

RESOLUTION NO.: 042420
A RESOLUTION OF THE COMMON COUNCIL
FOR THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA,
ESTABLISHING THE CITY OF FISHERS HEALTH DEPARTMENT

WHEREAS, ensuring the health and safety of residents is the highest priority of the City of Fishers, Hamilton County, Indiana (“City”);

WHEREAS, in accordance with Indiana Code §16-20 *et. seq.*, the “Local Health Department Act” (the “Act”), second-class cities may establish a full-time health department;

WHEREAS, the City may, by resolution, provide for a full-time city health department (“Health Department”) in accordance with Ind. Code §16-20-4-5;

WHEREAS, the Health Department shall operate as an agency of local government administratively responsible to the Mayor in accordance with Ind. Code §16-20-1-2;

WHEREAS, the Health Department shall be managed by a board of health in accordance with Ind. Code §16-20-4-6 (“Board”);

WHEREAS, the Board has the powers and duties prescribed for all health boards in accordance with the Act, which include, but are not limited to (i) taking any action authorized by statute or rule of the state department to control communicable diseases, (ii) making sanitary and health inspections to carry out the purposes of the Act, (iii) investigating the existence of any contagious or infectious disease and adopting measures to arrest the progress of any contagious or infectious disease;

WHEREAS, subject to confirmation by the Common Council for the City of Fishers, Hamilton County, Indiana (“Council”), a health officer shall be appointed (“Health Officer”), who shall (i) serve as the executive officer for the Health Department, (ii) serve as secretary of the Board, and (iii) perform all duties required by the Act;

WHEREAS, among other responsibilities, the Health Officer shall (i) attend meetings of the state department for consultation concerning any public health matters, (ii) collect, record, and report to the state department the vital statistics for the City, (iii) be the registrar of births and deaths, (iv) enforce the health laws, ordinances, orders, rules, and regulations of the Board and superior boards, and (v) order schools and churches closed and forbid public gatherings when considered necessary to prevent and stop epidemics; and

WHEREAS, the Council now desires to create the City of Fishers Health Department as further described herein.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in special session as follows:

Section 1. Chapter 32 of the City of Fishers Code of Ordinances is hereby amended as further described in Exhibit A attached hereto and incorporated herein. All other provisions of the City's Code of Ordinances not in conflict with or specifically changed by Exhibit A shall remain in full force and effect.

Section 2. The Council hereby confirms the appointment of Indy Lane, MD, FACOG as Health Officer of the Department. Dr. Lane shall serve as Health Officer for a 4-year term in accordance with the Act.

Section 3. This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

SO RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana this 24th day of April, 2020.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Cecilia C. Coble, President		
	Selina M. Stoller, Vice President		
	David George, Member		
	C. Pete Peterson, Member		
	John Weingardt, Member		
	Todd Zimmerman, Member		
	Brad DeReamer, Member		
	Samantha DeLong Member		
	Jocelyn Vare, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2020, at _____ m.

ATTEST: _____

Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

Exhibit A

§32.05 Department of Health.

- (A) Establishment of Department. The City shall have a fulltime health department (“Department”). The Department shall operate as an agency of the City, administratively responsible to the Mayor.
- (B) Establishment of Board of Health. The Department shall be managed by a board of health (“Board”) consisting of seven (7) members appointed by the Mayor, not more than four (4) of whom belong to the same political party. At least three (3) of the members must be licensed physicians. At least one (1) of the members must be a licensed veterinarian. The initial members of the Board shall be appointed as follows:
- i. One (1) shall serve for a period of two years;
 - ii. Two (2) shall serve for a period of three years; and
 - iii. Four (4) shall serve for a term of four years.

At the expiration of the respective, initial terms, future appointments shall be made for four (4) years. Vacancies shall be filled in accordance with Ind. Code §16-20-4-8. An individual who has a vested interest or may gain financially from any activity of the Department or policy decision of the Board is ineligible to serve on the Board.

- (C) Board Elections and Meetings. After appointment, the Board shall immediately meet and organize by electing a chairman, vice chairman, and other officers the Board considers necessary. The Board shall hold a meeting in January of each year, at which meeting officers shall be elected for the following calendar year. The Board shall hold regular meetings quarterly in January, April, July, and October. The Board may hold special meetings upon (i) written request signed by three (3) members and filed with the local health officer, or (ii) request of the health officer.
- (D) Procedural Rules. The Board may adopt procedural rules for the Board’s guidance and as are necessary or desirable to protect, promote, or improve public health or to control disease not inconsistent with state statutes and rules of the state department.
- (E) Powers and Duties of the Board. The Board has the following powers and duties:
- i. Take any action authorized by state statute or rule of the state department to control communicable diseases;
 - ii. Make sanitary and health inspections necessary to carry out the purposes of Ind. Code §16-20-4;
 - iii. Investigate the existence of any contagious or infectious disease;
 - iv. Adopt measures, not inconsistent with the rules of the state department, to arrest the progress of contagious or infectious disease;

- v. Make all necessary sanitary and health investigations and inspections;
- vi. Enter into contracts for the provision of health services within the Board's jurisdiction in accordance with Ind. Code §16-20-1-8;
- vii. Contract or purchase planning services considered essential to the development of an effective community health program in accordance with Ind. Code §16-20-1-8;
- viii. Confirm the appointment of professional employees who meet the qualification requirements of the Board for the respective professional employee positions;
- ix. Provide reports of Department activities to the state department in accordance with state department rules;
- x. Enforce the Board's or officer's orders, citations, and administrative notices by an action in the circuit or superior court in accordance with Ind. Code §16-20-1-26;
- xi. With the approval of the Mayor, establish and collect fees for specific services and records established by local ordinances and state law; however, fees may not exceed the cost of services provided. The fees shall be accounted for and transferred to the health fund of the taxing jurisdiction; and
- xii. All other powers and duties as provided by Indiana law.

(F) Officers & Employees of the Department. The Board shall prescribe the duties of all officers and employees of the Department. The Board shall authorize payment of salaries and all other Department expenses from the proper fund.

(G) Health Officer. The appointment of the health officer is subject to the approval of the City Council. The health officer is the executive officer for the Department and shall serve as the secretary of the Board. The health officer must (i) be a citizen of the United States, and (ii) be a licensed physician or be eligible for such a license. A health officer serves a four (4) year term unless removed for cause as provide in Ind. Code §16-20 *et. seq.* The health officer shall have all powers and duties as prescribed by Ind. Code §16-20 *et. seq.*

(H) Budget and Appropriations. The Board shall submit an annual budget to the City Council for approval of the annual budget at the regular time for consideration of annual budgets. The City Council shall annually make the necessary appropriation for expenses of the Department even though the appropriation may exceed existing limitations. However, the tax may not exceed one (1) mill on each dollar (\$1) of assessed valuation of taxable property in addition to other health appropriations. An appropriation may be made, as emergency appropriations are made, to provide for the expenses of the operation of the Department, until appropriations are made available by the next regular annual budget after the Department has been authorized.

(I) Annual Report. The Board shall publish in pamphlet form, within ninety (90) days after January 1, for free distribution, an annual report for the previous year showing the following: (i) the amount of money received from all sources, (ii) the name of any

donor, (iii) how all money has been expended and for what purposes, (iv) other statistics and information concerning the work of the Department that the Board considers to be of general interest.