

City of
SHELBYVILLE
Tennessee

**PROCLAMATION BY THE MAYOR AND CITY MANAGER RENEWING
THE STATE OF EMERGENCY WITHIN THE CITY OF SHELBYVILLE, TENNESSEE,
CONCERNING PRESERVATION OF THE CONTAINMENT OF THE NOVEL
CORONAVIRUS DISEASE (COVID-19) OUTBREAK
WHILE CONTINUING A PHASED RE-OPENING OF CITY FACILITIES AND SERVICES**

Executive Order No. 2020-12
June 4, 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 throughout March and April, 2020, that significantly curtailed 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 pandemic response measures also included the voluntary physical closure of all public and private educational facilities in the State, including the Bedford County School District, for the remainder of their respective school years at the behest of Governor Lee, with the substitution of an electronic distance learning curriculum, and the suspension of certain in-person court proceedings and certain court rules as mandated by Orders of the Tennessee Supreme Court; and

WHEREAS, the City of Shelbyville’s pandemic response measures included the election to afford public officials the means to participate electronically in public meetings, the adoption of health safety protocols and closure of certain facilities, and implementation of a modified work schedule for certain governmental departments, offices, and services, and the suspension of the Shelbyville Municipal Court, all in compliance with State and federal guidance and directives for the safety of the public and employees; and

WHEREAS, on April 24, 2020, Governor Lee and his appointed Economic Recovery Group did issue “Tennessee Pledge”, the State’s rollout of guidance and best practices for re-opening Tennessee businesses in 89 of the State’s 95 counties, including Bedford County, to keep employees and customers safe during the ongoing COVID-19 pandemic; and

WHEREAS, Governor Lee has now issued several additional Executive Orders, including No. 34, 36, and 38, relaxing certain previously imposed prohibitions and allowing for the reopening, operation, and conduct of certain businesses and activities in 89 of Tennessee’s 95 counties, including Bedford County, while continuing to practice and implement social distancing and health safety guidelines; and

WHEREAS, on May 26, 2020, the Tennessee Supreme Court issued Administrative Order No. ADM2020-00428, “*Order Extending State of Emergency and Easing Suspension of In-Person Court Proceedings*”, which encourages the increased use of electronic means for hearings and other court business while lifting previously imposed restrictions and suspension of rules; and

WHEREAS, on May 26, 2020, many of the City of Shelbyville governmental departments and offices resumed normal working schedules for its employees and began to re-open certain of its facilities to more direct access by the public while continuing to implement any and all necessary measures for the safety of its employees and the public; and

WHEREAS, on June 1, 2020, the Parks and Recreation Department of the City resumed normal working schedules for some of its employees and began to re-open certain Parks and Recreational facilities for direct access and use by the public, including the Shelbyville Recreation Center at H.V. Griffin Park, while continuing to implement any and all necessary measures for the safety of its employees and the public; 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

WHEREAS, 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 June 4, 2020, according to WHO, there have been 6,287,771 confirmed positive cases of COVID-19 resulting in 379,941 deaths world-wide; and

WHEREAS, as of June 4, 2020, according to CDC, there have been 1,827,425 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 102,202 deaths; and

WHEREAS, as of June 4, 2020, according to the Tennessee Department of Health, there have been 24,822 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 388 deaths and 1,829 hospitalizations; and

WHEREAS, as of June 4, 2020, according to the Tennessee Department of Health, Bedford County, Tennessee had a total of 295 confirmed positive cases of COVID-19, out of which 243 persons have recovered and 4 persons have unfortunately died, for an active case count of 48 people currently with a confirmed positive diagnosis of COVID-19; and

WHEREAS, as of June 4, 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 33 confirmed cases, Lincoln County with 29 confirmed cases, Metropolitan Lynchburg Moore County with 5 confirmed cases, and Coffee County with 74 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 have slowed the spread of COVID-19 by “flattening the curve” as reflected in declining rates of transmission and current active cases, it is still advisable and prudent to continue local measures to preserve these gains made in the containment of 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, in addition, it is advisable and prudent to continue local measures to preserve these gains since the wave of large scale, public mass gatherings, some of them producing civil unrest, violence, property damage, bodily injuries, and death, across the United States in the past ten (10) days protesting the death of George Floyd on May 25, 2020 while in the custody of the Minneapolis, Minnesota Police Department on allegations of use of excessive force and police brutality, including a small, peaceful vigil protest held in Shelbyville on May 31, 2020, may cause a rise in COVID-19 transmission; 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 2020-11; 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 June 5th 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 2020-11, 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. Additional phases of the re-opening of certain Park and Recreation Department facilities for public use are set to begin, namely the immediate open use of baseball/softball fields and their use by baseball/softball leagues for scrimmages and games, and the re-opening of a meeting room at the Shelbyville Recreation Center for use by reservation scheduled to begin July 1, 2020.

Section 4. The following amendments 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 second paragraph concerning the facilities within the Shelbyville Recreation Center is amended by the addition of the following provision:

10. Beginning July 1, 2020, Meeting Room #1 will be open for public use by reservation. The public can place reservations beginning on June 5, 2020.

- B. Beginning immediately, the following first and second sentences of the third paragraph concerning baseball and softball leagues which read as:

Youth baseball/softball leagues shall have access to department field facilities for practices only. No scrimmages will be allowed.

are deleted in their entirety and replaced with the following sentence:

Youth and Adult baseball/softball leagues shall have access to department field facilities for practices, scrimmages, and games.

- C. Beginning immediately, the last sentence of the fourth paragraph which reads as:

The skate park, walking trail, and tennis court facilities remain open.

is deleted in its entirety and replaced with the following sentence:

The skate park, walking trail, tennis court facilities, and ballfields remain open.

Section 5. 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, and the practice of social distancing measures.

Section 6. 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.

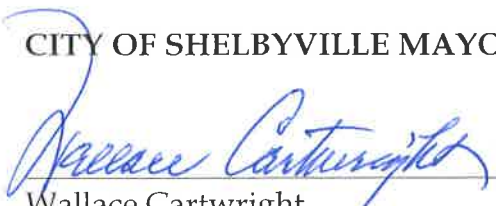
Section 7. This Proclamation shall be promptly filed with the Shelbyville City Recorder Lisa Smith in accordance with TCA § 38-9-102.

Section 8 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 9 In accordance with TCA § 58-2-110 the State of Emergency is valid and effective as of Friday, June 5th, 2020 at 12:01 AM Central Daylight Savings Time (“CDT”) and shall continue in full force and effect until Friday, June 12th, 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 4th day of June, 2020 in Shelbyville, Bedford County, Tennessee.


CITY OF SHELBYVILLE MAYOR


Wallace Cartwright

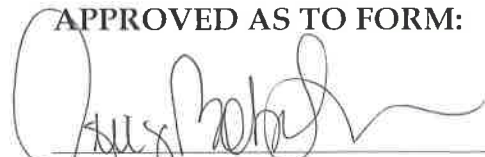
CITY OF SHELBYVILLE MANAGER


Shanna Boyette

ATTEST:


Lisa Smith
Shelbyville City Recorder

APPROVED AS TO FORM:


Ginger Bobo Shofner
Shelbyville City Attorney

Filed with the Shelbyville City Recorder on: 6/4/2020