

**JOINT RESOLUTION DECLARING STATE OF EMERGENCY IN THE
COUNTY OF GORDON AND THE CITY OF CALHOUN, GEORGIA
ESTABLISHING THE CLOSURE OF ALL BARS AND RESTAURANTS
AND PROCEDURES FOR TAKE OUT OR DELIVERY OF FOOD ONLY,
BANNING GATHERINGS OVER 10 PEOPLE, PROVIDING FOR
DISSEMINATION OF INFORMATION, TO PROVIDE FOR AN
EFFECTIVE DATE, AND FOR OTHER PURPOSES**

WHEREAS, COVID-19 is a contagious viral disease caused by a novel coronavirus that has not been previously identified (hereinafter collectively as “COVID-19”) and the World Health Organization has officially recognized is a pandemic; and

WHEREAS, in response to COVID-19, on Friday, March 13, 2020 the President of the United States declared a National Public Health Emergency; and

WHEREAS, in response to COVID-19, on Saturday, March 14, 2020 the Governor of the State of Georgia declared a State of Emergency in Georgia; and

WHEREAS, Georgia law allows for the suspension of certain laws, rules, ordinances and orders during a declared state of emergency, and authorizes the County and both Cities to waive compliance with time-consuming procedures and formalities via O.C.G.A. § 38-3-1 *et. seq.*, and

WHEREAS, the police power of the State extends to the protection of the lives and health of the citizenry, and to the preservation of same has not been held to any preestablished definite limitations, but is coextensive with the necessities of the case and the safeguard of public interest with each unique crisis;¹ and

WHEREAS, it thus follows logically that while the State under its police power can enact laws in the interest of public health, safety, and welfare; also, that like powers can be granted to a municipality and a county and legally exercised by same in a state of emergency at

¹*Pope v. City of Atlanta*, 242 Ga. 331 (1978) and *Veit v. State*, 182 Ga.App. 753 (1987).

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the local level;² and

WHEREAS, pursuant to the Gordon County, Georgia - Code of Ordinances, Chapter 5.5 - EMERGENCY MANAGEMENT, Section 5.5-27 “the chair of the board of commissioners may declare a local emergency for Gordon County”; and

WHEREAS, pursuant to The Code of Calhoun, Chapter 30 - CIVIL EMERGENCIES, Section 30-4 “the mayor of the city and the governing officials of the city may declare that a state of emergency exists or continues”; and

WHEREAS, pursuant to each of these established provisions of local law the county and municipal governments have discretionary powers in said emergency to best exercised “police power” for the protection of the health, safety and welfare of both those residing within the city and county, as well of those traveling through on the Interstate 75 corridor; and

WHEREAS, the President of the United States has recommended that any gathering over 10 people be discontinued or prohibited;and

WHEREAS, The Northwest Georgia medical and public health leaders have worked diligently, closely and collaboratively to respond aggressively to the COVID-19 impact in Gordon County, the City of Calhoun and the surrounding communities, and on March 23, 2020, sent a letter to the Elected Officials strongly urging action to temporarily close restaurants, bars and other places where individuals gather for socialization (a copy of said letter is attached as Exhibit "A" and incorporated herein); and

WHEREAS, Gordon County and the City of Calhoun do not have the personnel or resources to monitor and police a distancing or gathering limitation.

NOW THEREFORE, in a public and specially called emergency meeting, authorized pursuant to O.C.G.A. § 51-14-1(g), for the Board of Commissioners and the regularly scheduled meeting of the Mayor and City Council for the City of Calhoun on the Fourth Monday of the month of March **DO HEREBY JOINTLY RESOLVE AND DECLARES AS FOLLOWS:**

²*Board of Com'rs of Atkinson County v. Guthrie*, 273 Ga. 1 (2000) and *Vinson v. Home Bldrs. Assn. of Atlanta*, 233 Ga. 948 (1975)

SECTION ONE

Gordon County and the City of Calhoun adopt and make the findings discussed in the paragraphs contained above as the factual findings of both Commissions and Council.

SECTION TWO

Gordon County and the City of Calhoun hereby declare a state of emergency and a public health emergency in Gordon County and the City of Calhoun based upon all applicable statutory law and findings of fact herein contained within this joint resolution.

SECTION THREE

- (A) Gordon County and the City of Calhoun hereby declare that all bars, restaurants, private clubs, breweries, tasting rooms or businesses that sell food or beverages for consumption on premises or that provide entertainment on premises shall be closed to ***all*** in-person dining, consumption of alcohol, or entertainment until the expiration of this resolution.
- (B) Bars, restaurants, private clubs, breweries, tasting rooms and other businesses that sell food for “take-out,” “drive-thru” service, “carry-out” for consumption somewhere other than at the establishment, provided that cafeterias in hospitals, nursing homes, or similar facilities shall not be subject to these restrictions and may continue normal operations.
- (C) Businesses affected by these closures shall establish systems that restrict in-person contact as much as possible, to include not permitting more than ten (10) customers at a time to be inside the premises. Such processes may include the business taking the food to the customer's vehicle rather than the customer coming inside the business.
- (D) Furthermore, business shall ensure that all onsite consumption of food is prohibited, and that employees and contractors of the business maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises.
- (E) If a restaurant is licensed to sell beer and wine for on-premises consumption, such business during the efficacy of this resolution only shall be authorized to sell unopened bottles, cans, or other sealed containers of beer or wine for take-out consumption off-premises.

SECTION FOUR

Gordon County and the City of Calhoun hereby suspend the use of any County and City Parks and other recreation properties as follows:

- (A) All individuals shall be prohibited from the use of any and all facilities by more than ten (10) persons in a group, gathering or function;
- (B) All individuals shall be prohibited from the use of any and all facilities, fields or grounds for any “team” activities or other forms of group play; and
- (C) All individuals shall be prohibited from the use of any and all playground or outdoor fitness equipment of any kind.

However, this suspension and these prohibitions shall not include the use of walking trails which are expressly exempted from this suspension.

SECTION FIVE

Gordon County and the City of Calhoun suspend the bid and competitive portions of the respective Procurement Policy and authorize the respective Managers or Mayor to utilize the single-source policy and to require departments to provide a written justification for the procurement during the effective dates of this Resolution.

SECTION SIX

- (A) Bowling alleys, gyms, fitness centers, nail salons spas, beauty salons, barbers or other establishments offering personal grooming services shall deduce maximum occupancy to 10 persons.
- (B) All employers and businesses which remain open for use by the public must take the necessary steps to restrict in person contact and maintain a distance of 6 feet between individuals while in the establishment.

SECTION SEVEN

This Resolution shall take effect upon passage by the Gordon County and the City of Calhoun and shall expire by its own terms on April 6th, 2020 at 11:59 PM, unless extended by

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further action of the respective Commissions or Council.

SECTION EIGHT

The respective Clerks, in consultation with the respective County Attorney and City Attorneys, shall have the power to correct scrivener's errors.

IT IS HEREBY RESOLVED, this 23rd day of March, 2020.

GORDON COUNTY, GEORGIA
BOARD OF COMMISSIONERS

CITY OF CALHOUN, GEORGIA
MAYOR AND CITY COUNCIL

_BECKY HOOD, CHAIRPERSON

JAMES F. PALMER, MAYOR

ATTEST:

ATTEST:

_JAMES F. LEDBETTER
County Administrator of Gordon County

SHARON NELSON, CMC
Clerk of the City of Calhoun, Ga.