

**JOINT EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF ALBANY AND THE CHAIRMAN OF THE DOUGHERTY COUNTY COMMISSION RELATED TO COVID-19**

**WHEREAS**, on March 11, 2020, the World Health Organization declared coronavirus (now designated COVID-19) as a pandemic and encouraged all countries to take urgent and aggressive action; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

**WHEREAS**, on March 14, 2020, Governor Brian Kemp declared a public health state of emergency regarding COVID-19; and

**WHEREAS**, it is believed that COVID-19 has caused or contributed to eight (8) deaths in Dougherty County, Georgia (hereinafter “Dougherty County”), and the limited testing that has been completed indicates hundreds of individuals may have contracted the virus; and

**WHEREAS**, more than 500 individuals who have been tested for COVID-19 are at home awaiting the results of those tests; and

**WHEREAS**, the local Emergency Management Agency has been activated in response to Governor Kemp’s declaration of a public health state of emergency; and

**WHEREAS**, medical professionals have determined COVID-19 is easily transmitted from person to person; and

**WHEREAS**, the City of Albany, Georgia (hereinafter “City of Albany”) has closed public parks, gyms and recreational facilities, and has limited access to city buildings and offices; and

**WHEREAS**, Dougherty County has closed all branches of its public libraries and has limited access to county buildings and offices; and

**WHEREAS**, elected officials have encouraged elderly citizens to remain in their residences, businesses to allow employees to work remotely, when possible, and citizens to maintain “social distance”, being a distance of six (6’) feet from others, when possible, and to avoid large gatherings; and

**WHEREAS**, the City of Albany and Dougherty County benefit from a strong and diversified economy, and the economic stability and viability of our community depends on the ability of commerce to flow; many businesses have taken proactive measures to protect public health and protect their workers while innovatively providing essential goods and services to citizens. This Order is intended to “flatten the curve” of COVID-19, protect the health of the local workforce and ultimately minimize the long-term economic impact to businesses;

**WHEREAS**, medical professionals have encouraged the Mayor of the City of Albany and the Chairman of the Dougherty County Commission to take more aggressive steps to prevent and decelerate community spread of COVID-19; and

**WHEREAS**, state law and a joint resolution of the City Commission of the City of Albany and the Dougherty County Commission authorizes the local Emergency Management Agency to take such action as may be deemed appropriate to “promote and secure the safety, protection and well-being of the inhabitants of [Dougherty C]ounty”; and

**WHEREAS**, the Mayor of the City of Albany, Bo Dorough (hereinafter “Mayor”), and the Chairman of the Dougherty County Commission, Chris Cohilas (hereinafter “Chairman”), have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19.

**NOW, THEREFORE** the Mayor and the Chairman hereby ordain that it is hereby declared that a local state of emergency exists within the City of Albany and Dougherty County, and shall continue until the conditions requiring this declaration are abated.

**THEREFORE, IT IS ORDERED:**

**Article 1. Intent.** The intent of this Joint Executive Order (hereinafter “Order”) is to ensure that residents of the City of Albany and Dougherty County self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined herein (hereinafter “Social Distancing Requirements”). All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

1. This Order comes after the release of substantial guidance from the Centers for Disease Control and Prevention, the Georgia Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Mayor and Chairman will continue to assess the quickly evolving situation and may modify or extend this Order or issue additional Order, related to COVID-19.

2. This Order is issued based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of Dougherty County places it at risk for serious health complications, including death, from COVID-19. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order will help preserve critical and limited healthcare capacity in Albany and Dougherty County.

3. This Order also issued in light of the existence of eighty-three (83) confirmed cases of COVID-19 in Dougherty County, as of March 21, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in

transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Mayor and Chairman will re-evaluate this Order as further data becomes available.

**Article 2. Provisions.**

1. All individuals currently living in City of Albany and Dougherty County shall shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times maintain social distancing of at least six (6') feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, to operate Essential Businesses, or to perform Essential Government Functions, all as defined herein. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

2. All businesses with a physical presence in Dougherty County, except Essential Businesses, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined herein. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements, including, but not limited to, when any customers are standing in line.

