

IN THE MUNICIPAL COURT OF FAIRBORN OHIO

FILED
FAIRBORN MUNICIPAL COURT
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ADMINISTRATIVE ENTRY AND ORDER

DEWEES COUNTY
MELISSA A. LITTEAL
CLERK OF COURTS

This Administrative Entry and Order is made upon this Court's own motion, and for good cause shown, in the interest of the health, welfare, and safety of the general public, and of this Court's employees. Administrative Judge Beth W. Cappelli, makes the following findings of fact:

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in the State of Ohio; and

WHEREAS on March 11, 2020, the World Health Organization officially declared COVID-19 to be a global pandemic requiring "urgent and aggressive action" to control the spread of the virus; and

WHEREAS on March 13, 2020, the President of the United States declared a national emergency to provide federal funding to fight the COVID-19 pandemic and empowered the Secretary of Health and Human Services to waive certain laws and regulations to ensure the virus can be contained and patients treated; and

WHEREAS the Centers for Disease Control and Prevention (CDC) has recommended Americans wear cloth face coverings in public to help slow the spread of COVID-19. That recommendation was made based on studies that show a significant proportion of people with COVID-19 lack symptoms and can transmit the virus to others in close proximity, through speaking, coughing, sneezing, or other means; and

WHEREAS, as of April 27, 2020, Governor DeWine announced details of Ohio's Responsible Restart Ohio Plan which requires general safe business practices for the reopening of businesses. But, because the danger of COVID-19 still exists, Ohio's Stay-At-Home Order remains in effect to encourage Ohioans to continue making reasonable, rational decisions about leaving home; and

WHEREAS, on April 30, 2020 the Ohio Department of Health issued the Stay Safe Ohio Order that reopened businesses, with exceptions, and continued a stay healthy and safe at home order.

WHEREAS, a vaccination distribution plan was issued on December 4, 2020.

WHEREAS, on December 14, 2020, vaccinations began in Ohio.

WHEREAS, on February 11, 2021, following a seven-day period in which Ohio's COVID-19 related hospitalizations remained under 2,500, Governor DeWine lifted Ohio's curfew.

WHEREAS, on March 4, 2021, Governor DeWine urged Ohioans to remain committed to safety practices, but announced measurements for lifting health orders. The stay-at-home order and curfew have been lifted. Restaurants, bars and gyms are open. As of this day, nearly 95% of Ohio's K-12 students have returned to school for in-person learning.

WHEREAS, on May 12, 2021, Governor DeWine announced that most COVID-19 health orders would be removed on June 2nd. Measures being removed will include facial covering protocols, social distancing guidelines, and capacity restrictions for indoor and outdoor events.

WHEREAS, on May 16, 2021, the CDC recommended that fully vaccinated individuals could resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance. The CDC recommends those who are not fully vaccinated to wear a mask that covers the nose and mouth, stay 6 feet apart from others, get a COVID-19 vaccine when available, avoid crowds and poorly ventilated indoor spaces, and wash hands often.

Therefore, Fairborn Municipal Court hereby continues to require safety measures as follows:

- All individuals who are not fully vaccinated are required to wear face coverings within the Courthouse unless one of the following apply:
 - The face covering is not advisable for health purposes;
 - The person is sitting alone in an enclosed space; or
 - There is a practical reason a face covering cannot be worn by a person

If any exceptions apply to an employee, written justification must be provided upon request.

- Employees must continue to perform a daily symptom assessment to determine if they should work;
- Employees must continue to maintain good hygiene at all times and are required to regularly wash their hands;
- Employees are required to clean and sanitize work areas throughout the day and at the close of business or between shifts;
- Occupancy capacity will be reduced to meet social distancing guidelines for those not fully vaccinated;
- All individuals not fully vaccinated must be a minimum of 6 feet between each other unless a proper barrier exists or the employee is alone in an office; and
- Individuals exhibiting symptoms of COVID-19 are not permitted to enter the Courthouse.

As of May 17, 2021, employees and patrons who are fully vaccinated will not be required to wear a mask or facial covering while in the Courthouse. Hearings will continue to be held using remote technology in certain instances at the discretion of the Court. The Court hereby continues

to order that all criminal and civil pretrials with Attorneys for both parties to be held via telephone. If a Defendant in a criminal or traffic case chooses not to accept an offer made at the pretrial conference, the case will be scheduled for a telephonic status conference with the Judge. All discovery must be exchanged and reviewed prior to this status hearing. At the status hearing, the Judge will set deadlines and order dates to be set in order to complete the case. All matters with incarcerated Defendants will continue to be held remotely, unless the matter is set for a trial or evidentiary hearing. Probationers will meet with probation officers primarily in their offices, but also virtually at the discretion of the officers. The Bond Schedule filed March 18, 2020, continues to remain in effect. However, in cases with warrants, the bond listed on the warrant will supersede the bond schedule. Fairborn Municipal Court will continue to enforce physical distancing and masking within the courthouse. Based upon the number of vaccinated individuals, the decline in COVID-19 cases, and the social distancing procedures Fairborn Municipal Court has instituted, the Court is prepared to manage an increased patronage. Therefore, the Court is reinstating the Traffic Intervention Program 'TIP', as of April 5, 2021.

If not specifically mentioned, the Court will use discretion to determine if a matter needs addressed in order to protect an individual's health, safety, housing, or prevent other imminent, serious harm, that cannot be remedied otherwise. The Court shall ensure the orderly and efficient administration of justice while continuously assessing the situation to determine if additional precautions are necessary. This Administrative Entry and Order supersedes the previous Administrative Orders promulgated in response to the COVID-19 pandemic.

IT IS SO ORDERED.



Beth W. Cappelli, Judge