Proposed by Ms. Price

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# THIRD AMENDED EMERGENCY DECLARATION

## AMENDING AND RESTATING THE SECOND AMENDED EMERGENCY DECLARATION OF APRIL 28, 2020, DECLARING A STATE OF EMERGENCY IN TALBOT COUNTY FOR A PERIOD OF 30 DAYS, ORDERING THE TEMPORARY CLOSURE OF CERTAIN BUILDINGS AND THE SUSPENSION OF CERTAIN MEETINGS, AND ORDERING TEMPORARY CLOSURE OF SHORT-TERM RENTALS AND BED AND BREAKFASTS, SUBJECT TO CERTAIN EXCEPTIONS, IN ORDER TO PREVENT THE SPREAD OF COVID-19

**WHEREAS**, the County Council of Talbot County, Maryland, has been advised by the Director of Emergency Management for Talbot County and the local Health Officer that COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and a public safety emergency; and

**WHEREAS**, on March 5, 2020, a Declaration of State of Emergency and Existence of a Catastrophic Health Emergency was declared by the Governor of the State of Maryland; and

**WHEREAS**, on March 13, 2020, a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak was issued by the President of the United States; and

**WHEREAS,** on March 16, 2020, the Talbot County Council adopted an Emergency Declaration declaring a state of emergency in the County for a period of 30 days and ordering the temporary closure of certain buildings and the suspension of certain meetings in order to prevent the spread of COVID-19; and,

**WHEREAS**, on March 30, 2020, Governor Hogan issued a revised order titled "Order of the Governor of the State of Maryland Number 20-03-30-01 Amending and Restating the Order of March 23, 2020, Prohibiting Large Gatherings and Events and Closing Senior Centers, and All Non-Essential Businesses and Other Establishments, and Additionally Requiring All Persons to Stay at Home", which, among other things, orders all persons living in the State of Maryland, effective as of 8:00 p.m. on March 30, 2020, to stay in their homes or places of residence, with limited exceptions; prohibits gatherings of more than 10 people, with certain exceptions; and, closing all non-essential businesses, organizations, establishments, and facilities that are not part

of the critical infrastructure sectors identified by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA); and,

**WHEREAS**, on March 31, 2020, the Talbot County Council adopted an Amended Emergency Declaration declaring a state of emergency in the county for a period of an additional 30 days and ordering the continued temporary closure of certain buildings, the continued suspension of certain meetings, the extension of certain expiring licenses, and a prohibition on occupancies and reservations for short-term rentals and bed and breakfasts during the period of the Declaration in order to prevent the spread of COVID-19; and,

**WHEREAS**, on May 13, 2020, Governor Hogan issued Executive Order No. 20-05-13-01, which amended and restated Governor Hogan's order of May 6, 2020, allowing reopening of certain businesses and facilities, subject to local regulation (the "Executive Order"); and,

**WHEREAS**, acknowledging that "total hospitalizations and usage of hospital beds have been stable or slowly decreasing" with respect to COVID-19 cases, the Executive Order begins the process of implementing Phase 1 of the Governor's Roadmap for Recovery by lifting the stay-at-home order and allowing certain facilities and businesses, including retail establishments, to re-open subject to certain restrictions; and,

**WHEREAS**, in light of the Governor's Phase 1 implementation, the Talbot County Council desires to take certain steps in Talbot County to begin to resume normal operations in a manner that recognizes the continuing threat posed by COVID-19; and,

**WHEREAS**, the Talbot County Council, in its executive capacity and sitting as the Talbot County Board of Health, finds that this Third Amended Emergency Declaration, and the orders hereunder are necessary to mitigate the COVID-19 disease and to protect the public health, safety, and welfare.

**NOW THEREFORE, BE IT ORDERED, PROCLAIMED, AND DECLARED**, by the County Council of Talbot County, Maryland that, in accordance with the authority granted by the Charter and Laws of Talbot County, Maryland, and pursuant to any and all authority vested to the Council by the Maryland Constitution and the Laws of Maryland, including but not limited to § 14-111 of the Public Safety Article of the Annotated Code of Maryland and § 3-502 of the Health-General Article, **THAT A STATE OF EMERGENCY AND CATASTROPHIC HEALTH EMERGENCY EXISTS IN TALBOT COUNTY, MARYLAND, AND**

**IT IS FURTHER ORDERED THAT:**

1. **<u>Publication and Duration</u>:**

    a. This Third Amended Emergency Declaration shall be promptly publicized.

    b. A copy of this Third Amended Emergency Declaration be filed with the chief local records-keeping agency.

    c. This Third Amended Emergency Declaration is effective for a period of 30 days beginning on May 1, 2020 and expiring at midnight on May 31, 2020. It is possible, however, that the state of emergency will continue for more than 30 days. In the

event that an extension of this Declaration is necessary, the County Council, sitting as the governing body of the County, may consent to and extend such Declaration for additional periods of time as the Council deems necessary in accordance with Public Safety Article § 14-111.

2. **Federal and State Aid.** The County hereby requests and authorizes the receipt of all available Federal and State aid, resources, and assistance to protect the public health, safety, and welfare of the citizens of Talbot County pursuant to Title 14 of the Public Safety Article, Md. Code Ann., and in accordance with all applicable State and local emergency plans.

3. **Emergency Powers and Appropriations; Emergency Operations.** All emergency powers of the County Council and the County Manager under the Talbot County Charter and State law are hereby enabled, including but not limited to Section 617 of the Talbot County Charter related to emergency appropriations. As stated in Talbot County's 2014 Emergency Operations Plan, during a declared local state of emergency, the Talbot County Emergency Services Director will oversee all coordination efforts related to the COVID-19 pandemic through the emergency operations center in support of the public health officer and other agencies and organizations. The Emergency Operations Center, with representation from the Talbot County Health Department and other agencies, will facilitate regular coordination efforts with various departments, agencies, organizations, and with the private sector to address existing and emerging public safety threats during the period of declared emergency.

