SPECIAL TOWN BOARD MEETING

BOARD OF TRUSTEES - TOWN OF ESTES PARK
Town Hall Board Room

Wednesday, March 18, 2020
5:30 p.m.

(Doors will open at 5:15 p.m.)

AGENDA

REPORT & DISCUSSION ITEM(s) (outside entities):

1. UPDATE FROM LARIMER COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT.

ACTION ITEMS:


   Policy to address COVID-19 leave and other related issues for the Town of Estes Park employees.

2. ORDINANCE 04-20 AMENDING ESTES PARK MUNICIPAL CODE TITLE 2 REGARDING EMERGENCIES. Attorney Kramer.

   Ordinance would establish processes for emergency meetings, virtual meetings, disaster and emergency declarations, and disaster and emergency rules, regulations, and orders.

REPORT & DISCUSSION ITEM(s) (Internal):

1. DISCUSSION OF FUTURE MEETINGS. Administrator Machalek.

ADJOURN.
1. PURPOSE
To establish policies and procedures for addressing COVID-19 leave and other related issues for the Town of Estes Park employees.

2. POLICY
With the continuing spread of coronavirus COVID-19, coming to work while ill poses a serious threat to the health and safety of co-workers and the general public. This policy will temporarily support employees by providing options for paid leave to maintain employees financially, supporting public health considerations and limiting the spread of this disease.

3. PROCEDURE
a. COVID-19 Leave
1) The Town shall provide a separate and distinct paid leave category for COVID-19 related issues as outlined below. Remote work, to the full extent possible, will be expected for employees who are physically capable and have the proper equipment and access.
   a. An employee with influenza-like symptoms and in consultation with and approval by their supervisor, department director and Human Resources may use COVID-19 leave for up to fifteen (15) business days/120 hours of paid leave. Requests for extension of leave will be handled on a case-by-case basis by the department director.
   b. An individual placed under quarantine by a medical professional/government mandate may use COVID-19 leave for up to fifteen (15) business days/120 hours of paid leave.
   c. For employees who suspect they may have been exposed and in consultation with and approval by their supervisor, department director and Human Resources may use COVID-19 leave for up to fifteen (15) business days/120 hours of paid leave.
   d. Employees, regardless of employment category, that do not have adequate paid leave may be granted paid administrative leave upon approval of the department director and the Town Administrator.
e. The Town acknowledges staff may want to proceed with their paid time off travel plans. The Town is discouraging this as it increases the risk of infection to other staff members. Unless approved by the Town Administrator, all out of state travel conducted after Policy 370 has been adopted will void an individual's eligibility to use COVID-19 leave.

2) FMLA Leave
   a. COVID-19 has been identified as a serious health condition. As outlined under the FMLA regulations an employee can apply for FMLA leave for themselves or to care for an immediate family member who contracts COVID-19. Refer to Policy 311 for more details on eligibility.

3) The Town reserves the right to send an employee who displays COVID-19-like or influenza-like symptoms home during the pandemic per EEOC guidelines.

b. COVID-19 Related Childcare Leave Expectations
   1) Employees who are parents or guardians of children who are unable to attend school or daycare due to temporary facility closures related to COVID-19 shall work with supervisors to establish flexible schedules or work remotely when possible in order to care for their children.

   2) When unable to perform work because of the need to care for a child due to school or daycare facility closures, employees must use accrued vacation leave, floating holiday leave, compensatory time and/or sick leave.

   3) Employees, regardless of employment category, that do not have adequate paid leave may be granted paid administrative leave upon approval of the department director and the Town Administrator.

c. Changes to Policy
   1) The Town reserves the right to modify or terminate this policy as information on the pandemic evolves, with approval by the Town Administrator.

Approved:

_____________________________
Todd Jirsa, Mayor

__________________________
Date
Memo

To: Honorable Mayor Jirsa
   Board of Trustees

From: Town Attorney Kramer

Date: March 18, 2020

RE: An Emergency Ordinance Amending Title 2 of the Estes Park Municipal Code Regarding Disasters and Emergencies

(Mark all that apply)

☐ PUBLIC HEARING  ☑ ORDINANCE  ☐ LAND USE
☐ CONTRACT/AGREEMENT ☐ RESOLUTION  ☐ OTHER

☐ QUASI-JUDICIAL  ☐ YES  ☑ NO

Objective:
Establish procedures for the Board of Trustees and the Town Administrator during disasters and emergencies.

Present Situation:
While outlined generally in state statute, the Town’s municipal code does not currently establish clear and specific procedures for the exercise of emergency authority.

Proposal:
The ordinance presented would establish standards and procedures for holding emergency Town Board meetings on very short notice, holding virtual Town Board meetings when necessary, declaring local states of disaster and emergency, and issuing emergency rules, regulations, and orders.

Advantages:
Clarity and flexibility for the Board, staff, and the public.

Disadvantages:
The authority delegated to the Town Administrator would be very broad. It would, however, only be available in a disaster or emergency, when the Board may not be able to act quickly enough to address an emergency. Also, the Town Board would review and be able to terminate any actions by the Town Administrator.

