

ORDINANCE NO. 02-2020

**AN ORDINANCE OF THE CITY OF CORDOVA,
ALABAMA, TO PROVIDE FOR AN EMERGENCY
RESPONSE TO THE COVID-19 OUTBREAK**

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 Section 11-47-130 of the *Code of Alabama* (1975), "[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 Section 11-45-1 of the *Code of Alabama* (1975), "[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 the same;

WHEREAS, pursuant to Section 11-47-131 of the *Code of Alabama* (1975), 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 Section 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];"

WHEREAS, on behalf the City of Cordova, Alabama ("the City"), the Mayor issued the "Proclamation of the Mayor Regarding the Initial COVID-19 Response Plan for the City of Cordova, Alabama," a copy of which is attached hereto as **Exhibit A** hereof ("the Proclamation");

WHEREAS, the Cordova City Council desires to adopt this Ordinance to confirm and ratify the actions taken by the Mayor, and to further exercise such emergency powers as are set forth under Alabama law, including but not limited to those set forth in the *Alabama Emergency Management Act of 1955*, including Section 31-9-10 of the *Code of Alabama* (1975);

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORDOVA, ALABAMA, while in regular session on Tuesday, March 24, 2020, at 6:30 p.m. as follows:

Section 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.

Section 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 Ordinance are deemed to be necessary.

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

- A. To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; to provide for the health and safety of persons and property, including emergency assistance to the victims of the COVID-19 outbreak; and to 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. To appoint, employ, remove, or provide, with or without compensation, auxiliary fire and police personnel, and other emergency management workers; provided, that compensated employees shall be subject to any existing civil service laws;
- C. To establish a primary and one or more secondary control centers to serve as command posts;
- D. To assign and make available for duty the employees, property, or equipment of the City relating to fire fighting, engineering, rescue, health, medical and related service, police, transportation, construction, and similar items or services for emergency management purposes, within or outside of the physical limits of the City; and
- E. 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 Section 1-1-4 of the *Code of Alabama* (1975).

Section 4. Pursuant to Section 31-9-10(b)(5) of the *Code of Alabama* (1975), 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.

Section 5. Pursuant to Section 31-9-10(b)(5) of the *Code of Alabama* (1975), 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 Cordova Police Department. 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.

Section 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.

Section 7. Pursuant to Sections 31-9-18 and 31-9-24 of the *Code of Alabama* (1975), 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.

Section 8. All rules of procedure for meetings of the City Council are hereby waived for the duration of the Alabama State of Emergency. The reading at length of any item pending before the City Council is waived for the duration of the Alabama State of Emergency.

Section 9. For the duration of the Alabama State of Emergency, the Mayor is hereby authorized to direct that any meeting of the City Council, whether regular or special, may be held by means of telephone conference, video conference, or other similar communications equipment ("a remote meeting"). Whenever a remote meeting is held, it must:

- A. Be limited to matters within the City Council's authority that are (a) necessary to respond to COVID-19 or (b) necessary to perform essential minimum functions of the City Council; and

- B. Utilize communications equipment that allows all persons participating in the meeting to hear one another at the same time.

Section 10. The terms of the Proclamation are hereby ratified by the City Council and adopted as action of the City Council. The Mayor is authorized to amend and/or supplement the Proclamation 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.

Section 11. The Mayor may issue rules and regulations in order to address and/or react to *The Families First Coronavirus Response Act* that was adopted by the United States Congress on March 18, 2020, any amendments thereto, its related federal regulations and guidelines and/or other similar laws adopted by the United States Congress or the Legislature of Alabama related to the employer-employee relationship and the COVID-19 outbreak.

Section 12. For the duration of the Alabama State of Emergency, if the Mayor deems it in the best interest of the City, the Mayor is hereby authorized to extend the time for the return, opening, and reading of any bids that have been solicited on behalf of the City and/or its various departments.

Section 13.

(a) During the Alabama State of Emergency, the Mayor is authorized and empowered to make, amend, and rescind proclamations, rules, orders, and regulations as are necessary to promote and secure the safety and protection of the civilian population. All such proclamations, rules, orders, and regulations shall have the full force and effect of law when a copy thereof is filed with the City Clerk. All existing municipal ordinances, resolutions, proclamations, rules, and regulations or parts thereof inconsistent with the Mayor's proclamations, rules, order, and regulations shall be suspended during the period of time and to the extent that such inconsistency exists. The City Clerk shall cause to be posted at City Hall a copy of each proclamation, rule, order, or regulation issued under the authority of this Ordinance.

(b) Any person who shall violate, or fail, neglect or refuse to comply with any lawful proclamation, rule, order, or regulation of the Mayor issued in relation to the Alabama State of Emergency shall be guilty of an offense; provided, however, the provisions of this section shall not apply to violations of official duty imposed by the Mayor upon officers or employees of the City as such, unless the provision imposing the duty also expressly makes the violation thereof unlawful or punishable. Any person who knowingly commits such an offense within the corporate limits of the City, or within the police jurisdiction thereof, shall be guilty of an offense and, upon conviction, shall be fined not less than \$25.00 nor more than \$500.00 and, if the violation or failure or refusal to obey or comply with such rule or regulation is a continuing one, each day's violation, or failure or refusal shall constitute a separate offense and shall be punished accordingly.

Section 14. This Ordinance shall become effective immediately upon its publication.

Section 15. If any provision of this Ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

ADOPTED AND APPROVED THIS THE 24th DAY OF MARCH, 2020.


DREW GILBERT, MAYOR

ATTEST:

Leanne Dawkins, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
WALKER COUNTY)

I, Leanne Dawkins, City Clerk of the City of Cordova, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Cordova, Alabama, on the 24th day of March, 2020.

The above and foregoing ordinance was published on the _____ day of March, 2020, by posting copies thereof in three public places within the City of Cordova, one of which was the post office or the Mayor's office in the City of Cordova.

Witness my hand and seal of office this _____ day of March, 2020.

Leanne Dawkins, City Clerk