

MONTGOMERY COUNTY COMMISSIONERS

RESOLUTION NO. 2020-11

A RESOLUTION EXTENDING THE COVID-19 PUBLIC HEALTH EMERGENCY AND AUTHORIZATION OF EMERGENCY POWERS

WHEREAS, on March 16, 2020, the Board of Commissioners declared a public health emergency because of the outbreak and spread of the novel Coronavirus Disease 2019 (COVID-19), activated all local disaster emergency plans, authorized mutual aid, suspended certain procedures and formalities otherwise required by law, authorized the President of the Board to approve claims, authorized certain types of contracts with the State of Indiana, authorized emergency orders, and cancelled all meetings of the Montgomery County Government until further notice; and

WHEREAS, on March 23, 2020, the Board extended the declaration of the public health emergency, pursuant to Indiana Code §10-14-3-29, to and until 11:59 p.m. on April 7, 2020 and extended the authorizations for mutual aid, the suspension of certain procedures and formalities, authorizations for approval of claims by the President of the Board, for approval of certain types of contracts with the State of Indiana, and for emergency orders, and the cancellation of all meetings of the Montgomery County Government; and

WHEREAS, since the extension of the public health emergency on March 23, 2020, the COVID-19 disease continues to spread, and the Board finds that the public health emergency and all emergency authorizations contained in the previous resolutions relating thereto should be extended; and

WHEREAS, since the entry of these resolutions, Governor Holcomb has issued Executive Orders which allow virtual meetings of local units of government, and the County Administrator has made arrangements for County governing boards to have the technology available to conduct such meetings if such meetings are necessary to continue the essential governmental functions; and

WHEREAS, because of the modification of rules for meetings which no longer require members of the County's governing boards to be physically present in order to conduct a public meeting under the Open Door Law, County government governing board may conduct virtual meetings in order to carry out their essential governmental functions and must follow the requirements for such meetings as directed in the applicable Executive Orders of the Governor; and


WHEREAS, all emergency action taken by the President since March 23, 2020, including but not limited to the approval of claims and the issuance of executive orders, should be approved and ratified; and

NOW, THEREFORE, BE IT RESOLVED BY THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS, as follows:

1. The Commissioners hereby extend the declaration of the COVID-19 public health emergency and local disaster emergency, pursuant to Indiana Code 10-14-3-29, to and until 11:59 p.m. on April 27, 2020;
2. All action contained in the original declaration and extension of the declaration are also extended to and until 11:59 p.m. on April 27, 2020;
3. The procedures and formalities otherwise required by law pertaining to the performance of work, the entering into of contracts, the incurring of obligations, the employment of permanent and temporary workers, the use of volunteer workers, the rental of equipment, the purchase and distribution of supplies, materials and facilities and the appropriation and expenditure of public funds are hereby waived;
4. For purposes of claims, the President of the Board may approve claims and submit the claims to the Auditor for payment, and all claims approved by the President in the exercise of this authority since March 23, 2020 are hereby approved and ratified;
5. The President of the Board of Commissioners and the President of the County Council may, in accordance with the emergency management program and emergency operations plan of the County, enter into a contract or lease with the State of Indiana, accept any loan or employ personnel, and the County may equip, maintain, use, and operate any property and employ necessary personnel in accordance with the purposes for which the contract is executed and do all things and perform acts that the Governor of Indiana considers necessary to effectuate the purpose of the contract; and
6. The Commissioners delegate to the President of the Board the authority to may make, amend and rescind orders, rules and regulations necessary for emergency management purposes and to supplement the carrying out the emergency management law that are not inconsistent with orders, rules or regulations adopted by the governor or by a state agency exercising a power delegated to it by the governor, the emergency management program and emergency operations plan of the County, and any such orders, rules and regulations have the full force and effect of law when filed in the office of the clerk of Montgomery County;
7. All emergency action taken by the President since March 23, 2020, including but not limited to the executive orders issued by the President, are hereby approved and ratified; and
8. Governing Boards of the Montgomery County government are authorized to conduct virtual meetings, consistent with the Governor's Executive Orders, in order to take action necessary to carry out their essential governmental functions.

Adopted the 7th day of April, 2020.

BOARD OF COMMISSIONERS,
MONTGOMERY COUNTY, INDIANA:



James D. Fulwider, President

Participated Remotely
John Frey, Vice President

Participated Remotely
Dan Guard, Member

ATTEST:

Jennifer Andel, Auditor