

IN THE MUNICIPAL COURT OF MARIETTA, COBB COUNTY

STATE OF GEORGIA

CITY OF MARIETTA
MUNICIPAL COURT
FILED IN THIS OFFICE

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**SIXTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY OF
MARIETTA MUNICIPAL COURT**

WHEREAS, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a "judicial emergency" pursuant to O.C.G.A. §38-3-60 et seq., see O.C.G.A. §38-3-60 (2).

WHEREAS, pursuant to O.C.G.A §38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, ORDERED AND, by orders issued on April 6, 2020, May 11, 2020, June 12, 2020, July 10, 2020, August 11, 2020, September 10, 2020, and October 10, 2020 currently in effect through November 9, 2020 at 11:59 pm.

WHEREAS, pursuant to O.C.G.A. §38-3-61, on May 26, 2020, in response to the COVID-19 pandemic and the Statewide Judicial Emergency in the State of Georgia, Judge Roger Rozen, as Chief Judge of the Municipal Court of Marietta, issued an Order Declaring Judicial Emergency And Adoption of Council of Municipal Court Judges of Georgia's Best Practices and Guidelines for Operation of Municipal Courts during the COVID-19 Recovery until Friday, June 12, 2020 at 11:59 pm. That order has been extended by order issued on June 12, 2020 through July 31, 2020, August 3, 2020 and September 10, 2020 and expiring on October 10, 2020 at 11:59 pm.

NOW THEREFORE, pursuant to O.C.G.A. §38-3-61, Chief Judge Roger Rozen of the Municipal Court of Marietta, Cobb County Georgia HEREBY extends his order of June 12, 2020, with amendments to the order declared in Appendix A of this order adopting the Council of Municipal Judges Best Practices and Guidelines for Operating Municipal Court During the COVID-19 Recovery, until November 9, 2020 at 11:59 PM.

The court shall continue to operate under the restrictions set forth in the June 12, 2020 amended order of this court as extended by this order. Where this order refers to "public health guidance," the court should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH) and the local health department.

This Judicial Emergency shall terminate on November 9, 2020 at 11:59 PM, unless otherwise amended or extended.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification or extension, a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63, **IT IS ORDERED** that the Chief of Police for the City of Marietta shall post this Order on his public notification site and at the entrance of the Marietta Police/Court Building;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via

email to Therese Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us and Administrative Office of the Courts.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges, prosecutors, and clerk within the jurisdiction of Marietta Municipal Court and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, and the Cobb County Bar Association, such service to be accomplished through reasonable means to assure expeditious receipt; and,

IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public by publishing upon the City of Marietta Municipal Court website, and shall be posted prominently upon all entrances to the City Of Marietta Municipal Court and offices of the City of Marietta Municipal Court Clerk, the City of Marietta Municipal Court Probation, and the City of Marietta Municipal Court Prosecutor.

IT IS SO ORDERED, this 17th day of October, 2020, Nunc Pro Tunc to October 10, 2020.



ROGER J. ROZEN, Chief Judge
Marietta Municipal Court

APPENDIX A

REQUIRED GUIDELINES FOR OPERATING MARIETTA MUNICIPAL COURT DURING THE RECOVERY OF COVID-19

This court shall consider guidance from the local health department and guidance provided by CDC and DPH; if local public health guidance is more restrictive than this court's guidelines, the local public health guidance shall be followed instead.

GUIDING PRINCIPLES

- Reduce the transmission of COVID-19 among court employees and the public.
- Maintain healthy court operations and facilities for the public.
- Maintain a healthy work environment for court employees.

GENERAL INFECTION CONTROL MEASURES

In accordance with the Georgia Court Reopening Guide made a part of the Supreme Court's Fourth Order Extending Declaration of Statewide Judicial Emergency issued July 10, 2020, all court employees and the public are required to wear a mask or face covering when entering the court facility building. Court employees and the public are permitted to wear their own protective equipment, including face coverings, and masks shall be provided to those who do not provide their own. If wearing a mask would negatively impact the rights to a fair hearing, the court shall consider the use of transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional. All references in this Order to court employees shall include employees of the Marietta Police Department who have been assigned to perform court duties (court officers, bailiffs, transport officers).

General infection control measures include cleaning and disinfecting building/court/probation lobby areas including frequently touched objects and surfaces, including door handles, countertops, work surfaces, security screening equipment, computers, other equipment and seating throughout the public areas, courtroom, court conference room, and other court staff areas.

