

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 AND
THE CLUSTER OF CASES WITHIN THE CITY

Executive Order No. 2020-06
April 23, 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, No. 2020-04 issued on April 9, 2020, and No. 2020-05 issued on April 16, 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 22, 2020, Tennessee Governor Bill Lee has issued fifteen (15) 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 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, on April 16, 2020, President Donald Trump did announce his "Guidelines for Opening Up America Again", a set of criteria composed of three (3) phases for states or regions to satisfy before easing restrictions on the conduct of business and activities; and

WHEREAS, on April 20, 2020, the State of Tennessee announced that most State Parks would reopen for day use only on Friday, April 24, 2020; and

WHEREAS, on April 20, 2020, Tennessee Governor Bill Lee announced that he would not renew the Stay at Home provisions for the State issued under his Executives Orders and would allow them to expire on April 30, 2020; and

WHEREAS, on April 20, 2020, Governor Lee further announced that a phased re-opening of most businesses in 89 counties in the State was set to begin on May 1, 2020; and

WHEREAS, Bedford County is included in the 89 counties scheduled by the Governor for phased business re-opening beginning on May 1, 2020; and

WHEREAS, as of April 22, 2020, according to WHO, there have been 2,544,792 confirmed positive cases of COVID-19 resulting in 175,694 deaths world-wide; and

WHEREAS, as of April 21, 2020, according to CDC, there have been 802,583 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 44,575 deaths; and

WHEREAS, as of April 22, 2020, according to the Tennessee Department of Health, there have been 7,842 confirmed or presumptively confirmed positive cases of COVID-19 in the State of Tennessee, resulting in 166 deaths and 775 hospitalizations; and

WHEREAS, as of the evening of April 22, 2020, according to the Tennessee Department of Health, Bedford County, Tennessee had one hundred thirty-one (131) confirmed positive cases of COVID-19, and unfortunately two (2) confirmed deaths as a result of COVID-19; and

WHEREAS, the number of confirmed cases in Bedford County is significantly higher than the number of confirmed cases in surrounding rural counties of similar population size, including the adjacent counties of Marshall County with twenty-four (24) confirmed cases, Lincoln County with eleven (11) confirmed cases, Metropolitan Lynchburg Moore County with three (3) confirmed cases, and Coffee County with twenty-three (23) confirmed cases; and

WHEREAS, although the State of Tennessee, on April 22, 2020, did report a steady decline in the growth rate of new COVID-19 cases in the last nineteen (19) days across the State, as well as the decline in the presentation of flu-like and COVID-like symptoms, the Tennessee

Commissioner of Health, Dr. Lisa Piercy, did also announce that a food processing and packaging facility in Shelbyville has been confirmed to have a cluster of COVID-19 cases associated with its employees and their contacts according to the State Health Department guidelines; and

WHEREAS, the corporate owner of this facility in Shelbyville has another processing and packaging plant located in middle Tennessee that has also been identified as having a cluster of COVID-19 related cases; and

WHEREAS, the identification of a cluster of COVID-19 cases in Bedford County and the circumstances surrounding it 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, 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 24th 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, No. 2020-04 issued on April 9, 2020, and No. 2020-05 issued on April 16, 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. It is specifically noted that the City's previously announced emergency action plans, including the "*Summary of Procedures for Limited Access to Shelbyville City Facilities and Services During State of Emergency*" included as Exhibit A to Executive Order No. 2020-01 issued on March 20, 2020, remain in full force and effect, including the closure of the Shelbyville Recreation Center and limited access to City Parks.

Section 4. Furthermore, it is specifically noted that the City of Shelbyville shall continue to operate on its modified work schedule which was announced in Executive Order No. 2020-03 issued on April 2, 2020 and implemented beginning April 6, 2020.

Section 5. 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 6. This Proclamation shall be promptly filed with the Shelbyville City Recorder Lisa Smith in accordance with TCA § 38-9-102.

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 24, 2020 at 12:01 AM Central Daylight Savings Time ("CDT") and

shall continue in full force and effect until Friday, May 1, 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 23rd day of April, 2020 in Shelbyville, Bedford County, Tennessee.

CITY OF SHELBYVILLE MAYOR


Wallace Cartwright

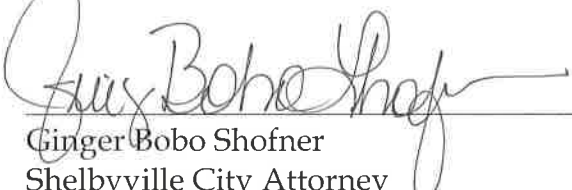
CITY OF SHELBYVILLE MANAGER


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: 4/23/2020