

ORIGINAL

JULY 15 2020 @ 1:00 p.m.
COMMISSIONER'S COURTROOM
SPECIAL COMMISSIONER MEETING
100 W. MAIN STREET
MUNCIE, IN 47305

QUESTIONS MAY BE DIRECTED TO COMMISSIONERS@CO.DELAWARE.IN.US
PLEDGE TO FLAG

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggin
Mr. Joe Rhett, County Attorney
Ms. Donna Patterson, Deputy Auditor

COVID-19 RESPONSE & CARES ACT REIMBURSEMENT

Mr. Joe Rhett, County Attorney, presented Barnes & Thornburg, LLP agreement regarding reimbursement of COVID-19. Barnes & Thornburg will work on reimbursements of state funding. A flat fee of \$20,000 will be charged. According to the attorney from Barnes, they anticipate to recover more than the county could on their own due to knowledge of reimbursement requirements. The flat fee of \$20,000 should be recovered through the reimbursements plus some.

Commissioner King said his understanding is that \$20,000 will be reimbursable through COVID-19.

Mr. Rhett said he was not positive about the deadline date, however, Ms. Donna Patterson, Deputy Auditor, said she thought it was December 31, 2020.

Mr. Rhett said if the public health emergency continues then this date would/could be extended.

Commissioner King said if COVID hits again in late fall, Barnes & Thornburg, LLP will still cover those months.

MOTION: Commissioner King made a motion to approve COVID-19 Response & Cares Act agreement with Barnes & Thornburg, LLP.

SECOND: Commissioner Riggin

YEAS: Commissioner King, Commissioner Riggin, President Henry

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BARNES & THORNBURG LLP

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June 11, 2020

VIA ELECTRONIC MAIL

Board of Commissioners
Delaware County, Indiana

RE: COVID-19 RESPONSE & CARES ACT REIMBURSEMENT COUNSEL

Dear Commissioners,

Barnes & Thornburg LLP ("Firm") is very pleased to serve as COVID-19 response and CARES Act reimbursement counsel to the Board of Commissioners of Delaware County, Indiana ("Client"). I am enclosing the Firm's Standard Terms of Engagement for Legal Services setting forth the standard terms upon which the Firm accepts client engagements. The Firm's engagement by Client in this matter ("Engagement") will be governed by these standard terms to the extent not expressly modified by this letter. In particular, by signing this letter, Client agrees that the Firm may represent other clients in certain matters adverse to Client as described in the Standard Terms of Engagement for Legal Services under the caption "Waiver of Certain Potential Conflicts of Interest."

It is important from the outset of this relationship that we have a clear understanding as to the identity of the Firm's client in this Engagement. The Firm's only client in this Engagement is the Board of Commissioners of Delaware County, Indiana. This representation does not extend to any affiliate, subsidiary, parent, member, officer, director, or other persons or entities who are not specifically identified in this letter.

SCOPE OF SERVICES

The Firm is being engaged to assist the Client with COVID-19 response and CARES Act funds specifically related to the Indiana Finance Authority application process and reimbursement program ("Matter").

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Although I will be the lawyer responsible for the Matter, other lawyers and legal assistants at the Firm will assist me, depending upon their expertise and experience. My responsibilities include selecting personnel to provide services consistent with Client's expectations. Whenever practicable, I will advise Client of the names of additional lawyers or legal assistants who I may assign to work on this Matter.

FEES

Barnes & Thornburg LLP will perform the services described above for a fixed fee of \$20,000, payable in four monthly installments of \$5,000 each.