City of Marietta Property Management shall coordinate the cleaning and sanitizing of the following items/areas of the building lobby and court lobby: all public and court staff restrooms, and frequently touched objects and surfaces including door handles and countertops. Such shall be done frequently but no less than twice daily, prior to the building opening at 8:00 am and again between 12:00 pm and 2:00 pm, and including between court sessions. Restrooms shall always be well-stocked with soap and paper towels.

City of Marietta Property Management shall secure the public water fountains and public phone located in the building lobby to prevent use.

The Marietta Police Department shall coordinate and ensure frequent sanitizing of security screening area equipment, containers used to hold personal items during screening, exit turnstile arms, handicapped entrance gate and tops of all stanchion poles located in public areas of the building.

The public and court staff shall be provided with access to handwashing, and to multiple hand sanitizer stations throughout the building lobby, court lobby, probation lobby, courtroom, and court staff areas. Frequent hand washing with soap and water is encouraged.

Signage shall be posted for proper handwashing as published by the Center for Disease Control and limiting restroom capacity to facilitate social distancing.

Plexiglass or teller glass windows are to be used to protect court employees and public when performing both courtroom and non-courtroom interactions/transactions with the public.

All public areas shall have floor markers to indicate at least six feet distance from others when waiting in health-safety screening areas, security screening areas, queue lines for teller windows and entry to courtroom.

City of Marietta Property Management shall evaluate and maintain building ventilation with the guidance of local public health personnel for improving central air filtration, in compliance with CDC recommendations.

NOTICE TO THE PUBLIC OF INCREASED HEALTH AND SAFETY MEASURES

Hearing notices during the Judicial Emergency shall include notice that the court has taken these referenced health and safety measures to limit the transmission of COVID-19. The health and safety measures outlined within this order shall also be posted on signage located at the building entrance, court check-in/clerk of court lobby area, and posted on the court's website.

Hearing notices and the court's website shall include information about how to contact the court to request a continuance in the event that the noticed party:

- Is currently infected with COVID-19 or in quarantine due to exposure to a person with COVID-19.
- Is a member of an immune-compromised or medically fragile population (or living in a household with someone who is immune-compromised or medically fragile).
- Is age 65 or older.
- Has small children but does not have childcare due to COVID-19.

PROVIDE HEALTHY AND SAFE ACCESS TO THE BUILDING AND COURTROOM

SCREENING:

In accordance with the Georgia Court Reopening Guide required to be implemented by Georgia's Courts as ordered in the Supreme Court of Georgia's Fourth Order Extending Declaration Of Statewide Judicial Emergency, a screening process shall be established and conducted on everyone before entering the court building and courtroom.

Employee Entrance: A separate building entrance is available for employees of The Marietta Police Department and Municipal Court. Individuals utilizing this entrance shall undergo any building entrance screening processes established by this order and appendix but at a minimum, temperature check using a no-contact thermometer. Employees with temperature of 100.0 or higher shall not enter the building and shall immediately contact their supervisor or designee through procedures established by their specific department for further guidance regarding the temperature check. *(Also see section titled, Healthy and Safe Court Employees)*

Vendors entering building from employee entrance: Shall be screened in the same manner as individuals entering through the public's entrance. The Marietta Police Department shall ensure the screening processes has been performed accordingly, unless other city personnel are provided.

Public Entrance: A mask shall be given to any individual not providing their own and masks shall be worn while in public areas of the building, the courtroom and waiting areas. If wearing a mask would negatively impact the rights to a fair hearing, the court shall consider the use of transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.

The screening process at the public entrance of the building shall be performed by an individual approved by the City Manager or his designee. Such screening process as described below shall include screening of all individuals, including any city employee or vendor, upon each entrance into the building during normal business hours and the following series of questions to each individual before or upon entry to the building, and there shall be a sign posted with the following questions:

- Have they traveled to or from any areas in which COVID-19 is particularly active within the past fourteen (14) days?
- Within the past fourteen (14) days, have they experienced symptoms of COVID-19 as described by the Center for Disease Control (CDC) including
 - Cough;
 - Shortness of breath or difficulty breathing;
 - Temperature above 100.0 degrees;
 - Chills, muscle pain;
 - Sore throat;
 - Headache;
 - New loss of taste or smell;
 - Nausea or vomiting.
- Within the past fourteen (14) days, have they been in contact with someone known to have COVID-19?
- Within the past fourteen (14) days, have they received a positive test result for COVID-19 or are they awaiting result?
- Temperature screening required using a no-contact thermometer.

If answering yes to any of the above screening inquiries or temperature screening is 100.0 or higher, entry into the building shall be denied. If a city employee is denied entry, such employee shall immediately contact their supervisor or designee through procedures established by their specific department for further guidance. If entry is denied for health reasons, the follow procedures shall be followed:

- If the individual's entry into the building was for court or court services, the individual should be directed to the court's drive through window for assistance or to receive notice of a court continuance of their case. Court staff shall collect the following information, name, contact information and the specific reason for denying entry.
- If the individual's entry into the building was for police services, the individual should be directed to return to their vehicle and call 770-794-5300 for assistance.
- If a vendor is denied entry into the building, the vendor shall immediately contact the individual who coordinated their visit for further guidance.

STAGING:

- Individuals shall not congregate in common areas while waiting for access to the courtroom.

- To facilitate social distancing while individuals are preparing to enter the courtroom, the following shall be implemented:
 - Floor or sidewalk markings to keep individuals six feet apart;
 - Allow waiting in vehicle and sending of a text message when it is time to enter the building.

FLOW:

Measures shall be taken to control the route that people will take to enter/exit the building, access to the courtroom and court cashier areas to encourage social distancing by:

- Roping/taping off or removal of seating areas to accommodate six (6) foot distancing.
- Placing markers on the floor to direct foot traffic.
- Requiring people to enter through one door and exit through another.

MAINTAINING A HEALTHY AND SAFE COURTROOM

The court shall not schedule in a manner that would require more individuals to arrive at the courtroom than can be accommodated to allow for social distancing.

- Seating in the courtroom shall be configured to accommodate six (6) foot distancing between individuals. The seating capacity of the courtroom has been designated to allow no more than thirty-eight (38) persons.
- The Judge’s bench, prosecutor table and court clerk areas have been modified with the addition of plexiglass barriers to allow separation.
- Floor markers designating six (6) foot distancing has been installed in front of the Judge’s bench to allow multiple parties appearing simultaneously before the judge.
- Before entry into the courtroom, all individuals including defendants, witnesses, police officers, code enforcement officers, business licenses officers, attorneys, and guests shall check-in with court personnel.
- Signs shall be posted at the court check-in area which allow the public to have a second opportunity to review the building entrance questions outlined in the section above titled “screening” .
- Upon check in, court personnel shall conduct the following:
 - Verify the individual has appeared in the correct court;
 - Verify the individual has a mask and remind them masks shall be worn while in the courtroom and waiting areas, if no mask, provide one;
 - Advise the individual of their option to pay fines for eligible cases without having to appear in court;
 - If individual speaks any language other than English or Spanish, continue case to alternative date and court personnel shall secure an interpreter for the specific language to appear on the alternative date;
 - If attorney, offer to place “on call” status and send text when it’s time to enter the court area; otherwise direct to seating area designated for attorneys which shall be limited to six (6) persons at any given time;
 - Offer any person scheduled to appear in court the opportunity to return to their vehicle and the court will send a text when it’s time to enter the court area;

- If desired by the individual and they meet the following criteria, continue the case to an alternative date:
 - Age 65 or older;
 - Have children with them and no childcare;
 - Individual or a member of the individual's household is immune compromised.
- All individuals will be provided with a care package containing the following items for their exclusive use while in the courtroom:
 - A specific seat assignment that shall be utilized by the individual for the duration of their court attendance, unless otherwise directed by the court;
 - Forms typically utilized during court;
 - An ink pen that the individual should utilize during their visit which can be retained by the individual or discarded;
 - Gloves if desired to be worn by the individual.
- Masks shall be worn by **all individuals** while in the courtroom unless otherwise instructed by the Judge. If wearing a mask would negatively impact the rights to a fair hearing, the court shall consider the use of transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- The court shall conduct virtual hearings by video conference or teleconferencing when possible and when the Court determines it to be necessary. *(See also section titled, Healthy and Safe Inmates and Detainees)*
- The court shall provide a live YouTube link to individuals who want to see proceedings in the courtroom but are unable to do so in person, at any time that individuals must be denied entry into the courtroom due to space limitations.
- Individuals shall be rotated in and out of the courtroom as quickly as possible to limit contact.
- Conferences shall be conducted in a room that provides all individuals with social distancing or plexiglass separation, is sanitized, and disinfected as frequently as practical; hand sanitizer shall be available and fully stocked.
- Prior to each court session, court staff shall verify all hand sanitations throughout the courtroom are fully stocked and replenish immediately.
- Court staff shall sanitize and disinfect surfaces as frequently as practical during court proceedings.
- After each court session, the Court Officer or designee shall disinfect and sanitize the conference room and courtroom including seating, door handles or other frequently touched areas using fogging equipment.