Action Recommended:
Approve the ordinance. As an emergency ordinance, it would take effect immediately upon approval and signature.
**Finance/Resource Impact:**
None identifiable at this time.

**Level of Public Interest**
High public interest in addressing the current pandemic appropriately.

**Sample Motion:**
I move for the approval of Ordinance 04-20.

**Attachments:**
Ordinance 04-20
ORDINANCE NO.04-20

AN EMERGENCY ORDINANCE AMENDING TITLE 2 OF THE ESTES PARK MUNICIPAL CODE REGARDING DISASTERS AND EMERGENCIES

WHEREAS, the Town of Estes Park is facing the COVID-19 pandemic and must be able to respond promptly to address any emergency circumstances that arise; and

WHEREAS, emergency response responsibilities are vested in the Town Administrator, as the principal executive officer of the Town; and

WHEREAS, flexibility is necessary in setting meetings of the Board of Trustees during an emergency; and

WHEREAS, it is critical at this time for the Board of Trustees to clarify and expand upon the Town’s procedures for disasters and emergencies.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: Chapter 2.04 of the Estes Park Municipal code is hereby amended by the addition of the following section 2.03.045:

2.04.045 - Emergency meetings.

(a) Meetings on short notice. Emergency meetings may be called by the Mayor, the Town Administrator, or any two (2) Board of Trustees members in the event of a declared disaster or emergency affecting the Town that requires the immediate action of the Board of Trustees in order to protect the public health, safety, and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Board of Trustees by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Board of Trustees that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed expired as of that time.

(b) Virtual meetings. In the event a quorum of the Board of Trustees is unable to meet because meeting in person is not practical or prudent due to a declared disaster or emergency affecting the Town, meetings may be conducted by telephone, electronically,
or by other means of communication so as to provide maximum practical openness to the public given the Town’s technological means, if all of the following conditions are met:

1. The Town Administrator or the Mayor determines that meeting in person is not practical or prudent, because of a declared disaster or emergency affecting the Town;

2. All members of the Board of Trustees can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation;

3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless that is not practical, in the determination of the Town Administrator, due to the disaster or emergency, in which case the Town Administrator shall ensure that the meeting is as open as practicable to the public through other means;

4. At least one member of the Board of Trustees is present at the regular meeting location, unless not practicable due to pandemic or other disaster or emergency;

5. All votes are conducted by roll call;

6. The meeting is recorded, or minutes of the meeting are taken, and the recording or a draft of the minutes is made available to the public as quickly as practicable; and

7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the Board of Trustees may participate remotely, and the right of the public to monitor the meeting from another location; provided that these requirements are subject to subsection (a), above, if the virtual meeting is also an emergency meeting.

Section 2: Chapter 2.28 of the Estes Park Municipal code is hereby amended by the addition of the following section 2.28.030:

2.28.030 – Disaster and emergency declarations.

(a) The Town Administrator, as the principal executive officer of the Town, shall have the authority to declare and cancel states of disaster and emergency. Such declarations, continuations, and cancellations shall be given prompt and general publicity and shall be filed promptly with the Town Clerk and with the state office of emergency management. At the time of declaration, the Town Administrator shall make a reasonable attempt to notify the Board of Trustees of the declaration and that notification shall, at a minimum, contain the cause, extent and a general description of the emergency, the actions expected to be taken, and the expected duration. The
declaration shall not be continued or renewed for a period in excess of seven days except with the consent of the Board of Trustees.

(b) The Town Administrator shall have the power to promulgate in writing such rules, regulations and orders as are reasonably necessary for the protection of life and property within the Town or on Town-owned or Town-leased property outside the Town from the dangers created or increased by a disaster or an emergency. It is unlawful for any person to violate, or fail to abide by, any such rule, regulation, or order. Any such rule, regulation, or order shall be effective only as long as the disaster or emergency declaration is in effect. Issuance of a news release disseminating such rules, regulations, and orders shall be deemed to provide notice to the public. Any such rule, regulation, or order may be terminated by action of the Town Board. Without limiting the foregoing, such rules, regulations, and orders may, to the extent necessary to address the disaster or emergency:

1. Suspend the enforcement of any ordinance, in general or in particular circumstances;
2. Suspend any of the Town’s policies, including purchasing policies;
3. Set emergency employee policies;
4. Close Town facilities or property to the public, or suspend Town operations;
5. Suspend Town board and commission meetings;
6. Impose a curfew, and exempt therefrom emergency responders;
7. Restrict public gatherings;
8. Compel evacuations or sheltering in place;
9. Impose vehicular and traffic restrictions;
10. Order the closing or limit operations of any businesses or commercial activities;
11. Call upon agencies and organizations for assistance;
12. Waive fees, subject to any statutory requirements;
13. Reassign Town personnel or supplies;
14. Utilize emergency funds;
15. Commandeer or utilize any private property necessary to cope with the disaster or emergency, subject to all applicable legal requirements including those requiring just compensation; and
16. Enter the Town into contracts that would ordinarily require approval of the Board of Trustees, so long as they are subject to ratification by the Board at the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting.

