1. March 26, 2020 Agenda Material
   Documents:
   03262020COMBINED.PDF

2. March 26, 2020 Meeting Agenda
   Documents:
   03262020AGENDA.DOCX_.PDF

3. March 26, 2020 Final Agenda
   Documents:
   03262020AGENDA.DOCX_.DOCX_FINAL.PDF
The Georgia Conflict of Interest in Zoning Action Statue (O.C.G.A. §§ 36-67A-1 et seq.) requires disclosure of certain campaign contributions made by applicants for rezoning actions and by opponents of rezoning application. A rezoning applicant or opponent of a rezoning application must disclose contributions or gifts which in aggregate total $250.00 or more if made within the last two years to a current member of Effingham County Planning Board, Board of Commissioners, or other Effingham County official who will consider the application. The campaign contribution disclosure requirement applies to an opponent of a rezoning application who publishes his or her opposition by appearance before the Planning Board or Board of Commissioners or by any other oral or written communication to a member or members of the Planning Board or Board of Commissioners. Disclosure must be reported to the Board of Commissioners by applicants within ten (10) days after the rezoning application is filed and by opponents at least five (5) days prior to the first hearing by the Planning Board. Any person knowing failing to comply with these requirements shall be guilty of a misdemeanor.

“Individuals with disabilities who require special needs to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities should contact the County Clerk at 912-754-2123 promptly to afford the County time to create reasonable accommodations for those persons.”

**PLEASE TURN OFF YOUR CELL PHONE**

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<th>Items of Business</th>
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<td>I Call to Order</td>
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<td>II Invocation</td>
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<td>III Agenda Approval</td>
<td>Consideration of a Resolution to approve the agenda</td>
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<td>IV New Business</td>
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<td>01 Ordinance</td>
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<td>V Adjournment</td>
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AN ORDINANCE TO AMEND THE OFFICIAL CODE OF EFFINGHAM COUNTY, GEORGIA, CHAPTER EIGHTEEN, CIVIL EMERGENCIES

BE IT ORDAINED by the Board of Commissioners of Effingham County, Georgia, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

The Official Code of Effingham County, Georgia, is amended by replacing Chapter 18 with the following

ARTICLE I. – IN GENERAL
Sec. 18-1. - Purpose.
Sec. 18-2 – 18-35. – Reserved

Sec. 18-1. – Purpose
It is the purpose of this ordinance to protect the health, safety, and general welfare of Effingham County citizens during times of a locally declared emergency or state declared emergency. It is the intent of the Board of Commissioners of Effingham County that the provisions of this ordinance be put into effect only in the event of an emergency which causes imminent threat to life or property.

ARTICLE II. - EMERGENCY MANAGEMENT
Sec. 18-36. – Definitions.
Sec. 18-37. – Emergency Management and response powers
Sec. 18-38. – Enforcement and Remedies
Sec. 18-39. – Authority to Waive Procedures and Fee Structures.
Sec. 18-40. – Registration of Building and Repair Services
Sec. 18-41. – Closed or Restricted Areas and Curfews during Emergency.
Sec. 18-42. – Regulation Continued in Effect
Appendix - A Declaration of Local Emergency
Appendix - B General Release Agreement
Appendix - C Right of Entry and Agreement to Allow Use of Property as a Result of State of Emergency

Sec. 18-43. – 18-102. – Reserved

Sec. 18-36. - Definitions.
The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Emergency management means the preparation for and the carrying out of all emergency and disaster functions other than those functions for which military forces or state and federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from emergencies or disasters, or the imminent threat thereof, of a technological or natural origin. Emergency functions are listed in the Effingham County Emergency Operations Plan.
2. *Locally Declared Emergencies* as used in this ordinance, a “locally declared emergency” or a “declaration of local emergency” shall mean a declaration by the chair of the board of commissioners enacting some or all of the local emergency powers addressed in the ordinance.

