



ORDINANCE # \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF PENDLETON,  
MADISON COUNTY, INDIANA,  
AMENDING AND SUPPLEMENTING  
EMERGENCY ORDER IN RESPONSE TO COVID-19**

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**RECITALS:**

The President of the United States, the Governor of Indiana, the Council President of the Town of Pendleton and this Town Council have declared a state of emergency in the Town of Pendleton related to the Covid-19, Coronavirus (Coronavirus) Pandemic (Pandemic);

In order to slow the spread of the Coronavirus and respond to the global, national, and local pandemic, this Council has passed a Resolution Amending and Extending Emergency Order; and

In order to slow the spread of the virus and respond to the Pandemic, the Governor of the State of Indiana has issued a series of Executive Orders, some of which conflict with or enhance earlier orders and some of which conflict with this Councils' Resolution; and

There, the Council finds it in the best interest of the Town of Pendleton to amend, supplement, and clarify the Town Council President's March 17<sup>th</sup>, 2020 Declaration of Emergency in order to promote the safety, welfare, and well-being of the citizens of the Town of Pendleton

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Pendleton Town Council, as follows:

1. **Incorporation of local, state, and federal law:** Any and all local resolutions, orders, or ordinances and any and all federal or state orders related to the Pandemic shall be followed to the extent they are applicable to the Town of Pendleton, its officers, employees, and residents. In the event that any laws, orders, resolutions, or ordinances conflict, preemption and choice of law shall prevail.
2. **Stay at Home Order:** All residents of the Town of Pendleton are required to "stay at home" as specifically declared by Indiana Governor's Executive Order 20-08 or subsequent Order. All terms and provisions of Executive Order 20-08 and any other Orders related to the Pandemic are incorporated as though fully set forth herein;

3. **Public Meetings:** All non-essential public meetings are cancelled until the lifting of the public health emergency; any essential public meeting shall be held electronically. No member of any board, commission, or council need be physically present at the public meeting; however, members of the public may be allowed to attend with no more than 50 people present at any meeting. All attendees shall make an effort to stay more than 6 feet apart and be in good health. Further, members of the press or media shall be given preference in attending such meetings.
4. **Access to public facilities:** All municipal buildings shall be closed to the public and open only to essential employees or medical relief workers. All public parks shall remain open; however, any and all playgrounds, skate parks, basketball courts, tennis courts, or other shared activity spaces shall be closed to public access. The Town Council is hereby authorized and directed to make provisions for the closing of such shared activity spaces.
5. **Notices:** For special meetings or essential meetings, notice shall be given at least 48 hours in advance and be delivered electronically to local news media as requested. Notice shall also be posted on the Town of Pendleton Facebook page. No physical notice shall be posted.
6. **Agendas:** No paper agendas will be available. If any agenda is prepared for a meeting, it shall be available electronically to the members of the applicable governing body and shall be posted on the Town of Pendleton Facebook page for community review.
7. **Records requests:** Until April 7, 2020, or as that date may be extended by Executive Order, no in-person requests for public records shall be accepted. Any and all public records requests must be made electronically or by mail. For information regarding how to request a public record, requesters may contact the Clerk-Treasurer's office by phone or email. Moreover, the requirement to respond to public records requests within a reasonable time shall be extended to a reasonable time after April 7, 2020 or its extension as needed.
8. **Employee benefit policies during emergency:** While the emergency is in effect, as defined by the Town Council of the Town of Pendleton, no employee shall be terminated for lack of attendance. Moreover, no employee shall be required to expend his or her sick leave, vacation leave, paid time off, or comp time.
9. **Emergency Paid Sick Leave:** In accordance with state and federal leave law and the Emergency Paid Sick Leave provisions of the state and federal government, if any employee is absent because:
  - i. The employees are subject to a federal, state, or local quarantine or isolation order related to COVID-19.
  - ii. The employees have been advised by a health care provider to self-quarantine due to COVID-19-related concerns.
  - iii. The employees are experiencing COVID-19 symptoms and are seeking medical diagnosis

- iv. The employees are caring for individuals experiencing symptoms of and seeking diagnosis for COVID-19 or are subject to a governmental order or medical recommendations to quarantine or self-isolate.
- v. The employees are caring for children whose schools or places of care have been closed or whose care providers are unavailable due to COVID-19.
- vi. The employees are experiencing any other substantially similar conditions specified by the Secretary of Health and Human Services, except employers of health care providers or emergency responders who can elect to exclude those employees from receiving paid sick leave.
- vii. Any leave shall also be subject to The Emergency Family Medical Leave Expansion Act and its amendments from time to time.

