

RESOLUTION

REQUESTING THE GOVERNOR OF INDIANA TO PROVIDE IMMEDIATE FINANCIAL RELIEF TO LOCAL GOVERNMENTS TO ENABLE THEM TO BEST SERVE THEIR CONSTITUENTS DURING THE COVID-19 EMERGENCY

Introduced by: Don Przybylinski
Co-Sponsored: Paul A. Przybylinski
Angie Nelson-Deutch
Bryant Dabney
Gene Simmons
Sean Fitzpatrick
Tracie Tillman
Michael Mack
Dalia Zygas

WAIVING CERTAIN PROCEDURES AND FORMALITIES DURING DISASTER EMERGENCY PURSUANT TO I.C. 10-14-3-17

Introduced by: Sean Fitzpatrick

ORDINANCE

**ORDINANCE
2nd Reading**

AN ORDINANCE TO AMEND SECTION 2-399 OF THE MICHIGAN CITY MUNICIPAL CODE DESIGNATING THE COMMON COUNCIL AS THE CITY AGENCY WITH THE SOLE AUTHORITY TO APPROVE PURCHASE ORDERS FROM THE CITY'S RIVERBOAT FUND AND BOYD DEVELOPMENT FUND

Introduced by: Bryant Dabney
Co-Sponsor: Tracie Tillman
Paul A. Przybylinski
Don Przybylinski

PENDING

(Items that were on our March 17, 2020 Council meeting agenda were removed and will be addressed at a later date)

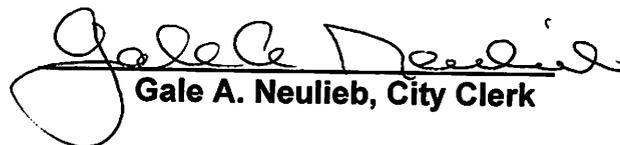
UNFINISHED BUSINESS

Final Acceptance Certificate – DLZ (Guaranteed Energy Savings Performance Contract, dated as of November 20, 2018 (the “Agreement”) between Energy Systems Group LLC (the “contractor”) and the City of Michigan City (the “Owner”).

- The Senior Center Solar work (as defined in the agreement) have been delivered, installed, and accepted as of the 28th of October, 2019 (the “Final Acceptance Date”)
- The Police Headquarters Solar work (as defined in the Agreement) have been delivered, installed, and accepted as of the 17th of January 2020 (the “Final Acceptance Date”)

COMMENTS FROM THE COUNCIL

ADJOURNMENT


Gale A. Neulieb, City Clerk

Please contact the Clerk's Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

Agenda April 7, 2020

Posted April 2, 2020

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

REQUESTING THE GOVERNOR OF INDIANA TO PROVIDE IMMEDIATE FINANCIAL RELIEF TO LOCAL GOVERNMENTS TO ENABLE THEM TO BEST SERVE THEIR CONSTITUENTS DURING THE COVID-19 EMERGENCY

WHEREAS, on March 6, 2020 Indiana's Governor declared a public health emergency for the Coronavirus Disease Outbreak (Covid-19) pursuant to IC 10-14-3-12; and

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

WHEREAS, IC 10-14-3-12(d)(1) grant the Governor plenary authority to suspend or relax provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders, rules, or regulations of any state agency which would otherwise prevent or unreasonably delay necessary action being taken to address the declared Covid-19 health emergency; and

WHEREAS, the Governor's Executive Order 20-04 issued on March 16, 2020 required the closure of bars, restaurants, other hospitality and entertainment businesses; and

WHEREAS, on March 23, 2020 the Governor issued Executive Order 20-08 requiring all non-essential businesses to cease operations and all Hoosiers to remain at home except to engage in essential activities; and

WHEREAS, as a result of the above described Governor's Executive Orders, numerous Michigan City businesses have suspended most, if not all, of their operations and there has been a resultant flood of applications by Michigan City residents for unemployment compensation which is overwhelming the current Indiana Work Force Development staff; and

WHEREAS, food banks, food pantries, and other social service agencies providing needed sustenance and assistance to the unemployed and needy are being overrun with demands for their services; and

WHEREAS, medical care facilities and professionals have begun to be inundated with Covid-19 related demands for service which demand is only likely to increase substantially in the near future; and

WHEREAS, although Michigan City's and other municipalities' revenues will suffer a large drop as a result of the Covid-19 virus emergency and resultant Governor's Executive Orders, that same emergency will increase the need for the City to incur costs to provide necessary City services to address the emergency and to help fund the agencies that provide necessary assistance to citizens of Michigan City who are in need of those services due to the Covid-19 virus emergency; and

WHEREAS, the Council is very concerned about the availability of food, medicine, and other necessities being made available to those in need thereof, especially the elderly and shut-ins, during the pendency of the Covid-19 virus emergency; and

WHEREAS, the State of Indiana has a surplus of funds of at least \$2 Billion dollars to be used as a rainy day fund in times of an emergency and the declared Covid-19 healthcare emergency and the Governor's stay at home and shut down of non-essential businesses clearly established that now is clearly a time when that surplus should be used to assist Michigan City and other local governments to meet all of the needs of their citizens during the Covid-19 virus emergency.

