

**FIFTH RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY
OF OXFORD, MISSISSIPPI, DECLARING ADDITIONAL MEASURES FOR THE
CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES AND FOR THE
PROTECTION OF PUBLIC HEALTH AND WELFARE AND FOR RELATED
PURPOSES**

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

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. §33-15-11(b)(17), Governor Tate Reeves declared a State of Emergency existed in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi, and as of March 30, 2020, there were at least 937 cases in Mississippi of individuals who have tested positive for COVID-19, including at least fifteen such cases in Lafayette County, and at least twenty deaths in the State due to COVID-19, including one such death in Lafayette County; and

WHEREAS, on March 13, 2020 Mayor Robyn Tannehill signed a Proclamation of Local Emergency due to the COVID-19 pandemic, and on March 17, 2020, the City of Oxford, through its Mayor and Board of Aldermen ratified this Proclamation, and adopted a Resolution declaring a Civil Emergency, and for the Control of Infectious and Contagious Diseases and Related Purposes, which made certain findings and required, among other things, restaurants to close dining rooms and provide services through curbside pick-up, drive through and delivery methods only, and prohibited the use by the public of interior or exterior common dining or bar facilities; and

WHEREAS, on March 16, 2020, the President issued federal guidelines for social distancing urging Americans, among other things, to work from home when possible, avoid gatherings of more than ten people, avoid eating inside dining establishments, avoid discretionary travel, shopping trips, and social visits, and listen to and follow the directions of state and local authorities; and

WHEREAS, on March 18, 2020, the Mayor and Board of Aldermen adopted an ordinance amending Chapter 1 Code of Ordinances of the City of Oxford, Mississippi – General Provisions, which specified penalties for violation of the adopted resolution; and

WHEREAS, on March 22, 2020, the Mayor and Board of Aldermen adopted a Second Resolution declaring a Civil Emergency, and for the Control of Infectious and Contagious Diseases and Related Purposes, extending the measures contained in its March 17 resolution for an additional fifteen days and requiring, among other things, the closure of non-essential businesses to the public and limitation of crowds, assemblages and gatherings to no more than ten people; and

WHEREAS, on March 23, 2020, Governor Reeves signed Executive Order 1463 which, among other things, imposed certain restrictions on non-essential gatherings and dining establishments and provided for certain essential businesses and operations to remain open; and

WHEREAS, on March 26, 2020, Governor Reeves signed a Supplement to Executive Order 1463 clarifying that emergency measures enacted by political subdivisions in response to the COVID-19 pandemic may continue to be in effect if they are not less restrictive than the measures outlined in the Executive Order and they do not impose restrictions that would prevent any essential business identified in the Executive Order from operating at such a level necessary to provide essential services and functions during the State of Emergency; and

WHEREAS, the City of Oxford has reviewed the restrictions imposed by its resolutions adopted March 17 and March 22, 2020, as well as the restrictions imposed by this Resolution, and has found those restrictions do not conflict with the terms of Executive Order 1463; and

WHEREAS, on March 30, 2020, the President extended the federal social distancing guidelines through April 30, 2020; and

WHEREAS, on April 1, 2020, Governor Reeves signed Executive Order 1466 implementing a statewide “shelter in place” order, requiring non-essential businesses to cease operations, suspending residential evictions, closing public and private recreational facilities, and empowering local authorities to enforce the terms of the Order; and

WHEREAS, on April 24, 2020, Governor Reeves signed Executive Order 1477 lifting the statewide “shelter in place” order, allowing for the opening of most non-essential businesses, allowing elective medical procedures and surgeries, and allowing local authorities to enact more restrictive measures to contain and restrict transmission of COVID-19; and

WHEREAS, the emergence and risk of the spread of COVID-19 within Mississippi continue to constitute a public emergency that has resulted in substantial injury or harm to life, health, and property within Mississippi, and in the City of Oxford, and COVID-19 has already been detected in numerous individuals in multiple counties throughout the State, and in several individuals within Lafayette County, Mississippi; and

