



City of Chattanooga

Mayor Andy Berke

CITY OF CHATTANOOGA CIVIL EMERGENCY PROCLAMATION AND ORDER BY MAYOR ANDY BERKE

EXECUTIVE ORDER 2020-03

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that appears to occur through respiratory transmission and presents with similar symptoms to those of influenza; and

WHEREAS, as of March 20, 2020, COVID-19 has spread throughout China and to more than 150 other countries and territories, including approximately 15,219 cases and 201 deaths within the United States; and

WHEREAS, the Centers for Disease Control and Prevention has recommended that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States; and

WHEREAS, on January 30, 2020, the World Health Organization declared a public health emergency of international concern related to COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared that a public health emergency exists nationwide as a result of confirmed cases of COVID-19 in the United States; and

WHEREAS, as of March 20, 2020, there were 228 positive tests in Tennessee and five (5) Hamilton County residents have tested presumptively positive for COVID-19; and

WHEREAS, implementation of basic precautions of infection control and prevention, including staying at home when ill and practicing respiratory and hand hygiene, are necessary to slow or prevent the spread of COVID-19; and

WHEREAS, COVID-19 is a communicable disease with significant morbidity and mortality, and presents a severe danger to public health; and

WHEREAS, pursuant to City of Chattanooga Charter, Article 2.1, the City of Chattanooga has the power by ordinance to make regulations to secure the general health of the inhabitants, and to prevent, abate and remove nuisances, and to make regulations to prevent the introduction of contagious disease in the City; to make quarantine laws for that purpose, and to enforce same within the corporate limits and within the City's police jurisdiction; and

WHEREAS, pursuant to Tennessee Code Ann. § 38-9-102 the Mayor may proclaim in writing the existence of a civil emergency as defined in Tenn. Code Ann. § 38-9-101, which has occurred and has been filed with the clerk of the municipality; and

WHEREAS, after proclamation of a civil emergency, the Mayor, in the interest of public safety and welfare, pursuant to Tenn. Code Ann. § 38-9-104, may order the closure of certain establishments and issue such orders as are necessary for the protection of life and property due to the current civil emergency; and

WHEREAS, on March 12, 2020 the Governor signed and caused the Great Seal of the State of Tennessee to be affixed to Executive Order No. 14 declaring that a state of emergency exists to facilitate the response to COVID-19; and

WHEREAS, pursuant to Tenn. Code Ann. § 58-2-110 each political subdivision of the state is given the innate responsibility for safeguarding the life and property of its citizens which are expressly provided under Tenn. Code Ann. § 58-2-110 (3) to all political subdivisions of this state; and

WHEREAS, on March 19, 2020 the Mayor previously signed and issued Executive Order No. 2020-02 declaring a local public health civil emergency of the City of Chattanooga, Tennessee.

NOW, THEREFORE, the Mayor of the City of Chattanooga, by virtue of Tennessee Statutes and the City Charter, does hereby proclaim that a local public health civil emergency continues to exist in the City of Chattanooga, Tennessee.

In order to respond to this civil emergency, the Mayor by executive order under Tenn. Code Ann. § 58-8-104 is allowed to exercise the power and authority provided under Tenn. Code Ann. § 58-8-110 (3) (A) (v) to carry out emergency management powers for the City of Chattanooga during the period of this public health civil emergency as follows:

Section 1. (3) Emergency management powers; political subdivisions. (A) In carrying out this chapter, each political subdivision has the power and authority to:

- (i) Appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;
- (ii) Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;
- (iii) Establish, as necessary, a primary and one (1) or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;
- (iv) Assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision;
- (v) Request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one (1) political subdivision. The duration of each state of emergency declared locally is limited to seven (7) days; it may be extended, as necessary, in seven-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:
 - (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 2. Based upon the proclaimed local civil emergency, the Mayor is authorized to exercise all emergency management powers provided under Tenn. Code Ann. § 58-2-110 (3) on behalf of the City of Chattanooga and such authority shall remain in effect until this Order is withdrawn.

Section 3. All powers and authority of the Mayor exercised under this emergency management Order shall be subject to review and ratification by the Chattanooga City Council at such time and manner as public meetings can resume under Tennessee law.

Issued this 20th day of March 2020, pursuant to Tenn. Code Ann. §§ 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.



ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA