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

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

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

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

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

WHEREAS, on March 13, 2020, to control the spread of the virus, President Donald Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak under the authority of 50 U.S.C. 1601 et seq.; and
WHEREAS, on March 14, 2020, Governor Brian Kemp declared a public health emergency for 120 counties, including the area encompassing Fulton County, to assist health and emergency management officials across Georgia by deploying all available resources for mitigation and treatment of COVID-19; and

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

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

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

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

WHEREAS, the Board of Health finds that it is vital to the protection of the public health to ensure consistency countywide with the requirements that persons and
businesses in Fulton County utilize wise and prudent measures to minimize human contact to slow the spread of the virus; and

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that the Board of Health directs the health department leadership and staff to cooperate to the full extent of the law with local,
state, and federal authorities in order to protect the public health and facilitate the flow
of resources and funding to the Fulton County Board of Health for such purposes; and

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

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

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

BE IT FURTHER RESOLVED, that the Board of Health directs the District Health
Director to command that all essential businesses as enumerated herein also limit, to
the extent possible in the exercise of their essential activities, the limitation of fewer than
ten (10) people in one location, and the ability to maintain a safe social distance of six feet (6’) between all persons; and

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

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

**BE IT FURTHER RESOLVED,** that in conjunction with this Resolution, the Board of Health instructs the District Health Director to sign and effectuate the Declaration and Ratification of Emergency and the Order of Closure or Modification of Certain Business Activities Countywide to Minimize Direct Human Contact, attached to this Resolution as “Exhibit A.”
BE IT FINALLY RESOLVED, that this Resolution shall become effective upon adoption.

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

FULTON COUNTY BOARD OF HEALTH

Chair, Fulton County Board of Health
Secretary, Fulton County Board of Health

Approved as to Form:

Attorney, Fulton County Board of Health