

COUNTY OF LAGRANGE
ORDINANCE NO. _____

**ORDINANCE DECLARING EMERGENCY IN LAGRANGE COUNTY,
INDIANA CONCERNING THE SPREAD OF CORONAVIRUS AND
IMPLEMENTING CERTAIN CONTAINMENT COUNTERMEASURES**

WHEREAS, the Governor of Indiana has declared a public health emergency regarding the Coronavirus Disease 2019 (“COVID-19”);

WHEREAS, COVID-19 has spread to nearby counties in Indiana, is easily transmitted, can be fatal, and has serious potential to overwhelm the public health care sector in the County if not adequately planned against;

WHEREAS, pursuant to LaGrange County Ordinance 2011-5-16B and Indiana Code Section 10-14-3-29, the President of the Board of Commissioners of the County of LaGrange (“Commissioners”), on behalf of LaGrange County, Indiana (“County”), issued Proclamation 2020-03-18 declaring a state of emergency for the County;

WHEREAS, pursuant to IC § 10-14-3-29, the Commissioners desire to continue the declaration until its next regularly scheduled public meeting;

WHEREAS, the Center for Disease Control and Prevention (“CDC”) advocates that communities implement social distancing measures;

WHEREAS, limiting public access to government buildings can mitigate the exposure to COVID-19;

WHEREAS, pursuant to the Governor’s Executive Order 20-04 (“Order”), the County may suspend the requirement to adopt a policy for electronic participation of public meetings and reduce the number of members required to be physically present to one member;

WHEREAS, pursuant to the Order, the County should try to adhere to CDC guidance on public gatherings; *and*

WHEREAS, pursuant to IC § 10-14-3-17(j)(5), the County may waive procedures required by law pertaining to the appropriation and expenditure of public funds.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I – CONTINUATION OF EMERGENCY

The Board of Commissioners of the County of LaGrange hereby continue the state of emergency declared for LaGrange County, Indiana until 10:00 a.m. on Monday, April 6, 2020.

SECTION II – EMERGENCY MANAGEMENT

The LaGrange County Emergency Management Director (“Director”) is hereby authorized and directed, within the scope of applicable law, to:

- A. reasonably implement, and train County department heads on their duties to implement, the County’s Comprehensive Emergency Management Plan;
- B. file this ordinance with the County Auditor and the Clerk of Courts;
- C. give this ordinance prompt and general publicity including, but not limited to, to all incorporated towns, law enforcement agencies, fire departments, hospitals, and news media in the County via press release;
- D. inform the public by all appropriate means of measures to mitigate against the spread of COVID-19;
- E. facilitate and coordinate disaster mitigation from other jurisdictions with other County agencies and disaster relief, as may become available;
- F. take prudent action to lessen the likelihood of injury to persons in the County; *and*
- G. prepare, to the extent feasible, a summative report of actions taken, liabilities incurred, expenses owed as a result of this section and a report on the scope of the threat and damage.

SECTION III – PUBLIC MEETING ISSUES

- A. The requirement to adopt a policy for electronic participation of public meetings is hereby suspended for meetings of the Commissioners.
- B. The maximum number of Commissioners required to be physically present at a meeting of the Commissioners is one member.
- C. To the extent that the Commissioners have jurisdiction over the governing body of another public agency, such agency may allow for electronic participation of public meetings without a policy regarding the subject and may meet electronically as long as one member of such body is present at its principal meeting place.
- D. Public meetings of the Commissioners and of other public agencies over which the Commissioners have jurisdiction are limited to 10 people on a first-come, first-serve basis, such count excluding essential personnel and participants, board attorneys, elected officials, and the credentialed press.

SECTION IV – LIMITED PUBLIC ACCESS

- A. Effective Tuesday, March 24, 2020, all the offices located in the County Annex Building, the County Justice Center Building, the County Courthouse, the Sheriff’s Office, the Health Department, the County Highway Department, and the County Park Department are closed to the public with the following exceptions:

1. Department attorneys, the County engineer, state officials, emergency response agencies, and vendors having contractual business with the County may meet with County personnel on an as-needed basis, including the delivery of supplies.
 2. The main entrance to the County Annex Building, the Commissioner's room during public meetings, and the Auditor's office shall remain open for document drop-off and other limited interaction.
 3. The Prosecutor may establish protocols for public access to the County Justice Center Building such that there is no more than a single contact point for the entire building.
 4. To the extent that the judges of the County courts establish protocols for public access to the Courthouse, such protocols shall control over this ordinance.
 5. To the extent that the Sheriff, Health Officer, and Park Superintendent establish protocols for public access to the Sheriff's Office, Health Department, and Park Department offices, respectively, such protocols shall control over this ordinance.
- B. The Maintenance Technician shall implement appropriate signs and barricades and otherwise take all necessary action to implement this section.
- C. The Auditor's Office may procure and have installed an appropriate transparent barrier at its customer counter to mitigate against the spread of COVID-19 and to simultaneously allow for the easy exchange of documents, payments, and other items.
- D. The Auditor's Office shall coordinate the delivery of items brought in by the public for other County departments and may coordinate limited phone contact with other departments as well to facilitate public inquiries.
- E. The public is encouraged to interact with County personnel from home on an as-needed basis by telephone, fax, and/or email. When document or payment submission is required, the public is advised that they risk multiple visits if they do not avail themselves of electronic communication opportunities beforehand to ascertain needed deliverables.

SECTION V – WAIVING PROCEDURES

- A. With respect to activities and acquisitions that are routine in nature and/or sought in conjunction with the ongoing fight against the spread of COVID-19, the Auditor is hereby authorized to waive procedures and formalities otherwise required by law pertaining to activities listed in IC § 10-14-3-17(j)(5), including, but not limited to, approving prepayment, waiving invoice requirements, purchasing or renting equipment, signing contracts, and waiving fees.
- B. Notwithstanding anything in this section to the contrary, the Auditor has no authority to spend any funds outside any budgetary limits without the consent of the County Council.

- C. Any waivers authorized by the Auditor pursuant to this section shall be authorized in a reasonable and equitable manner among similarly situated persons.
- D. The Commissioners shall review, and ratify as prudent, action taken under this section after the state of emergency ends.

SECTION VI – EXCLUSIONS

- A. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits COVID-19 symptoms of fever or difficulty in breathing.
- B. The presiding officer at a public meeting, a law enforcement officer, or a department head for his or her respective building may exclude from the meeting or building any person who exhibits the COVID-19 symptom of sustained coughing unless that person independently acquires and wears a surgical mask.
- C. In order to enforce this section, a law enforcement officer, or a department head for his or her respective building may require a person to subject to a forehead temperature reading.

SECTION VII – DISCLAIMER

Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County, its agencies, its officers or employees, or any person; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable statutes, rules, or regulations providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

SECTION VIII – MISCELLANEOUS

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”

- 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Dates. This ordinance shall be effective immediately upon adoption and expires on April 6, 2020 at 10:00 a.m.

SECTION IX – ADOPTION

Ayes: _____

Nays: _____

Abstentions: _____

Adopted and ordained this 23rd day of March 2020.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAGRANGE**

Larry N. Miller, President

Terry A. Martin, Vice President

Dennis H. Kratz, Member

ATTEST:

Kathryn Hopper, Auditor

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived and the ordinance was deemed effective upon final adoption hereof.

**THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LAGRANGE**

Larry N. Miller, President

Terry A. Martin, Vice President

Dennis H. Kratz, Member

ATTEST:

Kathryn Hopper, Auditor

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