

SPONSOR(S): Hannon, Green, Nelson, Kimball

RESOLUTION NO. CC-04-20-20-02

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
CARMEL, INDIANA URGING ALL EMPLOYERS OPERATING
ESSENTIAL BUSINESSES AND OPERATIONS WITHIN THE CITY TO
REQUIRE THEIR EMPLOYEES AND INDEPENDENT CONTRACTORS
TO WEAR A FACE COVERING AT ALL TIMES WHEN WORKING IN
CLOSE PROXIMITY TO THE PUBLIC**

Synopsis: This Resolution urges all employers operating essential businesses and operations in Carmel during the current COVID-19 pandemic to require their non-exempted employees and independent contractors to wear face coverings whenever they are in close proximity to the public.

WHEREAS, pursuant to Indiana Code Sections 36-1-3-6, 36-8-2-4, and 36-8-2-5, the City of Carmel has the authority to exercise all powers necessary to regulate conduct that may endanger the public health, safety, or welfare, and to impose restrictions upon persons who may cause others to contract diseases; and,

WHEREAS, the City of Carmel is now threatened by a public health emergency caused by the spread of the COVID-19 virus; and,

WHEREAS, there is currently no known vaccination for the COVID-19 virus, which has already infected over 9,540 persons and caused 477 deaths statewide, with over 520 persons being infected and at least 29 lives being lost to date in Hamilton County; and,

WHEREAS, to slow the spread of the COVID-19 virus, the Centers for Disease Control and Prevention (“CDC”) has recommended certain mitigation strategies to prevent a person’s initial exposure to, and secondary transfer of, this virus; and,

WHEREAS, on April 3, 2020, the CDC issued a new COVID-19 virus recommendation, urging the public, in addition to maintaining personal distancing and following sanitation protocols, to wear face coverings when in public settings; and,

WHEREAS, subsequent to the issuance of this CDC guidance, many cities and public health agencies across the United States, including, but not limited to, those in Florida, Texas, Virginia, Maryland, California, Pennsylvania, Ohio, New York, Oregon, Nevada, Rhode Island, and Washington, have asked persons, especially when in close proximity to other members of the general public, to wear face coverings; and,

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WHEREAS, for purposes of this Resolution, the term “Essential Businesses and Operations” shall carry the same meaning as that term is defined and used in State of Indiana Executive Order 20-18, as issued by Governor Holcomb on April 6, 2020, and as may be subsequently amended from time to time.

WHEREAS, for purposes of this Resolution, ” Face Covering” shall mean a face shield or mask that covers, at a minimum, a person’s nose, mouth, and chin, and that is designed to help limit the spread of viruses and bodily fluids transmitted through speaking, coughing, sneezing, or other similar means.

WHEREAS, for purposes of this Resolution, “Excepted Persons” shall mean children under two years of age, and anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove a Face Covering without assistance.

WHEREAS, it is now prudent and in the public interest, in order to reduce the spread of the COVID-19 virus, to follow the CDC’s guidance and *strongly urge* all employers in Essential Businesses and Operations to require the employees and independent contractors working on their behalf who are not Excepted Persons to wear a Face Covering at all times while they are working six feet or less from any member of the public; and,

WHEREAS, should voluntary compliance with this Resolution fail to occur, the City will be required, in order to protect the health, safety, and welfare of its citizens, to consider legislation that will make the wearing of Face Coverings in such circumstances mandatory.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All Employers operating Essential Businesses and Operations within the City of Carmel are *strongly urged* to require the employees and independent contractors working on their behalf who are not Excepted Persons to wear a Face Covering at all times while they are working six feet or less from any member of the public.
2. This Resolution shall take effect on and after the date of its passage by the Common Council, and shall expire on July 1, 2020, unless extended by further Common Council action.

SO RESOLVED by the Common Council of the City of Carmel, Indiana, on this ____day of April, 2020, by a vote of ____ayes and ____nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Laura D. Campbell, President

H. Bruce Kimball

Sue Finkam, Vice-President

Miles Nelson

Adam Aasen

Kevin D. Rider

Anthony Green

Jeff Worrell

Timothy J. Hannon

ATTEST:

Sue Wolfgang, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this __ day of April 2020, at
__: __. M.

Sue Wolfgang, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this __ day of April 2020, at _: __. __M.

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James Brainard, Mayor