

AN AMENDED AND RESTATED RESOLUTION FOR THE SECOND DECLARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, Newton 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 hundreds of thousands of cases and tens of thousands of 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, the CDC and Georgia Department of Public Health have 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 and Georgia Department of Public Health to prevent the continued spreading of the illness in the community; and

WHEREAS, cities, states and counties throughout the nation have recently enacted regulations to help curb the spread of COVID-19; and

WHEREAS, the Georgia Department of Public Health reports that COVID-19 is currently present in our community; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days and that person-to-person spread is likely to continue to occur; and

WHEREAS, Dr. Carlos Del Rio, MD, epidemiologist and Chair of the Global Health Department at Emory University, has reported to officials of the Georgia Municipal Association, and the Chairman of Newton County, that a shortage of personal protective equipment is imminent in Georgia, and already being experienced in certain communities, which places the health, safety, and welfare of emergency medical personnel at risk as well as the general public; and

WHEREAS, the Georgia Department of Public Health and the Chief of Medicine at Piedmont Newton Hospital are concerned that any increase in COVID-19 cases within the community could easily exceed Piedmont Newton Hospital and the medical community’s capacity as to both personnel and equipment; and

WHEREAS, the Piedmont Healthcare system, which provides the County’s sole hospital, has modeled its daily COVID-19 patient numbers using a peer-reviewed, academic modeling made available to the nation by the University of Pennsylvania; and

WHEREAS, based on Georgia-specific numbers and infection rates, Piedmont's model shows that if a mandatory shelter-in-place was not enacted to "flatten the curve" by the end of the day on Wednesday, March 25, Piedmont Healthcare's entire system will be at capacity with no beds available by Tuesday, April 7, 2020; and

WHEREAS, the Georgia Department of Public Health has advised that if COVID-19 spreads further in Newton 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, 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 "[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 authorizing legislation for the Newton County Board of Commissioners (2016 Ga. Laws 3663) in Section 1-103(d)(1) grants to the Board the power to protect the safety, health, peace, security, environment, and general welfare of the public; and

WHEREAS, the Newton County Emergency Management Ordinance, at Section IV, grants to the Chairman of Newton County the power to determine that an emergency exists, and the Chairman of Newton County joins in execution of this resolution to evidence that determination by him individually; and

WHEREAS, the Chairman and Board of Newton County, Georgia did, on March 20, 2020, declare that a local state of public health emergency exists within the territorial limits of Newton County, Georgia due to COVID-19; and

WHEREAS, the Chairman and Board of Newton County find that the present state of emergency requires extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Newton County and the surrounding communities; and

WHEREAS, to prevent or minimize injury to people resulting from this event, certain actions are required; and

WHEREAS, the Newton County Board of Commissioners has previously adopted a Resolution for the Second Declaration of a Local State of Emergency Related to COVID-19 on March 25, 2020, and now desires to amend and restate the terms of that resolution;

NOW, THEREFORE, IT IS ORDERED:

1. The County Board of Commissioners adopts and makes the findings discussed in the "Whereas" paragraphs the factual findings of the Board.

2. The County Board of Commissioners hereby reaffirms its determinations that a local state of public health emergency exists within the territorial limits of Newton County, Georgia, due to COVID-19. However, this Order shall only apply to unincorporated Newton County and those municipalities within Newton County that desire to adopt and be subject to this Order. It is the understanding of the County that each municipality will handle enforcement of its emergency orders within its own jurisdiction.
3. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 12 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
4. All individuals currently living within the territorial limits of Newton County (the “County”) shall shelter at their place of residence. 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 residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 12. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).
5. All businesses with a facility in the County, except Essential Businesses as defined below in Section 12, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 12. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 12 below, including, but not limited to, when any customers are standing in line. All Essential Businesses that 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.
6. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 12. Nothing in this Order prohibits the gathering of members of a household or living unit. For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the County. Public parks shall be open but playgrounds and play structures within such parks shall be closed. Individuals or families using sidewalks or designated pedestrian walking areas within parks for walking or other exercise shall comply with Social Distancing Requirements as defined in Section 12 below.
7. Travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, is restricted. With the exception of travel passing through the County (e.g. on highways) travel within,

into, or out of, the County is permitted only to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

8. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the State of Georgia, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.
9. This Order also is issued in light of the existence of several confirmed cases of COVID-19 in Newton County, Georgia, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Chairman and Board will re-evaluate it as further data becomes available.
10. This Order is issued in accordance with, and incorporates by reference, the March 16, 2020, Proclamation of a State of Emergency issued by Governor Brian Kemp.
11. This Order comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Chairman and Board will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.
12. Definitions and Exemptions.
 - a. The following “Essential Activities” are permitted. But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or 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 health care professional, or obtaining supplies they need to work from home.

