

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, April 14, 2020
5:45 p.m.
City Hall/WebEx

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. No one was absent.

Due to the COVID-19 pandemic, the meeting was remote. It could be viewed live at www.accgov.com/videos, on YouTube at www.youtube.com/accgov, on Facebook at www.facebook.com/accgov, and on ACTV Cable Channel 180 or the live ACTV stream at www.accgov.com/actvlive

The purpose of the meeting was to consider Athens-Clarke County COVID-19 Community Relief; ratification of a local emergency order reference growlers; and any other item in proper order.

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Parker, seconded by Commissioner NeSmith, to

- a) Approve the proposed COVID-19 Community Relief for indigent care services as shown in Attachment #1 of agenda report dated April 13, 2020;
- b) Adopt an ordinance amending the Fiscal Year 2020 Annual Budget for these purposes as stated in Attachment #2;
- c) Authorize the Mayor and ACCGov staff to execute all related contracts and documents; and
- d) Change agenda history item 9.d. as follows:

From: "ordered the Manager to allocate up to three million dollars in funds by transferring funds reserved for the "Prosperity Package"

To: "ordered the Manager to allocate at least three million dollars in funds by transferring funds reserved for the "Prosperity Package"

The motion passed by unanimous vote and the following ordinance (#20-04-20) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE FISCAL YEAR 2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO FUNDING FOR SERVICES TO INDIGENT PERSONS; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission hereby allocates funds, as described further herein, to provide for certain services to the indigent population in our community. It is the intention of the Commission that these funds shall be used to contract for services with certain entities or organizations that have the means, experience, and ability to provide such services to the indigent population within Athens-Clarke County. In support of this ordinance, the Commission finds as follows:

1. The United States and the State of Georgia are currently in the midst of the COVID-19 pandemic, which is unprecedented in modern times. As of April 9, 2020, the United States has 427,460 confirmed cases of COVID-19, with 14,696 of

those cases (3.43%) resulting in the death of infected persons.¹ As of April 9, 2020, the State of Georgia has more than 10,000 confirmed cases of COVID-19, with 412 of those cases (3.79%) resulting in the death of infected persons.² As of the same date, Athens-Clarke County has eighty-two (82) confirmed cases, with ten (10) of those cases resulting in the death of infected persons.³

2. On March 14, 2020, the Governor of the State of Georgia issued an executive order declaring a public health emergency in the state due to COVID-19.
3. On March 16, 2020, the Commission declared a local state of emergency in response to the COVID-19 pandemic.
4. On March 19, 2020, the Commission revised its declaration of a local state of emergency.
5. On April 2, 2020, the Governor of the State of Georgia issued an executive order requiring all persons to shelter-in-place (“State Shelter-in-Place Order”), except in certain, limited circumstances. Said order was set to expire at 11:59 p.m. on April 13, 2020.
6. On April 8, 2020, the Governor of the State of Georgia issued an executive order extending the State Shelter-in-Place Order to 11:59 p.m. on April 30, 2020.
7. The Federal Reserve Bank of St. Louis currently estimates that the COVID-19 pandemic will significantly and negatively impact the American economy.⁴ According to news sources, approximately 16.8 million people have filed initial claims for unemployment in the past three (3) weeks.⁵ In the State of Georgia, 534,135 people have filed initial claims for unemployment in the past three weeks.⁶ During the second fiscal quarter of 2020, the unemployment rate is expected to increase from 3.5 percent as of February, 2020 “to anywhere between 6 percent and 13 percent.”⁷ Research from J.P. Morgan, a large financial conglomerate, currently anticipates “a historic decline in output in the second quarter [of 2020],” with gross domestic product expected to decline by somewhere between 10% and 25%.⁸
8. A report from McKinsey & Company estimates that those persons who are most vulnerable to the economic contraction are those whose wages are less than \$40,000 per year.⁹

¹ Centers for Disease Control and Prevention, *Cases in the U.S.*, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last accessed Apr. 10, 2020).

² Georgia Department of Public Health, *COVID-19 Daily Status Report*, <https://dph.georgia.gov/covid-19-daily-status-report> (last accessed Apr. 10, 2020).

³ *Id.*

⁴ See Fernando M. Martin, Ph.D., Research Officer, Federal Reserve Bank of St. Louis, *Economic Realities and Consequences of the COVID-19 Pandemic—PART II: The Economy and Fiscal Policy* at 1 (Mar. 30, 2020) (available at <https://doi.org/10.20955/es.2020.11>).

⁵ National Public Radio, *Jobs Carnage Mounts*, <https://www.npr.org/sections/coronavirus-live-updates/2020/04/09/830216099/6-6-million-more-file-for-unemployment-as-coronavirus-keeps-economy-shut> (last accessed Apr. 10, 2020).

⁶ *Id.*

⁷ Martin, *Economic Realities* at 1.

⁸ J.P. Morgan Global Research, *Fallout from COVID-19: Global Recession, Zero Interest Rates and Emergency Policy Actions*, <https://www.jpmorgan.com/global/research/fallout-from-covid19> (last accessed Apr. 10, 2020).

⁹ Susan Lund, et al., McKinsey & Co., *Lives and livelihoods: Assessing the near-term impact of COVID-19 on US workers*, <https://www.mckinsey.com/industries/public-sector/our-insights/lives-and-livelihoods-assessing-the-near-term-impact-of-covid-19-on-us-workers> (last accessed Apr. 10, 2020).

