

**THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON
COUNTY**

JOHN COOPER, MAYOR

2020 MAR 18 PM3:04
FILED METROPOLITAN CLERK

EXECUTIVE ORDER NO. 6

**SUBJECT: DECLARATION OF A STATE OF CIVIL EMERGENCY RELATED TO
THE COVID-19 EPIDEMIC**

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness having symptoms similar to those of influenza; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) 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 March 11, 2020, the World Health Organization declared the outbreak of a global pandemic; and

WHEREAS, on March 12, 2020, Tennessee Governor Bill Lee issued Executive Order No. 14, "An Order Suspending Provisions of Certain Statutes and Rules in Order to Facilitate the Treatment and Containment of COVID-19"; and

WHEREAS, Tenn. Code Ann. § 58-2-101(7) defines "emergency" to mean an occurrence, or threat thereof, whether natural, technological, or manmade that results or may result in substantial injury or harm to the population and further provides that "natural threats may include disease outbreaks and epidemics"; and

WHEREAS, Tenn. Code Ann. § 58-8-102(5) defines "emergency" for purposes of declaring a local state of emergency as an occurrence or threat of occurrence, whether natural or man-made, that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property and which results in a declaration of a state of emergency by, among other officials, the governor or the president; and

WHEREAS, both Governor Lee and President Trump have declared states of emergency related to COVID-19. In Executive Order No. 14, Governor Lee declared a state of emergency pursuant to Tenn. Code Ann. § 58-2-107 "to facilitate the response to COVID-19. On March 13, 2020, President Donald Trump declared a nationwide emergency to address COVID-19; and

WHEREAS, Tenn. Code Ann. § 58-8-104 authorizes the mayor of a metropolitan government to declare a local state of emergency by executive order consistent with and governed by Tenn. Code Ann. § 58-2-110(3)(A)(v), which grants a metropolitan government authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to “taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community”; and

WHEREAS, Metropolitan Code § 2.08.060 and Tenn. Code Ann. § 38-9-102 authorize the Mayor of the Metropolitan Government to proclaim in writing when there exists a state of civil emergency within the area of the Metropolitan Government; and

WHEREAS, “civil emergency” under Metropolitan Code § 2.08.050 and Tenn. Code Ann. § 38-9-102 means any natural disaster, including but not limited to the occurrences listed in those sections, within the area of the Metropolitan Government resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare. COVID-19 is a natural disaster falling within the broad scope of § 2.08.050 and § 38-9-102; and

WHEREAS, on March 15, 2020, the Metropolitan Board of Health unanimously adopted a “Declaration of Public Health Emergency”; and

WHEREAS, in its Declaration, the Metropolitan Board of Health, after consultation with Governor Lee, Metropolitan Government Mayor John Cooper, and public health officials within the Tennessee Department of Health and the Metropolitan Department of Health, recognized that a “public health emergency exists in Metropolitan Nashville & Davidson County” with respect to COVID-19; and

WHEREAS, in its Declaration, the Metropolitan Board of Health directed the Metropolitan Chief Medical Director “to act as necessary to maintain and protect the public health, prevent the spread of disease, and provide for the safety of the Metropolitan Government and its residents”; and

WHEREAS, the Metropolitan Chief Medical Director issued Order 1, ordering the closing of establishments whose primary business is alcohol service and limiting the capacity of establishments whose primary business is food service; and

WHEREAS, the Metropolitan Chief Medical Director will require the assistance of the Metropolitan Government in addressing the COVID-19 public health emergency in the manner directed by the Metropolitan Board of Health; and

WHEREAS, the COVID-19 public health emergency will have a direct impact on the Metropolitan Government operations and employees, as well as the health and safety of the citizens of Davidson County; and

WHEREAS, a fundamental responsibility of the Metropolitan Government is safeguarding the lives of its citizens while also protecting their privacy and personally identifiable information; and

WHEREAS, the confirmed number of COVID-19 cases in Davidson County continues to increase; and

WHEREAS, medical experts advise that the actual number of COVID-19 cases in Davidson County is significantly higher than the number of confirmed cases; and

WHEREAS, for the reasons stated above, the COVID-19 public health emergency is a civil emergency within the area of the Metropolitan Government;

