

*Maine*  
Cumberland **County**

**CUMBERLAND COUNTY COMMISSIONERS  
SPECIAL MEETING AGENDA**

The County Commissioners will hold their meeting on Zoom.

The public may watch the YouTube video stream live on  
[cumberlandcounty.org/live](http://cumberlandcounty.org/live)

Submit public comments to [kennedy@cumberlandcounty.org](mailto:kennedy@cumberlandcounty.org) prior or during the  
meeting

Friday, October 22, 2021

9:30 AM

**CALL TO ORDER**

Pursuant to Section 3.10.1.2 of the County Charter, the Chairman has called a Special Meeting to hear the following item:

**NEW BUSINESS**

**21-087** Terminating the Jail Declaration of Emergency

**ADJOURNMENT**

**Cumberland County Commissioners**

142 Federal Street, Portland, Maine 04101  
207-871-8380 • cumberlandcounty.org



**District One Neil Jamieson • District Two Susan Witonis • District Three Stephen Gorden  
District Four Thomas Coward • District Five James Cloutier**

**Declaration of Emergency in Cumberland County**

Pursuant to Section 2.1 of the County of Cumberland Charter and Administrative Regulation #11 Public Health Emergencies: Human Resource Guidelines, the County Manager hereby finds and orders as follows:

**WHEREAS**, at this time, guidance from the President of the United States, the Governor of State of Maine, and the Center for Disease Control, urge the public to practice social distancing and the wearing of masks. Recent Federal Government mandates, for employers over 100 employees, requires employees to be either vaccinated or get weekly testing;

**WHEREAS**, COVID-19 is easily spread from person to person through close contact, and as of Wednesday, September 29, 2021, Maine CDC has reported 867 new COVID-19 cases statewide for that day;

**WHEREAS**, the County Commissioners, at their September 27, 2021 meeting amended the existing countrywide Declaration of Emergency; which mandates that masks are worn by all county employees when not in their offices and/or able to socially distance in their work environment;

**WHEREAS**, the Cumberland County Jail is experiencing another COVID-19 outbreak;

**WHEREAS**, currently nine (9) Correction Officers are out due to testing positive for COVID-19, while another six (6) jail employees are being tracked for close contact. Additionally, six (6) Corrections Offices are out on FMLA and five (5) Correction Officers have resigned or given noticed within the last week. There are currently sixty-seven (67) Correction Officer vacancies at the Jail today. There are 129 budgeted correction officer positions at the Jail.

**WHEREAS**, the risk of spread throughout the Jail of COVID-19 seriously impacts the life, health and safety of the inmates, contract employees, jail employees and their families. Public health is imperiled by the person to person spread of COVID-19 Delta Variant;

**WHEREAS**, the County Commissioners previously permitted flexibility within the County's Non-Union Personnel Policy allowing the County Manager and staff the ability to address immediate employee related and committee related concerns without the worry of facing barriers and obstacles of current Policy.

**Now, Therefore, We, the Commissioners of Cumberland County, pursuant to the authority incumbent upon the Commissioners, do hereby declare, the existence of a potential local health crisis at the Cumberland County Jail due to the current COVID outbreak at Jail, which has impacted staffing levels due to a number of COVID positive employees, which adds to vacancies associated with employees being monitored for close contact, those out on FMLA and the current number of vacancies at the Jail that has significantly reduced the capacity to effectively run a full service jail.**

Pursuant to the powers vested through the statutes of the State of Maine, County Charter and County Administrative Regulations, and common law authority to protect the public's health, safety and welfare in the event of an emergency, WE, the Commissioners of County of Cumberland, in consultation with the Sheriff and County Manager, do hereby Order as follows:

Declare a State of Emergency at the Cumberland County Jail as a result of the COVID outbreak, which in turn, further reduces the number of trained Correction Officers to fill the shifts at the Jail;

The Commissioners authorize the County Manager in collaboration with the Sheriff to act as necessary to meet the current circumstances of this on-going emergency response: including, but not limited to agreements with the State of Maine and other Maine counties for the potential relocation of inmates to other correction facilities, permitting the Sheriff to use his authority to release inmates close to their release date, increase testing capacity at the jail for employees and inmates, further offering of COVID-19 vaccinations to the 38 jail employees who are unvaccinated and by entering into contracts for general services, as needed and determined by the County Manager and Sheriff.

All new staff members hired at the jail, as of the date of this Declaration, shall be required to be fully vaccinated prior to their first day in their position;

The Emergency Declaration signed on this 29<sup>th</sup> day of September, in the year 2021, which shall expire on October 31, 2021 unless otherwise amended or terminated by the County Commissioners.

Dated: Wednesday, September 29, 2021

Cumberland County, Maine

ATTEST:

DocuSigned by:  
*Stephen Gorden*  
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DocuSigned by:  
*James H. Gailey*  
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Stephen F. Gorden, Chair  
Cumberland County Board of Commissioners

James H. Gailey  
County Manager