3. *State Declared Emergencies* As used in this ordinance, a “State declared emergency” or “State of Emergency” shall mean a declaration by the Governor of an actual or impending emergency or disaster of natural or manmade origin, or a pandemic influenza emergency, or impending or actual enemy attack, or a public health emergency, within or affecting Georgia or against the United States. A declaration of emergency by the Governor may enact some or all of the emergency powers, local or otherwise, addressed in this ordinance.

Sec. 18-37. - Emergency Management and response powers

1. **Office of the County Emergency Management Director**

   The Chair of the Board of Commissioners, with concurrence of the Mayors of cities within the county, shall nominate for appointment by the governor a director of emergency management for the entire county. When appointed, the emergency management director is charged with the following duties:
   
   A. To represent the governing officials of the county and cities in the county on matters pertaining to emergency management.
   B. To assist county and city officials in organizing county and city departments for emergency operations.
   C. To develop, in conjunction with county and city departments, the county plan for emergency functions set forth in the Effingham County Emergency Operations Plan. Such plan will be in consonance with the state emergency operations plan and shall be submitted to the governing officials of the county and the cities in the county for approval, and thence to the state emergency management agency for approval.
   D. To maintain the emergency management agency and carry out the day-to-day administration of the county emergency management program, including the submission of required reports to the state emergency management agency.
   E. To submit reports as required by governing officials in keeping with good management practices, e.g., financial, daily activity, etc.
   F. To obtain, with the authority of governing officials, a facility to be used as the county emergency operating center.
   G. To coordinate the activities of the county emergency operating center staff during periods of an emergency, and under the supervision of county governing officials.

2. **County Emergency Management Agency**

   The County Emergency Management Agency shall be established around existing county and city departments, the emergency functions listed in the Effingham County Emergency Operations Plan are assigned to heads of departments which are responsible for developing appropriate annexes to the local Emergency Management Director. Such annexes will be submitted to the local Emergency Management Director for inclusion in the local emergency operations plan and approval by appropriate local officials.
3. **Declaration of Local Emergency**
   
   **A. Grant of authority.**
   
   In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the county and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the Chair of the Board of Commissioners may declare a local emergency for County. The form of the declaration is provided in Appendix A.
   
   **B. Request for state assistance.** Consistent with a declaration of local emergency, the Chair or his designee may request the Governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the county to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
   
   **C. Continuance.** The declaration of local emergency shall continue until the Chair finds that emergency conditions no longer exist, at which time, the Chair shall execute and file with the Clerk of the Board of Commissioners a document marking the end of the emergency. No state of local emergency shall continue for longer than 30 days, unless renewed by the Chair. The Board of Commissioners may, by resolution, end a state of local emergency at any time.
   
   **D. Effect of declaration of emergency; Activation of emergency operations plan.**
   
   A declaration of emergency by the Governor or a declaration of local emergency by the Chair shall automatically activate the county emergency operations plan and shall be the authority for deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.
   
   i. The Effingham County Emergency Management Agency ("EEMA") Director shall have the legal authority to exercise the powers and discharge the duties conferred upon the emergency management agency, including the implementation of the emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.
   
   ii. In responding to the emergency and conducting necessary and appropriate survey of the damages caused by the emergency, the Director or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of evaluating sites involved with emergency management functions to protect the public’s health, safety or welfare.
   
   iii. The Director is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the County; however, any such document shall be later presented for ratification at a meeting of the Board of Commissioners.
   
   iv. No person shall refuse entry or access to any authorized representative or agent of the county who requests entry for purposes of evaluating sites involved with
emergency management functions to protect the public’s health, safety, or welfare, and who presents appropriate credentials. Nor shall any person obstruct, hamper, or interfere with any such representative while that individual is in the process of carrying out his or her official duties.

4. **Emergency powers.** Following a declaration of emergency and during the continuance of such state of emergency, the Chair or his designee is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control.

