



Legislation Details (With Text)

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Title: A Resolution of the Board of Trustees of the Town of Erie Rescinding the Declaration of a Local Disaster Emergency Concerning the COVID-19 Pandemic in and for the Town of Erie
Sponsors:
Indexes:
Code sections:
Attachments: 1. Resolution 22-112 Repeal COVID Emergency Dec-R090722

Date	Ver.	Action By	Action	Result
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Subject:

A Resolution of the Board of Trustees of the Town of Erie Rescinding the Declaration of a Local Disaster Emergency Concerning the COVID-19 Pandemic in and for the Town of Erie

Departments: Town Administrator and Town Attorney

Presenter(s): Malcolm Fleming, Town Administrator
Kendra Carberry, Town Attorney

Staff Recommendation:

Approve Resolution 22-112

Summary and Background of Subject Matter:

Adopting this Resolution will rescind the Declaration of a Local Disaster Emergency under which the Board and Town staff operated to implement actions deemed necessary to address and mitigate the impacts of the Pandemic. Staff previously asked the Board to defer taking action to rescind the emergency declaration because we believed rescinding it could adversely affect the Town's ability to receive State and Federal emergency funding. However, the Town's Grants Manager has confirmed there is no current funding that requires the emergency declaration to remain in place. Further, staff do not anticipate current or likely conditions associated with the ongoing Pandemic to require further emergency actions. Consequently, staff recommends the Board rescind the Declaration of a Local Disaster Emergency.

Emergency Actions During the Pandemic

Governor Polis recognized the COVID-19 pandemic and on March 10, 2020 declared a disaster emergency. On March 14, 2020, Mayor Jennifer Carroll declared a local disaster emergency in and for the Town of Erie. On March 24, 2020, the Board of Trustees approved a Resolution ratifying the

Mayor's declarations. On April 28, 2020 the Board adopted Resolution 2020-079 continuing the local disaster emergency in the Town of Erie until rescinded by additional action of the Board of Trustees.

These declarations made the Town eligible for over \$1 million in Federal funding administered through the State of Colorado and Boulder and Weld Counties through the Coronavirus Relief Fund (CVRF). The Town used that funding to provide grants to businesses struggling to stay afloat and pay their employees, to cover costs for residents who could not pay their utility bills, to cover costs associated with providing protective equipment to staff and local businesses, to provide COVID testing for Town employees, and to cover other eligible COVID related costs.

Emergency management is governed by Chapter 8 of Title 1 of the Erie Municipal Code and the Town's emergency operations plan, as well as C.R.S. § 24-33.5-701, et seq. By law, the Town must have an appointed emergency manager, who must be authorized to take all necessary actions during an emergency. Pursuant to Section 8-1-3 of the Code, the Board appointed the Town Administrator as its Emergency Manager. Pursuant to Section 1-8-6 of the Code, the Town's Emergency Manager has a number of enumerated powers to protect the public health, safety and welfare. Pursuant to Section 1-8-6.A.3 of the Code, the Town Emergency Manager may promulgate such regulations as necessary to protect life and property and preserve critical resources. Any such regulations must be confirmed at the earliest practical time by the Board of Trustees.

In his capacity as Emergency Manager, Town Administrator Fleming took the following actions:

1. Authorized the Town Clerk to administratively approve temporary modifications of liquor-licensed premises (to allow for temporary outdoor patios for restaurants)
2. For a one-year period waived the local fees for liquor licenses to provide relief to restaurants and other liquor-licensed establishments negatively impacted by the COVID-19 pandemic
3. During the early days of the pandemic Administrator Fleming also adopted a:
 - a. Teleworking Policy
 - b. Remote Meeting Policy
 - c. Emergency Leave and Attendance Policy (revision to previous policy)
 - d. State of Emergency Leave Policy

These last 4 policies (1) clarified the terms under which Town employees may be asked to work from home or another location; (2) specified the circumstances under which meetings of the Board of Trustees and Town advisory boards, committees and commissions may be held without the physical presence of the members, Town staff or the public at a designated meeting location; (3) updated the Town's Emergency Leave Policy to delete provisions providing for FLSA non-exempt emergency personnel to be paid time and one-half for all hours worked during an official State of Emergency, and instead provide for paid State of Emergency Leave (SEL), which is paid at straight time; and (4) ensured Town employees do not suffer economic hardship due to quarantine issues and/or facility closure issues. Without SEL, employees could suffer significant economic hardship that could influence them to not be available when the Town needs them and potentially be less likely to adhere to strict social distancing guidelines and perhaps come into work when they might be contagious. All of these emergency policies were ratified by the Board of Trustees.

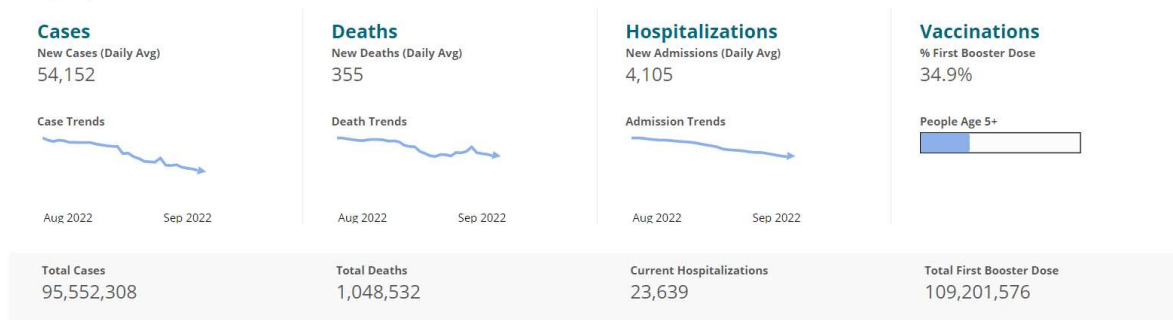
The Board of Trustees also exercised emergency powers. On May 2, 2020, Boulder County Public

Health adopted a Facial Covering Order. That order required facial covering in all indoor public spaces, including those portions of Erie located in Boulder County. Weld County took no action similar to Boulder County. Consequently, businesses in Erie were subject to very different requirements depending on their location in Town, and patrons of those businesses were subject to very different conditions that could expose them to conditions potentially hazardous to their health. To address these unequal conditions, on May 4, 2020 Mayor Carroll extended the Boulder County Order to all parts of Erie. On May 26, 2020 the Board of Trustees ratified the Mayor's Order. To continue the Board of Trustees' policy of consistent application of the Boulder County Order throughout all of Erie, Town Administrator Fleming in his capacity as Emergency Manager issued emergency orders on July 1, 2020 and again on September 11, 2021 extending the Boulder County orders applicable at those times to all parts of Erie. In both instances, the Board of Trustees ratified Emergency Manager Fleming's orders within 7 days.

Summary

As noted above, the Town's Grants Manager confirmed there is no current funding that requires the emergency declaration to remain in place. Further, staff do not anticipate current or likely conditions associated with the ongoing Pandemic to require any further emergency actions. Consequently, staff recommends the Board rescind the Declaration of a Local Disaster Emergency. However, we do recommend that everyone continue to take appropriate safety and health precautions because the current data indicate COVID rates are now trending down but this pandemic has killed over 1 million people in the U.S. and continues to hospitalize thousands every day and each day over 350 people are still dying from COVID in the U.S.

Daily Update for the United States



CDC | Data as of: September 20, 2022 1:11 PM ET. Posted: September 20, 2022 2:10 PM ET

Board Priority(s) Addressed:

- ✓ Safe and Healthy Community
- ✓ Effective Governance
- ✓ Fiscally Responsible

Attachment(s):

1. Resolution 22-112