

**A RESOLUTION FOR AN EMERGENCY EXECUTIVE ORDER
PERTAINING TO TEMPORARY CLOSING OF ENTRANCES TO CITY
BUILDINGS AND FACILITIES, AS WELL AS PROHIBITING
GATHERINGS OF MORE THAN 10 PEOPLE, LIMITING GATHERINGS OF
10 PEOPLE OR FEWER, CLOSING VARIOUS ESTABLISHMENTS AND
LIMITING ACCESS THERETO IN THE CITY OF DIAMONDHEAD**

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency due to the coronavirus (COVID-19) pandemic and the Governor of the State of Mississippi issued a similar declaration of emergency on March 14, 2020; and

WHEREAS, on March 16, 2020, the Mayor and Council of the City of Diamondhead, Mississippi, pursuant to Miss. Code Ann. § 45-17-3, et seq. and Miss. Code Ann. § 33-15-17, et seq., issued a "Proclamation of Existence of a Local Emergency" which was ratified a Regular Meeting of the Mayor and Council on March 17, 2020; and

WHEREAS, COVID-19 is a disease that can result in severe illness or death and can easily spread from person to person, and which is caused by a new strain of coronavirus that had not previously been identified in humans; and

WHEREAS, heretofore Federal, State, and Local Authorities have continually impressed upon the public the importance of heeding the guidance of the Centers for Disease Control and Prevention (CDC), state departments of health, and the President concerning steps necessary to stop the spread of this outbreak, which has now been turned into a pandemic, one of the most significant of which is the need to "social distance" ourselves from others in all places, including in the public; and

WHEREAS, authorities have previously advised the citizens of the State of Mississippi to practice social distancing measures and to avoid large gatherings; and

WHEREAS, on March 16, 2020, the President of the United States recommended the avoidance of gatherings of more than ten (10) people; and

WHEREAS, unfortunately there are many in our communities who have refused to follow or otherwise ignored this guidance and promulgated aids in maintaining social distancing and who have persisted to congregate in the public, including at places of business, all of which have and, if permitted to continue, will contribute to and promote the spread of this disease and prolific exposure of our citizens to this emergent threat to public health and safety; and

WHEREAS, in an effort to curtail the lack of civic responsibility, to prevent the spread of this disease, and in an effort to curb the growth of cases of affected persons and conditions, authorities across the country are taking extraordinary measures to limit and inhibit close personal contact in the community through the issuance of orders and enactment of legislation, many of which have restricted access to areas that are routinely used for gatherings of people; and

WHEREAS, the Mississippi Department of Health ("MDOH") has reported that as of March 19, 2020, there were eighty (80) positive cases of coronavirus in the State of Mississippi, including three (3) in Hancock County, Mississippi, and

WHEREAS, as of March 19, 2020, the MDOH reported one death related to COVID-19, which was in Hancock County, Mississippi; and

WHEREAS, the City of Diamondhead and its citizens do not have the luxury of a "wait-and-see" approach to the coronavirus pandemic and, trends across the world have demonstrated that such an approach is costly in terms of public health, including an increase in deaths; and

WHEREAS, as of March 20, 2020, the MDOH recommends that all restaurants and bars suspend dine-in services immediately and that various social and public events be limited or preferably canceled; and

WHEREAS, immediate extraordinary measures related to the prevention of the spread of the coronavirus are necessary and required to protect the health, safety, and welfare of our citizens and to protect the public peace while saving and preserving lives; and

WHEREAS, to comply with the directives and guidelines of the CDC and the MDOH, as well as the President of the United States, as part of an immediate effort to thwart the spread of this disease and to safeguard the health and safety of the public, including City employees, public entrances to all municipal buildings and facilities will be closed to the public as of 8:00 p.m. on Saturday, March 21, 2020, and shall not re-open until further notice, with the understanding that the public can contact and perform business with City officials and employees through non- face-to-face contact by utilizing telephone, e-mail, drive thru service (where available), and written communications (regular U. S. Mail, etc.) during this period of time; and

WHEREAS, in furtherance of these efforts and interests, all public parks should be closed to gatherings of individuals in excess of ten (10) persons, such to be effective as of 8:00 p.m. on Friday, March 20, 2020, until further notice; and

WHEREAS, in further promotion of these efforts and interests, certain events and gatherings of individuals in excess of ten (10) persons, shall be temporarily curtailed and other orders issued pertaining to various other matters.

THEREFORE, pursuant to the authority vested in me by Mississippi Law, including, but not limited to, Miss. Code Ann. § 47-17-7, et seq. and Miss. Code Ann. § 33-15-17, et seq., as amended, and in the public interest of the City of Diamondhead, and to safeguard and protect the health, safety, and welfare of the public, I do hereby issue this Emergency Order Mayor and City Council (also referred to as "Proclamation") as set out herein.

IT IS HEREBY ORDERED, that to comply with the directives and guidelines of the CDC, the Mississippi State Department of Health, as well as the President of the United States, as part of an effort to thwart the spread of the coronavirus (COVID-19), and to safeguard the health and safety of the public, including City employees, public entrances to all municipal buildings and facilities within the City of Diamondhead shall be, and hereby are, temporarily closed to the public as of 8:00 p.m. on Saturday, March 21, 2020, and shall not re-open until further notice or expiration of the ongoing State of Emergency related to this pandemic issued by the City of Diamondhead, whichever shall occur first, with the understanding that the public can still contact and perform business with City officials and employees through non-face-to-face contact via the telephone, e-mail, drive thru service (where available), and written communications (regular U.S. Mail, etc.) during this period of time. It is further,

ORDERED that (1) all events of more than ten (10) people in the City of Diamondhead are hereby temporally prohibited; and (2) all events over (10) people or fewer in the City of Diamondhead are limited, as provided herein:

1. An event, for purposes of this Emergency Order, is an organized, orchestrated or sponsored gathering that people are invited to attend or encouraged to attend through advertising or membership. Further, an event is a gathering for business, social, or recreational activity, including, but not limited to, community, civic, public, leisure, or sporting event; parades; concerts; festivals; conventions; fundraisers, large private parties, celebrations, or banquets; and artistic performances and spiritual and faith-based gatherings.
2. An event, for purposes of this Emergency Order, is not a public location where people pass through, such as transportation centers, airports, public squares, and shopping areas. Retail establishments such as grocery stores, gas stations, pharmacies, and banks are not events. Medical facilities, office environments, factories, schools, universities, and City-owned or leased buildings where essential functions and services are being carried out are not events.
3. Organizers of events often (10) people or fewer must ensure that:
 - (a) Older adults, specifically senior citizens, and individuals with underlying medical conditions that are at increased risk of serious COVID-19 are encouraged not to attend.
 - (b) Social distancing recommendations, as prescribed by the Mississippi State Department of Health, must be met.
 - (c) Proper hygiene and sanitation must be readily available to all attendees and individuals involved as per the recommendations of the MDOH and or CDC.
 - (d) Environmental cleaning guidelines from the CDC are followed.

ORDERED that all restaurants located in the City of Diamondhead, with or without drive-in or drive-through services, may only provide take-out, pick-up, delivery, or drive-through services as allowed by law. There shall be no in-house dining or available sitting areas for the public. Furthermore, there shall be no formation of lines of ten (10) or more people conjugating to pick-up food. It is further,

ORDERED that all bars, nightclubs, lounges, taverns, and private clubs located in the City of Diamondhead shall close, except to the extent that such establishments may only provide take-out, pick-up, delivery, or drive-through services for food as allowed by law. It is further,

ORDERED that only to the extent allowed by state and federal law and the United States Constitution, this Emergency Order Mayor and City Council prohibiting and limiting events is applicable to spiritual and faith-based gatherings. It is further,

ORDERED that this Emergency Order Mayor and City Council shall be: (1) filed with the City Clerk; (2) distributed to the news media and other organizations reasonably calculated to bring its contents to the attention of the general public; and (3) distributed to others as necessary to ensure proper implementation of this Emergency Order Mayor and City Council. It is further,

ORDERED that violations of this Emergency Order of the Mayor and City Council, Order may be subject to misdemeanor prosecution pursuant to State Law, including, but not limited to, Miss. Code Ann. § 45-17-9, as amended, as well as the City's Code of Ordinances. It is further,

ORDERED that, except for what is otherwise set out herein, this Emergency Order of the Mayor and City Council shall be, and hereby is, effective at 8:00 p.m. on Saturday, March 21, 2020. It is further,

ORDERED that this Emergency Order of the Mayor and City Council shall be, and hereby is, effective Saturday, March 21, 2020, at 8:00 p.m. and shall remain in effect until amended, rescinded, or superseded by another applicable Proclamation or Executive Order or the termination of the current (and ongoing) State of Emergency related to this pandemic issued by the City of Diamondhead, whichever shall occur first.

Motion was made by Councilmember L'Ecuyer, seconded by Councilmember Morgan and the was so adopted by roll call vote as follows on 21st day of March, 2020.

	Aye	Nay	Abstain Reuse
Councilmember Depreo	___	___	✓
Councilmember Moran	✓	___	___
Councilmember Morgan	✓	___	___
Councilmember Clark	✓	___	___
Councilmember L'Ecuyer	✓	___	___
Mayor Schafer	✓	___	___

APPROVED [Signature]
Mayor Thomas E. Schafer, IV

ATTEST: [Signature]
Jeannie Klein, City Clerk

