

Second Amended Proclamation 2020-07

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN DECLARING AN EMERGENCY AND IMPLEMENTING RELATED RESTRICTIONS

- § 1. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma allows the Mayor of the City of Norman to proclaim a civil emergency when a natural disaster, which results in the death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare, exists; and
- § 2. WHEREAS, Section 2-111 of the Code of the City of Norman, Oklahoma empowers the Mayor to impose a number of restrictions or prohibitions in the interest of public safety and welfare, including, but not limited to imposition of curfews, limits of numbers of persons of assembling or gathering in public and private areas of the City, and such other activities as the Mayor reasonably believes should be prohibited to preserve and maintain life, health, property or the public peace; and
- § 3. WHEREAS, a respiratory disease caused by a novel coronavirus (“COVID-19”) was first detected in China and has now been detected in 190 locations internationally, including the United States; and
- § 4. WHEREAS, the World Health Organization characterized COVID-19 as a pandemic on March 11, 2020; and
- § 5. WHEREAS, according to the Center for Disease Control and Prevention (“CDC”), the COVID-19 virus spreads between people who are in close contact with one another and through respiratory droplets produced when an infected person coughs or sneezes; and
- § 6. WHEREAS, 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; and
- § 7. WHEREAS, on March 15, 2020, the Governor of Oklahoma first declared an emergency caused by the impending threat of COVID-19 to the people of Oklahoma and the public’s peace, health, and safety; and
- § 8. WHEREAS, previous proclamations were issued by the Mayor of the City of Norman on March 13, 2020, limiting organized gatherings to less than 250 people, on March 16, 2020, restricting organized gatherings to less than 50 people, and closing bars, lounges, gyms and fitness facilities, entertainment venues, including private clubs, commercial amusement facilities, theaters and similar venues, as well as restaurant dining areas, on March 22, 2020, limiting organized gatherings to less than 10 people, and closing beauty parlors, barber shops, nail salons, and health clubs and spas, and encouraging retailers to implement social distancing in stores, on March 30, 2020, amending the previous proclamation related to outdoor activities, and on April 7, 2020, implementing a stay at home order and limiting activities to those deemed essential, all of which were designed



to flatten the projected curve of the COVID-19 diagnoses to preserve medical resources and prevent widespread transmission; and

- § 9. WHEREAS, during the entire duration of the Stay at Home Order to date, the number of new cases of COVID-19 in Norman has increased on average by 4.88% per day, but since April 17, 2020, the number of new cases in Norman has increased on average by 1.43% per day, with a rolling three-day average of 1.67% as of April 27, 2020;
- § 10. WHEREAS, according to the Institute for Health Metrics and Evaluation, the peak of COVID-19's impact in Oklahoma, as measured by projected daily deaths, occurred on April 21, 2020; and
- § 11. WHEREAS, the Oklahoma Department of Health is conducting contact tracing associated with positive cases, and is tracking the availability of ventilators, COVID-19 collection kits, hospital beds, and personal protective equipment ("PPE") at hospitals across the state to ensure capacity exists to address any outbreaks or surges in COVID-19 cases; and
- § 12. WHEREAS, on April 22, 2020, Governor Stitt announced the creation of the Open Up and Recover Safely Plan, which implements a three-phased approach to open Oklahoma's economy beginning with personal care businesses, like hair salons, barbershops, spas, nail salons and pet groomers, opening on April 24, 2020; and
- § 13. WHEREAS, Proclamation 2020-06, which will expire at 11:59p.m. on April 30, 2020, was enacted to flatten the projected curve of COVID-19 diagnoses to ensure care facilities were not overwhelmed with demand for beds, ventilators and PPE; and
- § 14. WHEREAS, the Center for Disease Control ("CDC") advises the following steps be implemented to protect yourself and others from COVID-19: older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes should stay home if possible, frequent hand washing, particularly after having been in a public place, avoid touching your face, avoid close contact with people who are sick, put distance between yourself and other people, and cover your mouth and nose with a cloth face cover when around others; and
- § 15. WHEREAS, after consultation with State and local public health officials, epidemiologists, first responders, and hospital personnel, it appears prudent to adopt a phasing approach to restoring businesses and activities to continue to slow the spread of the virus and prevent to the maximum extent possible a surge in cases in Norman; and
- § 16. WHEREAS, Proclamation 2020-07 was enacted on April 27, 2020 imposing a phased approach to restoring businesses and activities in Norman, and specifically, among other things, delayed the reopening of non-medical personal care providers until Phase 1B due to the physical impossibility of social distancing between the provider and the customer; and
- § 17. WHEREAS, on May 4, 2020, Judge Thad Balkman entered an order finding such distinctions related to social distancing and personal care providers to not be rationally

