

**ORDINANCE NO. 20-\_\_**

**An Emergency Ordinance of the City Council of the City of Whitefish, Montana, enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19) and waiving a second reading.**

WHEREAS, coronaviruses are a large family of virus that cause illness ranging from the common cold to more serious diseases and are easily spread by person-to-person contact; and

WHEREAS, in late 2019 an outbreak of a new strain of coronavirus began in Wuhan, China; and

WHEREAS, on February 11, 2020, the World Health Organization named the new strain of coronavirus causing illness in China COVID-19; and

WHEREAS, cases of COVID-19 have been identified in a growing number of locations internationally, including the United States; and

WHEREAS, on March 11, 2020, the World Health Organization declared a global pandemic due to the spread of COVID-19 but emphasized that containment is still possible; and

WHEREAS, on March 12, 2020, Governor Steve Bullock declared a state of emergency related to COVID-19; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency related to COVID-19; and

WHEREAS, on March 15, 2020, the Center for Disease Control and Prevention issued interim guidance recommending the cancellation of events or gatherings that consist of 50 or more people for the next eight weeks to reduce the spread of COVID-19; and

WHEREAS, on March 15, 2020, Governor Steve Bullock directed the closure of public schools for two weeks to reduce the spread of COVID-19 and strongly recommended the public limit all gatherings, especially those in excess of 50 people, in every community across the state; and

WHEREAS, as of March 15, 2020, there have been seven reported cases of COVID-19 in Montana, although none in Flathead County; and

WHEREAS, § 7-5-104, MCA, authorizes the City Council to waive the second reading of an ordinance passed in response to an emergency and provides such ordinance is effective upon passage; and

WHEREAS, an emergency ordinance requires a two-thirds vote of the whole City Council for passage and remains effective for no more than 90 days; and

WHEREAS, §§ 2-3-103 through 2-3-111, MCA, provide that public agencies must ensure that prior to a final agency decision being taken that is of significant interest to the public, adequate notice is given and the public is allowed a reasonable opportunity to participate; and

WHEREAS, § 2-3-112, MCA, provides §§ 2-3-103 through 2-3-111, MCA, do not apply to an agency decision that must be made to address an emergency situation affecting the public health, welfare, or safety; and

WHEREAS, COVID-19 constitutes an emergency situation affecting the public health, safety and general welfare and proactively implementing mitigation measures to slow the spread of COVID-19 is in the best interests of the City and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: All City Board, Commission and Committee meetings are canceled through April 30, 2020, except City Council, Planning Board and a special meeting of the Board of Park Commissioners to be held March 17, 2020.

Section 3: In the event the Flathead City-County Health Department directs or suggests a moratorium on public gatherings, or in the event of a confirmed case of COVID-19 within Flathead County, City Council and Planning Board meetings are canceled through April 30, 2020.

Section 4: In accordance with guidance issued by the Center for Disease Control and Prevention, occupancy of the City Council Chambers is limited to 50 people during Planning Board and City Council meetings. If more than 50 individuals attend a meeting, the City will accommodate individuals in other locations in City Hall and provide the opportunity for public comment in a rotating manner. The public is encouraged to submit written comments rather than physically attend meetings. Any written comments received after the packet has been published but prior to the start of the meeting will be read aloud at the meeting by City Staff.

Section 5: City Hall offices are closed to the public from March 18 through March 27, 2020. The City Manager is authorized to extend the closure on a week-by-week basis beginning March 27, 2020. Essential services at City Hall will continue and be provided to customers remotely.

Section 6: The City temporarily waives late fees and shut offs for delinquent water and sewer accounts through April 30, 2020. The City temporarily waives resort tax delinquency fees through April 30, 2020.

Section 7: The City approves emergency leave up to an equivalent of two weeks paid leave for all City employees who are required to be quarantined by the Flathead City-County Health Department or a licensed physician due to COVID-19. Employees who are normally scheduled for 40 hours per week will be eligible to receive 80 hours of paid emergency leave.

Employees who are normally scheduled to work less or more than 40 hours per week will receive a prorated amount. Emergency leave does not accrue nor is it payable upon termination. In the event H.R. 6201, Families First Coronavirus Response Act, is adopted by the federal government and requires the City provide more extensive benefits, the City will do so.

Section 8: The public restrooms located in the parking structure and the O'Shaughnessy Center are closed through April 30, 2020.

Section 9: If any section, subsection, sentence, clause, phrase or word of this Emergency Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall affect only that part held invalid, and the remaining provisions thereof shall continue in force and effect.

Section 10: This Emergency Ordinance shall take effect immediately upon its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS 16TH DAY OF MARCH 2020.

/s/John M. Muhlfeld  
John M. Muhlfeld, Mayor

ATTEST:

/s/ Michelle Howke  
Michelle Howke, City Clerk