

RESOLUTION BR-2020-16

RESOLUTION FOR FURTHER PROVISIONS RELATED TO THE DECLARATION OF EMERGENCY DUE TO COVID-19

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

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 pandemic a national emergency; and

WHEREAS, on March 14, 2020, the Governor of the State of Georgia declared that a Public Health State of Emergency exists in the State of Georgia due to the public health emergency from the spread of COVID-19; and

WHEREAS, on March 16, 2020, the President of the United States in conjunction with the CDC issued Coronavirus Guidelines for America – 15 Days to Slow the Spread; and

WHEREAS, these guidelines contain recommendations on how to protect oneself from the COVID-19 pandemic, including recommendations such as avoiding social gatherings in groups of more than ten people for fifteen days; and

WHEREAS, those guidelines also include a recommendation that communities with evidence of community transmission consider closing restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spread of COVID-19 in the community; and

WHEREAS, on March 23, 2020, the Governor of the State of Georgia issued Executive Order 03.23.20.01, which requires the State Department of Public Health to order that certain higher risk populations shall isolate, quarantine, or shelter in place for fourteen days; and

WHEREAS, Executive Order No. 03.23.20.01 further orders that no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any other person; and

WHEREAS, cases of COVID-19 have occurred in Hall County, and, according to the State Department of Public Health, the number of diagnosed cases in Hall County has risen significantly in recent days; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

WHEREAS, if COVID-19 continues to spread in Hall County, it may greatly strain the resources and capabilities of county government, municipal governments, and local public health agencies that provide essential services, including services for containing and mitigating the spread of COVID-19; and

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WHEREAS, the Northeast Georgia Health System (“NGHS”) has informed elected officials and staff within the City of Gainesville (“City”) that the number of diagnosed cases would be greater if not for a shortage of test kits and delayed test results due to labs being overwhelmed; and

WHEREAS, medical staff and officials with NGHS have informed the City that continued exponential growth of new cases will quickly overwhelm hospitals and healthcare resources in our region, state, and nation; and

WHEREAS, medical staff and officials with NGHS have strongly urged the City to adopt more stringent measures designed to cause more City residents to stay at home to limit the spread of COVID-19; and

WHEREAS, the COVID-19 pandemic has the potential to result in significant loss of life and has the potential to result in a major disruption of community affairs, business services, and governmental operations; and

WHEREAS, the governing body of the City has encouraged adherence to guidelines established by the Centers for Disease Control and Prevention related to COVID-19; and

WHEREAS, one of the purposes of the Georgia Emergency Management Act of 1981 is to confer upon the Governor and the executive heads of the governing bodies of the political subdivisions of the State emergency powers; and

WHEREAS, pursuant to O.C.G.A. § 38-3-28, the City is 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. § 38-3-6, during an emergency, O.C.G.A. §§ 38-3-1 through 38-3-64 are to be liberally construed to effectuate their purposes; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members;” and

WHEREAS, the Mayor and City Council of the City of Gainesville have previously declared, in Resolution 2020-14, that an emergency exists within the municipal boundaries of the City due to the outbreak of Coronavirus disease having become a worldwide pandemic, and such emergency continues to exist; and

WHEREAS, although citizens of the City have acted to reduce the spread of COVID-19, the governing body of the City finds that additional measures are needed to reduce further spread of COVID-19;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City as follows:

Section 1: The governing body hereby continues to encourage citizens and businesses in the City to adhere to directives of the State and federal governments and the guidelines established by the Centers for Disease Control and Prevention related to COVID-19. The governing body of the City encourages citizens and businesses in the City to work together to minimize the impact of the COVID-19 virus. This action is in the best interest of all City citizens and the

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healthcare providers that attend to the needs of City citizens. The governing body urges all citizens to comply with the provisions of this Resolution to limit the spread of the COVID-19 virus and to avoid the possibility of more restrictions and possible consequences in the future.

