines resulted in a significant reduction in the number of cases, hospitalizations, and deaths from COVID-19;
4. The continued success in combating the virus resulted in a phased reduction in the state-imposed health mandates and on July 1, 2021, the Governor's peacetime emergency declaration ended, also triggering the end of the City's local emergency declaration;
5. In the time since the State and local emergency declarations ended, infections from the Delta Variant of the SARS-CoV2 virus have spiked and research has shown those who are fully vaccinated may become infected with the variant and may transmit it to others;
6. This recent change has prompted both the Centers for Disease Control and Prevention (CDC) and the Minnesota Department of Health (MDH) to recommend those in areas with substantial or high transmission rates to wear a mask in public indoor settings regardless of vaccination status;
7. Olmsted County recently moved from a substantial transmission rate designation to a high transmission rate designation;
8. The recent spread of the Delta Variant among both the vaccinated and unvaccinated has resulted in an abrupt and concerning change in the fight against the pandemic; and
9. The health concerns associated with the variant among those within the City are significant and raise some of the same uncertainties that existed at the start of the pandemic; and

WHEREAS, Minn. Stat. §12.29 authorizes the Mayor to declare an existence of a local emergency, invoke necessary portions of the City's Emergency Operations Plans and authorizes aid and services in accordance with mutual aid agreements. That authority is also found in Rochester Code of Ordinances, Section 8-1-5; and,

WHEREAS, the Mayor finds this recent change in the pandemic was sudden and could not have been anticipated; and

WHEREAS, the Mayor finds that the spread of the Delta Variant, and other potential breakthrough variants, threatens the health, safety, and welfare of the residents of the City; and

WHEREAS, many individuals with COVID-19 are asymptomatic, yet risk transfer to others. Wearing a face covering reduces risk of community spread; and

WHEREAS, Mayo Clinic supports the wearing of facemasks in public settings. The proper use of facemasks helps to reduce the spread of COVID-19 to vulnerable adults and children; and

WHEREAS, Olmsted County Public Health Services follows Centers for Disease and Prevention (CDC) recommendations and supports the wearing of face coverings in public settings; and

WHEREAS, on July 27, 2021, the CDC issued the following guidance on mask use:

1. CDC recommends that in areas of substantial or high transmission, both vaccinated and unvaccinated people should wear a mask in public indoor settings.
2. People who are immunocompromised or at increased risk for severe disease may consider masking in all places, regardless of the level of transmission.
3. Proper masking is most likely to reduce the spread of COVID-19 when widely used by people in public settings.
4. CDC recommends universal masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status; and

WHEREAS, Rochester is the Med City and has thousands of daily visitors here for medical treatment. Rochester wants these visitors, many with serious underlying medical conditions, to feel safe when they visit; and

WHEREAS, many businesses have already required masking and others indicated they would if the local jurisdiction requires them; and

WHEREAS, multiple highly effective COVID-19 vaccinations have been approved by the U.S. Food and Drug Administration (FDA) after rigorous testing and data review. These vaccine options have to date been highly effective in either preventing transmission of COVID-19 to a vaccinated individual, or preventing the development of serious disease, hospitalization, and death, of a vaccinated individual who does contract COVID-19; and

WHEREAS, the purpose of this Order is to attempt to decrease the likelihood of COVID-19 infection for those who are medically vulnerable as well as children under the age of 12, who do not yet have a vaccination option available to them; and

WHEREAS, even in the Med City, hospital and staff resources are finite and should not be taken for granted. While Rochester is not currently experiencing the shortage of medical facilities and resources occurring in other jurisdictions, we must pursue all reasonable efforts

to minimize unnecessary risk to our medical facilities and staff. Currently, unvaccinated individuals who contract COVID-19 are twenty five (25) times more likely to become hospitalized than vaccinated individuals who contract COVID-19; and

WHEREAS, to assure the effectiveness of masking in indoor public spaces, it is important to couple the type of mask used with appropriate social distance as recommended by the CDC for each type of setting. Individuals who interact with the public, particularly in situations that involve prolonged and/or close contact, should consider the use of a well-fitted N95 or KN95 mask. The use of "gaiter," bandana and knitted masks have been shown to be ineffective and should not be considered safe for children, unvaccinated or medically vulnerable individuals.

