

## **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.

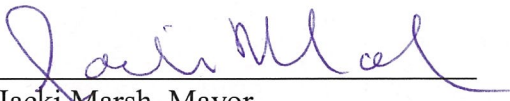
**Section 3.** That the City Council ratifies all acts of the City Manager prior to the adoption of this Resolution which acts were in response to COVID-19 pursuant to C.R.S. § 24-33.5-709 and C.R.S. § 31-15-401(1)(b).

**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 7<sup>th</sup> day of April, 2020.

  
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Jacki Marsh, Mayor

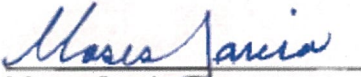
ATTEST:

  
\_\_\_\_\_  
Patti Garcia, City Clerk

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.

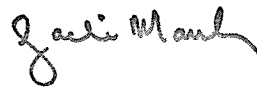
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**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.

ADOPTED this 17<sup>th</sup> day of March, 2020.



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Jacki Marsh, Mayor

ATTEST:

*Patti Garcia*

Patti Garcia, City Clerk



APPROVED AS TO FORM:

*Moses Garcia*

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

**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 13<sup>th</sup> day of March, 2020.

  
Stephen C. Adams, City Manager

ATTEST:

  
Deputy ~~Patti Garcia~~, City Clerk  
Hannah Hill  
APPROVED AS TO FORM.

  
Moses Garcia, City Attorney

