

RESOLUTION 16-R-20

Synopsis: This Resolution, if adopted, will extend the effectiveness of Mayor Strick's Executive Order No. 4 concerning the local disaster emergency.

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF HUNTINGTON, INDIANA EXTENDING LOCAL DISASTER EMERGENCY

The Common Council ("Council") of the City of Huntington, Indiana ("City"), in meeting duly assembled and upon information deemed by it to be sufficient, finds as follows:

WHEREAS, the World Health Organization has declared COVID-19 a global pandemic; and

WHEREAS, the President of the United States and the Governor of the State of Indiana have declared the COVID-19 pandemic a Public Health Emergency ("Emergency"); and

WHEREAS, the Indiana State Department of Health ("ISDH") has confirmed both community transmission of, and deaths related to, COVID-19 in Indiana and Huntington County; presently, record numbers of COVID-19 cases are being reported; and

WHEREAS, Ind. Code §§ 36-8-2-4 and 5 authorize the City of Huntington, Indiana ("City") to regulate conduct that might endanger the public health, safety, and welfare and to impose restrictions upon persons that might cause other persons to contract diseases; and

WHEREAS, Ind. Code § 10-14-3-29 and § 72.51 of the Huntington, Indiana Code of Ordinances provide the Mayor with the authority to declare a "local disaster emergency" which activates response and recovery of all applicable local and interjurisdictional disaster emergency plans and authorizes the furnishing of aid and assistance under the plans; and

WHEREAS, "disaster" under Ind. Code § 10-14-3-1 includes the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act, including a public health emergency; and

WHEREAS, on April 6, 2020, the Board of Public Works and Safety ("Board") adopted BPWS Resolution 2020-3 which, among other things, authorized the Mayor of the City of Huntington, Indiana ("Mayor"), to take such actions as are appropriate, necessary, and proper to bring the City into compliance with all applicable federal, state, and local laws, rules, orders, and regulations related to the Emergency including reducing the spread of COVID-19; and

WHEREAS, on April 14, 2020, the Common Council of the City of Huntington, Indiana ("Council") adopted Ordinance 3-C-20 approving, ratifying, and confirming BPWS Resolution 2020-3 and empowering and directing the Board to draft, enact, revise, enact, and administer policies that comply with that BPWS Resolution 2020-3 and the State Board of Accounts Memorandum dated March 31, 2020; and

WHEREAS, in October 2020, the Huntington County Health Department ("HCHD") issued its list of recommendations/restrictions indicating that if COVID-19 cases continue to increase, more stringent restrictions will be implemented; and

WHEREAS, on November 13, 2020, Governor Holcomb issued Executive Order 20-48, rescinding the measures and restrictions set forth in Executive Order 20-46 (Stage 5 of the Indiana Back on Track Plan) and implementing a county by county assessment whereby each county is weekly assessed and then placed into a colored zone with corresponding measures and restrictions; and

WHEREAS, Executive Order 20-48 states that the four (4) levels of the color-coded monitoring system are as follows:

Blue Zone: Community spread is low and a county has a point score of 0.5 or below;

Yellow Zone: Community spread is moderate and a county has a point score of 1.0 or 1.5;

Orange Zone: Community spread is approaching high levels and a county has a point score of 2.0 or 2.5; and

Red Zone: Community spread is high and a county has a point score of 3.0 or higher; and

WHEREAS, on October 28, 2020 Huntington County was designated as Orange, meaning community spread is approaching high levels and ISDH has assigned the county a point score of 2.0 or 2.5; and

WHEREAS, Executive Order 20-48 also directs local health officials, health care providers, elected officials, school leadership and other key local leaders of counties designated as Orange to convene regularly to discuss actions that could be implemented to decrease the spread of COVID in their communities; and

WHEREAS, Executive Order 20-48 permits local municipalities to impose more restrictive guidelines than those set forth in any Executive Order issued by the Governor; and

