

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 and the Omicron Variant of the SARS-CoV-2 virus have been identified by the U.S. Centers for Disease Control and Prevention (“CDC”) as “variants of concern” due to high transmissibility;
6. In the past few weeks, cases associated with the Omicron variant have increased at an exponential rate. Local case counts are at their highest rates since the designation of the pandemic.
7. In July of 2021, the CDC and Minnesota Department of Health (MDH) recommended masking in public indoor settings regardless of vaccination status, for those in areas with substantial or high transmission rates.
8. The CDC defines substantial transmission as seven-day total of 50 – 99 cases per 100,000 people OR a positivity rate of 8% - 9.99%. High transmission is defined to be a seven-day total of 100 or more cases per 100,000 people OR a positivity rate of 10% or more. As of January 14, 2022, Olmsted County is experiencing a transmission rate of 2038 cases per 100,000 people and a positivity rate of 28%.
9. The recent spread of the Omicron Variant among both the vaccinated and unvaccinated has resulted in an abrupt and concerning change in the fight against the pandemic. The volume of new cases is causing significant stresses for our health care system, both from the volume of patients as well as the level of illness experienced by health care providers themselves.
10. The Rochester Public School District recently announced a temporary return to distance learning, starting January 18, 2022, and running through January 28,

2022, due to COVID-19 related absence of staff, along with significantly increased student illness.

11. Research has shown that those who are fully vaccinated may become infected with the variant and may transmit it to others.
12. Research also indicates that fully vaccinated individuals are substantially less likely to experience serious illness and death compared to those who are not fully vaccinated.
13. The health concerns associated with the Omicron variant are significant and raise some of the same uncertainties that existed at the start of the pandemic.
14. Due to the current pandemic and state of emergency, complying with the provisions of Minnesota Statutes, Chapter 13D, would threaten the health safety and welfare of City officials, City staff, and the public; 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 Omicron 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 properly fitted 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 well-fitted face coverings in public settings; 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 who have not yet been vaccinated; and

WHEREAS, even in the Med City, hospital and staff resources are finite and should not be taken for granted. We must pursue all reasonable efforts to minimize unnecessary risk to our medical facilities and staff. Currently, unvaccinated individuals who contract COVID-19 are approximately ten (10) times more likely to suffer severe illness from COVID-19, including hospitalization and death, 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 the 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 KN95/N95 mask. The use of "gaiter," bandana and knitted masks have been shown to be ineffective. Additionally, the increased transmissibility of the Omicron variant has led the CDC to caution against the use of cloth masks, due to their limited effectiveness compared to a surgical or a KN95/N95 mask.

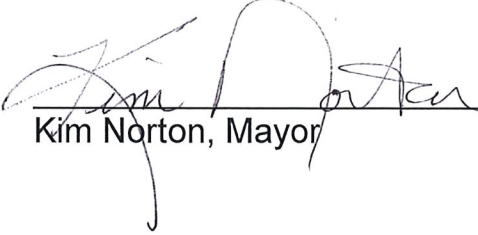
NOW, THEREFORE, MAYOR NORTON DECLARES, REQUESTS, AND DIRECTS AS FOLLOWS:

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. Directs the City Administrator and City's Emergency Management Director and other appropriate staff to request and coordinate appropriate aid and resources from Olmsted County, the State of Minnesota, the 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, pursuant to Minnesota Statute 13D.021, until determined prudent and practical by the City Administrator and City Attorney. If technology infrastructure allows, a "hybrid" format can be used for City Council, 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. Starting at 6:00 a.m. on January 16, 2022, and continuing until the sooner of:

- Governor Walz enacts a statewide order similar to this provision, requiring face coverings.
 - The City of Rochester Emergency Management Director, in consultation with the City Administrator, Mayo Clinic, Olmsted Medical Center, and Olmsted County Public Health Services, recommends it is no longer necessary.
 - A Council Resolution rescinding the mask requirement.
 - 11:59 p.m. on February 7, 2022, if not otherwise extended by Council resolution.
- a. All individuals shall wear a face covering in indoor areas accessible to the public and while riding in any public bus, unless exempted, as follows:
- i. **Restaurants and Bars** must require that all customers wear a face covering when not seated at their table.
 - ii. **Retail Businesses** must require that all employees wear a face covering when the individual is within any area open to the public or within six feet of another person. Customers are required to wear a face covering before entering the retail business and must wear the face covering until exiting the retail business.
 - iii. **Public Transportation** users are required to wear a face covering before boarding a bus and wear the face covering until the user exits the bus.
 - iv. **Gyms, Fitness Centers, and Sports Facilities** participants, staff, and spectators are required to wear a face covering at all times when the individual is within six feet of another person. For purposes of this Order, pools, trampoline parks, gymnastics facilities, hockey/skating arenas and climbing walls are considered Sports Facilities.
 - v. **Entertainment Venue** users are required to wear a face covering when the user is within six feet of another person. When the user is seated and not within six feet of a person they can remove the face covering, but must wear the face covering when walking to or from their seat and while standing in or walking through public areas such as lobbies and restrooms.
- b. Exemptions: This Order does not apply to:
- i. Facilities operated by the County, State, or Federal Government.
 - ii. Medical facilities that already have face covering requirements.
 - iii. Children two years of age or younger.
 - iv. Individuals actively eating or drinking.
 - v. Individuals temporarily removing the face covering for identification purposes.
 - vi. Individuals unable to wear a face covering due to medical, disability, or developmental reasons.
 - vii. Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals.
 - viii. Individuals speaking to someone who is deaf or hard of hearing and

- requires the mouth to be visible to communicate.
- ix. Participants in youth sports.
 - x. Athletes, performers, and supporting staff competing or performing at indoor spaces that are licensed or controlled by the City of Rochester or other indoor settings described in 6a.
 - xi. Employees and individuals who are not in a congregate setting and are alone in their assigned work space, not engaging in face-to-face contact with the public or other employees.
- c. Enforcement: Violation of this Order is not a criminal offense. However:
- i. Any individual who fails to comply with this Order may be asked to leave by an authorized representative of the business or organization. If the individual continues to refuse to leave, the business may contact law enforcement and request that they enforce trespassing laws or any other law the individual may have violated. Businesses and organizations may rely on an individual's statements if they claim to be exempt from the Order due to medical, disability, or developmental reasons.
 - ii. Any business violating this Order may be subject to administrative action for any licenses they possess with the City.
- d. For purposes of public notice and effecting this Order, all establishments subject to this Order are required to post a conspicuous notice of the masking requirement.
- e. City-operated facilities continue to be subject to their existing masking guidelines, as determined by the City Administrator.
- f. For purposes of this Order, "face covering" shall mean a manufactured or homemade cloth covering that fully covers an individual's nose and mouth. The terms "mask" and "face covering" are synonymous. Again, given the extreme transmissibility of the Omicron Variant, use of a surgical mask or KN95/N95 is strongly recommended.
7. Absent a religious or medical exemption, all eligible individuals are STRONGLY encouraged to get vaccinated and boosted 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. By statute, this Emergency Declaration ends in three days unless the City Council acts by resolution to extend it.
9. An emergency meeting of the City Council shall be held on January 16, 2022, at 7:00 p.m. to discuss this declaration and consider extending the declaration.
10. The City Clerk is directed to give this declaration prompt and general publicity and file consistent to Minnesota Statute, section 12.29.
11. This Declaration of Local Emergency will remain in place through 11:59 p.m. on March 7, 2022, unless rescinded earlier by the City Council.

Dated at Rochester, Minnesota, the 15th day of January, 2022.



Kim Norton, Mayor



Kelly Geistler, City Clerk

Jan 15, 2022
10:25 a.m.