

RESOLUTION R-2020-5

A RESOLUTION RECOGNIZING THE EFFECT OF THE COVID-19 STRAIN OF THE CORONAVIRUS ON THE VILLAGE OF WINDHAM AND DECLARING A STATE OF EMERGENCY.

WHEREAS, a Declaration of a State of Emergency is a tool that governments use to temporarily reduce, or ignore, some of their laws and procedures; or, to add new, temporary powers needed to respond to the threat that caused the Declaration; and

WHEREAS, In Article 18, Section 3 of the Ohio Constitution, Ohioans decided that all Ohio cities and Villages would have two broad categories of powers: 1) Local Self-Government- which is not limited except by the Ohio Constitution; and 2) Police, Sanitary, and similar powers-which must not conflict with the laws of the State of Ohio. Those two kinds of powers are together called "Home Rule" powers; and

WHEREAS, the elected representatives of the Village of Windham are legally and morally bound to act in the interests of the people who they represent; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death. It is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The current belief is that the virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person sneezes or coughs. It is possible that individuals can get COVID-19 by touching a surface or an object that has the virus on it and then touching their own mouth, nose, or eyes; and

WHEREAS, although there are no confirmed cases within the Village of Windham to date, this situation is rapidly evolving, and the threat of this virus is imminent to the citizens and visitors of the Village of Windham. It is necessary that Windham be proactive and be fully prepared to deal with its effect; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of CDOVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, Alex M. Azar II, Secretary of Health and Human Services, determined and declared that a public health emergency exists in the United States in relation to COVID-19; and

WHEREAS, on February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments with updated guidance of COVID-19; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a National Emergency, invoking the Stafford Act and allowing the Federal Emergency Management Agency to coordinate disaster response and aid state and local governments in addressing the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the Ohio Department of Health issued an amended Director's Order to Limit Access to Ohio Nursing Homes and Similar Facilities; and

WHEREAS, on March 14, 2020, the Ohio Department of Health issued an amended Director's Order to require health screening for admission to the state operated psychiatric hospitals and Ohio Department of Youth Services facilities and issued a Director's Order closing all K-12 schools in the State of Ohio; and

WHEREAS, on March 15, 2020, the Ohio Department of Health issued a Director's Order to restrict the sales of alcohol, food, and all other beverages to carry-out sales and delivery only and issued interim guidance limiting mass gatherings to no more than 50 people; and

WHEREAS, on March 16, 2020, the Ohio Department of Health issued a Director's Order closing all polling locations on March 17, 2020 in the State of Ohio; and

WHEREAS, on March 17, 2020, the Ohio Department of Health issued a Director's Order to Limit and/or Prohibit Mass Gatherings in the State of Ohio and to close certain types of facilities; and

WHEREAS, on March 22, 2020, the Ohio Department of Health issued a Director's Order for all Ohioans to Stay at Home unless participating in Essential Activities, Essential Governmental Activities, or Essential Business and Operations as are defined in the Order; and

WHEREAS, as of April 9, 2020, the State of Ohio has 5512 confirmed cases and 213 deaths and is currently experiencing "community spread" of the virus that causes COVID-19; and

WHEREAS, the CDC has advised those that have possible or confirmed COVID-19 to stay home from work, school, and away from other public places; and

WHEREAS, in the Village of Windham there is a current threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent; and

WHEREAS, in the Village of Windham, this threat has already affected the daily lives of the citizens of Windham and, the need of citizens and Windham employees to stay home from work and other public places should they be exposed to the virus substantially impairs the functioning of Windham government and its ability to protect the lives and property of the citizens of Windham.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Windham, County of Portage, State of Ohio, two thirds or more of its members thereto concurring that:

SECTION 1. That the Village Council hereby declares that a State of Emergency exists in the Village of Windham, and invokes and declares those portions of the Ohio Revised Code which are applicable to the conditions and have caused the issuance of this resolution to be in full force and effect in the Village of Windham for the exercise of all necessary emergency authority for the protection of the lives and property of the people of the Village of Windham and the restoration of local government with minimal interruption.

SECTION 2. This Declaration shall be broadly interpreted to make the Village, its employees, citizens, and businesses eligible for all grants, funding, loans, discounts, or any other type of benefit related to the COVID-19 pandemic from any federal, state, or local governments; or from any private company, organization, or citizen offering such benefits.

SECTION 3. Any and all powers to be exercised by the Village as authorized by Ohio Revised Code Chapter 5502 (Public Safety) are permitted by passage of this Resolution and are incorporated herein by reference.

SECTION 4. Effective on April 15, 2020 all Village of Windham government buildings shall be closed to public access.

SECTION 5. All Village of Windham law enforcement officers, employees, and all other Emergency management personnel subject to Village control are directed to cooperate in the enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws.

SECTION 6. On Friday March 27, 2020 the State of Ohio Tax Commissioner extended the deadline to file and pay State of Ohio Income Tax for 2019 until July 15, 2020, and as a result the Village of Windham hereby extends the date to file and pay Village of Windham Income Tax for 2019 from a due date of April 15, 2020 until July 15, 2020. The time within which to make timely estimated quarterly Windham income tax payments shall also be extended until July 15, 2020. The Fiscal Officer shall provide a copy of this Resolution to the Regional Income Tax Agency.

SECTION 7. A copy of this Resolution is to be: (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with the Windham Fiscal Officer, and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

SECTION 8. All citizens are called upon and directed to comply with necessary emergency measures to cooperate with public officials and emergency services personnel in executing emergency operational plans, and to obey and comply with the lawful direction of properly identified emergency services personnel.

