



WESTMINSTER  
COLORADO

**AGENDA**

**SPECIAL CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, MARCH 16, 2020  
AT 6:30 PM**

- 1. Roll Call**
- 2. Purpose of Special Council Meeting**
  - A. Resolution No. 6 Ratifying Emergency Declaration
  - B. Councillor's Bill No. 6 An Emergency Ordinance Providing for Special Provisions for City Council Meetings During a Declared State of Emergency
- 3. Adjournment**



**Agenda Memorandum**

Special City Council Meeting  
March 16, 2020



*Visionary Leadership, Effective Governance and Proactive Regional Collaboration*



*Financially Sustainable Government Providing Excellence in City Services*

**Subject:** Resolution No. 6 Ratifying Emergency Declaration

**Prepared By:** Mathew Munch, Assistant City Attorney

**Recommended City Council Action:**

Adopt Resolution No. 6 Ratifying the Declaration of Emergency.

**Summary Statement:**

Pursuant to the authority of the Mayor of the City of Westminster under Section 1-32-6, of the Westminster Municipal Code (W.M.C.), a Declaration of Emergency was issued on March 12, 2020, concerning a significant and imminent threat based on the current and ongoing public health threat in the form of a new and novel virus COVID-19, also known as the Coronavirus. As specified in Section 1-32-6(D)(1), W.M.C., the state of emergency may not be continued or renewed for a period in excess of seven days unless ratified and approved by the City Council.

**Fiscal Impact:**

\$0

**Source of Funds:**

N/A

**Policy Issue(s):**

Should the City Council ratify the Emergency Declaration of March 12, 2020, regarding the spread of the Coronavirus to last beyond seven days?

**Alternative(s):**

The City Council could choose not to ratify the Emergency Declaration, which would deactivate relevant portions of the City's emergency operations plan and end the City Manager's ability to exercise emergency powers provided in Section 1-32-7, W.M.C., to mitigate, meet, and manage the threats and results of a Coronavirus outbreak, and could limit the City's ability to be reimbursed for emergency expenditures.

**Background Information:**

COVID-19 is expected to accelerate as a public health crisis nationwide. Westminster experienced its first case on March 12, 2020, and public health authorities anticipate continued spread of this disease over the coming months. Based on this and other factors, and pursuant to the authority of the Mayor of the City of Westminster set forth in Section 1-32-6, W.M.C., a Declaration of Emergency was issued on March 12, 2020.

A City of Westminster Emergency Declaration is a formal notification to the public, our counties, the state and the federal government that we are experiencing an extraordinary incident that is or is expected to have significant human, economic, and operational impacts on our community.

Public health authorities expect a significant percentage of our residents may contract COVID-19. Those who are exposed or

infected may be directed by public health to quarantine or isolate in their homes unless they experience significant medical complications. While public health and county human services are the lead agencies to provide medical supervision and material assistance, it is important that the City be prepared to provide appropriate support as needs are identified. For this reason, a declaration of emergency invokes authority under Section 1-32-7, W.M.C. to manage the crisis.

COVID-19 may result in disruptions of local business operations resulting in potentially significant economic losses. An emergency declaration will recognize this concern and provide a basis for tracking, documenting, and reporting economic losses that may be mitigated through low interest loans from the Small Business Authority.

In response to COVID-19, the City has conducted periodic virtual Emergency Operation Center (EOC) activations to support continuity of operations, assess community impacts, and plan and coordinate a whole-community response. The emergency declaration has now activated the emergency operations plan. This crisis may involve significant overtime, a prioritization of critical services, and risks disruption of City operations and services.

An emergency declaration provides the City Manager and Staff temporary authority to take such actions as they deem necessary to insure continuity of City operations, the expenditure of funds (within set limits and with notification to City Council) to mitigate the impacts of this crisis on the City and our residents. An emergency declaration is a temporary measure which may be terminated by the City Council or the City Manager at any time.

An emergency declaration is also an important legal notification and justification (as required under the Stafford Act and the Colorado Disaster Emergency Act) to county, state, and federal agencies that we are experiencing an exigent situation and may require outside assistance with response and/or recovery. At the time of this document's preparation, Adams County and the State of Colorado have both issued emergency declarations. If other levels of government declare emergencies, that will likely result in the establishment of assistance programs and grants to support cost recovery and community recovery. Westminster's declaration helps establish our eligibility for these programs, as well as possibly making the city eligible for other types of aid and reimbursement.

