

**TOWN OF EMPIRE, COLORADO**

**Resolution 20-21**

**A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO MODIFYING AND EXTENDING THE 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" (Governor's Order D 2020-003); Under previous Governor's Orders, Declaration 2020-024 Amended and Extended the Coloradans to Stay at Home order (original D2020-017) on April 6, 2020; on October 30, 2020 the Governor issued an Executive Order (Governor's Order D 2020 0234) amending and extending Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 0152, D 2020 0176, D 2020 0205 declaring a state of disaster emergency; this Executive Order shall expire thirty (30) days from October 30, 2020, unless amended further by Executive Order, and

**WHEREAS**, on March 13, 2020, Clear Creek County Public Health and Environment confirmed a case of COVID-19 that was contracted elsewhere was 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 as a primary route between mountain communities and the metropolitan area; 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**, by March 16, 2020, Clear Creek County Public Health and Environment confirmed two (2) cases of COVID-19 that were contracted elsewhere and were in isolation within the county, and as of April 13, 2020, there were 11 confirmed cases and an additional 59 self-reported cases of COVID-19 in the County, of which 5 were in the Town of Empire; and as of November 12, 2020, there were 134 confirmed cases in the County with 1 death; 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". Clear Creek County has extended the declared emergency for 30-day periods under Resolution 20-48, Resolution 20-61, Resolution 20-66, Resolution 20-78, Resolution 20-86, and on October 6, 2020 extended the declared emergency for a 90-day period, unless rescinded or otherwise amended or extended, under Resolution 20-101; and

**WHEREAS**, on March 17, 2020, the Board of Trustees of the Town of Empire Declared an Emergency for 30 days under Resolution 20-08. The Mayor of Empire has amended and extended the Emergency Declaration by 30 days under Resolution 20-09, 20-10, 20-12, 20-13, 20-16, 20-17, and 20-19.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, COLORADO:**

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

B. 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 ("CDPHE"), 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 directs Town staff to take such actions to effectuate the orders and guidance of CCCPEH as necessary, in consultation with the Board where appropriate.

C. The Board recognizes the Chief of Police is a constitutional officer charged with maintaining public order within the 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.

D. 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.

E. 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.

F. Effectively immediately. All Town facilities are closed to the public. All public business shall be conducted by appointment only.

G. Meetings of the Town Board of Trustees (the "Board") and all other Town boards and commissions shall be conducted by telephone, electronically, or by other means of communication. The Mayor and the Town Clerk shall take reasonable and practical measures to ensure that:

- 1) Each such meeting is open to the public at all times;
- 2) Each such meeting provides citizens a reasonable opportunity to be heard;
- 3) A reliable and public record is made and kept of each Trustee's vote cast at any such meeting.

Such meetings can include "hybrid" meetings whereby all or some Trustees may be physically present in Town Hall and others present via telephone, electronic, or other means so long the meeting meets the above criteria.

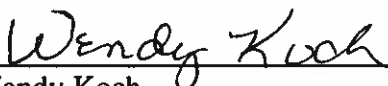
In the case of an emergency requiring immediate action of the Board to protect public health, safety or welfare, the Board may convene an emergency meeting without any advance public notice or with such limited advance public notice as the Mayor, or other presiding officer finds feasible in the circumstances. At such emergency meeting, the Board may take any action within its authority that is necessary for the immediate protection of public health, safety or welfare; provided however, that any action taken at the emergency meeting shall be effective only until the next meeting that complies with the advance notice requirements of the Colorado Open Meetings Law. At that next meeting, the Board may ratify any action taken at the emergency meeting, if the action is not ratified it shall be deemed rescinded.

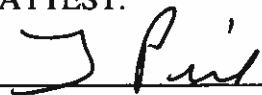
H. This local disaster emergency will continue for a period of 30 days, until December 17, 2020, unless sooner amended, extended, or rescinded by the Board of Trustees of the Town of Empire.

I. 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.

J. 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 November 2020, at a regularly scheduled meeting of the Board of Trustees of the Town of Empire.

  
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Wendy Koch  
Mayor, Town of Empire

ATTEST:  
  
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Jeannette Piel  
Clerk, Town of Empire