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Executive Order
Office of the Mayor
City of Atlanta

EXECUTIVE ORDER NUMBER 2020-102
BY THE MAYOR

ORDERING THE IMPLEMENTATION OF A PROCESS BY WHICH CITY OF ATLANTA BOARDS, AUTHORITIES, COMMISSIONS, COMMITTEES, OR OTHER SIMILAR BODIES SUBJECT TO SECTION 3-401 OF THE CITY OF ATLANTA CHARTER (BACE) MAY BEGIN REMOTE MEETINGS IN ACCORDANCE WITH THE GEORGIA OPEN MEETINGS ACT AND OTHER LEGAL REQUIREMENTS FOLLOWING AN OBJECTIVE ASSESSMENT CONDUCTED BY THE DEPARTMENT OF ATLANTA INFORMATION MANAGEMENT AND THE DEPARTMENT OF LAW OF EACH BACE TO DETERMINE WHETHER THE CITY HAS TO ABILITY FOR IT TO MEET REMOTELY DURING THE TIME CITY HALL AND OTHER CITY FACILITIES REMAIN CLOSED TO THE PUBLIC, WITHOUT THE NECESSITY OF ANY FURTHER LEGISLATIVE OR EXECUTIVE ACTION.

WHEREAS, like much of the world, the United States, the State of Georgia, and the City of Atlanta are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated COVID-19); and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020 Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

WHEREAS, the Center for Disease Control (CDC) has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, due to the COVID-19 pandemic, on March 15, I declared there to be an emergency in existence within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

WHEREAS, on March 15, 2020 in order to ensure the safety of City employees and members of the public, all City of Atlanta facilities, including City Hall and Municipal Court were closed to the public beginning March 16, 2020, until further notice; and

WHEREAS, in accordance therewith, City of Atlanta instituted a mandatory full telework deployment during this public closure period; and

WHEREAS, pursuant to Section 2-182 of the City of Atlanta Code of Ordinances, the Mayor may issue executive orders which applies to events of short duration and which expire at the next meeting of the Atlanta City Council subsequent thereof unless ratified by a majority vote of the members present and voting; and

WHEREAS, accordingly, and due to the emergency closure of all City of Atlanta facilities to the public, I issued an executive order via which I ordered that all meetings of City of Atlanta boards, authorities, commissions, committees, or other similar bodies subject to section 3-401 of the City of Atlanta Charter (BACE), which were scheduled or were otherwise required to occur during the period that City Hall and other City Facilities are closed to the public in accordance with the City's response to the COVID-19 Pandemic, to be postponed until such time as City Hall and other City facilities reopened to the public; and

WHEREAS, I reissued this order as necessary through the date of the approval of this Ordinance in accordance with Section 2-182(2) of the City of Atlanta Code of Ordinances; and

WHEREAS, on March 23, 2020 I declared there to be the existence of an emergency within the City of Atlanta, which has been re-issued no later than every 72 hours thereafter through the date of the approval of this Ordinance in accordance with Section 2-181 of the City of Atlanta Code of Ordinances; and

WHEREAS, on April 2, 2020, Governor Kemp signed an executive order to Ensure a Safe and Healthy Georgia (Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors, which has been extended by the Governor thereafter such that the current version of the Governor's Executive Order shall remain in place through June 30, 2020; and

WHEREAS, in accordance with the current state of emergency resulting from the COVID-19 pandemic, it remains unsafe for City of Atlanta employees, members of boards, commissions, and other similar bodies subject to Section 3-401 of the City of Atlanta Charter, (BACE), or members of the public to congregate in City Hall or other City Facilities for the purpose of conducting their required meetings; and

WHEREAS, furthermore, as a result of the City's mandatory telework deployment, put in place to eliminate the need for non-front-line employees to be placed in a position of incurring the hazard of exposure to coronavirus, the City of Atlanta has been unable able to ensure that any BACE meetings would occur in a fully transparent manner in compliance with the Georgia Open Meetings Act (OCGA § 50-14-1, et seq.); and

WHEREAS, it is the desire of the Atlanta City Council that BACE meetings shall only take place once the City is able to ensure that all such meetings will occur in full compliance with the Georgia Open Meetings Act, and in a manner considerate of safety of City employees, BACE members, and members of the public; and

WHEREAS, accordingly on May 4, 2020 the Atlanta City Council adopted, and on May 11, I approved Ordinance 20-O-1293 to ratify my Executive Order via which I ordered the postponement of all BACE meetings which were scheduled or were otherwise required to occur during the period that City Hall and other City Facilities are closed to the public in accordance with the City's response to the COVID-19 pandemic; and

WHEREAS, pursuant to Ordinance 20-O-1293 such BACE meetings would not resume until such time as City Hall and other City facilities shall re-open to the public; and

WHEREAS, pursuant to Ordinance 20-O-1293 any matters pending before any BACE shall be stayed until such time as the BACEs may resume their meetings in accordance with that Ordinance; and

WHEREAS, due to the continued necessity to keep City Hall and other City Facilities closed to the public, and the continued necessity of the mandatory full telework deployment, as a result of the COVID-19 pandemic, I have determined that there is a need to conduct an objective assessment of each BACE to determine whether the City has to ability for each BACE to meet remotely in accordance with the Georgia Open Meetings Act, and other legal requirements during the time City Hall and other City Facilities remain closed to the public; and

WHEREAS, the assessment of whether each BACE is able to lawfully meet remotely shall include a review of a plan prepared by or on behalf of the BACE of how the BACE will comply with any technical, staffing and legal requirements necessary for remote meetings, which shall include a written determination by:

1. The Department of Atlanta Information Management to ensure the plan accounts for any technological requirements needed to operate a meeting remotely, including Information Technology security needs and any public access requirements.

2. The Department of Law, to ensure the plan adequately satisfies legal requirements outlined in state law, including but not limited to the Open Meetings Act or the City of Atlanta Charter or Code of Ordinances related to the conduct of public meetings.

3. The Department of Law to ensure any administrative processes, such as the processing of a license or permit or zoning application, could be conducted through to completion if the applicable remote BACE meeting were to occur, in light of any logistical constraints resulting from the continued COVID-19 pandemic emergency; and

WHEREAS, once the Department of Atlanta Information Management and the Department of Law have concluded their plan review and have determined objectively that the BACE is able to lawfully meet remotely as set forth herein, the BACE may begin remote meetings prior to the reopening of City Hall and other City Facilities to the public without the necessity of any further legislative or executive action; and

WHEREAS, once a BACE has been approved to begin to meet remotely in accordance with this Order, in addition to any notice requirements of state law or City Charter or Ordinance, a BACE scheduling remote meetings must provide notice of the meeting and agenda to the Municipal Clerk for posting on the City's website no less than 48 hours prior to any such remote meeting.

NOW THEREFORE, I, KEISHA LANCE BOTTOMS, AS MAYOR OF THE CITY OF ATLANTA, HEREBY AUTHORIZE, ORDER AND DIRECT AS FOLLOWS:

SECTION 1. Due to the continued necessity to keep City Hall and other City Facilities closed to the public, and the continued necessity of the mandatory full telework deployment, as a result of the COVID-19 pandemic, the Department of Atlanta Information Management and the Department of Law shall conduct an objective assessment of each BACE to determine whether the City has to ability for each BACE to meet remotely in accordance with the Georgia Open Meetings Act, and other legal requirements during the time City Hall and other City Facilities remain closed to the public.

SECTION 2. The assessment of whether each BACE is able to lawfully meet remotely shall include the review of a plan prepared by or on behalf of the BACE of how the BACE will comply with any technical, staffing and legal requirements necessary for remote meetings shall include a written determination by:

1. The Department of Atlanta Information Management to ensure the plan accounts for any technological requirements needed to operate a meeting remotely, including Information Technology security needs and any public access requirements.

2. The Department of Law, to ensure the plan adequately satisfies legal requirements outlined in state law, including but not limited to the Open Meetings Act or the City of Atlanta Charter or Code of Ordinances related to the conduct of public meetings.

3. The Department of Law to ensure any administrative processes, such as the processing of a license or permit or zoning application, could be conducted through to completion if the applicable remote BACE meeting were to occur, in light of any logistical constraints resulting from the continued COVID-19 pandemic emergency.

SECTION 3. Once the Department of Atlanta Information Management and the Department of Law have concluded their plan review and have determined objectively that the BACE is able to lawfully meet remotely as set forth herein, the BACE may begin remote meetings prior to the reopening of City Hall and other City Facilities to the public without the necessity of any further legislative or executive action.

SECTION 4. Once a BACE has been approved to begin to meet remotely in accordance with this Order, in addition to any notice requirements of state law or City Charter or Ordinance, a BACE scheduling remote meetings must provide notice of the meeting and agenda to the Municipal Clerk for posting on the City's website no less than 48 hours prior to any such remote meeting.

This 15th day of June 2020.

Keisha Lance Bottoms, Mayor

ATTESTED:

Municipal Clerk

Foris Webb, III
Municipal Clerk