

1 **RESOLUTION OF THE FULTON COUNTY BOARD OF HEALTH TO DECLARE AND**
2 **RATIFY PUBLIC DECLARATIONS OF A LOCAL PUBLIC HEALTH EMERGENCY IN**
3 **FULTON COUNTY DUE TO THE THREAT AND IMPACT OF THE COVID-19**
4 **PANDEMIC AND TO ORDER THE MODIFICATION OF CERTAIN BUSINESS**
5 **ACTIVITIES COUNTYWIDE TO MINIMIZE DIRECT HUMAN CONTACT**
6

7 **WHEREAS**, a novel coronavirus known as SARS-CoV-2 (COVID-19) was first
8 detected in China and rapidly spread internationally, with diagnoses occurring by March,
9 2020, in Fulton County, Georgia; and

10 **WHEREAS**, on January 30, 2020, the Secretary of Health and Human Services
11 declared a public health emergency through the Public Health Service Act, 42 U.S.C.
12 247d; and,

13 **WHEREAS**, On March 6, 2020, the Georgia Department of Public Health added
14 COVID-19 to the Notifiable Diseases List in Georgia, ensuring that all physicians,
15 laboratories, and other health care providers immediately report cases of COVID-19 to
16 the state to enable rapid epidemiological response to curb the transmission of the
17 disease; and

18 **WHEREAS**, on March 11, 2020, based upon a 13-fold increase in the number of
19 cases outside of China within a two week period, more than 118,000 cases in 114
20 countries, 4,291 deaths and thousands in hospitals fighting for their lives, the World
21 Health Organization characterized COVID-19 as a pandemic; and

22 **WHEREAS**, on March 13, 2020, to control the spread of the virus, President
23 Donald Trump issued a Proclamation Declaring a National Emergency Concerning the
24 Novel Coronavirus Disease (COVID-19) Outbreak under the authority of 50 U.S.C. 1601
25 et seq.; and

1 **WHEREAS**, on March 14, 2020, Governor Brian Kemp declared a public health
2 emergency for 120 counties, including the area encompassing Fulton County, to assist
3 health and emergency management officials across Georgia by deploying all available
4 resources for mitigation and treatment of COVID-19; and

5 **WHEREAS**, as of March 16, 2020, there were 121 confirmed cases in Georgia,
6 twenty-seven (27) of which are in Fulton County; and

7 **WHEREAS**, on March 18, 2020, Fulton County, Georgia, through its Board of
8 Commissioners, passed a Resolution to Declare a Local Emergency in Fulton County
9 Due to the Threat and Impact of the COVID-19 Outbreak and issued a Declaration of
10 State of Emergency Within Fulton County Due to the Threat and Impact of the COVID-
11 19 Outbreak (Item No. 20-0237); and

12 **WHEREAS**, to facilitate the coordination of efforts to address this public health
13 emergency and ensure proper documentation of the work done by both the state
14 employees and the Fulton County employees working in the Fulton County Board of
15 Health, the Board of Health finds it is in the best interest of public accountability to
16 declare a public health emergency and to ratify all such national, state, and local
17 declarations to the extent such action may be required; and

18 **WHEREAS**, Governor Brian Kemp issued an Executive Order on March 23, 2020
19 requiring the Department of Public Health to order that certain persons in the state who
20 have increased risk for contracting the virus, or who have tested positive or are
21 presumed positive for the virus shall shelter in place; and

22 **WHEREAS**, the Board of Health finds that it is vital to the protection of the public
23 health to ensure consistency countywide with the requirements that persons and

1 businesses in Fulton County utilize wise and prudent measures to minimize human
2 contact to slow the spread of the virus; and

3 **WHEREAS**, pursuant to O.C.G.A. § 31-3-6, this Board of Health is empowered to
4 issue rules and regulations to protect public health countywide and to certain specified
5 areas and citizens; and

6 **WHEREAS**, pursuant to O.C.G.A. § 31-3-4, this Board of Health is empowered to
7 take necessary steps to prevent and suppress disease and deleterious conditions; and

8 **WHEREAS**, pursuant to Ga. Comp. R. & Regs 511-9-1-.04, the District Health
9 Director is empowered in the event of a discovery of a group of individuals infected with
10 a communicable disease, to exercise within the District the authorities and powers of
11 the Department of Public Health that are enumerated in Title 31, including the power to
12 close facilities pursuant to Ga. Comp. R. & Regs 511-9-1-.03 that are reasonably
13 suspected to pose a danger to public health; and

14 **WHEREAS**, the Board of Health finds that essential businesses are encouraged
15 and to follow all guidelines for limiting the number of individuals in one area, and
16 maintaining a safe distance, but may not always be able to do so.

