

## **EMERGENCY DECLARATION AND ORDINANCE**

### **A DECLARATION OF A STATE OF EMERGENCY ARISING BECAUSE OF COVID-19; AN ORDINANCE TAKING IMMEDIATE EMERGENCY MEASURES**

**WHEREAS**, the President of the United States declared a National Public Health Emergency on March 13, 2020; and

**WHEREAS**, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged “local officials to do what’s in the best interests of their communities to keep people safe and stop the spread of coronavirus” on March 19, 2020; and

**WHEREAS**, the World Health Organization has declared Coronavirus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

**WHEREAS**, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

**WHEREAS**, based upon the experience of other local governments in Georgia, a growing number of other cases are likely to occur; and

**WHEREAS**, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should be discontinued or prohibited; and

**WHEREAS**, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19”, and that the Department of Public Health would institute rules and regulations to implement such measures;

**WHEREAS**, on March 23, 2020, Governor Kemp additionally announced measures to “close all bars and nightclubs and ...ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; and

**WHEREAS**, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

**WHEREAS**, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation;

**WHEREAS**, in the judgment of the Miller County Commissioners, there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

**WHEREAS**, it is essential for the governing authority of the Miller County Commissioners to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

**WHEREAS**, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

**WHEREAS**, the United States Supreme Court has previously held that “upon 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

**NOW, THEREFORE, IT IS HEREBY DECLARED** that a local state of emergency exists within the Miller County and shall continue until the conditions requiring this declaration are abated.

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE MILLER COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

**Section 1. Findings of Fact**

For purposes of describing the circumstances which warrant the adoption of an emergency ordinance, the governing authority of the Miller County Board of Commissioners hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

**Section 2. Declaration of Public Health State of Emergency**

The Miller County Board of Commissioners hereby declares a public health state of emergency within Miller County because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for thirty (30) days from the date hereof.

### **Section 3. Public Gatherings on County Property**

For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the Miller County Board of Commissioners. To avoid confusion, the following definitions shall apply under this Section: a “public gathering” shall mean the organized gathering or assembly of Ten (10) or more persons at a specific location; “property owned or controlled by the Miller County Board of Commissioners ” shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise if they are not participating in an organized gathering.

### **Section 4. Classification of County Services**

For the duration of the declared emergency, the Chairman of the Miller County Board of Commissioners shall be vested with the following discretion and authority, to wit:

- (a) To categorize Miller County services as either “required” or “discretionary,” and to periodically review and modify such categories.
- (b) To assign specific employees to required or discretionary services, and to periodically review and modify such assignments.
- (c) To use his or her discretion to permit employees to telework.
- (c) To temporarily suspend the provision of discretionary services and to direct employees who provide discretionary services not to report to work until such time as the service suspension is lifted or until such time as the Chairman redirects the employee to other services.
- (d) To contract for and expend non-budgeted sums and services, as may in his or her discretion be required to meet the demands upon government and services of the Miller County Board of Commissioners for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the Miller County Board of Commissioners. Any such non-budgeted expenditures shall be reported to the governing authority of the Miller County Board of Commissioners.
- (e) To maintain, to the best of the ability of the resources of the County, the provision of essential services, which shall include, but not be limited to, public safety, public works, healthcare, and building permits.

### **Section 5. Tolling of Deadlines**

Any deadlines for the purchasing or obtaining by persons or businesses of occupation tax certificates, permits or similar civil approvals mandated by the Miller County Code shall be tolled for the duration of the emergency as established herein, and for 15 days thereafter. Such persons or businesses shall obtain necessary permissions required by law but deadlines set by the Miller County Code are tolled for the duration of the emergency as established herein, and for 15 days thereafter.

### **Section 6. Eating Establishments**

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services but may continue preparing and offering food to customers via delivery, drive-through or take-out services. Patrons, employees and contractors of the establishments must maintain at least six (6) feet of personal distance between themselves and others. If a restaurant is licensed to sell beer and wine for on-premises consumption, such restaurant, during the effective dates of this ordinance only, shall be authorized to sell unopened bottles or cans of beer or wine for take-out consumption off-premises;

### **Section 7. Closure of Certain Businesses**

Gyms, fitness centers, pools, social clubs, amusement facilities, bowling alleys, pool halls, theaters, massage parlors, nail salons, and any other similar facility, any facility used for an activity that involves prolonged physical proximity of individuals, and any facility used for entertainment, social, grooming, or general health and wellbeing purposes, must close and remain closed for the duration of this emergency.

### **Section 8. Personal Distance**

All other establishments not covered in Section 7 of this Ordinance such as grocery stores, pharmacies, and other businesses which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves and others and shall not allow more than ten (10) people into such establishment at any one time if such social distancing cannot be maintained.

### **Section 9. Gatherings**

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited. Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business certified as “essential” by the Georgia Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as “critical infrastructure” or the provision of medical or health services.

### **Section 10. Emergency Interim Successor to Manager/Administrator**

The governing authority desires to make certain that the chain of authority within Miller County management is clear. If the Miller County Board of Commission Chair is unable to perform his or her duties, then the individual designated by the Commission Chair as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 shall assume the duties of the Commission Chair. Should the emergency interim successor be unable to perform those duties Miller County Emergency Management Director shall assume those duties.

### **Section 11. Curfew**

A curfew is imposed from 9:00 p.m. to 5:00 a.m. effective immediately. Residents, unless “exempt individuals” as defined herein, shall remain in their homes or on their property during the curfew period. Exempt individuals include those individuals engaged in the provision of designated, essential services, such as (1) fire; (2) law enforcement; (3) medical and hospital services, including veterinary services; (4) military services; (5) utility emergency repairs; (6) persons seeking emergency medical services or hospital services and those persons assisting such persons; (7) individuals traveling to and from their jobs with appropriate identification and persons traveling to medical facilities; (8) individuals engaged in the delivery of food, medicine, medical supplies, fuel including, but not limited to, the re-stocking of grocery stores, pharmacies, and convenience stores; (9) news media employees; (10) designated employees or agents of businesses designated by the Georgia Emergency Management Agency as “essential” pursuant to O.C.G.A. § 38-3-58; (11) persons providing necessary care of companion animals in the custody and care of an animal shelter, boarding facility, or kennel and persons walking personal animals; and (12) critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency.

### **Section 13 . Procurement**

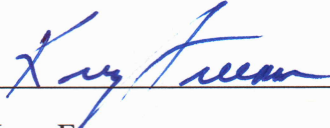
The governing authority hereby suspends the bid and competitive portions of the County’s Procurement Policy or ordinances and authorize the County Commission Chair to utilize the single-source policy and to require departments to provide a written justification for the procurement during the effective dates of this Resolution and/or utilize any emergency procurement provisions contained. County officials shall continue to seek the best prices during the state of emergency.

### **Section 14.**

All ordinances or parts of ordinances in conflict with the provisions of this Declaration are hereby suspended during the effective dates of this Declaration (or any extension thereof) and the terms and provisions of this Declaration shall prevail.

This Ordinance after adoption by the Miller County Board of Commissioners shall become effective immediately.

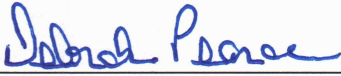
ORDAINED AND RESOLVED, this 25<sup>th</sup> day of March, 2020.

  
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Kreg Freeman  
Chairman, Miller County Board of Commissioners

Attest:

Approved as to form:

  
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Deborah Pearce  
County Clerk

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William H Mills  
County Attorney