WHEREAS, on November 20, 2020, Mayor Strick declared a "local disaster emergency" ("Executive Order No. 4") pursuant to the Emergency Management and Disaster Act, Ind. Code §10-14-3 *et seq.*, (the "Act"), which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, Executive Order 4, in accordance with Governor Holcomb's Executive Order 20-48, outlined restrictions to slow the spread of COVID-19; and

WHEREAS, in accordance with the Act, Executive Order No. 4 expires after seven (7) days, unless otherwise extended by consent of the Common Council of the City of Huntington, Indiana ("Council"); and

WHEREAS, Mayor Strick now respectfully requests the Council to extend the directives issued under Executive Order 4 for the duration of this public health disaster, as determined by the Governor's Executive Order, as amended.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Huntington, Indiana, meeting in regular session as follows:

Section 1. In accordance with the Act, the Council hereby extends all declarations issued under Executive Order No. 4 through the duration of this public health disaster,

as determined by the Governor's Executive Order, as amended. The Mayor may terminate any declaration within Executive Order No. 4 at his discretion.

Section 2. The Mayor may issue separate declarations in accordance with the Act.

Section 3. This resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

[Signature Block, Next Page]

RESOLUTION NO. 16-R-20

Passed on first and final reading this 24 day of November, 2020 by a vote of 6 in favor and 1 in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Charles Chapman

Charles Chapman
(President)

Joe Blomeke

Joe Blomeke

Dave Funk

Dave Funk

Seth Marshall

Seth Marshall

Paul Pike

Paul Pike

Jerry Meehan, Jr.

Jerry Meehan, Jr.

P. J. Felton

P. J. Felton

Voting in Opposition:

P. J. Felton

Attest:

Christi A. McElhaney

Christi A. McElhaney, Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 24 day of November, 2020.

Christi A. McElhaney

Christi A. McElhaney, Clerk-Treasurer

This Resolution having been adopted by the Common Council and presented to me is [APPROVED of VETOED], this 24 day of November, 2020.

Richard Strick

Richard Strick, Mayor

**EXECUTIVE ORDER NUMBER NO. 4
LOCAL COVID-19 EMERGENCY DECLARATION AND PLAN FOR THE
CITY OF HUNTINGTON, INDIANA**

WHEREAS, the World Health Organization has declared COVID-19 a global pandemic; and

WHEREAS, the President of the United States and the Governor of the State of Indiana have declared the COVID-19 pandemic a Public Health Emergency ("Emergency"); and

WHEREAS, the Indiana State Department of Health ("ISDH") has confirmed both community transmission of, and deaths related to, COVID-19 in Indiana and Huntington County; presently, record numbers of COVID-19 cases are being reported; and

WHEREAS, Ind. Code §§ 36-8-2-4 and 5 authorize the City of Huntington, Indiana ("City") to regulate conduct that might endanger the public health, safety, and welfare and to impose restrictions upon persons that might cause other persons to contract diseases; and

WHEREAS, Ind. Code § 10-14-3-29 and § 72.51 of the Huntington, Indiana Code of Ordinances provide the Mayor with the authority to declare a "local disaster emergency" which activates response and recovery of all applicable local and interjurisdictional disaster emergency plans and authorizes the furnishing of aid and assistance under the plans; and

WHEREAS, "disaster" under Ind. Code § 10-14-3-1 includes the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act, including a public health emergency; and

WHEREAS, on April 6, 2020, the Board of Public Works and Safety ("Board") adopted BPWS Resolution 2020-3 which, among other things, authorized the Mayor of the City of Huntington, Indiana ("Mayor"), to take such actions as are appropriate, necessary, and proper to bring the City into compliance with all applicable federal, state, and local laws, rules, orders, and regulations related to the Emergency including reducing the spread of COVID-19; and