The Town of Pendleton shall:

- a. Provide full-time employees with 80 paid hours of sick time, or
  - b. Provide part-time employees with sick time equal to the average number of hours the part-time employee works in a 2-week period.
10. **Sick or at-risk employees:** Any employee who has contracted the virus shall remain away from work for a period of at least 14 days. No employee who has been sick with the virus shall return to work unless he or she has been free of symptoms for at least three days without medication. Any employee who has traveled to a high-risk location as defined by the Center for Disease Control or has been in direct contact with the virus shall not attend work for at least 10 days and may return to work only if free of virus symptoms.
11. **Essential employees:** All employees essential to the continued function of the Town and provision of essential services shall continue to report to work but shall make every effort to maintain a distance of 6 feet between the employee and any other individual. Essential employees must also regularly wash their hands, use appropriate sanitization procedures, and take action to sanitize their work spaces regularly. All public in-person interaction should be limited to only essential interaction, and employees shall work to put telephone or electronic measures in place to limit public interaction.
12. **Immuno-compromised or increased risk employees:** Any employee who deems him or herself immuno-compromised or who may have a health condition that creates an increased risk for virus complications may elect to use his or her sick leave, paid time off, comp time, or FMLA during the course of the emergency. No further description or information is required, but the employee must inform his or her supervisor and the clerk-treasurer of his or her decision to make appropriate ongoing benefit and pay accommodations.
13. **Employees and childcare:** Any essential employee who is unable to attend work due to the closure of school, daycare, or adult care programs are eligible to continue to receive benefits as described above.

14. **Remote employees:** Any employee who is working remotely must email his or her supervisor at the beginning of his or her prescribed work time to establish his or her start time and communicate regularly with his or her supervisor during the day to apprise the supervisor of progress with tasks. Any remote employee shall track his or her remote work time and the tasks completed.
15. **Clerk-treasurer's ongoing payment of claims:** In order to insure the continued efficient operation of Town government, the Clerk-Treasurer is hereby authorized to process the payment of all claims, including payroll and pension, which have been electronically or telephonically approved by a majority of any governing body with the authority to pay such claims. Moreover, the Clerk-Treasurer is specifically authorized to pay any and all claims to vendors or service providers, public or private, which have provided services or goods to the municipality and for which a delay of payment incurs penalties or late payment charges or payments that must be paid because of emergency circumstances. Any claim so paid shall be presented to the appropriate governing body at the first meeting after the emergency and approved.
16. **Payroll and sick or absent employees:** The Clerk-Treasurer may include in claims any payroll due a sick or absent employee who misses work due to the emergency or benefits as outlined above or by further order, resolution, or ordinance.
17. **Timely Deposit of Funds:** In accordance with I.C. § 5-13-6-1, the Clerk-Treasurer shall direct that public funds be deposited on Tuesday and Thursday and shall take action to secure public funds on those days when a deposit is not made.
18. **Utility service and disconnections:** The Town of Pendleton shall not disconnect any utility service during the time of the emergency, and any and all late fees are waived for the periods between March 24 and April 7, 2020, or until the emergency is lifted. Nothing in this provision shall limit or eliminate any regular charge, service fee, or deposit. Any request for connection shall be honored in a timely fashion.
19. **Special Appropriations:** this Town Council shall consider requests for additional appropriations of additional funding to provide local assistance in response to the virus. Such appropriations may be used for purchasing supplies, paying workers, or providing shelters for infected persons. A separate fund shall be created to receive such additional appropriations, donations, or relief funds.
20. **Public awareness:** The Town Council shall make reasonable efforts to apprise the Town of Pendleton of this Ordinance and its effect; changes in hours, services, and access; and other restrictions or recommendations to help slow the spread of the virus. Nothing in this Ordinance shall be interpreted to interfere or supplant any state or federal order, declaration, or other law.

**SO ORDAINED THIS \_\_\_\_\_ day of March, 2020.**

Passed and adopted by the Town Council of the Town of Pendleton, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**TOWN OF PENDLETON, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Chet Babb, President

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Chet Babb, President

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Shane Davis, Vice President

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Shane Davis, Vice President

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Robert Jones

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Robert Jones

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Jessica Smith

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Jessica Smith

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Steve Denny

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Steve Denny

ATTEST:

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Willie Boles  
Clerk-Treasurer

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