

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Thursday, March 19, 2020
6:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby. Commissioners Link, Wright, Edwards, and Herod Webxe.

The purpose of the meeting was to consider airport capital improvements; ordinances with respect to emergency management and declaration of a local state of emergency; and any other item in proper order.

A motion was made by Commissioner NeSmith, seconded by Commissioner Denson, to add to the agenda an executive session for an attorney/client conference to discuss threatened or pending litigation. The motion passed by unanimous vote.

Citizen input

Mayor Girtz stated the online and e-mail comments received will be entered into the record.

Old business – Discussion

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, to

- a) Approve the proposed project concept for Sub-Project #3 – Taxiway “A” Reconstruction and Realignment for TSPLOST 2018 Project #01 Airport Capital Improvements as per Attachment #1 of agenda report revised March 17, 2010;
- b) Authorize staff to advance the proposed project concept for Sub-Project #3 – Taxiway “A” Reconstruction and Realignment for TSPLOST 2018 Project #01, to the bid and award phase in accordance with the approved project concept;
- c) Declare that proposed Sub-Project #3– Taxiway “A” Reconstruction and Realignment is not appropriate for public art elements to be included as part of this TSPLOST 2018 Sub-Project; and,
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

The following presentations regarding urgency of action on the COVID-19 virus were received.

Emily Eisenman – Northeast Health District
Sarah Peck

Dr. Grace Bagwell Adams – UGA Department of Public Health

Emergency room physician Dr. Lewis Earnest

Mayor Girtz read a letter from a consortium of Athens physicians supporting action.

New business – Consider under suspension of Rules

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, to suspend Rules of Commission for consideration of items of new business items. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, to adopt the following ordinance (#20-03-12) which was presented by title only. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, NeSmith, Edwards, Herod, and Hamby voting YES and Commissioner Thornton voting NO. (9 YES; 1 NO)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **EMERGENCY MANAGEMENT**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Chapter 3-4 entitled "*Emergencies*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety with the following new chapter inserted in lieu thereof:

"CHAPTER 3-4 EMERGENCY MANAGEMENT

Article 1. - Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

Emergency Management: As used in this chapter, the term "emergency management" shall mean the preparation for and the carrying out of all emergency and disaster functions, other than those functions for which military forces or state and federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from emergencies or disasters, or the imminent threat thereof, of man-made or natural origin. These functions include, without limitation, firefighting services; police services; medical and health services; rescue, engineering, warning services; communications; protection against the effects of radiological, chemical, and other special weapons; evacuation of persons from stricken areas; emergency welfare services; emergency transportation; plant protection; shelter; temporary restoration of public utility services; and other functions related to civilian population, together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

Locally declared emergencies: As used in this ordinance, a "locally declared emergency" or a "declaration of local emergency" shall mean a declaration by the manager (to include a designated assistant manager as authorized by Section 3-4-2 (a) of this Chapter) or the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia enacting some or all of the local emergency powers addressed in this ordinance.

State declared emergencies: As used in this ordinance, a "state declared emergency" or a "state of emergency" shall mean a declaration by the Governor of an actual or impending emergency or disaster of natural or human origin, or pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting Georgia or against the United States. A declaration of emergency by the Governor may enact some or all of the emergency powers, local or otherwise, addressed in this ordinance.

Overcharging: Charging prices for goods, materials, services or housing which are substantially in excess of the customary charges, or in applicable cases, substantially in excess of the suppliers' or providers' costs for such goods, materials, services or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the merchandise or cost/rental of housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in cost to the supplier directly attributable to the higher cost of material, supplies and labor costs resulting from the emergency.

Subsequent recovery period: That period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed six months after the emergency declaration has been terminated.

Article 2. - Emergency Management Organization

Sec. 3-4-1. --Emergency management office; director.

