

RESOLUTION NO. _____

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

WHEREAS, as a result of the COVID-19 pandemic, the President of the United States declared a National Public Health Emergency on Friday March 13, 2020;

WHEREAS, as a result of the COVID-19 pandemic, the Governor of the State of Georgia declared a State of Emergency in Georgia on March 14, 2020;

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;

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;

WHEREAS, the Centers for Disease Control and Prevention have recommended that any gathering of over 10 people be discontinued or prohibited;

WHEREAS, it is essential for the governing authority of the City of Forest Park 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;

WHEREAS, the United States Supreme Court has previously held that “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”;

WHEREAS, O.C.G.A. 38-3-28, grants to local governments, including the City of Forest Park, the power, during a state of emergency to "*to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes...*";

WHEREAS, Section 1.13(9) of the City Charter authorizes the City to establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city, and to make and carry out all reasonable provisions deemed necessary to deal with or

meet such an emergency for the protection, safety, health or well-being of the citizens of the city which procedures are codified in Title 4, Chapter 5 of the Code of Ordinances, City of Forest Park, Georgia;

WHEREAS, in the judgment of the Mayor and Council, with advice from the Forest Park Emergency Management Agency and the City Manager, there exist emergency circumstances located in the City of Forest Park requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of Forest Park; and

WHEREAS, after due consideration, the City of Forest Park does hereby find and declare that, in order to protect the health, safety and welfare of the City and its citizens, and in order to manage the pending emergency created by COVID-19, the measures described below must be implemented:

THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST PARK HEREBY RESOLVES:

1. **Declaration of Emergency.** Pursuant Title 4, Chapter 5 of the Code of Ordinances, City of Forest Park, Georgia, the Mayor hereby declares a State of Emergency inside the City of Forest Park until the emergency declarations made by the President of the United States and the Governor of Georgia are lifted.
2. **Symptomatic Persons.** Any person showing symptoms recognized by the CDC as indicators of COVID-19 shall refrain from entering public buildings, restaurants, shops, public transportation facilities and all other areas where the public ingresses or egresses. Such person should seek medical attention and follow the directions of their Primary Care Physician until given the clearance to return to public interaction.
3. **Closures of Businesses.** All indoor recreation, fitness and entertainment facilities are to close immediately and shall remain closed until such time as the state of emergency has been lifted or amended. Should the President of the United States or the Governor of the State of Georgia declare mandatory closures of other establishments, this Resolution shall be considered to so mandate and pledge the resources of the City to enforce such orders.
4. **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 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.
5. **Classification of City 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 set their schedules of work, and to periodically review and modify such assignments.
 - c) To use said discretion to permit employees to telework.
 - d) 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.
 - e) To contract for and expend non-budgeted sums and services, as deemed 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, not to exceed \$5,000 per expenditure. This shall also provide authority of the Mayor and City Manager to execute contracts for items and services not to exceed \$5,000 without approval of the City Council but notices will be provided.
6. **Suspension of Purchasing Rules.** Pursuant to Sec. 4-5-4(c) of the Code of Ordinances, City of Forest Park, Georgia the City's purchasing ordinance is suspended. City officials shall continue to seek to obtain the best prices during the declaration of emergency. The City Manager and each department head shall provide a written justification for any emergency procurement made pursuant to this Section.
7. **Eating Establishments/Bars.**
- a. All eating establishments within the City shall be immediately closed to in-person dining, consumption of alcohol, or entertainment until the expiration of this resolution and shall cease all indoor service and shall, instead, provide only delivery, take-out or drive through services. Such establishments are granted time limited authority to sell packaged beer and wine with food sales while this Resolution is in effect without any further licensing required by the City. Establishments covered under this subsection a. shall be entitled to erect temporary signage indicating they are open for business during the effective dates of this Resolution without any further licensing required by the City.
 - b. Eating establishment regulations prohibited by this Resolution shall not include cafeterias located within medical, industrial, government or other such production facilities that are performing essential functions that are necessary to promote health, welfare and vital resources. These facilities are strongly encouraged to stagger meal times, limit use as much as feasible to achieve social distancing, and to thoroughly follow CDC protocols of cleaning.

