



MAJOR POINTS FROM GOVERNOR KEMP'S 06.11.20.01 EXECUTIVE ORDER

On June 11, 2020, Governor Kemp issued Executive Order 06.11.20.01 (hereinafter "the Order"). In the Order the Governor lays out detailed provisions to govern the ongoing Public Health State of Emergency. **With the exception of Section III, "Sheltering in Place", which takes effect immediately, the provisions contained in the Order shall be effective from June 16, 2020 at 12:00 A.M. until June 30, 2020 at 11:59 P.M.** unless otherwise stated. In the Order, the Governor covered the following topics related to the Coronavirus public health emergency (*new or significantly revised provisions are shown in italics*):

PROVISIONS SPECIFIC TO LOCAL GOVERNMENTS (see pages 30-31 of Executive Order)

Although it is vital that Local Government entities acquaint themselves with the complete substance of the order, some of the highlights for local governments are as follows:

1. For the purposes of Code Section 48-5-311(e)(6A), "in-person" appearances before county boards of equalization may occur via remote communications. This provision does not abrogate the requirement that county boards of equalization comply with the Georgia Open Meetings Act. *Further, decisions of county boards of equalization may be transmitted electronically if all parties consent at the time of the hearing. (See p.30).*
2. That any purported requirement under the laws of this state requiring original signatures and raised corporate seals related to construction surety bonds required various statutes and commercial surety bonds required or permitted under numerous other statutes are suspended for the limited purpose of providing that public procurement officers shall accept electronic signatures and electronic corporate seals as provided by the provisions of law and any construction surety bond or commercial surety bond may be executed electronically if all the following requirements are met:
 - a. The document is notarized pursuant to the requirements of Executive Order 04.09.20.01; and
 - b. If requested by the procurement officer, the original shall be provided within seven (7) business days. (See p. 30)
3. Local governments can enact ordinances for emergency management purposes and to supplement the carrying out of the order. Such ordinances cannot be "inconsistent" with the order. (See p. 31.)
4. After providing reasonable notice and at least two citations for violations of O.C.G.A. §38-3-7, any Local government law enforcement officer is authorized to mandate the closure of any business, establishment, or corporation for failure to comply with the provisions of the Order. (See p. 31.)
5. Violation of the order is defined as a misdemeanor under O.C.G.A. §38-3-7. (See p. 31)
6. The requirements of O.C.G.A. §§36-70-27 (which relates to limitations of funding for projects inconsistent with strategy) and 50-8-8 (which concerns grants, loans, and other disbursements of funds from the state community development program) are suspended to the extent that they would prevent local governments from being eligible to receive state funding for expenditures made during the current Public Health State of Emergency related to the prevention, treatment, or mitigation of COVID-19. (See p. 31)

SUMMARY OF KEY POINTS

General highlights:

- 1) ***Through June 30, 2020***, Shelter in place will continue for those defined by the CDC as being high risk or suffering from a severe illness (see list on p. 6 of the order). ***Those persons over the age of 65 are no longer included in this list unless they are in a category that is considered high risk by the CDC.***
 - a. Those who continue to shelter in place can leave for the same reasons as before – to get food, medical assistance, outdoor exercise, etc.
- 2) ***Through June 30, 2020*** - Everyone (everywhere) must practice social distancing procedures as well as sanitation methods as prescribed by the CDC, and refrain from gathering as defined by the Order.
- 3) Everyone is strongly encouraged to wear a face mask when outside of their homes (except for when eating or exercising).
- 4) The Order does not affect or alter court ordered visitation of minor children.
- 5) ***The Order expires June 30, 2020 at 11:59 P.M.***
- 6) ***Live performance venues are allowed to open to the public during the Order, (which means from June 16, 2020 at 12:00 A.M. until June 30, 2020 at 11:59 P.M.) pursuant to certain requirements. (See pages 31-36)***
- 7) ***Conventions may be held from July 1, 2020 provided the requirements contained at page 36-38 are followed.***

Definitions:

Definitions of terms used in this and previous orders, such as “Summer Camp”, “Social Distancing”, “Shelter in Place”, “Gathering” and “Critical Infrastructure”.

