



City of Chattanooga

Mayor Andy Berke

**CIVIL EMERGENCY EXECUTIVE ORDER
REGARDING TEMPORARY OFF-PREMISES BEER SALES AND DELIVERIES AND
CLOSING CITY HALL, CITY DEVELOPMENT RESOURCE BUILDING, AND ANNEX
BUSINESS OFFICES TO THE PUBLIC
ON MARCH 27, 2020 AT 4:30 PM UNTIL FURTHER NOTICE AND ACCEPTANCE OF
ELECTRONIC SIGNATURES ON CITY DOCUMENTS
BY MAYOR ANDY BERKE FOR THE CITY OF CHATTANOOGA
No. 2020-05**

WHEREAS, on March 19, 2020, the Governor for the State of Tennessee issued Executive Order No. 15 and declared that “a state of emergency and major disaster exists to facilitate the response to COVID-19”; and issued Executive Order No. 16 on March 20, 2020; and issued Executive Order No. 17 on March 22, 2020, limiting social gatherings, dine-in service, and gym use, and exposure at nursing and retirement homes, and providing flexibility for restaurants regarding the sale of alcohol; and

WHEREAS, on March 19, 2020, I declared a state of emergency for the City of Chattanooga, pursuant to Tennessee Code Annotated §§ 38-9-101 *et seq.* and 58-2-101 *et seq.* and City of Chattanooga Charter, Article 2.1, in response to the COVID-19 pandemic; and

WHEREAS, on March 20, 2020, pursuant to the authority vested in the Mayor under Tennessee Code Annotated §§ 38-9-101 *et seq.*, City of Chattanooga Charter, Article 2.1, and City of Chattanooga Code §§ 20-41 *et seq.*, I issued Civil Emergency Proclamation and Executive Order No. 2020-03 closing restaurants and bars for on-site consumption as well as closing gyms and exercise facilities; and

WHEREAS, on March 23, 2020, pursuant to the authority vested in the Mayor under Tennessee Code Annotated §§ 38-9-101 *et seq.*, City of Chattanooga Charter, Article 2.1, and City of Chattanooga Code §§ 20-41 *et seq.*, I issued Civil Emergency Proclamation and Executive Order No. 2020-04 closing additional businesses, including indoor portions of retail shopping malls and facilities where certain personal care services are performed; and

WHEREAS, said Executive Order Nos. 2020-03 and 2020-04 have had a detrimental impact on the business of certain beer permit holders and their employees in Chattanooga.

NOW, THEREFORE, I, ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA, by virtue of the powers vested in me, do hereby proclaim that a civil emergency continues to exist in the City of Chattanooga, Tennessee, and I hereby direct and order the following:

SECTION 1. BEER SALES WITHIN ON PREMISE ESTABLISHMENTS UNTIL EXECUTIVE ORDER IS LIFTED

1. This Order applies to all existing holders of permits (“Permittee”) for consumption of beer on the premises (“On-Premises Permit”) issued by the Chattanooga Beer and Wrecker Board (“Beer Board”).
2. Subject to all federal, state, and local laws, a Permittee holding an On-Premises Permit may make off-premise sales and deliveries of beer subject to this Order.
3. Prior to any off-premises sales being conducted, the Permittee must request a temporary off-premises carry-out permit (“Temporary Off-Premises Permit”) by contacting the Beer Board staff via email at bjlawrence@chattanooga.gov and providing the following information:
 - i. Name of the Permittee
 - ii. Physical address of the Permittee
 - iii. Email address
 - iv. Phone number
 - v. Current On-Premises Permit number
4. Upon receiving the information in Subsection 3 of this Order, the Beer Board staff may issue a Temporary Off-Premises Permit for up to thirty (30) days allowing the Permittee to make off-premises sales and deliveries of beer pursuant to this Order and subject to any applicable federal, state, and local laws. The Temporary Off-Premises Permit may be granted by reply email to the email address provided under Subsection 3 of this Order.
5. A Temporary Off-Premises Permit may be renewed upon request by the Permittee for additional thirty (30) day periods until the civil emergency has concluded or this Order has been terminated, at which time any and all Temporary Off-Premises Permits issued pursuant to the Order shall expire and be null and void.
6. Only employees of a Permittee with a Temporary Off-Premises Permit may sell or deliver beer.
7. Employees conducting deliveries must be at least twenty-one (21) years of age.
8. At the point of delivery, the employee conducting the delivery must inspect the purchaser’s valid identification to determine that the purchaser is at least twenty-one (21) years of age and is not intoxicated, pursuant to Tennessee Code Annotated § 57-5-301(a)(1).

9. A Permittee with a Temporary Off-Premises Permit shall be strictly liable for all sales to persons under the age of twenty-one (21) or to intoxicated persons, pursuant to Tennessee state law.
10. Beer to be sold or delivered pursuant to this Order must be in commercially sealed containers.
11. This Order is limited to “beer” as defined in Tennessee Code Annotated § 57-5-101(b).
12. This Order supersedes any conflicting provisions in Chapter 5 of the City of Chattanooga Code while said Order is valid and in effect.
13. The Beer Board staff may immediately revoke the permission granted in Subsection 4 of this Order, without prior notice or a hearing, upon the filing of a report by a Beer Board Inspector alleging that the Permittee has made a sale to a minor or an intoxicated person.

