



**CONSOLIDATED CITY OF INDIANAPOLIS
COUNTY OF MARION
STATE OF INDIANA**

EXECUTIVE ORDER NO. 3, 2020

WHEREAS, under Indiana Code § 36-3-3-2, the mayor of a consolidated city serves as the executive of both the consolidated city and the county;

WHEREAS, a Centers for Disease Control risk assessment indicates that the novel Coronavirus Disease, known as "COVID-19," is a serious public-health threat and that "sustained person-to-person spread will continue to occur, including throughout communities in the United States";

WHEREAS, the Centers for Disease Control reports that COVID-19 may cause severe illness, including illness resulting in death, particularly among the elderly and those with severe underlying health conditions like heart disease, lung disease, and diabetes;

WHEREAS, the spread of COVID-19 throughout the United States and Indiana poses a severe and imminent threat to public health and requires aggressive response measures to slow the spread of the disease and mitigate its impact;

WHEREAS, guidance from the Centers for Disease Control, the World Health Organization, and other federal and international public-health authorities indicates that the prevention of public gatherings and other social-distancing measures are effective countermeasures to prevent continued exponential spread of COVID-19 and to mitigate the risk that COVID-19 will overwhelm the capacity of our health-care systems;

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020 and declared COVID-19 a pandemic on March 11, 2020;

WHEREAS, the United States Secretary of the Department of Health and Human Services declared COVID-19 a public-health emergency for the United States on January 31, 2020;

WHEREAS, the State of Indiana confirmed the first known case of COVID-19 in Marion County on March 6, 2020;

WHEREAS, Indiana's governor declared the COVID-19 outbreak a statewide disaster emergency on March 6, 2020;

WHEREAS, the Marion County Public Health Department—based on guidance from the State of Indiana and a request from the Mayor's Office—initially banned all non-essential public gatherings of more than 250 people and ordered the temporary closure of Marion County schools;

WHEREAS, on March 15, 2020, the Centers for Disease Control issued guidance recommending that no gatherings of more than 50 people take place for at least eight weeks;

WHEREAS, on March 16, 2020, the State of Indiana issued an order requiring bars, restaurants, and nightclubs to close to in-person patrons;

WHEREAS, on March 16, 2020, the Marion County Public Health Department issued an order prohibiting public gatherings of more than 50 people and requiring the temporary closure to the public of all entertainment venues, gyms, and fitness centers in Marion County.

WHEREAS, Indiana Code § 10-14-3-29 grants the Mayor authority to declare a local disaster emergency;

WHEREAS, Indiana Code § 10-14-3-29.5 grants the Mayor authority to issue a local travel advisory upon the declaration of a local disaster emergency;

WHEREAS, a local travel advisory falls into one of three levels:

- (1) Advisory: This lowest level of local travel advisory means that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.
- (2) Watch: A watch local travel advisory means conditions are threatening to the safety of the public. During a watch local travel advisory, only essential travel, such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations.
- (3) Warning: This highest level of local travel advisory means that travel may be restricted to emergency management workers only. During a "warning" local travel advisory, individuals are directed to:

- (A) refrain from all travel;
- (B) comply with necessary emergency measures;
- (C) cooperate with public officials and disaster-services forces in executing emergency operations plans; and
- (D) obey and comply with the lawful directions of properly identified officers.

WHEREAS, on March 16, 2020, I issued Executive Order No. 1, 2020 declaring a local disaster emergency and ordering a watch-level travel advisory;

WHEREAS, on March 16, 2020, the City-County Council passed Proposal 122, a general resolution consenting to the extension of that local disaster emergency until April 5, 2020;

WHEREAS, on March 23, 2020, the State of Indiana issued a statewide stay-at-home order;

WHEREAS, on March 23, 2020, the Marion County Public Health Department issued its own stay-at-home order for Marion County;

WHEREAS, on March 23, 2020, I issued Executive Order No. 2, 2020 elevating Marion County's travel emergency to the warning level and restricting travel within the County;

WHEREAS, Indiana Code § 10-14-3-29 provides that a declaration of a local disaster emergency activates the response-and-recovery portions of all local or interjurisdictional disaster emergency plans;

WHEREAS, the pandemic response portion of Marion County's Comprehensive Emergency Management Plan provides that, in the event of a novel virus pandemic:

- (1) Social-distancing strategies aimed at reducing the spread of infection such as closing schools, community centers, and other public gathering points and canceling public events may be implemented.
- (2) Social-distancing measures such as limiting public gatherings and closing schools, colleges, universities, large child-care centers, libraries, houses of worship, stadiums, and recreational facilities are intended to decrease opportunities for close contact among persons in the community, thereby decreasing the potential for novel-virus transmission among people and possibly slowing the spread of a pandemic. Decision-makers must consider the scope of their legal authorities, social and economic impacts,

anticipated effectiveness, and current epidemiology of the pandemic prior to implementing these measures.

- (3) The Director of the Marion County Public Health Department, the Commissioner of the Indiana State Department of Health, the Chief of Police for the Indianapolis Metropolitan Police Department, and local and state law enforcement will coordinate activities to support social distancing measures, including: (1) the management of proclamations and/or declarations required for social-distancing measures; (2) coordination of law-enforcement support for the implementation of social-distancing measures; and, (3) issuance of Emergency Alert System broadcasts regarding status of social-distancing measures.