8. **Houses of Worship.** All houses of worship shall strive for density reduction in all services, whether scheduled or based upon a life event such as a funeral or baptism, and wherever practical shall practice social distancing. Houses of worship are further encouraged to use social media or other video outlets to broadcast worship services. Funeral homes shall likewise strive for density reduction in all activities and shall ensure vehicles used to transport families shall be thoroughly cleaned between uses in accordance with CDC guidelines. Graveside services of 10 or less participants are highly encouraged.
9. **Physical Distancing.** Physical distancing is the most effective manner of stopping the spread of this emergency. To the extent feasible, it is in the best interest of citizens of Forest Park to not gather in crowds of 10 or more in any location. It is further highly encouraged that all citizens of Forest Park limit travel as much as possible. All other establishments not covered in this Resolution such as grocery stores, pharmacies, and other businesses which remain open during the emergency must post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance between themselves, and to the extent practicable limit the number of persons in the establishment to less than 10 at any one time.
10. **Federal and State Executive Orders.** All applicable orders of the President of the United States and the Governor of the State of Georgia in response to the COVID-19 pandemic event, as they now exist or may be imposed in the future, are hereby imposed within the City limits of Forest Park and all staff are directed to carry out such orders.
11. **Activation of Emergency Management Plan.** All relevant portions of the City of Forest Park Emergency Operations Plan are hereby activated, and the Chief of Police and the Chief of Fire are directed to review and recommend to the Mayor whether any of the provisions of Section 4-5-2 (a)(4)d should be implemented.
12. **Employee Protection Policy.** The provisions set forth in Exhibit A are hereby adopted for all City Employees.
13. **Duration.** With the exception of the declaration in Section 1, this Resolution shall take effect immediately upon approval by the Mayor and Council and shall expire by its own terms at 11:59 pm on April 10, 2020, unless extended by further action of the Mayor and Council.

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SO RESOLVED this 25th day of March, 2020.

Mayor Angelyne Butler

Council Member Kimberly James, Ward 1

Council Member Dabouze Antoine, Ward 2

Council Member Hector Gutierrez, Ward 3

Council Member Latresa Wells, Ward 4

Council Member Allan Mears, Ward 5

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

EMERGENCY POLICY FOR CITY OF FOREST PARK EMPLOYEES

- (a) All full-time employees of the City of Forest Park are hereby granted Public Health Leave (PHL) from employment in an amount of hours equal to: (a) the number normally worked by the employee in any two (2)-week period for hourly employees, or (b) 80 hours for salaried employees. Any employee's PHL will abate and be lost to the extent it is not used before January 1, 2021.
- (b) No doctor's excuse shall be required for use of PHL such as may be required otherwise by the City's Personnel policies but any employee who takes PHL due to actual illness shall comply with the requirements for the Family and Medical Leave Act (FMLA).
- (c) PHL may be used only for the following purposes:
 - 1. Those otherwise allowed for sick leave under the applicable Personnel policies of the City of Forest Park.
 - 2. Caring for a dependent minor child whose school or daycare is closed due to public health concerns, but PHL may not be used to care for children out of school normal pre-planned school breaks; or
 - 3. The employee has been sent home from work by the employee's department head or the City Manager due to public health concerns, whether or not the employee is sick.
- (d) While taking PHL, the employee shall self-quarantine to the extent reasonable, and shall not leave home during normal working hours except for doctor visits, pharmacy visits, shopping for necessities, caring for family and other urgent matters.
- (e) During an emergency declared by the Mayor and Council, the City Manager shall be empowered to require any employee to depart from City premises and use PHL for up to two weeks, with or without the consent of the employee, even if the employee is asymptomatic of illness, for the purpose of promoting public health. Under such circumstances, the City Manager shall be further empowered to permit or require selected employees to work from home instead of at City facilities, without using leave.
- (f) During any emergency declared by the Mayor and Council, the City Manager shall have the authority to suspend public access to any City facilities normally open to the public, and to suspend the work activity of selected City employees and City departments, in whole or in part, on a temporary basis.
- (g) Part-time employees who are sick or must miss work to care for dependents who are sick must utilize the City's current applicable policy. All part-time employees of the City of Forest Park are hereby granted 20 hours of Public Health Leave-Part Time (PHL-PT) from employment. PHL-PT will be used only due to facility closure mandated by the City resulting in no work for the part-time employee. All PHL-PT will abate and end if not used before January 1, 2021.