**JEFF DAVIS COUNTY BOARD OF COMMISSIONERS**

**EMERGENCY CALLED MEETING**

**APRIL 3, 2020**

**MINUTES**

**Present:** Chairman Ricky Crosby, Vice Chairman Vann Wooten, Commissioner Brad Crews, Attorney Carla Powell, and Administrative Secretary Hannah Day.

Chairman Ricky Crosby called the meeting to order at 3:00 p.m. and stated the purpose of this emergency called meeting was to approve or deny an emergency ordinance based on Governor Kemp’s Shelter-In-Place Order.

Commissioner Brad Crews began with prayer.

County Attorney Carla Powell asked EMA Director Charles Wasdin to discuss the emergency ordinance. Mr. Wasdin stated that the county ordinance mirrored the Governor’s Shelter-In-Place Order. The county’s ordinance would further add a curfew stipulation from 10:00 p.m. to 6:00 a.m.

Commissioner Vann Wooten asked Mr. Wasdin if Jeff Davis had a confirmed positive case of the novel coronavirus, COVID-19. Mr. Wasdin responded that as of the date of this meeting that the county had not. He expressed his belief that it will be a good chance that Jeff Davis would eventually receive positive cases. He further explained the issue with the testing that is currently creating false positive results.

Mr. Wasdin asked the Board if they had any further question about the ordinance. The Board members did not.

**Motion:** Approve the Adoption of an Ordinance Taking Immediate Temporary Emergency Measures Due to the COVID-19 Virus

**Proposed:** Vice Chairman Vann Wooten

**Second:** Commissioner Brad Crews
**Motion Carried**

Ordinance reads as follows:
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**AN ORDINANCE TAKING IMMEDIATE TEMPORARY EMERGENCY MEASURES DUE TO THECOVID-19 VIRUS**

**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 Corona virus 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 were 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 (NTH), 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,** on March 25, 2020, the Jeff Davis County Board of Commissioners held an emergency meeting where they determined 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 County 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,** several surrounding cities and counties have adopted emergency measures designed to help curb the pandemic and it is essential that area governments work together with similar responses in order for such measures to be effective; 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

**WHEREAS,** the Jeff Davis County Board of Commissioners declaredthat a local state of emergency exists within Jeff Davis County and the local state of emergency shall continue until the conditions requiring this declaration are abated; and

**WHEREAS,** on April 2, 2020, Governor Brian Kemp executed an Executive Order to Ensure a Safe & Healthy Georgia;

**THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE JEFF DAVIS 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 County hereby adopts and makes the findings included in the "WHEREAS" clauses as findings of fact.

**Section 2. 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 County. To avoid confusion, the following definitions shall apply under this Section: "public gathering" shall mean a group of people other than members of an immediate family; "immediate family" shall mean a spouse, parent, child, step-children or siblings; "property owned or controlled by the County" shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or immediate families from using sidewalks or designated pedestrian areas of parks for walking or other exercise if they are not participating in a public gathering.

**Section 3. Classification of County Services**

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

 (a) To categorize 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 discretion to permit employees to telework.

 (d) 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 Board of Commissioners redirects the employee to other services.

 (e) To contract for and expend non-budgeted sums and services, as may in its discretion be required to meet the demands upon government and services of the County for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the County.

 (f) 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 4. 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 curb side pick-up services. Customers shall not be allowed into the premises of dining establishments. Take-out services shall mean the business establishment shall take the order and deliver the food at the door to customers. Patrons, employees and contractors of the establishments should strive to 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. This shall not apply to the operation of dine-in services in hospitals, healthcare facilities, nursing homes or other long-term care facilities.

**Section 5. Closure of Certain Businesses**

Gyms, fitness centers, pools, social clubs, amusement facilities, pool halls, theaters, massage parlors, tattoo parlors, bars, nail salons, and any other business 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 6. Personal Distances for Other Businesses**

All other establishments not covered in this Ordinance including but not limited to grocery stores, convenience stores, pharmacies, and other businesses which do not facilitate prolonged physical proximity of individuals may remain open during the emergency, provided such businesses:

1. post signage (identical to or similar in substance and content to Exhibit "A" attached hereto on the entrance door to the business and in any break-room for employees informing all persons to maintain at least six (6) feet of personal distance between themselves and others.
2. certify to the County that its employees have a six (6) foot work space from any other

employee's work space.

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 0.C.G.A. §38-3-58, the provision of medical or health services, or critical infrastructure businesses and employees as designated by the Governor or identified by U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency (as may be found in the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, or subsequent document).

**Section 7 Public and Private Gatherings**

No business, establishment, corporation, non-profit corporation, organization or county government shall allow more than ten (10) people to be gathered at a single location if such gathering requires persons to stand or to be seated within sex (6) feet of any other person. This provision shall not apply to cohabitating persons outside of their homes, family unites or roommates residing together in private homes, or entities defined as “Critical Infrastructure” by the Governor’s Executive Order dated April 2, 2020.

**Section 8. Curfew**

A curfew is imposed from 10:00 p.m. to 6:00 a.m. effective as of the date this Ordinance goes into effect. 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 or their property 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 0.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 (as may be found in the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, or subsequent document).

**Section 9 Shelter in Place**

All residents and visitors are required to shelter in place within their homes or places of residence, meaning remaining in their place of residence and taking every possible precaution to limit social interaction to prevent the spread or infection of COVID-19 to themselves or any other person unless they are: 1) Conducting or participating in Essential Services; 2)Performing necessary travel;3) are engaged in the performance of ,or travel to and from, the performance of minimum basic operations for a business, establishment, corporation, non-profit corporation, or organization not classified as critical infrastructure; or 4)are part of the workforce for critical infrastructure and are actively engaged in the performance or, or travel to and from, their respective employment.

All persons required to shelter in place shall not receive visitors unless they are providing medical, behavioral health, emergency services, medical supplies or medicines, or providing food and supplies for household consumption and use, supplies needed to work from home and products needed to maintain safety, sanitation and essential maintenance of the home. All visitors shall maintain a minimum distance of six (6) feet between themselves and residents of the home.

**Section 10. Essential Services**

Essential services permitted under this Ordinance are limited to: (1) obtaining necessary supplies and services for family or household members, such as food and supplies for household consumption and use, medical supplies or medication, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence. Preference should be given to online ordering, home delivery, and curbside pick-up services wherever possible as opposed to in-store shopping; (2) engaging in activities essential for the health and safety of family or household members, such as seeking medical, behavioral health or emergency services; (3) engaging in outdoor activities so long as a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same household or residence.

**Section 11. Necessary Travel**

Necessary travel is limited to such travel as is required to conduct or participate in Essential services, minimum basic operation, or critical infrastructure as defined herein.

**Section 12. Minimum Basic Operations**

1. The minimum basic operations are limited to: the minimum necessary activities to maintain the value of a business, establishment, corporation, non-profit corporation or organization, provide services, manage inventory, ensure security, process payroll and employee benefits, or for relation functions. Such minimum necessary activities include remaining open to the public subject to the restrictions of this Ordinance.
2. The minimum necessary activities to facilitate employees or volunteers being able to work remotely from their residences or member or patrons being able to participate remotely from their residences.
3. Instances where employees are working outdoors without regular contact with other persons, such as delivery services, contractors, landscape businesses and agricultural industry services.

All business, establishments, corporations, non-profit corporations or organizations that are NOT Critical Infrastructure shall only engage in Minimum Basic Operations during the effective dates of this Ordinance. Such entities shall also implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures include: (1) screening and evaluating workers who exhibit signs of illness, such as fever over 100.4 degrees Fahrenheit, cough or shortness of breath (2) requiring workers who exhibit signs of illness to not report to work or to seek medical treatment (3) enhancing sanitation of the workplace as appropriate (4) requiring hand washing or sanitation by workers at appropriate places within the business location (5) providing personal protective equipment as available and appropriate to the function and location of the worker within the business location (6) prohibiting gatherings of workers during work hours (7) permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper social distancing in attainable (8) implementing teleworking for all

possible workers (9) implementation staggered shifts for all possible workers (10) holding all meetings and conferences virtually, wherever possible (11) delivering intangible services remotely wherever possible (12) discouraging workers from using other workers’ phones, desks, offices or other work tools and equipment (13) prohibiting handshaking and other unnecessary person to person contact in the workplace (14) placing notices that encourage hand hygiene at the entrance to the workplace areas where they are likely to be seen (15) suspending the use of personal identification number pads, entry devise, electronic signature capture, and any other credit card receipt signature requirements (16) enforcing social distancing of non-cohabitation persons (17) providing for alternative points of sale outside of buildings (18) increasing physical space between workers and costumers (19) providing disinfectant and sanitation products for workers to clean their workspace (20) increasing physical space between workers worksites to at least sic (6) feet.

**Section 13. Critical Infrastructure**

The term Critical Infrastructure shall refer to businesses, establishments, corporations, non-profit corporations and organizations as defined by the U.S. Department of Homeland Security as “essential critical infrastructure workforce” in guidance dated March 19, 2020, and revised on March 28, 2020, and those suppliers which provide essential goods and services to the critical infrastructure workforce as well as entitles that provide legal services, home hospice, and non-profit corporations that offer food distribution or other health or mental health services.

Business can contact the Georgia Department of Economic Development for guidance regarding its status as critical infrastructure.

This Ordinance shall become effective for a period beginning at 6:00 p.m. on Friday, April 3, 2020, and expiring at 11:59 p.m. on Monday, April 13, 2020.

ORDAINED AND RESOLVED, this the \_\_\_\_\_\_day of April, 2020.

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 RICKY CROSBY –Chairman

Attest:

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HANNAH DAY

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**ADJOURN 3:06 P.M.**

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Hannah Day, Administrative Secretary Ricky Crosby, Chairman