

TOWN OF SAN LUIS

Ordinance 2020-01

EMERGENCY CORONAVIRUS (COVID-19) ORDINANCE

AN EMERGENCY ORDINANCE CONCERNING THE CORONAVIRUS (COVID -19)
PUBLIC HEALTH EMERGENCY

WHEREAS on March 10, 2020 Jared Polis, the Governor of the State of Colorado, declared a statewide state of emergency in response to 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 the State of Colorado; and

WHEREAS, the Board of Trustees of the Town of San Luis confirms that protecting public health is the Board of Trustee's top priority; and

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

WHEREAS, the Board of Trustees further finds and determines that the adoption of this ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SAN LUIS, COLORADO:

Section 1. Title. This ordinance shall be known and may be cited as the "Town of San Luis Coronavirus (COVID-19) Ordinance."

Section 2. Intent. It is the intent of this ordinance 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 ordinance is intended to grant as broad a power as is permitted within the letter and spirit of the San Luis Municipal Code and the Board of Trustees-Manager form of government, and this ordinance shall be interpreted in accordance with such intent. The Board of Trustees retains the power to direct the Town Manager during the pendency of the current coronavirus (COVID-19) public health emergency.

Section 3. Public Health Emergency Declared. The Board of Trustees hereby declares that a public health emergency relating to the coronavirus (COVID-19) exists within the Town.

Such circumstance is referred to in this ordinance 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 ordinance shall remain in effect until the Mayor declares that the emergency has passed.

Section 6. Powers: Until the Mayor declares that the public health emergency has passed the Mayor and Town Manager has full power and authority to take the following actions and issue the following orders:

- (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 compel the evacuation of all or a part of the population from any stricken or threatened areas within the Town if the Mayor or Town 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.
- (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) an order requiring the closing of businesses deemed nonessential.
- (f) suspend Town Board meetings to include, but not be limited to, meetings of the San Luis Municipal Court, or modify meeting rules to allow for telephone, teleconferencing or meeting by other electronic means.
- (g) appropriate and expend funds, execute contracts, authorize the obtaining of equipment, services, supplies and materials without the strict compliance with procurement regulations or procedures.
- (h) transfer the direction, personnel, or functions of Town departments 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 ordinance if strict compliance with such ordinance 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.
- (l) make application for local, state or federal assistance.
- (m) delegate authority to such Town officials as the Mayor, Town Manager and Town Clerk determines reasonably necessary or expedient.
- (n) limit the use of any Town-owned 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.
- (o) close and prohibit the use of any Town-owned building, facility, or property.
- (p) 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.
- (q) issue any and all other order or undertake such other functions and activities as the Mayor or Town Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the Town of San Luis, 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 Mayor and Town Manager.

Section 7. Enforcement of Orders:

(a) The members of the Costilla County Sheriff's Office, code enforcement, may be authorized by the Mayor or Town Manager are hereby authorized and directed to enforce the orders, rules, and regulations made or issued pursuant to this ordinance. 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 ordinance upon their dissemination 35 to the news media or publication on the Town 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 ordinance.
- (3) violate any of the orders duly issued by the Town Manager or designee pursuant to Section 6 of this ordinance.
- (4) willfully obstruct, hinder, or delay any duly authorized Town officer, employee or volunteer in the enforcement or exercise of the provisions of this ordinance, or of the undertaking of any activity pursuant to this ordinance.

(c) It is unlawful and a misdemeanor offense for any person to violate any provision of this Section 7. Any person convicted of a violation of this section shall be subject to the penalties set forth in section 1.09.020 of the Town of San Luis Municipal Code.

Section 8. 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 9. Town Council Meetings:

(a) For the duration of the public health emergency, the Board of Trustees may choose to hold board meetings by electronic participation, if the Board of Trustees reasonably determines that the personal attendance at a Board of Trustees meeting would not be prudent. Trustee members may listen by telephone, video conferencing, or other electronic means to any Board of Trustees meeting (“Electronic Participation”). Such Trustee members listening via telephone or other electronic means shall be deemed present for purposes of determining a quorum. The member of Board of Trustees may participate and vote in legislative matters. Electronic Participation is also available to a Board of Trustees member during an executive session.

(b) Members of the public may listen by electronic participation and must be able hear all discussion, testimony, and votes:

(c) To the extent possible, full and timely notice shall be given to the public advising that board meetings will be held electronically and may participate in the meeting electronically.

(d) The provisions of this section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the Town and its officers, employees, and authorized agents by the Colorado Constitution, Colorado Statutes, the Town of San Luis Municipal Code.

Section 10. Access To Tabor Funds: During the current public health emergency the Mayor and 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 ordinance shall be

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

Section 11. Conflict With Other Laws: If any provision of this ordinance conflicts with any provision of the Town of San Luis Municipal Code, or any provision of the Town Council's Procedures and Rules of Order, this ordinance shall control.

Section 12. Police Power Finding. The Board of Trustees hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of San Luis and the inhabitants thereof.

Section 13. Authority. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 31-15-401(1)(b) 34 C.R.S., and the powers possessed by home rule municipalities in Colorado, including, but not limited to, Section 3.13 of the Town of San Luis Municipal Code entitled "Emergency Powers."

Section 14. Emergency Declaration. The Board of Trustees of the Town of San Luis hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated into this Section 13 by reference. The Town Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of San Luis.

Section 15. Effective Date. This Ordinance shall take effect and be in full force upon adoption of this ordinance by the 3 affirmative votes of at least five (5) members of the Board of Trustees.

Section 16. Publication of Ordinance. This ordinance shall be published in full within ten (10) days after adoption on the town website, or as soon thereafter as possible, as required by Section 1.07.070 of the San Luis Municipal Code.

ADOPTED AND APPROVED as an Emergency Ordinance this 19th day of March, 2020.



TOWN OF SAN LUIS, COLORADO

by: Tiffany A. Gallegos

Tiffany A. Gallegos, Mayor

ATTESTED:

Rebecca Romero

Rebecca Romero, Town Clerk