



Coronavirus (COVID-19) Issues for Local Government

With the Coronavirus crisis evolving rapidly, GMA is sending a high-level memorandum to our members containing general information in the event of a coronavirus outbreak in your community. *City officials are strongly recommended to consult with the city attorney before taking any actions related to this crisis. The information contained in this memorandum should not be considered or construed as legal advice.*

- (1) **Public Meetings** – The Georgia Open Meetings Act requires meetings of the city and agencies of the city to be open to the public. O.C.G.A. §50-14-1(g), however, very specifically allows cities to conduct a meeting via teleconference, without a requirement of having a quorum present in person, when “necessitated by emergency conditions,” so long as notice is provided and simultaneous access is afforded to the public to the teleconference meeting.

It would be wise for city leaders to consider agenda items when contemplating this provision and to postpone discussion items that can wait and are not necessary to be deliberated and/or voted on under such emergency conditions. The city should also consider its own technological capabilities to provide appropriate access to the public, as well as the requirements under certain law for public hearings (the zoning procedures laws, for example) when making such decisions.

By no means is this an endorsement, but cities lacking technological capabilities to host virtual meetings may look at alternative resources tailored to dealing with COVID-19. For instance, [Google](#) is offering free video conferencing services until July 1.

- (2) **Declarations of Emergency** – As of March 13, 2020, Governor Kemp has not declared Georgia to be in a State of Emergency through his powers under O.C.G.A. §38-3-51. However, President Trump declared a National State of Emergency late on the afternoon of March 13, 2020. Some local governments have analyzed whether to declare an emergency in their particular jurisdiction. Before city leaders decide to declare an emergency in their jurisdiction, they should ask some important questions relating to the purpose of this declaration:

1. What restrictions are you hoping for with the state of emergency?
2. Can the determined restrictions/goals be achieved without declaring an emergency?

Please note that since a National State of Emergency has been declared, a local declaration might be somewhat redundant and that should be considered.

If a local emergency is declared, items for consideration might include curfews, signage concerning potential exposure and mitigation efforts which could be taken, social distancing policies, etc. It should be noted that Georgia law, in both O.C.G.A. §38-3-1 et seq. and O.C.G.A. §31-12-1 et seq. provide several laws, rules, and procedures specifically dealing with “public health emergencies” and those provisions should be analyzed and reviewed by the city attorney before taking actions at a local level.

(3) **Events Permits** – Federal, state, and health care leaders have publicly warned of the potential dangers of transmission in large group events and have encouraged both public and private parties to limit such events. Understandably, this presents issues for local governments which may have already issued permits for events or may receive such permits soon. For those previously issued permits, city leaders should consult with the city attorney about communicating with the permittee on potential delay or cancellation of the event. The city should also consult with the city attorney about the revocation process of such permits. For future applications, the city may want to consult with the city attorney about implementing a moratorium on permits for events, but the city must be legally careful with any such moratorium.

(4) **Employment and Service Issues** – If it has not done so already; the city should work with the city attorney to create a plan for potential employment issues due to COVID-19. If the crisis reaches a point requiring a government shutdown, the city should have a plan to identify key employees and services that must continue to be provided. The city needs to have a plan for necessary equipment, the supply chains which might be interrupted, and other such issues related to the provision of services.

Cities should also analyze whether it is feasible for certain employees to work remotely and what specific technological needs are required to make such teleworking options viable. The city should have a plan in place for payment of bills, employee pay and other such financial considerations in the event of a full or partial shutdown. The city needs to consider the impact on its employees for all its actions.

Many employees will not contract the virus, but they may still have personal issues such as school cancellations and elderly family members which require their attention. City leaders need to have a cohesive plan on how to address those issues fairly and evenly. If the city remains open, it should certainly address infection control measures, workplace policies and sick time policies, among other issues.

(5) **Cooperation with Other Agencies** – It will probably become necessary to work with county emergency management, the sheriff and local and state health officials within the context of whatever joint emergency agreements are in place and state law. Cities should dust off those cooperative agreements and open lines of communication with appropriate health officials. Cities should remember that defeating this crisis and succeeding in preventing a larger problem is a collective effort.

(6) **Items to Avoid** – With all the items the city could and should plan to address during this crisis, there are also items the city should be wary of addressing because of cities' lack of legal authority to take such measures. For instance, cities should not attempt to mandate citizens remain in their homes. While encouragement to remain home and self-isolate may be warranted, mandates would likely violate the law. Additionally, cities should be very careful not to publicly name persons who may have contracted the virus, as this would violate federal health protection laws.