

**THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

**KARL F. DEAN , MAYOR**

**EXECUTIVE ORDER NO. 39**

*SUBJECT: DECLARATION OF A STATE OF EMERGENCY*

WHEREAS, on May 2, 2010 an extensive rain event caused widespread flooding throughout Davidson County; and

WHEREAS, safeguarding the life of our citizens is our fundamental responsibility; and

WHEREAS, T.C.A. § 58-8-104 allows the Mayor of the Metropolitan Government to declare a state of emergency for the area within the territory embraced by the Metropolitan Government; and

WHEREAS, "emergency" means an occurrence or threat of an occurrence, whether natural or man-made, that may result in substantial harm to the population; and

WHEREAS, the spread of human cases of Influenza A (H1N1) is an emergency;

NOW THEREFORE, I, Karl Dean, Mayor of the Metropolitan Government of Nashville and Davidson County, by virtue of the power and authority vested in me, do hereby direct and order the following:

1. A State of Emergency is declared for the area within the Metropolitan Government.
2. The duration of this state of emergency will continue until rescinded but shall be limited to seven (7) days from this date unless it is necessary to extend it by Executive Order.
3. As authorized by T.C.A. § 58-2-110(3)(A), the Metropolitan Government will:
  - (a) As necessary, appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and 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) As necessary, appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;
  - (c) In addition to the primary emergency operating center, establish, as necessary, one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;
  - (d) As necessary, assign and make available for duty the offices and agencies of the Metropolitan Government, including the employees, property, or equipment relating to health, medical and related services, police, transportation, and similar items or services for emergency operation purposes, as the primary emergency management forces of the

Metropolitan Government for employment within or outside the area of the Metropolitan Government;

(e) Request state assistance or, as needed, invoke emergency-related mutual-aid assistance in the event of an emergency affecting another political subdivision. It may be extended, as necessary, in seven-day increments.

4. The Metropolitan Government, to the extent necessary to protect the health of citizens related to this emergency; is invoking its authority under state law to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

(a) Performance of public services and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(b) Entering into contracts;

(c) Incur 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; and

(i) Consider certain commercial vehicles engaged in the distribution of electric power, the supply of fuel, or telecommunications services to residences and businesses to be participating in an emergency relief effort for the purpose of the federal hours-of-service regulations promulgated by the federal motor carrier safety administration.

5. Pursuant to T.C.A. § 58-8-105, the director or the director's designee of the following departments, agencies, and instrumentalities of the Metropolitan Government is authorized to request assistance as the "requesting party" as defined in T.C.A. § 58-8-102(12):

(a) Metropolitan Department of Health;

(b) Mayor's Office of Emergency Management;

(c) Metropolitan Hospital Authority;

(d) Metropolitan Fire Department and its Emergency Medical Services Bureau;

(e) Emergency Communications District Board;

(f) Metropolitan Board of Public Education;

(g) Metropolitan Police Department;

(h) Department of Water and Sewerage Services;

- (i) Department of Public Works;
- (j) Nashville Electric Service;
- (k) Metropolitan Nashville Airport Authority;
- (l) Metropolitan Transit Authority.

Ordered, Effective and Issued:

Karl F. Dean  
Mayor

Date: May 2, 2010