- ii. To obtain necessary services or supplies 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, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, or bicycling.
 - iv. To perform work in the County providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; or to perform work in another jurisdiction if such work is permitted under the laws of the governing jurisdiction.
 - v. To care for a family member or pet in another household.
- b. For purposes of this Order, individuals may leave their 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, hospice providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
- c. For purposes of this Order, individuals may leave their 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, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services as determined by the Chairman of the County are (when performing such services) categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

- e. For the purposes of this Order, covered businesses include any for-profit, nonprofit, or private educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” means:
 - i. Healthcare Operations and Essential Infrastructure;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - iii. Food cultivation, including farming, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Newspapers, television, radio, and other media services;
 - vi. Gas stations, auto-supply, auto-repair, and related facilities;
 - vii. Banks and related financial institutions;
 - viii. Hardware stores;
 - ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
 - x. Businesses providing mailing and shipping services, including post office boxes; xi. Educational institutions—including private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
 - xi. Laundromats, drycleaners, and laundry service providers;
 - xii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

- xiii. Businesses that supply products needed for people to work from home;
- xiv. Businesses that supply other Essential Businesses with support or supplies and all industrial manufacturers;
- xv. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xvi. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xvii. Home-based care for seniors, adults, or children;
- xviii. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children; xx. Professional services, such as legal, accounting services, real estate services, when necessary to assist in compliance with legally mandated activities or while supporting other Essential Businesses. xxi. Unless otherwise preempted by state law, childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
 - 2. Children shall not change from one group to another.
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - 4. Childcare providers shall remain solely with one group of children;
- xix. All businesses which possesses a Class A, retail liquor package license; Class B, retail beer package license; or a Class C, retail wine package license shall be authorized, but only via drive-thru or in parking lots or at curb;
- xx. Religious assemblies. As religious assemblies have been a significant contributor to spread of confirmed cases of COVID-19 within the State of Georgia, the County strongly encourages, but does not require, religious assemblies to voluntarily limit their assembly to no more than ten (10) people, and only for the purpose of conducting and producing a religious service for video or audio transmission;
- xxi. Businesses selling firearms or ammunition;
- xxii. Outdoor recreation businesses, including fishing, hunting and golf course activities, so long as Social Distancing Requirements are followed; and

- xxiii. Funeral homes and crematories; provided the number of attendees at any funeral services, visitation, or other gatherings shall be limited to the maximum number recommended by the CDC or the President of the United States, whichever is less, and which number is, as of this date, ten (10) people, exclusive of employees.
- g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined in this Section to the extent possible, while carrying out such operations.
 - i. The minimum necessary activities to maintain the value of the business’s inventory, necessary physical maintenance, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
 - iii. One owner of the business, or one designee of the owner, on site at the business performing functions necessary to maintain the business, provided that the business must be physically closed to the public.
- h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section below.
 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the jurisdiction.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
- i. For purposes of this Order, residences include hotels, motels, shared rental units and similar facilities.
- j. For purposes of this Order, “Social Distancing Requirements” includes 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 using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

13. For the duration of the declared emergency, the County Manager 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 his or her 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 County Manager redirects the employee to other services.
- e. 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 County for the duration of the declared emergency, including therein authority to spend such sums from the reserves of the County. Any such non-budgeted expenditures shall be reported to the governing authority 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.

14. Any deadlines for the purchasing or obtaining by persons or businesses of occupation tax certificates, permits or similar civil approvals mandated by the 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 County Code are tolled for the duration of the emergency as established herein, and for 15 days thereafter.

15. Enforcement and Remedies.

- a. The Newton County Sheriff’s Office is hereby authorized and requested to perform the duties of enforcing this Order within unincorporated Newton County. The Sheriff’s Office is encouraged to exercise its discretion to avoid making arrests for less serious criminal activity encountered in the course of enforcing this Order.
- b. Individuals: In recognition that the County does not have the personnel or resources to monitor and police distancing or gathering limitations or shelter-in-place requirements for all individuals currently living within the territorial limits of the County, the Newton County Sheriff’s Office and the departments of the County as deemed necessary by the County Manager are authorized to support compliance with this Order through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19.

- c. Covered Businesses: Any violations of this Order by covered businesses shall be considered ordinance violations subject to the general penalty provisions outlined in the Newton County Code of Ordinances.
16. This Order shall become effective at 11:59 p.m. on April 1, 2020 and will continue to be in effect until 11:59 p.m. on April 8, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Chairman and Board.
17. Copies of this Order shall promptly be: (1) made available at the Newton County Historic Courthouse; (2) posted on the County's website; and (3) provided to any member of the public requesting a copy of this Order.
18. It is hereby declared to be the intention of the Chairman and Board that all sections, paragraphs, sentences, clauses, and phrases of this Resolution are and were, upon their enactment, believed by the Chairman and Board to be fully valid, enforceable, and constitutional.
19. It is hereby declared to be the intention of the Chairman and Board that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Chairman and Board that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.
20. In the event that any phrase, clause, sentence, paragraph or section of this Resolution 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 Chairman and Board 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 Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.
21. All ordinances, resolutions or parts of ordinances or resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed or set aside.
22. The County Clerk, in consultation with the County Attorney, shall have the power to correct scribes' errors, and to revise the recitals and format hereof, without amending any substantive provision hereof, in order to render this Resolution a joint resolution with the City of Covington, Georgia.