

# **DECLARATION OF A LOCAL STATE OF EMERGENCY CITY OF BEREA, KENTUCKY**

WHEREAS, AT **9:00 AM ON Monday, March 16, 2020**, IN RESPONSE TO THE NEEDS OF LOCAL ENTITIES CONCERNING A PANDEMIC OCCURRING IN BEREA, KENTUCKY; AND

WHEREAS, THE PRECISE IMPACT OF THIS EVENT ON THE CITIZENS OF THE CITY OF BEREA HAS NOT BEEN PRECISELY DETERMINED; AND

WHEREAS, THIS SITUATION CREATES A CONSIDERABLE HARDSHIP FOR THE CITIZENS OF THE CITY OF BEREA; AND

WHEREAS, LOCAL GOVERNMENT HAS THE RESPONSIBILITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND TO MITIGATE THE EFFECTS OF SUCH EVENTS.

**NOW, THEREFORE, I, BRUCE FRALEY, MAYOR OF THE CITY OF BEREA BY THE AUTHORITY VESTED IN ME BY KRS 39.B070 AND KRS 45A.380(1), DO HEREBY DECLARE THAT A STATE OF EMERGENCY EXISTS IN THE CITY OF BEREA FOR THE PERIOD BEGINNING 3/16/20 AT 9:00 AM AND DIRECT THAT SAID STATE OF EMERGENCY CONTINUE AS LONG AS IS NECESSARY.**

1. ALL AGENCIES OF THE CITY OF BEREA GOVERNMENT SHALL COOPERATE TO THE FULLEST EXTENT WITH LOCAL, STATE, AND FEDERAL GOVERNMENT(S) AND SHALL PROVIDE SUCH ASSISTANCE AS MAY BE REQUIRED FOR THE RESPONSE TO AND THE RECOVERY FROM THIS EMERGENCY.

2. UNDER THIS STATE OF EMERGENCY, AS PROVIDED IN KRS 39B.070 AND 45A.380(1) CITY OF BEREA CAN WAIVE PROCEDURES AND FORMALITIES OTHERWISE REQUIRED BY THE LAW PERTAINING TO: (A) PERFORMANCE OF PUBLIC WORK; (B) ENTERING INTO CONTRACTS; (C) UTILIZATION OF VOLUNTEER WORKERS; (D) EMPLOYMENT OF PERMANENT AND TEMPORARY WORKERS; (E) RENTAL OF EQUIPMENT; (F) PURCHASE AND DISTRIBUTION WITH OR WITHOUT COMPENSATION OF SUPPLIES, MATERIALS AND FACILITIES AND; (G) APPROPRIATION AND EXPENDITURE OF PUBLIC FUNDS.

3. UNDER THIS STATE OF EMERGENCY, AS PROVIDED IN KRS 39A.100 (2), CITY OF BEREA MAY EXERCISE THE FOLLOWING ADDITIONAL EMERGENCY POWERS: (A) TO ENFORCE ALL LAWS AND ADMINISTRATIVE REGULATIONS RELATING TO DISASTER AND EMERGENCY RESPONSE AND TO DIRECT ALL LOCAL DISASTER AND EMERGENCY RESPONSE FORCES AND OPERATIONS IN THE AFFECTED COUNTY, CITY, URBAN-COUNTY, OR CHARTER COUNTY; (B) TO EXCLUDE ALL NONESSENTIAL, UNAUTHORIZED, DISRUPTIVE, OR UNCOOPERATIVE PERSONNEL FROM THE SCENE OF THE EMERGENCY, AND TO COMMAND PERSONS OR GROUPS OF PERSONS AT THE SCENE TO DISPERSE. A PERSON WHO REFUSES TO LEAVE AN AREA IN WHICH A WRITTEN ORDER OF EVACUATION HAS BEEN ISSUED IN ACCORDANCE WITH A WRITTEN DECLARATION OF EMERGENCY OR A DISASTER MAY BE FORCIBLY REMOVED TO A

PLACE OF SAFETY OR SHELTER, OR MAY, IF THIS IS RESISTED, BE ARRESTED BY A PEACE OFFICER. FORCIBLE REMOVAL OR ARREST SHALL NOT BE EXERCISED AS OPTIONS UNTIL ALL REASONABLE EFFORTS FOR VOLUNTARY COMPLIANCE HAVE BEEN EXHAUSTED; (C) TO DECLARE CURFEWS AND ESTABLISH THEIR LIMITS; (D) TO ORDER IMMEDIATE PURCHASE OR RENTAL OF, CONTRACT FOR, OR OTHERWISE PROCURE, WITHOUT REGARD TO PROCUREMENT CODES OR BUDGET REQUIREMENTS, THE GOODS AND SERVICES ESSENTIAL FOR PROTECTION OF PUBLIC HEALTH AND SAFETY OR TO MAINTAIN OR TO RESTORE ESSENTIAL PUBLIC SERVICES; AND (E) TO REQUEST EMERGENCY ASSISTANCE FROM ANY LOCAL GOVERNMENT OR SPECIAL DISTRICT AND, THROUGH THE GOVERNOR, TO REQUEST EMERGENCY ASSISTANCE FROM ANY STATE AGENCY AND TO INITIATE REQUESTS FOR FEDERAL ASSISTANCE AS ARE NECESSARY FOR PROTECTION OF PUBLIC HEALTH AND SAFETY OR FOR CONTINUATION OF ESSENTIAL PUBLIC SERVICES.



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BRUCE FRALEY  
MAYOR, CITY OF BEREA