

**TOWN OF GEORGETOWN
BOARD OF SELECTMEN
RESOLUTION #4 (Series 2020)**

A RESOLUTION OF THE TOWN OF GEORGETOWN, COLORADO, CONCERNING THE CORONAVIRUS (COVID-19) PUBLIC HEALTH EMERGENCY, DECLARING AN EMERGENCY; AUTHORIZING THE TOWN ADMINISTRATOR AND PROVIDING EMERGENCY AUTHORITY; AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE OF THIS RESOLUTION

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, on March 14, 2020, the President of the United States declared a national emergency in response to the coronavirus (COVID-19); and

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

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in Clear Creek County; and

WHEREAS, the Board of Selectmen of the Town of Georgetown confirms that protecting public health is the Board's top priority; and

WHEREAS, the Board of Selectmen is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Board of Selectmen finds and determines that the adoption of this Resolution is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Board of Selectmen further finds and determines that the adoption of this Resolution is proper under Sections 31-15-401(1)(b) and 24-33.5-703(3), C.R.S., and other applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SELECTMEN OF THE TOWN OF GEORGETOWN, COLORADO:

Section 1. Title. This Resolution shall be known and may be cited as the "Town of Georgetown Coronavirus (COVID-19) Resolution

Section 2. Intent. It is the intent of this Resolution to provide the necessary organization, powers, and authority to enable the timely and effective use of all available Town resources to prepare for, respond to, and recover from the declared local public health emergency. This Resolution is intended to grant as broad a power as is permitted within the letter and spirit of the

statutes governing the Town Government, and this Resolution shall be interpreted in accordance with such intent. The Board of Selectmen retains all power to direct the Town Administrator during the pendency of the current coronavirus (COVID-19) public health emergency.

Section 3. Public Health Emergency Declared. The Board of Selectmen hereby declares that a public health emergency relating to the coronavirus (COVID-19) exists within the Town. Such circumstance is referred to in this Resolution as the “public health emergency.” The public shall be notified of this declaration through general dissemination to the news media, posting on the Town website, or other means of publicity intended to advise the general public.

Section 4. Duration of Declaration of Public Health Emergency. The declaration of the public health emergency as provided in Section 3 of this Resolution shall remain in effect until the Board of Selectmen declares that the emergency has passed.

Section 5. Powers. Until the Board of Selectmen declares that the public health emergency has passed the Town Administrator has full power and authority to take the following actions and issue the following orders. The Town Administrator may exercise such powers through one or more designees as deemed appropriate:

- A. any action necessary for the protection of life and property, including, but not limited to establishing regulations governing conduct related to the cause of the public health emergency;
- B. an order establishing a curfew during such hours of the days or nights and affecting such categories of persons as may be designated;
- C. an order to direct and restrict all or a part of the population from any stricken or threatened areas within the Town if the Town Administrator deems this action is necessary for the preservation of life, property or other public health emergency mitigation, response or recovery activities and to prescribe routes, modes of transportation and destination in connection therewith;
- D. an order controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing, and other commodities, materials, goods, services and resources;
- E. with the consent of the Police Judge, an order requiring the closing of businesses deemed nonessential by the Town Administrator;
- F. modify meeting rules to facilitate telephone, teleconferencing or meeting by other electronic means of Town board and commission meetings to include, but not be limited to, meetings of the Board of Selectmen, Design Review Commission, Planning Commission, and Board of Adjustment;
- G. as it relates to the Town’s response to COVID-19, and upon approval of the Police Judge, expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without the strict compliance with procurement regulations or procedures;

