

COPY

RESOLUTION NO. 3-3-20

Series of 2020

AN EMERGENCY RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, CONCERNING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH EMERGENCY.

Introduced by Councilmember Janes

WHEREAS, on March 10, 2020, Jared Polis, the Governor of the State of Colorado, declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, the World Health Organization has declared the coronavirus (COVID-19) to be a worldwide pandemic; and

WHEREAS, the City Council of the City of Sterling confirms that protecting public health is the Council's top priority; and

WHEREAS, the City Council is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the City Council finds and determines that the adoption of this resolution is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the City Council further finds and determines that the adoption of this resolution is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law; and

WHEREAS, Section 6-1 of the City Code establishes the Emergency Management Office; and

WHEREAS, Section 6-2 of the City Code designates the director of Emergency Management is the City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STERLING, COLORADO:

Section 1. Title. This resolution shall be known and may be cited as the "City of Sterling Coronavirus (COVID-19) Resolution."

Section 2. Intent. It is the intent of this resolution to provide the necessary organization, powers, and authority to enable the timely and effective use of all available City resources to prepare for, respond to, and recover from the declared local public health emergency. This resolution is intended to grant as broad a power as is permitted within the letter and spirit of the City Charter and the Council-Manager form of government, and this resolution shall be interpreted in accordance with such intent. The City Council retains the power to direct the City Manager during the pendency of the current coronavirus (COVID-19) public health emergency.

Section 3. Public Health Emergency Declared. The City Council hereby declares that a public health emergency relating to the coronavirus (COVID-19) exists within the City. Such circumstance is referred to in this resolution as the "public health emergency." The public shall be notified of this declaration through general dissemination to the news media, posting on the City website, or other means of publicity intended to advise the general public.

Section 4. Duration of Declaration of Public Health Emergency. The declaration of the public health emergency as provided in Section 3 of this resolution shall remain in effect until the Mayor declares that the emergency has passed.

Section 5. Continuity of Government. The provisions of the City Charter, City Code, and City Council Rules of Procedure concerning continuity of government shall apply, if circumstances warrant, during the duration of the public health emergency.

Section 6. Powers. Until the Mayor declares that the public health emergency has passed, the City Manager has full power and authority to take the following actions and issue the following orders:

(a) any action necessary for the protection of life and property, including, but not limited to, establishing regulations governing conduct related to the cause of the public health emergency.

(b) an order establishing a curfew during such hours of the days or nights and affecting such categories of persons as may be designated.

(c) an order to direct and compel the evacuation of all or a part of the population from any stricken or threatened areas within the City if the City Manager deems this action is necessary for the preservation of life, property or other public health emergency mitigation, response or recovery activities and to prescribe routes, modes of transportation and destination in connection with an evacuation.

(d) an order controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing, and other commodities, materials, goods, services and resources.

(e) an order requiring the closing of businesses deemed nonessential by the City Manager.

(f) suspend City board and commission meetings to include, but not be limited to, meetings of the Planning Commission, Parks, Library and Recreation Board, and Public Works Board, or modify meeting rules to allow for telephone, teleconferencing or meeting by other electronic means.

(g) appropriate and expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without the strict compliance with procurement regulations or procedures.

(h) transfer the direction, personnel, or functions of City departments and

agencies for the purposes of performing or facilitating public health emergency services.

(i) utilize all available resources of the City as may be reasonably necessary to cope with this public health emergency whether in preparation for, response to, or recovery from this public health emergency.

(j) suspend or modify the provision of any ordinance or resolution if strict compliance with such ordinance or resolution would in any way prevent, hinder or delay necessary action in coping with this public health emergency.

(k) accept services, gifts, grants and loans, equipment, supplies, and materials whether from private, nonprofit or governmental sources.

(l) make application for local, state or federal assistance.

(m) terminate or suspend any process, operation, machine, device or event that is or may negatively impact the health, safety and welfare of persons or property within the City.

(n) delegate authority to such City officials as the City Manager determines reasonably necessary or expedient.

(o) limit the use of any City-owned building, facility, or property as to time, manner, and permitted activities, including, but not limited to, limiting the permissible number of people that may lawfully occupy such building, facility, or property at any one time.

(p) close and prohibit the use of any City-owned building, facility, or property.

(q) exercise such powers and functions in light of the exigencies of this public health emergency, including, but not limited to, the waiving of compliance with any time consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto.

(r) issue any and all other order or undertake such other functions and activities as the City Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the City of Sterling, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.

The restrictions may be changed from time to time during the time frame of the declaration based upon the discretion of the City Manager.

Section 7. Enforcement of Orders:

(a) The members of the City's Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the City Manager are hereby authorized and directed to enforce the orders, rules, and

regulations made or issued pursuant to this resolution. All members of the public shall be deemed to have been given notice of all orders, rules, and regulations made or issued pursuant to this resolution upon their dissemination to the news media or publication on the City website or other means of publicity.

(b) Until the Mayor declares that the public health emergency has passed, no person shall:

(1) enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment.

(2) violate the provisions of this resolution.

(3) violate any of the orders duly issued by the City Manager or designee pursuant to Section 6 of this resolution.

(4) willfully obstruct, hinder, or delay any duly authorized City officer, employee or volunteer in the enforcement or exercise of the provisions of this resolution, or of the undertaking of any activity pursuant to this ordinance.

(c) It is unlawful and a misdemeanor offense for any person to violate any provision of this Section 7. Any person convicted of a violation of this section shall be subject to the penalties set forth in Section 1-15 of the Sterling City Code.

Section 8. Authority to Enter Property. During the period of the public health emergency, a City employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private land will allow the person to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize danger to lives or property from the declared public health emergency.

Section 9. City Council Meetings and Departments:

(a) For the duration of the public health emergency, if a City Council member reasonably determines that his or her personal attendance at a City Council meeting would not be prudent, such Council member may listen by telephone, video conferencing, or other electronic means to any Council meeting ("Electronic Participation). Such Council member listening via telephone or other electronic means shall be deemed present for purposes of determining a quorum. The member of City Council may not participate nor vote in a quasi-judicial public hearing; however, the Council member may maintain the electronic connection and monitor and listen to the hearing. The member of the City Council may participate and vote in legislative matters. Electronic Participation is also available to a City Council member during an executive session. The City Council may discontinue the use of Electronic Participation by one or more members during a meeting where the participation results in delays or interference in the meeting process; e.g., where the telephone connection or connection by other

electronic means is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance. Whenever a City Council member is allowed to participate in a City Council meeting by telephone or other electronic means pursuant to this Rule, the following additional rules shall be observed:

(1) All members of the City Council must be able to hear one another or otherwise communicate with one another, and be able to hear all discussion and testimony in a manner designed to provide maximum notice and participation.

(2) Members of the public present at the meeting location must be able to hear all discussion, testimony, and votes.

(3) All votes held at the meeting shall be conducted by roll call.

(4) To the extent possible, full and timely notice shall be given to the public setting advising that one or more members of the City Council may participate in the meeting electronically.

(5) Participation in a regular City Council meeting by telephone or other electronic means in accordance with this Rule shall not be considered to be a "failure to attend" a regular Council meeting for determining whether a vacancy in the office of the Mayor or a Council member has occurred.

(b) Whenever the public health emergency makes it imprudent or impossible for City Council, or any City board, commission, or committee, to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the City Council or City board, commission, or committee is able to meet, not to exceed one (1) week.

(c) Any official act or meeting required to be performed at any regular location of the City Council, or any City board, commission, or committee or any City department is valid when performed at any temporary location under this section.

(d) The provisions of this section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the City and its officers, employees, and authorized agents by the Colorado Constitution, Colorado Statutes, the City Code, and the City Charter.

Section 10. Access to Tabor Funds. During the current public health emergency the City Manager shall have access to the City's emergency funds mandated by the Taxpayer's Bill of Rights (TABOR) as set forth in Article X, Section 20, Subsection (5) of the Colorado Constitution, entitled "Emergency reserves." Funds utilized pursuant to this resolution shall be replenished no later than the conclusion of the fiscal year following the end of the current public health emergency.

Section 11. Conflict With Other Laws. If any provision of this resolution conflicts with the City Charter, the City Charter shall control. If any provision of this resolution conflicts with any provision of the Sterling City Code, or any provision of the City Council's Rules of Procedure, this resolution shall control.

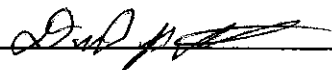
Section 12. Police Power Finding. The City Council hereby finds, determines and declares that this resolution is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Sterling and the inhabitants thereof.

Section 13. Authority. The City Council hereby finds, determines and declares that it has the power to adopt this resolution pursuant to the provisions of Section 31-15-401(1)(b) C.R.S., and the powers possessed by home rule municipalities in Colorado, including, but not limited to, the provisions of the Sterling City Code and City Charter.

Section 14. Emergency Declaration. The City Council of the City of Sterling hereby finds, determines and declares that an emergency exists and that this resolution is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the introductory paragraphs of this resolution, which are incorporated into this Section 14 by reference. The City Council further determines that the adoption of this resolution as an emergency resolution is in the best interest of the citizens of the City of Sterling.

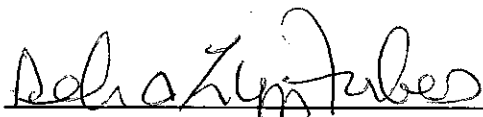
Section 15. Effective Date. This resolution shall take effect and be in full force upon adoption thereof.

Adopted this 24th day of March, 2020.



Mayor

ATTEST:



City Clerk