



City of Bartlett

A. Keith McDonald, Mayor

EXECUTIVE ORDER EXTENDING LOCAL STATE OF EMERGENCY BY MAYOR A. KEITH McDONALD, CITY OF BARTLETT

No. 28-2020

WHEREAS, on March 11, 2020 the World Health Organization declared the novel coronavirus (COVID-19) outbreak was pandemic; on March 12, 2020, Tennessee Governor Bill Lee declared a State of Emergency to deploy additional resources to combat the spread of the virus; and on March 13, 2020, President Donald Trump declared a National Emergency over the coronavirus pandemic; and,

WHEREAS, on March 19, 2020 the Governor for the State of Tennessee issued Executive Order No. 15, and subsequent Executive Orders, declaring that a “state of emergency and major disaster exists to facilitate the response to COVID-19”; and

WHEREAS, COVID-19 is a danger to the health, welfare and economic wellbeing of the citizens of the City of Bartlett and may interrupt municipal services affecting the public’s health and safety; and

WHEREAS, it is imperative that the City take appropriate measures to contain COVID-19 and prevent its spread throughout the City; and

WHEREAS, COVID-19 is frequently spread through close contact between persons and respiratory transmissions and empirical evidence from other communities and nations indicates that the spread of the disease is most effectively slowed by social distancing and reducing interactions among dense groups of people; and

WHEREAS, the goal of this administration is to continue to provide a high-performing government, even with the loss of revenue caused by COVID-19, that will be flexible, and capable of meeting the challenges of this pandemic as they come; and

WHEREAS, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, *et seq.* and §1-201 *et seq.* of the Codified Ordinances of the City of Bartlett, the Mayor may proclaim in writing the existence of a civil emergency, as defined therein; and

WHEREAS, as Mayor of the City of Bartlett, I have made such observations, inquiries and investigations necessary to determine that an emergency situation exists under the laws of the State of Tennessee and the Codified Ordinances of the City of Bartlett as it relates to COVID-19 and the response to COVID-19 (“Emergency”); and

WHEREAS, on March 20, 2020, pursuant to Tennessee Code Annotated §§ 38-9-101(2), 58-2-101(7) and 58-2-110, Art. V, § 2 of the Charter of the City of Bartlett, and § 1-201 *et seq* of the Codified Ordinances of the City of Bartlett, I declared a state of emergency for the City of Bartlett in response to the COVID-19 pandemic; and

WHEREAS, after proclamation of a civil emergency, the Mayor, in the interest of public safety and welfare, may make all orders necessary for the protection of life and property, including but not limited to, the closure of certain establishments; and

WHEREAS, on March 20, 2020, pursuant to Tennessee Code Annotated § 38-9-101, *et seq.* and § 1-201 *et seq* of the Codified Ordinances of the City of Bartlett, I issued Civil Emergency Proclamation and Executive Order No. 02-2020, closing restaurants and bars for on-site consumption, as well as closing gyms and exercise facilities; and

WHEREAS, on March 21, 2020, pursuant to Tennessee Code Annotated § 38-9-101, *et seq.* and § 1-201 *et seq* of the Codified Ordinances of the City of Bartlett, I issued Civil Emergency Proclamation and Executive Order No. 03-2020, providing for the additional closures of entertainment and recreational establishments; and

WHEREAS, on March 23, 2020, pursuant to Tennessee Code Annotated § 38-9-101, *et seq.* and § 1-201 *et seq* of the Codified Ordinances of the City of Bartlett, I issued Civil Emergency Proclamation and Executive Order No. 04-2020, effective on March 24, 2020, closing non-essential businesses and directing residents to stay at their places of residences unless for purposes otherwise allowed thereunder; and

WHEREAS, on April 10, 2020, pursuant to Tennessee Code Annotated § 38-9-101, *et seq.* and § 1-201 *et seq* of the Codified Ordinances of the City of Bartlett, I issued Civil Emergency Proclamation and Executive Order No. 07-2020, amending and superseding Executive Order 04-2020, closing non-essential businesses and directing residents to stay at their places of residences unless for purposes otherwise allowed thereunder, and incorporating the Health Directives and formal Addendum to Health Directive No. 2 issued by the Shelby County Health Department; the Enforcement Guidance issued by Shelby County and the Governor for the State of Tennessee; and the Interim Guidance for Businesses and Employers to Plan and Respond to COVID-19 issued by the Centers for Disease Control and Prevention; and

WHEREAS, on April 13, 2020, the Governor for the State of Tennessee issued Executive Order No. 27, extending temporary social distancing and stay-at-home provisions of Executive Order Nos. 17, 21, 22, and 23 until April 30, 2020 to preserve and increase the containment of COVID-19; and

WHEREAS, on April 28, 2020, the Governor for the State of Tennessee issued Executive Order No. 30, superseding and repealing Executive Order Nos. 17, 21, 22, 23, 27, and 29; urging Tennesseans to continue to stay at home and minimize in-person contact with people not in the same household; continuing to prohibit social gatherings of ten (10) or more people and certain other actions set forth in the Order; urging employers to encourage, allow, or require employees to work remotely; and allowing many Tennesseans to return to work consistent with the provisions of said Order, which expects Tennesseans to continue to limit non-essential activity and follow the

