

**SPECIAL CALLED MEETING NOTICE**

As Mayor of the City Horn Lake, Mississippi, I feel it is imperative that we hold a Special Called Meeting on Monday, March 23, 2020, beginning at 4:30 p.m. for the following:

- I. Emergency Response to COVID 19 Pandemic

Your attendance at this meeting if of the utmost importance.

  
\_\_\_\_\_  
Mayor Allen B. Latimer

3/23/20  
Date

<u>Alderman</u>	<u>Date/Time</u>	<u>Person Serving</u>	<u>Method of Service</u>
Jones	3/23/20; 1:23 pm	Jim Robinson Electronic-jejrr@bellsouth.net	
Johnson	3/23/20; 1:23 pm	Jim Robinson Electronic-lashondajohnson1@hotmail.com	
Bostick	3/23/20; 1:23 pm	Jim Robinson Electronic-aldermanbostick@yahoo.com	
Roberts	3/23/20; 1:23 pm	Jim Robinson Electronic-crhlaldermanward4@yahoo.com	
Guice	3/23/20; 1:23 pm	Jim Robinson Electronic-miamimike13@comcast.net	
White	3/23/20; 1:23 pm	Jim Robinson Electronic-chigger.white@dcsms.org	
Bledsoe	3/23/20; 1:23 pm	Jim Robinson Electronic-tbledsoe@hornlake.org	

**MUNICIPAL DOCKET  
MAYOR AND BOARD OF ALDERMEN SPECIAL CALLED MEETING  
MARCH 23, 2020 BEGINNING AT 4:30 P.M.**

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- Meeting Called To Order
- Invocation:
- Pledge of Allegiance:
- Roll Call

- Mayor Allen Latimer
- Alderman Johnson
- Alderman Guice

**I. Vote on Municipal Docket**

**II. New Business**

A. Emergency Response to COVID 19 Pandemic

**III. Adjourn**

March 23, 2020

Be it remembered that a Special Called meeting of the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi was held on March 23, 2020 beginning at 4:30 p.m., it being the said time and place for conducting the meeting.

When and where the following were present: Mayor Latimer, Alderman Guice, Alderman Johnson, Alderman Roberts, Jim Robinson, City Administrator/City Clerk, Troy Rowell, Police Chief, David Linville, Fire Chief, Larry Calvert, Parks and Rec Director, and Billy Campbell, City Attorney.

Alderman White, Alderman Bostick, Alderman Jones, and Alderman Bledsoe attended by teleconference.

Order #03-38-20

**Order to approve Municipal Docket**

Be It Ordered:

By the Mayor and Board of Aldermen to approve the Municipal Docket, as presented.

Said motion was made by Alderman Guice and seconded by Alderman Roberts.

A roll call vote was taken with the following results:

Ayes: Alderman White, Alderman Bledsoe, Alderman Guice, Alderman Bostick, Alderman Jones, Alderman Johnson, and Alderman Roberts.

Nays: None.

Absent: None.

So ordered this 23rd day of March, 2020.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk  
Seal

\*\* At this time the Mayor opened discussion on the Resolution declaring a civil emergency relative to the COVID-19 pandemic. Attorney Billy Campbell presented the Resolution.

### **Resolution #03-01-20**

#### **A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF HORN LAKE, MISSISSIPPI, DECLARING A CIVIL EMERGENCY, AND FOR THE CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES, AND RELATED PURPOSES**

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. Section 33-15-11(b)(17), Governor Tate Reeves declared a State of Emergency existed in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020; on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, on March 19, 2020, Mayor Latimer declared a Local Emergency pursuant to Miss. Code Ann. Section 33-15-17(d) due to the coronavirus COVID-19 pandemic; and

WHEREAS, the emergence and risk of spread of COVID-19 within Mississippi constitutes a public emergency that has resulted in substantial injury or harm to life, health, and property within Mississippi, and in the City of Horn Lake, and COVID-19 has already been detected in numerous individuals in multiple counties throughout the State (including DeSoto); and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi, and as of March 23, 2020, there are at least 249 cases in Mississippi that have tested positive for COVID-19 (including 23 in DeSoto County); and

WHEREAS, the State of Mississippi, including the City of Horn Lake, are being adversely affected by the outbreak of the novel coronavirus, COVID-19, and there exists a continued threat to the public's health and safety, property, and the social and economic welfare to the State and City; and

WHEREAS, the Centers for Disease Control (CDC) guidelines for responding to COVID-19 recommends avoiding crowds or gatherings of more than 10 people, especially for older adults and individuals with serious chronic medical conditions; and

