

# IN THE MUNICIPAL COURT OF FAIRBORN OHIO

## ADMINISTRATIVE ENTRY AND ORDER

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, on July 27, 2021, the CDC recommended that to maximize protection from the Delta variant of COVID-19 and prevent possibly spreading it to others, fully vaccinated individuals should wear a mask indoors in public if in an area of substantial or high transmission. Individuals who are not vaccinated should continue to wear a mask as previously recommended. Further, if around someone who has COVID-19, one should get tested within 3-5 days after exposure, even without symptoms. A mask should be worn indoors in public for 14 days following exposure, or until the test result is negative. The individual should isolate for 10 days if the test result is positive.

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

- All individuals 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;
- All individuals must be a minimum of 6 feet between each other unless a proper barrier exists or the employee is alone in an office;
- Individuals exhibiting symptoms of COVID-19 are not permitted to enter the Courthouse; and
- If exposed to someone who has COVID-19, employees should get tested 3-5 days after exposure, even with no symptoms. An employee should isolate for 10 days if the test result is positive.

Therefore, as of July 30, 2021, employees and patrons will 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 July 1, 2021, continues to remain in effect. Fairborn Municipal Court will continue to enforce physical distancing and masking within the court.

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