- ***"Convention" is added to the definitions and is defined to effectively cover events of more than 100 persons but does not include any regular operation of a business that occurs on property owned or leased for the exclusive operation of such business or regular religious services, business meetings, sports competitions, or gun shows.***
- ***"Gathering" is amended from previous Executive Orders to be defined as: "more than fifty (50) persons physically present at a Single Location if, to be present, persons are required to stand or be seated within six (6) feet of any other person." This is an increase from twenty-five (25) persons in the previous Executive Order.***
- ***"Live Performance Venue" is defined to mean "any indoor or outdoor location that requires patrons to purchase a license to attend an event featuring live musical, dramatical, automotive, educational, or any other type of entertainment performed before in-person patrons." It does not include Restaurants and Dining Rooms, banquet facilities, private event facilities, private reception venues, weddings, drive-in venues, events held as part of a Convention or outdoor recreational fields used for amateur sporting events***

Critical and Non-Critical Infrastructure:

- 1) **Critical Infrastructure** – the same provisions as were previously ordered apply – See pages 10-11 of the Order.

- 2) **Non-Critical Infrastructure** – the same provisions as were previously ordered apply, ***except that the requirement that businesses enforce Social Distancing of non-cohabitating persons while present on such entity's leased or owned property has been removed.*** - see pages 12-13 of the Order.
 - a. *****Both Critical and Non-Critical Infrastructure should provide personal protective equipment as appropriate, sanitation and disinfectant products, and increase physical space between workers.***

Specific Businesses (which may also be critical or non-critical above)

- 1) **Restaurants, dining Rooms, banquet facilities, private event facilities, and private reception venues where food is served** – May offer dine-in service only provided strict provisions are followed. Restaurants allowing dine-in service:
 - a. ***The “no more than ten (10) patrons per 300 square feet of public space” requirement has been lifted.***
 - b. SHALL implement the **35** measures of the Order intended to mitigate the spread of COVID-19. (See pp. 7-10).
 - c. Some, but not all, of the significant measures are:
 - i. ***Require Workers to wear face coverings while interacting with patrons. -This has changed from being “at all times”.***
 - ii. ***The language requiring restaurants to “[e]nforce Social Distancing of non-cohabitating persons” has been removed.***
 - iii. ***The rules for the use of salad bars have changed (see requirement #15).***
 - iv. ***The advice to prioritize takeout service is removed.***
 - v. ***Restaurant or dining room playgrounds can be open provided they are cleaned and sanitized regularly if in use.***
 - d. These requirements do not apply to dine-in services at hospitals, healthcare facilities, nursing homes, or other long-term care facilities.
- 2) **Retail Businesses the language previously addressing all retail businesses has been removed and is not present in the Order. Only language regarding retail and wholesale grocery stores remains in the Order.**
- 3) **Food Establishments (grocery stores, convenience stores)** – have additional measures they must implement to the maximum extent practicable – (in addition to those above in critical infrastructure and #2 above) and those are found on pages 13-14 of the Order) – Notable measures include:
 - a. ***The measures applying the grocery stores have changed to include only 11 provisions (see page 13-14).***
 - b. ***The requirement limiting the number of patrons inside the store to 50% of fire capacity occupancy of the entire store or eight (8) patrons per 1,000 square feet is not present in the Order as that was contained in the Retail Businesses section.***
 - c. Scheduling specific hours of operations for vulnerable populations; (This likely is in response to a specific GMA request.)
 - d. Reducing store hours for additional cleaning after hours; (This likely is in response to a specific GMA request.)
 - e. Enacting policies and procedures for social distancing – Plexiglass at registers; decals on floors; one-way aisles;

