

City of
SHELBYVILLE

Tennessee

PROCLAMATION BY THE MAYOR AND INTERIM 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. 2020-39
December 10, 2020

WHEREAS, since late 2019 a significant outbreak of the Coronavirus Disease 2019 (“COVID-19”), a respiratory disease caused by the SARS-CoV-2 virus (the “virus”), has occurred that has spread globally and is currently active in 235 countries, areas, and territories, 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; and

WHEREAS, the United States continues to experience the effects of the COVID-19 pandemic, including profound disruptions and challenges to institutions, government, and commerce, 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, which the City of Shelbyville continues to follow; and

WHEREAS, because of the ongoing pandemic and the country’s attempts to mitigate it, on October 28, 2020, Governor Lee issued Executive Order No. 65 extending the state of emergency in Tennessee until 11:59 PM, Central Standard Time (“CST”) on Sunday, December 27, 2020, to facilitate the response to COVID-19 pandemic and ordered the extension of Tennessee Executive Order No. 60, as amended by Tennessee Executive Order No. 63, as well as continuing various provisions of other executive orders authorizing responsive action to the pandemic; and

WHEREAS, as of December 10, 2020, according to WHO, there have been 68,165,977 confirmed positive cases of COVID-19 resulting in 1,557,385 deaths worldwide; and

WHEREAS, as of December 9, 2020, according to CDC, there have been 15,0040.175 confirmed or presumptively confirmed positive cases of COVID-19 in the United States since January 21, 2020, across all 50 states, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and US Virgin Islands, resulting in 285,351 total deaths, with 2,566 persons dying in the United States on December 8th; and

WHEREAS, as of December 9, 2020, according to the Tennessee Department of Health, there have been 422,962 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 5,171 deaths and 2,605 current hospitalizations, and whereas according to the CDC, Tennessee has had a 72.9 positive case rate per 100,000 residents over the past 7 days; and

WHEREAS, as of December 9, 2020, according to the Tennessee Department of Health, Bedford County, Tennessee, has had a total of 3,303 confirmed and probable positive cases of COVID-19, of which 43 persons have unfortunately died, an increase of 9 deaths over the past 7 days, with an active case count of 873 people currently with a confirmed positive diagnosis of COVID-19 out of which 67 are currently hospitalized. Over the last 7 days, Bedford County has averaged 173.6 tests per day (349.2 tests per 100,000 residents) with an average positive percentage rate of 27.6%; and

WHEREAS, due to the continuing necessity of various pandemic response measures implemented at the national, state, and local levels and the Governor's extension of the State of Emergency for Tennessee through 11:59 PM, CST, on December 27, 2020, it is advisable and prudent to continue local measures to contain the virus within our community; and

WHEREAS, safeguarding the life and property of its citizens is an innate responsibility of the City of Shelbyville government, and State law 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 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 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, *TCA* § 58-2-110(3)(A)(v) authorizes the City, upon such mayoral declaration of a state of emergency, to waive certain procedures and formalities otherwise required of the City by law; 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 then 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 since that time, these local states of emergency/civil emergency have been renewed by subsequent proclamations, City Executive Orders No. 2020-02 through 2020-38; and

WHEREAS, Lori Saddler, is the Interim City Manager for the City of Shelbyville; and

WHEREAS, the undersigned Mayor and Interim City Manager have made such observations and investigations necessary to determine in their judgment that the state of emergency continues to exist within the City of Shelbyville and that it is necessary and proper for them to exercise their authority to renew a state of 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 INTERIM 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 December 11, 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 2020-38, 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 reopening 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 filed with the Shelbyville City Recorder in accordance with TCA § 38-9-102 and 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. 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 6. In accordance with TCA § 58-2-110 the State of Emergency is valid and effective as of Friday, December 11, 2020, at 12:01 AM, CST, and shall continue in full force and effect through Friday, December 18, 2020, at 12:00AM, CST, unless earlier rescinded, and may be incrementally extended for additional seven-day periods as deemed necessary.

ISSUED on this the 10th day of December, 2020, in Shelbyville, Bedford County, Tennessee.

CITY OF SHELBYVILLE MAYOR


Wallace Cartwright

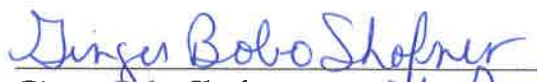
CITY OF SHELBYVILLE INTERIM MANAGER


Lori Saddler

ATTEST:


Lisa Smith
Shelbyville City Recorder

APPROVED AS TO FORM:


Ginger Bobo Shofner
Shelbyville City Attorney

*with Permission
Lisa Smith*

Filed with the Shelbyville City Recorder on: 12/10/2020