- a) There is hereby established the Athens-Clarke County Office of Emergency Management. The manager of Athens-Clarke County shall nominate, for appointment by the governor, an emergency management program director for Athens-Clarke County. When appointed, the emergency management program director is charged with the following duties:

1. To represent the mayor and commission of Athens-Clarke County on matters pertaining to emergency management.
2. To assist Athens-Clarke County officials in organizing Athens-Clarke County departments for emergency operations.
3. To develop, in conjunction with Athens-Clarke County departments and agencies, the Athens-Clarke County Emergency Operations Plan for emergency functions set forth in this chapter. Such plan will be in consonance with the Georgia Emergency Operations Plan and shall be submitted to the mayor and commission of Athens-Clarke County for approval, and thence to the Georgia Emergency Management Agency for approval.
4. To maintain the office of emergency management and carry out the day-to-day administration of the Athens-Clarke County emergency management program, including the submission of required reports to the Georgia Emergency Management Agency.
5. To submit reports as required by the mayor and commission in keeping with good management practices.
6. To obtain, with the authority of mayor and commission, a facility to be used as the Athens-Clarke County Emergency Operations Center.
7. To coordinate the activities of the Athens-Clarke County Emergency Operations Center staff during periods of an emergency.

b) Organization.

1. The Athens-Clarke County Office of Emergency Management shall be established around existing Athens-Clarke County departments, and the community organizations with identified roles and responsibilities as provided in the Athens-Clarke County Emergency Operations Plan.
2. Heads of departments listed in the Basic Plan of the Athens-Clarke County Emergency Operations Plan are responsible for developing appropriate annexes to the local Emergency Operations Plan (EOP) for their assigned emergency function(s). Such annexes will be submitted to the emergency management program director for inclusion in the local EOP for submission to appropriate local officials for approval.

c) Volunteers.

All persons, other than officers and employees of Athens-Clarke County, performing emergency functions pursuant to this chapter, shall serve with or without compensation. While engaged in such emergency functions, duly assigned volunteers shall have the same immunities as provided in O.C.G.A. § 38-3-35.

Article 3. – Emergency Management and Response Powers

Sec. 3-4-2. - Declaration of Local Emergency

- a) *Grant of authority.* In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business, or governmental operations in the county and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state, and local departments and agencies to supplement the efforts of available public and private resources, the Mayor and Commission of Athens-Clarke County, Georgia may declare a local emergency by ordinance for Athens-Clarke County. The form of the declaration shall be similar to that provided in section 3-4-6 of this Chapter. Pursuant to O.C.G.A. Sec. 38-3-28 and O.C.G.A. Sec. 38-3-51, during an emergency, the Mayor and Commission shall be authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws and to exercise such emergency powers as the Governor may authorize counties to use during a state declared emergency. Where delay in the exercise of such powers would be contrary to the public interest, the manager, or an assistant manager designated by manager in the event the manager is unavailable, is authorized to declare a local emergency and exercise such emergency actions as otherwise reserved to the Mayor and Commission under this Article, such action to expire at the next meeting of the Commission subsequent to the issuance of the declaration unless ratified by the Commission. In the event of a conflict, any action taken hereunder by ordinance of the Mayor and Commission shall preempt any action of the manager.
- b) Request for state assistance. Consistent with a declaration of local emergency the director of emergency management may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the county to meet adequately, and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.

- c) Continuanace. The declaration of local emergency shall continue until the manager finds that emergency conditions no longer exist, at which time, the manager shall execute and file with the Clerk of Commission a document marking the end of the emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the manager. The Mayor and Commission may also, by ordinance, act to amend, extend, or end a state of emergency at any time.
- d) Effect of declaration of emergency.
 - 1. Activation of emergency operations plan. A declaration of local emergency by the manager or the Mayor and Commission shall automatically activate the county emergency operations plan and shall be the authority for deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.
 - a. The Athens-Clarke County Office of Emergency Management (“OEM”) Director shall have the legal authority to exercise the powers and discharge the duties conferred upon the emergency management agency, including the implementation of the emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.
 - b. In responding to the emergency and conducting necessary and appropriate survey of the damages caused by the emergency, the director or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the public’s health, safety, or welfare.
 - c. The emergency management director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the county; however, any such document shall be later presented for ratification at a meeting of the Mayor and Commission.
 - d. No person shall refuse entry or access to any authorized representative or agent of the county who requests entry for purposes of evaluating sites involved with emergency management functions to protect the public’s health, safety, or welfare, and who presents appropriate credentials. Nor shall any person obstruct, hamper, or interfere with any such representative while that individual is in the process of carrying out his or her official duties.

