

ORDINANCE NO. 2020-03

AN EMERGENCY ORDINANCE OF THE
JENNINGS COUNTY BOARD OF COMMISSIONERS

Whereas, Jennings County, Indiana along with many other Indiana counties and all 50 states, have experienced confirmed cases of the Coronavirus (COVID-19) and;

Whereas, COVID-19 is a respiratory disease that can result in serious illness and death and is easily transmitted from person to person, and;

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

Whereas, on March 6, 2020 Governor Eric J. Holcomb issued his Declaration of Public Health Emergency for the State of Indiana for COVID-19 as Executive Order 20-02 and further Executive Orders 20-03 to 20-15;

Whereas, the Board of Commissioners of Jennings County, pursuant to IC 36-8-2 et seq., has the authority to regulate conduct that might endanger public health, safety or welfare and to impose restrictions to prevent the transmission of diseases;

Whereas, due to the potential severity of COVID-19 and the need to take urgent action, the following is effective as of April 6, 2020 at 8:00 am.

NOW, THEREFORE, The Board of Commissioners of Jennings County, do hereby:

1. Declare that a public health emergency exists in Jennings County due to COVID-19.
2. Order that Jennings County is placed on "ORANGE" travel alert, permitting only essential travel, such as to and from work, travel related to medical care, travel for food, groceries, medication, essential household goods, and hygiene products, and other essential services.
3. For a period of two (2) weeks, only critical essential businesses shall remain open. All other, non-essential, businesses shall remain closed, **including all Jennings County government offices not specifically listed below as "essential."**
4. Critical essential businesses to remain open, include, but are not limited to:
 - a. Essential Jennings County government offices, including the following:
 - i. Jennings County Sheriff's Department
 - ii. Jennings County 911
 - iii. Jennings County EMS
 - iv. Jennings County Highway Department
 - However, Jennings County Highway Department employees will not report to work at Highway Garage. Jennings County Highway Department employees will be dispatched from the Jennings County Highway Superintendent if services are required of employees. All Jennings County Highway Employees shall remain available to work during their normal work hours.
 - v. Jennings County Courts allowing only for operations as ordered by the Indiana Supreme Court in its March 19, 2020 Order on Jennings' County AR 17 Petition. See Order attached.
 - b. Grocery stores;
 - c. Funeral homes;
 - d. All health care service providers, including doctor offices, hospitals, pharmacies, and therapy establishments;
 - e. Banks, lending institutions and all other related businesses;
 - f. Gas Stations and auto repair businesses;

- g. Convenience stores;
- h. "Dollar" stores;
- i. Day Care facilities;
- j. Restaurants and bars-carry-out, delivery and drive-up only;
- k. Utility and Trash Services;
- l. Airport;
- m. Postal services/Fed Ex and UPS;
- n. Veterinarian clinics;
- o. Home Improvement/hardware;
- p. Hotels/motels;
- q. Laundromats;
- r. Public and Private transportation;
- s. Agricultural operations; pet stores;
- t. Legal services;
- u. Social Service agencies

5. There should be no public gatherings of more than ten (10) people and all Jennings County residents are to attempt at all possible times to maintain a social distance of six (6) feet or more from others. The 10-person restriction does not apply to work places so long as the social distancing guidelines are followed and internal safeguards are put into place with regard to cleaning, i.e. disinfecting and sanitizing, and social distancing.

6. This is an ongoing and evolving public health crisis. Refusal to comply may result in suspension of permits as well as fines by Order of the Jennings County Health Department and the Jennings County Health Officer under IC 16-20-1-19 and IC 16-20-1-21.

7. The Board of Commissioners acknowledge the hardship and sacrifice that is being imposed on the businesses and citizens of Jennings County by these closures. These restrictions will be revisited as the COVID-19 circumstances change, and are subject to revision as deemed appropriate for the health and well-being of Jennings County citizens.

READ AND ADOPTED THIS 2nd DAY OF APRIL, 2020.

JENNINGS COUNTY BOARD OF COMMISSIONERS:

Matt Sportleder
Matt Sportleder, President

Bob Wilhite
Bob Wilhite, Commissioner

Dave Lane
Dave Lane, Commissioner

ATTEST:

Tessisa Salsman
Tessisa Salsman, Auditor

Supporting Statement of Commissioner Matt Sporleder:

I want to thank the Jennings County Health Department and other community leaders for their incredible cooperation and working together during these unprecedented times. The commissioners fully understand the burden that this has placed on many citizens in our community. The risk of doing nothing is too great. Therefore, we are erring on the side of protecting the health and well-being of all of our citizens. We ask that all citizens do their part to help us get on the other side of this pandemic. I have witnessed our community rise to the challenge in the face of adversity on many occasions and I believe this time will be no different. Please take time to look after those in need, check on your neighbors and be kind to everyone you encounter.

