

City of
SHELBYVILLE
Tennessee

**PROCLAMATION BY THE MAYOR AND CITY MANAGER RENEWING THE
STATE OF EMERGENCY WITHIN THE CITY OF SHELBYVILLE, TENNESSEE, TO
CONTINUE EFFORTS TO CONTAIN THE CORONAVIRUS DISEASE (COVID-19)
OUTBREAK AND FACILITATING SAFE REOPENING OF CITY SERVICES**

**City Executive Order No. 2021-10
March 11, 2021**

WHEREAS, since late 2019, a significant global outbreak of the Coronavirus Disease 2019 (“COVID-19”), a respiratory disease caused by the SARS-CoV-2 virus, has occurred causing profound disruptions to institutions, government, and commerce, as broad-ranging and unprecedented measures have been taken at the local, state, and federal government levels to stem the rate of transmission, including governmental declarations of continuing states of emergency beginning in March of 2020, all of which have significantly impacted the health and livelihoods of the citizens of the City of Shelbyville; and

WHEREAS, pursuant to the “*Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004*” (the “*Act*”), City Mayor Wallace Cartwright is authorized to declare a local state of emergency by Executive Order and with the declaration of a state of emergency the City may be entitled to cost reimbursement and to waive certain procedures and formalities otherwise required of the City by law; and

WHEREAS, pursuant to *Tennessee Code Annotated (TCA) § 38-9-102* City Manager Joshua W. Ray, who took office on January 19, 2021, is authorized to declare a local state of civil emergency, for which he may declare a curfew for the City of Shelbyville if deemed necessary; and

WHEREAS, on March 20, 2020, pursuant to City Executive Order No. 2020-01, a local state of emergency was declared in the City encompassing both emergency and civil emergency under the purview of the respective *TCA* Titles 38 and 58, due to the COVID-19 pandemic, by Mayor Cartwright and then City Manager Shanna Boyette, and since that time, these local states of emergency/civil emergency have been renewed by subsequent proclamations, City Executive Orders No. 2020-02 through 2020-42 and 2021-01 through 2021-09, being issued by Mayor Cartwright, Ms. Boyette, Interim City Manager Lori Saddler, and as of January 21, 2021, City Manager Ray; and

WHEREAS, on December 22, 2020, Governor Lee issued Executive Orders No. 71, 72, and 73 which extended the Tennessee state of emergency and the period during which numerous previously issued preventive measures may be taken until 11:59 PM, Central Standard Time (“CST”), on February 27, 2021, such measures including the holding of governmental public meetings by electronic means, remote notarization and the witnessing of documents; and

WHEREAS, on January 19, 2021, Tennessee Governor Bill Lee issued Tennessee Executive Order No. 74 extending the continuing state of emergency and the period during which other previously issued preventive measures may be taken in Tennessee until 11:59 PM, CST, on February 27, 2021, including ordering limitations on public social gatherings, to facilitate the response to COVID-19 pandemic; and

WHEREAS, on February 26, 2021, Governor Lee issued Executive Orders No. 77, 78, and 79 which extended the Tennessee state of emergency and the period during which numerous previously issued preventive measures may be taken until 11:59 PM, Central Daylight Time (“CDT”), on April 28, 2021, such measures including the holding of governmental public meetings by electronic means, remote notarization and the witnessing of documents; and

WHEREAS, as of March 10, 2021, according to the Tennessee Department of Health, Bedford County, Tennessee, has had a total of 5,879 confirmed and probable positive cases of COVID-19, of which 121 persons have unfortunately died, with an active case count of 79 people currently with a confirmed positive diagnosis of COVID-19; and

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) and other leading medical experts continue to encourage social distancing, effective personal hygiene practices, and other measures to contain and slow the spread of the virus, which the City government continues to follow; and

WHEREAS, safeguarding the life and property of its citizens is an innate responsibility of the City government, and as State law bestows police powers upon the City and authorizes it to act and to regulate in the interests of public health and welfare, and due to the continuing necessity of various pandemic response measures implemented at the national, state, and local levels, it is advisable and prudent to continue local measures to contain the virus within our community; and

WHEREAS, the undersigned Mayor and City Manager have made such observations and investigations necessary to determine in their judgment that the state of emergency continues to exist within the City of Shelbyville and that it is necessary and proper for them to exercise their authority to renew a state of emergency as granted by State law.

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 City’s local State of Emergency first declared in Executive Order No. 2020-01 on March 20, 2020, which has been extended through March 12, 2021, by subsequent Executive Orders, is hereby renewed for an additional seven (7) days in accordance with TCA § 58-2-110.

Section 2. The provisions of all previous City Executive Orders Nos. 2020-01 through 2020-42 and 2021-01 through 2021-09 and those in this Proclamation, shall remain in full effect and continue through the duration of the COVID-19 State of Emergency, or extension thereof, unless amended or rescinded here within, or by subsequent Executive Order.

Section 3. All City residents are strongly urged to comply with Governor Lee’s Executive Orders and other State and federal guidance to contain the spread of COVID-19, including adhering to business reopening guidelines in Tennessee Pledge, health and safety protocols such as washing hands and wearing face coverings in public where appropriate, and the practice of social distancing measures and honoring the Governor’s limitations on public social gatherings.

Section 4. This Proclamation shall be promptly filed with the City Recorder in accordance with TCA § 38-9-102 and distributed to all members of the City Council, all City Department Directors, the Bedford County Mayor, and shall be distributed to local media outlets.

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, March 12, 2021, at 12:01 AM, CST, and shall continue in full force and effect through Friday, March 19, 2021, at 12:00AM, CST, unless earlier rescinded, and may be incrementally extended for additional seven-day periods as deemed necessary.

ISSUED on this the 11th day of March, 2021, in Shelbyville, Bedford County, Tennessee.

CITY OF SHELBYVILLE MAYOR




Wallace Cartwright

CITY OF SHELBYVILLE MANAGER



Joshua W. Ray

ATTEST:



Lisa Smith
Shelbyville City Recorder

APPROVED AS TO FORM:



Ginger Bobo Shofner
Shelbyville City Attorney

By Permission
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Filed with the Shelbyville City Recorder on: 3/11/2021