



Resolution 2020-04

STATE OF ALABAMA
JEFFERSON COUNTY
CITY OF CLAY

A Resolution Declaring a Local State of Emergency

WHEREAS, on March 11, 2020, the World Health Organization characterized the novel coronavirus (COVID-19) as a pandemic; and

WHEREAS, on March 13, 2020, President Trump declared a national state of emergency in response to the outbreak of COVID-19; and

WHEREAS, on March 13, 2020, Governor Kay Ivey declared a state of emergency in Alabama pursuant to her authority under ALA. CODE §31-9-8 in response to the outbreak of COVID-19; and

WHEREAS, on March 18, 2020, Governor Ivey issued a supplemental proclamation giving public bodies the authority to meet electronically subject to certain requirements and protections related to public access; and

WHEREAS, the COVID-19 pandemic qualifies as a public health emergency and is otherwise a unique and special circumstance; and

WHEREAS, taking action to close all facilities to everyone except authorized personnel; cooperating with our community partners to provide meals to children under 18 years of age throughout the city; suspending usage of city facilities by outside groups; not charging leave of any kind against any full-time employee during this period of emergency; and holding any Council meetings that may become necessary during this time via electronic means to perform essential minimum functions will serve a public purpose by supporting state and county health officials' efforts to limit the spread of the virus in Alabama, thereby promoting the general welfare of the community; and

WHEREAS, ALA. Code 31-9-10(1975) provides the power and authority for a political subdivision such as the City of Clay to declare a state of local emergency and also, to waive the procedures and formalities otherwise required of political subdivisions by law, including but not limited to;

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- b. Entering into contracts.
- c. Incurring 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clay, Alabama that COVID-19 poses a serious threat to the lives of residents of the City of Clay, Alabama, and that a State of Local Emergency shall be declared, effective immediately, for the City of Clay.

BE IT FURTHER RESOLVED, that the City Council of the City of Clay hereby suspends any policy or provision thereof, identified by the Mayor, City Manager, or his designees, as needed to implement written guidance from the governor and/or governmental agencies relating to COVID-19 for the duration identified in the Governor's order of March 13, 2020 and any subsequent executive order.

BE IT FURTHER RESOLVED that the City Manager will consult with the City Council as feasible and appropriate and timely report to the City Council regarding the emergency closure and efforts to implement written guidance from health and government agencies as disseminated by the Governor and/or governmental agencies.

BE IT FURTHER RESOLVED that, to the extent it is impossible or impractical for the City Council to meet due to health and public safety concerns and/or restrictions imposed by local or state governments and/or health authorities, the City Manager shall have the authority to take any action he or she deems appropriate and necessary for daily City operations without prior City Council approval during the state of emergency. Any such actions shall be communicated to the City Council in writing as soon as practical, preferably in advance of such action when feasible, and shall be reported to the public at the next scheduled City Council meeting.

BE IT FURTHER RESOLVED that the City Manager is authorized to close any facility without further action by the City Council. Such closure shall continue during the emergency created by the COVID-19 pandemic until such time as the City Manager, in consultation with appropriate health and government authorities, deems it in the best interests of the City of Clay and its residents to open facilities.

BE IT FURTHER RESOLVED that the City Manager is authorized, based upon the needs of the City of Clay and the guidance from health and government agencies disseminated by the Governor and/or governmental agencies, to direct staff assignments during closures, including but not limited to essential employees who must report to work, employees who may be reassigned, and employees whose services are not needed.

BE IT FURTHER RESOLVED that the City Manager or his designees are authorized to cooperate with community partners, including but not limited to school systems, community organizations, and religious organizations to provide meals to students under the age of 18 within the City of Clay who ordinarily and regularly depend on the school system for vital nutrition, but for whom such service has been interrupted as a result of the closure of the schools throughout the state because of COVID-19.

BE IT FURTHER RESOLVED that access to City of Clay's public grounds and buildings may be limited or repurposed to serve the community as directed by the City Manager for the duration identified in the Governor's order of March 13, 2020 and any subsequent executive order.

BE IT FURTHER RESOLVED that all facility rental or usage agreements between the City of Clay and other parties are temporarily suspended until further notice.

BE IT FURTHER RESOLVED that in light of this statewide emergency closure, the City of Clay declares an emergency in which advertising for bids and competitive bid procedures may result in material injury or damage to the public interest of the System. Pursuant to the governor's order, the City Manager is granted the authority to waive the requirements of advertising for bids and competitive bid procedures for purchases which may be necessary due to the emergency. The Superintendent will document the reasons prompt remedial action is necessary to prevent physical injury to persons or to property of the school district.

BE IT FURTHER RESOLVED that the spending limit for non-budgeted items be increased to \$100,000.00.

BE IT FURTHER RESOLVED that, subject to orders from the Governor and/or health officer, in the interest of public health, the City Council may attend City Council meetings electronically and shall make a reasonable effort to permit the public to observe or listen using available technology.


BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the City Council's approval of this action and of the authority granted herein. The Council warrants that it has, and at the time of this action had, full power and lawful authority to adopt this instrument. The foregoing shall remain in effect throughout the pendency of the period of emergency closure as a result of COVID-19, including if that period should be extended by further declaration of federal, state, or local authorities.

DATED this 19th day of March, 2020.



Charles Webster, Mayor

Attest:



Ronnie Dixon
City Manager