

Document No. 9032

ORDINANCE NO. 11235

AN ORDINANCE PROVIDING FOR POLICIES AND PROCEDURES DURING HEALTH AND SAFETY EMERGENCIES WITHIN THE CITY OF LIBERTY, MISSOURI AND GRANTING CERTAIN AUTHORITY TO THE MAYOR AND THE CITY ADMINISTRATOR

WHEREAS, the City of Liberty, Missouri (the "City") is a body corporate, a charter city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, on March 13, 2020, the President of the United States of America issued a Proclamation finding and proclaiming that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020; and

WHEREAS, on March 13, 2020, the Governor of Missouri issued Executive Order No. 20-02 declaring that a State of Emergency exists in the State of Missouri arising out of a highly contagious disease known as COVID-19 and directing the activation of the Missouri State Emergency Operation Plan; and

WHEREAS, on March 18, 2020, Clay County Public Health Center Director of Public Health Gary Zaborac issued a County of Clay Public Health Emergency Order to reduce the possibility of exposure to COVID-19 and to reduce the spread of COVID-19; and

WHEREAS, the power to protect the health of the inhabitants of a municipality is wider in range than other police powers granted to a municipality by the State of Missouri; and

WHEREAS, pursuant to the provisions of § 77.260 of the Missouri Revised Statutes the Mayor and City Council "shall have the care, management and control of the city and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order; . . . , and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same"; and

WHEREAS, pursuant to the provisions of § 77.530 of the Missouri Revised Statutes the City Council may make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the City, and for the abatement of the same, and may make quarantine laws and enforce the same within five miles of the City, and may make regulations to secure the general health of the City; and

WHEREAS, for any purpose or purposes set forth in Chapter 77 of the Missouri Revised Statutes, § 77.590 of the Missouri Revised Statutes provides that the City Council may enact and make all necessary ordinances, rules and regulations; and they may enact and make all such ordinances and rules, not inconsistent with the laws of the state, as may be expedient for maintaining the peace and good government and welfare of the City; and

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WHEREAS, pursuant to the provisions of § 192.290 of the Missouri Revised Statutes the City has been granted the authority to make such further ordinances, rules and regulations, which may be necessary for the City, so long as such ordinances, rules and regulations are not inconsistent with the rules and regulations prescribed by the Missouri Department of Health and Senior Services; and

WHEREAS, the Center for Disease Control (the "CDC"), in addressing COVID-19 has stated that spread of the virus from person-to-person happens most frequently among close contacts; and

WHEREAS, there does exist a state of emergency in the City which has been created by COVID-19;

WHEREAS, the City desires to more fully protect the health of the public by establishing certain rules and policies to be followed and applied during a health emergency such as the one the City is presently experiencing involving the prevention of the introduction of COVID-19, a highly contagious disease, into the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI, AS FOLLOWS:

SECTION I

**Findings of the City Council.** The City Council of the City of Liberty, Missouri, does hereby find and determine that the City should be prepared to adequately deal with and address the emergency created by COVID-19 (the Coronavirus Disease) in order to (a) insure that preparations are being made and will continue to be made which will adequately deal with this declared emergency, (b) generally protect the public health, safety, and welfare, (c) preserve the lives and property of the citizens of the City, and (d) maintain government operations.

SECTION II

**Goals and Objectives.** To accomplish the goals and objectives set forth in Section 1 of this Ordinance, the City Council finds and declares it necessary:

- A. To establish a City emergency management organization responsible for responding to, and continuing to plan and prepare for emergency government operations during, this time of a declared health emergency;
- B. To provide for the exercise of necessary powers during this emergency;
- C. Where necessary and appropriate under the circumstances to provide for the rendering or receiving of mutual aid between the City and other political subdivisions of this state and of other states with respect to the carrying out the intent of this Ordinance; and
- D. To comply with the provisions of all applicable laws of the United States and of the State of Missouri.

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SECTION III

**Emergency Policies and Rules.** The City Council of the City of Liberty, Missouri, does hereby declare, establish and formally adopt the following policies and rules regarding the operation of City government during the period that a state of emergency exists within the City arising out of or in any way related to COVID-19 (the Coronavirus Disease).