9. Due to this unprecedented pandemic and the associated economic contraction, the homeless population in Athens-Clarke County is experiencing even more hardship than usual. The Housing and Community Development Department (“HCD”) of the Unified Government of Athens-Clarke County, Georgia (“Unified Government”), has conducted a needs assessment, and per a report issued by HCD Director Hayley Banerjee, dated April 7, 2020, there are several specific needs that the Unified Government wishes to address. Said report is incorporated herein by reference.
10. Per Title 48 of the Official Code of Georgia Annotated, the Unified Government is authorized to collect taxes for several purposes, one of which is “[t]o support indigent individuals.”¹⁰
11. Per Title 36, Chapter 12 of the Official Code of Georgia Annotated,¹¹ the Unified Government is vested with “[t]he general supervision” of indigent persons.¹²
12. Per the Charter of the Unified Government of Athens-Clarke County, Georgia, the Unified Government has the power “[t]o exercise the police power for the public safety and well-being of [its] citizens” and to combat emergencies.¹³
13. Federal guidelines, specifically, guidelines from the United States Department of Housing and Urban Development, are a reasonable means to determine indigency for the purposes of this ordinance.
14. Therefore, based upon the foregoing, the Commission finds that due to a public health emergency and burgeoning economic crisis currently engulfing the nation, the State of Georgia, and Athens-Clarke County, certain services are necessary and appropriate to provide for the care and support of indigent individuals within Athens-Clarke County. The Commission intends these services to help protect against the spread of COVID-19, as well as to provide some assistance to those persons least able to protect themselves during a period of health care and economic calamity.

SECTION 2. The Commission of Athens-Clarke County, Georgia, desires to amend the General Fund Operating Budget to provide funding for services to indigent persons. Said Operating and Capital budget is hereby amended as follows:

General Fund:

Expenditures:

Decrease: Other General Administration - Prosperity Package	(\$150,000)
Increase: Other General Administration - COVID-19 Relief Package	\$150,000

SECTION 3. The Manager of the Unified Government shall have the authority to award contracts for providing indigent services as described herein. The Manager may award contracts to those entities or organizations who have been pre-qualified by HCD as having the means, experience, and ability to provide indigent services. Furthermore, the Manager shall have the authority, through the Purchasing Division, to solicit requisitions or requests for proposals from entities or organizations that desire to receive funds to provide indigent services, and the Manager shall also have the authority to award contracts based upon such requisitions or requests for proposals.

¹⁰ O.C.G.A. § 48-5-220(9).

¹¹ O.C.G.A. §§ 36-12-1 through 36-12-5.

¹² O.C.G.A. § 36-12-1.

¹³ 1990 Ga. Laws. 3561, 3618-3621, § 8-114(15), (36).

SECTION 4. For the purposes of this ordinance, indigency shall be defined using federal guidelines. Specifically, a household may be considered indigent for the purposes of this ordinance if the household earns fifty percent (50%) or less of the Area Median Income for the Athens-Clarke County, Georgia Metropolitan Statistical Area as determined by the United States Department of Housing and Urban Development.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Link, seconded by Commissioner Denson, to adopt the following Local Emergency Order. The motion passed by unanimous vote.

LOCAL EMERGENCY ORDER

WHEREAS, beginning in late 2019, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged causing a novel coronavirus disease, COVID-19, which has now become a worldwide pandemic; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020; and

WHEREAS, on March 19, 2020, pursuant to their authority under the Athens-Clarke County Emergency Management Ordinance, the Athens-Clarke County Mayor and Commission adopted a Second Declaration of Local Emergency activating certain emergency powers in order to allow Athens-Clarke County to quickly respond to the COVID-19 pandemic;

WHEREAS, the COVID-19 pandemic has resulted in disruptions to resident and community affairs as well as changes to how governmental services are provided; and

WHEREAS, Athens-Clarke County's businesses, including thousands of small businesses, have also been impacted by the COVID-19 pandemic through business closures and reduction of hours; and

WHEREAS, the temporary suspension of certain provisions of the Alcoholic Beverages Ordinance will assist local businesses in responding to and coping with COVID-19 Emergency; and

WHEREAS, the Mayor and Commission of Athens-Clarke County believe it is in the best interest of Athens-Clarke County, its residents, and its businesses to temporarily suspend the enforcement of certain provisions of the Alcoholic Beverage Ordinances in order to assist local business and residents coping with the COVID-19 Emergency;

IT IS HEREBY ORDERED, that any provisions of the Alcoholic Beverages Ordinance prohibiting an establishment licensed to sell beer and or wine on premises from selling unopened bottles, cans or growlers of beer and wine for take-out consumption off premises shall be temporarily suspended for the duration of the COVID-19 Local Emergency. It is the intent of this order that any establishment licensed to sell beer and/or wine shall be authorized to sell unopened bottles and cans and sealed growlers of such beverages for take-out consumption off premises through the duration of the declared State Public Health Emergency, including any extension thereof. All other provisions of the Alcoholic Beverages Ordinance not in conflict with this order shall remain in full force and effect.

The meeting adjourned at 6:20 p.m.

Clerk of Commission