Local Emergency Order No. 21-1-1

County Facility Face Covering Requirement

WHEREAS, beginning in late 2019, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged causing a novel coronavirus disease, 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 on March 29, 2020, declared Georgia a major disaster area due to the impacts of the COVID-19 pandemic authorizing the availability of certain emergency funds to Georgia; 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, which was renewed by Executive Orders 04.08.20.02, 04.30.20.01, 05.28.20.01, 06.29.20.01, 07.31.20.01, 08.31.20.01, 09.30.20.01, 10.30.20.01, 11.30.20.01, and 12.30.20.01; and

WHEREAS, on March 16, Chairman Charlotte J. Nash issued a Declaration of Local Emergency for unincorporated Gwinnett County with an expiration of April 13, 2020 at 11:59 p.m., which was renewed on April 13, 2020, May 15, 2020, June 9, 2020, July 7, 2020, August 4, 2020, September 1, 2020, October 6, 2020, and November 3, 2020, and December 1, 2020, respectively; and

WHEREAS, on January 19, 2021, I signed the Tenth Renewal of the Declaration of Local Emergency declaring a local emergency in Gwinnett County due to the COVID-19 pandemic; and

WHEREAS, on January 15, 2021, Governor Kemp issued Executive Order 01.15.21.01 which authorizes counties to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of Executive Order 01.15.21.01 to the extent that such orders, rules, and regulations are not inconsistent with any orders, rules, and regulations promulgated by the Governor or by any state agency exercising a power derived from the Public Health State of Emergency unless such provision, order, rule, or regulation is otherwise expressly permitted by Executive Order 01.15.21.01; and
WHEREAS, Executive Order 01.15.21.01 strongly encourages residents and visitors in Georgia to wear face coverings as practicable while outside their homes or place of residence, except when eating, drinking, or exercising outdoors; and

WHEREAS, guidance from the Centers for Disease Control (CDC), Georgia Department of Public Health, and the Gwinnett County Health Department recommend that people wear a face mask or face covering in public setting, especially where social distancing measures are difficult to maintain; and

WHEREAS, guidance from the CDC indicates that face masks or face covering are most likely to reduce the spread of COVID-19 when the face masks or coverings are widely used by individuals in a public setting; and

WHEREAS, the number of cases of COVID-19 in Gwinnett County continues to rise and the COVID-19 pandemic has resulted in loss of life and in major disruptions of community affairs and business services in Gwinnett County; and

WHEREAS, the County has and will continue to provide essential services to its citizens, businesses, and customers despite the disruptions caused by the COVID-19 pandemic; and

WHEREAS, many of the services provided by the County require in-person interaction among employees, vendors, contractors, residents, and members of the public; and

WHEREAS, in order to ensure that County services are continued without disruptions and are provided in a manner which helps slow the spread of COVID-19 in accordance with the guidance of the County’s public health partners the Governor’s Executive Orders, I find that it is necessary to take certain steps to control access to County facilities; and

WHEREAS, Executive Order 01.15.21.01 recognizes that municipalities, counties, and other governmental entities have the authority to control terms of entry onto property owned or leased by the municipality, county, or other governmental authority which such terms may include requiring employees or other individuals present on municipality, county, or other governmental authority owned or leased property to wear a face mask or face covering; and

WHEREAS, pursuant to O.C.G.A. Section 36-5-22.1 (a)(1), the Gwinnett County Board of Commissioners has original and exclusive jurisdiction over the directing and controlling of all the property of the County according to law as deemed expedient by the Board of Commissioners; and
WHEREAS, pursuant to O.C.G.A. Section 38-3-1, et seq., the Gwinnett County Board of Commissioners adopted an Emergency Management Ordinance which in Section 34-22(d)(10), authorizes the Chairman of the Board of Commissioners to exercise such powers as may be deemed necessary to promote and secure the safety and protection of the civilian population during an emergency; and

WHEREAS, pursuant to O.C.G.A. Section 38-3-28 and in accordance with the Governor’s Executive Orders, Gwinnett County is authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; 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, in accordance with the authorization in Executive Order 01.15.21.01 and the recommencements of public health entities requiring individuals entering or utilizing county facilities to wear a face mask or face covering is one step that the County can take to help slow the spread of COVID-19, and

WHEREAS, requiring individuals to wear face masks or face coverings in county facilities can assist in helping to maintain the health and safety of the County’s citizens, customers, and employees and ensure that the County’s resources and capabilities remain adequate to provide essential services to the County’s residents, businesses, and customers; and

WHEREAS, I find that requiring face masks or face coverings when entering or utilizing county owned or leased facilities is an appropriate step toward preventing or minimizing illness and/or injury to people resulting from the COVID-19 pandemic and to ensure essential services are maintained; and

NOW, THEREFORE, pursuant to the authority vested in me as Chairman of the Gwinnett County Board of Commissioners by local and state law;

IT IS HEREBY ORDERED that:

(1) **Face Masks or Face Covering Required in County Facilities.**
   A. Individuals entering facilities owned or leased by Gwinnett County shall wear a face mask or face covering that covers the nose and mouth while inside such facilities. Individuals refusing to wear a face mask or face covering and not falling within one of the exceptions below may be denied entry into the County facility or may be asked to leave the County facility.
B. In accordance with Executive Orders 01.15.21.01, face masks or face coverings shall not be required in a polling place, as defined in O.C.G.A. Section 21-2-2(27).

C. The following individuals are exempted from the face mask or face covering requirement:
   a. Individuals who have difficulty donning or removing a face mask or face covering without assistance.
   b. Individuals who have a bona fide religious objection to wearing a face mask or face covering.
   c. Individuals who have a bona fide medical reason not to wear a face mask or face covering.

D. Any individual who is unable to afford a face mask or face covering shall be provided one.

(2) For the duration of this Local Emergency Order and any renewal thereof, the County Administrator shall be vested with the following discretion and authority:
   A. To support compliance with this Order through information delivery and education of individuals regarding the imminent threat to public health posed by COVID-19 and the requirements of this Order, including but not limited to appropriate signage for County facilities and the provision of face masks or face coverings as necessary and/or appropriate.
   B. To assign specific employees, as necessary to support enforcement of this order.
   C. These provisions shall not limit the authority of the County Administrator with regard to the day to day operations of the County and any other authority granted to the County Administrator pursuant to any Declaration of Local Emergency or any Local Emergency Order thereunder.

(3) This Order shall become effective at 12:01 a.m. on January 26, 2021 and will continue to be in effect until 11:59 p.m. on January 31, 2021, or until it is extended, rescinded, superseded, or amended in writing by the Chairwoman.

(4) If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

(5) Nothing in this Local Emergency Order is intended to limit, infringe, or supplant any judicial order concerning the COVID-19 pandemic issued pursuant to the laws of constitution of the State of Georgia or the laws or constitution of the United States.

(6) All Ordinances or parts of Ordinances in conflict with this Order, to the extent of such conflict, are hereby suspended for the duration of this Local Emergency Order and any renewal thereof.
SO ORDERED this 19 day of January 2021.

Nicole L. Hendrickson, Chairwoman
Gwinnett County Board of Commissioners

Tammy Gibson, Deputy County Clerk

Approved as to Form:

Theresa A. Cox
Deputy County Attorney