- H. transfer the direction, personnel, or functions of Town departments and agencies for the purposes of performing or facilitating public health emergency services;
- I. utilize all available resources of the Town as may be reasonably necessary to cope with this public health emergency whether in preparation for, response to, or recovery from this public health emergency;
- J. suspend or modify the provisions of any Resolution if strict compliance with such Resolution would in any way prevent, hinder or delay necessary action in coping with this public health emergency;
- K. accept services, gifts, grants and loans, equipment, supplies, and materials whether from private, nonprofit or governmental sources for the benefit of the Town, its residents and businesses, and promptly inform the Board of Selectmen of the receipt of the same;
- L. make application for local, state or federal assistance;
- M. terminate or suspend any process, operation, machine, device or event that is or may negatively impact the health, safety and welfare of persons or property within the Town;
- N. delegate authority to Town elected officials, department heads, employees and contractors for specific purposes as the Town Administrator determines reasonably necessary or expedient;
- O. limit the use of any Town-owned or controlled building, facility, or property as to time, manner, and permitted activities, including, but not limited to, limiting the permissible number of people that may lawfully occupy such building, facility, or property at any one time.
- P. close and prohibit the use of any Town-owned or controlled building, facility, or property;
- Q. exercise such powers and functions in light of the exigencies of this public health emergency, including, but not limited to, the waiving of compliance with any time-consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto; or
- R. issue any and all other orders or undertake such other functions and activities as the Town Administrator reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the Town of Georgetown, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.

Section 6. Enforcement of Orders.

- A. The members of the Town's Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the Town Administrator are hereby authorized and directed to enforce the orders, rules, and regulations made or issued pursuant to this Resolution. All members of the public shall be deemed to have been given notice of all orders, rules, and regulations made or issued pursuant to this Resolution upon their dissemination to the news media or publication on the Town website or other means of publicity.
- B. Until the Board of Selectmen declares that the public health emergency has passed, no person shall:
1. enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment;
 2. violate the provisions of this Resolution;
 3. violate any of the orders duly issued by the Town Administrator or designee pursuant to Section 5 of this Resolution; or
 4. willfully obstruct, hinder, or delay any duly authorized Town officer, employee or volunteer in the enforcement or exercise of the provisions of this Resolution, or of the undertaking of any activity pursuant to this Resolution.

It is unlawful and a misdemeanor offense for any person to violate any provision of this Section 6. Any person convicted of a violation of this section shall be subject to the penalties set forth in section 1.24.040 of the Town Code of the Town of Georgetown.

Section 7. Authority to Enter Property. During the period of the public health emergency, a Town employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private land will allow the person to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize danger to lives or property from the declared public health emergency.

Section 8. Board of Selectmen Meetings. For the duration of the public health emergency, if a Board of Selectmen member reasonably determines that his or her personal attendance at a Board of Selectmen meeting would not be prudent, such Board member may participate by telephone, video conferencing, or other electronic means in any Board meeting ("Electronic Participation"). In addition, Board of Selectmen meetings may be held exclusively electronically, as the Police Judge may determine.

Section 9. Access to TABOR Funds. During the current public health emergency the Town Manager shall have access to the Town's emergency funds mandated by the Taxpayer's Bill of Rights (TABOR) as set forth in Article X, Section 20, Subsection (5) of the Colorado Constitution, entitled "Emergency reserves." Funds utilized pursuant to this Resolution shall be

replenished no later than the conclusion of the fiscal year following the end of the current public health emergency.

Section 10. Conflict with other Laws. If any provision of this Resolution conflicts with any provision of the Town Code of the Town of Georgetown, or any provision of the Town's policies, this Resolution shall control.

Section 11. Police Power Finding. The Board of Selectmen of the Town of Georgetown hereby finds, determines and declares that an emergency exists in the form of the Coronavirus (COVID-19) pandemic and that this Resolution is necessary for the immediate preservation of public property, health, welfare, peace or safety. Accordingly, the Board of Selectmen determines that the adoption of this Resolution as an emergency Resolution is in the best interests of the citizens of the Town of Georgetown.

Section 12. Effective date. This Resolution shall take effect immediately upon adoption by the Board of Selectmen and signature by the Police Judge and shall extend until earlier terminated or extended by action of the Board of Selectmen.

INTRODUCED, READ, PASSED, AND ADOPTED this 24th day of March 2020, by a vote of five ayes and zero nays.

TOWN OF GEORGETOWN



Lynette Kelsey, Police Judge

ATTEST:



Jennifer Yobski, Town Clerk

