



Local Emergency Order No. 21-1-1

Rescinded

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, 12.30.20.01, 01.29.21.01, 02.26.21.01, 03.31.21.01 and 04.23.21.01; 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 which I renewed on February 4, 2021, March 2, 2021, and April 1, 2021; and

WHEREAS, on April 29, 2021, I signed the Fourteenth Renewal of the Declaration on Local Emergency again declaring a local emergency in Gwinnett County due to the COVID-19 pandemic; and

WHEREAS, on April 30, 2021, Governor Kemp issued Executive Order 04.30.21.01 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 04.30.21.01 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 04.30.21.01; and

WHEREAS, under Executive Order 04.30.21.01 residents and visitors in Georgia are strongly encouraged, but not required, to socially distance and wear face coverings as practicable while outside their homes or place of residence, except when eating, drinking, or exercising outdoors; and

WHEREAS, the Centers for Disease Control (CDC) has found that COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death and reduce the risk of people spreading COVID-19; and

WHEREAS, guidance from the Centers for Disease Control (CDC) on May 13, 2021 provides that individuals can resume activities without wearing a face covering or mask or staying six (6) feet apart except where required by the federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance; and

WHEREAS, on May 8, 2021, Chief Justice Melton of the Georgia Supreme Court entered his Fourteenth Order Extending Declaration of Statewide Judicial Emergency which provides general discretion to courts to conduct in-person proceedings under court operating guidelines when safe and lawful; and

WHEREAS, Chief Justice Melton's Fourteenth Order authorizes court operating guidelines to be modified as public health guidance is modified; and

WHEREAS, the Gwinnett Judicial Circuit adopted Guidelines for In-Court Judicial Proceedings which requires anyone entering a courtroom in which matters are being heard to wear a face covering; and

WHEREAS, the Gwinnett Judicial Circuit guidelines request and strongly encourage, but do not require, visitors to maintain social distance and wear face coverings at other times; and

WHEREAS, the average number of cases of COVID-19 continues to decline in Georgia and Gwinnett County, and as of May 13, 2021, the average number of individuals testing positive for COVID-19 per 100,000 of population has dropped to 97 in Georgia and 81 in Gwinnett County; and

WHEREAS, the number of individuals becoming fully vaccinated continues to increase daily in Gwinnett County, and as of May 13, 2021, 36% of Gwinnett County's

population has received at least one dose of COVID-19 vaccine and 28% of Gwinnett County's population is now fully vaccinated; and

WHEREAS, COVID-19 vaccines are now more readily available than ever with individuals twelve (12) years old and older are eligible to receive the vaccine and many vaccination sites now providing no appointment walk-in services; and

WHEREAS, the County has and will continue to aggressively promote and engage in an education campaign concerning the vaccine with incentives and education campaign for employees and a public education campaign including billboards, digital ads, and social media; and

WHEREAS, in order to recognize and remain responsive to the changing circumstances of the COVID-19 pandemic as well as updated guidance from the CDC and to allow for County services to be provided in a safe, welcoming, and responsive manner, I find that it is prudent to rescind Local Emergency Order 21-1-1; and

WHEREAS, Executive Order 04.30.21.01 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; 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 Chair 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, I find that rescinding the Local Emergency Order requiring face masks or face coverings when entering or utilizing county owned or leased facilities is in accordance with CDC guidance, the Governor's Executive Orders, and my local

emergency authority and is an appropriate step in the County's COVID-19 pandemic recovery; and

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

IT IS HEREBY ORDERED that:

- (1) **Local Emergency Order 21-1-1 and all renewals thereof are hereby rescinded.**
However, individuals and visitors are strongly encouraged to remain vigilant and follow all CDC guidance with respect to COVID-19 mitigation measures as are applicable to them.
- (2) The County Administrator shall be vested with the following discretion and authority:
 - A. To publicize the repeal of Local Emergency Order 21-1-1 and encourage compliance with CDC guidance through information delivery and education of individuals, including but not limited to removing or modifying signage as appropriate for County facilities.
 - B. 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) 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.
- (4) Nothing in this repeal of Local Emergency Order 21-1-1 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.
- (5) 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 20th day of May 2021.

Nicole L. Hendrickson

Nicole L. Hendrickson, Chairwoman
Gwinnett County Board of Commissioners

Diane Kemp

Diane Kemp, County Clerk
(Seal)



Approved as to Form:

Theresa A. Cox

Theresa A. Cox
Deputy County Attorney