- A. **Approval of Purchases and Spending Authority.** The Mayor is hereby granted authority to approve and expend appropriate sums necessary for all purchases necessary for the continuity of City operations, including, but not limited to, payments related to City payroll, utility expenses, refunds, insurance payments, invoices for ongoing capital improvement projects, credit card/procurement card payments, payments to vendors and/or contractors for regular business needs (e.g., chemicals for water treatment, EMS supplies, etc.), and payments to outside consultants for ongoing services being rendered to the City. The Mayor may delegate the day-to-day approval of such expenditures to the City Administrator.
- B. **City Council Meetings.** Inasmuch as the CDC has recommended no large meetings or public gatherings occur during this health emergency, the City Council hereby establishes that all City Council meetings, effective immediately after passage and approval of this ordinance, may be held electronically using a method that allows the public to view and hear all discussions, presentations, actions and votes taken by the Mayor and City Council. Notice of the online/electronic meetings shall be appropriately published and given so as to provide the public with reasonable access to all such meetings. The Mayor and City Council may also hold closed electronic meetings (using a method authorized above for open meetings) for those specific topics authorized under the Missouri Open Meetings law by giving appropriate notice as required by law. Notice of the meetings and how to gain access to all such meetings shall be posted on the City's website. This form of City Council meetings, both open and closed, shall cease immediately upon conclusion of the health emergency.

SECTION IV

**Powers of Mayor under Proclamation of Health Emergency.**

- A. Pursuant to the provisions of § 77.530, Missouri Revised Statutes, the City Council is authorized to make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the City, and may make quarantine laws and make regulations to secure the general health of the City and, therefore, during the state of emergency presently existing in the City, as described in this ordinance, the City Council hereby grants to the Mayor, in addition to all other powers granted by the laws of the State of Missouri and the ordinances of the City, the power to issue a proclamation declaring a state of emergency to exist in the City, and also grants the Mayor the following powers and authority to protect people and property in the City during this state of emergency:

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- (1) To temporarily waive routine administrative and budgetary requirements that may impede the effective delivery of essential public services.
  - (2) To order the evacuation of areas where there is a threat to public health and safety, and to designate any public place, public street, thoroughfare, or parking area and any other place closed to motor vehicles, persons and pedestrian traffic;
  - (3) To order the closing of any and all business establishments (including, but not limited to, restaurants, bowling alleys, entertainment and recreational establishments and movie theaters) throughout the City;
  - (4) To issue orders deemed necessary to protect life and property and to preserve critical resources within the purposes of this ordinance.
  - (5) To order adherence to all directives issued by the County, State and Federal authorities.
- B. Any such proclamation of a state of emergency shall become immediately effective upon its execution and issuance by the Mayor and the original thereof shall be filed and remain in the office of the Deputy City Clerk.
- C. The proclamation issued in accordance with the provisions of this section shall remain in effect continuously from the date and time of the issuance thereof for such period of time as specifically prescribed therein or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first.
- D. **Penalty.** It shall be unlawful for any person to fail, neglect or refuse to comply with the order made or prohibitions instituted by a proclamation issued under the provisions of this section; or for any person to otherwise violate or in any manner aid, assist, encourage, or support the commission or perpetration of a violation of such proclamation, and upon conviction thereof any such person shall be punished by a fine of not less than \$25.00 and not more than \$500.00, or by imprisonment for a period of time not less than one day and not more than three months. For the purpose of the prosecution of any person for the violation of this section, a copy of the proclamation of the Mayor certified by the Deputy City Clerk to be a true and correct copy thereof shall be deemed to constitute prima facie evidence that such proclamation was duly issued by the Mayor on the date and at the time set forth therein pursuant to the authority contained in this section.

SECTION V

**Preemption.** Nothing in this Ordinance shall be interpreted or applied so as to create any power, duty or obligation in conflict with, or preempted by, any Federal or State law.

SECTION VI

**Further Authority.** The City shall, and the Mayor, Deputy City Clerk, City officials and employees of the City are hereby authorized and directed to take such further action, and

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execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION VII

**Severability.** The sections, paragraphs, sentences, clauses, and phrases of this Ordinance shall be severable. In the event that any such section, paragraph, sentence, clause, or phrase of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

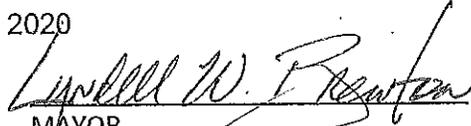
SECTION VIII

**Governing Law.** This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

SECTION IX

**Effective Date.** This Ordinance shall be in full force and effect immediately after its passage by the City Council and approval by the Mayor. This ordinance will remain in effect until further action is taken by City Council.

PASSED by Council this 19 day of March, 2020

  
MAYOR

ATTEST:

  
DEPUTY CITY CLERK

Approved by the Mayor this 19 day of March, 2020.

  
MAYOR