



ORDER OF THE MAYOR

AN ORDER DECLARING A LOCAL STATE OF EMERGENCY IN ORDER TO FACILITATE THE CONTAINMENT OF COVID-19

March 21, 2020

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-Co V-2 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;

WHEREAS, COVID-19 is frequently spread through close contact between persons and respiratory transmission; and

WHEREAS, on January 16, 2020, the Tennessee Department of Health activated the State Health Operations Center (SHOC), and on January 21, 2020, following guidance issued by the Centers for Disease Control and Prevention, the Department designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the first case of COVID-19 in the State of Tennessee was identified; and

WHEREAS, on March 4, 2020, Governor Bill Lee of the State of Tennessee announced the formation of a Coronavirus Task Force to enhance Tennessee's coordinated efforts to prevent, identify, and treat potential cases of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

WHEREAS, on March 12, 2020, Tennessee Governor Bill Lee issued Executive Order No. 14 declaring a state of emergency within the State of Tennessee with regard to the COVID-19 outbreak; and

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency with respect to COVID-19; and

WHEREAS, on March 13, 2020, the Tennessee Department of Health reported the first confirmed cases of COVID-19 in Rutherford County; and

WHEREAS, on March 19, 2020, Tennessee Governor Bill Lee issued Executive Order No. 15, which supersedes Executive Order No. 14 and suspends certain statutes and rules and takes other necessary measures in order to facilitate the treatment and containment of COVID-19; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, the Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004, Tenn. Code Ann. §§ 58-8-101 *et seq.*, authorizes the mayor of a municipality to declare a local state of emergency affecting such official's jurisdiction by executive order consistent and in accordance with Tenn. Code Ann. §§ 58-2-110(3)(A)(v); and

WHEREAS, Tenn. Code Ann. §§ 58-2-110(3)(A)(v), among other things, authorizes the City, upon the Mayor's declaration of a local state of emergency to waive certain procedures and formalities otherwise required of the City by law; and

WHEREAS, the declaration of a local state of emergency may entitle the City to cost reimbursement as provided in Tenn. Code Ann. §58-8-111; and

WHEREAS, both federal and state health officials have determined and advised that extraordinary and immediate measures must be taken to respond quickly to COVID-19, to prevent community spread, and to alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or effected by COVID-19

NOW THEREFORE, I, Shane McFarland, the Mayor of the City of Murfreesboro, by virtue of the power vested in me under the City's Charter, City of Murfreesboro Council Resolution 10-R-08, and other applicable law, including specifically Tenn. Code Ann. § 58-8-104, do hereby declare a local state of emergency within the City and order the following:

Section 1. To protect public health, the City of Murfreesboro finds it is necessary for the to request assistance from the President, Governor, and the Tennessee Department of Health to address this public health emergency.

Section 2. All procedures and formalities otherwise required under the Murfreesboro City Code or Tennessee law pertaining to the following are hereby waived:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- b. Entering into contracts;
- c. Incurring obligations;
- d. Employment of permanent and temporary workers;
- e. Utilization of volunteer workers;
- f. Rental of equipment;
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- h. Appropriation and expenditure of public funds.

Section 3. All provisions of the City Code pertaining to emergency situations are hereby activated.

Section 4. The City Manager and the City Manager's designees are hereby authorized to request and respond to requests of aid from other jurisdictions in accordance with City of Murfreesboro Council Resolution 10-R-09.

Section 5. The City shall, to the extent possible and provided by law, shall follow CDC guidance as it relates to COVID-19. To that end, the City Manager is granted the following authority.

- a. The City Manager is authorized to conduct the activities of the City and to make all necessary decisions related to personnel and the day-to-day needs of the City. The City Manager shall also have the authority to administratively suspend permits issued by the City when it is deemed to be in the best interest of the health and welfare of the citizens of Murfreesboro. The City Manager shall report to the City Council at least weekly. Further, whenever possible, decisions regarding City services shall be shared with the public through the City website, social media, and other means as deemed appropriate by the City Manager.
- b. The City Manager, to the extent reasonably necessary, shall limit person-to-person public access to City offices and facilities; instead, utilization of drive through window service, and electronic, telephonic and mail methods of communication shall be used whenever possible.

The City Manager, with the assistance of the City's Executive Directors, and Department Directors, is authorized to develop and implement policies and procedures to carry out any necessary measures to protect the public and employees during this pandemic while allowing person-to-person to access as may be absolutely necessary for the conduct of City business and as may be required by law.

- c. The City Manager is authorized to develop and implement policies and procedures permitting alternative work arrangements and schedules for City employees to protect City employees during this pandemic, provided such policies and procedures do not the City's critical operations, such as Public Safety, Water, Sewer, and Solid Waste. The City Manager, Executive Directors, and Department Directors shall take steps to ensure such procedures are not abused and that healthy workers perform their job duties and functions.

Section 6. Due to the current emergency and to protect the public health, those establishments whose primary business is alcohol service or food service (other than pick-up, take-out, delivery, or drive-through service) within the City of Murfreesboro are ordered to close for on-site consumption, effective at 12:00 a.m. Monday, March 23, 2020, and shall remain closed for on-site consumption until this Order is withdrawn. Nothing in this order shall be intended to prevent pick-up, take-out, delivery, or drive-through service, regardless of whether the establishment routinely offers such services.

Section 7. Due to the current emergency and to protect the public health, all gyms and exercise and fitness facilities within the City of Murfreesboro are ordered to close effective at 12:00 a.m. on Monday, March 23, 2020, and shall remain closed until this Order is withdrawn.

Section 8. The City's Chief Building Official, the Murfreesboro Police Department and the Murfreesboro Fire Marshall are authorized by this Order to enforce and close those businesses in violation of this Civil Emergency Order in the City until this Order is withdrawn.

Section 9. All members of the public and businesses are strongly encouraged to follow and comply with guidance and directives issued by the federal CDC as well as the Tennessee and Rutherford County departments of health.

Section 10. All members of the public are strongly encouraged to remain calm, to resist panic purchasing, consider their neighbors who have need, and to look after and help those most at risk to this pandemic to include the elderly and those with suppressed immune systems.

Section 11. Notice of this Order will be promptly communicated to all members of the City Council.

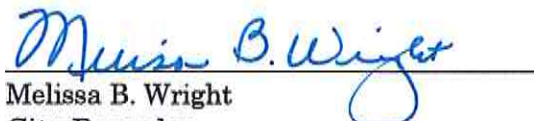
Section 12. This Order is valid and effective as of 6:00 p.m. on Saturday, March 21, 2020, and shall remain in effect until 5:59 p.m. on Saturday, March 28, 2020, at which time this Order and declaration of emergency shall cease and be of no further force and effect, unless sooner terminated, or extended, by written amendment hereof. In accordance with state law, this Order may be incrementally extended for additional seven-day periods as deemed necessary.

ISSUED AND ORDERED, this 21st day of March 2020, pursuant to Tenn. Code Ann. § 38-9-101 *et seq.*, Tenn. Code Ann. § 58-2-110(3), and Tenn. Code Ann. § 58-8-101 *et seq.*



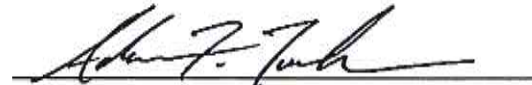
Shane McFarland, Mayor

ATTEST:



Melissa B. Wright
City Recorder

APPROVED AS TO FORM:



Adam Tucker
City Attorney

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