Ratifying the Declaration of Emergency supports the City's Strategic Plan Goal for a Beautiful, Desirable, Safe and Environmental Responsible City by promoting the public health and safety of residents. Additionally, it allows City business to continue allowing the City to continue to be a Financially Sustainable Government Providing Excellence in City Services.

Respectfully submitted,

*Donald M. Tripp*

Donald M. Tripp  
City Manager

**ATTACHMENTS:**

Description	Upload Date	Type
Res No 6 Ratifying Emergency Declaration	3/12/2020	Resolution
W.M.C. Section 1-32-7. Emergency Response Powers.	3/13/2020	Attachment

**RESOLUTION**

RESOLUTION NO. **6**

INTRODUCED BY COUNCILLORS

SERIES OF 2020

\_\_\_\_\_

**A RESOLUTION RATIFYING EMERGENCY DECLARATION**

WHEREAS, on March 12<sup>th</sup>, 2020, pursuant to the authority of the Mayor of the City of Westminster under Section 1-32-6, W.M.C., a declaration of emergency was issued concerning a significant and imminent threat based on the current and ongoing public health threat in the form of a new and novel virus COVID-19, also known as the coronavirus; and

WHEREAS, coronavirus can cause upper respiratory infections, sometimes severe, and sometimes potentially fatal to certain members of the public; and

WHEREAS, there is significant public concern regarding the potential effects of this virus and the potential effects of its spread from person to person among large gatherings of people; and

WHEREAS, a significant outbreak of this virus could occur with very little warning and result in consequences that the City must be prepared to face as quickly and efficiently as possible; and

WHEREAS, the City Council agrees that these threats are significant and ongoing, and that the declaration of emergency was and continues to be necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the declaration of emergency issued on March 12<sup>th</sup>, 2020 is hereby ratified and endorsed, and a state of emergency continues to exist until City Council or the City Manager determine that the threat of danger has passed, pursuant to Section 1-32-6(D), W.M.C.

PASSED AND ADOPTED this 16th day of March, 2020.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney

1-32-7. - Emergency Response Powers.

- (A) The City Manager may exercise any and all powers granted by applicable state law subsequent to issuance of the emergency declaration.
- (B) During the existence of a state of emergency, the City Manager may promulgate such regulations as he or she deems necessary to protect life and property and preserve critical resources. These regulations shall be confirmed at the earliest practical time by the City Council, shall be given widespread circulation, and shall be disseminated to the news media. These regulations may include, but shall not be limited to, powers granted by applicable state law. Specifically, the City Manager may:
  - (1) Suspend the provisions of this Code that prescribe procedures for conduct of City business, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.
  - (2) Transfer the direction, personnel, or functions of city departments for the purpose of performing or facilitating emergency services.
  - (3) Subject to any applicable legal requirements to provide compensation, commandeer or utilize any private property, if the City Manager finds this necessary to cope with the emergency.
  - (4) Direct and compel evacuation of persons from any stricken or threatened area within the City, if the City Manager deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery measures.
  - (5) Prescribe routes, modes of transportation, and destinations in connection with evacuation.
  - (6) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
  - (7) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles within the City.
  - (8) Make provisions for the availability and use of temporary emergency housing.
  - (9) Waive all provisions for competitive bidding and direct the purchasing agent to purchase necessary supplies in the open market at not more than commercial prices.
- (C) The City Manager is authorized to exercise all powers permitted by City Charter and state law to require emergency services of any city officer or employee and command the aid of as many citizens of the City as he or she deems necessary in the execution of his or her duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for civil defense workers.

