

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
RATIFYING THE MARCH 20, 2020 DISASTER DECLARATION
DECLARING A PUBLIC HEALTH EMERGENCY RELATED TO COVID-19**

WHEREAS, the City of Cherry Hills Village ("City") is monitoring the outbreak of COVID-19 and taking steps to help limit the spread of the disease and prepare for impacts to our community; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of the COVID-19 pandemic may exceed the City's available resources; and

WHEREAS, pursuant to C.R.S. § 31-15-401(1)(b), the City is authorized to perform all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

WHEREAS, as authorized by Section 5.7 of the Cherry Hills Village Home Rule Charter, and pursuant to Section 2-3-40 of the Cherry Hills Village Municipal Code, the City Manager is responsible to the City Council for the proper administration of all affairs of the City placed in his charge; and

WHEREAS, the City Manager of the City of Cherry Hills Village, as principal executive officer of the City of Cherry Hills Village, is authorized to declare a local disaster pursuant to C.R.S. § 24-33.5-709, and is further authorized to determine the need for a disaster declaration pursuant to the City's Emergency Operations Plan; and

WHEREAS, the City Manager declared a public health emergency and disaster on March 20, 2020 ("Disaster Declaration"); and

WHEREAS, pursuant to Executive Order D 2020-017, Governor Jared Polis ordered Coloradans to stay at home due to the presence of COVID-19 in Colorado, subject to certain limited exceptions, which order became effective March 26, 2020 and shall remain in effect through April 11, 2020 unless rescinded or modified by further Executive Order; and

WHEREAS, it was appropriate and in the interests of the public health and safety of the City and its residents to address rapidly the community spread of COVID-19 and subsequent cascading impacts, such as economic distress, and further to protect the health and safety of the public by declaring an emergency in the City; and

WHEREAS, the Disaster Declaration will assist and permit access to local emergency funds, federal and state assistance, and facilitate adjustments to policies, procedures, and ordinances to ensure the public's health and welfare; and

WHEREAS, the City Council desires to ratify the Disaster Declaration.

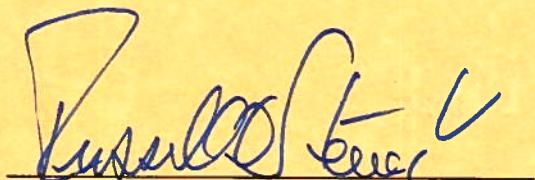
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO THAT:

Section 1. The City Council hereby ratifies the Disaster Declaration dated March 20, 2020 attached hereto as Attachment A.

Section 2. This Resolution shall be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this 7th day of April, 2020, by a vote of 6 yes and 0 no.

(SEAL)



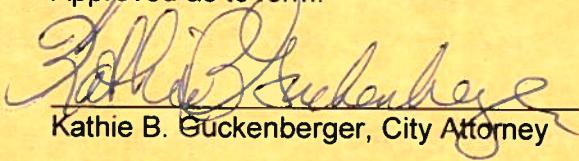
Russell O. Stewart, Mayor

ATTEST:



Laura Gillespie, City Clerk

Approved as to form:



Kathie B. Guckenberger, City Attorney

**ATTACHMENT A
DISASTER DECLARATION**

**CITY OF CHERRY HILLS VILLAGE, COLORADO
DISASTER DECLARATION
DECLARING A PUBLIC HEALTH EMERGENCY RELATED TO COVID-19**

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus disease 2019 ("COVID-19") beginning on January 27, 2020; and

WHEREAS, on March 10, 2020, Governor Jared Polis declared a State of Disaster Emergency as the number of identified COVID-19 cases in Colorado and in the United States increased and announced numerous emergency measures to protect public health and safety; and

WHEREAS, on March 14, 2020, the Arapahoe County Board of County Commissioners issued a local emergency declaration due to COVID-19 concerns; and

WHEREAS, the City of Cherry Hills Village ("City") is monitoring the outbreak of COVID-19 and taking steps to help limit the spread of the disease and prepare for impacts to our community; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of the COVID-19 pandemic may exceed the City's available resources; and

WHEREAS, pursuant to C.R.S. § 31-15-401(1)(b), the City is authorized to perform all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

WHEREAS, as authorized by Section 5.7 of the Cherry Hills Village Home Rule Charter, and pursuant to Section 2-3-40 of the Cherry Hills Village Municipal Code, the City Manager is responsible to the City Council for the proper administration of all affairs of the City placed in his charge; and

WHEREAS, the City Manager of the City of Cherry Hills Village, as principal executive officer of the City of Cherry Hills Village, is authorized to declare a local disaster pursuant to C.R.S. § 24-33.5-709, and is further authorized to determine the need for a disaster declaration pursuant to the City's Emergency Operations Plan; and

WHEREAS, it is appropriate and in the interests of the public health and safety of the City and its residents to address rapidly the community spread of COVID-19 and subsequent cascading impacts, such as economic distress, and further to protect the health and safety of the public by declaring an emergency in the City; and

WHEREAS, Section 4-3-40 of the Cherry Hills Village Municipal Code authorizes the City Manager to grant authority or contract for the performance of public work made necessary by an emergency or immediate public necessity as declared by the City Manager; and

WHEREAS, the City's declaration of a local disaster and emergency will assist and permit access to local emergency funds, federal and state assistance, and facilitate adjustments to policies, procedures, and ordinances to ensure the public's health and welfare.

**NOW THEREFORE, THE CITY MANAGER OF THE CITY OF CHERRY HILLS VILLAGE
DECLARES AS FOLLOWS:**

Section 1. Intent. It is the intent of this declaration 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 and disaster.

Section 2. Public Health Emergency and Disaster Declared. The City Manager of the City of Cherry Hills Village, Colorado hereby declares a that a public health emergency and disaster relating to COVID-19 exists within the State of Colorado and within the City. Such circumstance is referred to in this declaration 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 3. Duration of Declaration of Public Health Emergency and Disaster. The declaration of the public health emergency as provided in Section 2 of this declaration shall remain in effect until the City Manager issues a written declaration that the emergency has passed.

Section 4. Continuity of Government. During this state of public health emergency, the City shall endeavor to continue to provide and maintain necessary public services to the maximum extent feasible.

Section 5. Powers. For the duration of the public health emergency, the City Manager has full power and authority to take any action necessary for the protection of life and property, including but not limited to the following actions:

- (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) suspend or cancel any City board, commission, and committee meetings or other City events, or conduct virtual meetings by electronic means in accordance with Council-adopted policies;
- (c) expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without strict compliance with procurement regulations or procedures, and to authorize the performance of public work in accordance with Section 4-3-40 of the Cherry Hills Village Municipal Code;
- (d) apply for local, state, or federal assistance;
- (e) close, limit or prohibit the use of any City-owned, leased or operated building, facility, or property; and
- (f) activate the City's Emergency Operations Plan and undertake such other functions and activities as reasonably contemplated under that Plan.

Section 6. Access to Tabor Funds. During the current public health emergency the City Manager shall have access to the City'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 declaration shall be replenished no later than the conclusion of the fiscal year following the end of the current public health emergency.

Section 7. Effective Date. This declaration shall take effect upon the date and time note below.

DATED at Cherry Hills Village, Colorado this 70th day of May 2020 at 2:30(a.m./p.m.)

By: 
Jim Thorsen, City Manager
City of Cherry Hills Village, Colorado

Fax to Colorado Division of Homeland Security and Emergency Management when complete:

720-852-6750

Copy to be filed with the Cherry Hills Village City Clerk and the Arapahoe County Office of Emergency Management and posted to the City website and location identified for public notice posting.