RESOLUTION #R-41-2020

A RESOLUTION OF THE LOVELAND CITY COUNCIL EXTENDING THE LOVELAND CITY MANAGER’S DECLARATION OF LOCAL DISASTER REGARDING COVID-19 AND AUTHORIZING THE USE OF ADDITIONAL POWERS TO PRESERVE THE HEALTH, SAFETY AND WELFARE OF LOVELAND RESIDENTS AND BUSINESSES

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province China that includes symptoms of coughing, fever and shortness of breath with outcomes ranging from mild to severe illness, and in some cases death; and

WHEREAS, those at greatest risk of contracting COVID-19 are elderly individuals and those with underlying health conditions, and the disease is easily transmitted without any display of symptoms; and

WHEREAS, On March 17, 2020 in response to the World Health Organization declaring COVID-19 a pandemic, the confirmation of COVID-19 cases nationally, in Colorado and in Larimer County, and to a declared local disaster by Loveland City Manager Steve Adams, a declared state of emergency by Governor Jared Polis, and a declared national emergency by President Donald Trump in response to COVID-19, the Loveland City Council adopted Resolution #R-36-20, Extending The Loveland City Manager’s Declaration Of Local Disaster Pursuant To C.R.S. Section 24-33.5-709 Regarding COVID-19 (the “Declaration”) attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS, Since March 17, 2020, the State and the County have issued several public health orders, including a stay at home order, in an attempt to reduce the transmission rate of COVID-19 and distribute the cases over a lengthier time period to avoid overwhelming the healthcare system and local facilities; and

WHEREAS, as of April 5, 2020, the number of COVID-19 infections and fatalities continue to grow rapidly as follows: worldwide: 1.2 million (68,000 deaths), United States: 330,891 (8,910 deaths); State of Colorado: 5,172 (150 deaths); Larimer County:160 (8 deaths); and Loveland 59 (6 deaths); and

WHEREAS, City Council finds that the current situation and conditions described in the Declaration and as described in this Resolution continue to constitute a local disaster and a health emergency and require the City Manager to issue necessary orders to preserve the public health and welfare consistent therewith; and

WHEREAS, City Council anticipates that the current situation and conditions may require the City to commit resources and expend City funds to protect the public’s health, safety and welfare; and

WHEREAS, the City Manager must have flexibility to address the rapidly changing situation and respond locally in a manner that best preserves the health, safety and welfare of
Loveland residents and businesses by, among other actions, suspending utility shut-offs and late fees, deferring the collections or rents and taxes, and acting to reduce the transmission rate of COVID-19; and

WHEREAS, under the broad powers vested in the City by the laws of the State of Colorado, the City of Loveland Charter and Loveland Municipal Code, and by the City’s home rule status, the City Manager or City Council has the authority to take such lawful actions as are necessary to protect the public’s health, safety and welfare; and

WHEREAS, City Council has determined that continuing the effect of the Declaration pursuant to C.R.S. § 24-33.5-709, and ratifying and authorizing action by the City Manager pursuant to C.R.S. § 31-15-401(1)(b), each in response to the COVID-19 outbreak, are actions necessary to protect the public’s health, safety and welfare; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That pursuant to C.R.S. § 24-33.5-709 the Declaration shall continue in effect from the date of this Resolution until the earliest of (a) the date the City Manager determines that the local disaster declared in the Declaration, and as further described in this Resolution, no longer exists within the City of Loveland, (b) 90 days from the date of this Resolution, unless extended by City Council, or (c) the date on which City Council ends the local disaster declared in the Declaration (such earliest date is the “Termination Date”).

Section 2. That pursuant to C.R.S. § 31-15-401(1)(b) and until the Termination Date, the City Manager shall exercise all acts and create all orders that may be necessary or expedient for the promotion of public health and the suppression of COVID-19 in the City of Loveland. The aforementioned acts and regulations may concern, but are not limited to, the receipt of any federal monies to support any City activity, the tolling of any statutory deadline or any deadline imposed by the Loveland Municipal Code, the creation of any rule, regulation, or policy concerning the condition of employment for employees of the City, the creation of any rule, regulation, or policy concerning the conditions upon which employees of the City will be, or will not be, compensated for the duration of the local disaster, the declaration of a City-wide curfew after consultation with Members of Council, the City’s voluntary and cooperative implementation of any Executive Orders or Public Health Orders originating from the Colorado Governor’s Office or Larimer County, the temporary suspension of utility service terminations, the accrual of utility late fees or interest, the suspension or modification of any activity occurring in a place of public accommodation, the deferral of collection of any financial obligation to the City, the suspension of enforcement of City Code provisions inconsistent with the preservation of health, safety and welfare, or any other act for the preservation of the health, safety, and welfare. For purposes of this Section, “place of public accommodation” means a location in the City that is generally open to the public. The purpose of this Section is to permit the City Manager to exercise all police power granted in C.R.S. § 31-15-401(1)(b), which shall be ratified or abrogated by the City Council, as soon as practicable, unless the City Manager’s exercise of the police powers granted in C.R.S. § 31-15-401(1)(b) do not require consideration by the City Council consistent with existing state, federal, and local law.
**Section 3.** That the City Council ratifies all acts of the City Manager prior to the adoption of this Resolution which acts were in response to COVID-19 pursuant to C.R.S. § 24-33.5-709 and C.R.S. § 31-15-401(1)(b).