(1322 1741 2068 2921)



**Agenda Memorandum**

Special City Council Meeting  
March 16, 2020



*Visionary Leadership, Effective Governance and Proactive Regional Collaboration*



*Beautiful, Desirable, Safe and Environmentally Responsible City*



*Financially Sustainable Government Providing Excellence in City Services*

**Subject:** Councillor's Bill No. 6 An Emergency Ordinance Providing for Special Provisions for City Council Meetings During a Declared State of Emergency

**Prepared By:** Mathew Munch, Assistant City Attorney

**Recommended City Council Action:**

Pass Councillor's Bill No. 6 as an emergency ordinance providing for special provisions for City Council meetings during a declared state of emergency and updating the Westminster Municipal Code provisions on Emergency Management into current alignment with the Colorado Revised Statutes.

**Summary Statement:**

Pursuant to the authority of the Mayor of the City of Westminster under Section 1-32-6, Westminster Municipal Code (W.M.C). a Declaration of Emergency was issued on March 12, 2020, concerning a significant and imminent threat based on the current and ongoing public health threat in the form of a new and novel virus COVID-19, also known as the Coronavirus. Given the specific nature of the threat posed by this communicable disease, there is a need to adjust the Westminster Municipal Code to provide for the continued and open meeting of the Westminster City Council with the option of remote participation telephonically, electronically, or by other means. There is also a need to adjust the Westminster Municipal Code to bring the City Code provisions on emergency management into current alignment with the Colorado Revised Statutes.

**Fiscal Impact:**

\$0 in expenditures.

**Source of Funds:**

Not applicable.

**Policy Issue(s):**

Should the City Council enact an emergency ordinance providing for special provisions for City Council meetings during a declared state of emergency and updates to bring the City Code provisions on emergency management into current alignment with the Colorado Revised Statutes?

**Alternative(s):**

1. The City Council could choose not to adopt the emergency ordinance, which would leave in place the current code language which does not contemplate emergency meetings or remote meeting participation during a state of emergency. Due to the risk of spread of a communicable disease under current conditions and the potential impact on the City's continuity of operations, this option is not recommended.
2. The City Council could choose to adopt an amended version of the emergency ordinance.

**Background Information:**

COVID-19 is expected to accelerate as a public health crisis nationwide. Westminster experienced its first case on March 12, 2020, and public health authorities anticipate continued spread of this disease over the coming months. Based on this and other factors, and pursuant to the authority of the Mayor of the City of Westminster set forth in Section 1-32-6, W.M.C., a declaration of emergency was issued on March 12, 2020.

Public health authorities expect a significant percentage of our residents may contract COVID-19. Those who are exposed or infected may be directed by public health to quarantine or isolate in their homes unless they experience significant medical complications. While public health and county human services are the lead agencies to provide medical supervision and material assistance, it is important that the City be prepared to provide appropriate support as needs are identified. For this reason a Declaration of Emergency invokes authority under Section 1-32-7, W.M.C. to manage the crisis.

It is critical that the City Council continue to be able to meet and function under emergency conditions, given the threat of COVID-19 or another emergency causing disease spreading easily in crowds and public gatherings, it may come a time when it is not possible to hold City Council meetings with all participants physically present. Under limited emergency conditions, it may be advisable to hold either emergency meetings or regularly-scheduled meetings where participants are included remotely via telephonic, electronic, or other means. These meetings would continue to be open to the public. Any action taken at an emergency meeting shall be effective only until the next meeting that complies with the advance notice requirements of the Colorado Open Meetings Law, thus preserving the public's access to these meetings.

A City of Westminster Emergency Declaration is a formal notification to the public, our counties, the state and the federal government that we are experiencing an exigent incident that is or is expected to have significant human, economic, and operational impacts on our community.

An emergency declaration is also an important legal notification and justification (as required under the Stafford Act and the Colorado Disaster Emergency Act) to county, state, and federal agencies that we are experiencing an exigent situation and may require outside assistance with response and/or recovery. At the time of this document's preparation, Adams County and the State of Colorado have both enacted emergency declarations. If other levels of government declare emergencies, that will likely result in the establishment of assistance programs and grants to support cost recovery and community recovery. Westminster's declaration helps establish our eligibility for these programs, as well as possibly making the city eligible for other types of aid and reimbursement. The Colorado Disaster Emergency Act has specific provisions for what agencies may qualify for certain types of assistance, and specify that such agencies must have a designated director. It is important that the city code match the citations and requirements of the most current Colorado Disaster Emergency Act in order to avoid delay and confusion.