3. All public and private gatherings of more than ten (10) persons occurring outside a residence are prohibited, except for as otherwise expressly permitted herein. Nothing in this Order prohibits the gathering of members of a residence.

4. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Activities and Essential Travel, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

5. **Exceptions.** For purposes of this Order,

(a) All first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “**Essential Governmental Functions**”, as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements;

(b) Individuals may leave their residence to perform “Essential Activities”;

(c) Individuals may leave their residence to perform work at an “Essential Business”;

- (d) Individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure”;
- (e) Individuals may leave their residence to work for or obtain services at any “Healthcare Operations”; and,
- (f) Individuals may also leave their residence to carry out activities specifically permitted in this Order, including “Minimum Basic Operations”.

6. **Definitions.** For purposes of this Order,

- (a) **Business** means any commercial, mercantile, industrial, or professional endeavor engaged in, whether for-profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, and private educational entities.
- (b) **Essential Activities** shall be defined as:
  - i. Activities or tasks essential to the health and safety of residents, or to the health and safety of their family or household members or partners or significant others (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
  - ii. Obtaining necessary services or supplies for residents and their family or household members, or delivering those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
  - iii. Outdoor activity, such as, by way of example and without limitation, walking, hiking, running, or bicycling. However, individuals shall not engage in team sports and/or activities which result in the congregation of ten (10) or more persons. Individuals engaged in outdoor activities shall comply with Social Distancing Requirements.
  - iv. Caring for a family member or pet in another household.

Those at high risk of severe illness from COVID-19 and people who are sick are urged to remain in their residence to the extent possible, except to seek medical care.

- (c) **Essential Business** means:
  - i. Healthcare Operations and Essential Infrastructure;
  - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations and auto-supply, auto-repair, and related facilities;
- vii. Banks and related financial institutions;
- viii. Hardware stores;
- ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- x. Businesses providing mailing and shipping services, including post office boxes;
- xi. Educational institutions-including private K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing Requirements are maintained, to the greatest extent possible;
- xii. Laundromats, drycleaners, and laundry service providers;
- xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xiv. Businesses that supply products needed for people to work from home;
- xv. Businesses or manufacturers that supply other Essential Businesses with the support or supplies necessary to operate, including, building supply stores;
- xvi. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- xvii. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xviii. Home-based care for seniors, adults, or children;
- xix. Residential facilities including hotels, motels, shared rental units and similar facilities and shelters for seniors, adults, and children;
- xx. Professional services, such as legal, accounting services, and real estate services;
- xxi. Childcare facilities, subject to the following provisions:
  - A. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each

day).

- B. Children shall not change from one group to another.
- C. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
- D. Childcare providers shall remain solely with one group of children.

xxii. All businesses which possess a license to sell alcoholic beverages for off-premises consumption, but only via drive-thru or in parking lots or at curb.

Those businesses identified in subsections i, ii, vi, x, and xii and this section shall not permit its premises to become occupied by any more than fifty (50%) percent of its approved occupancy level and shall further encourage patrons to respect Social Distancing Requirements.

- (d) **Essential Infrastructure** shall include, but is not limited to, public works construction, construction and all related activities (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with the Social Distancing Requirements, to the extent possible.
- (e) **Essential Travel** includes travel for any of the following purposes:
  - i. Any travel related to the provision of or access to Essential Activities, Essential Businesses, Essential Governmental Functions, or Minimum Basic Operations.
  - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - iv. Travel to return to a place of residence from outside Dougherty County.
  - v. Travel required by law enforcement or court order.
  - vi. Travel required for non-residents to return to their place of residence outside Dougherty County.

Individuals engaged in any Essential Travel are expected to comply with Social Distancing Requirements, to the greatest extent feasible.