- f. Providing personal protective equipment for workers;
 - g. Encouraging patrons to wear face coverings;
- 4) **Gyms and Fitness Centers** – in addition to the other measures applicable above (those in non-critical infrastructure) Gyms and Fitness Centers **must** implement 17 measures if they wish to reopen – See pages 15-16 of the Order. It appears that pools, basketball courts, tanning beds can be used, as long as there is no congregating and social distancing is enforced. **Hot tubs, saunas, and steam rooms can open.** Group classes can be offered as long as participants stay at least 10 feet from one another and don't congregate. Child care services can be provided, subject to rules relating to child care facilities. **The former requirement that patrons spray showers with a provided cleaning spray after use is no longer there.**
- 5) **Beauty Salons, Barbers, Body Art Studios, Massage Therapists etc.** – must implement (in addition to the non-critical infrastructure requirements) – the 11 mitigating measures found on pages 15-16 of the Order. Notable measures are: not allowing anyone symptomatic to enter, allow one patron per service provider at the time (parent may enter with child); stagger work schedules so that no more than 50% of service providers are present at the same time; workstations should be more than 10 feet apart; sanitize chairs, etc., between appointments. **The following requirements are no longer in place:**
- a. **to only offer services by appointment**
 - b. **to require patrons to use hand sanitizer upon entering the facility**
 - c. **providing hand sanitizer for patrons upon arrival**
 - d. **requiring patrons waiting for service to wait outside has been changed to “encouraging”**
 - e. **training all staff on additional measures both verbally and in writing**
- 6) **Theaters and Cinemas** – must implement the list of requirements for the “non-critical” list and implement additional measures found on page 16 of the Order.
- 7) **Bowling Alleys** – must implement non-critical list and implement additional specific measures found on pages 16-17 of the Order. If they have a food service area – they must adhere to the measures required for dine-in restaurants. Must sanitize equipment, balls, seats, devices between use. **Playgrounds can now open.**
- 8) **Bars - 39 measures provided for on pages 17-19 of the Order must be followed. These measures include, but are not limited to:**
- a. Limiting the total number of persons in the bar to **50 people** or 35% of the fire occupancy, whichever is greater.
 - b. Requiring workers to wear face coverings at all times.
 - c. Enforcing social distancing on non-cohabitating persons while on the premises.
 - d. Between patrons, sanitizing tables, digital ordering devices, check presenters, self-service areas, tabletops and commonly touched areas, and discard any single-use items.
 - e. Establishing seating areas to discourage loitering at the bar area.
 - f. Sanitizing the bar at least twice a day.
- 9) **Sports Teams – the rules governing sports has been moved to a new section, below.**

10) **Waterparks and Amusement Rides**

- a. *Such locations must now display signage, ground markers and provide training that proactively encourages Social Distancing*
- b. *The location must place “signage at any entrance to instruct patrons that they cannot enter if they have been diagnosed with COVID-19, have Symptoms of COVID-19, or had contact with a person that has or is suspected to have COVID-19 within the past fourteen (14) days.”*
- c. *The requirements:*
 - :
 - *For open-air rides where patrons are seated in cars, such as bumper cars, sky lifts, classic Ferris wheels, swing rides, and similar types of rides and attractions, only allowing persons in the same party to be seated together in each car;*
 - *For open-air rides where patrons are seated in an interspersed manner, such as carousels and similar types of rides and attractions, seating patrons so that there is at least six (6) feet between persons not in the same party;*
 - *For closed car rides, such as monorails, gondola-style Ferris wheels, and similar types of rides and attractions, only allowing persons in the same party to be seated together in each car or unit.*
- d. *Live Performance Venues at Amusement Parks may now open. (Requirements are listed in detail at Section IX.*
- e. *The former requirement that outdoor workers such as landscapers only need to Socially Distance “in accordance with the guidelines published by the Centers for Disease Control and Prevention” has now been changed to read “as necessary and practicable”.*

Healthcare Providers – are regulated on pages 23 of the Order. Most of the requirements for healthcare providers have now been lifted.

Education and Children

(Child Care Providers and Summer Camps) – (see pages 23-30 of the Order)

- a. Child care facilities may not transport children for any reason except from their residence to the facility.
- b. School districts offering Summer School shall not be required to comply with the ban on gatherings.
- c. Child care facilities must implement the non-critical infrastructure measures – and specific measures found on pages 25-26 of the Order.
 - i. Screen children for fever/illness.
 - ii. Prohibit entry if ill.
 - iii. Provide meals in classrooms rather than one large room.
 - iv. Restrict family member’s access to the building – either the main entry door only or the door to the classroom, as is practical.
 - v. Frequently clean touched surfaces.
 - vi. Use washable toys to the extent practical.

