

RESOLUTION NO. 20-017, Series of 2020

TITLE: A RESOLUTION CONSENTING TO THE ORDER DECLARING A LOCAL DISASTER EMERGENCY IN AND FOR THE TOWN OF PARKER, COLORADO

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters and emergencies;

WHEREAS, pursuant to the Act, an "emergency" is an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures, and an "emergency epidemic" is cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster emergency may be declared "only by the principal executive officer of a political subdivision;"

WHEREAS, pursuant to the Town of Parker Charter (the "Charter"), Section 15.14, Emergency Powers, the Town Administrator shall assume the authority to execute any action necessary for the protection of life and property to the extent allowed by ordinance;

WHEREAS, pursuant to the Town of Parker Charter, Section 15.15, Continuity of Government, the Council shall have the power to provide for the continuity of government of the Town of Parker in the event of a natural or enemy caused disaster (or as otherwise declared in the Town of Parker Municipal Code, Section 2.03.020);

WHEREAS, pursuant to the Town of Parker Municipal Code (the "Code"), Section 2.03.020, the Town Administrator may, in the event of an emergency, exercise complete administrative authority over any department, department head or Town employee and all Town-owned property. The Town Administrator shall determine when such emergency exists. may declare or proclaim a local emergency or unusual occurrence at which time the Town shall undertake appropriate responses;

WHEREAS, on March 13, 2020, the Town Administrator did issue an order declaring a local disaster, which order is attached hereto as **Exhibit A**;

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), the declaration of a local emergency "shall not be continued or renewed for a period in excess of seven days except by or with the consent of [Town Council];"

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), any order "declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the...[Town Clerk]...and with the office of emergency management;"


WHEREAS, the attached order has been filed with the Town Clerk after it was issued on March 13, 2020, and given prompt and general publicity and sent to the Colorado Office of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, that the Town Council hereby consents to and supports the Order Declaring a Local Disaster Emergency in and for the Town of Parker, Colorado.

BE IT FURTHER RESOLVED that the Town Council hereby consents to the extension or renewal of the Order Declaring a Local Disaster Emergency in and for the Town of Parker, Colorado, to a period in excess of seven (7) days as determined by the Town Administrator in her discretion.

RESOLVED AND PASSED this 16th day of March, 2020.

TOWN OF PARKER, COLORADO


Mike Waid, Mayor

ATTEST:

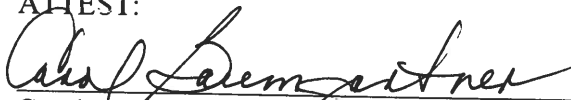

Carol Baumgartner, Town Clerk

EXHIBIT A

ORDER DECLARING A LOCAL DISASTER EMERGENCY IN AND FOR THE TOWN OF PARKER, COLORADO

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters and emergencies;

WHEREAS, pursuant to the Act, an "emergency" is an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures, and an "emergency epidemic" is cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster emergency may be declared "only by the principal executive officer of a political subdivision";

WHEREAS, pursuant to the Town of Parker Charter (the "Charter"), Section 15.14, Emergency Powers, the Town Administrator shall assume the authority to execute any action necessary for the protection of life and property to the extent allowed by ordinance;

WHEREAS, pursuant to the Town of Parker Charter, Section 15.15, Continuity of Government, the Council shall have the power to provide for the continuity of government of the Town of Parker in the event of a natural or enemy caused disaster (or as otherwise declared in the Town of Parker Municipal Code, Section 2.03.020);

WHEREAS, pursuant to the Town of Parker Municipal Code (the "Code"), Section 2.03.020, the Town Administrator may, in the event of an emergency, exercise complete administrative authority over any department, department head or Town employee and all Town-owned property. The Town Administrator shall determine when such emergency exists. may declare or proclaim a local emergency or unusual occurrence at which time the Town shall undertake appropriate responses;

WHEREAS, pursuant to the Town of Parker Municipal Code, Section 2.03.020, the Town Administrator is delegated the authority within Sections 15.14 and 15.15 of the Charter to provide for the continuity of government and to provide for 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 civil emergencies, emergencies or local disasters;

WHEREAS, pursuant to the Town of Parker Municipal Code, Section 2.03.020, the Town Administrator is granted as broad a power as permitted within the Charter and the Town Council-Town Administrator form of government;

WHEREAS, pursuant to the Town of Parker Operations Manual (the "Operations Manual"), Section 3.2.5, Contract Exceptions, Emergency Purchases, the Procurement Officer or any designee authorized to do so by the Town Administrator may make emergency procurements without competitive solicitations;

WHEREAS, pursuant to the Town of Parker Operations Manual (the "Operations Manual"), Section 3.8.1, Budget Amendments, the Town Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures of the Town. . . . [as] necessary to relieve an emergency endangering public peace, health, safety or property.

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), the declaration of a local emergency "shall not be continued or renewed for a period in excess of seven days except by or with the consent of [Town Council]";

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), any order "declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the...[Town Clerk]...and with the office of emergency management";

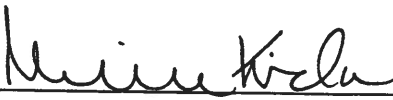
WHEREAS, pursuant to C.R.S. § 24-33.5-709(2), the effect of declaring a local disaster emergency "is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans";

WHEREAS, by declaring a local disaster emergency and unusual occurrence, the Town of Parker Emergency Powers are in effect; and

WHEREAS, because of the COVID-19 pandemic, which occurred or began to occur on March 5, 2020, the Town of Parker is suffering or has suffered a disaster emergency or unusual occurrence as defined in the Act.

NOW, THEREFORE, IT IS HEREBY ORDERED, this 13th day of March, 2020, that a disaster emergency and unusual occurrence is declared in and for the Town of Parker, Colorado, beginning on this day and ending on March 20, 2020, unless extended with the consent of the Town Council of the Town of Parker.

IT IS FURTHER ORDERED that this Order shall be given prompt and general publicity, filed immediately with the Town Clerk, and a copy of it shall be sent to the Colorado Office of Emergency Management.



MICHELLE KIVELA
Town Administrator

ATTEST:



CAROL BAUMGARTNER
Town Clerk