

ORDER RENEWING DECLARATION OF LOCAL EMERGENCY FOR THE CITY OF HINESVILLE AND INCORPORATING EMERGENCY PROTECTIVE MEASURES SET FORTH IN GOVERNOR KEMP'S RECENT EXECUTIVE ORDER AS LOCAL EMERGENCY PROTECTIVE MEASURES

WITNESSETH:

WHEREAS, on March 11, 2020, the World Health Organization declared that the Novel Coronavirus 2019 disease ("COVID-19") is a global pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency, and pledged the "full power of the federal government" to fight this pandemic; and

WHEREAS, on March 14, 2020, Governor Brian Kemp issued Executive Order 3.14.20.01, which declared a public health emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Georgia General Assembly entered a 2020 Special Session to adopt House Resolution 4EX, ratifying Governor Brian Kemp's public health emergency declaration; and

WHEREAS, as of 11:30 a.m. on April 2, 2020, the Georgia Department of Public Health has confirmed 5348 positive cases of COVID-19 in Georgia, including 163 fatalities caused by COVID-19 statewide; and

WHEREAS, no less than 95 positive cases of COVID-19 have been confirmed within the eight-county Georgia Coastal Health District as of the date of April 2, 2020 (with 3 of these being fatalities), including 7 positive cases in Liberty County (the "County"); and

WHEREAS, there exists an increasing number of suspected cases of community transmission and likely further significant increases in transmission within Liberty County and the City of Hinesville (the "City"); and

WHEREAS, as recommended by federal and state authorities, including the United States Centers for Disease Control and Prevention ("CDC") and the Georgia Emergency Management Agency ("GEMA"), a critical component of the public response to the COVID-19 pandemic is to practice "social distancing" by minimizing contact between people residing in different households as much as possible; and

WHEREAS, on March 29, 2020, President Trump announced an extension of federal social distancing guidelines through April 30, 2020, in a continued effort to slow the spread of COVID-19; and

WHEREAS, by Executive Order 04.02.20.01 issued on April 2, 2020, Governor Kemp implemented certain emergency measures, including mandating that all persons within the State shelter in place and not leave their residence except for limited and enumerated purposes (the “Executive Order”); and

WHEREAS, pursuant to applicable State law and the City’s Code of Ordinances the Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-1 *et seq.* and the Code of Ordinances of the City, the Mayor is vested with the Authority to exercise certain emergency powers during a declared state of emergency; and

WHEREAS, on March 20, 2020, and the Mayor issued a Declaration of Local Emergency, which was supplemented on March 23, 2020, by that certain Supplemental Declaration of Local Emergency, which *inter alia* implemented certain protective measures to control the spread of COVID-19 (said initial Declaration of Local Emergency, as supplemented, being referred to as the “Emergency Declaration”); and

WHEREAS, after due consideration of the actions and recommendations of state and federal authorities, and consistent with the same, including, without limitation, President Trump’s recent extension of federal social distancing guidelines and the Governor’s Executive Order, the Mayor, in consultation with the City Council, has determined that it is necessary to renew and continue the local state of emergency and extend the emergency protective measures implemented by the Emergency Declaration to the extent set forth below, all to (i) enforce compliance with the Executive Order; (ii) more effectively address the current public health crisis caused by COVID-19; and (iii) otherwise promote the safety and welfare of the residents of the City;

NOW, THEREFORE, incorporating the foregoing findings, determinations, and other statements, the Mayor of the City of Hinesville, by the power vested under the laws of this State and the City’s Code of Ordinances, DOES HEREBY ORDER THAT:

1.

The local state of emergency declared by the Emergency Declaration and all of the provisions thereof, including, without limitation, the protective and remedial measures implemented thereby, are hereby renewed, continued, and extended through 11:59 p.m. on **April 13, 2020**, unless modified or terminated by subsequent order of the Mayor or terminated by resolution of the City Council; provided, however, that the enforcement of any protective measure contained in the Emergency Declaration is hereby temporarily suspended to the extent that the same conflicts with, varies, or differs from the terms of the Executive Order for the duration of said Executive Order; it being the intent of the Mayor that the enforceable provisions of the Emergency Declaration shall be identical to those of the Executive Order. The provisions of said Emergency Declaration and the Executive Order are incorporated in this Order as if fully set forth herein; it being noted that, for the duration of the Executive Order, the protective measures of said Executive Order are adopted as local protective measures under the Emergency Declaration. Notwithstanding the foregoing, any

remedial measures contained in the Emergency Declaration and intended to provide relief to the citizens of the City, and which do not require enforcement, shall be unaffected by this Order and are hereby preserved in their entirety.

2.

If one or more of the provisions contained in the Emergency Declaration, as renewed and modified by this Order, shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law (including, without limitation, the Executive Order), or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provision of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

3.

The Emergency Declaration, as renewed, continued, extended, and modified by this Order, shall apply only to the territorial limits of the City.

4.

While the duration of the Emergency Declaration is consistent with that of recent federal social distancing guidelines and State action, the public is advised that the current public health emergency is dynamic and that the emergency measures implemented by this Declaration may be further extended, terminated, or otherwise modified as circumstances demand consistent with Georgia law.

5.

All provisions of the Code of Ordinances or other orders, rules, or regulations of the City Council in conflict with the Emergency Declaration (or the Emergency Operations Plan implemented thereunder), as renewed, continued, and extended by this Order, are hereby temporarily suspended.

6.

Local law enforcement serving the City shall enforce those provisions of the Emergency Declaration which are not temporarily suspended by this Order (i.e. those protective measures set forth in the Executive Order and adopted as local protective measures) within the territorial limits of the City and on public property owned or controlled by the City outside said territorial limits; provided that said local law enforcement will have no authority to close any business violating the provisions of this Order unless deputized by the Governor for such purpose or otherwise empowered under Georgia law to do so.

7.

This Order is designed to enforce compliance with the Executive Order.

8.

This Order shall be filed by the City Clerk in the Offices of the City and made public by appropriate physical and electronic posting.

SO ORDERED this 3rd day of April, 2020, at 4:40 o' clock, P.M.



Mayor

CONCURRENCE OF COUNCIL

This will certify that, pursuant to a telephonic meeting of the Mayor and Council of the City conducted on April 3, 2020 in accordance with applicable law, the foregoing Order and the renewal, continuance, extension, and modification of the Emergency Declaration provided for therein, have been unanimously approved by the City Council.



City Clerk

