

RESOLUTION NO. 20-13

**A RESOLUTION PROVIDING FOR EMERGENCY RESPONSE
DURING THE COVID-19 OUTBREAK**

WHEREAS, the Pinson City Council previously resolved to provide for effective and efficient management and communication during natural disaster and crisis;

WHEREAS, the Pinson City Council previously outlined certain protocols during emergencies;

WHEREAS, this Resolution adheres to those protocols and expands on them;

WHEREAS, on March 9, 2020, the Director of the World Health Organization described the COVID-19 outbreak as a pandemic;

WHEREAS, on March 13, 2020, the President of the United States issued a “Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;”

WHEREAS, on March 13, 2020, the Governor of the State of Alabama issued a proclamation of a state of public health emergency related to the COVID-19 outbreak (“the Alabama State of Emergency”);

WHEREAS, the Alabama Department of Public Health has recommended the implementation of a number of steps to respond to the COVID-19 outbreak, including limitation of visitation within public buildings;

WHEREAS, pursuant to § 11-47-130 of the *Code of Alabama*, “[a]ll cities and towns in this state shall have the power to maintain the health and cleanliness of the city or town within its limits and within the police jurisdiction thereof;”

WHEREAS, pursuant to § 11-45-1 of the *Code of Alabama*, “[m]unicipal corporations may from time to time adopt ordinances and resolutions not inconsistent with the laws of the state to carry into effect or discharge the powers and duties conferred by the applicable provisions of this title and any other applicable provisions of law and to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the municipality, and may enforce obedience to such ordinances;”

WHEREAS, pursuant to § 11-47-131 of the *Code of Alabama*, Alabama municipalities are given broad powers related to the promotion of health, including “to prevent the introduction of contagious, infectious, or pestilential diseases into such cities or towns,” and “to insure good sanitary condition in public places or in private premises in the cities and towns;”

WHEREAS, pursuant to § 11-43-81 of the *Code of Alabama* (1975), the Mayor has “general supervision and control over all other officers and affairs of the city or town, except as otherwise provided [by law]”; and

WHEREAS, on March 16, 2020, the Mayor issued the “Proclamation of the Mayor Regarding the Initial COVID-19 Response Plan for the City of Pinson, Alabama,” a copy of which is attached hereto as **Exhibit A** hereof (“the Proclamation”).

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PINSON, ALABAMA while in regular session on Thursday, March 19th, 2020 at 7 p.m. as follows:

1. The terms of the Proclamation are hereby ratified and adopted by the City Council. The Mayor is hereby authorized to amend and/or supplement the Proclamation,

as applicable, to the extent required by evolving circumstances through the Alabama State of Emergency, and such authorization includes, but is not limited to, (a) restrictions on entry onto city properties, (b) restrictions at public meetings, and (c) restrictions on the provision of city services.

2. The City Council finds that the COVID-19 outbreak that is the subject of the Alabama State of Emergency is an emergency of unprecedented size and destructiveness resulting from natural causes and that, in order, to insure the preparations of the state, and specifically the City, will be adequate to deal with such an emergency, and generally to protect the public peace, health, safety, and to preserve the lives and property of the people of the state, and specifically the City, the measures set forth in this Resolution are deemed to be necessary.

3. Related to and for the duration of the Alabama State of Emergency, as during all times of an emergency, natural disaster, public health emergency or other crisis in which there is a substantial threat of the loss of life, spread of disease or significant property, safety, and health interests:

- a. the Mayor shall be the spokesman for the City and be solely charged with communication with media outlets and generation of press releases.
- b. the Mayor shall be authorized to call for volunteers, establish volunteer centers, establish volunteer registration procedures, select an organization, or multiple organizations, (if needed) to assist with volunteer registration and assignment of volunteers and tasks, and to request and receive assistance from organizations available to provide for hydration and nutrition supplies for

volunteers. The Mayor shall coordinate with EMA, Law Enforcement and Fire Departments to determine the time to initiate or delay volunteer involvement.

c. the Mayor shall be authorized to establish or discontinue donation center(s) for relief supplies including the coordination and request of specific supplies and donations.

d. the Mayor shall be authorized to coordinate with EMA, Law Enforcement, and Fire Departments to request mutual aid and/or resources from sister government agencies.

e. the Mayor shall be authorized to provide for the health, safety, welfare, and security of the City, Citizens, and City Property as outlined by any emergency spending regulation placed upon the Mayor by the City Council.

