

Executive Order No. 20-002

EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY IN DEKALB COUNTY AND ORDERING THAT ALL INDIVIDUALS LIVING IN DEKALB COUNTY ARE DIRECTED TO STAY AT THEIR PLACE OF RESIDENCE UNLESS ENGAGING IN ESSENTIAL ACTIVITIES, ESSENTIAL GOVERNMENT FUNCTIONS OR TO OPERATE OR WORK FOR OR ACCESS ESSENTIAL BUSINESSES

I. LEGAL FOUNDATION

WHEREAS, pursuant to Section 13(a) of DeKalb County, Georgia's Organizational Act, the Chief Executive Officer shall have the exclusive power to supervise, direct and control the administration of DeKalb County's government;

WHEREAS, pursuant to Section 13(h) of DeKalb County's Organizational Act, the Chief Executive Officer shall seek to promote and improve the government of the County and promote and develop the prosperity and well-being of the citizens of the County and state law gives local governments various emergency powers;

II. FINDINGS OF FACT

WHEREAS, COVID-19 is a contagious viral disease caused by a novel coronavirus that has not been previously identified and the World Health Organization has officially announced that COVID-19 is a pandemic;

WHEREAS, on March 23, 2020, the Chief Executive Officer issued the County's Executive Order declaring a public health and economic state of emergency and the provisions of that attached Order are hereby incorporated by reference into this Executive Order;

WHEREAS, preventing and slowing the spread of COVID-19 in the community is essential to ensure the well-being of the citizens of DeKalb and throughout Georgia;

WHEREAS, infectious disease experts have stated that we need to "flatten the curve", practice social distancing, and if possible stay in our homes to control the COVID-19 pandemic;

WHEREAS, the spread of COVID-19 is not based on race, gender, sexual orientation, economic or social status, or jurisdiction and must be attacked with a borderless strategy of cooperation of municipalities, counties, the State of Georgia and the United States;

WHEREAS, the Chief Executive Officer of DeKalb County and the Chair of Gwinnett County Board of Commissioners agree that a coordinated effort to encourage

residents to limit activities outside of the home is the best way to slow the spread of COVID-19;

WHEREAS, the Chief Executive Officer hereby issues a stay at home order, as such emergency action is necessary to promote and secure the health, safety and economic well-being of the people within DeKalb County;

WHEREAS, the stay at home order will apply to all individuals living in DeKalb County and individuals are permitted to leave their places of residence only to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and essential governmental functions;

WHEREAS, people who are medically fragile and in danger of contracting COVID-19 and individuals who are sick are strongly urged to stay in their residence except as necessary to seek medical care;

WHEREAS, DeKalb citizens who visit Gwinnett county businesses or residences are strongly encouraged to abide by the emergency ordinances and declarations issued by Gwinnett County.

NOW THEREFORE, the Chief Executive Officer hereby issues the following Executive Order:

III. EXECUTIVE ORDER

1. There exists a public health and economic emergency within DeKalb County, Georgia, due to the COVID-19 pandemic and the following emergency actions must be taken to promote and secure the health, safety, and economic well-being of all people in DeKalb County;
2. In accordance with this emergency declaration, I am ordering that all individuals living in DeKalb County are directed to stay at their place of residence. All individuals are permitted to leave their places of residence only to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and essential governmental functions, all as defined herein;
3. Individuals who are medically fragile in that they are at an increased risk for contracting COVID-19 and people who are sick are strongly encouraged to stay in their residence to the extent possible except as necessary to seek medical care (“medically fragile person/people”);
4. Individuals experiencing homelessness are exempt from this order but are strongly urged to find shelter and government agencies and non-profits to provide shelter and housing and assistance;

5. 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;
6. The Chief Executive Officer reaffirms, recognizes, and reinforces the various Orders and Resolutions that various cities, wholly or partially located in DeKalb County, have enacted declaring a State of Emergency with varying rules and limitations within their respective city limits;
7. The Chief Executive Officer invites all of the cities to adopt this Order so that the Rules within all of DeKalb County are uniform and easily accessible and understood by our citizenry, employers and businesses;
8. In an attempt to stop the spread of COVID-19 and protect all residents, citizens, and visitors, I am strongly encouraging all businesses with a facility in DeKalb County, except Essential Businesses as defined herein, to cease all except Minimum Basic Operations, as defined herein;
9. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted herein. Nothing in this Order prohibits the gathering of members of a household or living unit;
10. All DeKalb citizens who travel to Gwinnett County and outside of DeKalb County's boundaries are encouraged to abide by all Orders and regulations issued by Gwinnett or the jurisdiction to which one has travelled. All citizens from neighboring counties who enter DeKalb County are encouraged to follow the rules set forth in this Executive Order;
11. The Chief Executive Officer of DeKalb County and the Chair of the Gwinnett County Board of Commissioners are committed to sharing information so that executive orders, rules and regulations are regional and complementary in an effort to reduce the imminent economic and public health harm of COVID-19 and create uniformity of purpose across the region;

