

City of  
**SHELBYVILLE**  
Tennessee

**PROCLAMATION BY THE MAYOR AND CITY MANAGER RENEWING  
THE STATE OF EMERGENCY WITHIN THE CITY OF SHELBYVILLE, TENNESSEE,  
TO CONTINUE EFFORTS TO CONTAIN  
THE NOVEL CORONAVIRUS DISEASE (COVID-19) OUTBREAK**

Executive Order No. 2020-22  
August 13, 2020

**WHEREAS**, the Coronavirus Disease 2019 (“COVID-19”) is a respiratory disease caused by the SARS-CoV-2 virus (the “virus”) that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

**WHEREAS**, since late 2019, a significant outbreak of COVID-19 occurred that has spread globally to 217 countries, areas, and territories, deemed a pandemic by the World Health Organization (the “WHO”), which has significantly impacted the health and livelihoods of the citizens of the City of Shelbyville; and

**WHEREAS**, broad-ranging and unprecedented measures have been taken at the local, state, and federal government levels to stem the rate of transmission of COVID-19, including the declaration of a national state of emergency by United States President Donald J. Trump on March 13, 2020, and the declaration of a state of emergency in the State of Tennessee by Governor Bill Lee on March 12, 2020;

**WHEREAS**, in response to the identification and spread of COVID-19 in Tennessee, Governor Lee issued numerous Executive Orders from March through July, 2020, that impacted commercial, employment, social, recreational, entertainment, and sports activities and suspended or modified various State laws, rules and regulations to facilitate the treatment and containment of COVID-19, minimize unnecessary person-to-person contact, maintain adequate health care system capacity and supplies, and other measures; and

**WHEREAS**, Tennessee’s public and private educational facilities are now re-opening throughout the State for the 2020-2021 school year after closing in-person classes in March, and in-person court proceedings have resumed with safety protocols mandated by Orders of the Tennessee Supreme Court; and

**WHEREAS**, the United States continues to experience the effects of the COVID-19 pandemic, including the profound disruptions and challenges presented to commerce, employment, healthcare services, governmental services, and the operations of other entities and organizations, and the federal Centers for Disease Control and Prevention (the “CDC”) and other leading medical experts continue to encourage social distancing, effective personal hygiene practices, and other measures to contain and slow the spread of the virus; and

**WHEREAS**, as of August 12, 2020, according to WHO, there have been 20,439,814 confirmed positive cases of COVID-19 resulting in 744,385 deaths world-wide; and

**WHEREAS**, as of August 12, 2020, according to CDC, there have been 5,119,711 confirmed or presumptively confirmed positive cases of COVID-19 in the United States, across all 50 states, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and US Virgin Islands, resulting in 163,651 deaths; and

**WHEREAS**, as of August 12, 2020, according to the Tennessee Department of Health, there have been 126,393 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 1,289 deaths and 5,554 hospitalizations, with 87,290 people having recovered for an active current case count of 37,814; and

**WHEREAS**, as of August 12, 2020, according to the Tennessee Department of Health, Bedford County, Tennessee had a total of 940 confirmed positive cases of COVID-19, out of which 702 persons have recovered and 11 persons have unfortunately died, for an active case count of 227 people currently with a confirmed positive diagnosis of COVID-19, a slight decrease from last week; and

**WHEREAS**, as of August 12, 2020, the total number of confirmed cases in Bedford County is still significantly higher than the number of confirmed cases in surrounding rural counties of similar population size, including the adjacent counties of Marshall County with 310 confirmed cases, Lincoln County with 320 confirmed cases, Metropolitan Lynchburg Moore County with 64 confirmed cases, and Coffee County with 573 confirmed cases; and

**WHEREAS**, the Tennessee Department of Health did identify a cluster of COVID-19 cases in the City of Shelbyville at a food processing and packaging facility, which is of great concern to City officials, and is likely to contribute to the continued spread and identification of additional cases of COVID-19 in Bedford County at a higher rate than most other counties in Tennessee, which is a condition of danger to the health, welfare, safety, and economic wellbeing of the citizens of the City of Shelbyville and may result in an interruption of municipal services to the public; and

