RESOLUTION

A RESOLUTION OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, REGARDING KNOX COUNTY POLICIES RELATED TO REGULATIONS OF THE KNOX COUNTY BOARD OF HEALTH AND EXECUTIVE ORDERS OF GOVERNOR LEE AND THE TENNESSEE DEPARTMENT OF HEALTH ADDRESSING THE COVID-19 PANDEMIC.

RESOLUTION: R-20-9-907

REQUESTED BY: COMMISSIONERS WARD AND BIGGS

PREPARED BY: KNOX COUNTY LAW DIRECTOR’S OFFICE

APPROVED AS TO FORM AND CORRECTNESS: ____________________________

DIRECTOR OF LAW

APPROVED: ____________________________ DATE

VETOED: ____________________________ DATE

VETO OVERRIDE: ____________________________ DATE

MINUTE BOOK___________ PAGE______________

WHEREAS, the Knox County Commission, as the duly elected legislative body of Knox County has a duty under the Knox County Charter Sec. 2.01, to “regulate the conduct and affairs of the residents of Knox County”; and

WHEREAS, Tennessee Code Annotated § 68-6-601(f)(3) empowers county Boards of Health to “adopt rules and regulations as may be necessary or appropriate to protect the general health and safety of the citizens of the county...,” and further states that “regulations of a county board of health supersede less stringent or conflicting local ordinances...”; and
WHEREAS, governments throughout the world and in Tennessee have grappled with how they can intervene in a manner that is effective to protect their citizens from getting sick and, specifically, how they can protect their healthcare systems from being overwhelmed by an onslaught of cases, hindering their ability to treat patients suffering from COVID-19 or any other emergency medical condition;¹ and

WHEREAS, this Country, State, and County, are founded on a tradition of liberty enshrined in our Constitution, elected governments, elected governors, and courts have grappled with how to balance the legitimate authority of public officials in a health emergency with the Constitutional rights of citizens;¹ and

WHEREAS, the elected governor of Tennessee, under his emergency powers and upon advice and information from the Tennessee Department of Health, has issued emergency orders to protect the citizens and businesses of Tennessee applicable to 89 of 95 counties; and

WHEREAS, the Governor, in Executive Order 30, has delegated his emergency powers to the health departments of six (6) counties, and such Executive Order has subsequently been extended by Executive Orders 38, 50, and 59; and

WHEREAS, there is a Knox County Board of Health (BOH), established by ordinance of the Knox County Commission; and

WHEREAS, the BOH, under ordinance, has policy making authority over the Knox County Health Department; and

WHEREAS, the BOH has enacted regulations on businesses and gatherings much more stringent than those of the governor and the Tennessee Department of Health; and

WHEREAS, the BOH is not answerable to the public or its elected legislative and executive bodies and it is the belief of the Knox County Commission that this lack of accountability is contrary to the federal and state constitutions which vest all powers only in elected officials and boards answerable to elected officials; and

WHEREAS, the economic and mental health of the citizens and residents of Knox County are essential to their overall well-being; and

WHEREAS, unemployment due to the closure of businesses is a stress on those unemployed citizens who are rendered unable, by business closures, to provide for their families; and
WHEREAS, the Knox County Board of Health has undertaken, in good faith, the promulgations of regulations with the best of intentions toward a laudable end, but those good intentions may not alone enough to uphold governmental action against a constitutional challenge;

WHEREAS, the greatest threats to our system of constitutional liberties may arise when the ends are laudable, and the intent is good-especially in a time of emergency.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF KNOX COUNTY AS FOLLOWS:

1. It is the intent of Knox County, through its Commission, to express its desire that Knox County should be governed, hereafter, by the substantive orders and measures related to the containment or management of the spread of COVID 19 as set out in the Executive Orders of Governor Lee.

2. It is the intent of Knox County, through its Commission, to express the desire that any regulations promulgated by the Knox County Board of Health which are more stringent than those of Governor Lee and the Tennessee Department of Health should be limited by and controlled by the Executive Orders of the State of Tennessee.

3. It is the intent of Knox County, through its Commission, to express the desire that its citizens should not suffer criminal sanctions for failure to abide orders of the Board of Health.

4. Knox County hereby adopts the “Tennessee Pledge” as set forth by Governor Lee.

BE IT FURTHER RESOLVED, that if any notifications are to be made to effectuate this Resolution, then the County Clerk is hereby requested to forward a copy of this Resolution to the proper authority.

BE IT FURTHER RESOLVED, that this Resolution is to take effect from and after its passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

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Presiding Officer of the Commission  Date

County Clerk  Date

Approved:________________________________

County Mayor  Date

Vetoed:__________________________________

County Mayor  Date