

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2020-166

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO REQUIRE FACE MASKS OR FACE COVERINGS IN UNINCORPORATED CLAYTON COUNTY; TO AUTHORIZE THE CHAIRMAN TO OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE AS MAY BE REQUIRED; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the novel coronavirus, an infectious virus known to cause the respiratory disease "COVID-19" can spread from person to person, and can result in no symptoms, minor symptoms, or serious illness causing permanent organ damage and death; and;

WHEREAS, individuals age 65 or over or living with certain medical conditions (hereinafter referred to as "Vulnerable Populations") identified by the Centers for Disease Control and Prevention ("CDC") and members of other populations identified by the CDC ("Other Populations at Risk") are at risk of severe and lasting harm to health or death from COVID-19; and

WHEREAS, COVID-19 also has been reported to cause severe and permanent damage to the health of some children; and

WHEREAS, there is currently no vaccine or approved treatment for COVID-19; and

WHEREAS, on March 14, 2020, Governor Brian Kemp declared a Public Health State of Emergency in Georgia, and renewed this declaration on multiple occasions since

March, so that it will remain in effect at least through September 10, 2020; and

WHEREAS, Clayton County has been in a public health state of emergency since March 16, 2020 and such public health state of emergency is in effect at least through September 10, 2020; and

WHEREAS, as of August 17, 2020, over 237,000 Georgians have tested positive for the novel coronavirus, and over 4,700 Georgians have died from COVID-19; and

WHEREAS, the CDC has noted that COVID-19 spreads very easily and sustainably when an infected person (who may have no symptoms at all, or minor symptoms) talks, sneezes, or coughs in close proximity with others (within six feet); and

WHEREAS, one Georgia community experienced an outbreak of COVID-19 due in part to an infected person being present in a public building without face coverings, with the result being the infection of many persons and the death of a judge and other individuals; and

WHEREAS, the Governor, through Executive Order 08.15.20.01 recognized the need to take extra precautions to protect certain vulnerable populations who meet the criteria for higher risk of severe illness as defined by the CDC and identified in Section III of the Governor's Executive Order 08.15.20.01 ("Sheltering in Place"); and

WHEREAS, Executive Order 08.15.20.1 continues the requirements set forth in Executive Orders 04.30.20.01, 05.12.20.02, 06.11.20.01, 06.29.20.02, 07.15.20.01 and 07.31.20.02 requiring Vulnerable Populations to continue to shelter in place, with exceptions that include participating in essential services and working, through September 10, 2020; and

WHEREAS, County employees and members of the public who visit the Clayton County Administration building at 112 Smith Street, Jonesboro, Georgia ("County Administrative building") and other County buildings may be members of Vulnerable

Populations; and

WHEREAS, some County employees and members of the public who visit the County Administration building and other County properties are members of the following “Other Populations at Risk” identified by the CDC: pregnant women, individuals experiencing homelessness, people with disabilities, and racial and ethnic minorities; and

WHEREAS, the Board of Commissioners desires to protect individuals in said Vulnerable Populations and Other Populations at Risk, in a reasonable manner and as recommended by the CDC and by the Georgia Department of Public Health, while such individuals are working in, conducting business in, or visiting the County Administration building and other County buildings; and

WHEREAS, Executive Order 08.15.20.01 authorizes the imposition of a requirement that individuals wear face masks or face coverings when not able to maintain social distancing from non-cohabitating persons in municipalities, counties and other governmental entities located in counties that have reached the threshold requirement of greater than one hundred cases of confirmed COVID-19 over the previous fourteen (14) days per one hundred thousand people according to the Georgia Department of Public Health; and

WHEREAS, Clayton County has reached the threshold requirement for COVID-19 cases as defined by Executive Order 08.15.20.01; and

WHEREAS, Dr. Kathleen Toomey (Georgia’s Commissioner of Public Health), and Governor Kemp through his Executive Orders, up to and including 08.15.20.01 have recommended that individuals wear face coverings over the nose and mouth to mitigate the spread of COVID-19 as practicable while outside their homes or place of residence and in public places where they cannot practice social distancing (i.e., stay at least six feet away from other individuals who do not share the same household); and

WHEREAS, the CDC also states that wearing a face covering over the nose and mouth is a recommended precaution designed to prevent symptomatic and asymptomatic individuals who have contracted COVID-19 from spreading it to other individuals; and

WHEREAS, the County requires its employees to wear face coverings over the nose and mouth while in public areas of County buildings and while meeting with the public in County buildings; and

WHEREAS, the County also assists its employees and the public with mitigating the spread of COVID-19 in County buildings by providing hand sanitizer, designating an entrance door and an exit door, disinfecting common surfaces regularly, discouraging handshaking, placing floor markings at a minimum of six foot distances for social distancing purposes, and otherwise encouraging social distancing of non-cohabitating persons, as well as other mitigating measures described in Executive Order 08.15.20.01; and

WHEREAS, despite these precautions, the County recognizes that it is not possible to ensure social distancing at all times within County buildings; and

WHEREAS, having the County Administrative building and other County offices open and accessible to the public as necessary to conduct in-person business that cannot be conducted by other means is important for the County's economic vitality; and

WHEREAS, certain activities, such as discussing and reviewing construction and other permits, benefit from or require face-to-face interactions between County employees and other individuals; and

WHEREAS, if a County employee is exposed to or diagnosed with COVID-19 by an individual visiting a County building or otherwise, in accordance with CDC guidance such employee may need to quarantine at home for several days; and

WHEREAS, the impact of widespread COVID-19 exposure or diagnoses for County employees will have a negative effect on each employee, their families, the morale of the

County workforce and have a negative impact on the efficient operation of County functions;
and

WHEREAS, Ga. Const. Art. IX, § II, Para. I provides that “the governing authority of each county shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto;” and

WHEREAS, pursuant to O.C.G.A. § 38-3-28, the County is authorized to establish orders, rules and regulations for how the public can access County buildings during the public health state of emergency and thereafter, to include including closing, opening or placing restrictions on public access to County buildings; and

WHEREAS, in addition to the County’s inherent authority under the Georgia Constitution and State law, Executive Order 08.15.20.01 explicitly authorizes municipalities, counties and other government entities to control terms of entry onto property owned or leased by the municipality, county or other government authority which includes requiring employees or other individuals present on municipality, county or other government authority, board, bureau, or commission’s owned or leased property to wear a face mask or face covering; and

WHEREAS, the County has made and continues to make efforts to reduce the need for members of the public to physically visit the County Administrative building and other County buildings to interact with County employees, pay bills, and conduct other business with the County; and

WHEREAS, the County must balance the public’s interest in having access to County buildings for the conduct of business and other purposes with the compelling public interest of providing for the health, safety and welfare of its employees and individuals who

visit the County Administration building and other County buildings to minimize and/or prevent an increase in the outbreak of COVID-19 in the County and the surrounding community; and

WHEREAS, the Board of Commissioners believes that the additional imposition of a requirement that individuals wear face masks or face coverings in public buildings within unincorporated Clayton County is consistent with the balancing of these competing interests; and

WHEREAS, the Board of Commissioners further believes that the imposition of a requirement that individuals wear face masks or face coverings while on public property and in places of public accommodation is consistent with the balancing of these competing interests; and

WHEREAS, the Board of Commissioners finds it is in the best interests and welfare of the general public, its employees and the County's citizens to implement such face mask or face covering requirements.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby resolves that, for the protection of members of the public and County employees, including members of Vulnerable Populations and members of Other Populations at Risk as set forth in the WHEREAS clauses above, members of the public are required to wear face coverings over the nose and mouth, which face coverings are cloth face coverings as defined by the CDC or are face coverings designed to protect others from infection by the wearer, when entering and while inside County-owned or County-leased buildings except as expressly stated in a separate policy, if any, that applies to certain uses of portions of County buildings, such as courtrooms. Said face mask or face covering shall not be required when entering or exiting a polling place as

defined by O.C.G.A. § 21-2-2(27) and no individual shall be denied ingress or egress to or from a polling place for failure to wear a face covering or face mask. The Board of Commissioners further resolves that, for County business that must be done in person, the County will take reasonable steps to provide such in-person service to members of the public who affirm they cannot wear a face mask or face covering because they are physically unable to don or remove such a face mask or covering, have a bona fide medical reason not to wear the face mask or covering (such as trouble breathing), have a bona fide religious objection or are accompanied by children under age two (CDC states that children under age two should never wear face coverings).

Section 2. The Board of Commissioners further directs that individuals on public property or utilizing places of public accommodation shall be required to wear face masks or face coverings when they are not able to maintain social distancing from non-cohabiting persons.

Section 3. The Board of Commissioners further directs that the requirement to wear face masks or face coverings when not able to maintain social distancing from non-cohabiting persons shall not be applied to any individual who is eating or drinking at the time that their face is uncovered, those who have difficulty donning or removing a face mask or face covering without assistance, those who have a bona fide religious objection to wearing a face mask or face covering, those who have a bona fide medical reason not to wear a face mask or face covering and those children under the age of two years old.

Section 4. The Board of Commissioners further resolves that the requirement to wear face masks or face coverings when not able to maintain social distancing from non-cohabiting persons shall not be enforced against individuals on residential property.

Section 5. The Board of Commissioners further resolves that the requirement to wear face masks or face coverings when not able to maintain social distancing from non-

cohabiting persons shall not give rise to any fines, fees, penalties (criminal or otherwise) or other cause of action against any private business, establishment, corporation, non-profit corporation, or organization. However, should a business, establishment, corporation, non-profit corporation or organization post reasonable public notice that face masks or face coverings are required as a condition of entry onto private property for patronage, said public notice must state whether said business, establishment, corporation, non-profit corporation or organization consents or does not consent to enforcement of such requirement on its property. Should a business, establishment, corporation, non-profit corporation or organization consent to enforcement of the face mask or face covering requirement on its property, said enforcement shall be governed by the enforcement provisions set forth in Section XI of Executive Order 08.15.20.01 as amended or extended through additional executive orders.

Section 6. The Board of Commissioners further resolves that it will continue to provide regular educational information to the general public concerning the types of acceptable face coverings required for entry into County buildings and instructions by the CDC about how to make such face coverings easily and inexpensively, however, the County will provide face coverings to individuals visiting County buildings who do not otherwise have a face covering that meets these requirements.

Section 7. The Board of Commissioners further resolves that law enforcement officials shall first warn noncompliant individuals about the health risks posed by not wearing a face mask or face covering prior to issuing any citation. The Board of Commissioners further resolves that the enforcement of the face mask / face covering requirement shall not give rise to any fines, fees or penalties in excess of fifty dollars (\$50.00) against any person per offense, nor shall it be punishable by imprisonment for any term. A person who is found in violation of this resolution and who cannot afford a face

mask or face covering shall be provided one at the County's expense.

Section 8. The Board authorizes the Chairman to perform all acts necessary to accomplish the intent of this Resolution. The Board also authorizes the Chief Financial Officer to amend the Budget where necessary to reflect an appropriate revenue source and expense relating thereto.

Section 9. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 18th day of August, 2020.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


DEMONT DAVIS, VICE CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL HAMBRICK, COMMISSIONER


FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:


BRENDA B. JAMES, CLERK