Sec. 3-4-3. -- Emergency Powers. Following a declaration of emergency and during the continuance of such state of emergency, the manager or Mayor and Commission are authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control.

- a) State Declared State of Emergency. If the Governor declares a state of emergency for Athens-Clarke County, the manager or the Mayor and Commission may cause the following provisions of this ordinance to become effective:
 - 1. Section 3-4-9. Authority to Waive Procedures and Fee Structures;
 - 2. Section 3-4-10. Registration of Building and Repair Services; and/or
 - 3. Section 3-4-11. Closed or Restricted Areas and Curfews; Prohibition on Gatherings.
- b) Locally Declared State of Emergency. If the manager or the Mayor and Commission declares a local emergency for the county, the manager or the Mayor and Commission may cause the following provisions of this ordinance to become effective:
 - 1. Section 3-4-9. Authority to Waive Procedures and Fee Structures; and/or
 - 2. Section 3-4-11. Closed or Restricted Areas and Curfews; Prohibition on Gatherings.

Sec. 3-4-4. -- Authority to waive procedures and fees. Pursuant to a declaration of emergency, the manager is authorized to cause to be effective any of the subsections of Section 3-4-9 of this chapter as appropriate. The implementation of such subsections shall be filed with the Clerk of Commission.

Sec. 3-4-5. -- Additional emergency powers. The manager or the Mayor and Commission shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

- a) To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response, or recovery;
- b) To prescribe routes, modes of transportation, and destinations in connection with evacuation;
- c) To make provision for the availability and use of temporary emergency housing, emergency shelters, and/or emergency medical shelters;
- d) To transfer the direction, personnel, or functions of any county departments for the purpose of performing or facilitating emergency services;
- e) To utilize all available resources of the county and subordinate agencies over which the county has budgetary control as reasonably necessary to cope with the emergency or disaster;
- f) To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health, and welfare, and/or the property of citizens;
- g) To suspend any ordinance, resolution, order, rules, or regulation prescribing the procedures for conduct of county business, or the orders, rules, or regulations of any county department, if strict compliance with any ordinance, resolution, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;
- h) To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purpose;
- i) To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

Sec. 3-4-6. – Overcharging prohibited.

In order to preserve, protect or sustain the life, health or safety of persons or their property within the cleared disaster area, it shall be unlawful, during the duration of the state of emergency or subsequent recovery period in which the county has been designated as a disaster area, for any person located or doing business in the county to overcharge for any goods, materials, services, motel rooms, temporary lodging or houses sold or rented within the county. Each sale or rental shall constitute a separate offense.

Sec. 3-4-7. - Form of Declaration of Local Emergency

Upon the declaration of local emergency as provided in this Chapter, an official “Declaration of Local Emergency,” in substantially the same form set forth below, shall be signed and filed with the Clerk of Commission and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration, and any sections of this chapter that shall be in effect.

Declaration of Local Emergency

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of [description of event] on [date];

WHEREAS, the Governor has/has not declared a state of emergency for Athens-Clarke County;

WHEREAS, in the judgment of the [manager/Mayor and Commission] of the Athens-Clarke County Unified Government, with advice from the Athens-Clarke County Office of Emergency Management, there exist emergency circumstances located in [describe geographic location] requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event, certain actions are required.

