

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.

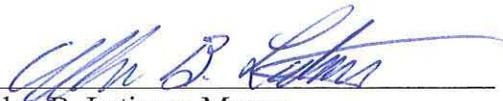
Section 6: The Horn Lake Police Department and other City officials are authorized to enforce the provisions of this resolution and/or proclamation/declaration of civil emergency. Any violation of this resolution and/or proclamation/declaration of civil emergency may be punishable as provided by State 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:

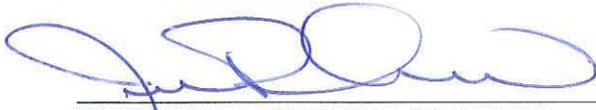
Alderman White	voted: Aye
Alderman Johnson	voted: Aye
Alderman Guice	voted: Aye
Alderman Bostick	voted: Aye
Alderman Jones	voted: Aye
Alderman Bledsoe	voted: Aye
Alderman Roberts	voted: Aye

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 23rd day of March, 2020.


Allen B. Latimer, Mayor

Attest:


Jim Robinson, CAO/City Clerk