WHEREAS, the governing authority of the City of Horn Lake has reviewed and accepts the findings and recommendations of the CDC; and

WHEREAS, the City of Horn Lake, as a rapidly growing municipality located in DeSoto County which shares a boundary with Memphis, Tennessee, is densely populated, and contains significant populations of both older and at-risk individuals, as well as younger individuals who travel broadly and frequently; and

WHEREAS, Miss. Code Ann. Section 45-17-3 allows the City of Horn Lake to proclaim a civil emergency if it determines that a natural disaster exists or has occurred which has caused death or injury of persons; and

WHEREAS, the City of Horn Lake finds COVID-19 to be a natural disaster within the geographic limits of the municipality which has caused and will continue to cause injury to persons to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare of citizens and visitors to Horn Lake and DeSoto County, Mississippi; and

WHEREAS, Miss. Code Ann. Section 45-17-7 allows the City of Horn Lake after declaration or proclamation of civil emergency and in the interest of the public safety and welfare to issue such orders as are necessary for the protection of life of citizens and visitors to Horn Lake and DeSoto County, Mississippi; and

WHEREAS, Miss. Code Ann. Section 21-19-3 allows the City of Horn Lake to make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws for this purpose, and to enforce same within five miles of the corporate limits; and

WHEREAS, Miss. Code Ann. Section 21-19-17 allows the City of Horn Lake to restrict movement for public safety and allows the City of Horn Lake to make regulations to protect the health and lives and to enhance the general welfare of the community by restricting such movements of its citizens, or any group thereof, when there is eminent danger to the public safety because of freedom of movement thereof; and

WHEREAS, Miss. Code Ann. Section 21-19-29 allows the City of Horn Lake to regulate the entrances to public halls and buildings, and the way of ingress and egress to and from the same.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi (the “governing authority”), to declare a Civil Emergency and to adopt the following emergency measures that shall take effect immediately and remain in effect until rescinded by the governing authority of the City of Horn Lake, to protect the public health, safety, and welfare of the community from the spread of a contagious or infectious disease and to eliminate or limit injuries or deaths that may occur in the absence of such measures:

Section 1: Effective at midnight (12:00 a.m.) March 24, 2020, until further action by Motion and Order or Resolution of the governing authority of the City of Horn Lake, all restaurants shall only serve food using drive-through, curbside (only) pick-up, or delivery methods, and shall not allow the use by the public of interior or exterior common dining or bar facilities.

Section 2: Effective at midnight (12:00 a.m.) March 24, 2020, until further action by Motion and Order or Resolution of the governing authority of the City of Horn Lake, all other businesses, clubs, organizations, places of worship, or other gatherings within the City’s boundaries shall adhere to the guideline of the Centers for Disease Control (CDC) to limit crowds or gatherings to no more than 10 people (including employees/workers) and shall adhere to the CDC guideline for spacing/social distancing; but excluding essential services which include, but are not limited to, hospitals, nursing homes, health clinics (including veterinarians), drug stores, pharmacies, banks, grocery stores, convenience stores (but no dine-in), gas stations, hardware stores, licensed day cares, automobile repair shops, hotels (in-room food service is allowed, but no common dine-in area; and no meeting/conference rooms with gatherings of more than 10 people), food banks and funerals (including places of worship being used in connection with a food bank and/or funeral), distribution centers/warehouses, manufacturers or distributors of products or goods necessary for the supply chain of essential supplies, goods, or services, agricultural products and suppliers, and government-related activities (including the post office).

Section 3: The governing authority acknowledges the Mayor’s March 19, 2020 proclamation of the existence of a local emergency in accordance with Miss. Code Ann. Section 33-15-17(d) and hereby finds the

conditions of extreme peril caused by the COVID-19 pandemic continue to exist, warranting and necessitating the continuation of the local emergency.

Section 4: The Mayor or his designee and City departments are hereby authorized to seek any and all necessary state and federal assistance and funding, as may be available, in responding to this civil emergency.

Section 5: The City may issue such other orders as are necessary for the protection of life and liberty.

Section 6: The Horn Lake Police Department and other City officials are authorized to enforce the provisions of this resolution and/or proclamation/declaration of civil emergency. Any violation of this resolution and/or proclamation/declaration of civil emergency may be punishable as provided by State law, including but not limited to Miss. Code Ann. Section 45-17-9, as well as the City's Code of Ordinances.

Alderman Roberts moved to adopt the foregoing Resolution, and Alderman Bledsoe seconded the motion, and the vote thereupon was as follows:

Alderman White	voted: Aye
Alderman Johnson	voted: Aye
Alderman Guice	voted: Aye
Alderman Bostick	voted: Aye
Alderman Jones	voted: Aye
Alderman Bledsoe	voted: Aye
Alderman Roberts	voted: Aye

The motion having received the affirmative vote of a majority of all of the members of the Board present, the Mayor declared the motion carried and the Resolution adopted.