OTHER REPRESENTATIONS

With respect to our Firm's government relations practice, the Client is aware that the Firm represents the interests of other persons and entities before various legislative and executive bodies, and administrative agencies at the local, state, and federal level. In addition, the Firm represents a broad spectrum of clients in many different industries in connection with a wide variety of matters. In addition, because of the Firm's size, and as Client might expect, the Firm has lawyers and non-lawyer lobbyists with many different views and philosophies. Some of the Firm's lawyers and non-lawyer lobbyists are from time to time involved with the political process for various candidates and causes, sometimes interests which in some cases, might be adverse to the interests Client seeks to promote through its engagement of the Firm. We do not believe that our representation of these other clients with points of view that differ from Client's will affect the Firm's ability to provide competent and diligent representation to any of our Firm's clients. Notwithstanding the above, our Firm will not represent other parties in an agency contracting or lobbying matter directly adverse to Client. For example, we would not and could not concurrently advocate contrary positions for two clients before the same body or agency. However, from time to time it is possible that we may take positions on behalf of other clients that may indirectly impact Client's interests in matters in which we do not represent Client.

In addition, our Firm also has a broad traditional practice in virtually all areas of the law and with respect to a wide spectrum of clients and industries. Some of our clients look to the Firm as their general counsel. As such, it is possible that, during the time we are representing Client, our other current or future clients will have disputes or transactions with Client. In light of these circumstances, we request that Client consent and acknowledge that the Firm's representation in this and other matters on which Client engages us from time to time will not disqualify the Firm from representing other clients in unrelated matters adverse to Client. Thus, as a condition of the Firm's undertaking this engagement, Client must agree to waive all legal, business, and political conflicts which exist or may arise as a result of the Firm's representation of Client and any other person or entity.

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Client acknowledges and agrees that the Firm, and other clients described in the preceding paragraphs, will be undertaking representation of such clients in reliance on Client's consent. Should Client at some later time wish to revoke consent, it agrees that the method for doing so shall be by terminating the Firm's representation at that time, and that such revocation will not require Barnes & Thornburg LLP or its attorneys to discontinue representation of such other clients.

TERMINATION OF SERVICES

Client may terminate this engagement at any time simply by notifying the Firm. The Firm may terminate this engagement for nonpayment of our fees and where we are required or permitted to do so by the Rules of Professional Conduct after giving Client reasonable notice and allowing time for Client to engage successor counsel, if necessary.

Upon termination of this Agreement by either party, the Firm will be entitled (i) to retain all sums previously paid; (ii) to payment of all outstanding unpaid invoices; and (iii) to payment for services through the date that the Firm received notice of termination upon receipt and approval in accordance with this agreement of a statement covering such services.

CONCLUSION

If this letter accurately sets forth the engagement and your understanding, please so indicate in the space provided below and return a signed copy of this letter to me. We ask you to acknowledge that, in reviewing and executing this letter, you have not relied on any advice provided by the Firm, but instead has acted solely in reliance upon the advice of other counsel.

I look forward to working with you on this matter. If you have any questions, please call me.

Sincerely,



Richard J. Hall

Enclosure

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Board of Commissioners
of Delaware County, Indiana


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AGREED AND CONSENTED TO:

BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA








Auditor

DMS R301 17537921v1

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EMERGENCY DECLARATION 2020-013A

MOTION: Commissioner King made a motion to approve Emergency Declaration 2020-013A.

SECOND: Commissioner Rigglin

YEAS: Commissioner King, Commissioner Rigglin, President Henry

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Disaster Emergency Declaration
2020-13A

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Delaware County, Indiana

- WHEREAS, the President of the United States, on March 13, 2020, has declared a nationwide emergency concerning the spread of COVID-19 viral infections, and
- WHEREAS, the Governor of the State of Indiana, on March 16, 2020, has made an emergency declaration in response to the Coronavirus (COVID-19) disease epidemic; and
- WHEREAS, the County Health Officer has determined that certain measures should be put into place to lessen the potential spread of the COVID-19 virus including the closing of some local businesses; and
- WHEREAS, pursuant to I. C. 10-14-3-29(a) the Board of Commissioners of Delaware County, IN hereby makes a local disaster emergency declaration; and
- WHEREAS, the Governor has adopted Executive Orders 20-25 and 20-26 as map for continued protection from the COVID-19 threat as well as a map of reopening the State and County; and
- WHEREAS, the Governor has extended the current declaration of a public health emergency in Executive Order 20-33, 34 and 35 to August 3, 2020; and
- WHEREAS, the Board of Commissioners of Delaware County, Indiana have determined that in response to the emergency believes that the Governor's order should be made a part of the County's Emergency Declaration for consistency and continuity and that the Emergency Declaration should be extended.