- (f) **Healthcare Operations** shall include hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. Healthcare Operations also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar facilities.

- (g) **Minimum Basic Operations** shall be defined to include:
  - i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
  - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- (h) **Residence** includes single-family dwellings, duplexes, apartments, dormitories, hotels, motels, shared rental units and similar facilities.
- (i) **Social Distancing Requirements** means maintaining a minimum distance of six (6') feet from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. These modifications of interpersonal contact are necessary to combat the spread of COVID-19.

**Article 3. Individuals who have been tested for COVID-19.** Any individual who has tested positive for COVID-19 or has been released from a hospital or other healthcare facility, pending the results of a test for the virus, is required to remain in his or her home, for the duration of this Order, or until he or she receives confirmation that the results of the test were negative. Individuals subject to this provision of this Order are, however, authorized to travel to and from Phoebe Putney Memorial Hospital and/or to appointments with healthcare professionals.

**Article 4. Enforcement and Remedies.**

1. The City Manager of the City of Albany (hereinafter "City Manager") and the County Administrator for Dougherty County (hereinafter "County Administrator") are directed to utilize available resources, including the public access channel, newspapers, television, and social media to educate citizens of Albany and Dougherty County regarding the imminent threat to public health posed by COVID-19.
2. The Mayor and the Chairman recognize the City of Albany and Dougherty County do not have the personnel or resources to constantly monitor and police distancing or gathering limitations or shelter in place requirements for all individuals currently living within Albany and Dougherty County. The Albany Police Department, the Dougherty County Police Department and the Dougherty County Sheriff's Department are authorized to cite individuals and businesses deemed to be in violation with any provision of this Order.
3. Any violation of this Order, whether by individuals or businesses, shall be subject to the general penalty provisions outlined in Section 1-17 of the Code of Ordinances of the City of Albany, Georgia and Section 2-1-8 of the Code of Dougherty County, Georgia.
4. The City Manager and County Administrator are authorized and directed to engage with community service providers to ensure that there is ample capacity to provide shelter to all homeless individuals within the City of Albany and Dougherty County. The City Manager and County Administrator are authorized to utilize the facilities and resources of the City of Albany and Dougherty County to accomplish this directive. Any community service providers so engaged by the City of Albany and/or Dougherty County shall be educated as to the importance of maintaining Social Distancing Requirements.

**Article 5. Effective Date.** This Order shall become effective at 6:00 p.m. on March 22, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Mayor and Chairman.

**Article 6.** Copies of this Order shall promptly be: (1) made available at The City of Albany and Dougherty County; (2) posted on the City of Albany and Dougherty County websites; and (3) provided to any member of the public requesting a copy of this Order.

**Article 7. Severability.**

1. It is hereby declared to be the intention of the Mayor and Chairman that all sections, paragraphs, sentences, clauses, and phrases of this Order are and were, upon their enactment, believed by the Mayor and Chairman to be fully valid, enforceable, and constitutional. It is further declared to be the intention of the Mayor and Chairman that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Order is severable from every other section, paragraph, sentence, clause or phrase of this Order. It is hereby further declared to be the intention of the Mayor and Chairman that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Order is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Order.

2. In the event that any phrase, clause, sentence, paragraph or section of this Order shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Chairman that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Order and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Order shall remain valid, constitutional, enforceable, and of full force and effect.


**Article 8. Repealer.** All Orders or parts of Orders in conflict with this Order are, to the extent of such conflict, hereby repealed or set aside. The Order adopted on March 19, 2020, by the Mayor and Chairman for the Declaration of Local State of Emergency related to COVID-19 is hereby repealed.

**SO ORDERED AND ORDAINED**, this 22<sup>nd</sup> day of March, 2020.

**THE CITY OF ALBANY, GEORGIA**

  
Bo Dorrough, Mayor  
Albany City Commission

**DOUGHERTY COUNTY, GEORGIA**

  
Christopher S. Cohilas, Chairman  
Dougherty County Commission