

## **Resolution 20-08**

### **COVID-19 LOCAL DISASTER EMERGENCY DECLARATION**

**WHEREAS**, COVID-19 is a highly contagious virus that has spread to numerous countries around the world, including the United States; and

**WHEREAS**, the virus may cause serious illness or death in certain cases, particularly where the elderly and persons with underlying health conditions contract it; and

**WHEREAS**, on January 30, 2020, the World Health Organization (WHO) declared the worldwide outbreak of COVID-19 a "public health emergency of international concern;" and on January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency, and on March 11, 2020, the WHO declared COVID-19 to be a worldwide pandemic, which means the outbreak of the disease is no longer isolated to one or several communities but rather spreads throughout the world; and

**WHEREAS**, on March 11, 2020, the Governor of Colorado declared a "Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado"; and

**WHEREAS**, on March 13, 2020, Clear Creek County Public Health and Environment confirmed a case of COVID-19 that was contracted elsewhere is in isolation within the county; and

**WHEREAS**, on March 13, 2020, Donald Trump declared a national emergency with respect to COVID-19 virus; and

**WHEREAS**, public health experts anticipate that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the county daily, Clear Creek County will see cases of the virus and its transmission within the community; and

**WHEREAS**, the Town of Empire resides in Clear Creek County with heavy traffic flow and numerous visitors traveling on the arterial highway and interstate; and

**WHEREAS**, the Town of Empire anticipates that without appropriately responding to the illness, numbers of cases within the Town will rise, may result in serious illness or death for certain members of the community, and also will have the effect of interrupting the functioning of the community in terms of work attendance, school attendance, and the like; and

**WHEREAS**, the cost and magnitude of responding to and recovering from the impact of the COVID-19 virus is far in excess of the Town's available resources or its legal authorities; and

**WHEREAS**, Colorado law provides for declaring a local disaster emergency to assist local governments in responding to and recovering from emergency events, including epidemics; and

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709(1) a local disaster may be declared by the principal executive officer of a political subdivision, but for periods in excess of seven days requires the consent of the governing board of the political subdivision"; and

**WHEREAS**, "The effect of a declaration of local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster and emergency plans and to authorize the furnishing of aid and assistance under such plans." C.R.S. § 24-33.5-709(2); and

**WHEREAS**, declaring a local disaster emergency can qualify local citizens and businesses for federal and state programs that exist or may be developed to mitigate against losses incurred as a result of the COVID-19 epidemic; and

**WHEREAS**, defining clear roles for and direction to those responding to the local disaster emergency and operating under the Town of Empire and Clear Creek County's emergency operations plan will allow a more effective response; and

**WHEREAS**, the Town of Empire defers health regulations and operations to the Clear Creek County Public Health and Environment who is part of the Unified Command initiated by Clear Creek County on March 12, 2020 as the "Clear Creek County Incident Management Team for COVID-19"; and

**WHEREAS**, on March 16, 2020, Clear Creek County declared an emergency under Resolution 20-26 "COVID-19 LOCAL DISASTER EMERGENCY DECLARATION".

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Empire, Colorado:

**THAT**, the Board of Trustees of the Town of Empire (hereafter commonly referred to as "The Board") confirms, determines, and declares that the presence and likelihood of additional cases of the COVID-19 virus within the Town of Empire, Clear Creek County, and the State or Colorado constitute a local disaster emergency that warrants continuing the emergency response and furnishing aid and assistance to affected portions of the community.

**THAT**, The Board recognizes Clear Creek County Public and Environment Health ("CCCPEH"), by and through its director, together with the Clear Creek County Sheriff - and in coordination with the Colorado Department of Public Health and Environment, which is leading the statewide response to COVID-19 - are currently joint incident command for the response to COVID-19 within Clear Creek County. CCCPEH has authority under state law to issue orders and guidance, and take other actions as necessary to protect the public health, safety, and welfare. The Board of Trustees of the Town of Empire directs Town staff to take such actions to effectuate the orders and guidance of CCCPEH as necessary, in consultation with the Board where appropriate.

**THAT**, The Board recognizes the Chief of Police is a constitutional officer charged with maintaining public order within the Town of Empire

(hereafter commonly referred to as “Town”) and is authorized under state law to enforce the orders of CCCPEH as well other governmental directives related to disasters and emergencies, all as reasonably necessary to protect the safety of the public. The Board requests the Chief of Police to enforce the orders of CCCPEH and continue taking other actions as necessary to ensure the safety of the public during this local disaster emergency.

**THAT**, the Emergency Manager for Clear Creek County is coordinating the countywide response to the disaster, including with partners of Clear Creek County such as the towns within the county; first responders; human services, healthcare and emergency medical services providers; providers of critical infrastructure for the community; and other providers of important and necessary services to the public. The Board recognizes the Chief of Police to act as the Town Emergency Manager for the Town of Empire. The Board directs that the Emergency Manager continue to work closely with these partners to ensure a coordinated response throughout the Town and County, and to continue to utilize Town staff and other resources as necessary for an effective response, in consultation with the Board as appropriate.


**THAT**, the Clear Creek County Manager manages the general operations of the county and serves as a liaison to municipalities within the county and others. The Board directs the County Manager to continue coordinating with internal and external partners and to direct county and Town staff as appropriate and necessary to address the local disaster emergency. The Board also directs the County Manager to work with the Chief of Police, Town of Empire to ensure the continuity of operations within the Town and in consultation with the Board as appropriate.

**THAT**, this local disaster emergency will continue for a period of 30 days, until April 16, 2020, unless sooner amended, extended, or rescinded by the Board of Trustees of the Town of Empire.

**THAT**, this Resolution and Declaration shall be promptly filed with the Clerk of the Town of Empire and with the Colorado Division of Homeland Security and Emergency Management.

**THAT**, this Resolution and Declaration is necessary for the public health, safety and welfare of the citizens of the Town of Empire, State of Colorado.

**ADOPTED** this 17<sup>th</sup> day of March, 2020, at a regularly scheduled meeting of the Board of Trustees of the Town of Empire.

  
Sue Hauser, Mayor

  
Wendy Koch, Trustee & Mayor Protem

  
Denise Tennant, Trustee

  
David Jakobik, Trustee

Richard McClellan, Trustee

Linda Robertson, Trustee

Shawn McElroy, Trustee

ATTEST:

  
Jeannette Piel  
Clerk, Town of Empire