



Forsyth County Board of Commissioners

FORSYTH COUNTY CHAIR EXERCISE OF EMERGENCY POWERS PURSUANT TO A DECLARATION OF LOCAL EMERGENCY ISSUED MARCH 18, 2020

Date: MARCH 27, 2020

Pursuant to that authority vested in me by Chapter 26 of the Forsyth County Code of Enforces, as well as the Declaration(s) of Statewide Emergency and Local Emergency issued to address the COVID-19 pandemic, and also pursuant to the guidelines in Governor Kemp's March 23, 2020 Executive Order regarding COVID-19; I hereby find that:

Temporary suspension of the following ordinances, resolutions, orders, rules or regulations of Forsyth County pertaining to the conduct of county business is necessary, as strict compliance with same prevents, hinders, and delays necessary action in coping the COVID-19 emergency (Sec. 26-37(D)(7));

Taking the following action will promote and secure the safety and protection of the civilian population (Sec. 26-37(D)(9):

1. **PURCHASING:** Pursuant to Forsyth County Code, Section 26-32(6), the Forsyth County purchasing ordinances, regulations, and policies are hereby *suspended* for purchases related to addressing the COVID-19 pandemic. This suspension shall not pertain to State law requirements pertaining to capital contracts, as contemplated in Sec. 26-32(a)(2). County officials shall continue to seek to obtain the best prices during the state of local emergency. Any E-Verify or Systematic Alien Verification for Entitlements ("SAVE") affidavit shall be obtained from any contractor if otherwise required by law.
2. **RESTAURANT DINING:** Restaurants, food courts, brewpubs, breweries, and other eating establishments within unincorporated Forsyth County shall cease offering dine-in and/or outdoor/patio service. Such establishments may continue to prepare and offer food to customers through delivery, takeout, and/or drive-thru service. Cafeterias or on-site dining services in hospitals, nursing homes, assisted living facilities, and other similar facilities within Forsyth County shall not be subject to the requirements of this order.
 - a. **ENFORCEMENT:** In accordance with O.C.G.A. § 38-3-4 and Forsyth County Code 26-37, the Forsyth County Sheriff's Office shall be authorized to enforce the orders, rules and regulations contained in this ordinance and/or implemented by the chair or board of commissioners during a declared emergency.
 - b. **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 \$1,000.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation.
3. **EFFECTIVE DATE:** This Declaration and Order shall become effective immediately, but as to restaurant dining, this Order shall not be enforced until noon on March 28, 2020. The provisions of this Declaration and Order shall remain in effect until the local declared emergency expires, to include any extension of the existing declaration, or upon a subsequent termination order by the Chair or Board of Commissioners.

So Declared and Ordered, this 27th day of March, 2020.



Laura Semanson, Chair
Forsyth County Board of Commissioners

cc: Forsyth County Board of Commissioners
Eric Johnson, Forsyth County Manager
Tim Merritt, Deputy Forsyth County Manager
Garrin Coleman, Ass't Forsyth County Manager
Donna Kukarola, Director of Procurement
Charity Clark, Risk Manager
Ron Freeman, Forsyth County Sheriff
Rhonda Hansard, Forsyth County Clerk
Ken Jarrard, Forsyth County Attorney



Forsyth County Board of Commissioners

**FORSYTH COUNTY CHAIR EXERCISE OF
EMERGENCY POWERS PURSUANT TO A DECLARATION OF LOCAL EMERGENCY
ISSUED MARCH 18, 2020**

Date: MARCH 27, 2020

Pursuant to that authority vested in me by Chapter 26 of the Forsyth County Code of Enforces, as well as the Declaration(s) of Statewide Emergency and Local Emergency issued to address the COVID-19 pandemic; I hereby find that:

Temporary suspension of the following ordinances, resolutions, orders, rules or regulations of Forsyth County pertaining to the conduct of county business is necessary, as strict compliance with same prevents, hinders, and delays necessary action in coping the COVID-19 emergency;

Taking the following action will promote and secure the safety and protection of the civilian population:

1. OCCUPATION TAXES

- Occupation Taxes on existing businesses in Forsyth County are due to be paid to the County by March 31, 2020 (Secs. 22-40, 48 of the County Code);
- Occupation Taxes on existing businesses not paid by March 31, 2020, subject the delinquent business to penalties and fines (Sec. 22-40);
- New businesses are required to pay their Occupation Taxes within thirty (30) day of business commencement, or face penalties and fines (Sec. 22-34(c)(5));
- Due to the COVID-19 pandemic, and the related declaration of statewide and local emergency, Forsyth County government has limited its staffing, thereby making it difficult to process Occupation Taxes being remitted and those registrations tendered for new businesses;
- Due to the COVID-19 pandemic, many businesses are struggling to pay Occupation Taxes and are requesting additional time to pay, without accruing penalties and fines. New business owners are concerned that their business activities and start-up may be delayed due to County processing issues; and,
- In light of the above, and in accord with the powers vested in me by the existing Local Emergency, and the Board of Commissioner's March 19, 2020 ratification of same, I hereby declare that penalties and fines related to the (1) late payment of Occupation Taxes by an existing business; or (2) the late registration and payment of Occupation Taxes by a new business, are waived with respect to penalties and fines that accrue from the date of this Declaration until such time as the locally declared emergency is lifted.

2. BID OPENINGS

- State law requires that public works construction bids to be opened publicly (O.C.G.A. 36-91-21(b)(3));
- State law anticipates that road construction bid will be opened publicly (O.C.G.A. 32-4-65(b)(6));
- Based upon COVID-19, and the multiple federal, State, and local directives against public gatherings, as well as those related instructions that all persons should engage in social distancing, I find that the Forsyth County

LAURA SEMANSON
CHAIRMAN

CINDY JONES MILLS
VICE CHAIRMAN

MOLLY COOPER
SECRETARY

DENNIS T. BROWN
MEMBER

TODD LEVENT
MEMBER

ERIC R. JOHNSON
COUNTY MANAGER

TIM MERRITT
DEPUTY COUNTY MANAGER

Procurement Office should work with the County's Information Technology Office to facilitate real-time, online, public viewing opportunities for the opening of bids for road construction projects and public works projects;

- Such online public bid openings, in lieu of physical assembly for viewing, shall otherwise proceed in the same manner as Procurement ordinarily performs such openings;
- This is not a waiver of State law – as Forsyth County may not waive State law. It is, rather, a means of complying with State law that alternatively satisfies the directives of State and local officials that public gatherings be discouraged or avoided altogether; and
- Given that, during this period of pandemic, Forsyth County is holding its Board of Commission meetings via online, real-time streaming, then utilizing this same technology for bid openings (to avoid public assemblies) makes practical sense.
- The online, real-time viewing, in the place of physical assembly for viewing, of bid openings is authorized only until the locally declared period of emergency is lifted.

So Declared, this 27th day of March, 2020.



Laura Semanson, Chair
Forsyth County Board of Commissioners

cc: Forsyth County Board of Commissioners
Eric Johnson, Forsyth County Manager
Tim Merritt, Deputy Forsyth County Manager
Garrin Coleman, Ass't Forsyth County Manager
Pat Carson, Director of Personnel Services
Charity Clark, Risk Manager
Ron Freeman, Forsyth County Sheriff
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