

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Emergency Special Called Meeting
Monday, March 16, 2020
5:07 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in an emergency special called meeting pursuant to OCGA 50-14-1(d)(3).

Present: Commissioners Davenport, Parker, Link, Denson, Nesmith, Edwards, Herod, Thornton, and Hamby. Absent: Commissioner Wright. Commissioners Parker and Herod participated via Webex.

The purpose of the meeting was to consider

1. Adoption of an Amendment to Chapter 3-4 of the Code of Ordinances of the Unified Government of Athens-Clarke County with respect to Emergency Management to provide greater clarity as to what powers staff and/or our elected officials of the Unified Government would have in the event of an emergency and for other purposes.
2. Adoption of a Declaration of a Local Emergency to prohibit all public assemblages, events, and gatherings of fifty (50) or more people within the territorial limits of the Unified Government of Athens-Clarke County, Georgia and to adopt a curfew making it unlawful for any person to travel, loiter, wander, or stroll in or upon the public streets, highways, roads, lanes, parks, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any other place during said declared emergency between the hours of 9:00 P.M. until 5:00 A.M. the following day subject to certain exceptions and to provide for other such purposes as may be necessary to preserve, protect, and sustain the life, health, welfare, and safety of the citizens of the Unified Government of Athens-Clarke County, Georgia.
3. Any other item in proper order

Citizen input

Mayor Girtz read into the record online and e-mail comments.

New business – Consider under suspension of Rules

A motion was made by Commissioner NeSmith, seconded by Commissioner Edwards, to adopt the following ordinance (#03-03-10) which was presented by title only. The motion passed by unanimous vote.

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 for Athens-Clarke County. The form of the declaration shall be similar to that provided in section 3-4-6 of this Chapter. 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.
- 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) Continuance. 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 resolution, act to extend a state of emergency 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 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 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 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. Closed or Restricted Areas and Curfews; Prohibition on Gatherings

_____ 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 by the manager, 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. -- Closed or Restricted Areas and Curfews during Emergency; Prohibition on Gatherings.

(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, it shall be unlawful for any person to travel, loiter, wander, or stroll in or upon the public streets, highways, roads, lanes, parks, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any other place during a declared emergency between hours specified by the Mayor and Commission until the curfew 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.

(c) To preserve, protect, or sustain 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 prohibit or limit the number of persons who may gather or congregate for all public assemblages, events, or gatherings during a declared emergency.

(d) 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;
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.

Commissioner Thornton exited the chamber a 6:45 and returned at 6:49 p.m.

A motion was made by Commissioner Parker, seconded by Commissioner Nesmith, in regard to the local state of emergency, to divide the question for prohibitions on gathering and mandatory curfew. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Denson, NeSmith, Edward, Herod, and Hamby voting YES; and Commissioner Thornton voting NO. (8 YES; 1 NO)

A motion was made by Commissioner NeSmith, seconded by Commissioner Thornton, to table this item until March 17.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner Denson, to limit to 10 or less persons in food establishments and public gatherings on Athens-Clarke County owned or public property.

The substitute motion was withdrawn.

A motion was made by Commissioner Hamby, seconded by Commissioner Davenport, to limit to 10 or less persons in food and beverage establishments and public gatherings.

There was a fifteen minute recess.

Following the recess, Commissioner Hamby amended his motion, which was seconded by Commissioner NeSmith, as follows:

Prohibition on Gatherings: Beginning at 5:00 P.M. on Tuesday, March 17, 2020, and concluding at 5:00 A.M. on Tuesday, April 7, 2020, unless otherwise extended, all public assemblages, events, and gatherings within the territorial limits of the Unified Government of Athens-Clarke County, Georgia shall be prohibited of ten (10) or more people, not including employees, in restaurants, bars, and/or entertainment establishments or in facilities owned by the Unified Government of Athens-Clarke County, Georgia or on public property.

The motion as amended passed by roll call vote with Commissioners Parker, Link, Denson, NeSmith, Edwards, Herod, and Hamby voting YES and Commissioners Davenport and Thornton voting NO. (7 YES; 2 NO)

A motion was made by Commissioner Edwards, seconded by Commissioner Herod, to approve a mandatory curfew between the hours of 7:00 P.M. and 5:00 A.M. of the following day.

A substitute motion was made by Commissioner Link, seconded by Commissioner Parker, to approve a voluntary shelter in place as follows:

Voluntary Shelter in Place: Beginning at 9:00 P.M. on Tuesday, March 17, 2020, and concluding at 5:00 A.M. on Tuesday, April 7, 2020, unless otherwise extended, a voluntary shelter in place policy is hereby implemented requesting that individuals not loiter, wander, stroll, or play in any public place within the territorial limits of Athens-Clarke County, provided, however, that the provisions of this section shall not apply in the following instances:

The substitute motion passed by unanimous vote.

A motion was made by Commissioner Denson, seconded by Commissioner NeSmith, to adopt the following ordinance (#20-03-11) which was presented by title only. The motion passed by roll call vote with Commissioners Parker, Link, Denson, NeSmith, Edwards, Herod, Thornton, and Hamby voting YES; and Commissioner Davenport voting NO. (8 YES; 1 NO)

AN ORDINANCE FOR THE 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 internationally, 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, President 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 state of emergency due to COVID-19; and

WHEREAS, as reported by the CDC effective as of March 16, 2020, Georgia now has 121 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, Atlanta, Dallas, Pittsburgh, Washington, New York and California have all banned large public gatherings in public places during the COVID-19 pandemic; and

WHEREAS, New Jersey has recently enacted a statewide curfew to help curb the spread of COVID-19; 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, 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 March 16, 2020, 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 event, certain actions are required, including but not limited to, a curfew and prohibition on gatherings;

NOW, THEREFORE, the 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:

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

Section 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. Closed or Restricted Areas and Curfews; Prohibition on Gatherings in accordance with the following directives:

(i) Voluntary Shelter in Place: Beginning at 9:00 P.M. on Tuesday, March 17, 2020, and concluding at 5:00 A.M. on Tuesday, April 7, 2020, unless otherwise extended, a voluntary shelter in place policy is hereby implemented requesting that individuals not loiter, wander, stroll, or play in any public place within the territorial limits of Athens-Clarke County, provided, however, that the provisions of this section shall not apply in the following instances:

1. When a person is upon an emergency errand;
2. When a person is traveling to, or returning directly home from, lawful employment or otherwise engaged in lawful employment that makes it necessary to be in above referenced places during the proscribed period of time;
3. When a person is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or free exercise of religion;
4. When a person is engaged in interstate and intrastate vehicular travel through Athens-Clarke County, Georgia;
5. When a person is walking or running to or from their residence for recreational or fitness purposes; and
6. When a person is procuring food or medicine or seeking medical care.

(ii) Prohibition on Gatherings: Beginning at 5:00 P.M. on Tuesday, March 17, 2020, and concluding at 5:00 A.M. on Tuesday, April 7, 2020, unless otherwise extended, all public assemblages, events, and gatherings within the territorial limits of the Unified Government of Athens-Clarke County, Georgia shall be prohibited of ten (10) or more people, not including employees, in restaurants, bars, and/or entertainment establishments or in facilities owned by the Unified Government of Athens-Clarke County, Georgia or on public property.

Section 3. Severability

- a. 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.
- b. 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.
- c. 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.

Section 4. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 5. This Ordinance shall become effective immediately upon its adoption.

The meeting adjourned at 8:20 p.m.

Clerk of Commission