

**CITY OF WHEAT RIDGE  
RESOLUTION NO. 16  
SERIES OF 2020**

**TITLE: A RESOLUTION OF THE WHEAT RIDGE CITY COUNCIL  
DECLARING AN EMERGENCY AS A RESULT OF THE NOVEL  
CORONAVIRUS (COVID-19)**

**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 Jefferson County; and

**WHEREAS**, the City Council of the City of Wheat Ridge confirms that protecting the public health is the Council's top priority; and

**WHEREAS**, the City Council is empowered by Chapter 6 of the Wheat Ridge Code of Laws 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 City Council finds and determines that the adoption of this Resolution is necessary for the promotion of health and the suppression of disease; and

**WHEREAS**, the City Council further finds and determines that the adoption of this Resolution is proper under Sections 31-15-401(1)(b), 24-33.5-703(3), and 24-33.5-709, C.R.S., and other applicable law.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1. Title.** This Resolution shall be known and may be cited as the "City of Wheat Ridge 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 City 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 City Government, and this Resolution shall be interpreted in accordance

with such intent. The City Council retains all power to direct the City Manager during the pendency of the current coronavirus (COVID-19) public health emergency.

**Section 3. Public Health Emergency Declared.** The City Council hereby declares that a public health emergency relating to the coronavirus (COVID-19) exists within the City. 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 City 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 Mayor declares that the emergency has passed.

**Section 5. Powers.** Until the Mayor declares that the public health emergency has passed, the City Manager has full power and authority to take the following actions and issue the following orders. In doing so, the City Manager may appoint one or more designees:

- 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 to direct and compel the evacuation of all or a part of the population from any stricken or threatened areas within the City if the City Manager 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 with an evacuation;
- C. 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;
- D. with the consent of the Mayor, an order requiring the closing of businesses deemed nonessential by the City Manager;
- E. suspend City board and commission meetings to include, but not be limited to, meetings of the City Council and Planning Commission, or modify meeting rules to allow for telephone, teleconferencing or meeting by other electronic means;
- F. as it relates to the City’s response to COVID-19, appropriate and 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;
- G. transfer the direction, personnel, or functions of City departments and agencies for the purposes of performing or facilitating public health emergency services;
- H. utilize all available resources of the City 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;
- I. accept services, gifts, grants and loans, equipment, supplies, and materials whether from private, nonprofit or governmental sources;
- J. make application for local, state or federal assistance;
- K. limit the use of any City-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;

- L. close and prohibit the use of any City-owned or controlled building, facility, or property;
- M. 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
- N. issue any and all other orders or undertake such other functions and activities as the City Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the City of Wheat Ridge, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.

The restrictions may be changed from time to time during the time frame of the declaration based upon the discretion of the City Manager.

#### **Section 6. Enforcement of Orders.**

- A. The members of the City's Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the City Manager 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 City website or other means of publicity.
- B. Until the Mayor 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 City Manager or designee pursuant to Section 5 of this Resolution; or
  - 4. willfully obstruct, hinder, or delay any duly authorized City 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 1-5 of the Wheat Ridge Code of Laws.

**Section 7. Authority to Enter Property.** During the period of the public health emergency, a City 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. Council, Board and Commission Meetings.** For the duration of the public health emergency, meetings of the City Council, Planning Commission, Liquor Authority, and other boards and commissions of the City may be held exclusively electronically, as the Mayor may determine.

**Section 9. Access to TABOR Funds.** During the current public health emergency the City 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 Wheat Ridge Code of Laws, or any provision of the City's policies, this Resolution shall control.

**Section 11. Police Power Finding.** The City Council of the City of Wheat Ridge 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 City Council determines that the adoption of this Resolution as an emergency Resolution is in the best interests of the citizens of the City of Wheat Ridge.

**Section 13. Effective date.** This Resolution shall take effect immediately upon adoption by the City Council and signature by the Mayor. This Resolution shall remain in effect until the Governor of the State of Colorado declares the public health emergency no longer in effect, or the Resolution is sooner terminated by the City Council.

**CITY OF WHEAT RIDGE**

  
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Bud Starker, Mayor

**ATTEST:**

  
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Steve Kirkpatrick, City Clerk