**WHEREAS**, while the various pandemic response measures implemented at the national, state, and local levels did slow the spread of COVID-19 by “flattening the curve” as reflected in earlier declining rates of transmission and active cases, the recent resurgence in cases, transmission rates and hospitalizations make it advisable and prudent to continue local measures to contain the virus within our community especially in light of the re-opening of the country for business, including certain City governmental offices and services in accordance with State mandates; and

**WHEREAS**, safeguarding the life and property of its citizens is an innate responsibility of the City of Shelbyville, the Mayor and City Council, its officers and employees; and

**WHEREAS**, State law and the City Charter bestows police powers upon the City and authorizes it to act and to regulate in the interests of public health and welfare; and

**WHEREAS**, pursuant to the “*Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004*” (the “*Act*”) found in *Tennessee Code Annotated* (“*TCA*”) § 58-8-101 *et. seq.*, the Mayor of the City of Shelbyville is authorized by § 58-8-104 to declare a local state of emergency (as defined in § 58-2-101(7) and § 58-8-102(5)) by executive order consistent with and governed by § 58-2-110(3)(A)(v); and

**WHEREAS**, *TCA* § 58-2-110(3)(A)(v) authorizes the City, upon the declaration of a state of emergency by the Mayor, to waive certain procedures and formalities otherwise required of the City by law; and

*WHEREAS*, pursuant to the *Act*, with the declaration of a state of emergency the City may be entitled to cost reimbursement as provided in TCA § 58-8-111; and

*WHEREAS*, pursuant to TCA § 38-9-102 the City Manager of the City of Shelbyville is authorized to declare a local state of civil emergency as defined in TCA § 38-9-101(2)(B), and for which she may declare a curfew for the City of Shelbyville if deemed necessary; and

*WHEREAS*, on March 20, 2020, through a proclamation issued under City of Shelbyville, Tennessee Executive Order No. 2020-01, Mayor Wallace Cartwright and City Manager Shanna Boyette declared a local state of emergency in the City of Shelbyville, encompassing both emergency and civil emergency under the purview of the respective TCA Titles 38 and 58, due to the COVID-19 pandemic; and

*WHEREAS*, since that time, the local state of emergency/civil emergency has been renewed by subsequent proclamations of Mayor Wallace Cartwright and City Manager Shanna Boyette, pursuant to City of Shelbyville, Tennessee Executive Orders No. 2020-02 through 2020-21; and

*WHEREAS*, the undersigned Mayor and City Manager of the City of Shelbyville have made such observations and investigations necessary, including communications with the Governor's Office, the Bedford County Mayor, the Bedford County Emergency Management Agency, and the Bedford County Health Department, to determine in their judgment that the state of emergency continues to exist within the jurisdiction of the City of Shelbyville that has resulted or may result in substantial injury or harm to the population, or substantial damage to or loss of property; and

*WHEREAS*, it is necessary and proper for the Mayor and City Manager to exercise their respective authorities to renew a state of emergency/civil emergency as granted by State law to preserve and increase the containment of COVID-19 and to minimize the immediate and significant danger to the health, safety and welfare of the citizens, residents, visitors, and employees of the City of Shelbyville.

**NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY THE MAYOR AND CITY MANAGER OF THE CITY OF SHELBYVILLE, TENNESSEE, BY VIRTUE OF THE RESPECTIVE POWERS AND AUTHORITIES VESTED IN THEM, AS FOLLOWS:**

**Section 1.** The local State of Emergency first declared in Executive Order No. 2020-01 on March 20, 2020 for The City of Shelbyville, which has previously been extended through August 14, 2020 by subsequent Executive Orders, is hereby renewed for an additional seven (7) days within the jurisdiction of The City of Shelbyville in accordance with TCA § 58-2-110.

