

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 14
SERIES 2020**

**A RESOLUTION DECLARING AN EMERGENCY AND
ESTABLISHING RULES AND PROCEDURES FOR
CALLING AND HOLDING EMERGENCY MEETINGS OF
THE CITY COUNCIL**

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the Novel Coronavirus Disease (“COVID-19”) pandemic and declared a state of emergency; and

WHEREAS, the President of the United States declared a national emergency concerning the COVID-19 outbreak on March 13, 2020 to implement additional measures to contain and combat the virus in the United States; and

WHEREAS, on March 16, 2020, the Lake County Board of County Commissioners issued a local disaster declaration due to the imminent threat from widespread or severe damage, injury or loss from the COVID-19 pandemic; and

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

WHEREAS, the Mayor is authorized to declare a local emergency pursuant to the Colorado Disaster Emergency Act, C.R.S. §§ 24-33.5-701 *et seq.* (the “Act”); and

WHEREAS, a local disaster emergency declaration by the City activates the response and recovery aspects of any applicable disaster emergency plans and authorizes the furnishing of aid and assistance under such plans; and

WHEREAS, the emergency conditions, as defined by the Act, caused by the COVID-19 pandemic persist and require additional and sustained action by the City; and

WHEREAS, the City Council of the City of Leadville is empowered by C.R.S. § 31-15-401(1)(b) to do all acts and make all regulations necessary or expedient for the promotion of health and the suppression of disease; and

WHEREAS, in addition, Section 2.08.010 of the Municipal Code further provides that all meetings of the City Council shall be open to the public; and

WHEREAS, in light of the closure of public facilities and other establishments as the result of this public health emergency and the need to ensure that government functions continue to operate as efficiently as possible for the benefit of the public during the course of the pandemic, the City Council desires to declare a local disaster emergency to ensure that all possible resources

are available to the City to address needs resulting from the pandemic and establish procedures for virtual meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Adoption. The emergency meeting rules and procedures set forth and attached hereto as **Exhibit 1**, are hereby adopted by the City Council.

Section 3. Emergency Declaration. This resolution is necessary for the immediate preservation of the City of Leadville's peace, health or safety for the following reasons: (i) on March 10, 2020, Colorado Governor Jared Polis declared a state of emergency in response to COVID-19 (novel coronavirus); (ii) declaration of a "disaster emergency" gives the Governor broad powers to isolate and quarantine persons or property; (iii) President Donald Trump declared a national emergency concerning the COVID-19 outbreak on March 13, 2020 to implement additional measures to contain and combat the virus in the United States; (iv) Lake County issued a local disaster declaration on March 16, 2020 concerning the COVID-19 pandemic; (v) county and district public health agencies also have the authority to close public places in the event of a health emergency; (vi) City Hall in the City of Leadville is closed to the public until further notice in response to the COVID-19 pandemic; and (vi) the City Council must be able to meet when and where necessary to carry out its duties while continuing to make its meetings open to the public. City Council therefore declares a local disaster emergency within the City of Leadville. The effect of this declaration shall be to activate the Lake County & City of Leadville Coronavirus (COVID-19) Response Plan.

Section 4. Virtual Meetings. For the duration of the local disaster emergency in Leadville and to ensure the protection of the public health and safety of the general public, the City Council, and members of the public that may attend regular or special meetings of the City Council, the Mayor and City Council members ("City Council members"), City staff and City consultants shall be authorized to participate by telephone, video conferencing, or other electronic means in any City Council regular or special meeting ("Electronic Participation").

- a. Such City Council members listening via telephone or other electronic means shall be deemed present for purposes of determining a quorum.
- b. The City Council members participating via electronic may not participate or vote in a quasi-judicial public hearing. However, the City Council members may maintain the electronic connection and monitor and listen to the hearing.
- c. City Council members participating via Electronic Participation shall be authorized to participate and vote on all legislative and administrative matters.
- d. Electronic Participation is also available to City Council members during an executive

session; provided, however, that a separate conference call or electronic meeting number or code shall be provided to City Council members, the City Attorney, the City Administrative Services Manager, and other City staff members or other individuals specifically invited to participate in the executive session, in order to preserve the confidentiality of the executive session.

- e. The City Council may, by majority vote of the quorum present, discontinue the use of Electronic Participation by one or more members during a meeting where the participation results in delays or interference in the meeting process, such as where the connection is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening members are unable to hear speakers.
- f. Whenever City Council members participate via Electronic Participation pursuant to this Order, the following additional rules shall apply:
 - i. All City Council members must be able to hear one another or otherwise communicate with one another, and be able to hear all discussion and testimony in a manner designed to provide maximum notice and participation;
 - ii. Members of the public participating via Electronic Participation must be able to reasonably hear all discussion, testimony, and votes;
 - iii. All votes held at the meeting shall be conducted by roll call;
 - iv. To the extent possible, full and timely notice shall be given to the public advising that the City Council will be participating in the meeting electronically; and
 - v. Participation in a regular or special City Council meeting by Electronic Participation in accordance with this Order shall be deemed attendance for purposes of Section 2-2-20 and Section 2-2-30 of the Municipal Code.
- g. Whenever the public health emergency makes it imprudent or impossible for City Council, or any City board, commission, or committee, to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the City Council or City board, commission, or committee is able to meet, not to exceed two (2) weeks.
- h. Any official act or meeting required to be performed at any regular location of the City Council is valid when performed via Electronic Participation.
- i. The provisions of this Section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the City and its officers, employees, and authorized agents by the Colorado Constitution, Colorado statutes, the City Municipal Code.

Section 5. Conflict. If any provisions of this Resolution conflict with any provision of the City Council's Rules of Order and Procedure or other City policy, this Resolution shall control.

Section 6. Effective Date and Duration. This Resolution shall be in full force and effect immediately upon adoption and shall remain in effect until the next regular meeting of the City Council April 7th, 2020. At its next regular or special meeting, City Council may extend this local disaster emergency declaration by resolution or allow the disaster declaration to terminate, as circumstances necessitate.

CITY OF LEADVILLE, COLORADO:

By: _____


Greg Labbe, Mayor

ATTEST:



Deputy City Clerk

ADOPTED by a vote of 6 in favor and 0 against, and 0 abstaining, this 17th day of March, 2020.