3. Related to and for the duration of the Alabama State of Emergency, the Mayor is hereby authorized pursuant to § 31-9-10(b) of the *Code of Alabama*:

a. to commit or dispatch any city resources, materials, property, or supplies to any sister government agency in the interest of mutual aid for emergency management purposes.

b. to close any and all public buildings owned or leased by and under the control of the City where emergency conditions warrant, and in the event that any documents required to be filed by a time certain deadline cannot be filed in a timely manner due to the closing of an office under this authorization, the deadline for filing shall be extended to the date that the office is reopened as provided in § 1-1-4 of the Code of Alabama.

4. Pursuant to § 31-9-10(b)(5) of the *Code of Alabama*, related to and for the duration of the Alabama State of Emergency, the City Council hereby waives procedure and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

5. Pursuant to Section 31-9-10(b)(5) of the *Code of Alabama*, related to and for the duration of the Alabama State of Emergency, the City Council hereby authorizes the Mayor to impose a public safety curfew for the City's inhabitants. If a public safety curfew is imposed as authorized herein, it shall be enforced by the appropriate law enforcement. A public safety curfew imposed under this Section shall not apply to employees of utilities, cable, and telecommunications companies and their contractors engaged in activities necessary to maintain or restore utility, cable, and telecommunications services or to official emergency management personnel engaged in emergency management activities.

6. In connection with the COVID-19 outbreak that is the subject of the Alabama State of Emergency, the Mayor is hereby authorized to apply for grants, as funds are appropriated for such specific purpose, for the recovery of personnel and administrative costs by the City for emergency management and emergency preparedness.

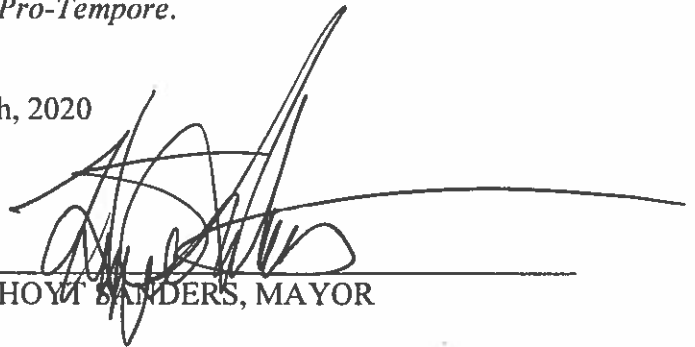
7. Pursuant to § 31-9-18 and § 31-9-24 of the Code of Alabama, whenever the federal government or any agency or officer thereof, the State of Alabama or any

agency or officer thereof, or any person, firm, or corporation shall offer to the City services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management, the City Council hereby authorizes the Mayor to accept such offer, and upon such acceptance the City Council authorizes the Mayor to receive such services, equipment, supplies, materials, or funds on behalf of the City.

8. As a condition to the granting of the emergency powers to the Mayor as set forth herein, the Mayor shall provide a report to the City Council at each of its subsequent meetings, concerning the Mayor's utilization of such emergency powers.

9. In the event that the Mayor is incapacitated, unavailable, or unable to fulfill his role as Mayor, the Mayor *Pro-Tempore* shall be authorized to fulfill the duties of the Mayor outlined above. In the event that the Mayor and Mayor *Pro-Tempore* are unable to perform their duties, the councilor with the most seniority on Council shall be authorized to fulfill the role as acting Mayor *Pro-Tempore*.

ADOPTED this the 19th day of March, 2020


HOYT SANDERS, MAYOR

ATTEST:


CITY CLERK/TREASURER

CERTIFICATION OF CITY CLERK/TREASURER

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Marie Turner , City Clerk of the City of Pinson, Alabama, do hereby certify that the above and foregoing is a true and correct copy 19th day of March, 2020.

Witness my hand and seal of office this 19th day of March, 2020

 Marie Turner, City Clerk