WHEREAS, on April 14, 2020, the Common Council of the City of Huntington, Indiana ("Council") adopted Ordinance 3-C-20 approving, ratifying, and confirming BPWS Resolution 2020-3 and empowering and directing the Board to draft, enact, revise, enact, and administer policies that comply with that BPWS Resolution 2020-3 and the State Board of Accounts Memorandum dated March 31, 2020; and

WHEREAS, in October 2020, the Huntington County Health Department ("HCHD") issued its list of recommendations/restrictions indicating that if COVID-19 cases continue to increase, more stringent restrictions will be implemented; and

WHEREAS, on November 13, 2020, Governor Holcomb issued Executive Order 20-48, rescinding the measures and restrictions set forth in Executive Order 20-46 (Stage 5 of the Indiana Back on Track Plan) and implementing a county by county assessment whereby each county is weekly assessed and then placed into a colored zone with corresponding measures and restrictions; and

WHEREAS, Executive Order 20-48 states that the four (4) levels of the color-coded monitoring system are as follows:

Blue Zone: Community spread is low and a county has a point score of 0.5 or below;

Yellow Zone: Community spread is moderate and a county has a point score of 1.0 or 1.5;

Orange Zone: Community spread is approaching high levels and a county has a point score of 2.0 or 2.5; and

Red Zone: Community spread is high and a county has a point score of 3.0 or higher; and

WHEREAS, as of November __, 2020, Huntington County has been designated as Orange, meaning community spread is approaching high levels and ISDH has assigned the county a point score of 2.0 or 2.5; and

WHEREAS, Executive Order 20-48 also directs local health officials, health care providers, elected officials, school leadership and other key local leaders of counties designated as Orange to convene regularly to discuss actions that could be implemented to decrease the spread of COVID in their communities; and

WHEREAS, Executive Order 20-48 permits local municipalities to impose more restrictive guidelines than those set forth in any Executive Order issued by the Governor.

NOW, THEREFORE, I, Richard Strick, by virtue of the authority vested in me as Mayor of the City of Huntington, Indiana in accordance with the authority listed herein and all other applicable federal, state, and local laws, rules, orders, and regulations related to the Emergency do hereby order and declare:

1. Local Disaster Emergency: A local disaster emergency exists in the City of Huntington, Indiana, which is attributable to the COVID-19 disaster in accordance with Ind. Code § 10-14-3-19 and § 72.51 of the Huntington, Indiana Code of Ordinances.
2. Blue Zone: While Huntington County is designated as Blue, the following restrictions shall be effective and enforced within the City limits:

Restrictions	Blue Status					
	Restaurants	Bars	Gyms	Social Gatherings	Event Gatherings	Rec Sports
Capacity (Indoor)	100%	100%	100%	100% or 250, whichever is fewer	100% or 250, whichever is fewer	50% fans
Capacity (Outdoor)	100%	100%	100%	100% or 250, whichever is fewer	100% or 250, whichever is fewer	N/A
Bar Seating	50%	50%	N/A	N/A	N/A	N/A
Live Music/Karaoke	N	N	N/A	N/A	N/A	N/A
Masking or No Service	Y	Y	Y	Y	Y	Y
Distancing between Households	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
Daily Attendance Log (30-day)	N	N	N	N	N	N
Approved Health Plan	Y	Y	Y	Y	Y	Y

3. Yellow Zone: While Huntington County is designated as Yellow, the following restrictions shall be effective and enforced within the City limits:

	Yellow Status					
Restrictions	Restaurants	Bars	Gyms	Social Gatherings	Event Gatherings	Rec Sports
Capacity (Indoor)	75%	75%	75%	75% or 100, whichever is fewer	75% or 100, whichever is fewer	25% fans
Capacity (Outdoor)	100%	100%	100%	75% or 100, whichever is fewer	75% or 100, whichever is fewer	N/A
Bar Seating	25%	25%	N/A	N/A	N/A	N/A
Live Music/Karaoke	N	N	N/A	N/A	N/A	N/A
Masking or No Service	Y	Y	Y	Y	Y	Y
Distancing between Households	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
Daily Attendance Log (30-day)	N	N	N	N	N	N
Approved Health Plan	Y	Y	Y	Y	Y	Y