**Section 2.** The provisions of all of the previously issued City of Shelbyville Executive Orders, Nos. 2020-01 through 2020-21, shall remain in full effect unless otherwise amended, modified, or rescinded here within, or by subsequent executive order, and all orders, provisions, and directives included in this Proclamation shall continue through the duration of the State of Emergency, or any additional extension thereof, until amended, modified or rescinded by executive order.

**Section 3.** All citizens, businesses, and organizations of the City of Shelbyville are strongly urged to comply with Governor Bill Lee's Executive Orders and other State and federal guidance to contain the spread of COVID-19, including adhering to business re-opening guidelines in Tennessee Pledge, health and safety protocols such as washing hands and wearing face coverings in public where appropriate, and the practice of social distancing measures.

**Section 4.** This Proclamation shall be promptly distributed to all members of the Shelbyville City Council, all City Department Directors, the Mayor of Bedford County, and shall be distributed to local media outlets.

**Section 5.** This Proclamation shall be promptly filed with the Shelbyville City Recorder Lisa Smith in accordance with TCA § 38-9-102.

**Section 6.** If any provision, sentence, clause, or word of this Proclamation, or any application of it to any individual, group, organization, or business, regardless of legal entity status, or to any circumstance, is held to be illegal, otherwise invalid, or incapable of being enforced by a court of competent jurisdiction, then such provision, sentence, clause, or word shall be excluded to the extent of such illegality, invalidity or unenforceability; all other terms hereof shall remain in full force and effect; and, to the extent permitted and possible, the invalid or unenforceable provision, sentence, clause, or word shall be deemed replaced by another provision, sentence, clause, or word that is valid and enforceable and that comes closest to expressing the intention of such illegal, invalid or unenforceable provision, sentence, clause, or word.

**Section 7.** The following amendment for the Park and Recreation Department shall be made to Exhibit A to the "Proclamation by the Mayor and City Manager Renewing a State of Emergency Within the City of Shelbyville, Tennessee Concerning the Novel Coronavirus Disease (COVID-19) Outbreak in Order to Preserve the Containment of the Disease While Continuing a Phased Re-opening of City Facilities and Services" in Executive Order 2020-11 issued May 28, 2020 as follows:

A. Beginning immediately, the following sentence of the third paragraph concerning the Senior Olympics program activities which reads:

Beginning June 26, 2020, the Senior Olympics program may begin noncontact activities at City owned facilities.

Is deleted in its entirety and replaced with the following sentence.

Beginning August 14, 2020, the Senior Olympics program may offer contact and noncontact sports.

B. Beginning August 14, 2020, the Athletics Division may offer contact and noncontact sports programs.

**Section 8.** The following amendment shall be made to the Executive Order 2020-15, Section 7, issued June 25, 2020.

In accordance with Governor Lee's "Tennessee Pledge" guidance for "Sports" dated August 6, 2020, contact and noncontact sports may engage in training and games. The provisions of previously amended Exhibit A are now amended again to allow Senior Olympics to train, scrimmage, and play games at park facilities beginning August 14, 2020. Further, the Athletics Division is allowed to offer contact and noncontact sports.

**Section 9.** In accordance with TCA § 58-2-110 the State of Emergency is valid and effective as of Friday, August 14, 2020 at 12:01 AM Central Daylight Savings Time ("CDT") and shall continue in full force and effect until Friday, August 21, 2020 at 12:01 AM CDT, unless earlier rescinded, and may be incrementally extended for additional seven-day periods as deemed necessary.

**ISSUED** on this the 13<sup>th</sup> day of August, 2020 in Shelbyville, Bedford County, Tennessee.


CITY OF SHELBYVILLE MAYOR

  
Wallace Cartwright

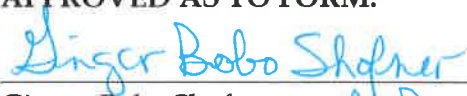
CITY OF SHELBYVILLE MANAGER

  
Shanna Boyette

ATTEST:

  
\_\_\_\_\_  
Lisa Smith  
Shelbyville City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ginger Bobo Shofner  
Shelbyville City Attorney *By Permission HS*

Filed with the Shelbyville City Recorder on: August 13, 2020