WHEREAS, the State of Mississippi and the City of Oxford continue to be adversely affected by the outbreak of COVID-19, and there exists a continued threat to the public’s safety, private property and the social and economic welfare of this City, County, and State; and

WHEREAS, the Centers for Disease Control (CDC) and the Mississippi Department of Health guidelines for responding to COVID-19 recommend avoiding crowds or gatherings of more than ten people; and

WHEREAS, the governing authorities of the City of Oxford have reviewed and accept the findings and recommendations of the CDC and the Mississippi Department of Health, and have further received the same findings and recommendations from health professionals within the City of Oxford and Lafayette County and accept those findings and recommendations; and

WHEREAS, the population of the City of Oxford is comprised of college students, substantial numbers of nurses, aides and support staff for physicians, employees and staff of a regional hospital and several long term care facilities, and contains significant populations of both older, at-risk individuals and individuals who travel broadly and frequently, and the City of Oxford is a location frequently visited by individuals from surrounding counties, towns, and cities; and

WHEREAS, the City of Oxford may face additional difficulties because of its large transient student population, such as a possible undercount of positive Lafayette County COVID-19 cases caused by students seeking medical attention near their permanent residence and/or through their parents' health insurance; and

WHEREAS, Section 45-17-3 of the Mississippi Code allows the City to proclaim a civil emergency if it determines that a natural disaster which has caused death or injury has occurred, which the City has done; and

WHEREAS, the Mayor and Board of Aldermen continue to find that COVID-19 is a natural disaster which has caused and will continue to cause injury, illness and/or death to persons to such an extent that additional extraordinary measures must be taken to protect the public health, safety, and welfare of citizens and visitors to the City of Oxford; and

WHEREAS, Section 45-17-7 of the Mississippi Code allows the Mayor and Board of Aldermen of the City of Oxford, after declaration of a civil emergency and in the interest of the public safety and welfare, to issue such orders as are necessary for the protection of life of citizens and visitors to the City of Oxford, Mississippi; and

WHEREAS, Section 21-19-29 of the Mississippi Code allows the Mayor and Board of Aldermen of the City of Oxford to regulate the entrances to public halls and buildings, and the way of ingress and egress to and from the same; and

WHEREAS, the Mayor and Board of Aldermen re-adopt and incorporate the findings made in their resolutions of March 17, March 22, and April 2, 2020; and

WHEREAS, the Mayor and Board of Aldermen re-adopt and incorporate the findings made in their Fourth Resolution Declaring Additional Measures for the Control of Contagious and Infectious Diseases and for the Protection of Public Health and Welfare and for Related Purposes adopted on April 23, 2020; and

WHEREAS, the Mayor and Board of Aldermen recognize that, according to statistics published by the Mississippi State Department of Health and consultation with local medical professionals, the tentative “peak” of new COVID-19 infections occurred on April 18, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN of the City of Oxford, that the City adopts the following measures to protect the public health, safety, and welfare of the community from the spread of a contagious or infectious disease and to eliminate or limit injuries or deaths that may occur in the absence of such measures:

Section 1: Except to the extent set forth herein, the findings and regulations adopted in the City’s Fourth Resolution Declaring Additional Measures for the Control of Contagious and Infectious Diseases and for the Protection of Public Health and Welfare and for Related Purposes (“Fourth Resolution”) shall remain in full force and effect until the expiration of Executive Order 1477 on May 11, 2020.

Section 2: Effective at 8:00 a.m. on April 29, 2020, the City of Oxford adopts all findings and regulations contained in Executive Order 1477, with the following modifications and amendments. All precautions and protective measures outlined in Phase 1 of “SERVING OXFORD SAFELY – A PLAN FOR RECOVERY PHASE 1” (“Plan”) shall be required until further order of the Mayor and Board of Aldermen.

Additionally, all businesses and services must require the following face covering and social distancing measures until further order of the Mayor and Board of Aldermen.