NOW, THEREFORE, BE IT RESOLVED, by the Michigan City Common Council that it calls on the Governor to exercise his authority granted to him under Indiana law during times of a healthcare emergency to do the following:

1. Immediately take all necessary steps, including convening a meeting of the State Budget Committee, to authorize and implement a Five Hundred Million Dollars (\$500,000,000) stimulus package be distributed to cash strapped cities, towns, and counties throughout Indiana, in proportion to their needs, to assist with meeting the increased needs of their citizens resulting from the Covid-19 virus emergency, including providing funding to local nonprofits to assist with meeting those needs providing the necessary physical and mental healthcare.
2. Immediately direct the Department of Local Government Finance (DLGF) to loosen restrictions and regulations on local governments spending public funds on emergency assistance to their citizens, including, but not limited to, spending those funds on matters other than as was identified in their 2020 Budgets as approved by the DLGF and inter and intra-fund transfers with limited administrative approvals.
3. Provide an immediate cash infusion to Indiana Work Force Development so that it can increase its staff of intake workers and their training to be able to promptly handle claims for unemployment compensation, and the increased benefits provided by the recently enacted federal CARES Act, including eliminating the ordinarily applicable waiting times for receiving benefits and assistance .

Upon the passage of this Resolution and approval by the Mayor, the City Clerk will send a certified copy to the Governor of Indiana and all State Senators and Representatives with constituents in Michigan City.

This Resolution shall be in full force and effect after passage and approval by the Mayor.

INTRODUCED BY: _____

Donald Przybylinski, Member
Michigan City Common Council

CO-SPONSOR:

Paul A. Przybylinski

Angie Nelson Deutch, Member

Bryant Dabney, Member

Eugene Simmons, Member

Sean Fitzpatrick, Member

Tracie Tillman, Member

Michael Mack, Member

Dalia Zygas, Member

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2020.

Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

**WAIVING CERTAIN PROCEDURES AND FORMALITIES
DURING DISASTER EMERGENCY PURSUANT TO I.C. 10-14-3-17**

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, I.C. 10-14-3-17 gives the City of Michigan City, by and through the Michigan City Common Council (Council), the authority to waive procedures and formalities otherwise required by law as a result of the disaster 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:

.....

(H) the appropriation and expenditure of public funds.

WHEREAS, pursuant to the Michigan City Municipal Code (City Code), the Council is required to approve claims to be paid from the Casino or Boyd Development Funds; and

WHEREAS, pursuant to City Code, the Council is required to consent to the Mayor's appointments to various City Commissions; and

WHEREAS, the Council desires to avoid the disruption to City operations and services that the COVID-19 virus emergency may create; and

WHEREAS, the Council recognizes concern for public health due to the COVID-19 virus emergency and related Governor's Orders may prevent the Council from meeting to conduct its business and affairs, including the approval of claims and fulfilling other duties required by City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY THAT:

1. The aforementioned "Whereas" sentences are incorporated herein as if fully set forth herein.
2. Those procedures required by Indiana law pertaining to the appropriation and expenditure of public funds and required by City Code for approvals by the Council of Mayoral appointments to City Commissions and other Council approvals shall be waived in the event the

Council President determines and declares in writing that the Council is unable to hold a timely meeting due to public health concerns arising out of the current Governor declared COVID-19 virus emergency or due to another Governor declared emergency issued pursuant to IC 10-14-3-12, at which time the Council President or, if he is unavailable, the Vice-President, shall have the authority to approve the same that would otherwise have been presented for approval by the Council at a Council meeting.

3. This Resolution does not waive the requirement for a public hearing on an appropriation to the extent a public hearing is required by Indiana law but this Resolution does allow the approval of such appropriation by the Council President or, if he is unavailable, the Vice-President, after the public hearing.

4. The waiver provided for in this Resolution shall be null and void upon the expiration of the current Governor declared COVID-19 public health emergency or of any subsequent Governor declared emergency issued pursuant to IC 10-14-3-12 which is the basis for a Council President's above described declaration allowing the implementation of the waiver of formal Council approvals provided for herein.

This Resolution will be in full force and effect from and after its passage by the Council and approval by the Mayor.

INTRODUCED BY: _____
Sean Fitzpatrick, President
Michigan City Common Council

Passed by the Michigan City Common Council this _____ day of _____, 2020.

Sean Fitzpatrick, President
Michigan City Common Council

Approved by me this _____ day of _____, 2020.