WHEREAS, Indianapolis Revised Code § 201-5 grants the Mayor, upon declaration of a local disaster emergency, authority to take such actions as are appropriate to assure the public well-being, safety of public and private property, and the environment including, but not limited to, the imposition of travel bans on streets and highways; the imposition of curfews; the alteration of normal business working hours; and other steps necessary to effect emergency response and recovery; and

WHEREAS, Indiana Code § 10-14-3-1 provides that an epidemic or other public-health emergency may constitute a disaster supporting the declaration of a disaster emergency;

WHEREAS, concurrently with this Order, the Marion County Public Health Department is extending its stay-at-home order for Marion County until May 1, 2020 and ordering the closure of all golf courses in Marion County;

WHEREAS, Indiana Code § 10-14-3-29 provides that I may renew a local disaster emergency for seven days but may not renew such an emergency beyond seven days without the consent of the City-County Council;

WHEREAS, the existing local disaster emergency will expire at 12:00 a.m. on April 6, 2020 unless renewed;

THEREFORE, under the authority vested in me as Mayor of the Consolidated City of Indianapolis and Marion County and Chief Executive of Marion County by state law and local ordinance, **IT IS HEREBY ORDERED THAT:**

1. **The local disaster emergency in the City of Indianapolis and in Marion County shall be renewed effective at 12:00 a.m. on April 6, 2020.** This emergency is attributable to the COVID-19 pandemic and was declared on March 16, 2020 in Executive Order No. 1. On March 16, 2020, that disaster declaration was extended by resolution of the City-County Council through April 5, 2020.

2. I have asked the City-County Council to consent to an extension of this renewal through May 1, 2020 and understand that the Council intends to schedule a meeting for April 6, 2020 to consider that request. This declaration shall continue through May 1, 2020 unless the Council declines to consent to that extension. Should the Council decline to consent, this declaration will expire at 12:00 a.m. on April 13, 2020 but will be subject to subsequent seven-day renewals under Indiana Code § 10-14-3-29.

3. I hereby order that Marion County's **warning-level local travel emergency shall continue in effect through May 1, 2020**, subject to City-County Council consent to the extended disaster renewal, or additional seven-day renewals, as described in Section 2, above. Consistent with Indiana Code § 10-14-3-29.5, individuals shall refrain from all travel in Marion County except travel falling into one of four categories:
 - a. Necessary travel relating to (i) buying groceries, food, and beverages; (ii) buying medicine or other items necessary to maintain health while remaining at home; (iii) buying products necessary to maintain the safety, sanitation, and essential operations of the home, including essential automobile supplies; (iv) health-care purposes, including visiting a doctor's office, hospital, health clinic, dentist, mental-health provider or therapist, or other health-care professional; (v) buying materials necessary for working at home; (vi) volunteering at a food bank, food pantry, homeless shelter, or other organization serving vulnerable members of the community, including an animal shelter; (vii) giving blood; (viii) visiting, caring for, or providing food or other essentials to a family member, vulnerable or at-risk person, or pet; (ix) travel required by law enforcement or court order; (x) receiving materials for distance learning, meals, or other essential items from a school or other place of learning.

 - b. Travel for outdoor activities like going for a walk or visiting a park—**provided that those activities observe Centers for Disease Control guidance on appropriate social distancing (maintaining six feet of separation from others)**. So long as this order remains in effect, city playgrounds, indoor parks facilities, and city golf courses will remain closed unless they are being utilized to provide food or other city-directed relief services.

 - c. Travel necessary to support essential businesses and operations, as defined in the Governor's March 23, 2020 Executive Order No. 20-08.

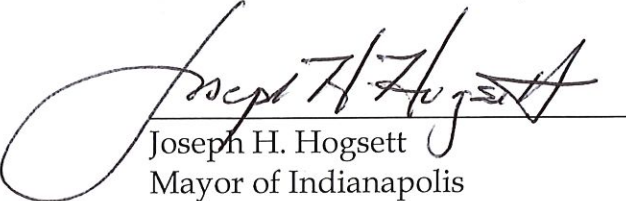
 - d. Travel for an employee who performs minimum basic operations for a closed business, where minimum basic operations are defined as either:

(i) the minimum necessary activities to maintain the value of the business's inventory, preserve the condition of its physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions; or (ii) the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

4. Violations of this travel-emergency order are punishable under Indiana Code §§ 10-14-3-24 and 10-14-3-29.5(a)(3)(D), and 10-14-3-34.
5. Anyone engaging in travel permitted under this order should observe Centers for Disease Control guidance on appropriate social distancing (maintaining six feet of separation from others) and observe responsible practices to help limit the spread of disease (frequent hand washing for at least 20 seconds, covering all coughs and sneezes, and disinfecting frequently used surfaces).
6. Any employer in Indianapolis and Marion County falling into within the essential businesses and operations definition under the Governor's Executive Order No. 20-08 are strongly encouraged to allow for teleworking arrangements to the maximum extent possible to minimize the amount of necessary work travel. Likewise, those businesses must comply with any social-distancing requirements imposed by the Marion County Public Health Department.
7. All individuals in high-risk populations – including the elderly and those with chronic medical conditions like heart disease, diabetes, or lung disease – are strongly encouraged to avoid all public gatherings and to minimize all travel to the maximum extent possible.
8. This order does not apply to homeless residents of Marion County. Homeless residents should take all social-distancing measures possible to protect their health and safety.
9. I have considered the scope of my authority under state law and Indianapolis Revised Code § 201-5, social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.
10. This order will be filed with the Marion County Clerk and the Clerk of the Indianapolis City-County Council in conformity with Indiana Code § 10-14-3-29(a).

Date: April 1, 2020

CONSOLIDATED CITY OF INDIANAPOLIS
AND MARION COUNTY, INDIANA



Joseph H. Hogsett
Mayor of Indianapolis
Chief Executive of Marion County

Approved as to form and legality:



Donald E. Morgan
Corporation Counsel