Section 3: Section 2.12.030 of the Estes Park Municipal code is hereby amended by the addition of underlined material, to read as follows:

2.12.030 - Role of the Mayor.
The Mayor shall preside over all meetings of the Board of Trustees. He or she shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town. See section 2.28.030, however, establishing the Town Administrator as the principal executive officer of the Town for certain emergency purposes.

Section 4: The Board of Trustees hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of section 31-15-401(1)(b), C.R.S., as well as the Town's general police power. The Board of Trustees hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Estes Park and the inhabitants thereof.

Section 5: The Board of Trustees hereby finds that this ordinance is necessary for the immediate preservation of public health and safety, due to the pandemic facing the Town and for the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated into this section 3 by reference. This ordinance shall take effect immediately upon its adoption and signature by the Mayor.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado this ____ day of _______________.

TOWN OF ESTES PARK, COLORADO

By: ________________________________
Mayor

ATTEST:

_______________________________
Town Clerk

I hereby certify that the above Ordinance was introduced at a regular meeting of the Board of Trustees on the _____ day of __________, 2020 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the ___ day of __________, 2020, all as required by the Statutes of the State of Colorado.

_______________________________
Town Clerk

APPROVED AS TO FORM:

_______________________________
Town Attorney
Hello,
Please share this public comment with the Mayor and the rest of the board.

Ginny Hutchison

Carlie Bangs Are you paying attention to what Summit County and other counties in CO are doing to slow the spread of COVID-19? Even Denver has stepped up to the plate. We have millions of people passing through our town annually, yet you disregard the importance of protecting the people who live and work here. Utter slap in the face to the working class in our town. Do you have plans in place to ride out this storm? I am feeling so disappointed in the town government. Sorry.
Dear Ms. Bangs and Trustees,

With Summit County making the decision to close down their towns to tourists/visitors, and Gunnison doing the same, I feel that Estes Park must receive the same consideration. Here we sit at the top of a mountain and at the entrance to Rocky Mountain National Park. With stores and hotels/motels/lodges remaining open we are just continuing to invite people into our town. We all know about our population of elderly people—one of the highest in the state I believe—and the inability of our small mountain town hospital to accommodate for increased numbers of people who have COVID-19 or serious symptoms. Please consider how we can be leaders during this Pandemic instead of followers. The people of Estes Park need your concern and protection at this time.

Thank you,
Barbara Ayres

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**Town Board Meeting: Hard Copy Submittals & In-Person Meetings**

**Lindsay McFarland** <lindsay.mcfarland23@gmail.com>  
**To: townclerk@estes.org**

Good Morning,

To whom it may concern:

In light of the current COVID-19 pandemic, I would like to ask that Town Employees and Departments waive hard copy submittals and required in person meetings. In lieu of hard copy submittals; electronic copies could be accepted and in-person meetings replaced with conference calls. A waiver of this nature would further support our Town’s commitment to public health and safety.

Thank you for your consideration,
Lindsay McFarland, Estes Park Resident
**Comment for tonight's Board meeting**

**Diana Laughlin**<diana.p.lauglin@gmail.com>  
To: Town Clerk <townclerk@estes.org>  
Wed, Mar 18, 2020 at 8:53 AM

I'd like to ask the Town Board to consider taking measures similar to Summit County and Moab, who have closed all lodging establishments (including Airbnb and VRBO). Most of our businesses are closed and there is little benefit and much potential risk to this community if we welcome visitors at this time. Can we adjust our messaging accordingly?

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Diana Laughlin  
442 Driftwood Ave Estes Park

**Fwd: Comment for March 18 Town Board meeting packet-**

---------- Forwarded message ----------
From: **wendy Koenig** <koenig4mayor@gmail.com>  
Date: Wed, Mar 18, 2020 at 10:49 AM  
Subject: Comment for March 18 Town Board meeting packet-  
To: Bunny Beers <Bbeers@estes.org>, Jackie Williamson, Town Clerk <jwilliamson@estes.org>

Dear Mayor Jirsa and Town Board Trustees,  
1. Your leadership in this difficult time is appreciated. Thank you for addressing staff leave and related issues for employees.  
Any stabilizing policies for our staff and their families are critical at this time.  
2. I encourage your support of Ordinance 04-20 amending EP Municipal Code 2.04 to establish a process for emergency meetings, disaster and emergency declarations to be remotely completed and communicated to our public  
3. I appreciate all candidates being included in updates,- smoothing the transition to our new Town positions for all elected candidates- the end of April 2020. .  
With respect,  
Wendy Koenig, Candidate for EP Mayor
Hotel and motels are actively inviting and encouraging visitors to come to Estes Park. While the town is saying: "Avoid all nonessential travel. Travel in and out of the community is and touting all the things their visitors can do—like go on tours. There was a comment on your post today about how a couple from Iowa are coming because they cannot get a refund. Just today there is an "estate sale" sign in my neighborhood. Tourists are still walking around downtown.

How can we tighten things up in Estes Park and get the message out that we are in a state of emergency with a pandemic virus.

Sincerely,
Barb Ayres