

Resolution 2021-18

Renewed Declaration of a Local State of Emergency

- WHEREAS,** Maryland is subject to the impacts of a wide variety of natural hazards, which includes pandemics related to viral disease, or disasters;
- WHEREAS,** The Charles County Department of Health has advised the Charles County Government that Charles County is incurring a significant impact from a public health emergency related to the novel coronavirus known as COVID-19.
- WHEREAS,** On March 30, 2020 Governor Larry Hogan declared a State of Emergency in Maryland as a result of the significant threat to public health, safety and well-being created by the novel coronavirus known as COVID-19.
- WHEREAS,** The Governor's State of Emergency has been through multiple revision and adjustments reacting to the course of the COVID-19 pandemic to include the imposing and relaxing of certain regulations designed to protect citizens from the spread of the virus, however that statewide State of Emergency was lifted on June 15, 2021.
- WHEREAS,** Since the development and administration of the vaccines for the corona virus had become more and more widespread throughout the State of Maryland and in Charles County, positivity and infection rates began to decrease, resulting in the relaxation of most of those protective measures.
- WHEREAS,** Recently, the County has seen a significant uptick in its COVID19 positivity rates and transmission rates, in part due to the variants of the coronavirus with a higher transmissibility and the relatively low percentage of Charles County citizens who have been vaccinated.
- WHEREAS,** Such extreme conditions are highly hazardous and may threaten or imperil the health, welfare and public safety of the citizens of Charles County.
- WHEREAS,** In order to facilitate the deployment of requisite resources as provided by Charles County statutes and the Charles County Emergency Operations Plan and to implement the County's emergency powers, this "executive order" declaring a local state of emergency is necessary and appropriate;
- WHEREAS,** Pursuant to the Annotated Code of Maryland, Local Government Article § 10-328, (the Express Powers Act), and 13-401, "A county may provide for the prevention of contagious disease in the county.";
- WHEREAS,** Pursuant to the Annotated Code of Maryland, Health General Article §§ 3-202, 306 & 307, the County, sitting as a local Board of Health, has the authority to "adopt and enforce rules and regulations on any nuisance or cause of disease in the county";

WHEREAS, Pursuant to the Annotated Code of Maryland, Public Safety Article Section 14-101 the definition of an Emergency, which would trigger the emergency powers of this subtitle, “means the imminent threat or occurrence of severe or widespread loss of life, injury, or other health impacts,...”;

WHEREAS, Pursuant to the Annotated Code of Maryland, Public Safety Article Section 14-102:

(a) In general. -- To ensure that the State will be adequately prepared to deal with emergencies, to protect the public peace, health, and safety in the State, to preserve the lives and property of the people of the State, and to ensure the social and economic resilience of the State, it is necessary to:...

(3) confer on the Governor and *on the senior elected officials or governing bodies of the political subdivisions the emergency powers provided in this subtitle*;...

(b) Effective use of resources. -- It is the policy of the State and the purpose of this subtitle to coordinate, to the maximum extent possible, all emergency management functions of the State with the comparable functions of the federal government, other states, political subdivisions, other localities, and private agencies, so that the most effective preparation and use may be made of the resources and facilities available for dealing with any potential or actual emergency.

(c) Emergency management activities by local authority –

1) It is the policy of the State that the initial governmental authority and responsibility for emergency management activities and operations be placed at the local level.

WHEREAS, On August 10, 2021, Reuben B. Collins, II, Esq., President of the Charles County Board of County Commissioners, the principal executive officer of Charles County, by virtue of the authority vested in him under the Annotated Code of Maryland, Public Safety Article, Sections 14-101, 14-102 & 14-111, Local Government Article sections 10-328 & 13-401, and Health-General Article sections 3-202, 3-306 & 3-307, to preserve the public safety and render all required and available assistance vital to the security, well-being and health of the citizens of the community declared that a State of Emergency exists in Charles County and authorized the Charles County Department of Emergency Services, during this emergency, to engage, deploy, and coordinate available resources and to take whatever steps are necessary to protect life and property, and public infrastructure, and to provide such other emergency assistance as may be deemed necessary; and

WHEREAS, Pursuant to the Annotated Code of Maryland, Public Safety Article §14-111(b) a local state of emergency may not be continued or renewed for more than 30 days without the consent of the governing body of the political subdivision.

NOW, THEREFORE, We, the Charles County Board of County Commissioners, the governing body of Charles County, by virtue of the authority vested in the Board of County Commissioners under the Annotated Code of Maryland, Public Safety Article, Sections 14-101, 14-102 & 14-111, 14-114, Local Government Article sections

10-328 & 13-401, and Health-General Article sections 3-202, 3-306 & 3-307, to preserve the public safety and render all required and available assistance vital to the security, well-being and health of the citizens of the community do hereby renew, continue and extend the State of Emergency declared by Commissioner President Reuben B. Collins, II on August 10, 2021 and re-aver that a State of Emergency exists in Charles County;

IT IS FURTHER ORDERED that in order to protect the citizens of Charles County, the Board of County Commissioners in instituting a countywide mask mandate inside of any business, commercial establishment, restaurant, store, place of worship or any other building open to and allowing entrance of the public, however this order does not require persons to wear face coverings:

- i. if, due to a bona fide disability or medical condition, it would be unsafe for the person to do so;
- ii. to the extent wearing a Face Covering would impede communication by or with persons who have a hearing impairment or other disability, where the ability to see the mouth is essential for communication;
- iii. if wearing a Face Covering would subject the person to an unsafe working condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines;
- iv. to the extent wearing a Face Covering would make it impossible to receive services requiring access to the face, mouth, or head;
- v. while consuming food or beverages;
- vi. while swimming or engaging in other physical activities where the use of a Face Covering is likely to pose a bona fide safety risk;
- vii. while operating any Public Transportation conveyance, provided that the person is (1) the sole operator of the conveyance, and (2) located in a separate compartment that is off-limits to riders; or
- viii. to the extent it is necessary to observe the person's entire face to verify such person's identity for bona fide security purposes;
- ix. for a child under the age of 5 years old; and

IT IS FURTHER, ORDERED that this State of Emergency is declared for a period of time beginning at 5 PM on the date of November 4, 2021, and continuing in effect for a period not to exceed thirty (30) days, and ending at 4:59 PM on the date of December 4, 2021



Reuben B. Collins, II, Esq., President
County Commissioners of
Charles County, Maryland



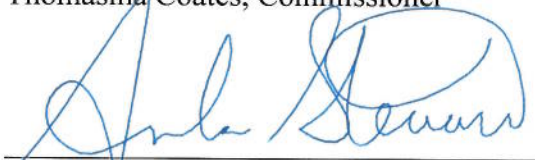
Bobby Rucci, Vice-President
County Commissioners of
Charles County, Maryland



Gilbert O. Bowling, Commissioner



Thomasina Coates, Commissioner



Amanda Stewart, Commissioner

Date: November 2, 2021

Clerk: Arlene A. Smith