**Section 4.** That this Resolution shall supersede and replace in full Resolution #R-36-2020.

**Section 5.** That this Resolution shall be filed with the City Clerk and the City Clerk is directed to promptly publicize this Resolution to the general public and to file a copy with the Colorado Office of Emergency Management.

**Section 6.** That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 7th day of April, 2020.

Jaki Marsh, Mayor

ATTEST:

Patti Garcia, City Clerk

APPROVED AS TO FORM:

Moses Garcia, City Attorney

A RESOLUTION OF THE LOVELAND CITY COUNCIL EXTENDING THE LOVELAND CITY MANAGER’S DECLARATION OF LOCAL DISASTER PURSUANT TO C.R.S. SECTION 24-33.5-709 REGARDING COVID-19 AND AUTHORIZING THE USE OF ADDITIONAL POWERS TO PRESERVE THE HEALTH, SAFETY AND WELFARE OF LOVELAND RESIDENTS AND BUSINESSES
RESOLUTION #R-36-2020

A RESOLUTION OF THE LOVELAND CITY COUNCIL EXTENDING THE
LOVELAND CITY MANAGER'S DECLARATION OF LOCAL DISASTER PURSUANT
TO C.R.S. SECTION 24-33.5-709 REGARDING COVID-19

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was
detected in Wuhan City, Hubei Province China that includes symptoms of coughing, fever and
shortness of breath with outcomes ranging from mild to severe illness, and in some cases death;
and

WHEREAS, those at greatest risk of contracting COVID-19 are elderly individuals and
those with underlying health conditions, and the disease is easily transmitted without any display
of symptoms; and

WHEREAS, on January 20, 2020 the Center for Disease Control confirmed the first
United States case of COVID-19; and

WHEREAS, on March 5, 2020 the State of Colorado had its first positive case of COVID-
19 and is now experiencing limited community spread; and

WHEREAS, on March 9, 2020 Larimer County had its first positive case of COVID-19;
and

WHEREAS, on March 10, 2020 Governor Jared Polis declared a state of emergency in
response to COVID-19 to ensure that resources are available to the state to combat the disease;
and

WHEREAS, on March 11, 2020 the World Health Organization declared COVID-19 a
pandemic, acknowledging its anticipated worldwide spread; and

WHEREAS, on March 13, 2020 President Donald Trump declared a national emergency
in response to COVID-19; and

WHEREAS, as of March 13, 2019 the United States has approximately 1,629 cases of
COVID-19 in 46 states and Washington, D.C. and has experienced 41 related deaths; and

WHEREAS, the City, the Larimer County Department of Public Health and Environment,
state officials and the Thompson School District (the “School District”) are cooperatively working
to limit community spread and slow the transmission rate of COVID-19; and

WHEREAS, the School District announced plans for a short-term closure of the schools
to include the Spring Break period of March 16, 2020 through March 20, 2020, plus an additional
one week period, through March 27, 2020; and

WHEREAS, on March 13, 2020 the Loveland City Manager issued a declaration of local
disaster (the “Declaration”), attached hereto as Exhibit “A” and incorporated by reference,
pursuant to C.R.S. § 24-33.5-709 which declaration cannot be continued or renewed for more than
seven (7) days without the approval of City Council; and
WHEREAS, the Declaration activates local and inter-jurisdictional disaster emergency plans and authorizes aid and assistance under the plans; and

WHEREAS, City Council finds that the current situation and conditions described in the Declaration and as described in this Resolution continue to constitute a local disaster and will extend beyond the seven-day declaration period; and

WHEREAS, City Council anticipates that the current situation and conditions may require the City to commit resources and expend City funds to protect the public’s health, safety and welfare; and

WHEREAS, under the broad powers vested in the City by the laws of the State of Colorado, the City of Loveland Charter and Loveland Municipal Code, and by the City’s home rule status, the City Council has the authority to take such lawful actions as are necessary to protect the public’s health, safety and welfare; and

WHEREAS, City Council has determined that continuing the effect of the Declaration beyond the seven-day limit set forth in C.R.S. § 24-33.5-709 is necessary to protect the public’s health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That pursuant to C.R.S. § 24-33.5-709 the Declaration shall continue in effect from the date of this Resolution until such time as the City Manager determines that the local disaster declared in the Declaration, and as further described in this Resolution, no longer exists within the City of Loveland.

