

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. 2020-05
April 16, 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 213 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 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 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 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, 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 issued on March 26, 2020, No. 2020-03 issued on April 2, 2020, and No. 2020-04 issued on April 9, 2020; and

WHEREAS, by March 20, 2020 all public and private pre-K schools, K through 12 schools, colleges, and universities across the State of Tennessee, including the Bedford County School District, suspended in-person classroom instruction and are engaging in distance learning through electronic means upon the recommendation of Governor Lee; and

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 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, as of April 13, 2020, Tennessee Governor Bill Lee has issued fourteen (14) Executive Orders addressing the State's response to the COVID-19 pandemic, including:

Executive Order. No. 17 issued March 22, 2020, "*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*"; and

Executive Order. No. 21 issued March 30, 2020, "*An Order Amending Executive Order No. 17 to Further Mitigate the Spread of COVID-19 by Limiting Non-Essential Services and Gatherings*"; and

Executive Order. No. 22 issued March 30, 2020, "*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

Executive Order No. 23 issued April 2, 2020, "*An Order Amending Executive Order No. 22 Requiring Tennesseans to Stay Home Unless Engaging in Essential Activity or Essential Services*" and

WHEREAS, on April 13, 2020, Governor Lee issued Executive Order No. 27 which extended the Social Distancing and Stay at Home provisions of his previous Executive Orders Nos. 17, 21, 22, and 23 through Thursday, April 30, 2020, to preserve and increase the containment of COVID-19; and

WHEREAS, as of April 14, 2020, according to WHO, there have been 1,914,916 confirmed positive cases of COVID-19 resulting in 123,010 deaths world-wide; and

WHEREAS, as of April 15, 2020, according to CDC, there have been 605,390 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 24,582 deaths; and

WHEREAS, as of April 15, 2020, according to the Tennessee Department of Health, there have been 6,079 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 135 deaths and 663 hospitalizations; and

WHEREAS, as of April 15, 2020, according to the Tennessee Department of Health, Bedford County, Tennessee has had thirty-three (33) confirmed positive cases of COVID-19, and unfortunately two (2) confirmed deaths as a result of COVID-19; and

WHEREAS, as of April 15, 2020, according to the date provided by the Tennessee Department of Health, Bedford County began experiencing an exponential growth rate in the number of confirmed positive COVID-19 cases during the time period of April 13, 2020 through April 15, 2020; and

WHEREAS on April 15, 2020, Governor Lee recommended that all educational facilities in the State, including public and private pre-K schools, K through 12 schools, colleges, and universities, continue the suspension of in-person classroom instruction and to continue to engage in distance learning through electronic means for the remainder of their respective 2019-2020 school years; and

WHEREAS, on April 15, 2020, the Bedford County School District announced that it would comply with Governor Lee's request and remain closed for in-person classroom instruction for the remainder of the 2019-2020 school year; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee and Bedford County will 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 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 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 April 17th 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 the previously issued City of Shelbyville Executive Orders No. 2020-01 issued on March 20, 2020, No. 2020-02 issued on March 26, 2020, No. 2020-03 issued on April 2, 2020, and No. 2020-04 issued on April 9, 2020, 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 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 4. This Proclamation shall be promptly filed with the Shelbyville City Recorder Lisa Smith in accordance with TCA § 38-9-102.

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, April 17, 2020 at 12:01 AM Central Daylight Savings Time ("CDT") and

shall continue in full force and effect until Friday, April 24, 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 16th day of April, 2020 in Shelbyville, Bedford County, Tennessee.


CITY OF SHELBYVILLE MAYOR


Wallace Cartwright

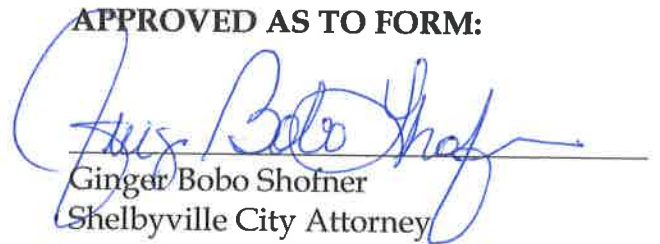
CITY OF SHELBYVILLE MANAGER


Shanna Boyette

ATTEST:


Lisa Smith
Shelbyville City Recorder

APPROVED AS TO FORM:


Ginger Bobo Shofner
Shelbyville City Attorney

Filed with the Shelbyville City Recorder
on: 4/16/2020