   A. **State Declared State of Emergency.** If the Governor declares a state of emergency for the County, the Chair, jointly with the Mayors of the affected areas may cause the following provisions of this ordinance to become effective:
      i. Section 18-39, Authority to Waive Procedures and Fee Structures;
      ii. Section 18-40, Registration of Building and Repair Services; and/or
      iii. Section 18-41, Closed or Restricted Areas and Curfews during Emergency.

   B. **Locally Declared State of Emergency.** If the Chair declares a local emergency for the County, the Chair, jointly with the Mayors of the affected areas may cause the following provisions of this ordinance to become effective:
      i. Section 18-39, Authority to Waive Procedures and Fee Structures; and/or
      ii. Section 18-41, Closed or Restricted Areas and Curfews during Emergency.
      iii. ECBOC HR Policy 5.11, Effingham County Operations under Pandemic Conditions.
      iv. ECBOC HR Policy 5.05, Effingham County Policy for Emergency Conditions.

   If any of these sections are included in a declaration of local emergency, the same shall be filed in the office of the Clerk of the Board of Commissioners and shall be in effect until the declaration of local emergency has terminated.

5. **Authority to waive procedures and fees.** Pursuant to a declaration of emergency, the Chair of the Board of Commissioners or his designee is authorized to cause to be effective any of the subsections of Section 18-39 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the Clerk of the Board of Commissioners.

6. **Additional emergency powers.** The Chair of the Board of Commissioners or his designee, jointly with the Mayors of the affected areas or their designees shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:
   A. To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;
   B. To prescribe routes, modes of transportation and destinations in connection with evacuation;
   C. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters;
   D. To transfer the direction, personnel or functions of any county departments for the purpose of performing or facilitating emergency services;

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EFFINGHAM COUNTY
ORDINANCE REGARDING EMERGENCY MANAGEMENT

E. To utilize all available resources of the county and subordinate agencies over which the county has budgetary control as reasonably necessary to cope with the emergency or disaster;
F. To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health, and welfare, and/or the property of citizens;
G. To suspend any ordinance, resolution, order, rules or regulation prescribing the procedures for conduct of county business, or the orders, rules or regulations of any county department, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;
H. To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;
I. To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.

7. Form of Declaration of Local Emergency. Upon the declaration of local emergency, an official “Declaration of Local Emergency,” in substantially the same form set forth below, shall be signed and filed in the office of the County Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter that shall be in effect. See Appendix A

8. Contracts with Municipalities. In addition to the normal agreements embodied in the county’s emergency operations plan for mutual emergency assistance, the Board of Commissioners may contract with any municipality for the administration of an emergency response program.

Sec. 18-38. – Enforcement and Remedies.

1. Law Enforcement
   In accordance with O.C.G.A. § 38-3-4, the Effingham County Sheriff’s Office jointly with the Municipality Police Department of the affected areas and the EEMA Director shall be authorized to enforce the orders, rules and regulations contained in this ordinance and/or implemented by the Chair or Board of Commissioners jointly with the Mayors of the affected areas during a declared emergency.

2. Penalties
   Failure to comply with any of the requirements or provisions of the regulations contained in this ordinance, or with any code section, order, rule or regulation made effective by the Chair or Board of Commissioners upon or after the declaration of an emergency shall
constitute a violation of the provisions of this ordinance. Any person who violates any provision in this ordinance shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding $1,000, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

3. **Injunctive Relief**

   In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the EMA Director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations that are contained in the Georgia Emergency Management Act and/or this ordinance, and/or are implemented by the Board of Commissioners during a declared emergency.

4. **Enforcement**

   Except as otherwise provided in this chapter, this ordinance may be enforced by the Effingham County Sheriff's Office jointly with the Municipality Police Department of the affected areas and the EEMA Director.

