

MONTGOMERY COUNTY COMMISSIONERS

RESOLUTION NO. 2020-8

**A RESOLUTION DECLARING A PUBLIC HEALTH EMERGENCY AND
EXERCISING EMERGENCY POWERS**

WHEREAS, the novel Coronavirus Disease 2019 (COVID-19) is a severe respiratory illness that has rapidly spread to more than 60 countries in the world, including the United States; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a public health emergency of international concern; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M Azar II, declared a public health emergency for the United States; and

WHEREAS, on March 6, 2020, Indiana Governor Eric Holcomb issued Executive Order 20-02, declaring a public health emergency for the coronavirus disease; and

WHEREAS, in response to the outbreak, the Centers for Disease Control and Prevention (CDC) determined that COVID-19 presents a serious health threat and currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes, washing hands often, use of alcohol-based hand sanitizers and routinely cleaning frequently touched services and objects in order to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the Governor's Executive Order requires coordination across federal, state and local governments, first responders, private organizations and the entire healthcare structure in Indiana and activates the disaster response and recovery aspects of the state, local and interjurisdictional emergency plans of all counties in Indiana; and

WHEREAS, the Board of Commissioners of Montgomery County (the "Commissioners"), is the executive and legislative body of Montgomery County, Indiana (the "County"), and has the authority to declare and respond to public health emergencies and is doing so; and

WHEREAS, pursuant to Indiana Code §10-14-3, the Commissioners have the authority to declare a public health emergency and the effect of doing so is to activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans and authorizes the furnishing of aid and assistance under the plans; and

WHEREAS, pursuant to Indiana Code §10-14-3-17(j)(5), after the declaration of an emergency, the Commissioners may waive 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 ; and

WHEREAS, pursuant to Indiana Code §10-14-3-21(b), 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

WHEREAS, pursuant to Indiana Code §10-14-3-22, the Commissioners may make, amend and rescind orders, rules and regulations necessary to 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;

WHEREAS, Indiana Code §16-20-1-24 authorizes the local health officers to order schools and churches closed and forbid public gatherings when considered necessary to prevent and stop epidemics; and

WHEREAS, in consultation with the Montgomery County Health Officers, the Indiana State Department of Health, the Center for Disease Control and other Federal and State agencies, the County Board of Commissioners have determined that it is in the best interests of the public health, safety and welfare of the citizens of Montgomery County to declare a public health emergency, to cancel all Montgomery County government meetings until further notice, and to take other action consistent with the emergency powers granted under Indiana law.

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

1. The Commissioners hereby declare a local disaster emergency pursuant to Indiana Code §10-14-3-29;
2. The response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans are hereby activated and the furnishing of aid and assistance under the plans is authorized;
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;
 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 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. Local health officers are authorized to issue orders to forbid public gatherings when considered necessary to prevent or minimize the spreading of the COV-19;
 8. All Montgomery County government public meetings are cancelled until further notice, subject to the right of the Commissioners to allow public meetings which are necessary to the operation and function of the County government; and
 9. This Resolution shall automatically expire seven (7) days from the date adopted, but its effectiveness may be extended by act of the Commissioners.


Adopted the 16th day of March, 2020.

BOARD OF COMMISSIONERS,
MONTGOMERY COUNTY, INDIANA:

James D. Fulwider, President



John Frey, Vice President



Dan Guard, Member

ATTEST: 
Jennifer Andel, Auditor