

**ORDINANCE NO.04-20**

**AN EMERGENCY ORDINANCE AMENDING TITLE 2 OF THE ESTES PARK MUNICIPAL CODE REGARDING DISASTERS AND EMERGENCIES**

**WHEREAS**, the Town of Estes Park is facing the COVID-19 pandemic and must be able to respond promptly to address any emergency circumstances that arise; and

**WHEREAS**, emergency response responsibilities are vested in the Town Administrator, as the principal executive officer of the Town; and

**WHEREAS**, flexibility is necessary in setting meetings of the Board of Trustees during an emergency; and

**WHEREAS**, it is critical at this time for the Board of Trustees to clarify and expand upon the Town's procedures for disasters and emergencies.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:**

Section 1: Chapter 2.04 of the Estes Park Municipal code is hereby amended by the addition of the following section 2.04.045:

**2.04.045 - Emergency meetings.**

(a) Meetings on short notice. Emergency meetings may be called by the Mayor, the Town Administrator, or any two (2) Board of Trustees members in the event of a declared disaster or emergency affecting the Town that requires the immediate action of the Board of Trustees in order to protect the public health, safety, and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Board of Trustees by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Board of Trustees that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed expired as of that time.

(b) Virtual meetings. In the event a quorum of the Board of Trustees is unable to meet because meeting in person is not practical or prudent due to a declared disaster or emergency affecting the Town, meetings may be conducted by telephone, electronically,

or by other means of communication so as to provide maximum practical openness to the public given the Town's technological means, if all of the following conditions are met:

1. The Town Administrator or the Mayor determines that meeting in person is not practical or prudent, because of a declared disaster or emergency affecting the Town;

2. All members of the Board of Trustees can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;

3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless that is not practical, in the determination of the Town Administrator, due to the disaster or emergency, in which case the Town Administrator shall ensure that the meeting is as open as practicable to the public through other means;

4. At least one member of the Board of Trustees is present at the regular meeting location, unless not practicable due to pandemic or other disaster or emergency;

5. All votes are conducted by roll call;

6. The meeting is recorded, or minutes of the meeting are taken, and the recording or a draft of the minutes is made available to the public as quickly as practicable; and

7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the Board of Trustees may participate remotely, and the right of the public to monitor the meeting from another location; provided that these requirements are subject to subsection (a), above, if the virtual meeting is also an emergency meeting.

Section 2: Chapter 2.28 of the Estes Park Municipal code is hereby amended by the addition of the following section 2.28.030:

2.28.030 – Disaster and emergency declarations.

(a) The Town Administrator, as the principal executive officer of the Town, shall have the authority to declare and cancel states of disaster and emergency. Such declarations, continuations, and cancellations shall be given prompt and general publicity and shall be filed promptly with the Town Clerk and with the state office of emergency management. At the time of declaration, the Town Administrator shall make a reasonable attempt to notify the Board of Trustees of the declaration and that notification shall, at a minimum, contain the cause, extent and a general description of the emergency, the actions expected to be taken, and the expected duration. The

declaration shall not be continued or renewed for a period in excess of seven days except with the consent of the Board of Trustees.

(b) The Town Administrator shall have the power to promulgate in writing such rules, regulations and orders as are reasonably necessary for the protection of life and property within the Town or on Town-owned or Town-leased property outside the Town from the dangers created or increased by a disaster or an emergency. It is unlawful for any person to violate, or fail to abide by, any such rule, regulation, or order. Any such rule, regulation, or order shall be effective only as long as the disaster or emergency declaration is in effect. Issuance of a news release disseminating such rules, regulations, and orders shall be deemed to provide notice to the public. Any such rule, regulation, or order may be terminated by action of the Town Board. Without limiting the foregoing, such rules, regulations, and orders may, to the extent necessary to address the disaster or emergency:

1. Suspend the enforcement of any ordinance, in general or in particular circumstances;
2. Suspend any of the Town's policies, including purchasing policies;
3. Set emergency employee policies;
4. Close Town facilities or property to the public, or suspend Town operations;
5. Suspend Town board and commission meetings;
6. Impose a curfew, and exempt therefrom emergency responders;
7. Restrict public gatherings;
8. Compel evacuations or sheltering in place;
9. Impose vehicular and traffic restrictions;
10. Order the closing or limit operations of any businesses or commercial activities;
11. Call upon agencies and organizations for assistance;
12. Waive fees, subject to any statutory requirements;
13. Reassign Town personnel or supplies;
14. Utilize emergency funds;
15. Commandeer or utilize any private property necessary to cope with the disaster or emergency, subject to all applicable legal requirements including those requiring just compensation; and
16. Enter the Town into contracts that would ordinarily require approval of the Board of Trustees, so long as they are subject to ratification by the Board at the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting.

Section 3: Section 2.12.030 of the Estes Park Municipal code is hereby amended by the addition of underlined material, to read as follows:

2.12.030 - Role of the Mayor.

The Mayor shall preside over all meetings of the Board of Trustees. He or she shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town. See section 2.28.030, however, establishing the Town Administrator as the principal executive officer of the Town for certain emergency purposes.

Section 4: The Board of Trustees hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of section 31-15-401(1)(b), C.R.S., as well as the Town's general police power. The Board of Trustees hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Estes Park and the inhabitants thereof.

Section 5: The Board of Trustees hereby finds that this ordinance is necessary for the immediate preservation of public health and safety, due to the pandemic facing the Town and for the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated into this section 3 by reference. This ordinance shall take effect immediately upon its adoption and signature by the Mayor.

**PASSED AND ADOPTED** by the Board of Trustees of the Town of Estes Park, Colorado this 18<sup>TH</sup> day of MARCH.

TOWN OF ESTES PARK, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

Jessie Williamson  
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the 18<sup>TH</sup> day of MARCH, 2020 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the 20 day of MARCH, 2020, all as required by the Statutes of the State of Colorado.

Jessie Williamson  
Town Clerk

APPROVED AS TO FORM:

[Signature]  
Town Attorney