Supporting Statement of Jennings County Public Health Officer Dr. Gregory Heumann:

Due to the evolving situation with the COVID-19 pandemic, the Jennings County Health Department is convinced it is absolutely necessary to take more extensive measures to control this outbreak. A major part of this decision is about not only protecting our citizens but also about limiting the burden on the local healthcare system so that it is not overwhelmed and can continue to serve our entire community. We appreciate everyone's cooperation and sacrifice to keep Jennings County safe.

Supporting Statement of City of North Vernon Mayor Mike Ochs:

Due to the heightened situation regarding the COVID-19 outbreak, and the potential severity of the health risk to our citizens, The City of North Vernon joins the Jennings County Board of Commissioners in advocating for strong and necessary precautions. We believe these precautions are most appropriate for the protection of our citizens and for the purpose of aggressively mitigating the spread of this deadly virus. We pledge to continue our cooperative effort against this pandemic with not only Jennings County but with the State and Federal governments as well, and to keep a unified front against this outbreak. We continue to urge all residents to join us and to adhere to these restrictions to help keep North Vernon and Jennings County as safe and healthy as possible.

Supporting Statement of Town of Vernon Mayor Dan Wright:

Due to the heightened situation regarding the COVID-19 outbreak, and the potential severity of the health risk to our citizens, The Town of Vernon joins the Jennings County Board of Commissioners in advocating for strong and necessary precautions. We believe these precautions are most appropriate for the protection of our citizens and for the purpose of aggressively mitigating the spread of this deadly virus. We pledge to continue our cooperative effort against this pandemic with not only Jennings County but with the State and Federal governments as well, and to keep a unified front against this outbreak. We continue to urge all residents to join us and to adhere to these restrictions to help keep Vernon and Jennings County as safe and healthy as possible.

In the
Indiana Supreme Court



In the Matter of the Petition of the Courts
of Scott County for Administrative Rule 17
Emergency Relief.

Supreme Court Case No.
20S-CB-126

Trial Court Case No.
72C01-2003-CB-8

Order

The Scott Circuit and Superior Courts (“courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states the World Health Organization has determined the 2019 novel coronavirus (COVID-19, “the virus”) outbreak to be a worldwide pandemic; the Governor of Indiana has declared a public health emergency because of the virus; the President of the United States of America has declared the virus a pandemic and a National Emergency; all school districts in Scott County have suspended in-person learning and extra-curricular activities until at least April 6, 2020; the Center for Disease Control has advised that “social distancing” is an effective strategy for the prevention of the further spread of the virus; the Scott County Health Department reports that due to the high concentration of HIV-positive individuals in the Scott County Jail being kept in close quarters, a COVID-19 outbreak involving the jail would be catastrophic and would strain not only the jail operations but the available medical and hospital facilities of the county. Further, the petition asks the Supreme Court to declare that an emergency exists in Scott County and to make appropriate emergency orders for Scott County directing and allowing the courts and clerk of Scott County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted, so as to appropriately address this emergency. The Hon. Jason M. Mount has been appointed as the presiding Judge for this emergency.

The Court finds that good cause exists for granting emergency relief. And it appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Scott County, and APPROVES the plan in large part as set out below. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 16, 2020**.

1. The Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil


and criminal matters before the courts. Further, no interest shall be due or charged during this tolled period.

2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested, through May 4, 2020. The courts are directed to review **no later than April 16, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, this Court authorizes the courts to continue all hearings that they, in their discretion, deem non-essential. They have discretion in juvenile detention, CHINS, and parental termination matters to hear only detention hearings and other hearings they deem essential and/or of an emergency nature, and in Protective Order cases to hear only domestic violence related cases and other hearings the courts deem essential and/or of an emergency nature.
4. **Through May 4, 2020**, the courts are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
5. **Through May 4, 2020**, the courts may (1) use teleconference or video conference to conduct hearings that involve agreed issues; (2) allow parties to appear remotely, unless a litigant’s due process rights would be violated; (3) allow attorneys to appear remotely for all civil status conferences, pretrial conferences, and/or non-evidentiary hearings by filing a “Notice of Remote Appearance” at least 24 hours prior to the scheduled hearing; (4) allow attorney-only conferences whenever possible without the requirement of a motion; and (5) suspend issuing civil body attachments and Title IV-D attachments.
6. **Through May 4, 2020**, the courts are authorized, in their discretion, to hold pre-trial conferences by counsel only; allow pre-trial conferences to be held between the Prosecutor and Defense counsel directly, which may be held electronically or by teleconference, and report to the court in writing on or before the date the conference is scheduled the result of the conference and the parties’ intent with any pending trial date; have defendants appear via video conference from jail for any hearings except contested sentencing hearings and jury trials, consistent with the defendant’s Constitutional rights; and continue trials for non-incarcerated individuals.
7. **Through May 4, 2020**, the courts may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19; to constitute “good cause” to either appear remotely or continue a

court setting, to the extent possible without violating statutory or Constitutional rights.

8. The courts are authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the courts shall maintain sufficient operations to process emergency matters.
9. The courts shall file a status update **no later than April 20, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/18/2020.



Loretta H. Rush
Chief Justice of Indiana