

# **AVON TOWN COUNCIL**

## **RESOLUTION NO. 2020-20**

### **A RESOLUTION DECLARING PUBLIC HEALTH EMERGENCY**

WHEREAS, on March 16, 2020, Indiana Governor Eric Holcomb issued Executive Order 20-04, issuing further orders and directives related to the Coronavirus Disease 2019 Epidemic (COVID-19); and

WHEREAS, included in the orders and directives in the Executive Order were provisions which included orders that public meetings conducted pursuant to Indiana Code §5-14-1.5 (Open Door Law) should be limited to only essential matters critical to the operations of the governmental agency or entity for the duration of this public health emergency, suspension of all specific statutory deadlines during the public health emergency which require a governing body to meet insofar as the cancellations do not disrupt essential government decisions or services or when meetings would otherwise be required by federal law, suspension of the requirement of adopting a policy for electronic participation, authorization that governing bodies may meet with as few as one member physically present with other members participating electronically, authorizing governing bodies to post notices and agendas for meetings solely by electronic means, and authorizing local government agencies to comply with the provisions of Indiana Code §5-14-1.5-3.6 as modified in conducting public meetings for the duration of the public health emergency;

WHEREAS, on March 18, 2020, the Town Council adopted Resolution 2020-6, declaring a public health emergency due to the COVID-19 outbreak, extending the declaration to and until September 1, 2020, waiving certain procedures and formalities regarding performance of work, entering into contracts, incurring obligations, employing workers, renting of equipment, purchasing supplies and materials, and the appropriation and expenditure of public funds, authorizing the President of the Town Council to approve claims if the Council is unable to meet on a regular basis, and authorizing certain emergency powers; and

WHEREAS, also on March 18, 2020, the Town Council adopted Resolution 2020-7 which authorized remote participation in Town Council meetings, consistent with Governor Holcomb's Executive Order 20-4; and

WHEREAS, on March 23, 2020, Governor Holcomb issued Executive Order 20-9, and this Order suspended the requirement of the Open Door Law that required one member of the Council to be physically present during a meeting and authorized the Council to conduct virtual meetings, in which no member is physically present, if a quorum of the Council participates by remote or electronic means; and

WHEREAS, the Town Council did not conduct a public meeting from March 19, 2020 to and until April 23, 2020; and

WHEREAS, on April 23, 2020, the Town Council approved resolution 2020-10 which authorized remote meetings, as authorized by the Executive Orders of the Governor; and

WHEREAS, consistent with the easing of restrictions related to COVID-19, as contained in the Executive Orders of the Governor, the Town Council resumed conducting public meetings at which members are physically present in May 2020; and

WHEREAS, because of the level of positive cases of COVID-19 in Indiana, the Governor has modified his re-opening plan and slowed the pace of re-opening and entered executive orders to address the spread of COVID-19, including but not limited to requiring masks and face coverings in public buildings and businesses open to the public; and

WHEREAS, on August 27, 2020, the Town Council extended the public health emergency to and until November 1, 2020; and

WHEREAS, during the week of October 26, 2020, Hendricks County reported a substantial increase in the number of reported cases of COVID-19 and this increase is predicted to continue during the months of November and December; and

WHEREAS, this recent increase in COVID-19 cases is likely to lead to disruptions in the delivery of public services and adversely affect the ability of the Town Council to discharge its duties and obligations; and

WHEREAS, the Town Council finds that because of the current levels of COVID-19 in the Town of Avon and generally in Central Indiana a public health emergency exists and should be declared.

WHEREAS, pursuant to Indiana Code §10-14-3-17(j)(5), after the declaration of an emergency, the Town Council 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 §10-14-3-22, the Town Council 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 Hendricks County, and any such orders, rules and regulations have the full force and effect of law when filed in the office of the Clerk-Treasurer of Avon.


NOW, THEREFORE, BE IT RESOLVED BY THE AVON TOWN COUNCIL, as follows:

1. The Avon Town Council hereby declares a local disaster emergency pursuant to Indiana Code §10-14-3-29, and the Town Council orders that this declaration will be effective to and until December 31, 2020;
2. 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;
3. For purposes of claims, in the event that the Town Council is not able to conduct its regular meetings, the President of the Town Council may approve claims and submit the claims to the Clerk-Treasurer for payment;
4. During this emergency, the Town Council 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 Hendricks County, and any such orders, rules and regulations have the full force and effect of law when filed in the office of the Clerk-Treasurer of Avon;
5. This Resolution shall automatically expire on December 31, 2020, but its effectiveness may be extended by act of the Town Council.


IT IS FURTHER RESOLVED that the Town Clerk-Treasurer is directed to post this resolution on the Town Website for the public's information.

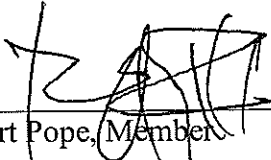
Adopted the 5th day of November, 2020.

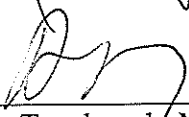
AVON TOWN COUNCIL:

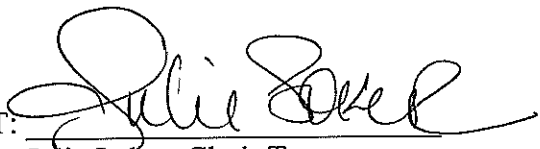
  
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Greg Zusan, President

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Dawn Lowden, Vice President

  
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Steve Eisenbarth, Member

  
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Robert Pope, Member

  
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Aaron Tevebaugh, Member

ATTEST:   
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Julie Loker, Clerk-Treasurer