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

(1) That the Athens-Clarke County Office of Emergency Management activates the Emergency Operations Plan;

(2) That the following sections of the Athens-Clarke County Code be implemented. [If deemed appropriate, choose from the following]:

_____ Section 3-4-9. Authority to Waive Procedures and Fee Structures

_____ Section 3-4-10. Registration of Building and Repair Services (to be effective only if the Governor declares a state of emergency)

_____ Section 3-4-11. Social Distancing and Closed or Restricted Areas during Emergency_____ Section _____. [Any other emergency management ordinances, such as an emergency purchasing ordinance, etc.]

(3) That the following measures also be implemented: _____

[If deemed appropriate, select items from Sections 3-4-4 or 3-4-5 or such other measures as appropriate.]

ENTERED at [time] on [date].

[Signed]

_____ Manager or Mayor, Athens-Clarke County Unified Government

Sec. 3-4-8. – Enforcement and Remedies

(a) Law Enforcement. In accordance with O.C.G.A. § 38-3-4, the Athens-Clarke County Police Department shall be authorized to enforce the orders, rules, and regulations contained in this ordinance and/or implemented during a declared emergency.

(b) Penalties. Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule, or regulation made effective upon or after the declaration of an emergency shall constitute a violation of the provisions of this ordinance. Any person who violates any provision in this ordinance shall, upon conviction thereof, be punished as set forth in section 1-1-5 of this Code. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

(c) Injunctive Relief. In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the emergency management director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules, and regulations that are contained in the Georgia Emergency Management Act and/or this ordinance, and/or are implemented during a declared emergency.

(d) Enforcement. Except as otherwise provided in this chapter, this ordinance may be enforced by the Athens-Clarke County Police Department, the emergency management director and Athens-Clarke County Code Enforcement Division.

Sec. 3-4-9. -- Authority to Waive Procedures and Fee Structures

(a) County Business. Upon declaration of an emergency or disaster by the Governor or manager or the Mayor and Commission, the affairs and business of the county may be conducted at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient, or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the mayor and commission shall be as valid and binding as if performed within the county. Such meetings may be called by the mayor or any two members of the commission without regard to or compliance with time-consuming procedures and formalities for notice of special called meetings otherwise required by law.

(b) Public Works Contracts. Upon declaration of an emergency or disaster by the Governor or manager or the Mayor and Commission, the county may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety, and welfare. Any public works contract entered into pursuant to this

subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e). Contracts entered into pursuant to this subsection for the physical performance of services as defined in O.C.G.A. § 13-10-90 shall also require the submission of an E-Verify Contractor Affidavit.

(c) Purchasing. Upon declaration of an emergency or disaster by the Governor or manager or the Mayor and Commission, the purchasing ordinances, regulations, or policies may be suspended by the manager. County officials shall continue to seek to obtain the best prices during the state of local emergency.

(d) Code Enforcement. Upon declaration of a state of emergency or disaster by the Governor or the manager or the Mayor and Commission, the manager may temporarily suspend the enforcement of the ordinances of the county, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety, and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

(e) Fees. Upon declaration of a state of emergency or disaster by the Governor or the manager or the Mayor and Commission, the manager may temporarily reduce or suspend any permit fees, application fees, or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" includes fees or rates charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits, and other fees relating to the reconstruction, repair, and clean-up of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the county on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation.

(f) Temporary Dwellings. Upon the declaration of a state of emergency or disaster by the Governor or manager or the Mayor and Commission, the manager or designees may issue temporary permits for mobile homes, trailers, recreational vehicles, or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by the zoning code of Athens-Clarke County, while the primary dwelling is being repaired, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the Athens-Clarke County Planning and Building Inspections departments. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the mayor and commission or its designee, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

Sec. 3-4-10. -- Registration of Building and Repair Services

(a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating, or making improvements to any real property, including dwellings, homes, buildings, structures, or fixtures within an area of the county designated in a declared emergency or disaster, any person, firm, partnership, corporation, or other entity, except for out-of-state utility businesses and employees which are exempted as provided for in O.C.G.A. § 48-2-100(d)(1) and (2), must register with the Athens-Clarke County Building Inspections Department and secure a building permit that is posted at the work site. Each day any such entity does business in the county without complying with this ordinance constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$50.00 per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c) When registering, any person, partnership, corporation, or other entity making application must, under oath, complete an application providing the following information:

