

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 AND RE-OPENING OF FACILITIES**

Executive Order No. 2020-24
August 27, 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 26, 2020, according to WHO, there have been 24,021,218 confirmed positive cases of COVID-19 resulting in 821,462 deaths world-wide; and

WHEREAS, as of August 26, 2020, according to CDC, there have been 5,752,653 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 177,759 deaths; and

WHEREAS, as of August 26, 2020, according to the Tennessee Department of Health, there have been 147,353 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 1,648 deaths and 6,603 hospitalizations, with 109,765 people having recovered for an active current case count of 35,940; and

WHEREAS, as of August 26, 2020, according to the Tennessee Department of Health, Bedford County, Tennessee had a total of 1,076 confirmed positive cases of COVID-19, out of which 819 persons have recovered and 14 persons have unfortunately died, for an active case count of 243 people currently with a confirmed positive diagnosis of COVID-19; and

WHEREAS, as of August 26, 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 488 confirmed cases, Lincoln County with 391 confirmed cases, Metropolitan Lynchburg Moore County with 86 confirmed cases, and Coffee County with 725 confirmed cases, due to a cluster of cases identified early on in the pandemic related to a food processing and packaging facility, which is still of concern to City officials and has likely contributed to the continued spread of cases at a higher rate than other similarly situated counties in Tennessee; 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 2020-23; 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 28, 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 if the state of emergency for Tennessee is extended, or until the expiration of Tennessee's state of emergency scheduled to end on Saturday, August 29, 2020 at 11:59 pm.

Section 2. The provisions of all of the previously issued City of Shelbyville Executive Orders, Nos. 2020-01 through 2020-22, 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. In accordance with TCA § 58-2-110 the State of Emergency is valid and effective as of Friday, August 28, 2020 at 12:01 AM Central Daylight Savings Time ("CDT") and shall continue in full force and effect until the expiration of Governor Lee's state of emergency for Tennessee scheduled to expire on Saturday, August 29, 2020 at 11:59pm, or if Governor Lee extends such state of emergency for Tennessee, until Friday, September 4, 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 27th day of August, 2020 in Shelbyville, Bedford County, Tennessee.


CITY OF SHELBYVILLE MAYOR


Wallace Cartwright


CITY OF SHELBYVILLE MANAGER


Shanna Boyette *By Permission RS*

ATTEST:


Lisa Smith
Shelbyville City Recorder

APPROVED AS TO FORM:


Ginger Bobo Shofner *By Permission RS*
Shelbyville City Attorney

Filed with the Shelbyville City Recorder on: 8/27/2020