**Sec. 18-39. – Authority to Waive Procedures and Fee Structures.**

1. **County Business.**

   Upon declaration of an emergency or disaster by the Governor or Chair of the Board of Commissioners, the affairs and business of the county may be conducted at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the Board of Commissioners shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the Board of Commissioners without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

2. **Public Works Contracts**

   Upon declaration of an emergency or disaster by the Governor or Chair of the Board of Commissioners, the Board of Commissioners or their designee may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e). Any E-Verify or Systematic Alien Verification for Entitlements (“SAVE”) affidavit shall be obtained from any contractor if otherwise required by law.

3. **Purchasing**

   Upon declaration of an emergency or disaster by the Governor or Chairman of the Board of Commissioners, the purchasing ordinances, regulations or policies may be suspended. County officials shall continue to seek to obtain the best prices during the state of local emergency.
4. **Code Enforcement**

   Upon declaration of a state of emergency or disaster by the Governor or the Chair of the Board of Commissioners, the Board of Commissioners or their designee may temporarily suspend the enforcement of the ordinances of the county, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

5. **Fees**

   Upon declaration of a state of emergency or disaster by the Governor or the Chair of the Board of Commissioners, the Board of Commissioners or their designee may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency, unless Section 18-40 is enacted. The term “fees” include fees or rates charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term “fees” does not include fees collected by the county on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation.

6. **Temporary Dwellings**

   Upon the declaration of a state of emergency or disaster by the Governor or Chair of the Board of Commissioners, the Board of Commissioners or its designees may issue temporary permits for mobile homes, trailers, recreational vehicles or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county Health Department and Development Services. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship, and in the discretion of the Board of Commissioners or its designee, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

**Sec. 18-40. – Registration of Building and Repair Services**

1. In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the unincorporated area of the county located in a declared emergency or disaster zone, any person, firm, partnership, corporation or other entity not actively licensed through Effingham County must register with the Effingham County Development Services. All persons, firms, partnerships, corporations or any other entities must secure an emergency building permit that is posted at the work site. Each day any such entity does business in the county without complying with this ordinance constitutes a separate offense.
2. The cost of registration fees in a declared emergency or disaster is fixed at $50.00 per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

3. When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:
   A. Name of applicant;
   B. Permanent address and phone number of applicant;
   C. Applicant’s Social Security number or federal Employer Identification number;
   D. If applicant is a corporation, the state and date of incorporation;
   E. Tag registration information for each vehicle to be used in the business;
   F. List of cities and/or counties where the applicant has conducted business within the past 12 months;
   G. Georgia sales tax number or authorization;
   H. Georgia business license number, if required.
   I. Copy of license from the Secretary of State if required.
   J. A signed and sworn affidavit verifying the applicant’s legal presence in the United States as required by O.C.G.A. § 50-36-1.
   K. At least one secure and verifiable document as defined in O.C.G.A. § 50-36-2.

4. Effective date. This section shall become effective only upon the signing of a declaration of emergency by the Governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the Board of Commissioners, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

Sec. 18-41. – Closed or Restricted Areas and Curfews during Emergency.

1. To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between the hours specified by the Chair or his designee until the curfew is lifted.

2. To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Chair shall have discretion to impose reentry restrictions on certain areas. The Chair shall exercise such discretion in accordance with the local emergency operations plan, which shall be followed during emergencies.

3. The provisions of this section shall not apply to persons acting in the following capacities:
   A. Authorized and essential law enforcement personnel;
   B. Authorized and essential health care providers;
   C. Authorized and essential personnel of the county;
   D. Authorized National Guard or federal military personnel;
   E. Authorized and essential firefighters;
   F. Authorized and essential emergency response personnel;
G. Authorized and essential personnel or volunteers working with or through the Effingham County Emergency Management Agency (EEMA);
H. Authorized and essential utility repair crews;
I. Citizens seeking to restore order to their homes or businesses while on their own property or place of business;
J. Other authorized and essential persons as designated on a list compiled by the EEMA Director.

4. Enforceability. This section shall be enforced by the Effingham County Sheriff’s Office jointly with the Municipality Police Department of the affected areas and the EEMA Director.