Section 2. That this Resolution shall be filed with the City Clerk and the City Clerk is directed to promptly publicize this Resolution to the general public and to file a copy with the Colorado Office of Emergency Management.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADVERTED this 17th day of March, 2020.

[Signature]

Jacki Marsh, Mayor
A RESOLUTION OF THE LOVELAND CITY COUNCIL EXTENDING THE LOVELAND CITY MANAGER’S DECLARATION OF LOCAL DISASTER PURSUANT TO C.R.S. SECTION 24-33.5-709 REGARDING COVID-19
CITY OF LOVELAND, COLORADO
CITY MANAGER'S OFFICE
DECLARATION OF LOCAL DISASTER PURSUANT TO C.R.S. SECTION 24-33.5-709
REGARDING COVID-19

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province China that includes symptoms of coughing, fever and shortness of breath with outcomes ranging from mild to severe illness, and in some cases death; and

WHEREAS, those at greatest risk of contracting COVID-19 are elderly individuals and those with underlying health conditions, and the disease is easily transmitted without any display of symptoms; and

WHEREAS, on January 20, 2020 the Center for Disease Control confirmed the first United States case of COVID-19; and

WHEREAS, on March 5, 2020 the State of Colorado had its first positive case of COVID-19 and is now experiencing limited community spread; and

WHEREAS, on March 9, 2020 Larimer County had its first positive case of COVID-19; and

WHEREAS, on March 10, 2020 Governor Jared Polis declared a state of emergency in response to COVID-19 to ensure that resources are available to the state to combat the disease; and

WHEREAS, on March 11, 2020 the World Health Organization declared COVID-19 a pandemic, acknowledging its anticipated worldwide spread; and

WHEREAS, on March 13, 2020 President Donald Trump declared a national emergency in response to COVID-19; and

WHEREAS, the United States currently has at least 1,289 cases of COVID-19 in 44 states and Washington, D.C. and has experienced 37 related deaths; and

WHEREAS, the City, the Larimer County Department of Public Health and Environment, state officials and the Thompson School District (the “School District”) are cooperatively working to limit community spread and slow the transmission rate of COVID-19; and

WHEREAS, the School District announced plans for a short-term closure of the schools to include the Spring Break period of March 16, 2020 through March 20, 2020, plus an additional one week period, through March 27, 2020; and

WHEREAS, the City has remotely activated its Emergency Operations Center, and the City Manager now seeks to declare a local disaster, in addition to other steps outlined below, to address the COVID-19 outbreak; and
WHEREAS, the City Manager is authorized to declare a local disaster pursuant to C.R.S. § 24-33.5-709 which declaration cannot be continued or renewed for more than seven (7) days without the approval of City Council; and

WHEREAS, this declaration activates local and inter-jurisdictional disaster emergency plans and authorizes aid and assistance under the plans.

NOW THEREFORE I, Stephen C. Adams, City Manager for the City of Loveland, pursuant to the authority vested in me by the statutes of the State of Colorado, the City of Loveland Charter and Loveland Municipal Code:

Section 1. Do hereby declare a local disaster now exists in the City of Loveland, Colorado and may continue to exist for the purposes of responding the COVID-19 outbreak; and

Section 2. Order that that this Declaration shall be given prompt and general publicity and that a copy shall be filed promptly with the Loveland City Clerk and with the Colorado Office of Emergency Management; and

Section 3. Order that this Resolution shall be effective immediately, and for no more than seven (7) days from the date hereof, unless extended with the consent of the Loveland City Council.

ADOPTED this 13th day of March, 2020.

Stephen C. Adams, City Manager

ATTEST:

Hannah Han
Deputy City Clerk

Patti Garcia, City Clerk

APPROVED AS TO FORM:

Hannah Y. H. Stetler
City Clerk

Moses Garcia, City Attorney

DECLARATION OF LOCAL DISASTER PURSUANT TO C.R.S. SECTION 24-33.5-709 REGARDING COVID-19