Section 2: Pursuant to Sections 3-1-2(a)(4) and 3-1-24(6) of the Code, the Mayor and City Council hereby find that the following provisions are imminently necessary for the protection of life and hereby order that the following provisions shall govern beginning on the 2nd day of April, 2020, at 12:00 a.m., for so long as the state of emergency due to COVID-19 shall exist in the City:

2.1 Any person showing symptoms recognized by the CDC as indicators of COVID-19 shall refrain from entering public buildings, restaurants, shops, and all other areas where the public is located. Such person should seek such medical attention as directed by his or her healthcare provider and refrain from any contact with the public until given clearance by a healthcare provider to return to public interaction.

2.2 All businesses and employers are encouraged to provide employees with the means and equipment to perform their job functions remotely.

2.3 All individuals currently living within the territorial limits of the City are directed to stay at their place of residence unless otherwise allowed herein. 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 place of residence only for Essential Activities, for Essential Travel, or to operate Essential Businesses, all as set forth herein.

2.4 All businesses with a facility in the City, except Essential Businesses as defined below, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined herein. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own place of residence. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined below and as set forth in the Governor's Executive Order 03.23.20.01. Door to door sales by Essential Businesses are strongly discouraged.

2.5 For purposes of this Resolution, individuals not under a Department of Public Health Order to isolate, quarantine, or shelter in place, may leave their place of residence to perform any of the following Essential Activities:

- a) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family, household members, 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 healthcare professional, or obtaining supplies they need to work from home.
- b) To obtain necessary services or supplies from Essential Businesses or access Essential Governmental Services 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, goods, pet supplies, and

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other household consumer products and products necessary to maintain the safety, sanitation, and essential operation of residences.

- c) To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined herein, such as, by way of example and without limitation, walking, hiking, running, or bicycling.
- d) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Resolution, including Minimum Basic Operations.

2.6 For purposes of this Resolution, individuals may leave their place of 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 include veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any negative impact to the delivery of healthcare, broadly defined. Healthcare Operations do not include gyms, studios, fitness centers, and sports clubs offering use of exercise equipment, exercise spaces, and/or close contact sports, which such businesses shall discontinue business until the termination of the provisions of this Resolution, as previously set forth in Resolution BR-2020-14.

2.7 For purposes of this Resolution, individuals may leave their place of 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, private construction and all related activities, airport operations, water, sewer, gas, electrical, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems, provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined herein, to the extent possible.

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

2.9 "Essential Businesses" are defined as the following:

- a) Healthcare Operations.
- b) Essential Infrastructure.
- c) Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of food and any other household consumer products, such as cleaning and personal care products. This includes stores that sell groceries and also sell other non-grocery products necessary to maintaining the safety, sanitation, and essential operation of residences.
- d) Food cultivation, including farming, livestock, and fishing.

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- e) Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- f) News media.
- g) Gas stations, auto repair, auto supply, and related businesses.
- h) Banks and financial institutions.
- i) Hardware stores.
- j) Lodging businesses.
- k) Plumbers, electricians, exterminators, and other service providers that provide services necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses.
- l) Businesses providing mailing and shipping services.
- m) Educational institutions for purposes of facilitating distance learning.
- n) Laundromats, dry cleaners, and laundry service providers.
- o) As set forth in Resolution BR-2020-14, bars, restaurants, and businesses which sell food or beverages for consumption on premises shall be closed to in-person dining and patio dining, as well as in-person consumption of alcohol, until the termination of the provisions of this Resolution. These requirements shall not apply to any retail establishment selling groceries, so long as any such retail establishment has discontinued and closed all areas designated for the consumption of food and/or alcohol on the premises. Bars, restaurants, and other businesses which sell food may offer food for takeout, such that customers may consume such food other than on the premises of the business selling the food. In the event that customers choose to purchase food, beverages, and/or alcohol for takeout, such customers, including any minor children in the company of such customers, shall spend no more time in such businesses than is necessary to pay for and obtain any purchased food, beverages, and/or alcohol. While on the premises of any such business, all customers shall work to maintain, as much as possible given the physical constraints of the business premises, at least six (6) feet of personal distance from other customers, minor children, and employees of such businesses. Businesses affected by closures shall establish systems to ensure that all on-premises consumption of food and/or alcohol is prohibited, and all such businesses shall work to ensure that customers, employees, and vendors of such businesses, as much as possible given the physical constraints of the business premises, maintain at least six (6) feet of personal distance between such persons. Cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to the restrictions contained in this Resolution and may continue normal operations, controlled by the rules and regulations applied thereto by the State of Georgia.