NOW THEREFORE, I, John Cooper, Mayor of the Metropolitan Government of Nashville and Davidson County, by virtue of the power and authority vested in me, do hereby proclaim, direct, and order the following:

1. A State of Civil Emergency is proclaimed within the area of the Metropolitan Government.
2. The duration of this state of civil emergency will continue until rescinded but shall be limited to seven (7) days from this date unless it is necessary to extend it by Executive Order.
3. As authorized by Tenn. Code Ann. § 58-2-110(3)(A), the Metropolitan Government will:
 - (a) As necessary, 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;
 - (b) As necessary, appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;
 - (c) In addition to the primary emergency operating center, establish, as necessary, one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;
 - (d) As necessary, assign and make available for duty the offices and agencies of the Metropolitan Government, including the employees, property, or

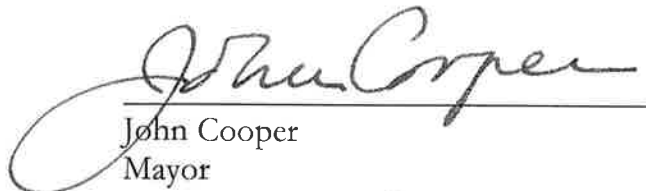
equipment relating to health, medical and related services, police, transportation, and similar items or services for emergency operation purposes, as the primary emergency management forces of the Metropolitan Government for employment within or outside the area of the Metropolitan Government;

- (e) Request state assistance or, as needed, invoke emergency-related mutual-aid assistance in the event of an emergency affecting another political subdivision.
4. The Metropolitan Government, to the extent necessary to protect the health of citizens related to this emergency, invokes its authority under state law, Tenn. Code Ann. § 58-2-110(3), to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:
- (a) Performance of public services and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - (b) Entering into contracts;
 - (c) Incurring of obligations;
 - (d) Employment of temporary workers;
 - (e) Utilization of volunteer workers;
 - (f) Rental of equipment;
 - (g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities;
 - (h) Appropriation and expenditure of public funds; and
 - (i) Consider certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration.
5. Pursuant to Tenn. Code Ann. § 58-8-105, the director or the director's designee of the following departments, agencies, and instrumentalities of the Metropolitan Government is authorized to request assistance as the "requesting party" as defined in Tenn. Code Ann. § 58-8-102(12):
- (a) Metropolitan Department of Health;
 - (b) Mayor's Office of Emergency Management;
 - (c) Metropolitan Hospital Authority;
 - (d) Metropolitan Fire Department and its Emergency Medical Services Bureau;

- (e) Emergency Communications District Board;
- (f) Metropolitan Board of Public Education;
- (g) Metropolitan Police Department;
- (h) Department of Water and Sewerage Services;
- (i) Department of Public Works;
- (j) Nashville Electric Service;
- (k) Metropolitan Nashville Airport Authority;
- (l) Metropolitan Transit Authority; and
- (m) Department of General Services.

6. The Director of Finance is directed to monitor expenditure of funds by the Metropolitan Government related to the State of Emergency, prepare requests as appropriate for financial assistance and reimbursement of such expenditures by federal and state governments, and conduct a review of such expenditures following conclusion of the State of Emergency.
7. The Declaration of Public Health Emergency issued by the Metropolitan Board of Health on March 15, 2020, Order 1 issued by the Metropolitan Chief Medical Director on March 17, 2020, and future declarations and orders from the Board and Director related to the public health emergency are incorporated into this executive order as if proclaimed, directed, and ordered herein, and all Metropolitan Government departments, agencies, boards, and commissions that exercise regulatory and enforcement authority are directed to take immediate action to assist the Board and Director in enforcement of such declarations and orders.
8. The Metropolitan Chief Medical Officer and Chair of the Metropolitan Board of Health are directed to confer regularly with the Mayor regarding the likelihood that public protection from the COVID-19 epidemic may require a curfew, shelter-in-place order, or other restrictions on travel within Davidson County.

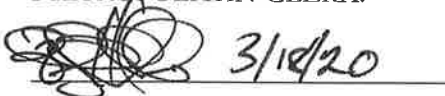
**ORDERED, EFFECTIVE AND
ISSUED:**



John Cooper
Mayor

Date: 3-18-20

DATE FILED IN OFFICE OF THE
METROPOLITAN CLERK:



3/18/20