Because of the current and ongoing threat of a significant and pandemic communicable and dangerous illness commonly known as the coronavirus, as well as the significant public concern regarding the effects of that virus and the need to maintain a functioning local government under emergency conditions, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health, and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on March 16, 2020, by an affirmative vote of 6 of the members of the Council if 6 or 7 members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of 4 of the members of the Council if 4 or 5 members of the Council are present at the meeting at which this ordinance is enacted.

Providing for Special Provisions for City Council Meetings During a Declared State of Emergency and Updating the City Code Provisions on Emergency Management Into Current Alignment With the Colorado Revised Statutes supports the City's Strategic Plan Goal for a Beautiful, Desirable, Safe and Environmental Responsible City by promoting the public health and safety of residents. Additionally, it allows City business to continue allowing the City to continue to be a Financially Sustainable Government Providing Excellence in City Services.

Respectfully submitted,

*Donald M. Tripp*

Donald M. Tripp  
City Manager

**ATTACHMENTS:**

Description	Upload Date	Type
CB No 6 re Emergency Ordinance Providing for Special Provisions during A Declared State of Emergency and Updates to W.M.C.	3/12/2020	Ordinance
W.M.C. 1-32-7. Emergency Response Powers.	3/13/2020	Attachment

BY AUTHORITY

ORDINANCE NO. **4021**

COUNCILLOR'S BILL NO. **6**

SERIES OF 2020

INTRODUCED BY COUNCILLORS

A BILL

FOR AN EMERGENCY ORDINANCE PROVIDING FOR SPECIAL PROVISIONS FOR CITY COUNCIL MEETINGS DURING A DECLARED STATE OF EMERGENCY AND UPDATES TO BRING THE CITY CODE PROVISIONS ON EMERGENCY MANAGEMENT INTO CURRENT ALIGNMENT WITH THE COLORADO REVISED STATUTES

WHEREAS, there is a current and ongoing public health threat in the form of a new and novel virus in the form of the COVID-19 also known as the coronavirus; and

WHEREAS, on March 12<sup>th</sup>, 2020, pursuant to the authority of the Mayor of the City of Westminster under Section 1-32-6, W.M.C., a declaration of emergency was issued concerning a significant and imminent threat based on the current and ongoing public health threat in the form of a new and novel virus COVID-19, also known as the coronavirus; and

WHEREAS, coronavirus can cause upper respiratory infections, sometimes severe, and sometimes potentially fatal to certain members of the public; and

WHEREAS, there is significant public concern regarding the potential effects of this virus and the potential effects of its spread from person to person among large gatherings of people; and

WHEREAS, a significant outbreak of this virus could occur with very little warning; and

WHEREAS, a significant outbreak of this virus could make it inadvisable or dangerous to gather large groups of people in public enclosed spaces; and

WHEREAS, It is critical that the City of Westminster be prepared and organized in such a way as to continue to function and provide critical services to its citizens under emergency conditions; and

WHEREAS, the possibility of an emergency condition in the near future, without warning creates an urgent need to update the Westminster Municipal Code procedures for Emergency Preparedness to cooperate with state statutes; and

WHEREAS, City Council finds and declares that an emergency exists and that it is necessary that this ordinance become effective immediately upon adoption at a single reading to preserve the public's peace, safety and welfare.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-32-1, W.M.C., is hereby AMENDED to read as follows:

**1-32-1. – Intent and Purpose.**

It is the intent of the City Council to establish and maintain a local emergency agency as described in the Colorado Disaster Emergency Act of 1992, Part ~~21-7~~ of Article ~~32-33.5~~ of Title 24, C.R.S., as amended. Except as provided in this Chapter, city departments shall continue to exercise the responsibilities and authority specified in the City Charter or by ordinance.

Section 2. Section 1-32-6, W.M.C., subsection (C), is hereby AMENDED to read as follows:



(C) *Effect of declaration:* The issuance of a declaration of emergency shall automatically empower the City Manager to exercise any and all of the emergency powers permitted by state and local law and shall activate all relevant portions of the EPMS, and unless otherwise specified by the City Council, the City Manager shall automatically be deemed the director of the local emergency management agency for purposes of the Colorado Disaster Emergency Act. The City Council shall convene to perform its legislative powers as the situation demands, and shall receive reports through the City Manager and evaluate and enact policy and other incident support as required. Nothing in this Chapter shall abridge or curtail the powers of the City Council.

Section 3. Section 1-32-8, W.M.C., is hereby ADDED to read as follows:

**1-32-8. – Compensation.**

Compensation for services or private property used by the City in responding to an emergency shall be compensated as specified by contract or as required by state law, subject to the principles and procedures set forth in the Colorado Disaster Emergency Act Section 24-32-2111, C.R.S., and Articles 1 to 7 of Title 38, C.R.S.

Section 4. Section 1-32-13, W.M.C., is hereby ADDED to read as follows:

**1-32-13 - Special Provisions For City Council Meetings During A Declared State Of Emergency.**

(A) In case of an emergency requiring immediate action of the City Council to protect public health, safety or welfare, the Council 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 Council 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 Council may ratify any action taken at the emergency meeting, notwithstanding any limitation on final or official action in the Council's Rules of Procedure. The agenda and posted public notice for that next meeting shall include the question of ratifying such emergency action. If the Council fails to ratify any such emergency action taken, that action shall be deemed rescinded.

(B) During a state of disaster or emergency declared under this chapter it may be impossible or inadvisable to convene a meeting with Council members and the public physically present due to the risk of spreading contagious disease during an epidemic or pandemic, disruption of roads or other transportation facilities, damage or destruction at city hall, or for other reasons. Under such circumstances, the City Council may meet by telephone, electronically, or by other means of communication. The City Manager shall take reasonable and practical measures to ensure that:

- (1) Each such meeting is open to the public at all times; and
- (2) Councilmembers and others may participate in each such meeting remotely and from multiple separate locations if necessary; and
- (3) Each such meeting provides the public and employees a reasonable opportunity to be heard; and
- (4) A reliable and public record is made and kept of each councilmember's vote cast at any such meeting.

Section 5. Because of the current and ongoing threat of a significant and pandemic communicable and dangerous illness commonly known as the coronavirus, as well as the significant public concern regarding the effects of that virus and the need to maintain a functioning local government under emergency conditions, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health, and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on March 16<sup>th</sup>, 2020, by an affirmative vote of 6 of the

members of the Council if 6 or 7 members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of 4 of the members of the Council if 4 or 5 members of the Council are present at the meeting at which this ordinance is enacted.

Section 6. All of the above recitals are incorporated herein.

Section 7. If any section, paragraph, clause, word, or any other part of this ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 8. This ordinance shall be published in full within 10 days after its enactment.

INTRODUCED, READ IN FULL, AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 16<sup>th</sup> day of March 2020.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

1-32-7. - Emergency Response Powers.

- (A) The City Manager may exercise any and all powers granted by applicable state law subsequent to issuance of the emergency declaration.
- (B) During the existence of a state of emergency, the City Manager may promulgate such regulations as he or she deems necessary to protect life and property and preserve critical resources. These regulations shall be confirmed at the earliest practical time by the City Council, shall be given widespread circulation, and shall be disseminated to the news media. These regulations may include, but shall not be limited to, powers granted by applicable state law. Specifically, the City Manager may:
  - (1) Suspend the provisions of this Code that prescribe procedures for conduct of City business, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.
  - (2) Transfer the direction, personnel, or functions of city departments for the purpose of performing or facilitating emergency services.
  - (3) Subject to any applicable legal requirements to provide compensation, commandeer or utilize any private property, if the City Manager finds this necessary to cope with the emergency.
  - (4) Direct and compel evacuation of persons from any stricken or threatened area within the City, if the City Manager deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery measures.
  - (5) Prescribe routes, modes of transportation, and destinations in connection with evacuation.
  - (6) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
  - (7) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles within the City.
  - (8) Make provisions for the availability and use of temporary emergency housing.
  - (9) Waive all provisions for competitive bidding and direct the purchasing agent to purchase necessary supplies in the open market at not more than commercial prices.
- (C) The City Manager is authorized to exercise all powers permitted by City Charter and state law to require emergency services of any city officer or employee and command the aid of as many citizens of the City as he or she deems necessary in the execution of his or her duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for civil defense workers.

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