Health Guidelines that have resulted in a decline of the rate of increase of COVID-19 cases since the beginning of April, 2020; and

WHEREAS, Executive Order No. 30 recognizes the authority of certain locally run county health departments, including the Shelby County Health Department, to issue additional orders or measures related to the containment or management of the spread of COVID-19, which may permit to a greater degree, or restrict to a greater degree, the opening, closure or operation of businesses, organizations or venues in Shelby County other than places of worship; and

WHEREAS, on May 22, 2020, the Governor for the State of Tennessee issued Executive Order No. 38, expanding the number of Tennesseans who may return to work safely and expanding the ability of Tennesseans to participate safely in social or recreational gatherings, worship services, weddings, funeral services and other events while strongly urging each Tennessean, as well as all employers, businesses and venues, to protect themselves and others by following the Health Guidelines, social distancing guidelines, and the operational guidance issued by the Governor's Economic Recovery Group (e.g., Tennessee Pledge), which is available at the following web address: <https://www.tn.gov/governor/covid-19/economic-recovery.html>; and

WHEREAS, on June 29, 2020, the Governor for the State of Tennessee issued Executive Order No. 50, declaring a continuing state of emergency and major disaster in order to facilitate the response to COVID-19 through August 29, 2020; and

WHEREAS, on July 3, 2020, the Governor for the State of Tennessee issued Executive Order No. 54, strongly urging persons, including employees or customers of businesses, to wear cloth face coverings or other similar coverings in public settings where being in close proximity to others is anticipated and specifically delegating authority to certain county mayors and to certain locally run county health departments, including the Shelby County Health Department, to issue orders or measures requiring or recommending the wearing of face coverings within their jurisdictions; and

WHEREAS, on July 28, 2020, the Governor for the State of Tennessee announced the State of Tennessee's recommendations to reopen schools for the 2020-2021 school year. A copy of these recommendations is available for viewing on the City's website.

WHEREAS, on July 31, 2020, the Governor for the State of Tennessee issued Executive Order No. 55, a copy of which is available for viewing on the City's website. Executive Order No. 55 confirms that Local Education Agencies and schools shall have the authority to permit, but are not required to permit, school-sponsored sporting events and activities, provided that all such activities, including practices and games or competition, must be conducted in a manner consistent with COVID-19-related regulations adopted by the Tennessee Secondary Schools Association. Non-school-sponsored athletics, including practices and games or competition must be conducted in a manner consistent with guidance from the Tennessee Economic Recovery Group (i.e. Tennessee Pledge), including further and updated operational guidance to be forthcoming; and

WHEREAS, on August 6, 2020, the operational guidance issued by the Governor's Economic Recovery Group (e.g., Tennessee Pledge) for youth and adult sports was issued. A copy of that Guidance is available for viewing on the City's website.

WHEREAS, on August 24, 2020, the Shelby County Health Department issued Formal Health Directive No. 11, superseding all prior Health Directives and removing certain restrictions on the ability of many citizens to return to work and engage in essential activities, while strongly encouraging all individuals to continue to stay at home and to minimize in-person contact with people not in the same household, except when engaging in essential activities; and requiring that individuals comply with the Face Mask Directive on wearing cloth face coverings in public (or any other local order that is not restrictive with the Face Mask Directive); and

WHEREAS, Health Directive No. 11, which is available for viewing on the City's website along with the Frequently Asked Questions, is intended to be a guide toward developing long term safety measures to slow and end the transmission of COVID-19, which continues to be a direct and deadly threat to the population of Shelby County; and

WHEREAS, Health Directive No. 11 provides guidance on safety measures for individuals; safety measures for all services and business, including the requirement that business place informational signs at entrances and high-traffic areas and require employees and customers to wear a mask or cloth face covering while within their establishments; parameters for specific services and businesses to open or remain open, including housekeeping and health check protocols and a plan how to communicate with customers/patrons if they are exposed to someone who tests positive of COVID-19; requires restaurants to close at 10 p.m.; requires schools, school systems, daycare and child care businesses to implement screening procedures, to develop safe drop-off and pickup procedures, to provide regular sanitization efforts within their facilities and ensure additional steps are taken to enhance personal hygiene of employees (including wearing face coverings that cover the mouth and nose), to follow any applicable safety measures outlined in the current Health Directive and any guidance or protocols recommended by the Tennessee Department of Health, the Tennessee Department of Education and the CDC, to submit a reopening plan to the Shelby County Health Department and provides further detail regarding school obligations to report confirmed COVID-19 cases; and states that all businesses and services in Shelby County may open for business with the exception of bars/limited service restaurants, clubs, beer pubs, wine bars, and multi-person biking vehicles that serve beer or alcohol (please see <https://www.tn.gov/abc/licensing/liquor-by-the-drink-licenses.html> for assistance); full service restaurants that have a gross annual revenue from the sale of prepared food that is 50% or less than the gross annual revenue from the sale of alcoholic beverages regardless of their licensure by the Tennessee Alcohol Beverage Commission; adult entertainment venues; and festivals, fairs, parades, large scale sporting events, and large-scale community events unless the Shelby County Health Department has approved a site specific plan for conducting the event; and includes a chart setting forth the Health Department's expected response should improvements or set-backs occur with respect to new cases of COVID-19 in Shelby County over a 1-week period averaging more than a specified number per day based upon date of testing; and

