



# TOWN OF ERIE

645 Holbrook Street  
Erie, CO 80516

## Town Council

**Board Meeting Date: 4/28/2020**

---

**File #: 20-246, Version: 1**

---

**SUBJECT: General Business**

**A Resolution of the Board of Trustees of the Town of Erie Extending the Local Disaster Emergency**

**DEPARTMENT: Administration**

**PRESENTERS: Malcolm Fleming, Town Administrator, Kendra Carberry, Town Attorney**

**STAFF RECOMMENDATION:**

Approve the resolution extending a Local Disaster Emergency.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Governor Polis recognized the COVID-19 pandemic and on March 10, 2020 declared a disaster emergency. On March 25, 2020, the Governor issued an Executive Order requiring Coloradans to stay at home, subject to certain limited exceptions for critical emergency personnel, infrastructure, government functions, and other activities. That same day, the Governor also requested the President of the United States declare a Major Disaster for the State of Colorado. The President approved that request on March 28, 2020.

Concurrently, on March 14, 2020, Mayor Jennifer Carroll declared a local disaster emergency in and for the Town of Erie. Pursuant to State law, formal action of the Board of Trustees is required to extend an emergency declaration beyond 7 days. Because the Board was unable to consider extending the emergency declaration previously, and to avoid the emergency declaration lapsing on March 21, on March 20, 2020, Mayor Carroll renewed the declaration of a local disaster emergency for 7 additional days, subject to ratification by the Board of Trustees. On March 24, 2020, the Board of Trustees approved a Resolution ratifying the Mayor's declarations and policies implemented in response to the disaster by the Town Administrator/Emergency Manager, and extended the declaration of an emergency disaster in Erie until April 30, 2020.

The emergency conditions caused by the COVID-19 pandemic persist and require additional and sustained action by the Town. Continuing the declaration of a local disaster emergency will also maintain the Town's eligibility for Federal and State assistance, and the ability to adjust policies, procedures, and ordinances as needed to ensure the public's health and welfare.

Two of the recent policies implemented by Town Administrator Malcolm Fleming, acting as the Town's Emergency Manager, are only applicable during a declared emergency. Those policies are the Remote Meeting Policy and the State of Emergency Leave Policy. Thus, among other reasons to

extend the local disaster emergency is (1) to maintain the Board's and the public's safety by conducting "virtual" or remote public meetings; without the Remote Meeting Policy, that would not be permissible, and (2) to continue the Town's ability to provide for paid State of Emergency Leave (SEL). The Town has used SEL to ensure Town employees do not 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.

Given the dynamic nature of the pandemic, and if approved by the Board, the Declaration will remain effective until rescinded by additional action of the Board of Trustees.

**ATTACHMENTS:**

1. Resolution Extending a Local Disaster Emergency
2. Remote Meeting Policy
3. State of Emergency Leave Policy