5. Effective date. This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect.

Sec. 18-42. – Regulation Continued in Effect
All ordinances, resolutions, motions and orders pertaining to civil defense, homeland security, emergency management and disaster relief that are not in conflict with this chapter are continued in full force and effect. Such ordinances, etc., are on file in the office of the County Clerk.

Sec. 18-43. – 18-102. – Reserved

ARTICLE III. – RESERVED.

ARTICLE IV. – RESERVED.
APPENDIX A
DECLARATION OF LOCAL EMERGENCY

WHEREAS, Effingham County, Georgia has experienced an event of critical significance as a result of [description of event] on [date];

WHEREAS, the Governor has/has not declared a state of emergency for Effingham County;

WHEREAS, in the judgment of the Chair of the Effingham County Board of Commissioners, with advice from the Effingham Emergency Management Agency, there exist emergency circumstances located in [describe geographic location] requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Effingham County, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event, certain actions are required.

NOW, THEREFORE, pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

THEREFORE, IT IS ORDERED:

(1) That the Effingham County Emergency Management Agency activates the Emergency Operations Plan;

(2) That the following sections of the Effingham County Code be implemented [If deemed appropriate, choose from the following]:

   ______ Section 18-39 Authority to Waive Procedures and Fee Structures
   ______ Section 18-40 Registration of Building and Repair Services (to be effective only if the Governor declares a state of emergency)
   ______ Section 18-41 Closed or Restricted Areas and Curfews during Emergency.
   ______ ECBOC HR Policy 5.11, Effingham County Operations under Pandemic Conditions.
   ______ ECBOC HR Policy 5.05, Effingham County Policy for Emergency Conditions.
   ______ Section [Any other emergency management ordinances, such as an emergency purchasing ordinance, etc.]

(3) That the following measures also be implemented:
[If deemed appropriate, select items from Section 18-37(3.D.ii), (iii) or (iv) or such other measures as appropriate.]

ENTERED at [time] on [date].

[Signed]

Chair, Effingham County Board of Commissioners
APPENDIX B
General Release Agreement

STATE OF GEORGIA
COUNTY OF EFFINGHAM

FOR AND IN CONSIDERATION OF work performed by Effingham County on subject property located at ______________________________, I/we, the owners of subject property acknowledge and do forever release, acquit, discharge and covenant to hold harmless Effingham County and any of its officers, agents, and employees from any and all action, causes of action, claims, demands, damages, costs, loss of services, compensation, and losses and expenses of whatsoever kind or nature in law or equity, for and on account of, or in any way growing out of, any and all known and unknown personal injuries and/or property damages that the undersigned may now or hereafter have as owners of the subject property resulting from work being performed on the subject property on or about ____________, 20__.

It is further understood and agreed that this Release Agreement extends to and includes indemnification for the negligence, if any, of the county, its officers, agents, servants and employees either direct or vicarious, or for its or their own act or omission that would or may constitute negligence of which would or may constitute the creation or maintenance of a nuisance. I/we have carefully read the foregoing and fully understand and agree to the same and have executed the same freely and voluntarily. Furthermore, I/we have consulted or been given the opportunity to consult with an attorney of my/our own choosing prior to the execution of this document.

IN WITNESS WHEREOF, the undersigned has/have hereunto set his/her/their hand and seal this ___ day of ______________, 20__.

Owner:_________________________

Owner:_________________________

Signed, Sealed and Sworn to and Subscribed before the undersigned unofficial witness and notary public

______________________________________________________
Witness

______________________________________________________
Notary Public, State of Georgia
My Commission Expires: ____________________
APPENDIX C
Right of Entry and Agreement to Allow Use of Property as a Result of State of Emergency

STATE OF GEORGIA
EFFINGHAM COUNTY

This Right of Entry and Agreement to Allow Use of Property as a Result of State of Emergency is entered into between the Effingham County Board of Commissioners ("County"), 601 North Laurel Street, Springfield GA 31329 and [print the name and address of property owner(s)] ("Property Owner(s)"). In consideration of the sum of ONE DOLLAR ($1.00), the receipt and sufficiency of which is hereby acknowledged by the parties, we agree as follows:

WHEREAS, as a result of [insert a description of the emergency], a state of emergency has been declared for the County; and

WHEREAS, certain real property is needed by the County Emergency Management Agency to be used for ________________________________________________________.