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of Health
18 hereby declares a public health emergency in Fulton County caused by the spread and
19 potential spread, of COVID-19; and

20 **BE IT FURTHER RESOLVED**, that the Board of Health ratifies all prior
21 declarations of emergency; and

22 **BE IT FURTHER RESOLVED**, that the Board of Health directs the health
23 department leadership and staff to cooperate to the full extent of the law with local,

1 state, and federal authorities in order to protect the public health and facilitate the flow
2 of resources and funding to the Fulton County Board of Health for such purposes; and

3 **BE IT FURTHER RESOLVED**, that the Board of Health ratifies the actions of the
4 District Health Director taken to address this outbreak on behalf of the citizens of Fulton
5 County; and

6 **BE IT FURTHER RESOLVED**, that the Board of Health hereby directs the
7 District Health Director to command that all dine-in restaurants throughout Fulton
8 County be closed, provided that they may conduct drive-through, delivery, and/or pick-
9 up services as long as the manner in which such services are provided allows for both
10 staff and customers to maintain a safe social distance of six (6) feet between all
11 persons; and

12 **BE IT FURTHER RESOLVED**, that the Board of Health directs the District Health
13 Director to command the limitation of all gatherings to fewer than ten (10) people, and to
14 restrict to fewer than ten (10) people all non-essential businesses or their business
15 activities throughout Fulton County that require direct human contact or that tend to
16 involve crowding or assembling in close spaces where it is difficult or impossible to
17 practice social distancing, until further notice. By way of example, such business
18 activities include but are not limited to: massage services, nail salon services, beauty
19 salon services, adult entertainment facilities, bars, night clubs, private events, exercise
20 facilities and classes, and church gatherings; and

21 **BE IT FURTHER RESOLVED**, that the Board of Health directs the District Health
22 Director to command that all essential businesses as enumerated herein also limit, to
23 the extent possible in the exercise of their essential activities, the limitation of fewer than

1 ten (10) people in one location, and the ability to maintain a safe social distance of six
2 feet (6') between all persons; and

3 **BE IT FURTHER RESOLVED**, that the Board of Health authorizes the District
4 Health Director to define in essential services in consultation with the Board; and

5 **BE IT FURTHER RESOLVED**, that the Board of Health grants the District Health
6 Director, in consultation with the Georgia Department of Public Health, the authority to
7 close any business that fails or refuses to conform with the requirements herein; and

8 **BE IT FURTHER RESOLVED**, that the Board of Health grants the District Health
9 Director the authority to negotiate and execute any contracts and purchase orders
10 necessary to obtain required services and goods needed to provide the emergency
11 services; and

12 **BE IT FURTHER RESOLVED**, that the Board of Health authorizes and ratifies
13 the suspension or modification of procurement and purchasing procedures and rules
14 that have been or may be approved by the Director of Purchasing and the Fulton
15 County Board of Commissioners, as such procedures and rules apply to the Fulton
16 County Board of Health through the Intergovernmental Agreement for Services of the
17 Fulton County government; and,

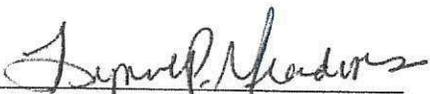
18 **BE IT FURTHER RESOLVED**, that in conjunction with this Resolution, the Board
19 of Health instructs the District Health Director to sign and effectuate the Declaration and
20 Ratification of Emergency and the Order of Closure or Modification of Certain Business
21 Activities Countywide to Minimize Direct Human Contact, attached to this Resolution as
22 "Exhibit A."

1 BE IT FINALLY RESOLVED, that this Resolution shall become effective upon
2 adoption.

3 PASSED AND ADOPTED by the Members of the Fulton County Board of Health,
4 Georgia, this 24th day of March, 2020.

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7 FULTON COUNTY BOARD OF HEALTH

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12 Chair, Fulton County Board of Health

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15 Secretary, Fulton County Board of Health

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18 Approved as to Form:

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22 Attorney, Fulton County Board of Health

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