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- p) Businesses that supply products needed for people to work from home.
- q) Businesses that supply other Essential Businesses with the support or supplies necessary to operate.
- r) Businesses that ship or deliver groceries, food, goods, or services directly to residences.
- s) Businesses providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Resolution.
- t) Home-based care for seniors, adults, or children.
- u) Residential facilities and shelters for seniors, adults, or children.
- v) Professional services related to engineering, architectural, legal or accounting services.
- w) Unless otherwise preempted by state law or executive order of the Governor, childcare facilities providing services that enable employees exempted in this Resolution to work as permitted, provided that such businesses maintain Social Distancing Requirements to the greatest extent feasible.
- x) Local, state, and federal governmental entities, as well as any businesses providing services, goods, materials or other items to any such governmental entity.
- y) Businesses engaged in the sale of firearms, ammunition, tools, and other defensive and safety supplies.
- z) Bonding companies.
- aa) Businesses which possess a license for the sale of beer, wine, or liquor.
- bb) Janitorial businesses.
- cc) Funeral homes, crematories, and cemeteries.
- dd) Warehouse/distribution and fulfillment.
- ee) Storage for Essential Businesses.
- ff) Animal shelters/rescues or animal veterinary care.
- gg) Logistical and tech support.
- hh) Businesses that maintain the exterior of facilities or grounds where Social Distancing Requirements can be followed.

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- ii) Churches and other religious organizations may utilize such persons and employees as necessary to deliver services via the internet, so long as Social Distancing Requirements are followed to the greatest extent feasible. Churches and other religious organizations may also conduct services which persons attend while remaining in their motor vehicles, so long as Social Distancing Requirements are followed.
- jj) Businesses deemed essential by the Cybersecurity and Infrastructure Security Agency of the U.S. Department of Homeland Security.
- kk) Businesses deemed essential by the Georgia Emergency Management and Homeland Security Agency pursuant to O.C.G.A. § 38-3-58.
- ll) Any service or business that is deemed by the City Manager to be essential for the protection of public health, safety and welfare.

2.10 For the purposes of this Resolution, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements to the extent possible, while carrying out such Minimum Basic Operations:

- a) The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions.
- b) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their place of residence.

2.11 For the purposes of this Resolution, "Essential Travel" includes travel for any of the following purposes. Individuals engaged in Essential Travel must comply with all Social Distancing Requirements to the extent possible:

- a) Any travel related to the provision or access to Essential Activities, Essential Businesses, or Minimum Basic Operations.
- b) Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d) Travel to return to a place of residence from outside the City.
- e) Travel required by law enforcement or court order.
- f) Travel required for non-residents to return to their place of residence outside the City.

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

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2.13 For purposes of this Resolution, "Social Distancing Requirements" include 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, if soap and water is not available, using an alcohol-based hand sanitizer containing at least 60% alcohol, covering coughs and sneezes (into the sleeve or elbow, not into the hands), regularly cleaning high-touch surfaces, and not shaking hands.

2.14 In recognition that the City does not have the personnel or resources to monitor and police distancing, gathering limitations, or stay in place of residence requirements for all individuals currently living within the City, the Gainesville Police Department and other departments of the City as deemed necessary by the City Manager under this Resolution are authorized to support compliance with this Resolution through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.

2.15 If any provision of this Resolution or the application thereof to any person or circumstance is held to be invalid, the remainder of this Resolution, 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 Resolution are severable.

2.16 Any person violating or failing to comply with any provision of this Resolution shall be punished in accordance with Section 1-1-7 of the Code.

BE IT FURTHER RESOLVED THAT the governing body of the City hereby authorizes the Mayor, the City Manager and City Attorney to execute all such documents and agreements that may be necessary to effectuate the terms of this Resolution.

This Resolution shall be effective upon adoption and shall be effective until such time as this Resolution is rescinded by the governing body of the City.

Adopted this _____ day of _____, 2020.

C. Danny Dunagan, Jr., Mayor

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

ATTEST:

Denise O. Jordan, City Clerk