WHEREAS, Health Directive No. 11 states it shall remain in effect unless superseded, and that it will be modified as needed to account for current and relevant Shelby County health data; and

WHEREAS, on August 24, 2020, the Shelby County Health Department issued Formal Face Mask Directive No. 2, superseding all prior written or oral Health Directives regarding the use of masks and/or cloth face coverings. This Directive, which is available for viewing on the

City's website, requires that individuals must wear cloth face coverings or masks that cover the nose and mouth in public settings where being in close proximity to others is anticipated; and clarifies that, for purposes of countywide consistency, any local orders, ordinances, or regulations are void only to the extent that they are less restrictive than the Face Mask Directive; clarifies that, consistent with CDC guidance, the exemption for children age 2 and under (not 12 years and under) and further clarifies that "age 2" means any child that has not reached their third birthday; and clarifies the exemption for not wearing masks while eating or drinking in public at a restaurant, bar, or other food or beverage establishment to nevertheless require that patrons must wear face coverings when they move about the establishment (e.g. to go to their table, to go to the restroom, or to leave the establishment); and

WHEREAS, Face Mask Directive No. 2 states it shall remain in effect unless it is rescinded, superseded, or amended and that the Health Department will use all available enforcement options to assure compliance with this Directive; and

WHEREAS, on August 28, 2020, the Governor for the State of Tennessee issued Executive Order No. 59, a copy of which is available for viewing on the City's website. Executive Order No. 59 declares a continuing state of emergency and major disaster in order to facilitate the response to COVID-19 and extends certain provisions of Executive Order Nos. 36, 38, 49, 50, 54 and 55 until September 30, 2020; and

WHEREAS, pursuant to Tennessee Code Annotated § 58-2-110(3)(A)(v), the duration of a state of emergency declared locally is limited to seven (7) days and may be extended as necessary, in seven-day increments; and

WHEREAS, COVID-19 continues to present a severe danger to public health and necessitates the extension of the Declaration of State of Emergency I previously issued on March 20, 2020.

NOW THEREFORE, I, A. Keith McDonald, Mayor of the City of Bartlett, Tennessee by virtue of the executive and administrative authority vested in me by Tennessee Code Annotated, § 58-8-104, Art. V, § 2 of the Charter of the City of Bartlett, and § 1-201 *et seq* of the Codified Ordinances of the City of Bartlett, do hereby Declare a State of Emergency continues to exist as it relates to COVID-19 and the response to COVID-19 ("Emergency"), and invoke authority granted by Tennessee Code Annotated §§ 38-9-103, 38-9-104, 58-2-110 and 58-2-104, Art. V, § 2 of the Charter of the City of Bartlett, and § 1-201 *et seq* of the Codified Ordinances of the City of Bartlett and all other applicable law. By virtue of the power and authority vested in me, I do hereby direct and order the following:

1. The duration of the state of emergency will continue through September 10, 2020 or until rescinded, but shall be limited to seven (7) days unless it is necessary by Executive Order for additional seven (7) day increments as permitted by law.
2. The August 24, 2020 Health Directive No. 11, issued by the Shelby County Health Department, will continue in effect in the City of Bartlett through September 10, 2020, unless modified or superseded by the Shelby County Health Department before then, whereupon the Shelby County Health Department Health Directive that modifies or

supersedes Health Directive No. 11 will continue in effect in the City of Bartlett as set forth in such Health Directive.

3. The City and its departments and agencies are authorized to seek any and all necessary federal and state funding to facilitate the response to the Emergency.
4. All required procedures and formalities as to procurements on behalf of the City are hereby suspended for purchases of equipment, materials, supplies and services needed for Emergency management purposes to ensure the health, safety and welfare of the community.
5. The City of Bartlett, as necessary, shall take all actions set forth in Tennessee Code Annotated § 58-2-110(3) during the course of the state of emergency.
6. Although City parks remain open at the present time for persons to walk or run, citizens using City parks are required to adhere to the Social Distancing Requirements. All City parks playground equipment remain closed.
7. The Bartlett Police Department, the Bartlett Code Enforcement Office, and other City and Shelby County officials are authorized to enforce this Order; close those businesses within the City of Bartlett in violation of this Order; issue citations or misdemeanor charges; and take such other actions as deemed necessary to enforce this Order or, in the case of the Shelby County Health Department, to enforce the Health Directive.
8. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
9. Upon signature, this Order shall become effective on September 4, 2020.

IN WITNESS WHEREOF, I HAVE EXECUTED THIS Executive Order on this, the 3rd day of September, 2020.

A. Keith McDonald

A. Keith McDonald, Mayor

Attest: *Penny Medlock*
Penny Medlock, City Clerk