4. Orange Zone: While Huntington County is designated as Orange, the following restrictions shall be effective and enforced within the City limits:

	Orange Status					
Restrictions	Restaurants	Bars	Gyms	Social Gatherings	Event Gatherings	Rec Sports
Capacity (Indoor)	50%	50%	50%	50% or 50, whichever is fewer	50% or 50, whichever is fewer	2 fans per participant
Capacity (Outdoor)	100%	100%	100%	50% or 50, whichever is fewer	50% or 50, whichever is fewer	N/A
Bar Seating	25%	25%	N/A	N/A	N/A	N/A
Live Music/Karaoke	N	N	N/A	N/A	N/A	N/A
Masking or No Service	Y	Y	Y	Y	Y	Y
Distancing between Households	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
Daily Attendance Log (30-day)	N	N	N	N	N	N
Approved Health Plan	Y	Y	Y	Y	Y	Y

5. Red Zone: While Huntington County is designated as Red, the following restrictions shall be effective and enforced within the City limits:

Restrictions	Red Status					
	Restaurants	Bars	Gyms	Social Gatherings	Event Gatherings	Rec Sports
Capacity (Indoor)	25%	25%	25%	25% or 25, whichever is fewer	25% or 25, whichever is fewer	cancel
Capacity (Outdoor)	50%	50%	50%	25% or 25, whichever is fewer	25% or 25, whichever is fewer	cancel
Bar Seating	N	N	N/A	N/A	N/A	N/A
Live Music/Karaoke	N	N	N/A	N/A	N/A	N/A
Masking or No Service	Y	Y	Y	Y	Y	N/A
Distancing between Households	6 ft	6 ft	6 ft	6 ft	6 ft	N/A
Daily Attendance Log (30-day)	Y	Y	Y	Y	Y	N/A
Approved Health Plan	Y	Y	Y	Y	Y	N/A

6. Enforcement: The City of Huntington Police Department (“HPD”) may take all lawful administrative and enforcement actions against businesses and entities failing to comply with restrictions and other public health requirements for businesses as set out in this Order.
7. Penalties: Violators shall be assessed penalties as follows:
- For Individuals:
 - First Violation: Written Warning/Education Materials
 - Second Violation: \$25 citation
 - Third Violation: \$75 citation
 - Fourth Violation: \$125 citation
 - Fifth Violation: \$175 citation
 - Sixth Violation: \$225 citation
 - For Businesses/Entities/Nonprofits:
 - First Violation: Written Warning/Education Materials
 - Second Violation: \$25 citation per customer/staff violation
 - Third Violation: \$75 citation per customer/staff violation
 - Fourth Violation: 2-day closure
 - Fifth Violation: 5-day closure
 - Sixth Violation: Closure until the City is designated as Blue


Monetary fines collected shall be deposited in the COVID-19 Relief Fund being administered by the Huntington County Foundation.

8. Duration: This Declaration will be in effect until a further declaration is issued or as determined by me as the Mayor of the City of Huntington. However, this Declaration will not continue for more than seven (7) days from its effective date absent the consent of the Council.
9. Filing: This order will be filed with the City Clerk-Treasurer pursuant to Ind. Code § 10-14-3-29(a) and § 72.51 of the Huntington, Indiana Code of Ordinances.

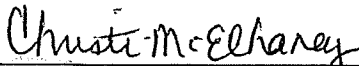
10. Saving Clause: If any provision of this Executive Order, or its application to any person or circumstances, is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are hereby declared to be severable.

This Order shall be effective immediately.

Dated: November 24th, 2020.

By  As Mayor
(Richard L. Strick) City of Huntington, Indiana

Attest:

By  As Clerk-Treasurer
(Christi A. McElhaney) City of Huntington, Indiana

(SEAL)