MAYOR JOHN COOPER SIGNS EXECUTIVE ORDER NO. 9, DECLARING A STATE OF CIVIL EMERGENCY

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FOR IMMEDIATE RELEASE
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NASHVILLE, Tenn. – Mayor John Cooper has signed Executive Order No. 9, declaring a state of civil emergency in Nashville and Davidson County:

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

John Cooper, Mayor

Executive Order Number 9

Subject: Declaration of a State of Civil Emergency Related to a Riot

WHEREAS, on May 30, 2020, over one thousand people gathered in Nashville to honor the life of George Floyd, demand justice for his death while in the custody of the Minneapolis Police Department on May 25, 2020, and march in solidarity; and

WHEREAS, peaceful demonstrations are a keystone of our democratic system, and those who wish to protest peacefully must have the opportunity and right to do so safely; and

WHEREAS, after the conclusion of the peaceful assembly, other persons began inciting violence and unlawful activities; and

WHEREAS, these persons have endangered public safety by throwing rocks, breaking windows, committing arson, trespassing, injuring citizens and first responders, and destroying property; and

WHEREAS, on May 30, 2020, a riot occurred involving the use of actual force and violence within the area of the Metropolitan Government of Nashville and Davidson County; and

WHEREAS, safeguarding the lives of its citizens is a fundamental responsibility of the Metropolitan Government; and
WHEREAS, Tenn. Code Ann. § 38-9-102, Tenn. Code Ann. § 58-8-104, and Metropolitan Code § 2.08.060 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” is defined in Tenn. Code Ann. § 38-9-101(2)(A) and Metco Code § 2.08.050 to include a riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by the immediate power to execute by three or more persons acting together without authority of law; and

WHEREAS, Tenn. Code Ann. § 38-9-103 and Metropolitan Code § 2.08.070 authorize the Mayor, after proclamation of a civil emergency, to order a general curfew as deemed necessary in the interest of the public safety and welfare; and

WHEREAS, Tenn. Code Ann. § 38-9-104(9) authorizes the Mayor, after proclamation of a civil emergency, to issue such other orders as are necessary for the protection of life and property; and

WHEREAS, the riot within the area of the Metropolitan Government on May 30, 2020, is a civil emergency;

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 Emergency is proclaimed within the area of the Metropolitan Government.
2. The duration of this state of 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. Davidson County Sheriff’s Office;
   i. Department of Water and Sewerage Services;
   j. Department of Public Works;
   k. Nashville Electric Service;
   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. A curfew shall be in effect for the Urban Services District of the Metropolitan Government of Nashville and Davidson County from 10 p.m. to 6 a.m. This curfew shall not apply to persons lawfully on the streets and in public places who have obtained permission from the metropolitan chief of police, which permission shall be granted on good cause shown. Such a curfew also shall not apply to medical personnel in the performance of their duties.

8. The Mayor may issue such other orders as are necessary for the protection of life and property.

Ordered, Effective and Issued: May 30, 2020
John Cooper
Metropolitan County Mayor

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