- 1) Employees shall properly wear face coverings ensuring the face covering covers the mouth and nose.
- 2) All businesses shall monitor all points of entrance and prohibit entrance into the business by any individual over the age of six (6) years not wearing a face covering.
- 3) Management of each business must provide adequate supervision to ensure compliance of the face-covering requirement to include but not limited to door monitors to monitor the entrance of the public and floor supervision for employees.
- 4) Prominent signs at every entrance informing customers they must stay 6 feet away from other customers who did not accompany them to the store;
- 5) For businesses with existing public-address systems, regular announcements instructing customers to stay six feet away from each other;
- 6) Markers on floors and signage measuring six-foot intervals and instructing people where to stand in checkout lanes and other lines;
- 7) Employees specifically tasked to enforce social distancing among customers, and employees specifically dedicated to that task in the case of large retail

establishments such as grocery stores whose publicly accessible areas cannot be viewed at once;

- 8) For businesses that utilize such technology, signage encouraging cashless purchases, online ordering and pickup, and use of self-service checkout stations.

Section 3: Individuals may leave their places of residence to visit any essential or non-essential business authorized to open under the terms of this Resolution but are encouraged to comply with the “Safer at Home” and “Shelter in Place” provisions of Executive Order 1477 to the greatest extent possible.

Section 4: All businesses, agencies and units of government located within the City of Oxford shall continue to take all reasonable measures to ensure that such businesses comply with the CDC and the Mississippi Department of Health recommendations and guidance, and shall implement appropriate safeguards to prevent the spread of infectious disease, including but not limited to: mandating social distancing, sending home sick employees and actively encouraging sick employees to stay home, separating and sending home employees who appear to have respiratory illness symptoms, emphasizing work-from-home policies where possible, mandating respiratory etiquette and proper hand hygiene, maintaining clean and sanitary workplaces, cautioning employees regarding travel, and taking all such additional measures to prohibit and/or reduce the spread of infectious disease, and especially COVID-19.

Section 5: The Mayor may issue such other orders as are necessary for the protection of life and liberty. The Mayor is also empowered and authorized to interpret the terms of this Resolution and any executive order incorporated and referenced herein to the extent necessary to enforce this resolution or any such order.

Section 6: The penalties for violation of this adopted resolution shall be the same as those listed in the ordinance amending Chapter 1, Code of Ordinances of the City of Oxford, Mississippi – General Provisions, which the City of Oxford adopted on or about March 18, 2020.

Section 7: The City, in consultation with its Emergency Management Coordinator, local health care professionals, and with consideration for national and State guidance, shall continuously monitor conditions to determine certain milestones, peaks, and trajectories for the presence of COVID-19 in the Oxford, Lafayette County, and local University of Mississippi communities, and shall change restrictions and requirements in a phased manner as further outlined in the Plan. In the event a later peak in active COVID-19 cases is identified, the Mayor and Board shall consider whether further restrictions are necessary.

Section 8: To the extent Executive Order 1477 precludes the opening of any non-essential retail business that would otherwise be allowed to be opened by this Resolution or the Plan, the restrictions of Executive Order 1477 shall govern. The intent of this Resolution is not to be less restrictive than Executive Order 1477 in any way.

Alderman _____ moved for adoption of the Resolution, which motion was seconded by Alderman _____, said Resolution having been introduced in writing at a specially called meeting of the Mayor Board of Aldermen of the City of Oxford, Mississippi, held on April 28, 2020, which was read, considered, debated and ultimately adopted unanimously, paragraph by paragraph, section by section, then as a whole, and the question being put to a vote, the Mayor recorded the votes as follows:

- Alderman Rick Addy voted: _____
- Alderman Mark Huelse voted: _____
- Alderwoman Janice Antonow voted: _____
- Alderman Kesha Howell-Atkinson voted: _____
- Alderman Preston E. Taylor voted: _____
- Alderman Jason Bailey voted: _____
- Alderman John Morgan voted: _____

Robyn Tannehill
Mayor of the City of Oxford, Mississippi

Attest: Ashley Atkinson
City Clerk, City of Oxford, Mississippi