4. **Procurement.** All procurements and purchases needed to respond to the COVID-19 outbreak may be authorized in accordance with § IV of the Talbot County Procurement Policy, titled "Emergency Purchases."

5. **Closure of Public Buildings.** Effective Tuesday, March 17, 2020, all Talbot County government buildings shall be closed to the public while this Declaration is in effect.

6. **Extension of Licenses.** The expiration date of any licenses, permits, registrations and professional licenses issued by Talbot County that would otherwise:

   a. Expire by the later of (i) April 30, 2020 or (ii) otherwise during the Governor's state of emergency; and

   b. Be renewable during such period noted in Paragraph 6.a. under applicable laws and regulations

   is hereby extended to the later of (i) June 30, 2020, or (ii) within 30 days after the date by which the Governor's state of emergency is terminated and the catastrophic health emergency is rescinded.

7. **Suspension of Deadlines.** The County Manager is hereby authorized, upon a finding that the suspension will not endanger the public health, welfare or safety, and after notification to the County Council, suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time or other time of an act or event described

within any local statute, rule or regulation that Talbot County administers. Such suspension may, at the discretion of the County Manager, continue until no later than the 30th day after the date by which the Governor's state of emergency is terminated and the catastrophic health emergency is rescinded.

8. **Board and Commission Meetings.** All Talbot County board and commission meetings are hereby suspended, subject to the following:

    a. For any agenda item deemed critical by agreement of the board or commission chair and the County Manager and subject to available technology, the board or commission may hold a meeting to address such critical item, provided that the meeting shall be conducted virtually via teleconference, live streaming, or any other available technology that will allow, in the view of the County Attorney's Office, the necessary parties to participate and the public to observe in real time to the extent required by law.

    b. To the extent a board's or commission's rules of procedure require the presence of a physical quorum of the body to conduct business, such rule may be suspended upon concurrence by the County Attorney's Office and subject to available technology allowing the body to communicate virtually in real time.

9. **County Council Meetings.** All Talbot County Council meetings are hereby suspended, subject to the following:

    a. For any future agenda item deemed critical by agreement of the Council chair and the County Manager and subject to available technology, the Council may hold a meeting to address such critical item, provided that the meeting shall be conducted virtually via teleconference, live streaming, or any other available technology that will allow, in the view of the County Attorney's Office, the necessary parties to participate and the public to observe in real time to the extent required by law.

    b. In the event that a physical quorum is not possible or advisable for such meeting, the requirement in the County Council Rules of Procedure for the presence of a physical quorum of the body to conduct business may be suspended by a four-fifths vote of the Council at such virtual meeting, upon concurrence by the County Attorney's Office and subject to available technology allowing the body to communicate virtually in real time.

10. **Short-Term Rentals and Bed and Breakfasts.** Effective immediately, short-term rentals and bed and breakfasts licensed by Talbot County pursuant to Chapter 190 of the Talbot County Code may resume normal operations to the extent permitted by and subject to all applicable laws, rules, regulations, approvals, and orders, including, without limitation, Governor Hogan's executive orders. The County Council recommends that all short-term rentals and bed and breakfasts follow the guidelines set forth in Exhibit "A", attached hereto and incorporated by reference herein.

11. **Supersedes Inconsistent Local Law; Severability.** This Third Amended Emergency Declaration and the orders herein shall supersede and replace the Second Amended

Emergency Declaration issued by the Talbot County Council on April 28, 2020, and shall supersede any inconsistent or conflicting local law, rule, or regulation. If any provision of this Third Amended Emergency Declaration is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Third Amended Emergency Declaration which can be given effect without the invalid provision or application, and for this purpose the provisions of this Third Amended Emergency Declaration are declared severable.

12. **Further Amendments.** This Emergency Declaration may be revised or amended from time to time as needed in the discretion of the County Council.

**THIS THIRD AMENDED EMERGENCY DECLARATION AND THE ORDERS HEREIN ARE HEREBY EFFECTIVE** the ___ day of May in 2020.

GIVEN UNDER OUR HANDS AND THE GREAT SEAL OF TALBOT COUNTY, THIS ___ DAY OF MAY IN THE YEAR 2020.

ADOPTED:

By the Council: _____, 2020

_____
Corey W. Pack, President

_____
Chuck F. Callahan, Vice President

_____
Susan Moran, Clerk of Council

_____
Frank Divilio

_____
Pete Lesher

_____
Laura E. Price

**EXHIBIT "A"**
**TO THIRD AMENDED EMERGENCY DECLARATION**

**Recommended Guidelines for Short-Term Rentals and Bed and Breakfasts**

1. Post a copy of the Centers for Disease Control and Prevention's guidance on "Coronavirus and Travel in the United States" (available at https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html) at the premises.

2. Provide information to guests related to any special COVID-19 restrictions adopted by the County's five municipalities (Easton, St. Michaels, Oxford, Trappe, and Queen Anne).

3. Encourage guests to use delivery services for groceries and other goods rather than traveling in person to the store.

4. Encourage guests to take advantage of delivery and curbside pick-up options from local restaurants.

5. Encourage guests to come prepared with required personal protective equipment.

6. Encourage guests to acknowledge in writing that they understand and agree to abide with local distancing rules; to confirm that they haven't demonstrated symptoms for 14 days, and if they display symptoms, they will shelter-in-place immediately.

7. Modify check-in and check-out hours to allow for extended, Centers for Disease Control and Prevention-recommended cleaning and disinfection of properties.