



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

EXECUTIVE ORDER NO. 5, 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, the COVID-19 pandemic has taken—and continues to take—a severe toll on our country, our state, and our Indianapolis and Marion County community;

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 underlying health conditions;

WHEREAS, Marion County has now experienced over 7,000 confirmed cases of COVID-19 and over 400 reported deaths confirmed to be caused by COVID-19;

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 spread of COVID-19 and to mitigate the risk that COVID-19 will overwhelm the capacity of our health-care systems;

WHEREAS, the Marion County Public Health Department—based on guidance issued by the State of Indiana and a request from the Mayor’s Office—initially banned large non-essential public gatherings and ordered the temporary closure of Marion County schools;

WHEREAS, on March 16, 2020, the State of Indiana ordered all 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, 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, on April 1, 2020, I issued Executive Order No. 3, 2020 extending Marion County's local disaster emergency and travel restrictions;

WHEREAS, on April 6, 2020, the City-County Council passed Proposal 123, a general resolution consenting to the extension of that local disaster emergency until May 1, 2020;

WHEREAS, that local disaster emergency and travel restriction expired at midnight on May 1, 2020;

WHEREAS, I issued Executive Order No. 4, 2020, which took effect at 12:00 a.m. on May 2, 2020, declaring a new local disaster emergency and ordering a watch-level travel advisory;

WHEREAS, the pandemic underlying my previous declarations of a local disaster emergency and travel restrictions continues;

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, Indiana Code § 10-14-3-29 grants me the authority to renew a local disaster emergency declaration for up to seven days—or longer with the consent of the City-County Council;

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

WHEREAS, a watch-level local travel advisory means conditions are threatening to the safety of the public;

WHEREAS, only essential travel, such as to and from work or in emergency situations, is recommended during a watch-level travel advisory, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations;

WHEREAS, the Governor's announcement of a roadmap for reopening the state provides that local orders may be more restrictive, which allows Indianapolis and Marion County to respond to the unique challenges that this pandemic presents in a densely populated urban center with large commercial, business, and event centers;

WHEREAS, the Marion County Public Health Department has extended its stay-at-home order for Marion County until May 15, 2020;

WHEREAS, the existing local disaster emergency declared in Executive Order No. 4, 2020 will expire at 12:00 a.m. on May 9, 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. I hereby renew the **local disaster emergency declaration** in the City of Indianapolis and in Marion County, effective at 12:00 a.m. on May 9, 2020. That emergency is attributable to the COVID-19 pandemic.
2. I have asked the City-County Council to consent to an extension of this local disaster emergency declaration. This order shall remain in effect for as long as the Council consents to its continuation. Should the Council decline to consent, this order will expire at 12:00 a.m. on May 16, 2020 but will be subject to seven-day renewals under Indiana Code § 10-14-3-29.
3. I hereby order that Marion County's **watch-level local travel advisory** shall continue in effect until a subsequent executive order lifting that advisory. All non-essential travel should be avoided. Travel is considered non-essential unless it falls into one of the following 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.

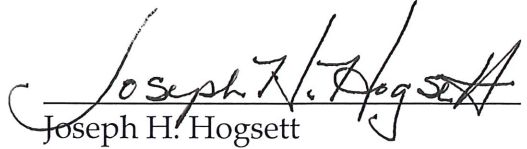
- b. Travel for outdoor activities like going for a walk or visiting a park—**provided that those activities observe Centers for Disease Control guidance on appropriate social distancing (maintaining six feet of separation from others)**. City playgrounds and indoor parks facilities remain closed unless they are being utilized to provide food or other city-directed relief services.
- c. Travel necessary to support essential businesses and operations, but only to the extent those business operations are permitted by operative Marion County Public Health Department orders.
 - i. Should the State of Indiana issue any order that is **more restrictive** on travel or business operations than the operative Marion County Public Health Department orders, the State's order shall control.
 - ii. Should the State of Indiana issue any order that is **less restrictive** on travel or business operations than the operative Marion County Public Health Department orders, the local health-department order shall be the controlling order within Marion County unless expressly preempted by a State order.
- 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. Anyone engaging in travel outside the home should observe all local health orders and guidance issued by the Marion County Public Health Department, including but not limited to guidance on appropriate social distancing (maintaining at least six feet of separation from others), wearing masks in public places, and observing responsible hygiene 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).
5. Any employer in Indianapolis and Marion County permitted to operate under operative Marion County Public Health Department orders is 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 and other requirements imposed by the Marion County Public Health Department.
6. 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.
7. Marion County residents unable to self-isolate because they are experiencing homelessness should take all social-distancing measures possible to protect their health and safety.
8. I have considered the scope of my authority under state law and Indianapolis Revised Code § 201-5, social and economic impacts, anticipated effectiveness, and the current epidemiology of this pandemic.
9. 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).

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Date: May 8, 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