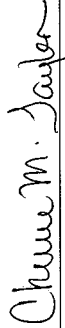
SECTION 9. This Resolution is declared to be an emergency measure, effective immediately upon its passage by Council and approval by the Mayor and necessary to preserve the public health, safety, morals and general welfare of the citizens of the Village of Windham, and for the further reason that the Village of Windham needs to maintain municipal services and operations addressing the public health concerns arising from the presence of the highly contagious COVID-19 strain of the coronavirus.

PASSED BY COUNCIL on first reading this 28th day of April, 2020.

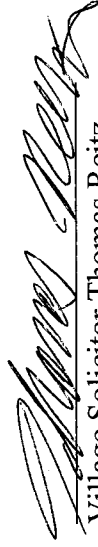
Vote of Council: Ayes: 5

 Nays: 1


ATTEST:



Fiscal Officer Chere Taylor



Village Solicitor Thomas Reitz



Mayor Scott Garrett

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VILLAGE OF WINDHAM, OHIO
MAYORAL DECLARATION

APRIL 13, 2020

WHEREAS, a Declaration of a State of Emergency is a tool that governments use to temporarily reduce, or ignore, some of their laws and procedures; or, to add new, temporary powers needed to respond to the threat that caused the Declaration; and

WHEREAS, In Article 18, Section 3 of the Ohio Constitution, Ohioans decided that all Ohio cities and Villages would have two broad categories of powers: 1) Local Self-Government-which is not limited except by the Ohio Constitution; and 2) Police, Sanitary, and similar powers-which must not conflict with the laws of the State of Ohio. Those two kinds of powers are together called “Home Rule” powers; and

WHEREAS, the elected representatives of the Village of Windham are legally and morally bound to act in the interests of the people who they represent; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death. It is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The current belief is that the virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person sneezes or coughs. It is possible that individuals can get COVID-19 by touching a surface or an object that has the virus on it and then touching their own mouth, nose, or eyes; and

WHEREAS, although there are no confirmed cases within the Village of Windham to date, this situation is rapidly evolving, and the threat of this virus is imminent to the citizens and visitors of the Village of Windham. It is necessary that Windham be proactive and be fully prepared to deal with its effect; and

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WHEREAS, on March 22, 2020, the Ohio Department of Health issued a Director's Order for all Ohioans to Stay at Home unless participating in Essential Activities, Essential Governmental Activities, or Essential Business and Operations as are defined in the Order; and

WHEREAS, as of April 13, 2020, the State of Ohio has 6881 confirmed cases and 268 deaths and is currently experiencing "community spread" of the virus that causes COVID-19; and

WHEREAS, the CDC has advised those that have possible or confirmed COVID-19 to stay home from work, school, and away from other public places; and

WHEREAS, in the Village of Windham there is a current threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent; and

WHEREAS, in the Village of Windham, this threat has already affected the daily lives of the citizens of Windham and, the need of citizens and Windham employees to stay home from work and other public places should they be exposed to the virus substantially impairs the functioning of Windham government and its ability to protect the lives and property of the citizens of Windham.

WHEREAS, as the chief executive officer of the Village of Windham, the Mayor is obligated to take any and all steps necessary to maintain order and control in the Village of Windham for the well-being, health and safety of residents.

NOW, THEREFORE, I, SCOTT GARRETT, Mayor of the Village of Windham, County of Portage, State of Ohio, by the authority vested in the Village of Windham by the Home Rule provisions of the Ohio Constitution, Article 18, Section 3, do hereby issue the following executive orders by Declaration:

SECTION 1. That a State of Emergency exists in the Village of Windham, and I hereby invoke and declare those portions of the Ohio Revised Code which are applicable to the conditions and have caused the issuance of this resolution to be in full force and effect in the Village of Windham for the exercise of all necessary emergency authority for the protection of the lives and property of the people of the Village of Windham and the restoration of local government with minimal interruption.

SECTION 2. This Declaration shall be broadly interpreted to make the Village, its employees, citizens, and businesses eligible for all grants, funding, loans, discounts, or any other type of benefit related to the COVID-19 pandemic from any federal, state, or local governments; or from any private company, organization, or citizen offering such benefits.

SECTION 3. Any and all powers to be exercised by the Village as authorized by Ohio Revised Code Chapter 5502 (Public Safety) are permitted by passage of this Resolution and are incorporated herein by reference.

SECTION 4. Effective on April 15, 2020 all Village of Windham government buildings shall be closed to public access.

SECTION 5. Effective April 14, 2020, a curfew is established for the Village of Windham between the hours of 10:00 p.m. – 5:00 a.m. During this time no person shall be driving or walking outside within the Village of Windham for any reason other than the following: (a) medical emergencies where treatment is sought; or (b) essential employees who are driving to or from their place of employment.

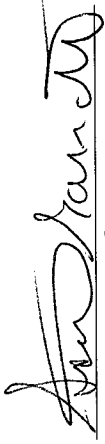
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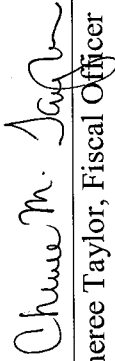
SECTION 8. A copy of this Declaration is to be: (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with the Windham Fiscal Officer, and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

I, Scott Garrett, Mayor of the Village of Windham, State of Ohio, affix my signature to this Declaration this 16th day of April, 2020 at 3:00 o'clock .m. and shall take effect immediately and remain in full force and effect until the Council of the Village of Windham acts to either ratify or override this Declaration, or until such time as I have determined an emergency no longer exists.



Scott Garrett, Mayor

ATTEST:



Cheree Taylor, Fiscal Officer

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