

TOWN OF GYPSUM, COLORADO

**(EMERGENCY) ORDINANCE NO. 12
(SERIES 2020)**

**AN EMERGENCY ORDINANCE PROVIDING FOR CONTINUATION OF
DECLARATION OF LOCAL DISASTER EMERGENCY**

WHEREAS, the Town of Gypsum ("Town") is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town's Home Rule Charter effective October 21, 1982 (the "Charter"); and

WHEREAS, pursuant to Section 1.3 of the Charter, the Town has all power of local self-government and home rule and all power possible for a home rule municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, the Mayor of the Town, on behalf of the Town, declared a local disaster emergency on March 18, 2020 due to the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from the outbreak of a virus known as coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 24, 2020, the Town Council of the Town (the "Town Council") adopted (Emergency) Ordinance No. 06 (Series 2020) which continued the Mayor's disaster declaration for an additional 60 days; and

WHEREAS, pursuant to Section 24-33.5-709(1), C.R.S., the Mayor declared a local disaster emergency on June 4, 2020 (the "Extended Disaster Declaration") due to the continued occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from the outbreak of a virus known as coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on June 9, 2020, the Town Council adopted (Emergency) Ordinance No. 09 (Series 2020) which continued the Disaster Declaration for an additional 60 days the ("Disaster Declaration"); and

WHEREAS, pursuant to § 24-33.5-709(2), C.R.S., the effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans; and

WHEREAS, the number of COVID-19 cases has continually increased state-wide since June 16th, with Eagle County currently ranked the 5th highest county in Colorado for the rate of cases per 100,000 people;¹ and

WHEREAS, research from the University of Colorado School of Medicine indicates that over the last two months, the trajectory of the transmission of COVID-19 has changed from a curve of declining infections to increasing infections, and based on current infection rates, Colorado is on a trajectory to exceed intensive care unit capacity in early September;² and

WHEREAS, due to the continued presence of COVID-19 within Eagle County, the Town Council desires to continue the Extended Disaster Declaration; and

WHEREAS, the Town Council hereby finds and determines that continuation of the Disaster Declaration is appropriate and necessary for the function and operation of the Town and for protection of the public health, safety and welfare of the citizens of and visitors to the Town; and

WHEREAS, the Town believes that an emergency requires the immediate passage of this ordinance in order to continue the Disaster Declaration and to insure the protection of life, the public health, and property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are incorporated herein by this reference.

Section 2. Declaration of Emergency. It is hereby declared that the presence and spread of COVID-19 within Eagle County and potentially the Town, as described in the foregoing recitals, is a public emergency affecting life, public health, property, or peace within the Town.

Section 3. Disaster Declaration. Due to the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property, resulting from the presence of COVID-19 within the Town, the Town Council does hereby declare a local disaster within the Town, and continues the Disaster Declaration, as modified herein. Further, pursuant to this Ordinance, the Town Council continues to activate, or activates in the first instance, the response and recovery aspects of the Town's, and any and all applicable local and interjurisdictional, disaster emergency response and recovery plans,

¹ covid.19.colorado.gov/data/case-data

² https://www.ucdenver.edu/docs/librariesprovider151/default-document-library/modeling-report-2020-07-16.pdf?sfvrsn=3922c2b9_2

emergency funding and Town Council meeting procedures, and authorizes the furnishing of aid and assistance under such plans. The Town Council further ordains that:

- a. The Town's emergency and essential services, including but not limited to water, wastewater, sanitation (trash), and financial services, shall be prioritized above non-emergency and non-essential services. The Town Manager shall coordinate with the Eagle County Sheriff's Office, Eagle County Health Department, Gypsum Fire Protection District, Greater Eagle Fire Protection District, Eagle County Health Service District and any other governmental and non-governmental emergency service providers to ensure continuation of emergency services within the Town, including, as available, fire inspection services.
- b. The Town Manager may suspend the Town's purchasing and procurement policies and enter into contracts and expend funds in an amount not to exceed \$75,000, per month, without additional Town Council approval; all emergency purchases shall be reported to the Town Council at the next regular meeting of the Town Council. Where possible, competitive pricing shall be sought by means as determined in the reasonable discretion of the Town Manager.
- c. The Town Manager, with approval of the Mayor, may expend money from the Town's emergency reserve account maintained pursuant to TABOR, Article X, Section 20 of the Colorado Constitution.
- d. The Town Manager may discontinue, modify, or suspend any or all non-essential services.
- e. The Assistant Town Manager and heads of the Administration, Community Development, and Public Works Departments and the Golf Course Manager shall coordinate any modified work arrangements with the Town Manager; the Town Manager shall coordinate any modified work arrangement with the Mayor. Schedules for employees who are required to report for work shall be scheduled and located as much as possible to avoid contact with other employees in the immediate work environment.
- f. The Town Manager may take such personnel actions as necessary to carry out the Town's priorities, especially as related to critical and essential operations. Such action may include, but not be limited to, assigning personnel to work from home except when reporting for work is essential; temporarily reassigning personnel; denying, or

revoking previously approved, leave requests; requiring reasonable documentation for extended sick leave requests, including COVID-19 testing, if available and appropriate; and placing on leave or in quarantine any employee reasonably believed to have been exposed to or exhibiting symptoms consistent with infection from COVID-19. Policies and practices for employee and public contact shall be implemented to minimize person-to-person contact and decrease the risk of transmission of COVID-19.

- g. The Town Manager may apply for and accept any available local, state or federal assistance, although no multiple fiscal year obligation may be entered into without Town Council approval.
- h. All public use of Town indoor facilities and any use of outdoor facilities that is inconsistent with orders or declarations of the Governor of the State of Colorado, the Colorado Department of Public Health and Environment, or the Eagle County Health Department is suspended.
- i. The Town Manager, Town Clerk and Town Attorney shall arrange for meetings of the Town Council, Planning Commission, and other Town boards and committees to be held via telephone, video conference, or other electronic means, in a manner which as fully as possible given the emergency situation complies with the Colorado Open Meetings Law and the Charter.
- j. The Town Manager may suspend or modify the provisions of any Town Ordinance, Resolution, Rule, Regulation or Policy, if strict compliance with the same would in any way prevent, hinder or delay necessary action to provide essential or emergency services and ensure the safety of Town personnel, residents, and visitors.
- k. The Mayor and the Town Manager shall take such other actions as reasonably necessary to carry out this declaration and ensure the reliability of the Town's essential and emergency services, while ensuring the safety of the Town's personnel.

Section 4. Effective Date, Emergency Ordinance. This Ordinance shall be effective as an emergency ordinance immediately upon adoption at the meeting at which it is introduced, through September 22, 2020, and a summary of this Ordinance shall be published.


Section 5. Interpretation. In the event of any express or implied conflict or inconsistency between the provisions of this Ordinance and any provision set forth in the Town's Municipal Code, the provisions of this Ordinance shall govern.

Section 6. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.


Section 7. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

FINALLY ADOPTED, PASSED AND APPROVED ON JULY 28, 2020.

TOWN OF GYPSUM

By: 
Stephen M. Carver, Mayor

Attest:


Danette Schlegel, Town Clerk