related to a legitimate government interest, and ordered that personal care providers be allowed to open immediately.


- § 18. WHEREAS, on May 7, 2020, Attorney General Mike Hunter issued a press release calling for the amendment of Amended Proclamation 2020-07 as it relates to reopening places of worship and notified Mayor Clark of such request via tweet; and
- § 19. WHEREAS, on May 8, 2020, U.S. Attorney Tim Downing emailed a letter to the City, also requesting that Amended Proclamation 2020-07 be amended as it relates to reopening places of worship; and
- § 20. WHEREAS, as recognized most recently by the United States District Court for New Mexico on April 17, 2020 in *Legacy Church v. Kunkel*, (___ F.Supp. 3d ___, 2020 WL 1905586), constitutional rights such as the First Amendment may be restricted as the safety of the general public may demand; and
- § 21. WHEREAS, although there are legitimate and serious public health and safety concerns related to mass gatherings such as those typical of places of worship, movie theaters, and the like, and a full incubation period of 14 days has not passed since some lower risk non-essential activities have been allowed to resume, both state and federal officials have urged that places of worship be allowed to open; and
- § 22. WHEREAS, in the 8 days since some lower risk non-essential activities were allowed to resume, the gating criteria set forth in the Healthier At Home Initiative attached hereto have been met.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

- § 23. That, Second Amended Proclamation 2020-07 shall be made effective immediately; and
- § 24. That, the aforementioned conditions continue to constitute an ongoing threat to the safety and welfare of the city necessitating additional restrictions, and creating a civil emergency situation within the meaning of Section 2-111 of the City Code, in addition to constituting an emergency under the Emergency Management Act of 2003 (63 Okla. Stat. §683.3); and
- § 25. That, the Second Amended Healthier at Home Initiative to Reboot Norman attached hereto is hereby adopted.
- § 26. That, a violation of this Proclamation constitutes a violation of Section 2-111 of the Code of the City of Norman, which could result in a maximum penalty of \$750 and 60 days in jail per violation. The Norman Police Department is empowered to enforce this ordinance but is encouraged to use an education, warning, then citation approach to enforcement.


§ 27. That, this Proclamation shall be in full force and effect unless and until it is extended, rescinded, superseded, or amended in writing.

APPROVED this 8th day of May, 2020.



Mayor Brea Clark

ATTEST:



City Clerk



Amended Healthier at Home Initiative to Re-Boot Norman

Purpose

The initial “Stay at Home” Proclamation was designed to flatten the curve to ensure local healthcare resources would not become overwhelmed by those infected with the Coronavirus and to ensure adequate Personal Protective Equipment (PPE) remained available to equip medical personnel and first responders. It was never envisioned that such a proclamation would eliminate any and all risk to every Norman resident, but to minimize the risk to those most vulnerable in our community and preserve medical resources.

Since the initial proclamation was enacted, several positive actions and outcomes have been recognized. To date, local healthcare resources are operating with capacity available to handle any sudden surges identified in the City of Norman. The delivery of PPE has caught up to the ongoing demand. The State Department of Health has ramped up its “Contact Tracing” capabilities to be able to contact every person who encounters someone who tests positive for COVID-19. Additional testing capacity now allows for all those persons who have come in contact with a person who tests positive for COVID-19 to be tested, with results available within 6 hours.

