
RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN FOR THE CITY OF HERNANDO, MISSISSIPPI, DECLARING A CIVIL EMERGENCY AND FOR THE CONTROL OF CONTAGIOUS and INFECTIOUS DISEASES AND FOR PURPOSES RELATED THERETO

WHEREAS, the governing authorities of the City of Hernando, Mississippi have received, reviewed and accepted both the current recommendations of the Mississippi State Department of Health (“MSDH”) and the Center for Disease Control (“CDC”), an agency of the federal government of the United States of America in regard to the virus commonly known as COVID-19 which has been recognized and declared a pandemic by both state and federal agencies; and

WHEREAS, the City of Hernando, Mississippi through it’s Mayor and Board of Aldermen did adopt on Tuesday, March 17, 2020 a Resolution declaring a local emergency due to the COVID-19 virus in accordance with Section 33-15-17(d) of the Mississippi Code of 1972, Annotated, as Amended and which the city finds to be a highly contagious “disease” based upon the information received to date; and

WHEREAS, the Mayor and Board of Aldermen find that the virus, commonly referred to as COVID-19, constitutes a public emergency that has resulted in substantial injury and/or harm to life, health and property within the State of Mississippi and the City of Hernando as COVID-19 has already been detected in numerous persons in DeSoto County, Mississippi, including some in Hernando, Mississippi, according to various news reports; and

WHEREAS, the CDC has issued guidelines in response to COVID-19 which currently recommend that persons avoid gatherings of ten (10) or more people with special regard to those who may have vulnerable or compromised health conditions; and

WHEREAS, the Mayor and Board of Aldermen of the City of Hernando, Mississippi find that the COVID-19 virus is a danger to the City of Hernando, Mississippi and is in effect a civil emergency within the meaning of Section 45-17-3 of the Mississippi Code of 1972, Annotated, as Amended; and

WHEREAS, Sections 45-17-5 and 45-17-7 of the Mississippi Code of 1972, Annotated, as Amended provide authority to the City of Hernando, Mississippi to enact such orders as may be necessary to insure order and to protect lives and property; and

WHEREAS, Section 21-19-3 of the Mississippi Code of 1972, Annotated, as Amended, authorizes the City of Hernando, Mississippi to take such actions as necessary through lawful regulations to prevent both the introduction of contagious and/or infectious diseases; and

WHEREAS, Sections 21-19-17 and Sections 21-19-29 of the Mississippi Code of 1972, Annotated, as Amended the authority to make such regulations as necessary to restrict the movement of citizens during a time of emergency and to likewise regulate the entrances to “public halls, churches and buildings” and the method of ingress and egress to such facilities; and

WHEREAS, the governing authorities of the City of Hernando, Mississippi have determined that it is in the best interest of the city to resolve in this matter as follows.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Hernando, Mississippi to declare a “civil emergency” as contemplated by statute and to adopt the following measures, which shall take effect immediately and remain in effect until rescinded or amended by the governing authorities of the City of Hernando, Mississippi and which is for the purpose of protecting the health, safety and welfare of the community from the spread of contagious and/or infectious diseases and to minimize and/or eliminate damages, injuries and/or deaths that may occur in the absence of such measures and which measures are set forth as follows:

1. Effective March 24, 2020 at 5:00 p.m., until further action by the governing authorities of the City of Hernando, Mississippi - All restaurants or other such establishments that provide “dine in” food services, no matter what such establishment or business is referred to shall only serve food using drive-through, carry-out, curbside pick-up and/or other delivery methods. That any such restaurant or establishment allowing “carry out” shall practice the “social distancing” as recommended by the CDC for any patrons entering any such restaurant or other such establishment. That additionally, all such restaurants and other such establishments shall comply with the ten (10) person limit as recommended by the CDC and the MSDH.
2. Effective March 24, 2020 at 5:00 p.m. until further action by the governing authorities of the City of Hernando, Mississippi - All businesses, organizations, clubs, places of worship, funeral homes or other gatherings within the municipal limits/boundaries of the City of Hernando, Mississippi shall be required to adhere to and follow the CDC and the MSDH that have recommended a ten (10) person limit to any such place. This shall extend to social gatherings as well anywhere within the city limits of Hernando, Mississippi. That excluded from this regulation are those deemed as “essential services” including but not limited to medical facilities, nursing homes, retirement centers, drug stores, pharmacies, banks, grocery stores, convenience stores (no dine in allowed), fuel stations, daycare centers, hardware stores, agricultural products and suppliers, agricultural equipment suppliers, public utilities, construction companies (subject to valid permits issued by the city), engineering companies working on public projects or utilities, automotive repair centers, veterinary clinics, delivery companies and manufacturers and/or distributors of products essential for the supply chain of vital supplies and services. That additionally there shall be excluded from this regulation any City of Hernando departments or acts of said departments as the continued operation of the city is considered essential and that likewise any industry, business or public service as contemplated by Cybersecurity and Infrastructure Security Agency (CISA) shall likewise be excluded from this regulation.
3. The Mayor and/or his designees and/or city departments are hereby authorized to seek any and all necessary state and federal assistance and funding, which may be

available now or in the future, in regard to this civil emergency.

4. The City of Hernando may issue such other order as may be necessary to protect the life and liberty of the citizens.
5. The provisions of this Resolution shall be enforced by the City of Hernando, Mississippi Police Department and/or other authorized city officials as so authorized to enforce the provisions of this resolution and/or the proclamation of civil emergency as previously made on March 17, 2020 and which may be punishable, as provided by State law, including but not limited to that which is found at Section 45-17-9 of the Mississippi Code of 1972, Annotated, as Amended, as well as the city's existing ordinances.

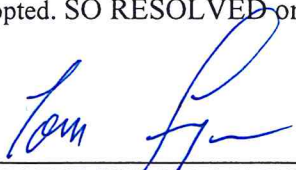
Alderman Miller moved to adopt the foregoing Resolution and waive the reading of the same and Alderman Higdon seconded said motion and the vote on said Resolution was as follows:

VOTE:

Alderman Higdon	X	YES	_____ NO
Alderwoman Brooks	X	YES	_____ NO
Alderman Bryant	X	YES	_____ NO
Alderman Harris	X	YES	_____ NO
Alderman Hobbs	X	YES	_____ NO
Alderman McLendon	X	YES	_____ NO
Alderman Miller	X	YES	_____ NO

The motion having received the proper second and an affirmative vote of the members of the Board of

Aldermen present, the Mayor declared the motion so carried and the Resolution so adopted. SO RESOLVED on this the 24th day of March, 2020.



TOM FERGUSON, MAYOR

ATTEST:



KATIE HARBIN, CITY CLERK

(SEAL)