NOW THEREFORE IT IS AGREED BETWEEN THE PARTIES THAT ______________________________ [print the name of property owner(s)] am/are the owner(s) of property located at Map # ____, and Parcel # ______ of Effingham County and shown on the map filed in the Effingham County Tax Offices. I/we agree to allow the Effingham County Board of Commissioners ("County"), their employees and agents to enter the above referenced property for purposes of establishing ________________________________for a period up to ____ days, unless otherwise extended by mutual agreement.

County: Property Owner:

Effingham

DATE: DATE:

Property Owner:

DATE:
All ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon its approval.

So ordained this ___ day of __________________, ______________

Board of Commissioners of Effingham County, Georgia

____________________________________  __________________________________
Chairman                                 Vice Chairman

____________________________________  __________________________________
Commissioner                              Commissioner

____________________________________  __________________________________
Commissioner                              Commissioner

ATTEST:

____________________________________
County Clerk
STATE OF GEORGIA
COUNTY OF EFFINGHAM

A DECLARATION OF A STATE OF EMERGENCY ARISING DUE TO COVID-19 (CORNAVIRUS); AN ORDINANCE TAKING IMMEDIATE EMERGENCY MEASURES

WHEREAS, the respiratory disease caused by the novel coronavirus, known as “COVID-19”, is an infectious virus that can spread from person-to-person and can result in serious illness or death; and

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

WHEREAS, on March 13, 2020, the Chief Judge of Superior Court on behalf of Effingham County Courts declared a limited State of Judicial Emergency; and

WHEREAS, on March 14, 2020, the Governor of Georgia declared a Declaration of Public Health State of Emergency covering all Counties in the State of Georgia; and

WHEREAS, on March 14, 2020, the Chief Justice of Superior Court on behalf of the Georgia Supreme Court declared a limited State of Judicial Emergency; and

WHEREAS, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over 10 people should be discontinued or prohibited; and

WHEREAS, on March 23, 2020, Governor Kemp announced that “certain individuals with an increased risk of complications from COVID-19 to isolate, quarantine, or shelter in place,” covering those who “live in long-term care facilities, have chronic lung disease, are undergoing cancer treatment, have a positive COVID-19 test, are suspected to have COVID-19 because of their symptoms or exposure, or have been exposed to someone who has COVID-19”, and the Department of Public Health would institute rules and regulations to implement such measures; and

WHEREAS, on March 23, 2020, Governor Kemp additionally announced measures to “close all bars and nightclubs and …ban all gatherings of ten or more people” unless they can assure spacing for at least six (6) feet apart between people at all times beginning at noon on March 24, 2020 and lasting until noon on April 6, 2020; and

WHEREAS, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further community spread of COVID-19; and

WHEREAS, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation; and
WHEREAS, in the judgement of the Effingham County Board of Commissioners, there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

WHEREAS, it is essential for the governing authority of Effingham County to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

WHEREAS, O.C.G.A 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members”; and

WHEREAS, the State of Georgia vests into Effingham County the authority to implement emergency protective measures to mitigate and respond to the threats causing the State of Emergency; and

WHEREAS, to prevent or minimize the spread of COVID-19;

THEREFORE, in keeping with the President’s and the Governor’s declared States of Emergencies; pursuant to the authority vested in me by local and state law;

IT IS HEREBY DECLARED that Effingham County hereby declares a public health state of emergency within Effingham County because of the proliferation of COVID-19, and shall implement the Effingham County Emergency Management Ordinance to support Public Health’s response to this emergency, and these laws shall continue to be enforced until the Governor’s State of Emergency is abated; and

