

RESOLUTION NO. 22-2020 (PSH)

By Council Member Ungar

A Resolution proclaiming the existence of a local emergency; and declaring an emergency.

WHEREAS, the Centers for Disease Control and Prevention (CDC) considers the novel coronavirus (COVID-19) to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to over 118 countries, infected more than 132,000 and killed more than 4,900 individuals as of March 12, 2020 according to the World Health Organization; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for COVID-19 beginning on January 27, 2020; and

WHEREAS, also on March 9, 2020, the first cases of COVID-19 were confirmed in Cuyahoga County (“County”); and

WHEREAS, on March 9, 2020, Governor Mike DeWine declared a state of emergency in the State of Ohio due to confirmed cases of COVID-19 in the State; and

WHEREAS, on March 11, 2020, the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, on March 12, 2020, the Governor of the State of Ohio announced that Ohio Department of Health Director, Amy Acton, has signed an order to prohibit gatherings of 100 or more persons across the State in an attempt to control the spread of infection, which order will remain in place until the state of emergency declared by the Governor has been rescinded or modified; and

WHEREAS, Ohio’s Governor has ordered that all Ohio K-12 schools shall be closed from the end of the school day on March 16, 2020 until April 3, 2020, to help control the spread of COVID-19; and

WHEREAS, as of March 13, 2020, there were 14 confirmed cases of COVID-19 in Ohio, and that number is expected to increase rapidly in coming days; and

RESOLUTION NO. 22-2020 (PSH)

WHEREAS, the Centers for Disease Control (CDC) and our state and local public health leadership have provided guidance on the use of social distancing as an effective measure to slow the transmission of the virus, and aggressive actions are being taken across the country to implement social distancing techniques; and

WHEREAS, the health, safety and welfare of Cleveland Heights residents, employees, business and visitors is of the utmost importance to the City, and the City wishes to implement recommended infection prevention and control measures in the most effective and proactive manner possible; and

WHEREAS, due to the City's responsibilities to deliver services to its residents and the general public, including formal open public meetings of the City's legislative body, quasi-judicial boards and commissions and other public bodies as well as the delivery of services directly to the public in a face-to-face manner including safety services, utility services, and inspectional services, the social distancing measures discussed above must be implemented in a way that preserves to the greatest possible extent the City's ability to deliver essential services, in compliance with Ohio law and the City Charter and Ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council finds and determines that the COVID-19 pandemic constitutes an emergency in the City of Cleveland Heights, and that additional efforts to safeguard the health, safety and welfare of the public are required. In making the determinations and findings in this Resolution, it is Council's intention to exercise and avail itself, on behalf of the City of Cleveland Heights, of the fullest extent of its power and authority under Article XVIII, Section 3 of the Ohio Constitution as well as the laws of the State of Ohio and the Charter and Ordinances of the City of Cleveland Heights.

SECTION 2. This Council finds and determines that the efforts needed to prepare for, respond to and mitigate the impacts of the COVID-19 pandemic have and will place extraordinary requirements upon the City in its mission to deliver services to residents and advance the public health, safety and welfare.

SECTION 3. This Council finds and determines that the City's ability to effectively respond to and manage the COVID-19 pandemic locally will require disruptions to normal meeting schedules and may impact staffing levels, work schedules, and performance of non-essential functions; that ensuring the City's ability to discharge its essential functions is of critical importance; and that the use of technology and digital communications including virtual and telephonic meetings, remote meeting and work technologies and other advanced communications technologies, including streaming technologies, is encouraged at this time, subject to the approval of the City Manager.

SECTION 4. This Council finds and determines that:

RESOLUTION NO. 22-2020 (PSH)

- (a) Other than the Architectural Board of Review meeting scheduled for March 17, 2020, and the Board of Zoning Appeals meeting scheduled for March 18, 2020, all City Board and Commission meetings are cancelled until further notice;
- (b) The regular schedule of Council meetings under Section 111.01 of the Codified Ordinances is hereby suspended until Council determines that the local emergency declared herein has abated;
- (c) Council may, during the period of emergency, hold regular or special meetings with 24 hours' notice when practicable, or emergency meetings pursuant to Section 111.03 of the Codified Ordinances; that it may hold such meetings via teleconference or other means of remote communications; that the Council Rules found in Chapter 111 of the Codified Ordinances will be suspended and dispensed with at any such meeting; and that during such meetings during this time, no public comment period will be provided, although comments submitted in a signed writing or an email identifying the writer will be noted, may be read, and will be included in the journal of proceedings.

SECTION 5. This Council finds and determines that in order to meet the challenges and objectives described herein, it will be necessary to provide for the maximum regulatory and operational flexibility permitted by Ohio law and the City's Charter and ordinances, and that it is necessary to empower and authorize the City Manager to identify the best means and methods to ensure the City's ability to discharge its duties, in consultation with the Department Directors and other key staff and outside consultants, and to take all appropriate actions to discharge such duties within the foregoing parameters, and she is hereby so authorized. The flexibility and authority provided under this Resolution shall continue until Council determines that the current state of emergency has sufficiently abated that such additional measures are no longer necessary.

SECTION 6. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to implement COVID-19 infection control and prevention practices as recommended by the WHO, CDC and the state and local health departments, immediately. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

RESOLUTION NO. 22-2020 (PSH)

JASON S. STEIN, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED: March 16, 2020