

**TOWN OF LYONS, COLORADO
RESOLUTION 2021-62**

**A RESOLUTION OF TOWN OF LYONS, COLORADO AMENDING AND
MODIFYING RESOLUTION 2021-38 CONTINUING A STATE OF LOCAL
DISASTER EMERGENCY DUE TO THE PUBLIC HEALTH EMERGENCY
CREATED BY CORONAVIRUS DISEASE 2019**

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing corona virus 2019 ("COVID-19") pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS Colorado Governor Jared Polis, by Executive Order D 2020 03, has declared a statewide disaster emergency due to the presence of COVID-19 in the state. The Executive Order identifies the potential for community spread and, among other things, activates disaster response and recovery aspects of applicable state, local, and interjurisdictional disaster emergency plans; and

WHEREAS, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Town of Lyons (the "Town") to take immediate actions for public safety, health, and welfare; and

WHEREAS, on March 13, 2020, pursuant to C.R.S. § 24-33.5-709 and LMC Section 2- 5-30 the Mayor of Lyons proclaimed s a local disaster emergency for the municipal limits of the Town (the "Proclamation"); and

WHEREAS, on March 16, 2020, the Town of Lyons Board of Trustees (the "Board") passed Resolution 2020-51 which extended and modified the Proclamation; and

WHEREAS, on March 23, 2020, the Board passed Resolution 2020-52 which further extended and modified the Proclamation; and

WHEREAS, on May 18, 2020, the Board passed Resolution 2020-88 which extended and modified the Proclamation; and

WHEREAS, Resolution 2020-88 expired on June 15, 2020; and

WHEREAS, on July 22, 2020, Board passed Resolution 2020-120 which renewed the Proclamation; and

WHEREAS, Resolution 2020-120 expired August 17, 2020; and

WHEREAS, Resolution 2020-180 expired March 4, 2021; and

WHEREAS, Resolution 2021-38 will expire June 30, 2021; and

WHEREAS, as of June 15, 2021, there are over 600,000 confirmed deaths from COVID-19 in the United States; and

WHEREAS, the COVID-19 pandemic is continuing in Colorado with new cases and death being reported in Colorado; and

WHEREAS, COVID-19 vaccinations have recently become widely available to persons 12 years old and older in Colorado; and

WHEREAS, due to new variants of the COVID-19 Virus and the continuation of the pandemic, the Board desires to amend, modify and continue the Proclamation as specifically set forth in this Resolution; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709 and LMC Section 2-5-30(5)(b) the Board declares a local disaster emergency for the municipal limits of the Town of Lyons, Colorado.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

Section 1. That there is a local disaster emergency in the Town of Lyons, Colorado, due to the likelihood of danger or destruction of life or property resulting from COVID- 19.

Section 2. That the effect of this Local Disaster Emergency shall be to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to seek and authorize the furnishing of aid and assistance under such plans.

Section 3. The Town Administrator is given broad authority to act as necessary to protect the public health, safety and welfare of the residents, visitors and the business community.

Section 4. The Town will continue to provide all essential and non-essential services. Non- essential services may be conducted by telephone, electronically, or by other means of communication. Upon notice to the public, non-essential services may be suspended by the Town.

Section 5. Access to municipal facilities may be restricted to the general public.

Section 6. The Town Administrator shall have the discretion to limit the size of large groups in public parks.

Section 7. Meetings of the Lyons Board of Trustees ("BOT"), the Lyons Planning and Community Development Commission ("PCDC), the Lyons Board of Adjustments ("BOA") and all other Boards and Commissions may be conducted by telephone, electronically, or by other means of communication. The Town Administrator shall take reasonable and practical measures to ensure that:

1. Each such meeting is open to the public at all times;
2. Each such meeting provides citizens a reasonable opportunity to be heard;
3. A reliable and public record is made and kept of each Trustee or Commissioner's vote cast at any at any such meeting.

In the case of an emergency requiring immediate action of the BOT to protect public health, safety or welfare, the BOT may convene an emergency meeting without any advance public notice or with such limited advance public notice as the Mayor or other presiding officer finds feasible in the circumstances. At such emergency meeting, the BOT may take any action within its authority that is necessary for the immediate protection of public health, safety or welfare; provided however, that any action taken at the emergency meeting shall be effective only until the next meeting that complies with the advance notice requirements of the Colorado Open Meetings Law. At that next meeting, the BOT may ratify any action taken at the emergency meeting, if the action is not ratified it shall be deemed rescinded.

Section 8. That Town of Lyons residents, businesses and visitors are encouraged to remain informed, follow the U.S. Center for Disease Control guidance for mitigation strategies for communities with local COVID-19 transmission.

Section 9. In the event of conflict between this Resolution and public health orders promulgated by either Boulder County or the Colorado Department of Public Health and Environment ("CDPHE") the public health orders of Boulder County or CDPHE shall control, whichever is stricter.

Section 10. Due to the changing nature of the COVID-19 pandemic, this Resolution may be amended as necessary to protect public safety, health, and welfare.

Section 11. This Resolution shall be effective from the date of passage and shall continue until October 4, 2021 or until rescinded by a Resolution of the Board of Trustees. For the purposes of clarity, the sooner date shall be end date of effectiveness of this Resolution. The Town shall also post the Resolution on its website. The Town will not use public address systems to announce the Resolution.

ADOPTED this 21st day of June, 2021.

LYONS TOWN OF

By: _____
Nicholas Angelo, Mayor

ATTEST

Dolores M. Vasquez, CMC – Town Clerk