Definitions and Exemptions

12. Essential Activities. Individuals who are medically fragile in that they are at an increased risk for contracting COVID-19 and people who are sick are strongly encouraged to stay in their residence to the extent possible except as necessary to seek medical care. In performing Essential Activities, all persons are required to remain six (6) feet from each other. For the purposes of this Order, individuals may leave their residence only to perform any of the following Essential Activities;

- a. To engage in activities or tasks essential to an individual or family member's health and safety (including pets);
- b. To obtain necessary services and supplies for themselves, their family or household or to deliver those services or supplies to others;
- c. To engage in outdoor activity, provided the individuals remain at least six feet from each other;
- d. To perform work for Essential Businesses or to obtain products or services from Essential Businesses, including engaging in Minimum Basic Operations;
- e. To care for a person who is medically fragile or family member or pet in another household;
- f. To engage in Essential Governmental Functions, which are any and all services needed to ensure the continuing operation of any governmental agency. Persons who are performing or accessing Essential Governmental Functions are exempt from this Order;

13. Essential Businesses. Essential Businesses are defined as the following:

- a. All types of Health care operations, including but not limited to nursing homes, assisted living facilities, hospitals, doctor's offices, research and laboratory operation; but gyms and fitness centers are NOT considered health care operations
- b. Home based care for seniors, adults and children
- c. Veterinary Operations
- d. Federal, State, County and Municipal services
- e. Utilities (gas, electricity, phone, cable)
- f. Banks and credit unions
- g. Essential Infrastructure--telecommunications, airports, airlines, transportation (buses, MARTA, Lyft, Uber, taxis)
- h. Delivery services (businesses that deliver or ship foods or goods to homes or businesses)
- i. Essential Manufacturing/Construction to maintain public health, safety and welfare
- j. Businesses selling food
- k. Businesses that supply products needed for people to work at home
- l. Pharmacies
- m. Professional services such as legal, accounting and real estate when necessary to assist in compliance with legally mandated activities
- n. Businesses that perform repair work for businesses and homes
- o. Trash and recycling collection, processing, and disposal
- p. Mail and shipping services
- q. Lodging Businesses (For Example, hotels, motels and conference centers)
- r. Laundromats/dry cleaning
- s. Janitorial Services (Building/Residential cleaning and maintenance)
- t. Providers of basic necessities to economically disadvantaged populations
- u. Auto repair and gas stations

- v. Warehouse/distribution and fulfillment
 - w. Funeral homes, crematories, and cemeteries
 - x. Storage for essential businesses
 - y. Animal shelters or animal care or management and crematories
 - z. Bike shops
 - aa. News Media
 - bb. Logistical and Tech Support
 - cc. 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 in DeKalb County. These facilities are strongly encouraged to stagger meal times, limit use as much as feasible to achieve physical distancing, and to thoroughly follow CDC protocols of cleaning.
 - dd. Childcare facilities
 - ee. Elder care facilities
 - ff. Any service that is deemed by the Chief Executive Officer to be essential for the protection of public health, safety and welfare;
14. Minimum Basic Operations. “Minimum Basic Operations” include the following, provided that people remain six (6) feet from each other to the extent possible while carrying out such operations:
- a. the minimum necessary activities to maintain the value of the business’ inventory, ensure security, process payroll and employee benefits, or for related functions;
 - b. the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;
15. In recognition that the County does not have the personnel or resources to monitor and police distancing or gathering limitations or stay at home requirements, the DeKalb County police department and other departments of County government as necessary are authorized to support compliance with this Order through information delivery and education of individuals about the terms of this Order and the imminent threat posed by COVID-19.

This Order will be effective on March 28, 2020 at 9:00 pm. and may be amended as necessary in order to adapt to the ever-changing health and economic situation in DeKalb County. This Order is not intended to and does not create any right or benefit, substantive or procedural, enforceable in law or equity by any party against DeKalb County, its officials, employees, or agents. This Order remains in effect until further notice; all provisions of this Order are subject to change or termination at any time, without prior notice.

March 27, 2020

So ORDERED this 27th day of March 2020.

Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders-Norwood, CCC
Clerk to the Chief Executive Officer and
The Board of Commissioners

APPROVED AS TO FORM:

Viviane H. Ernstes
County Attorney

APPROVED AS TO SUBSTANCE:

Zachary L. Williams
Executive Assistant/Chief Operating Officer