1. Name of applicant;
2. Permanent address and phone number of applicant;
3. Applicant's Social Security number or federal employer identification number;
4. If applicant is a corporation, the state and date of incorporation;
5. Tag registration information for each vehicle to be used in the business;
6. List of cities and/or counties where the applicant has conducted business within the past 12 months;

7. Georgia sales tax number or authorization;
8. Georgia business license number, if required;
9. Copy of license from the Secretary of State, if required;
10. A signed and sworn affidavit verifying the applicant's legal presence in the United States if required by O.C.G.A. § 50-36-1;
11. At least one secure and verifiable document as defined in O.C.G.A. § 50-36-2, if required by O.C.G.A. § 50-36-1;
12. A signed and sworn affidavit, or statement or number as applicable, verifying the business's utilization of or exemption from the federal work authorization program as provided for in O.C.G.A. § 36-60-6.

(d) Effective Date. This section shall become effective only upon a declaration of emergency by the Governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

Sec. 3-4-11. – Social Distancing and Closed or Restricted Areas during Emergency.

(a) To preserve, protect, or sustain the life, health, welfare, or safety of persons or their property within a designated area under a declaration of emergency, the Mayor and Commission shall have the discretion to implement social distancing measures, which may include but not limited to, a curfew, shelter in place, and prohibitions or limitations on the number of persons allowed to gather and/or congregate in a public or private place. It shall be unlawful for any person to act in violation of the terms of any emergency declaration implementing social distancing measures until the emergency declaration is lifted. (b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Mayor and Commission shall have discretion to impose re-entry restrictions on certain areas. The Mayor and Commission shall exercise such discretion in accordance with the county emergency operations plan, which shall be followed during emergencies. It shall be unlawful for any person to act in violation of the terms of any re-entry restrictions until the emergency declaration is lifted.

(d) Notwithstanding exceptions that may be set forth in an Emergency Declaration, the provisions of this section shall not apply to persons acting in the following capacities:

1. Authorized and essential law enforcement personnel;
2. Authorized and essential health care providers engaged in Healthcare Operations which include hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
3. Authorized and essential personnel of Athens-Clarke County;
4. Authorized National Guard or federal military personnel;
5. Authorized and essential firefighters;
6. Authorized and essential emergency response personnel;
7. Authorized and essential personnel or volunteers working with or through the county office of emergency management agency;
8. Authorized and essential utility repair crews;
9. Citizens seeking to restore order to their homes or businesses while on their own property or place of business;
10. Other authorized and essential persons as designated on a list compiled by the office of emergency management and the manager.

(e) Enforceability. This section shall be enforced by officers of the law enforcement agencies approved to provide aid and assistance during the emergency, including, but not limited to the Athens-Clarke County Police Department. Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

(f) Effective Date. This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

Sec. 3-4-12. -- Regulations Continued in Effect

All ordinances, resolutions, motions, and orders pertaining to civil defense, emergency management, and disaster relief that are not in conflict with this chapter are continued in full force and effect. Such ordinances, etc., are on file with the Clerk of Commission.”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to adopt the following ordinance (#20-03-13) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE FOR THE SECOND DELARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease (“COVID-19”); and

WHEREAS, the Centers for Disease Control and Prevention, (the “CDC”) indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations around the world, including in the United States; and

WHEREAS, as reported by the World Health Organization (“WHO”), the world has experienced a deep humanitarian crisis with more than 164,000 cases and more than 6,000 deaths due to COVID-19; and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS, on March 13, 2020, President Donald Trump has declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a public health Emergency due to COVID-19; and

WHEREAS, on March 16, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia adopted an Ordinance for the Declaration of Local State of Emergency related to COVID-19;

WHEREAS, as reported by the CDC effective as of March 17, 2020, Georgia now has 197 confirmed cases of COVID-19 and one (1) COVID-19 related death; and

WHEREAS, the CDC has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of the illness in the community; and

WHEREAS, on March 16, 2020, President Donald Trump issued his Coronavirus Guidelines for America which instructs people to listen to their local authorities and to avoid social gatherings of more than (10) people; and

WHEREAS, cities, states, and counties, including but not limited to, the Alameda County, California, the City of Los Angeles, California, the City of Seattle, Washington, and the states of New York, New Jersey and Connecticut have imposed temporary restrictions related to public and private gatherings to stop large numbers of people from gathering and staying in close proximity during the COVID-19 pandemic; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, local emergency hospital personnel have reported to the Mayor and Commission that they are treating patients with symptoms consistent with COVID-19 and that there is shortage of

personal protective equipment which places the health, safety, and welfare of emergency medical personnel at risk and the general public;

WHEREAS, medical professionals have advised that if COVID-19 spreads in Athens-Clarke County and the rest of Georgia, at a rate comparable to the rate of spread in other affected areas, it may greatly strain the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, as of the date of this Ordinance, there exist emergency circumstances as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities; and

WHEREAS, to prevent or minimize injury to people resulting from this pandemic, the Mayor and Commission finds that certain actions are required, including but not limited to, the social distancing measures set forth herein;

WHEREAS, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-28, the Mayor and Commission are authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-51, the Governor's declared public health emergency authorizes the Mayor and Commission to use emergencies powers in O.C.G.A. Sections 38-3-1 through 38-3-64; and

WHEREAS, pursuant to O.C.G.A. Sec. 38-3-6, during an emergency, O.C.G.A. Sections 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes;

NOW, THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia hereby ordains that it is hereby declared that a local state of emergency exists within the territorial limits of the Unified Government of Athens-Clarke, County, Georgia, and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

Article 1. That the Athens-Clarke County Office of Emergency Management activates the Emergency Operations Plan;

Article 2. That the following sections of the Athens-Clarke County Code be implemented:

- a. Section 3-4-5 Additional Emergency Powers
- b. Section 3-4-9. Authority to Waive Procedures and Fee Structures
- c. Section 3-4-11. Social Distancing and Closed or Restricted Areas during Emergency as Ordered below:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of

residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

2. All individuals currently living within the territorial limits of the Unified Government of Athens-Clarke County, Georgia (the "County") shall shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including, but not limited to, when any customers are standing in line.

4. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Order prohibits the gathering of members of a household or living unit.

5. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the State of Georgia, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

7. This Order also is issued in light of the existence of 5 confirmed cases of COVID-19 in the County, as of 12:00 noon on Wednesday, March 18, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Mayor and Commission will re-evaluate it as further data becomes available. The Mayor and Commission also make the findings discussed in the "Whereas" paragraphs part of the factual findings of the Mayor and Commission.

8. This Order is issued in accordance with, and incorporates by reference, the March 16, 2020, Proclamation of a State of Emergency issued by Governor Brian Kemp.

9. This Order comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID19. The Mayor and Commission will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.

10. Definitions and Exemptions.

a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.

iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

v. To care for a family member or pet in another household.

b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.

c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. For the purposes of this Order, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. For the purposes of this Order, “Essential Businesses” means:

i. Healthcare Operations and Essential Infrastructure;

ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential

operation of residences;

iii. Food cultivation, including farming, livestock, and fishing;

iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

v. Newspapers, television, radio, and other media services;

vi. Gas stations and auto-supply, auto-repair, and related facilities;

vii. Banks and related financial institutions;

viii. Hardware stores;

ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

x. Businesses providing mailing and shipping services, including post office boxes;

xi. Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible ;

xii. Laundromats, drycleaners, and laundry service providers;

xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xiv. Businesses that supply products needed for people to work from home;

xv. Businesses or manufacturers that supply other essential businesses with the support or supplies necessary to operate;

xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;

xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xviii. Home-based care for seniors, adults, or children;

xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;

xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities;

xxi. Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).

2. Children shall not change from one group to another.

3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.