SECTION 2. CLOSING OF CITY HALL, CITY DEVELOPMENT RESOURCE BUILDING, AND ANNEX OFFICES TO PUBLIC EFFECTIVE MARCH 27, 2020 UNTIL FURTHER ORDER BY THE MAYOR.

1. Pursuant to my declaration of a state of emergency for the City of Chattanooga, pursuant to Tennessee Code Annotated §§ 38-9-101 *et seq.* and 58-2-101 *et seq.* and City of Chattanooga Charter, Article 2.1, in response to the COVID-19 pandemic; and my continued concerns for the public health of our citizens and employees of the City of Chattanooga, it is my Order that office hours to the public at City Hall, City Development Resource Building, and Annex business offices will be closed other than through electronic communications beginning at 4:30 PM on March 27, 2020 until further Orders are issued.
2. This Executive Order suspends those provisions of the Chattanooga Code Section 2-3 which provides for office hours at City Hall, City Development Resource Building, and Annex offices from 8:00 AM until 4:30 PM and such business offices shall remain closed to public entrance in accordance with this Executive Order to staff and the public unless otherwise designated in the interest of public health and safety for our employees.
3. During the period that business offices are closed in these locations, the staff of these offices shall remain available for communications electronically to provide services during normal work hours from 8:00 AM until 4:30 PM until such time as business offices can be reopened to the public. Please review the City website at www.chattanooga.gov for departmental communications during this period of emergency operations.
4. This Order shall be effective upon execution and shall remain in effect until withdrawn.

SECTION 3. ELECTRONIC SIGNATURES.

1. PURPOSE AND SCOPE

This policy establishes guidelines for acceptable technologies and procedures for the use of electronic signatures in City-related business and further supplements City Administrative Policy during this period of emergency because the City recognizes the need to increase efficiency, reduce waste, and provide members of the public with convenient access to City services while certain business office locations may be closed. Advances in technology can assist the City in obtaining these goals while providing security for document management. This policy balances the need for efficient services against the risks of unauthorized activities by providing the approved electronic signature method and guidelines for certain documents and transactions.

This policy applies to the City's acceptance of electronic signatures from parties outside of the City and the use of electronic signatures on documents executed on behalf of the City. It does not increase the scope of authority of the City's authorized signatories, but rather provides an alternative means to execute City-related documents. These are minimum standards and must comply with applicable Tennessee law.

Depending upon the circumstances, the City may require a higher level of signature verification (i.e. out-of-state signatory). Nothing in this policy prohibits a City official or employee, with the consent from the Mayor, or specific designees which shall include the City Finance Officer, and/or Purchasing Administrator from requiring a wet signature or higher form of secure electronic signature if he or she believes it is prudent or necessary. The Mayor or specific designees may accept or authorize the acceptance of an electronic signature when, in his or her discretion, the circumstances surrounding the transaction address authentication and security concerns. This policy does not apply to electronic signatures accepted or utilized before the original effective date, and is intended to provide guidance for electronic signatures accepted thereafter. Any transaction must be analyzed under the facts and circumstances existing at the time a transaction has been executed.

2. DEFINITION OF ELECTRONIC SIGNATURES

An "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Tenn. Code Ann. § 47-10-102. The City divides this broad scope of electronic signatures into categories of documents based upon the level of security needed both to ensure the proper person is conducting the transaction and that the technology for transmission of the signature is adequate.

3. POLICY

Requirements for Electronic Signatures

City staff accepting electronic signatures shall document the facts and circumstances of the transaction, including the method for obtaining the signature, the party's agreement to use electronic signatures, the method of authenticating the person who signs, or other facts at the time of creation of the signature which establish the authenticity of the signature.

The requirements for electronic signatures include:

1. Intent to Sign

Electronic signatures, i.e., not traditional wet ink signatures, are only valid and legally binding if both parties intend to sign and execute the agreement electronically.

2. Consent of the Signing Party

The City will accept electronic signatures when the parties:

- consent to the transaction,
- consent that the transaction be completed electronically, and
- consent to receive disclosures electronically.

3. Documentation of Effect of Signature

The Information Technology Department will maintain the security procedure and audit trails for various electronic signature technologies.

4. Classes of Documents Permitted by the Mayor or specific designees for E-Signature

The security requirements for electronic signatures range from simple to the more complex, depending upon the level of transaction. The City may accept an electronic signature form, and utilize the electronic signature software for the execution of documents for any other public entity, regulatory body, or non-profit public benefit corporation which has adopted electronic signature protocols acceptable to the City. Further, the City may accept any signature and execute any document using the digital signature technology with a certificate authority to the full extent that such signature complies with the Uniform Electronic Transactions Act which has been adopted at Tenn. Code Ann. § 47-10-101 et. seq. for municipal purchases and documents.

SECTION 4. TERM OF EXECUTIVE ORDERS

PURSUANT TO TENN. CODE ANN. § 58-2-110 (3) the duration of this Executive Order is limited to seven (7) days initially and may be extended, as necessary, in additional seven-day increments. It is the intent of this Order to extend all prior Executive Orders issued since March 13, 2020 as Executive Orders 2020-01, 2020-02, 2020-03 and 2020-04 for all additional periods which are authorized under Tennessee law within the City of Chattanooga.

Issued this 27th day of March 2020, pursuant to Tenn. Code Ann. §§ 38-9-101 *et seq.*, 58-8-104, and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.



ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA