

RESOLUTION NO. 2020-03-05

A RESOLUTION CONCERNING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH EMERGENCY, DECLARING AN EMERGENCY AND PROVIDING EMERGENCY AUTHORITY.

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

WHEREAS, on March 14, 2020, the President of the United States declared a national emergency in response to the coronavirus (COVID-19); and

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

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in Morgan County; and

WHEREAS, the City Council of the City of Fort Morgan 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 Sections 31-15-401(1)(b) and 24-33.5-703(3), C.R.S., and other applicable law.

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

Section 1. Title. This Resolution shall be known and may be cited as the "City of Fort Morgan 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 statutes governing the City Government, and this Resolution shall be interpreted in accordance with such intent. The City Council retains

all power to direct the Acting 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 for thirty (30) days from the date of adoption of this Resolution, unless further renewed by City Council.

Section 5. Powers. Until the Mayor declares that the public health emergency has passed the Acting 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 Acting 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. with the consent of the Mayor, an order requiring the closing of businesses deemed nonessential by the Acting City Manager;
- F. suspend City board and commission meetings to include, but not be limited to, meetings of the City Council Planning Commission, or modify meeting rules to allow for telephone, teleconferencing or meeting by other electronic means;
- G. as it relates to the City’s response to COVID-19, 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 provisions of any Resolution if strict compliance with such 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 Acting City Manager determines reasonably necessary or expedient;
- O. limit the use of any City-owned or controlled 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 or controlled 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; or
- R. issue any and all other orders or undertake such other functions and activities as the Acting City Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the City of Fort Morgan, 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 Acting City Manager.

Section 6. 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 Acting 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 Acting City Manager or designee pursuant to Section 5 of this Resolution; or
 - 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 Resolution.

It is unlawful and a misdemeanor offense for any person to violate any provision of this Section 6. Any person convicted of a violation of this section shall be subject to the penalties set forth in section 1-4-10 of the Municipal Code of the City of Fort Morgan.

Section 7. City Council Meetings and Meetings of Boards and Commissions.

For the duration of the public health emergency, if a City Council member, or member of a City Board or Commission, reasonably determines that his or her personal attendance at a City Council meeting, or meeting of a City Board or Commission, would not be prudent, such member may listen by telephone, video conferencing, or other electronic means to any meeting ("Electronic Participation") pursuant to the City's Electronic Participation Policy for Council Meetings and Meetings of City Boards and Commissions During a Local Disaster Emergency. In addition, such meetings may be held exclusively electronically, as the Mayor may determine.

Section 8. Access to TABOR Funds. During the current public health emergency the Acting 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 9. Conflict with other Laws. If any provision of this Resolution conflicts with any provision of the City Code of the City of Fort Morgan, or any provision of the City's policies, this Resolution shall control.

Section 10. Police Power Finding. The City Council of the City of Fort Morgan hereby finds, determines and declares that an emergency exists in the form of the Coronavirus (COVID-19) pandemic and that this Resolution is necessary for the immediate preservation of public property, health, welfare, peace or safety. Accordingly, the City Council determines that the adoption of this Resolution as an emergency Resolution is in the best interests of the citizens of the City of Fort Morgan.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 31st day of March, 2020, the vote upon roll call being as follows:

Ayes: Mayor Shaver , Coucilmembers Anderson, Deal, Howe, Lindell, Schossow, and Urdiales

Nays: None.

Absent /Abstain: None.




THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: 

Ronald Shaver, Mayor

ATTEST:



John Brennan, City Clerk
STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

ss.

CERTIFICATE

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 31st day of March, 2020.



John Brennan, City Clerk