4. Childcare providers shall remain solely with one group of children. g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

xxii. All businesses which possesses a Class A, retail liquor package license; Class B, retail beer package license; or a Class C, retail wine package license shall be authorized, but only via drive-thru or in parking lots or at curb.

g. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations.

i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.

ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

h. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.

i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.

ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

iv. Travel to return to a place of residence from outside the jurisdiction.

v. Travel required by law enforcement or court order.

vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.

j. For purposes of this Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

11. Enforcement and Remedies.

a. Individuals: In recognition that the Unified Government does not have the personnel or resources to monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within the territorial limits of the Unified Government of Athens-Clarke County, Georgia, the Athens-Clarke County Police Department and other departments of the Unified Government of Athens-Clarke County, Georgia as deemed necessary by the manager under this Declaration are authorized to support compliance with this Order through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.

b. Covered Businesses: Any violations of this Order by covered businesses shall be considered ordinance violations subject to the general penalty provisions outlined in Section 1-1-5 of the Official Code of Athens-Clarke County.

c. Individuals Experiencing Homelessness: The Mayor and Commission direct the manager to engage with service providers to ensure that there is ample capacity to provide shelter to all homeless individuals in the territorial limits of the Unified Government of Athens-Clarke County, Georgia while utilizing Social Distancing Requirements, and empower the manager to utilize the facilities and resources of the Unified Government to accomplish this directive.

12. The Mayor and Commission hereby direct the manager of the Unified Government of Athens-Clarke County, Georgia to return to the Mayor and Commission by no later than Friday, March 27, 2020, a report setting forth fiscal support recommendations for residents, including modifications to the Unified Government's fines, fees, and charges.

13. Prosperity Package Funding:

a. The Mayor and Commission of the Unified Government of Athens-Clarke County orders the Manager of the Unified Government of Athens-Clarke County to allocate up to three million dollars (\$3,000,000.00) in funds by transferring funds reserved for the "Prosperity Package" and any resources that may be necessary for the purpose of providing emergency assistance to those affected by the COVID-19 Pandemic; the total funds may be utilized as follows: to assist county partners with providing emergency assistance to residents of Athens-Clarke County who are employees and hourly wage earners of businesses operating within the boundaries of Athens-Clarke County whose incomes are adversely impacted, to support small business continuity, and to provide assistance to non-profit community partners who are providing essential services with the response to the COVID-19 pandemic, though the total funds may be transferred to assist with any of these efforts without specific limitations;

b. The Unified Government of Athens-Clarke County, Georgia shall seek reimbursement from the State of Georgia and from Federal Emergency funds for all eligible expenditures.

c. The Unified Government of Athens-Clarke County, Georgia shall pursue further ways within the FY2021 Budget to give relief to Athens residents during the COVIN-19 pandemic.

14. To the extent reasonably possible, the Athens-Clarke County Unified Government hereby directs the Manager to immediately deploy temporary hand-washing stations county-wide to arrest the spread of the Coronavirus.

15. This Order shall become effective at 12:01 a.m. on March 20, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Commission.

16. Copies of this Order shall promptly be: (1) made available at City Hall for the Unified Government of Athens-Clarke County, Georgia; (2) posted on the Unified Government's website; and (3) provided to any member of the public requesting a copy of this Order.

17. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

Article 3. Severability

1. It is hereby declared to be the intention of the Mayor and Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and Commission to be fully valid, enforceable, and constitutional.

2. It is hereby declared to be the intention of the Mayor and Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Article 4. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside. The Ordinance adopted on March 16, 2020, by the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia for the Declaration of Local State of Emergency related to COVID-19 is hereby repealed.

Article 5. This Ordinance shall become effective following approval by the Mayor and Commission at 12:01 a.m. on March 20, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Commission.

A motion was made by Commissioner NeSmith, seconded by Commissioner Thornton, to enter into executive session for an attorney/client conference to discuss threatened or pending litigation. The motion passed by unanimous vote.

The meeting adjourned at 8:45 p.m.

Clerk of Commission