

**A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, 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. §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, 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 Southaven, and COVID-19 has already been detected in numerous individuals in multiple counties, including Desoto, throughout the State; 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 22, 2020, there are at least 207 cases in Mississippi that have tested positive for COVID-19; and

WHEREAS, there are documented cases of COVID-19 in Desoto County, Mississippi; and

WHEREAS, the State of Mississippi and the City of Southaven are being adversely affected by the outbreak of the novel coronavirus, COVID-19, and there exists a continued threat to the public's safety, private property and the social and economic welfare to the state; 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 governmental authority of the City of Southaven has reviewed and accepts the findings and recommendations of the CDC; and

WHEREAS, the City of Southaven contains significant populations of older, at-risk individuals in the City's large retirement community; and

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

WHEREAS, the City of Southaven finds COVID-19 a natural disaster 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 Southaven and Desoto County, Mississippi; and

WHEREAS, Miss. Code Ann. §45-17-7 allows the City of Southaven after declaration 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 Southaven and Desoto County, Mississippi; and

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

WHEREAS, Miss. Code Ann. §21-19-17 allows the City of Southaven to restrict movement for public safety and allows the City of Southaven the power to make such regulation 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. §21-19-29 allows the City of Southaven to regulate the entrances to public halls and buildings, and the way of ingress and egress to and from the same; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD of Aldermen of the City of Southaven declare a Civil Emergency and that the City of Southaven hereby adopts the following emergency measures that shall take effect immediately and remain in effect until rescinded by the governmental authority of the City of Southaven (unless a different effective date is stated in such measure(s)), 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 5:00 p.m. on March 22, 2020 until further notice by Motion and Order of the Governing Authority of the City of Southaven, all restaurants shall only serve food using drive-through, take-out, 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 5:00 p.m. until further notice by Motion and Order of the Governing Authority of the City of Southaven, all bars, nightclubs, lounges, taverns, gyms, theaters, salons, and recreational or amusement facilities shall close.

Section 3: Effective 5:00 p.m. March 22, 2020 until further notice by Motion and Order of the Governing Authority of the City of Southaven, the 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, with the exclusion of essential services including, but not limited to, hospitals, nursing

homes, post office, distribution centers, manufactures and distributors of household goods and items for the supply chain, distributors and manufacturers of products essential for the supply chain of vital supplies, health clinics, drug stores, pharmacies, banks, grocery stores, convenience stores, gas stations, day cares, retail stores over 4,000 square feet, and hardware stores.

Section 3: The City may issue such other orders as are necessary for the protection of life and liberty.

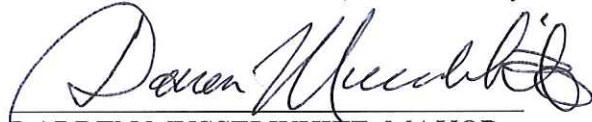
Section 4: Violations of this Resolution and/or Declaration may be subject to misdemeanor prosecution pursuant to State of Mississippi Law, including, but not limited to, Miss. Code Ann.§45-17-9 as well as the City's Code of Ordinances.

Alderman Flores made the motion, which was seconded by Alderman Payne to adopt the foregoing Resolution, which was introduced in writing at a specially called meeting of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, held on March 22, 2020, and was at said meeting, read, considered, and adopted, paragraph by paragraph, section by section, then as a whole, and the question being put to a vote, the result was as follows:

Alderman William Brooks	voted: yes
Alderman Kristian Kelly	voted: yes
Alderman Charlie Hoots	voted: yes
Alderman George Payne	voted: yes
Alderman Joel Gallagher	voted: yes
Alderman John Wheeler	voted: yes
Alderman Raymond Flores	voted: yes

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RESOLVED AND DONE, this 22nd day of March, 2020.



DARREN MUSSELWHITE, MAYOR

ATTEST:



CITY CLERK