Duane Parry, Mayor
Michigan City, Indiana

ATTEST:

Gale Neulieb, City Clerk
Michigan City, Indiana

Prepared by the Council Attorney Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 2-399 OF THE MICHIGAN CITY MUNICIPAL CODE DESIGNATING THE COMMON COUNCIL AS THE CITY AGENCY WITH THE SOLE AUTHORITY TO APPROVE PURCHASE ORDERS FROM THE CITY'S RIVERBOAT FUND AND BOYD DEVELOPMENT FUND

WHEREAS, on July 6, 2010, the Michigan City Common Council enacted Ordinance No. 4096, which was codified in Section 2-399 of the Michigan City Municipal Code, to establish the Common Council as the sole authority to approve any and all claims, expenditures and transfers from the City's Riverboat and Boyd Development Funds; and

WHEREAS, Sec. 2-399 currently reads as follows:

"Sec. 2-399. - Riverboat fund; Boyd development fund.

The common council is designated as the city agency with the sole authority to approve any and all claims against, and any and all expenditures and transfers from, the city's riverboat fund and Boyd development fund.

(1) No expenditure or transfer from the city's riverboat fund or Boyd development fund shall be allowed or made without the written approval of the common council.

(2) The city controller shall timely prepare an appropriate claims/accounts payable vouchers for approval by the common council at a public meeting.

(3) The city controller, as he deems necessary, shall timely prepare an appropriate written request to transfer funds from the city's riverboat fund and Boyd development fund, along with an appropriate resolution approving the transfer, for the common council's approval at a public meeting.

(4) The claims/accounts payable vouchers and requests transfers shall be prepared in a timely fashion so as to avoid the city incurring any late payment penalties or unnecessary delay or default in payment of any of the city's bills.

(5) The controller shall submit the appropriate supporting documentation, including that required by state law and the state board of accounts, to the common council for each claim/accounts payable voucher the common council is asked to approve;" and

WHEREAS, on June 5, 2017, the Michigan City Board of Public Works & Safety enacted the City's Purchasing Policy, and Section 6.1(A) of the Purchasing Policy states that *"If a purchase is over \$500.00, prior to completing the purchase, the Purchasing Agent shall submit a purchase order to the City Controller's Office for approval to purchase;"* and

WHEREAS, the Michigan City Common Council has determined that the need exists to amend Sec. 2-399 to follow Section 6.1(A) of the City's Purchasing Policy and to grant the

Common Council with authority to approve an expenditure from the City's Riverboat Fund and/or Boyd Development Fund prior to the actual purchase of goods or services by a City Department.

NOW, THEREFORE, BE IT ORDAINED that Section 2-399 of Chapter 2 of the Michigan City Municipal Code shall be amended to now read as follows:

Sec. 2-399 – Riverboat Fund; Boyd Development Fund

The Common Council is designated as the City agency with the sole authority to approve any and all claims against and any and all expenditures and transfers from the City's Riverboat Fund and Boyd Development Fund.

1. With the exception of an emergency purchase as defined in I.C. 5-22-10-4, no expenditure or transfer from the City's Riverboat Fund or Boyd Development Fund shall be allowed or made without the prior approval of a purchase order for the purchase by the Michigan City Common Council at a public meeting.
2. For each purchase order the Common Council is asked to approve, the City Controller shall prepare an appropriate purchase order, accompanied by the appropriate documentation, including that required by Indiana law, the Indiana State Board of Accounts, and by the City's Purchasing Policy, (ie: quotes, bids, etc... as outlined in the City's Purchasing Policy effective June 5, 2017, which may include the relevant documentation that had been submitted to the Michigan City Board of Public Works & Safety for approval prior to said purchase) and submit it to the Common Council prior to the meeting at which it is to be considered for approval by the Common Council.
3. The City Controller, as deemed necessary, shall timely prepare an appropriate written request to transfer funds to fund the purchase order from the City's Riverboat Fund or Boyd Development Fund, along with an appropriate resolution approving the transfer, for the Common Council's approval at a public meeting.
4. The City Controller shall submit a report detailing each payment against all previously approved purchase orders paid for from the City's Riverboat Fund and Boyd Development Fund. The report shall include vendor name, amount of payment, purchase order number, check number, date of payment, and balance, if any, remaining on said purchase order.
5. All claims/accounts payable vouchers and requests for transfers shall be prepared in a timely fashion to avoid the City incurring any late payment penalties or unnecessary delay or default in payment of any of the City's bills.

This Ordinance to be effective upon passage and approval by the Mayor.

INTRODUCED BY: _____

Bryant Dabney, Member
Michigan City Common Council

CO-SPONSOR _____

Tracie Tillman, Member
Michigan City Common Council

CO-SPONSOR _____

Paul A. Przybylinski, Member
Michigan City Common Council

CO-SPONSOR _____

Don Przybylinski, member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2020 by a vote of _____ to _____.

Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana