



# City of Bartlett

A. Keith McDonald, Mayor

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

### **No. 09-2021**

**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 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 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 December 21, 2020, the Shelby County Health Department issued Formal Face Mask Directive No. 4, 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, clarifies that masks are required in gyms and fitness facilities unless a customer has a medical condition that prevents him or her from wearing a mask, and, if that is the case, a face shield is required. Face Mask Directive No. 4 also clarifies the language for dining experiences to require a mask unless a customer is "seated and dining (eating/drinking);" and

**WHEREAS**, Face Mask Directive No. 4 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 February 17, 2021, the Shelby County Health Department issued Formal Health Directive No. 18, superseding all prior Health Directives. This Directive, which took effect on February 20, 2021 at 12:01 a.m., lifts more restrictions on businesses, particularly restaurants, that serve the public. Key changes include permitting food and beverage service until midnight; eliminating capacity restrictions for dine-in services but requiring that, for all indoor/outdoor dining, seating must be separated 6 feet apart and arranged so that each person seated at one table must be separated 6 feet from other persons seated at another table; customers may be seated and served food and beverages at a bar as long as there is fixed seating for groups of not more than two people and each set of two seats is separated by 6 feet and separated from any other tables by 6 feet as well; cigar/hookah lounges will have the same restrictions as restaurants. All businesses should prohibit indoor smoking or vaping due to the risk of airborne transmission of the virus. Any

indoor smoking that is allowed must comply with Tennessee law on age, time, and place requirements; and

**WHEREAS**, on February 26, 2021, the Governor for the State of Tennessee issued Executive Order No. 78, a copy of which is available for viewing on the City's website. Executive Order No. 78 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. 16 (as extended by Executive Order Nos. 34, 51, 60, 65 and 71), allowing governing bodies to meet electronically regarding essential business in light of COVID-19 until 11:59 p.m. Central Standard Time, on April 28, 2021; 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 March 11, 2021 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.18 will continue in effect throughout Shelby County, including the City of Bartlett, unless modified or superseded by the Shelby County Health Department, whereupon the Shelby County Health Department Directive that modifies or supersedes Health Directive No. 18 will continue in effect in the City of Bartlett as set forth in such Directive. Face Mask Directive No. 4 will continue to apply throughout Shelby County, including the City of Bartlett, unless modified or superseded by the Shelby County Health Department before then, whereupon the Shelby County Health Department Directive that modifies or supersedes Face Mask Directive No. 4 will continue in effect in the City of Bartlett as set forth in such Directive. 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 March 5, 2021.

IN WITNESS WHEREOF, I HAVE EXECUTED THIS Executive Order on this, the 4<sup>th</sup> day of March, 2021.

*A. Keith McDonald*  
A. Keith McDonald, Mayor

Attest: *Penny Medlock*  
Penny Medlock, City Clerk