- vii. Each child’s bedding must be kept separate and washed weekly – or before it is used on another child.
- d. The Order establishes 32 rules for Summer Camps (including Overnight Summer Camps) (33 for overnight Summer Camps) (pp. 29 – 32) in addition to the applicable requirements for non-critical infrastructure.
- e. Overnight Summer Camps are permitted to host Campers overnight beginning May 31, 2020.
- f. A Camper or Worker at a Summer Camp or an Overnight Summer Camp with known exposure to COVID-19 shall not be allowed access to any Summer Camp or Overnight Summer Camp, including any facilities or activities, until at least fourteen (14) days have elapsed since the last known exposure.
- g. ***The requirement that Overnight Campers and Workers not be permitted to begin any Summer Camp unless they have received a negative test result for COVID-19 within seven (7) days prior to beginning an Overnight Summer Camp has now been changed to twelve (12) days.***

Local Governments (Pages 30-31)

1. For the purposes of Code Section 48-5-311(e)(6A), "in-person" appearances before county boards of equalization may occur via remote communications. This provision shall be implemented consistent with Ga. Comp. R. & Regs. r. 560-11-12-.02, which requires hearings before county boards of equalization to "only be as formal as is necessary to preserve order and be compatible with the principles of justice." This provision does not abrogate the requirement that county boards of equalization comply with the Georgia Open Meetings Act. Further, decisions of county boards of equalization may be transmitted electronically if all parties consent at the time of the hearing.
2. Can enact ordinances for emergency management purposes and to supplement the carrying out of the Order – but cannot be more or less restrictive.
3. ***The Order adds “[t]hat any purported requirement under the laws of this state requiring original signatures and raised corporate seals related to construction surety bonds required under Code Sections 13-10-40- 65, 32-2-70, 36-91-1, 36-91-2, 36-91-50 and 36-91-70-93 and commercial surety bonds required or permitted under numerous other statutes are suspended for the limited purpose of providing that public procurement officers shall accept electronic signatures and electronic corporate seals as provided by the provisions of Code Sections 10-12-2 et seq. and 33-24-14 and any construction surety bond or commercial surety bond may be executed electronically if all the following requirements are met:***
 - a. *The document is notarized pursuant to the requirements of Executive Order 04.09.20.01; and*
 - b. *If requested by the procurement officer, the original shall be provided within seven (7) business days.*

Sports & Live Performance Venues

This section is all new as previous to the Order sports and live performance venues have been closed. The key points of this section are as follows:

1. ***Other than the exceptions included in this Section, Live Performance Venues shall not host events prior to July 1, 2020.***
2. ***Drive-in performances are not subject to these requirements.***

3. *That in addition to the applicable requirements above for non-Critical Infrastructure Live Performance Venues must follow extra measures which are determined based on a tiered classification. Live Performance Venues tiers are based upon the fire code capacity of the venue. Tier I shall include venues that can host 999 or fewer persons. Tier II shall include venues that can host between 1,000 and 4,999 persons. Tier III shall include venues that can host 5,000 or more persons. The calculation of the total number of persons shall include all persons, including Workers, that are present in a Live Performance Venue.*
4. *The Section then lists detailed requirements for each tier classification.*
5. *Professional sports will be required to follow the guidelines of their leagues, college and high school sports will be required to follow the guidelines of their conference or association, and amateur sports will be required to follow the guidelines of non-Critical Infrastructure organizations.*

Conventions

This section is all new as previous to the Order Conventions have been prohibited. The key points of this section are as follows:

1. *Other than the exceptions included in this Section, no Convention shall occur prior to July 1, 2020.*
2. *In addition to the applicable requirements above for non-Critical Infrastructure, Conventions operating during the effective dates of the Order shall implement twenty-one (21) additional measures including:*
 - a. *Providing Hand Sanitizer for use by all individuals present*
 - b. *To the extent practicable, implementing one-way aisles to guide patron traffic through large areas of booths*
 - c. *Requiring all dining facilities to follow the criteria for restaurant dine-in services set forth in Section IV of this Executive Order titled "Restaurants & Dining Services"*

Enforcement

1. Any law enforcement officer may, after providing reasonable notice and at least TWO citation for violations of OCGA 38-3-7 – may be authorized to mandate the closure of any business, establishment, corporation for failure to comply with the provisions of the Order. (This likely is in response to a specific GMA request.)
2. Violation of the Order is a misdemeanor under O.C.G.A. § 38-3-7.
3. No Judicial Order is affected by the Executive Order.