



# City of Bartlett

A. Keith McDonald, Mayor

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

### **No. 40-2020**

**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 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 28, 2020, the Governor for the State of Tennessee issued Executive Order No. 30, recognizing 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 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 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 October 28, 2020, the Governor for the State of Tennessee issued Executive Order No. 65, a copy of which is available for viewing on the City's website. Executive Order No. 65 declares a continuing state of emergency and major disaster in order to facilitate the response to COVID-19 and extends the provisions of Executive Order No. 60 (as amended by Executive Order No. 63), allowing governing bodies to meet electronically regarding essential business in light of COVID-19 until 11:59 p.m. Central Standard Time, on December 27, 2020; and

**WHEREAS**, on November 20, 2020, the Shelby County Health Department issued Formal Face Mask Directive No. 3, 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 all individuals to wear cloth face coverings or masks that cover the nose and mouth at all times except as specifically exempted in Face Mask Directive. The exemptions are: a) while individuals are within their own residence or another residence; b) children who have not yet reached their third birthday; c) persons who cannot medically tolerate wearing a face covering, but they must use a face shield; d) when an individual is within one's own motor vehicle, provided the vehicle is not being used for public transportation or a vehicle for hire; e) persons working alone in a separate office and while alone at their desk or work station, so long as the workstation is not shared with any other employee; however, if any person enters that area, face coverings must be worn; f) when wearing a face covering poses a safety risk or security risk; g) when actually eating a bite of food or drinking a beverage at a restaurant, bar or other establishment where food or beverages are served and consumed; however, patrons must wear face coverings when they are sitting, waiting for their food/drink, talking or moving about the restaurant (e.g. to go to their table, to go to the restroom, or to leave the establishment; h) while outdoors in public spaces unless maintaining a physical distance of six feet or more from persons who are not members of the same household or residence is not feasible; i) while engaged in outdoor work or recreation, such as swimming, walking, hiking, bicycling, or running, unless maintaining a physical distance of six feet or more from persons who are not members of the same household or residence is not feasible; j) while in a place of worship; k) while in a building or indoor space owned, managed, or leased by the State of Tennessee or federal government. Face Mask Directive No. 3 further requires all businesses or facilities open to the public to post conspicuous signage at all public entrances requiring all customer and visitors to wear a face covering while inside the business, facility or workplace, or at a worksite, and requires all employees to wear a face covering when physically interacting with the public or other employee

**WHEREAS**, Face Mask Directive No. 3 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 November 20, 2020, the Shelby County Health Department issued Formal Health Directive No. 15, 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 incorporating the November 20, 2020 Face Mask Directive No. 3; and

**WHEREAS**, Health Directive No. 15, 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. 15 provides guidance on safety measures for individuals; safety measures for all services and business; parameters for businesses to remain open, including the requirement that customers wear masks at all times, with two very limited exceptions; imposes certain restrictions upon limited and full service restaurants, clubs, bowling alleys, adult entertainment businesses that are only open to people 18 and over, movie theaters, club houses, family entertainment businesses, and any other establishments that allow for the on-site consumption of food and/or alcoholic beverages, including a 6 person (with a maximum of 4 adults) limit at any table; a 50% seating capacity restriction; and prohibiting food or beverage service after 10 p.m.; prohibits smoking indoors at any establishment; and prohibits 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

**WHEREAS**, Health Directive No. 15 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**, 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 December 3, 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. Shelby County Health Department Health Directive No. 15 and Face Mask Directive No. 3 will continue to apply throughout Shelby County, including the City of Bartlett, through December 3, 2020, unless modified or superseded by the Shelby County Health Department before then, whereupon the Shelby County Health Department Directives that modify or supersede Health Directive No. 15 and Face Directive No. 3 will continue in effect in the City of Bartlett as set forth in such Directives. The Bartlett Police Department, the Bartlett Code Enforcement Office, and other City officials are authorized to assist the Shelby County Health Department in taking such action as is necessary to enforce the Shelby County Health Department Health Directive and Face Mask 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 and playground equipment remain open at the present time for persons to walk, run, and play, citizens using City parks and playground equipment are required to adhere to the Social Distancing Requirements and the guidelines set forth on the Parks and Recreation Department website.
7. 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.
8. Upon signature, this Order shall become effective on November 27, 2020.

IN WITNESS WHEREOF, I HAVE EXECUTED THIS Executive Order on this, the 25<sup>th</sup> day of November, 2020.

*A. Keith McDonald*

A. Keith McDonald, Mayor

Attest: *Penny Medlock*

Penny Medlock, City Clerk

