

RESOLUTION #20-23
CITY OF GLENNVILLE
A DECLARATION OF A STATE OF EMERGENCY ARISING
BECAUSE OF COVID-19; AN ORDINANCE TAKING
IMMEDIATE EMERGENCY MEASURES

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

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

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

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

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

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

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

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

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

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

WHEREAS, in the judgment of the City of Glennville, 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 City to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

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

WHEREAS, the United States Supreme Court has previously held that “[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 Charter of the City of Glennville provides the governing authority of the city with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the city; and

WHEREAS, the City of Glennville is repealing the local state of emergency under Resolution #20-21 that it enacted on March 25, 2020 as allowed by such resolution and its charter;

NOW, THEREFORE, IT IS HEREBY DECLARED that a local state of emergency exists within the City and shall continue until one of the following exists: 1) the conditions requiring this declaration are abated; 2) the governing authority approves its repeal; or 3) after thirty (30) days of its adoption (as per City Charter, Section 33.(e), at which time it can be reenacted as allowed per this same section.)

THEREFORE, IT IS ORDERED AND ORDAINED BY THE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF GLENNVILLE 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 city hereby adopt and make the findings included in the “WHEREAS” clauses as findings of fact.

Section 2. Declaration of Public Health State of Emergency

The City Council hereby declares a public health state of emergency within the city because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for thirty (30) days from the date hereof unless otherwise repealed or reenacted.

Section 3. Public Gatherings on City Property

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

Section 4. Utility Services

For the duration of the declared emergency, the City will not disconnect any public utility service provided by the City on account of non-payment of invoice for ONLY the month of April (invoices due 4-20-20). However, late fees and disconnection fees are NOT waived and will be added according to existing procedure. Insufficient fund fees and procedures for collection thereof will remain the same.

After the conclusion of the declared emergency, persons will have a period of sixty (60) days or two (2) billing cycles to make such payments on past due invoices but persons must pay current bill or service will be subjected to disconnection. For high balances owed, it shall be at the City Manager’s discretion to extend payment arrangements on past due balances only for a period of (90) days or three (3) billing cycles. No late fees will be charged on arrangements if arrangements are kept. However, if accounts are disconnected for broken arrangements or failure to pay current invoices, accounts must be paid in full prior to reconnection.

Section 5. Classification of City/County Services

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

- (a) To categorize City services as either “required” or “discretionary,” and to periodically review and modify such categories.
- (b) To assign specific employees to required or discretionary services, and to periodically review and modify such assignments.

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

Section 6. Tolling of Deadlines

No further tolling of deadlines for the purchasing or obtaining by persons or businesses of occupation tax certificates, permits or similar civil approvals mandated by the City Code that have a due date in 2020.

Section 7. Eating Establishments

As per any existing or passed hereafter Executive Order issued by the Governor of Georgia.

Section 8. Closure of Certain Businesses

As per any existing or passed hereafter Executive Order issued by the Governor of Georgia.

Section 9. Personal Distance

As per any existing or passed hereafter Executive Order issued by the Governor of Georgia.

Section 10. Gatherings

As per any existing or passed hereafter Executive Order issued by the Governor of Georgia.

Section 11. Emergency Interim Successor to Manager/Administrator

The governing authority desires to make certain that the chain of authority within city management is clear. If the City Manager is unable to perform her duties, then the individual designated by the City Manager as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 shall assume the duties of the City Manager. Should the emergency interim successor be unable to perform those duties the Mayor as Chief Executive Officer of the City shall assume those duties.

Section 12. Curfew

As per any existing or passed hereafter Executive Order issued by the Governor of Georgia.

Section 13. Procurement

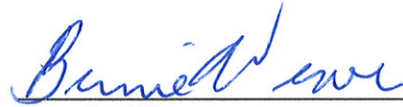
The governing authority hereby reinstates the bid and competitive portions of the City's Procurement Policy or ordinances.

Section 14.

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

This Ordinance after adoption by the Council and upon approval by the Mayor shall become effective immediately.

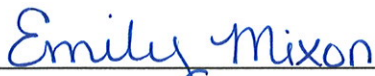
ORDAINED AND RESOLVED this 21st day of April 2020.



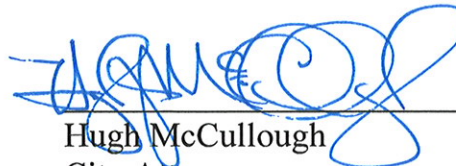
Bernie Weaver
Mayor

Attest:

Approved as to form:



Emily Mixon
City Clerk



Hugh McCullough
City Attorney

SUMMARY OF ACTION TAKEN:

	AYE	NAY	ABSTAIN	OTHER
Councilmember King	<u>✓</u>	_____	_____	_____
Councilmember McLeod	_____	_____	_____	_____
Councilmember Strickland	<u>✓</u>	_____	_____	_____
Councilmember Waters	<u>✓</u>	_____	_____	_____

CERTIFICATE OF RESOLUTION

The undersigned hereby certifies that I am the Clerk of Glennville, Georgia (the City); that the attached hereto is a true copy of the Resolution duly adopted by the governing body of the City at a meeting duly held on the 21st day of April 2020 via teleconference which a quorum was present and action throughout, and that it has not been rescinded or modified and is now of full force and effect.

GIVEN under the seal of the City, this 21st day of April 2020,

(SEAL)

Emily Mixon
Emily Mixon, City Clerk