**RESOLUTION BR-2020-17**

**RESCINDING RESOLUTIONS BR-2020-13, BR-2020-14, BR-2020-15 AND BR-2020-16 RELATED TO COVID-19 AND FOR PROVISIONS RELATED TO SAME**

**WHEREAS**, beginning in late 2019, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged causing a novel coronavirus disease, COVID-19 ("COVID-19"), which has become a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the COVID-19 pandemic a national emergency; and

**WHEREAS**, on March 14, 2020, the Governor of the State of Georgia declared that a Public Health State of Emergency exists in the State of Georgia due to the public health emergency from the spread of COVID-19; and

**WHEREAS**, on March 23, 2020, the Governor of the State of Georgia issued Executive Order 03.23.20.01, which requires the State Department of Public Health to order that certain higher risk populations shall isolate, quarantine, or shelter in place for fourteen days; and

**WHEREAS**, Executive Order No. 03.23.20.01 further orders that no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or be seated within six (6) feet of any other person; and

**WHEREAS**, on April 2, 2020, the Governor of the State of Georgia issued Executive Order No. 04.02.20.01, ordering a statewide shelter in place to stop the spread of COVID-19; and

**WHEREAS**, Executive Order No. 04.02.20.01 suspends the enforcement of any ordinance or order adopted or issued by a city since March 1, 2020, with the stated purpose or effect of responding to a public health state of emergency, ordering residents to shelter-in-place, ordering a quarantine, or combatting the spread of COVID-19 that in any way conflicts, varies, or differs from the terms of Executive Order No. 04.02.20.01; and

**WHEREAS**, Executive Order No. 04.02.20.01 orders that no municipality may adopt any similar ordinance or order while Executive Order No. 04.02.20.01 is in effect, except for such ordinances or orders as are designed to enforce compliance with Executive Order No. 04.02.20.01; and

**WHEREAS**, cases of COVID-19 have occurred in Hall County, and, according to the State Department of Public Health, the number of diagnosed cases in Hall County has risen significantly in recent days; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) indicates that there is evidence of widespread community transmission in Georgia; and

**WHEREAS**, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

**WHEREAS**, if COVID-19 continues to spread in Hall County, it may greatly strain the resources and capabilities of county government, municipal governments, and local public health agencies that provide essential services, including services for containing and mitigating the spread of COVID-19; and

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**WHEREAS**, the Northeast Georgia Health System ("NGHS") has informed elected officials and staff within the City of Gainesville ("City") that the number of diagnosed cases would be greater if not for a shortage of test kits and delayed test results due to labs being overwhelmed; and

**WHEREAS**, medical staff and officials with NGHS have informed the City that continued exponential growth of new cases will quickly overwhelm hospitals and healthcare resources in our region, state, and nation; and

**WHEREAS**, medical staff and officials with NGHS have strongly urged the City to adopt more stringent measures designed to cause more City residents to stay at home to limit the spread of COVID-19; and

**WHEREAS**, the COVID-19 pandemic has the potential to result in significant loss of life and has the potential to result in a major disruption of community affairs, business services, and governmental operations; and

**WHEREAS**, the Mayor and City Council of the City of Gainesville have previously declared, in Resolution 2020-14, that an emergency exists within the municipal boundaries of the City due to the outbreak of Coronavirus disease having become a worldwide pandemic, and such emergency continues to exist; and

**WHEREAS**, although citizens of the City have acted to reduce the spread of COVID-19, the governing body of the City finds that the following measures are needed to reduce further spread of COVID-19 and provide relief and flexibility for persons and businesses in the City.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City as follows:

**Section 1:** Due to the issuance of Executive Order No. 04.02.20.01 by the Governor of the State of Georgia, Resolutions BR-2020-13, BR-2020-14, BR-2020-15, and BR-2020-16 are hereby rescinded.

**Section 2:** The Mayor and City Council hereby find that there is an extreme likelihood of danger and destruction of life within the municipal boundaries of the City due to the unusual conditions of COVID-19, and, therefore, the Mayor and City Council hereby declare, pursuant to Section 3-1-1(a)(1) of the Code of Ordinances of the City, that an emergency exists within the municipal boundaries of the City. Furthermore, the Mayor and City Council hereby find that there is a civil disturbance and threat of civil disturbance due to COVID-19 to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare of all persons within the municipal boundaries of the City, and, therefore, the Mayor and City Council hereby proclaim, pursuant to Section 3-1-22 of the Code that a civil emergency exists within the municipal boundaries of the City.

**Section 3:** Pursuant to Sections 3-1-2(a)(4) and 3-1-24(6) of the Code, the Mayor and City Council hereby find that the following provisions are imminently necessary for the protection of life and hereby order that the following provisions shall govern for so long as the state of emergency due to COVID-19 shall exist in the City:

3.1 All public hearings or meetings of any board, committee, commission or instrumentality of the City are hereby stayed, tolled, and postponed, except as necessary, in the opinion of the City governing body or the City Manager, to the operation of Critical Infrastructure, as defined in Executive Order No. 04.02.20.01 by the Governor of the State of Georgia.

3.2 All matters requiring a public hearing, including but not limited to zonings, special uses, variances, annexations, and regulatory permits, are hereby stayed. Upon the termination of the provisions of this Resolution, the scheduling of hearings shall resume in the ordinary course. City staff are directed to work with applicants and those otherwise affected by this stay to ensure that financial impacts and disruption to business functions are minimized.

3.3 The governing body of the City hereby authorizes the purchase of any goods or services reasonably related to the limitation of the spread of COVID-19 without the necessity of strict compliance with the purchasing policy and regulations of the City.

3.4 The governing body of the City hereby suspends the termination for nonpayment of water service to water customers of the City.

3.5 The governing body of the City hereby waives the charging of credit card convenience fees for online payments of fees for goods and services.

3.6 The governing body of the City hereby waives the charging of any late fees for goods and services provided by the City, provided such late fees were incurred after March 20, 2020 and prior to the expiration of the period covered by this Resolution.

3.7 The governing body of the City hereby closes all City government buildings to the general public except as necessary, in the opinion of the City Manager, to the operation of Critical Infrastructure, as defined in Executive Order No. 04.02.20.01 by the Governor of the State of Georgia.

3.8 The governing body of the City hereby halts enforcement of Section 6-4-87(a) of the Code of Ordinances of the City of Gainesville to allow businesses with a consumption on premises license to sell bottled beer and/or bottled wine and allow the taking off the premises of such by customers with carry out meals.

3.9 The governing body of the City hereby authorizes the City Manager to adjust any personnel policies as are reasonably related, in the opinion of the City Manager, to providing sufficient staffing for the operation of Critical Infrastructure, as defined in Executive Order No. 04.02.20.01 by the Governor of the State of Georgia and to protect the public health.

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**BE IT FURTHER RESOLVED THAT** the governing body of the City hereby authorizes the Mayor, the City Manager and City Attorney to execute all such documents and agreements that may be necessary to effectuate the terms of this Resolution.

This Resolution shall be effective upon adoption and shall be effective until such time as this Resolution is rescinded by the governing body of the City.

**Adopted this** 3rd **day of** April **, 2020.**

**C. Danny Dunagan, Jr., Mayor**

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

**ATTEST:**

Denise O. Jordan

**Denise O. Jordan, City Clerk**

CITY OF GAINESVILLE GEORGIA CHARTERED 1821