

RESOLUTION NO. 06-20
WEST LAFAYETTE COMMON COUNCIL

**A RESOLUTION WAIVING CERTAIN PROCEDURES AND FORMALITIES
DURING DISASTER EMERGENCY PURSUANT TO I.C. 10-14-3-17 AND
AUTHORIZING THE PRESIDENT OF THE COMMON COUNCIL
TO ACT FOR AND ON BEHALF OF THE COUNCIL IF REQUIRED**

WHEREAS, on March 6, 2020, The Governor of Indiana declared a public health emergency for Coronavirus Disease 2019 Outbreak (“COVID-19”) pursuant to I.C. 10-14-3-12; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency for the same; and

WHEREAS, I.C. 10-14-3-17 gives the City of West Lafayette the authority to waive procedures and formalities otherwise required by law as a result of the public health emergency declaration; and

WHEREAS, I.C. 10-14-3-17(j)(5) states, in part, a political subdivision may:

In the event of a national emergency or disaster emergency as provided in section 12 (I.C. 10-14-3-12) of this chapter, waive procedures and formalities otherwise required by law pertaining to, among other things “the appropriation and expenditure of public funds.”

WHEREAS, Indiana law authorizes the Common Council to appropriate funds; and

WHEREAS, the Common Council for the City of West Lafayette desires to avoid the disruption of city government and essential city services the public health emergency may create; and

WHEREAS, the Common Council for the City of West Lafayette recognizes concern for public health due to COVID-19 may prevent the Council from meeting to conduct its business and affairs including making appropriations required by law; and

WHEREAS, a procedure needs to be in place which would allow the performance of other critical actions pertaining to the passage of Ordinances and Resolutions necessary to address the public health emergency in the event the Common Council could not meet;

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of West Lafayette, Indiana that the procedures for making appropriations set forth in Indiana Law shall be waived in the event the Common Council President determines that the Council is unable to hold a meeting due to public health concerns arising out of COVID-19 at which time the Mayor and the city fiscal officer is hereby authorized by the Council to make any necessary appropriations that could otherwise have been presented at a meeting.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Common Council for the City of West Lafayette, Indiana, that in the event the Common Council is unable to meet due to public health concerns as determined by the agreement of the President of the Common Council and the Mayor of the City of West Lafayette, Indiana, then in such event, the Common Council President shall be fully authorized to act for and on behalf of the Council as if a matter had been passed by a majority at a meeting of the Council. In such event, any action so taken by the Council President will only take effect upon execution by the Mayor.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Common Council for the City of West Lafayette, Indiana, that this Resolution expires upon the expiration of the declared public health emergency or any subsequent declared national emergency related to COVID-19.

INTRODUCED ON FIRST READING ON THE 6 DAY OF April, 2020.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 6 DAY OF April, 2020, HAVING BEEN PASSED BY A VOTE OF 8 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Bunder	✓			
DeBoer	✓			
Kang	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Thomas	✓			
Wang			✓	


Peter Bunder, Presiding Officer

Attest:



Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 8 DAY OF April, 2020.


Sana G. Booker, Clerk

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 8 DAY OF April, 2020.



John R. Dennis, Mayor

Attest:



Sana G. Booker, Clerk

