

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA EMAIL ONLY

DATE: March 27, 2020

TO: Board of County Commissioners

FROM: *Richard Wm. Wesch*

Richard Wm. Wesch
County Attorney

RE: Emergency Meeting on March 30, 2020

Good afternoon Commissioners,

In follow-up to the Board's emergency meeting held on Wednesday, March 25, 2020 and in anticipation of your emergency meeting to be held on March 30, 2020, we respectfully submit the attached Resolution for your consideration at set meeting. The attached Resolution is in furtherance of the Board's direction to educate, and inform, and achieve voluntary compliance of our citizens and visitors as to how to best limit the transmission of COVID-19.

The attached Resolution is NOT a "shut down" Resolution, rather it codifies and adopts the concepts identified in the Governor's Executive Order Number 20-83 in the State of Florida Department of Health public health advisory dated March 25, 2020. The proposed Resolution addresses three primary concepts: measures to limit the risk of exposure to COVID-19 for our vulnerable population; gatherings of groups of persons; and means of conducting business for the workforce and workplace.

This Resolution is respectfully submitted for your consideration and discussion. You are certainly free and encouraged to amend or modify as you desire. As always in the event you have any questions or comments regarding the matters contained herein, please do not hesitate to advise.

Attachment

Via Email Only:

Commissioner John Manning, District 1
Commissioner Cecil Pendergrass, District 2
Commissioner Ray Sandelli, District 3
Commissioner Brian Hamman, District 4
Commissioner Frank Mann, District 5
Roger Desjarlais, County Manager
Dave Harner, Deputy County Manager
Chris Brady, Assistant County Manager
Marc Mora, Assistant County Manager
Glen Salyer, Assistant County Manager
Pete Winton, Assistant County Manager
Betsy Clayton, Director, Communications
Andrea R. Fraser, Deputy County Attorney
Michael D. Jacob, Deputy County Attorney

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. _____
ADOPTING FLORIDA SURGEON GENERAL
PUBLIC HEALTH ADVISORY
PROTECTIVE MEASURES FOR VULNERABLE POPULATIONS**

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51 directing the State Health Officer and Surgeon General to declare a Public Health Emergency to ensure that the Coronavirus Disease (COVID-19) remains controlled and that residents and visitors in Florida remain safe and secure; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52 declaring a State of Emergency for the State of Florida due to the Coronavirus Disease (COVID-19); and

WHEREAS, on March 13, the President of the United States issued a Proclamation declaring a National Emergency to address the spread of COVID-19; and

WHEREAS, COVID-19 is a serious respiratory illness that causes symptoms similar to influenza including coughing, fever, shortness of breath; is spreading rapidly from person to person, constituting a clear and present threat to the lives, health, welfare, and safety of the public; and

WHEREAS, a significant outbreak of COVID-19 has spread to other countries, United States and Lee County; and

WHEREAS, in Lee County dozens of people have tested positive for COVID-19 and three have died from the disease; and

WHEREAS, on March 17, 2020, the Board of County Commissioners of Lee County, Florida declared a State of Local Emergency for unincorporated and incorporated Lee County in response to the COVID-19 pandemic (Coronavirus Disease); and

WHEREAS, COVID-19 is spread amongst the population by various means of exposure, including the propensity to spread person to person and the propensity to attach to surfaces for prolonged periods of time, thereby spreading from surface to person and causing increased infections to persons; and

WHEREAS, public health experts have consistently recommended avoiding close physical interaction between people in order to slow the spread of COVID-19, and the Centers for Disease Control (“CDC”) has updated and further restricted its distancing guidelines; and

WHEREAS, despite measures previously taken, COVID-19 has rapidly spread in the State of Florida as well as in Lee County, necessitating updated and more stringent distancing guidelines; and

WHEREAS, on March 25, 2020, the Florida Surgeon General issued a Public Health Advisory directing all individuals over the age of 65 and all individuals of any age with high-risk conditions remain in their residence and take all measures to limit the risk of exposure to COVID-19 because those populations are at higher risk of severe illness and death, cease participation in social or recreational gatherings; and provides for workplace limitations.

NOW, THEREFORE, BE IT RESOLVED:

1. This Emergency Resolution adopts the Florida Surgeon General's Public Health Advisory of March 25, 2020 in furtherance of protecting the health and safety of the vulnerable populations of Lee County, specifically that:
 - a. VULNERABLE POPULATIONS
 - 1) All individuals over the age of 65 and all individuals of any age with high-risk conditions should remain in their residence and take all measures to limit the risk of exposure to COVID-19.

These measures include, but are not limited to: limiting contact with all persons outside of the home and distancing any unavoidable contact by a minimum of six feet; washing hands often with soap and water for at least 20 seconds, or using hand sanitizer with at least 60% alcohol; avoiding unnecessary touching of eyes, nose, and mouth, and washing hands prior to doing so; and cleaning and disinfecting high-touch surfaces, including entryway door handles.

2) High-risk conditions include, but are not limited to: chronic lung disease; moderate to severe asthma; serious heart conditions; immunocompromised status (as a result of cancer treatment, bone marrow or organ transplant, immune deficiencies, poorly controlled HIV or AIDS, or prolonged use of corticosteroids and other immune weakening medications); cancer; severe obesity (body mass index [BMI]>40); diabetes; renal failure; and liver disease.

b. GATHERINGS OF PRIVATE CITIZENS

All individuals should cease participation in social or recreational gatherings of more than 10 people. For all gatherings of fewer than 10 people, individuals should practice social distancing by maintaining a distance of at least six feet from each other.

c. DENSITY OF THE WORKFORCE

All business owners, supervisors, managers and others in charge of conducting business in the state of Florida should allow telework of employees to the extent that can be accomplished without significantly disrupting the ability to conduct business. Employers should make every effort to reduce the onsite workforce to 50% capacity, where possible, to the extent that reduction can be accomplished without significantly disrupting the ability to conduct business.

2. This Resolution shall remain in force and effect until either it is repealed or the State of Local Emergency expires.

DULY EXECUTED this ____ day of _____ 2020.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chair or Designee

ATTEST:
LINDA DOGGETT, CLERK

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: _____
Deputy Clerk

BY: _____
Office of the County Attorney

DRAFT