

**NOTICE OF SPECIAL MEETING
CITY OF DELAWARE
CITY COUNCIL
MEETING TO BE HELD VIRTUALLY VIA CISCO Webex **
2:00 P.M. MEETING**

AGENDA

2:00 P.M.

March 18, 2020

1. ROLL CALL
2. CONSIDERATION of Ordinance No. 20-25, an ordinance authorizing Emergency Measures in Response to COVID-19 Virus and declaring an emergency.
3. CONSIDERATION of March 23, 2020 Council Meeting and Future Council Meetings.
4. CITY MANAGER: SITUATION UPDATE
5. COUNCIL COMMENTS
6. ADJOURNMENT

** This meeting will be a virtual meeting. Residents are encouraged to view online through the City of Delaware Facebook page.

To comply with the CDC recommendation prohibiting group meetings, no in person attendance by Council, staff, or the public will be available.



FACT SHEET

AGENDA ITEM NO: 2

DATE: 03/18/2020

ORDINANCE NO: 20-25

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING EMERGENCY MEASURES IN RESPONSE TO COVID-19 VIRUS AND DECLARING AN EMERGENCY.

BACKGROUND:

As the state and federal government continue to implement more restrictions designed to stop the spread of COVID-19, the City has put together procedures to ensure that it will continue to be able to provide services to its residents in the event Council is unable to meet. First, it authorizes remote meetings provided the requirements of the Open Meetings Act are met, which hopefully will prevent difficulty in getting a quorum. Second, it transfers duties of boards and commissions to staff and council, allowing business to move forward while restrictions on meetings are in place. Third, it grants the City Manager the authority to declare a State of Emergency within the City. Fourth, in the event a state of emergency is issued and council is unable to meet with a quorum, the ordinance transfers some emergency powers to the City Manager designed to keep the city running.

REASON WHY LEGISLATION IS NEEDED:

This ordinance is being put in place now to avoid a situation where Council is unable to meet and the City become paralyzed. The goal is to prevent most of the provisions from being put in use but having them in place protects the city should things worsen significantly.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

N/A – These are procedural changes which should not impact the budget directly.

POLICY CHANGES:

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

ORDINANCE NO. 20-25

AN ORDINANCE AUTHORIZING EMERGENCY MEASURES IN RESPONSE TO COVID-19 VIRUS AND DECLARING AN EMERGENCY.

WHEREAS, the Coronavirus (COVID-19) is a new disease that is spread through people who are in close contact with one another and through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, the Centers for Disease Control (CDC) believes spread of the disease might be possible before people show symptoms and has recommended limitations on meetings of groups; and

WHEREAS, the CDC notes that COVID-19 seems to be spreading easily and sustainably in a process known as community spread (people have been infected with the virus without knowing where they became infected); and

WHEREAS, older adults and people with chronic medical conditions such as lung disease are at higher risk of getting seriously ill; and

WHEREAS, on March 10, Ohio Governor Mike DeWine recommended large, indoor gatherings be cancelled or postponed due to the potential for the coronavirus (COVID-19) exposure; and

WHEREAS, on March 11, the World Health Organization (WHO) declared COVID-19 to be a global pandemic; and

WHEREAS, Governor DeWine declared a State of Emergency in Ohio (Executive Order 01-D); and

WHEREAS, on March 13, the Ohio Attorney General's Office issued a letter indicating that based on the Ohio Department of Health's Order prohibiting mass gatherings while encouraging people to stay at home and avoid unnecessary contact with each other, City Council may "appear via teleconference or telephone" if all other requirements of the Open Meetings Act are met; and

WHEREAS, at least fifty confirmed cases of COVID-19 have been identified in Ohio; and

WHEREAS, based on the information presented so far, City Council has determined that steps should be taken to prepare for an emergency situation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. City Council may meet remotely provided the following conditions are met:

1. Identity Verification is in place to ensure that the person participating is the city council member
2. The method of meeting is able to document any votes cast by individual members
3. If a member is cut off from the meeting, Council will cease all discussions and deliberations while an attempt is made to reconnect the member. If the member remains unavailable and they are not needed for quorum, the meeting may continue
4. The public has access to the remote meeting and may hear the discussions and deliberations.

SECTION 2. While the Governor's and CDC recommendation (and any forthcoming restriction on meetings) is in place, Boards and Commissions will not meet. Council hereby delegates the work of those commissions to city staff, with City Council taking final action on recommendations.

SECTION 3. The City Manager is hereby granted authority to declare A State of Emergency within the City of Delaware should it become necessary in order to continue to provide city services or take action to comply with an order from the State of Ohio.

SECTION 4. In the event of a State of Emergency is declared and if Council is rendered unable to meet with a quorum, the City Manager is granted the following powers in addition to the emergency powers set for in Charter Section 73 (city manager may in cases of disaster or emergency enter into contracts without competitive bidding or advertising) and Codified Ordinance Sections 351.20, 353.05 (city manager can declare emergency to prohibit parking); 913.24 (water emergency when water supply at low level):

1. Executing intergovernmental agreements
2. Actions necessary to implement state and federal requirements
3. Making budget or staffing adjustments necessary to address the emergency
4. Executing labor agreements under terms similar to those agreements already approved
5. Changes in city service levels taken to reduce potential exposure to the virus or due to staffing levels
6. Issue emergency bonds or notes pursuant to Ohio Revised Code Section 717.15
7. Extending due date for income tax filings

These powers may be exercised as long as the state of emergency exists and Council is unable to meet.

SECTION 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 6. EMERGENCY CLAUSE: This ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the City by taking immediate steps to reduce the spread of COVID-19 and ensure the government of the City is able to function in times of emergency.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2020

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____

CITY CLERK

MAYOR