NOW THEREFORE WE, THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA HEREBY DECLARE THAT:

1. A local public health disaster continues to exist in the County and that we hereby invoke and declare those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this proclamation, to be in full force and effect in the entire County, including incorporated areas for the exercise of all necessary emergency authority for protection of the lives and property of the people of this County and the restoration of local government with a minimum of interruption. This Emergency Order is effective immediately and shall be in place until the end of business July 20, 2020.
2. The Board of Commissioners adopt the Governor's Executive Order 20-33, 34 and 35 in whole as part of their emergency declaration and plan to return to get back on track.

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3. All members of the public that conduct business in any county building or facility shall maintain a social distance of at least 6 feet between individuals at all times. Employees shall be required to wear face coverings in all public areas of county facilities or where the employee has existing underlying health conditions prohibits wearing a face covering. Member of the public are required to wear a face mask or other covering which covers the person's mouth and nose during their business in the County Building unless the member of public prohibits a face covering because of an underlying health condition prohibits wearing a face covering..
4. The Governor's Executive Order 20-32, 33, 34 and 35 is incorporated by reference and made a part of this Emergency Declaration.
5. In instances where an individual must visit a retail business, the business shall follow the proper social distancing requirements in Executive Order 20-32 and the guidelines from the Center for Disease Control (CDC).
6. Those residents that are 65 and older and those with known high-risk health conditions should adhere to social distancing requirements and be cautious at work and in their communities.
7. Residents that have symptoms, may have been exposed, have high-risk health conditions as well as others that desire peace of mind are encouraged to be tested for COVID-19 at the local facilities.
8. Social gatherings of up to 250 people may take place following CDC recommended social distancing guidelines.
9. The Stage 4.5 guidelines for the State of Indiana are implemented for Delaware County, IN.
10. All individuals are encouraged to wear masks when going out to businesses, grocery stores or outside of their residence for any essential purpose.
11. This Emergency Declaration shall supersede and replace all prior Emergency Declarations made the by Board of Commissioners prior to this Emergency Order.

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- 12. The Commissioners determine that all government operations are essential as the government operations from March 23, 2020 to the present and all essential governmental functions are operating and available to the public through remote or electronic access, as needed.
- 13. Violations of this order will be turned over to the Governor's Enforcement Response Team as setforth in Executive Order 20-26 for investigation and enforcement.
- 14. This Emergency Order shall remain valid until July 20, 2020.

In witness, whereof, we have hereunto set our hand this day of July, 2020.

Delaware County Board of Commissioners


Shannon Henry, President


James King, Vice President


Sherry Riggini, Member

Attest: 
Steven G. Craycraft, County Auditor

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MOTION: Commissioner King made a motion to recess.

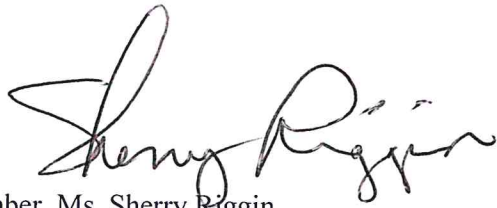
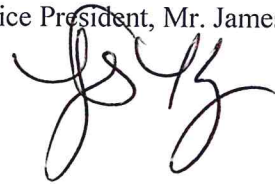
SECOND: Commissioner Riggan

YEAS: Commissioner King, Commissioner Riggan, President Henry



President, Mr. Shannon Henry

Vice President, Mr. James King



Member, Ms. Sherry Riggan



Auditor, Mr. Steven G Craycraft

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