

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
SHELBY COUNTY, INDIANA PURSUANT TO AN  
ORDER OF THE SHELBY COUNTY HEALTH DEPARTMENT BOARD OF HEALTH**

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WHEREAS, on March 6, 2020, Governor Eric J Holcomb issued Executive Order 20-02, which declared that a public health emergency exists throughout the State of Indiana as a result of the coronavirus disease 20199 (COVID-19) and most recently renewed in Executive Order 21-16;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, COVID-19 is respiratory illness that can be spread from person to person. COVID-19 is thought to be spread mainly between people who are in close contact and prolonged contact with one another (about 6 feet) through respiratory droplets produced by an infected individual. COVID-19 may also be spread by touching a surface object that has virus on it and then touching one's mouth, nose, or eyes. COVID-19 seems to be spreading easily and sustainably in the community.

WHEREAS, the Indiana Department of Health (Department) requires information concerning COVID-19 to be reported by health care providers as soon as possible to provide timely intervention and direction to the State's response to the public health emergency;

WHEREAS, contact tracing in congregate settings, including K-12 educational institutions, long-term care facilities jails, and prisons is necessary to help stop the spread of COVID-19 in those institutions.

WHEREAS, under the authority granted to the Department in IC -16-19-3-9 to "do what is reasonable and necessary for the prevention of suppression of disease"; IC 16-41-2-1 requiring the reporting of communicable disease information and issuing control measures for reportable conditions; and Executive Order 20-02 which requires health care providers to cooperate with the Department in its response to the declared public health emergency.

WHEREAS, throughout the Hoosiers state, we are seeing a significant and serious increase in new confirmed cases and hospitalizations and tragically, continued deaths daily from COVID-19 that is based on a surge driven by the Delta variant, which is much more transmissible, demonstrated by a 7-day average positivity rates of 2.1% two months ago, 6.3% a month ago and in Shelby County, Indiana it is now 15.2% as of last week;

WHEREAS, subject to pertinent statutory provisions, Executive Order provisions, local ordinances and directives, and/or state or local health orders, local school boards and/or the relevant governing bodies of all public and private K-12 educational institutions and childcare facilities are responsible for implementing local measures and restrictions to address the impact and spread of COVID-19 in their

buildings, facilities, and grounds. These restrictions and measures may be more restrictive, but not less restrictive, than required by statute, Executive Orders, local ordinances and directives, and state or local health orders. The IDOH has updated its school guidance to assist local school corporation and this guidance may be found at <https://www.coronavirus.in.gov/2400.htm>.

WHEREAS, any health orders more stringent than the Governors during an emergency would have to be approved by the local legislative body. The Shelby County Health Department now comes before the legislative body, the Shelby County Commissioners, and asks that a mask mandate for all County Offices and schools in Shelby County be ordered;

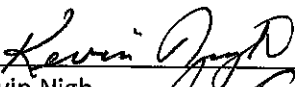
WHEREAS, the Shelby County Health Department Board of Health has issued an Order attached hereto as Exhibit A that requires the following:


1. County Offices: To protect workers, customers and the community of County-owned facilities, those authorized on their behalf shall deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering as required by this Order.
2. Schools: For academic and extra-curricular activities, all schools in Shelby County shall require masks to be worn in indoor settings. Nothing in this paragraph is intended to or does alter or modify any State or Federal law requirement imposed upon or authority provided to schools.
3. Expiration: This Order shall expire on October 30, 2021 unless rescinded earlier or unless renewed and extended by the Board and approved by the Commissioners prior to that time and date.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Shelby County, Indiana that:

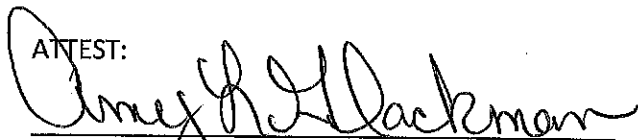
1. The Board of Commissioners of Shelby County, Indiana hereby approves the Order of the Shelby County Health Department Board of Health, attached hereto as Exhibit A, which provides the following:
  - a) County Offices: To protect workers, customers and the community of County-owned facilities, those authorized on their behalf shall deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering as required by this Order.
  - b) Schools: For academic and extra-curricular activities, all schools in Shelby County shall require masks to be worn in indoor settings. Nothing in this paragraph is intended to or does alter or modify any State or Federal law requirement imposed upon or authority provided to schools.
  - c) Expiration: This Order shall expire on October 30, 2021 unless rescinded earlier or unless renewed and extended by the Board and approved by the Commissioners prior to that time and date.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, INDIANA this 13<sup>th</sup> day of September, 2021 by a vote of 2 Ayes and 1 Nays.

  
\_\_\_\_\_  
Kevin Nigh

  
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Chris Ross

\_\_\_\_\_  
Don Parker

ATTEST:  
  
\_\_\_\_\_  
Amy L. Glackman, Shelby County Auditor

# Shelby County Health Department



1600 E. State Road 44, Ste B  
Shelbyville, IN 46176  
Phone: 317-392-6470  
Fax: 317-392-6472

## **PUBLIC HEALTH ORDER EFFECTIVE SEPTEMBER 14, 2021 AT 8:00 A.M.**

Pursuant to State Law IC 16-20-1, the Shelby County Health Department (SCHD) hereby issues this Public Health Order requiring facial coverings to be worn in indoor County offices and all schools in Shelby County so as to control and slow the spread of the SARS-CoV-2 virus ("coronavirus") and to mitigate the effects of the disease resulting therefrom (the coronavirus and the disease resulting therefrom shall be referred to herein as "COVID-19"). The goal of this Order shall be to control and reduce the spread of COVID-19 to protect the public health, safety and welfare and to maintain consistent healthcare capacity in SCHD's jurisdiction.

### **FINDINGS**

Whereas, SCHD has public health jurisdiction over Shelby County. In furtherance of its jurisdiction, SCHD has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within its jurisdiction, as well as the power and duty to close schools and public places and to prohibit gatherings of people when necessary to protect public health and to establish, maintain and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within SCHD's jurisdiction as it may find necessary for the protection of public health.

Whereas, COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact, or by contact with surfaces contaminated with the virus, or through respiratory droplets or aerosols that people expel when they breathe, cough or sneeze. Persons can be infected with COVID-19 and be asymptomatic yet still contagious. Persons can be contagious 48 hours before developing symptoms. Many people with COVID-19 have mild symptoms and do not recognize that they are infected and contagious and that they can unintentionally infect others. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough and/or shortness of breath or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease.

Whereas, due to the presence of COVID-19 in Indiana, states of emergency were declared by the State of Indiana and the City of Shelbyville and those states of emergency continue. In an effort to control and reduce the spread of COVID-19, various executive orders have been issued by the Governor of Indiana, and various public health orders have been issued by the Indiana State Department of Public Health.

Whereas, there is substantial evidence of the continued spread of COVID-19 throughout SCHED's jurisdiction. As of September 9, 2021, our positivity rate was 15.2% with 103 deaths in our County.

Whereas, scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are lifted, that the wearing of facial coverings by individuals while in public areas assists in maintaining reduced virus transmission by reducing the spread of respiratory droplets.

Whereas, the United States Centers for Disease Control and Prevention ("CDC") and SCHED have recommended that members of the public, when interacting with others outside the home and especially in settings where many people are present, should cover their mouths and noses to prevent inadvertently spreading COVID-19.

Whereas, the CDC has additionally found that mask mandates may reduce community-wide COVID-19 transmission and hospitalizations due to COVID-19.

Whereas, a facial covering mandate can work in concert with social distancing and frequent hand-washing protocols under existing public health orders to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus and by reducing the spread of respiratory droplets.

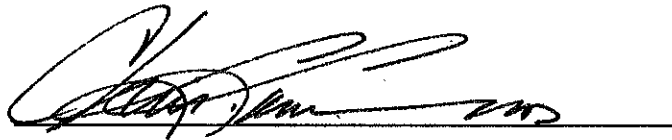
## ORDER

A. Pursuant to the authority granted to the Health Officer of Shelby County, and at the authorization and direction of the SCHED Board of Health, the following is ordered:

1. County Offices: To protect workers, customers, and the community of County owned facilities, those authorized on their behalf shall deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering as required by this Order.

2. Schools: For academic and extra-curricular activities, all schools in Shelby County shall require masks to be worn in indoor settings. Nothing in this paragraph is intended to or does alter or modify any State or Federal law requirement imposed upon or authority provided to schools.
3. Expiration: This Order shall expire October 30, 2021 unless rescinded earlier or unless renewed and extended by the Board and approved by the Commissioners prior to that time and date.

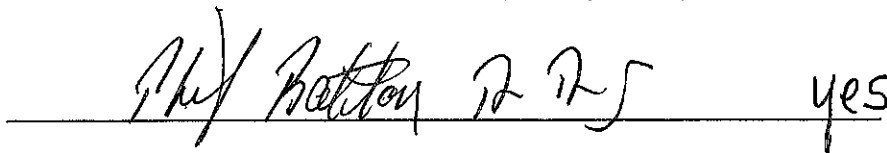
\* Severability: It is the intent that this Order comply with all provisions of Indiana law. In the event that a court of competent jurisdiction finds that any term or clause in this Order is invalid, unenforceable or illegal, the same will not have any impact on the other terms or clauses in this Order and shall not affect the valid provisions of this Order. Such term or clause may be revised to the extent required to render the Order enforceable and valid according to the opinion of the Court.



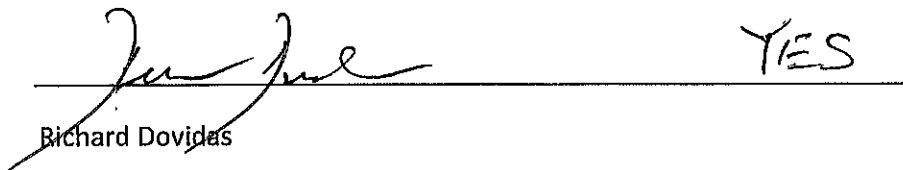
Dr. Chris Loman  
Shelby County Health Officer



Philip J. Batton, D.D. S  
President, Shelby County Board of Health



Philip J. Batton, D.D.S



Richard Dovidas

Cheryl Stillabower RN Yes

Cheryl Stillabower

Candice Oliger RN Yes

Candice Oliger

James Springer, MD

James Springer MD Yes

Terri Nigh

Terri Nigh R.N. Yes

Ty Montgomery, MD

ATTEST:

Susie Horning

Susie Horning, SCHD Office Manager