

City of
SHELBYVILLE
Tennessee

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

Executive Order No. 2020-03
April 2, 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 now spread globally to 205 countries, areas, and territories, and of which the World Health Organization (the “WHO”) has characterized as a pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) has recommended that all states and territories implement aggressive measures to slow and contain the transmission of the virus within the United States; and

WHEREAS, significant 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 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, 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, encompassing both emergency and civil emergency under the purview of the respective TCA Titles 38 and 58, in the City of Shelbyville due to the COVID-19 pandemic; and

WHEREAS, on March 26, 2020, through a proclamation issued under City of Shelbyville, Tennessee Executive Order No. 2020-02, Mayor Wallace Cartwright and City Manager Shanna Boyette extended the local state of emergency, encompassing both emergency and civil emergency under the purview of the respective TCA Titles 38 and 58, in the City of Shelbyville due to the COVID-19 pandemic;

WHEREAS, on March 29, 2020, President Trump announced the extension until April 30, 2020 of the previously issued "The President's Coronavirus Guidelines for America - 15 Days to Slow the Spread of Coronavirus (COVID-19)" originally set to expire on March 31, 2020; and

WHEREAS, all schools in the State of Tennessee, including the Bedford County School System, have suspended in-person school operations at least through April 24, 2020; and

WHEREAS, all in-person court proceedings are suspended in the State of Tennessee, including those of the Shelbyville Municipal Court, through April 30, 2020 by Order of the Tennessee Supreme Court; and

WHEREAS, on March 22, 2020, Tennessee Governor Bill Lee issued Executive Order. No. 17, "*An Order to Mitigate the Spread of COVID-19 by Limiting Social Gatherings, Dine-in Service, and Gym Use, and Exposure at Nursing and Retirement Homes, and Providing Flexibility for Restaurants Regarding the Sale of Alcohol*", which prohibited Tennesseans from participating in social gatherings of ten (10) or more people, from eating or drinking onsite at restaurants, bars or other similar food or drink establishments, from visiting gyms, fitness or exercise centers, or substantially similar facilities, and from visiting nursing homes, retirement homes, or long-term care or assisted-living facilities, with certain exceptions, as well as prohibiting certain business establishments from opening their premises for services to the public, but allowing for restaurants, bars, nightclubs or other similar food or drink establishments to offer drive-through, pickup, carry-out, or delivery service for food or drink only ; and

WHEREAS, on March 30, 2020, Tennessee Governor Bill Lee issued Executive Order. No. 21, "*An Order Amending Executive Order No. 17 to Further Mitigate the Spread of COVID-19 by Limiting Non-Essential Services and Gatherings*" ordering closed various businesses or organizations that perform close-contact personal services, as well as entertainment and recreational gathering venues, including, but not limited to, barber shops, hair salons, waxing salons, threading salons, nail salons or spas, spas providing body treatments, body-art facilities or tattoo services, tanning salons, massage-therapy establishments or massage services, night clubs, bowling alleys, arcades, concert venues, theaters, auditoriums, performing arts centers, or similar facilities, racetracks, indoor children's play areas, adult entertainment venues, amusement parks, roller or ice skating rinks; and

WHEREAS, on March 30, 2020, Tennessee Governor Bill Lee issued Executive Order. No. 22, "*An Order Directing Tennesseans to Stay Home Unless Engaging in Essential Activities to Limit Their Exposure to and Spread of COVID-19*", which included a "Safer At Home" provision urging all Tennesseans to stay at home, except for when engaging in an Essential Activity or Essential Service as defined in the Order, and ordered the closure of all Non-Essential businesses for public use or access; and

WHEREAS, Governor Lee's Executive Order No. 22 did define "Essential Government Functions" to mean all services provided by the State, the political subdivisions of the State, and boards, commissions, or agencies of government needed to ensure the continuing operation of government agencies or to provide for or support the health, safety, and welfare of the public, and further did order each branch of government and all governmental entities, including the

City of Shelbyville, to determine its Essential Government Functions and to ensure a plan is in place for the performance of these functions; and

WHEREAS, as of April 1, 2020, according to WHO, there have been 827,419 confirmed positive cases of COVID-19 resulting in 40,777 deaths world-wide; and

WHEREAS, as of April 1, 2020, according to CDC, there have been 186,101 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 3,603 deaths; and

WHEREAS, as of April 1, 2020, according to the Tennessee Department of Health, there have been 2,683 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 24 deaths and 200 hospitalizations; and

WHEREAS, as of April 1, 2020, there are six confirmed positive cases of COVID-19 in Bedford County, as indicated by the Tennessee Department of Health; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee and Bedford County are likely to continue, 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, it is advisable and prudent to continue to be proactive in adopting local measures to prevent the spread of the virus and to aid in its containment within our community; and

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

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

WHEREAS, pursuant to *Tennessee Code Annotated* ("TCA") § 58-8-104 the Mayor of the City of Shelbyville is authorized to declare a local state of emergency as defined in § 58-2-101(7) and § 58-8-102(5); 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

WHEREAS, the undersigned Mayor and City Manager of the City of Shelbyville have made such observations and investigations necessary, including consultations with 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

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 declared on March 20, 2020 for the City of Shelbyville, originally set to expire on March 27, 2020, and then extended through April 3, 2020, is hereby renewed for an additional 7 days within the jurisdiction of the City of Shelbyville in accordance with TCA § 58-2-110.

Section 2. The provisions of the previously issued City of Shelbyville Executive Orders 2020-01 and 2020-02 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. This Proclamation shall be promptly communicated 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 4. This Proclamation shall be promptly filed with the Shelbyville City Recorder Lisa Smith in accordance with TCA § 38-9-102.

Section 5. Beginning Monday, April 6, 2020, the City of Shelbyville shall implement wherever possible a modified work schedule for its employees in order to ensure continuity of municipal operations. All City of Shelbyville Department Directors are directed to be proactive and are authorized upon approval by the City Manager to take any lawful action pertaining to their departments as they may deem necessary to effectuate the provisions of this Proclamation in furtherance of the purpose of preventing the spread of the COVID-19 disease, or aiding in its suppression, or in the treatment of City residents, visitors, and employees, while continuing to provide and maintain municipal services.

Section 6. All members of the public are strongly encouraged to continue to follow the guidance of and comply with the directives issued by the President, the CDC, and other Federal government agencies, the Governor, and the departments of health for the State of Tennessee and Bedford County.

Section 7. 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 8. In accordance with TCA § 58-2-110 the State of Emergency is valid and effective as of Friday, April 3, 2020 at 12:01 AM Central Daylight Savings Time ("CDT") and shall continue in full force and effect until Friday, April 10, 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 2nd day of April, 2020 in Shelbyville, Bedford County, Tennessee.


CITY OF SHELBYVILLE MAYOR


Wallace Cartwright

CITY OF SHELBYVILLE MANAGER

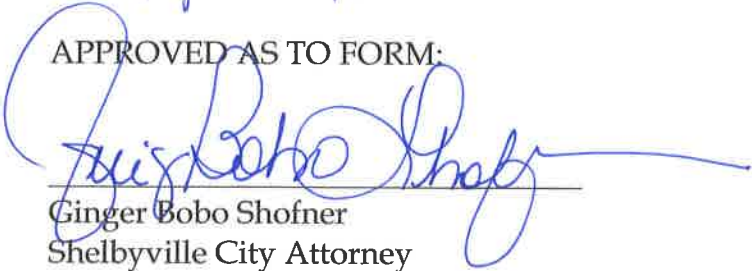

Shanna Boyette

ATTEST:


Lisa Smith
Shelbyville City Recorder

Filed with the Shelbyville City Recorder
on: April 2, 2020

APPROVED AS TO FORM:


Ginger Bobo Shofner
Shelbyville City Attorney