

A RESOLUTION

Of the Board of Supervisors of the Township of Derry, Mifflin County, Pennsylvania, issuing a Declaration of Local Disaster Emergency, announcing coordination and cooperation with the Commonwealth of Pennsylvania and the Governor of Pennsylvania’s Declaration of Disaster Emergency and amendments thereto, adopting certain temporary emergency rules of the Board of Supervisors of the Township of Derry, Mifflin County, Pennsylvania, as a result of the Declaration of Emergency issued by the Governor of the Commonwealth of Pennsylvania and the issuance of a Declaration of Local Disaster Emergency declared by the Board of Supervisors of the Township of Derry.

RECITALS

WHEREAS, Governor Tom Wolf issued a Proclamation of Disaster Emergency on March 6, 2020, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, *et seq*, proclaiming the existence of a disaster emergency throughout the Commonwealth in response to the novel coronavirus (known as “COVID-19”) pandemic; and

WHEREAS, on March 19, 2020, Governor Tom Wolf issued an “Order of the Commonwealth of Pennsylvania Regarding the Closure of All Businesses that are Not Life Sustaining”, which resulted in the issuance of a list or chart providing guidance on the implementation thereof and, subsequently a document entitled Business Closure Enforcement Guidance; and

WHEREAS, the Township of Derry, as a political subdivision of the Commonwealth of Pennsylvania, is subject to the Disaster Emergency declared by the Governor of the Commonwealth of Pennsylvania; and

WHEREAS, as a political subdivision included in the Governor’s Declaration of Disaster Emergency, it is thereby authorized to exercise the general authority vested in it under the provisions of the Emergency Management Services Code, General Authority of Political Subdivisions, 35 Pa. C.S. § 7501; and

WHEREAS, it is anticipated that during the term of the emergency there will be additional orders and explanatory guidance issued by the Governor and the Commonwealth of Pennsylvania, and the agencies thereof; and

WHEREAS, the Board of Supervisors is also authorized to declare a Local Disaster Emergency, pursuant to of the Emergency Management Services Code, General Authority of Political Subdivisions, 35 Pa. C.S. § 7501 (b), upon a finding that a disaster has occurred or is imminent; and

WHEREAS, as such, the governing body of a political subdivision is authorized to exercise powers vested in it per the Emergency Management Services Code, General Authority of Political Subdivisions, 35 Pa. C.S. § 7501; and

WHEREAS, temporary emergency rules for meetings as noted below are predicated upon said Declaration of Disaster Emergency issued by the Governor, and possible additional rules being issued, and the Declaration of Local Disaster Emergency declared by this Resolution, the effect of said Disaster Emergency, state-wide and local, which may make the convening of some or all of the members of Board of Township Supervisors, as a body at the Derry Township Municipal Building, or at a single location imprudent, inexpedient or impossible; and

WHEREAS, the Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716, which requires agencies to deliberate and take official action on agency business in an open and public meeting, that meeting having prior notice, so that the public can attend, participate, and comment before an agency takes official action, remains in full force and effect; and

WHEREAS, to the extent reasonable, the Township will attempt to provide a reasonably accessible method for the public to participate and comment pursuant to 65 Pa.C.S. § 710.1 of the Sunshine Act, to maintain transparency; and

WHEREAS, the Emergency Management Code, 35 Pa.C.S. § 7501(d) authorizes political subdivisions included in a “declaration of disaster emergency” to suspend the need to comply with certain “formal requirements” in response to the emergency; and

WHEREAS, the Township of Derry has determined to establish emergency rules balancing the need for public safety with the need for transparency.

PROVISIONS

NOW, THEREFORE, INCORPORATING THE AFORESAID RECITALS AS AN INTEGRAL PART HEREOF, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF DERRY AND IT IS HEREBY RESOLVED BY THE AUTHORITY OF THE SAME, THAT:

- A. The Board of Supervisors of the Township of Derry, Mifflin County, Pennsylvania, hereby declares a Local Disaster Emergency pursuant to of the Emergency Management Services Code, General Authority of Political Subdivisions, 35 Pa. C.S. § 7501 (b); and otherwise per law, and finds that a local disaster has occurred or is imminent as a result of the novel coronavirus (known as “COVID-19”) pandemic, which may actually or likely seriously affect the safety, health and welfare of a substantial number of Township citizens and residents.

- B. The effect of the novel coronavirus (known as “COVID-19”) actually and/or may be of such magnitude or severity to render essential State supplementation of local resources. As such, the Township of Derry will coordinate with the Commonwealth of Pennsylvania, the Governor’s Office and Commonwealth agencies and with Local Emergency Management Services in prevention and suppression of the illness caused by and associated with the novel coronavirus (known as “COVID-19”) pandemic.
- C. Members of the Board of Supervisors may participate in meetings of Board of Supervisors and committee meetings by remote participation, which means simultaneous, interactive participation in a meeting by members not physically present at the location of the meeting, through means of communication technologies designed to accommodate and facilitate simultaneous, interactive participation among the Supervisors and any members of the public present in the meeting room.
- D. Technology employed for remote meetings must safeguard the integrity of the legislative process and maintain the deliberative character of the meeting by providing for simultaneous, aural and verbal communication among all participants.
- E. Supervisors participating remotely shall be counted for the purpose of determining a quorum of any meeting of the Board of Supervisors or committee meeting.
- F. Supervisors participating remotely may cast votes for all measures considered and brought to a vote as if the members were physically present at the meeting.
- G. The identity of the remote, voting Supervisor must be verified by the Chairman or other presiding officer.
- H. The Board of Supervisors will provide a reasonably accessible method for the public to participate and comment pursuant to § 710.1 of the Sunshine Act, as amended (65 PA C.S. § 710.1, as amended), which will be clearly explained to the public in advance of and during the meeting;
- I. Minutes of all meetings shall be kept.
- J. The Township Manager is authorized to take all appropriate actions and steps, in accordance with law, as are necessary to obtain the service, equipment, software and professional services, as necessary, and to otherwise implement the remote capability of the Township Supervisors and the intent of this Resolution.
- K. The Supervisors and the Township Manager, are authorized to otherwise take any and all appropriate actions in accord with the Governor’s Declaration of Disaster Emergency, this Local Declaration of Disaster Emergency and any additional amendments to either declaration.
- L. The Supervisors and the Township Manager are otherwise authorized to take any and all actions per law and regulations to prevent and to alleviate the effect of any disaster

emergency or local disaster emergency to the safety, health and welfare of a substantial number of citizens or residents of the Township of Derry, Mifflin County, Pennsylvania.

FURTHER RESOLVED, that this Resolution and the concomitant Declaration of Local Disaster Emergency, unless otherwise further extended, shall expire August 31, 2020, or no later than ten (10) days following the expiration of the aforementioned Declaration of Disaster Emergency issued by the Governor of the Commonwealth of Pennsylvania, as amended, whichever is earlier.

ADOPTED AS A RESOLUTION by the Board of Supervisors of the Township of Derry at a duly advertised Public Meeting held this 25 day of March, 2020.

**TOWNSHIP OF DERRY,
Mifflin County, Pennsylvania**

By: [Signature]
[Vice] Chairman of the Board of Supervisors

ATTEST:

[Signature]
Township Secretary

(SEAL)