These realities help set the stage for “Re-Boot Norman!” The Re-Boot will be rolled out in three phases, largely in line with the criteria identified in the Governor’s “Open Up and Recover Safely” directive. Ongoing monitoring of the supply of PPE’s, hospital capacity, new case number surges, and contact tracing capacity to allow for a targeted response to hot-spots and flare-ups during the rollout of each of the three phases will continue for the next several weeks. Phase progression is based on the gating criteria defined herein. If such criteria are not met, implementation of the next phase may be delayed. Additionally, if there are indicators that the plan is not working, i.e. there is a failure to substantially maintain gating criteria during any given phase, phasing may be adjusted to address current concerns.

Definitions

“Gating criteria” refers to the following conditions that must be met prior to moving from one phase to another:

- a. Downward trajectory of the three-day rolling average of new confirmed positive cases of COVID-19 in Norman;
- b. Hospital bed availability in Norman of at least 50;
- c. Adequate COVID-19 test kits are available to test symptomatic residents and those who have been in contact with someone who has tested positive for COVID-19; and
- d. A system for contact tracing has been implemented by the State or County to ensure outbreaks can be readily controlled and limited.

“Sanitation protocols” refers to the guidance released by the CDC (<https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility-H.pdf>)

as well as any guidance specific to a particular industry on the Oklahoma Department of Commerce website (<https://www.okcommerce.gov/covid19/ours-plan/>)

“Social distancing requirements” refers to the maintenance of at least a 6-foot minimum social distancing from other individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, regularly cleaning high-touch surfaces, and not shaking hands.

“Protective measures for retail businesses” includes the following measures to ensure social distancing requirements are complied with and the risk of transmission of the coronavirus is reduced to the maximum extent possible:

- a. With tape or floor decals, mark 6-foot spacing in areas where customers might congregate, such as checkout lines or sales areas, and provide signage direction for one-way traffic in shopping aisles;
- b. Limit the number of persons in your store based on the square footage, as set forth more specifically in each Phase herein;
- c. Mark 6-foot spacing in areas outside of the store where customers may line up for entry;
- d. Provide face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth and other protective gear for employees.

Preparation for Phase 1A

As we prepare for Phase 1A, with an anticipated activation date of May 1, 2020, preparation for the following should commence:

Employers shall:

- Develop and implement appropriate policies regarding social distancing and Personal Protective Equipment (PPE), temperature checks for employees before the start of work, sanitation, use of disinfection of common areas and business travel.
- Monitor workforce for indicative symptoms and ensure symptomatic people do NOT return to work until cleared by medical personnel.
- Develop and implement policies and procedures for workforce contact tracking following employee COVID-19 testing.

Community Members shall:

- Continue to adhere to State and local guidance as well as complementary CDC guidance.
- Continue to wear face coverings, masks, scarfs, or other materials over the nose and mouth while outside the home.
- Wash hands often, with soap and water.
- Avoid touching the face.
- Disinfect frequently used items and surfaces as much as possible.
- Stay home and contact your healthcare provider if you feel sick.

Once all of the above are satisfied, move to Phase 1A.

Phase 1A
Goal of May 1, 2020

Individuals should:

- Continue following the Governor's safer-at-home guidelines if they are over 65 or part of a vulnerable population.
- Continue to wear face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth while outside the home.
- Maximize physical distance from others when in public (e.g., parks, outdoor recreation areas, shopping areas).
- Limit social gatherings to groups of 10 people or less.
- Minimize non-essential travel and adhere to CDC guidelines and Executive Orders regarding isolation following travel.

Employers should:

- Continue to encourage telework whenever possible.
- Create plans to allow employees to return to work in phases.
- Close common areas or enforce social distancing requirements in breakrooms, etc.
- Minimize non-essential travel and adhere to CDC guidelines and State Executive Orders regarding isolation following travel.
- Strongly consider special accommodations for personnel who are members of the vulnerable population.
- Provide face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth and other protective gear for employees who are interacting with the public.
- Follow sanitation protocols.

Specific Employer guidance:

- **Schools and organized youth activities** that are currently closed should remain closed until further notice.
- **Visits to Senior Living Facilities and Hospitals** are prohibited
- **Dining areas of restaurants** can open by reservation only, provided the seating arrangements meet social distancing requirements between dining groups, all staff are provided face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth and sanitation protocols are followed.
- **Retail stores** can open provided protective measures for retail businesses are followed and overall store capacity at any given time is limited to 35% of the store's maximum capacity that has previously been determined by the fire marshal in the store at any given time.
- **Personal care providers**, such as hair salons, nail salons, and tanning salons can open by appointment only, provided social distancing requirements are met, masks are provided

for staff, and sanitation protocols are followed. Personal care providers shall include massage services and tattoo parlors.

- **Gyms** can reopen if they adhere to social distancing requirements and sanitation protocols. (Note: this does not include childcare provided at gyms).
- **Golf courses, tennis courts, pickleball courts, baseball/softball fields, and soccer goals may open.** Organized practices for outdoor youth sports programs cannot begin in Phase 1A.
- **Music lessons, physical training, etc.** that are operated on a one-on-one basis can begin provided social distancing requirements are met and masks are worn by participants if feasible.
- **Pet grooming** operation can open for appointments only if they meet social distancing requirements.
- **Bars** should remain closed.
- **Dentists and optometrists** can remain open provided masks are worn where feasible, and sanitation protocols are followed.
- **Places of worship** are strongly discouraged from holding in-person services until at least Phase 1B; however, if in-person services are held during any of the Phases of this Plan, they must follow the Employer Guidance for Oklahoma's Open Up and Recover Safely Plan put forth by the State for places of worship.
- **Entertainment venues** (e.g., movie theaters, bowling alleys, etc.) are strongly discouraged from operating until Phase 2. However, if an entertainment venue chooses to open earlier, social distancing requirements must be met and protective measures for retail businesses must be followed. If operating before Phase 3, overall venue capacity at any given time must be limited to 50% of the venue's maximum capacity that has previously been determined by the fire marshal.

Best practices for special industries:

- **Manufacturing, Utilities and Mining:** To the extent possible, promote staggered shifts of workers and flexible work hours; review leave policies and implement non-punitive sick leave that would allow sick workers to remain home if they are sick. Encourage disinfecting of work site after shifts if appropriate. Allow supplies and transportation companies to deliver supplies before/after normal business times if possible.
- **Transportation, Distribution and Wholesale Industries:** To the extent possible, promote staggered shifts of workers and flexible work hours, review leave policies and implement non-punitive sick leave that would allow sick workers to remain home if they are sick. Encourage disinfecting of work equipment after shifts. Encourage on-line interaction with customers.
- **Professional and Administrative Service Industries:** To the extent possible, allow workers to telework or provide flexible worksite locations. For companies/industries that are unable to allow workers to work remotely, review

leave policies and implement non-punitive sick leave that would allow sick workers to remain home if they are sick.

Once all the above are satisfied, move to Phase 1B.

Phase 1B

Goal of May 15, 2020

If it can be shown, after 14 days, that the gating criteria have been met, Phase 1B will be implemented:

Individuals should:

- Continue following safer-at-home guidelines if they are over 65 or part of a vulnerable population.
- Continue to wear face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth while outside the home.
- Maximize physical distance from others when in public.
- Avoid socializing in groups of more than 10 people.

Employers should:

- Continue to encourage telework whenever possible.
- Close common areas or enforce social distancing protocols in breakrooms, etc.
- Strongly consider special accommodations for personnel who are members of the vulnerable population.
- Provide face covering, masks, scarf, or other materials that can be worn over the nose and mouth for employees who are interacting with the public.
- Continue following sanitation protocols.

Specific Employer guidance:

- **Retail stores** can open provided protective measures for retail businesses are followed and overall store capacity at any given time is limited to 50% of the store's maximum capacity that has previously been determined by the fire marshal in the store at any given time.
- **Organized youth sports** that are currently closed can begin practicing.
- **Playgrounds and basketball courts** can open.
- **Visits to Senior Living Facilities and Hospitals** should be prohibited.
- **Bars** should remain closed.

Once all the above are satisfied, move to Phase 2.

Phase 2

Goal of May 29, 2020

If it can be shown, after 14 days, that the gating criteria have been met, Phase 2 will be implemented:

Individuals should:

- Continue following safer-at-home guidelines if they are over 65 or part of a vulnerable population.
- Continue to wear face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth while outside the home.
- Maximize physical distance from others when in public.
- Avoid socializing in groups of more than 25 people.

Employers should:

- Continue to encourage telework whenever possible.
- Close common areas or enforce social distancing requirements in breakrooms, etc.
- Provide face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth for employees who are interacting with the public.
- Strongly consider special accommodations for personnel who are members of the vulnerable population.
- Continue following sanitation protocols.

Specific Employer guidance:

- **Community pools** can open provided sanitation protocols are followed and overall capacity at any given time is limited to 50% of the maximum capacity that has previously been determined by the appropriate regulatory authority.
- **Retail stores** can open provided protective measures for retail businesses are followed and overall store capacity at any given time is limited to 75% of the store's maximum capacity that has previously been determined by the fire marshal in the store at any given time.
- **Gyms** that under normal operations are unable to comply with social distancing requirements may open provided employees wear face coverings, masks, scarfs, or other materials that can be worn over the nose and mouth and group size is limited to the maximum extent possible.
- **Summer camps** can open provided sanitation protocols are followed and employees wear masks.
- **Bars** can open provided sanitation protocols are met, standing room only areas are limited by 50%, and employees are provided masks.

Phase 3

Goal of June 12, 2020

If it can be shown, after 14 days, that the gating criteria have been met, Phase 3 will be implemented:

Individuals should:

- Vulnerable individuals can resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed.
- Avoid socializing in groups of more than 50 people.
- Consider wearing face coverings, masks, scarfs or other materials that can be worn over the nose and mouth when practicable, especially in areas with people in close quarters.

Employers should:

- Resume unrestricted staffing of worksites.
- Close common areas or enforce social distancing requirements in breakrooms, etc.
- Provide face coverings, masks, scarfs or other materials that can be worn over the nose and mouth for employees who are interacting with the public.
- Continue following sanitation protocols and provide masks for employees who interact with the public.

Specific Employer guidance:

- **Dining areas of restaurants** can open without reservations, provided all staff are provided masks to wear and sanitation protocols are followed.
- **Visits to Senior Living Facilities and Hospitals** can resume. Those who interact with residents and patients must be diligent regarding hygiene, practice social distancing, submit to their temperature to be taken upon entry and wear masks, as requested.
- **Entertainment venues** (e.g., movie theaters, bowling alleys, sporting venues, etc.) can operate provided social distancing requirements are met to the maximum extent practicable, protective measures for retail businesses are followed, and overall venue capacity at any given time is limited to 75% of the venue's maximum capacity that has previously been determined by the fire marshal.
- **Organized youth sports** can begin playing games provided family spectator groups follow social distancing requirements.
- **Bars** can open provided sanitation protocols are met, standing room only areas are limited by 35%, and employees are provided masks.
- **Retail stores** can open at full capacity provided protective measures for retail businesses are followed.

Additional phases or guidance may be implemented if gating criteria are met after at least 14 days in Phase 3 depending on local data and public health information available at the time.