



Local Emergency Order No. 21-2-2

First Renewal

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 June 20, 2021, through Executive Order 06.30.21.01, Governor Kemp recognized that the long-term negative effects of COVID-19 remain creating a need for a state of emergency due to the effects of the natural disaster caused by COVID-19 on the economy, supply chain, and healthcare infrastructure; and

WHEREAS, Executive Order 06.30.21.01 declares a State of Emergency in Georgia due to the continuing negative impacts of the COVID-19 pandemic on the State's economy, supply chain, and healthcare infrastructure; and

WHEREAS, Executive Order 06.30.21.01 orders that the efforts to resolve the resulting effects of the COVID-19 outbreak in Georgia shall continue, including efforts to provide eligible individuals and families with available support and assistance; and

WHEREAS, Governor Kemp renewed the State of Emergency for Continued COVID-19 Economic Recovery on July 22, 2021, August 19, 2021, September 20, 2021, October 21, 2021, November 19, 2021, and most recently on December 17, 2021, through Executive Order 12.17.21.01 extending the State of Emergency for Continued COVID-19 Economic Recovery through January 26, 2022, at 11:59 p.m.; and

WHEREAS, in my capacity as Chairwoman of the Gwinnett County Board of Commissioners and in accordance with Executive Order 06.30.21.01 issued Declaration of Local Emergency 21-2 for Continued COVID-19 Economic Recovery on July 20, 2021, which was renewed on July 26, 2021, August 24, 2021, September 27, 2021, October 27, 2021, November 23, 2021, and December 17, 2021; and

WHEREAS, O.C.G.A. Section 38-3-28(a) prohibits counties from making, amending, or rescinding any orders, rules, and regulations as may be necessary for emergency management purposes that are inconsistent with any orders, rules, and regulations promulgated by the Governor; and

WHEREAS, Executive Order 08.19.21.03 provides that county and municipal governments are authorized and empowered 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 08.19.21.03, but such orders, rules, and regulations shall not be inconsistent with Executive Order 08.19.21.03 or any other orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power derived from the State of Emergency for Continued COVID-19 Economic Recovery Declaration; and

WHEREAS, a new more highly transmissible COVID-19 variant, the omicron variant, was first detected in Botswana and South Africa in November 2021; and

WHEREAS, the omicron variant has now been detected in most states including Georgia, and as of January 1, 2022, the omicron variant has become the largest proportion of cases in the United States; and

WHEREAS, the number of new cases of COVID-19 in Georgia and Gwinnett County has increased substantially since mid-December; and

WHEREAS, based upon information from the Georgia Department of Public Health and the Centers for Disease Control and Prevention (CDC), as of January 24, 2022, Gwinnett County's community transmission level is still high; and

WHEREAS, Gwinnett County, as an employer, has recently experienced significant absenteeism due to the spread of COVID-19; and

WHEREAS, guidance from the CDC provides that individuals in areas where there is substantial or high community transmission of COVID-19 should wear a face mask or face covering in an indoor public setting regardless of the individual's vaccination status; and

WHEREAS, guidance from the CDC indicates that face masks or face covering offer protection against all COVID-19 variants and help reduce the spread of COVID-19 when the face masks or coverings are widely used by individuals in a public setting; 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, the high level of community transmission and absenteeism has the potential to negatively impact the County's ability to provide services and assistance to businesses and residents leading to negative impacts on the County's COVID-19 economic recovery; 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 and the Governor's Executive Orders, I find that it is necessary to take certain steps to control access to County indoor facilities; 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, 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, as the level of community transmission in Gwinnett County is still high, I find that requiring face masks or face coverings when entering or utilizing County owned or leased indoor facilities is still an appropriate step toward to ensuring essential services are maintained and to protect the County's COVID-19 economic 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) Face Masks or Face Covering Required in County Facilities.

- A. Individuals entering indoor 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. 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 12:00 a.m. on January 27, 2022 and will continue to be in effect until 11:59 p.m. on February 25, 2022, or until it is extended, rescinded, superseded, or amended in writing by the Chairwoman. This Order may be reevaluated should Gwinnett County's COVID-19 community transmission level, as determined by the CDC and the Georgia Department of Public Health, decline to a moderate or low community transmission level for a two-week period time during the effective period of this Order or any renewal thereof.
- (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.

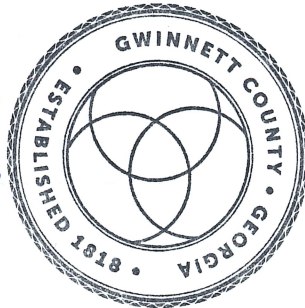
- (5) Nothing in this Local Emergency Order is intended to limit, infringe, or supplant any judicial order or direction with respect to court facilities or courtrooms concerning the COVID-19 pandemic issued pursuant to the laws or Constitution of the State of Georgia or the laws or Constitution of the 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 24th day of January 2022.

Nicole L. Hendrickson

Nicole L. Hendrickson, Chairwoman
Gwinnett County Board of Commissioners

Tina M. King
Tina King, County Clerk
(Seal)



Approved as to Form:

Theresa A. Cox

Theresa A. Cox
Deputy County Attorney