

RESOLUTION NO. 22-008

CITY OF GOLDEN VALLEY RESOLUTION
ADOPTING EMERGENCY REGULATION NO. 22-01

WHEREAS, on January 11, 2022, I declared a local public health emergency related to the COVID-19 pandemic in the City of Golden Valley and assumed executive responsibilities attendant thereto; and

WHEREAS, pursuant to the authority granted to me pursuant to Minnesota Statutes, Ch. 12.29, and Golden Valley City Code, Section 8-7, I am authorized to promulgate emergency regulations to protect the public health, safety, and welfare during this declared emergency; and

WHEREAS, the data shows that older individuals and those suffering from underlying conditions are prone to more severe disease; and, in the Twin Cities metro area, Black, Indigenous, people of color, and immigrant community members are testing at a higher rate, and it is a priority that race and equity be of paramount consideration in enacting and carrying out emergency regulations during the COVID-19 pandemic; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention (CDC), because COVID-19 is primarily transmitted by respiratory droplets, population density plays a significant role in the acceleration of transmission; and

WHEREAS, during the public health emergency, state and local health authorities strongly encouraged all Minnesotans to wear a face covering when they leave their homes and travel to any indoor public setting where social distancing measures are difficult to maintain (e.g. grocery stores and pharmacies) and to follow relevant face covering guidelines issued by governmental health authorities; and

WHEREAS, since March 2020, the City has issued and rescinded numerous disease control and prevention regulations and policies as needed to address the ebbs and flows of the COVID-19 pandemic; and

WHEREAS, since June 2021, the CDC identified new variants of the COVID-19 virus which are present in the United States and medical experts determined that some of these variants are significantly more contagious than previously known variants; and

WHEREAS, the COVID-19 Delta variant has been determined by the CDC to be a “variant of concern” due to its high transmissibility and continues to account for a large number of new cases reported in Minnesota and the Twin Cities metro area, thereby substantially increasing the potential risk of infection and the spread of the virus through the community; and

WHEREAS, the COVID-19 Omicron variant, which has been identified in the Twin Cities metro area, has been determined by the CDC to be a “variant of concern” and appears to be easily transmitted; and

WHEREAS, the Omicron variant accounts for 68% of the cases in Minnesota; and

WHEREAS, 4.8% of vaccinated Minnesotans have experienced a COVID-19 breakthrough case (individuals ages 12 and up as of the week beginning 12/5/21); and

WHEREAS, COVID-19 cases in the City of Golden Valley have trended upward since July 2021 with the community transmission rate in Golden Valley of 103.4 cases per 10,000 individuals for the most recent 14-day period, which puts the City in the CDC's high-risk area category with associated increased rates of positive test cases; and

WHEREAS, the City of Golden Valley and the CDC continue to reinforce that the strongest defense against the Delta, Omicron, and other potentially dangerous variants is through vaccination, proper use of a face mask, avoidance of crowded spaces, good hand hygiene, and staying home when sick; and

WHEREAS, to aid in our efforts, under the emergency authorities vested in the Mayor pursuant to the emergency declaration and City Code section 8-7 I have the authority to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency and adopt additional protections for the preservation of public health and safety.

NOW, THEREFORE BE IT RESOLVED, that the Golden Valley City Council, does hereby order the following emergency regulation:

1. Effective January 13, 2022, any individual who is over age two and able to medically tolerate a face covering shall be required to cover their nose and mouth with a medical-grade mask or cloth face covering in accordance with CDC guidance when in indoor spaces of public accommodation regardless of vaccination status, except for the purposes of eating and/or drinking.
2. All employers of businesses that are spaces of public accommodation as defined by this Order shall require their employees, regardless of vaccination status, to wear a medical-grade mask or cloth face covering whenever such employees have face-to-face contact with the public.
3. Athletes, performers, and supporting staff competing or performing at indoor spaces of public accommodation are not subject to this regulation.

Definitions

1. A space of public accommodation means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Examples include retail stores, rental establishments, government buildings, stadiums, arenas, convention centers, and service establishments as well as educational institutions, recreational facilities, and service centers.
2. Cloth face covering means a covering that fully covers a person's nose and mouth but is not a Medical-Grade Mask.
3. Medical-grade mask means an N95, KN95, surgical, or other mask that would be appropriate for a healthcare setting, or a setting in which direct patient care is provided.

Additional Terms

1. This Order is effective 5:00 p.m. (CST) January 13, 2022 and continuing until further notice or until it is extended, rescinded, superseded, or amended.

2. A violation of this Emergency Regulation may be enforced by the issuance of warning letter(s), administrative citation to City-licensed businesses, and/or misdemeanor prosecution. Golden Valley City Code of Ordinances Sections 8-11 and 1-9.
3. The Emergency Manager is hereby authorized and directed to administer, interpret, and monitor requirements set forth in this Emergency Regulation, and to take such further actions as deemed necessary or advisable to protect the health and safety of the public.

Passed by the City Council of the City of Golden Valley, Minnesota this 11th day of January, 2022.

Shepard M. Harris
Shepard M. Harris, Mayor

Attested:

Theresa Schyma
Theresa Schyma, City Clerk