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**CITY COUNCIL AMENDED AGENDA
WEDNESDAY, MARCH 18, 2020**

4:00 PM – SPECIAL MEETING

**Location: Council Chambers, City Hall
337 E. Bennett Avenue, Cripple Creek, Colorado 80813**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. NEW BUSINESS**
 - A. CONSIDER APPROVAL OF AN EMERGENCY RESOLUTION CONCERNING THE CORONA VIRUS (COVID – 19) PUBLIC HEALTH EMERGENCY, DECLARING AN EMERGENCY, AND SETTING FORTH PROCEDURES FOR HOLDING COUNCIL MEETINGS AS VIRTUAL MEETINGS; Erin Smith, City Attorney.**
- 4. ADJOURNMENT**

**RESOLUTION NO. 2020-07
CITY OF CRIPPLE CREEK**

**AN EMERGENCY RESOLUTION CONCERNING THE CORONA
VIRUS (COVID – 19) PUBLIC HEALTH EMERGENCY,
DECLARING AN EMERGENCY, AND SETTING FORTH
PROCEDURES FOR HOLDING COUNCIL MEETINGS AS
VIRTUAL MEETINGS**

WHEREAS, the City of Cripple Creek (“City”) is a municipal corporation possessing all powers granted to statutory city by Title 31 of the Colorado Revised Statutes, including the power to make and publish resolutions to provide for the safety of the City and the inhabitants thereof; and

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 El Paso County; and

WHEREAS, the City Council of the City of Cripple Creek (“Council”) confirms that protecting public health is the Council’s top priority; and

WHEREAS, the Council 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 Section 2-2-60 of the Cripple Creek Municipal Code, provides that the Cripple Creek City Council “shall meet in regular session, at such times and such places as designated by the City Council by resolution or motion”; and

WHEREAS, the City Council finds and determines that the adoption of this resolution is necessary for the promotion of health and the suppression of disease; and

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

WHEREAS, given the current circumstances and pursuant to C.R.S. § 31-15-401(1)(b), it is hereby declared that an emergency exists and that this resolution is necessary for the immediate preservation of the public health, safety, and welfare.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, THAT:

Section 1:

Virtual Meetings.

- (a) In the event the City Council is unable to conduct its regular meetings at its regular meeting location, because meeting in-person would not be prudent due to a public health emergency or other unforeseen circumstances affecting the City, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum participation, but only for meetings during which no quasi-judicial matters will be heard.
- (b) Meetings of the City Council by telephone, electronically, or other means may be held subject to the following conditions:
 - (1) The City Administrator or the Mayor determines that meeting in person would not be prudent because of a public health emergency or other unforeseen circumstances affecting the City;
 - (2) All members of the City Council can hear one another or otherwise communicate with one another and can hear or read all discussion, comment, and testimony in a manner designed to provide maximum notice and participation;
 - (3) Members of the public can hear or read all discussion, testimony and votes, in a manner designed to provide maximum notice and participation;
 - (4) At least one member of the City Council is present at the regular meeting location, unless not feasible due to the public health emergency or other unforeseen circumstances;
 - (5) All votes are conducted by roll call; and
 - (6) Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection.
- (c) In the event the City Council will conduct a virtual meeting pursuant to this resolution, the City Clerk shall provide public notice of the following:
 - a. The declaration of emergency;
 - b. That a meeting of the City Council will be conducted by telephone, electronically, or other means;

- c. The right of the public to monitor the meeting by telephone, electronically, or other means; and
 - d. The means by which the public can monitor the meeting by telephone, electronically, or other means.
- (d) The City shall initiate the meeting by telephone, electronically, or other means not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the City Clerk shall make one attempt to re-initiate the connection.
- (e) The procedures and conditions provided for herein shall also apply the City of Cripple Creek Planning Commission, Board of Adjustment and Licensing Authorities.

Section 2.

Conflict With Other Resolutions: If any provision of this resolution conflicts with any other resolution, or any provision of any Council procedures or Rules of Order, this resolution shall control.

Section 3.

Police Power Finding. The City Council hereby finds, determines and declares that this resolution is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Cripple Creek and the inhabitants thereof.

Section 4.

Authority. The City Council of the City of Cripple Creek hereby finds, determines and declares that it has the power to adopt this resolution pursuant to the provisions of Section 31-15-401(1)(b) C.R.S., and the powers possessed by statutory cities in Colorado.

Section 5.

Emergency Declaration. The Council of Trustee of the City of Cripple Creek hereby finds, determines and declares that an emergency exists and that this resolution is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the introductory paragraphs of this resolution, which are incorporated into this Section 6 by reference. The Council further determines that the adoption of this resolution as an emergency resolution is in the best interest of the citizens of the City of Cripple Creek.

Section 6.

Effect of Emergency Declaration. The effect of this declaration of disaster shall be 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.

Section 7.

If any provision of this resolution or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provisions or applications. The provisions of this resolution are expressly declared to be severable.

ADOPTED at Cripple Creek, Colorado, this _____ day of _____, 2020.

MILFORD ASHWORTH
Mayor

ATTEST:

Janell Sciacca
City Clerk
APPROVED AS TO FORM:

Erin M. Smith
City Attorney