So resolved this the 23<sup>rd</sup> day of March, 2020.

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Allen B. Latimer, Mayor

Attest:

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Jim Robinson, CAO/City Clerk

\*\* At this time the Mayor opened discussion on the Ordinance providing a penalty for the violation of a civil emergency. Attorney Billy Campbell presented the Ordinance.

**ORDINANCE #20-03-264**

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF HORN LAKE, MISSISSIPPI, PROVIDING A PENALTY FOR VIOLATION OF A CIVIL EMERGENCY**

WHEREAS, pursuant to Miss. Code Ann. Section 45-17-9, the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi (the “governing authority”), are empowered to provide a penalty for violation of the provisions of or orders issued pursuant to a proclaimed civil emergency; and

WHEREAS, on March 23, 2020, the governing authority adopted a resolution declaring a civil emergency, and for the control of contagious and infectious diseases, and related purposes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi, as follows:

1. Chapter 1 of the Code of Ordinances, City of Horn Lake, Mississippi, is hereby amended by addition of the following:

Any time the Mayor and/or Board of Aldermen shall make any resolution, rule, order, or regulation to prevent the introduction and spread of contagious or infectious diseases, to prevent or alleviate eminent danger to the public safety because of freedom of movement of the City’s residents, to regulate the entrances and the way of ingress and egress to and from buildings, in furtherance of a proclamation or declaration of a local or civil emergency, or as otherwise necessary for emergency management purposes, any such resolution, proclamation, declaration, rule, order, or regulation shall have the full force and effect of law. The violation of any such resolution, proclamation, declaration, rule, order, or regulation shall be punished by a fine not exceeding Three Hundred Dollars (\$300.00), plus the cost of prosecution, or six (6) months imprisonment, or both such fine and imprisonment.

2. Each instance of any violation of any such resolution, proclamation, declaration, rule, order, or regulation shall constitute a separate offense (even if occurring on the same day).

3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

4. The governing authority do hereby unanimously find that it is necessary for the immediate preservation of the public peace, health and safety for the reasons set forth in the resolution declaring a civil emergency, and for the control of contagious and infectious diseases, and related purposes that this Ordinance be made effective immediately.

After first having been reduced to writing, then read and considered section by section and as a whole by the Mayor and Board of Aldermen, a motion was properly made by Alderman Bostick and duly seconded by Alderman Roberts for the adoption of this ordinance. A roll call was taken with the following results:

Alderman White	voted: Yea
Alderman Johnson:	voted: Yea
Alderman Guice:	voted: Yea
Alderman Bostick:	voted: Yea
Alderman Jones:	voted: Yea
Alderman Bledsoe:	voted: Yea
Alderman Roberts:	voted: Yea

The foregoing ordinance was adopted this the 23<sup>rd</sup> day of March, 2020.

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Mayor

Attest:

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City Clerk  
Seal

Order #03-39-20

**Order to accept bid**

Be It Ordered:

By the Mayor and Board of Aldermen to accept bid from Service Master, Inc. for the cleaning of the City Hall Board/Court room, the prisoner holding cell, and the Police booking cell twice weekly on Wednesday and Friday, as needed, at a price of \$ 640.00 per cleaning and to request bids on cleaning the entire City Hall once.

Said motion was made by Alderman Bostick and seconded by Alderman Jones.

A roll call vote was taken with the following results:

Ayes: Alderman White, Alderman Bledsoe, Alderman Guice, Alderman Bostick, Alderman Jones, Alderman Johnson, and Alderman Roberts.

Nays: None.

Absent: None.

So ordered this 23rd day of March, 2020.

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Mayor

Attest:

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City Clerk

Order #03-40-20

**Order to Adjourn**

Be it Ordered:

By the Mayor and Board of Aldermen to adjourn this meeting.

Said Motion was made by Alderman White and seconded by Alderman Bostick.

A roll call vote was taken with the following results:

Ayes: Alderman White, Alderman Bledsoe, Alderman Guice, Alderman Bostick, Alderman Jones, Alderman Johnson, and Alderman Roberts.

Nays: None.

Absent: None.

So ordered this 23rd day of March, 2020.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk  
Seal

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The minutes for the March 23, 2020 Mayor and Board of Aldermen special called meeting were presented to the Mayor for his signature on \_\_\_\_\_, 2020.

\_\_\_\_\_  
City Clerk