HEALTHY AND SAFE COURT EMPLOYEES

Court employees shall follow all healthy work environment protocols established by the City of Marietta intended to reduce the transmission of COVID-19. In addition to such protocols, court employees shall follow the below guidelines:

- Temperature checks are currently required for employees as directed by the City Manager. Currently, court employees are able to self-check temperatures upon entry at the employee building entrance or a designee of the Marietta Police Department is performing the task with a no-contact device. Should there be an occasion where temperature checks are not being conducted at the employee entrance, upon reporting to work, court employees shall self-check

temperatures utilizing a no-contact device located in the time clock area and shall follow instructions posted regarding hand sanitizing before and after use of the device and, disinfecting of the device after use. Court employees must make an entry on the log located in the time clock area to verify each temperature check regardless if their temperature was checked at the employee entrance or in the time clock area. *(See also section titled, Provide Healthy and Safe Access To The Building and Courtroom-Screening)*. Court employees with temperature of 100.0 or higher shall not enter the building, or upon self-checking temperature at any time after arrival to work, shall immediately contact their supervisor or designee for further guidance regarding the temperature check.

- Court employees who are experiencing COVID-19 symptoms shall not enter the building, or if symptoms develop at any time after arrival to work, such employee shall immediately contact their supervisor or designee for further guidance.
- Per the Supreme Court Order, this court's guidelines:
 - Require **isolation** of any person with known or suspected COVID-19 and **quarantine** of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Seventh Amended Administrative Order for Public Health Control Measures or any subsequent version thereof;
 - When there is a reason to believe that anyone who works or has visited a court facility has been exposed to COVID-19, The Department of Public Health (DPH) or the local health department shall be notified and **notification** of persons who may have been exposed shall occur as directed by DPH or the local health department.
- Court employees are discouraged from sharing phones, desks, offices, surfaces, or other equipment. Due to the configuration of the court setting and requirement to share certain office equipment in performance of their duties (copiers, folding machines, printers, etc.), there will be occasions when employees will come into contact with surfaces and/or equipment. When this occurs, employees shall disinfect and sanitize the area immediately after use.
- Court employee desks and work surfaces have been configured to facilitate social distancing and/or will be provided with plexiglass dividers in areas where six (6) foot distancing cannot be easily achieved.
- Court employees will be provided with personal protective equipment such as a mask, protective eye gear and gloves. (Protective eye gear and glove use is optional at the discretion of the employee.)
- Court employees shall wear a mask when six (6) foot distancing cannot be accommodated and at all times when in public areas of the building and shall be permitted to provide their own mask or face covering.
- Court employees shall disinfect and sanitize daily or as frequently as possible their personal workspace/equipment and shared work surfaces/equipment and will be provided with hand sanitizer and other disinfecting and sanitizing materials
- Court employees shall engage in best practices for hand sanitization through frequent hand washing with soap and water following CDC guidelines posted in restrooms.

HEALTHY AND SAFE INMATES AND DETAINEES

- This court shall utilize video conferencing for proceedings whenever possible.
- Marietta Police Department shall ensure inmates and detainees have been screened for COVID-19 before transport to the court facilities.
- Marietta Police Department shall provide for proper spacing in transport vehicles and masks for inmates and detainees during transport. If necessary, coordinate with the Chief Judge for

staggered arrivals and departures to facilitate spacing in transportation vehicles and holding areas.

- Inmates and detainees shall wear a mask or face covering while in the court facility and holding areas.
- Marietta Police Department shall sanitize transport vehicles used in transporting inmates and detainees to the court facilities.
- Marietta Police Department shall label holding areas to provide for social distancing.
- Marietta Police Department shall coordinate the sanitizing and disinfecting of holding areas, restraints, and other commonly used items when inmates or detainees are within the court facilities.
- Marietta Police Department shall make hand sanitizer available to inmates and detainees while they are within the court facilities.
- Marietta Police Department shall ensure the use of face coverings and gloves by transport officers or officers who are required to be in close proximity to inmates and detainees during transport to or while in the court facilities.