IT IS FURTHER ORDERED that all required resources of Effingham County and its municipalities shall be made available to assist Public Health in activities designed to address this emergency, control the spread of COVID-19, and aid in recovery efforts; and

IT IS FURTHER ORDERED that the Effingham County Emergency Management Agency shall activate the Effingham County Emergency Operations Plan (EOP) to support Public Health in response to this emergency; and

IT IS FURTHER ORDERED that all relevant primary coordinating entities and partner assignments defined in the EOP shall activate to support Public Health’s response to this emergency; and

IT IS FURTHER ORDERED that Mr. Timothy Callanan, Effingham County Manager, shall serve as the official designee for the Chairman of the Effingham County Board of Commissioners and the Effingham County Board of Commissioners in matters related the Official Code of Effingham County, Georgia, Chapter Eighteen, Civil Emergencies; and
IT IS FURTHER ORDERED that the following sections of the Effingham County Code be implemented as required to support the Governor's State of Emergency and Public Health's response:

1. Chapter 18, Article II, Section 18-37, Emergency Management & Response Powers
2. Chapter 18, Article II, Section 18-39, Authority to Waive Procedures and Fee Structures
3. Chapter 18, Article IV, Section 18-101, Authority to Waive Procedures and Fee Structures
4. ECBOC HR Policy 5.11, Effingham County Operations Under Pandemic Conditions

IT IS FURTHER ORDERED that this Resolution shall remain in effect for no longer than Apr 12, 2020 at 11:59 PM, or shall terminate in conjunction with the termination of the Governor's State of Emergency, whichever occurs first.

Entered herein this 26th day of March, 2020 at __________ AM/PM.

By: __________________________
    Wesley M. Corbitt, Chairman
    Effingham County Board of Commissioner

Witnessed by:

_________________________    __________________________
Lee Newberry                      Stephanie D. Johnson
County Attorney                  Clerk of the Commission

Dated: March 26th, 2020
The Georgia Conflict of Interest in Zoning Action Statue (O.C.G.A. §§ 36-67A-1 et seq.) requires disclosure of certain campaign contributions made by applicants for rezoning actions and by opponents of rezoning application. A rezoning applicant or opponent of a rezoning application must disclose contributions or gifts which in aggregate total $250.00 or more if made within the last two years to a current member of Effingham County Planning Board, Board of Commissioners, or other Effingham County official who will consider the application. The campaign contribution disclosure requirement applies to an opponent of a rezoning application who publishes his or her opposition by appearance before the Planning Board or Board of Commissioners or by any other oral or written communication to a member or members of the Planning Board or Board of Commissioners. Disclosure must be reported to the Board of Commissioners by applicants within ten (10) days after the rezoning application is filed and by opponents at least five (5) days prior to the first hearing by the Planning Board. Any person knowing failing to comply with these requirements shall be guilty of a misdemeanor.

“Individuals with disabilities who require special needs to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities should contact the County Clerk at 912-754-2123 promptly to afford the County time to create reasonable accommodations for those persons.”

**PLEASE TURN OFF YOUR CELL PHONE**

<table>
<thead>
<tr>
<th>Items of Business</th>
<th>Action Requested of Commissioners</th>
<th>Previous Action of Commissioners</th>
<th>Action Taken</th>
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</thead>
<tbody>
<tr>
<td>I Call to Order</td>
<td>3:00 P.M.</td>
<td></td>
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<tr>
<td>II Invocation</td>
<td></td>
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<tr>
<td>III Agenda Approval</td>
<td>Consideration of a Resolution to approve the agenda</td>
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<tr>
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<tr>
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<tr>
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<tr>
<td>03 Resolution</td>
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<td></td>
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<td>3:35 pm</td>
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Members attending via telephone:
Wesley Corbitt
Forrest Floyd
Jamie Deloach
Reginald Loper
Phil Kieffer

Not Present: Roger Burdette