NOW, THEREFORE, MAYOR NORTON DECLARES, REQUESTS AND DIRECTS AS FOLLOWS:

1. The situation identified herein to be a local emergency and further executes this Declaration of Local Emergency as authorized by Minn. Stat. §12.29, and R.C.O. §8-1-5, for a period of time not exceeding three days from the effective date unless extended upon consent of the City Council pursuant to Minn. Stat. § 12.29, subd.1.
2. Directs that the City's Emergency Operations Plan initiate under the direction of the City Administrator and Emergency Operations Director pursuant to R.C.O. Chapter 8-1.
3. Directs the City Administrator to implement new employee protocols, strategies, and processes to ensure the safety of all city employees. Additional protocols, strategies and processes may be utilized for first responders given their necessary interactions with the public.
4. Direct the City's Emergency Management Director and other appropriate staff to request and coordinate appropriate aid and resources from Olmsted County, the State of Minnesota, federal government and surrounding jurisdictions, as needed.
5. Declare that all meetings of the City Council, and any other board or commission of the City be held by telephone or other electronic means, until determined prudent by the City Administrator and City Attorney. If technology infrastructure allows, a "hybrid" format can be used, allowing some members of the public body, as well as members of the public, to appear in person, so long as masking and social distancing requirements can be met.
6. Face Covering Requirement:

Section 1. Definition. For purposes of this requirement, the following terms shall have the meaning given them in this section.

- (a) "City" means the City of Rochester.
- (b) "Face covering" means a manufactured or homemade cloth covering that fully covers an individual's nose and mouth. The terms "mask" and "face covering" are synonymous.

- (c) "Public building" means any building within the City of Rochester that is:
 - (1) Owned by the City;
 - (2) A school meeting the definition of a kindergarten, elementary school, middle school, or secondary school under Minnesota Statutes, section 120A.05; or
 - (3) Owned or operated by a governmental entity that is subject to provisions of this ordinance.

- (d) "Medically vulnerable individuals" means people with underlying medical conditions, including cancer, chronic kidney disease, chronic lung diseases (including COPD (chronic obstructive pulmonary disease), asthma (moderate-to-severe), interstitial lung disease, cystic fibrosis, and pulmonary hypertension), dementia or other neurological conditions, diabetes (type 1 or type 2), Down syndrome, heart conditions (such as heart failure, coronary artery disease, cardiomyopathies or hypertension), HIV infection, immunocompromised state (weakened immune system), liver disease, overweight and obesity (BMI of 30 or more), pregnancy, sickle cell disease or thalassemia, smoking (current or former), solid organ or blood stem cell transplant, stroke or cerebrovascular disease, and substance use disorders.

Section 2. Face Covering Required. Except as exempted by Section 3 of this ordinance, during times when Olmsted County is classified as being either a substantial or high transmission area by the CDC COVID Data Tracker, all individuals, including City employees, must wear a face covering when within a public building. Additionally, masks are required in all indoor settings within the City, where medically vulnerable individuals or children under the age of 12 are expected to be present.

This face covering requirement is effective immediately. The face-covering requirement is automatically rescinded in the event Governor Tim Walz institutes a statewide indoor mask mandate covering these same facilities.

Section 3. Exemptions. The requirement to wear a face covering does not apply to:

- (a) Children younger than two (2) years of age.
- (b) Individuals unable to wear a mask due to medical, disability, or developmental reasons, including those who have trouble breathing.
- (c) Individuals unable to remove their face covering without assistance.
- (d) Individuals speaking to someone who is deaf or hard of hearing, if the mouth must be visible to communicate effectively.

- (e) Individuals actively engaged in eating or drinking.
- (f) A personal residence.

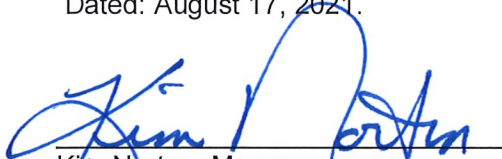
Section 4. Required signage. Owners of buildings subject to Section 2 of this ordinance must post signage at all public entrances to the buildings notifying the public that face coverings are required pursuant to this emergency declaration.

Section 5. Enforcement. Violation of this order is not a criminal offense. However, any individual who fails to comply with this order may be asked to leave by an authorized representative of the owner. If the individual refuses to leave, law enforcement may enforce trespassing laws or any other law the individual may violate. The owner may rely on an individual's statements if the person claims to be exempt from the ordinance due to medical, disability, or developmental reasons.

Any business violating this Order shall be subject to administrative action for any licenses they possess with the City.

- 7. Absent a religious or medical exemption, all eligible individuals are STRONGLY encouraged to get vaccinated against COVID-19. Vaccination is THE most important tool in slowing the spread of COVID-19 AND in minimizing the development of serious disease, hospitalization and death of those who do contract COVID-19.
- 8. Restaurants and bars are encouraged to continue taking advantage of outdoor seating.
- 9. By statute, this Emergency Declaration ends in three days unless the City Council acts by resolution to extend it.
- 10. This Declaration of Local Emergency will remain in place through October 18, 2021, unless rescinded earlier by the City Council.

Dated: August 17, 2021.



Kim Norton, Mayor



Kelly Geistler, City Clerk

10:15 a.m.