

**ORDINANCE NO. 1840**

**AN ORDINANCE RATIFYING THE DECLARATION OF EMERGENCY FOR COVID-19 PANDEMIC; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS,** the City Manager of the City of Kalispell has issued a Declaration of a State of Local Disaster Emergency in respect to the COVID-19 pandemic [“the Declaration”]; and

**WHEREAS,** the City Council finds the Declaration to be in the best interests of the health and general welfare of the City and its residents and therefore desires to ratify the issuance of the Declaration.


NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KALISPELL, MONTANA, AS FOLLOWS:

**SECTION 1.** Pursuant to the authority of MCA §10-3-402, and KMC 2-26 the Kalispell City Council hereby agrees with and adopts the findings stated in the Declaration and ratifies the same.

**SECTION 2.** To support any expenditures incurred by the City in implementing the actions identified in the Declaration, the City may seek emergency millage not to exceed 2 mills of the taxable value of the affected area, being the municipal limits of the City of Kalispell, during a period of one year from the date of passage of this Declaration. Expenditure of levied revenue must be approved by the City Council and any retained funds shall be separated for future emergencies. The City may also seek financial assistance and reimbursement from the Federal Emergency Management Agency and the State of Montana Emergency and Disaster Fund, as appropriate.

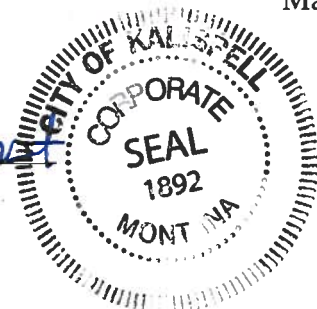
**SECTION 3.** This Ordinance, pursuant to KMC 2-26, is effective upon passage and approval and shall not remain effective for more than ninety (90) days.

PASSED AND APPROVED BY THE CITY COUNCIL BY AT LEAST 2/3RD VOTE AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL, MONTANA THIS 6TH DAY OF APRIL, 2020.

  
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Mark Johnson  
Mayor

ATTEST:

  
Aimee Brunckhorst, CMC  
City Clerk





# City of Kalispell

Post Office Box 1997 - Kalispell, Montana 59903-1997  
Telephone (406) 758-7700 Fax - (406) 758-7758

## MEMORANDUM

To: Honorable Mayor Johnson and City Council  
And: For publication to all residents of the City of Kalispell  
Re: Declaration of a State of Local Disaster Emergency  
Date: April 6, 2020

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By the statutory authority vested in MCA 10-3-402, and based upon the findings of fact set forth below, I am, at this time, declaring a state of local disaster emergency for the City of Kalispell.

### *FINDINGS OF FACT*

- ✓ The World Health Organization has declared the Coronavirus Disease (“COVID-19”) a global pandemic that is controllable via precautionary measures to stop the spread of the disease; and
- ✓ The United States Centers of Disease Control and Prevention (CDC) indicates there is a widespread epidemic across the United States as a result of COVID-19; and
- ✓ Individuals across the State of Montana have begun to test positive for COVID-19; and
- ✓ On March 12, 2020, Governor Bullock issued an Executive Order declaring an emergency exists within the State of Montana related to COVID-19; and
- ✓ On March 19, 2020, the Flathead County Commissioners, by resolution, declared a Public Health Emergency related to COVID-19, pursuant to §10-3-402, MCA; and
- ✓ Section 10-3-402, MCA, gives to the principle executive officer of a local political subdivision the authority and duty to declare a state of local emergency (“Declaration”) whenever the principle executive officer determines there is an emergency; and
- ✓ The City Manager is the statutory principal executive officer of the City of Kalispell; and
- ✓ The City of Kalispell faces an imminent threat to life and public health resulting from COVID-19; and
- ✓ The circumstances of this pandemic may exceed the capacity of the services, personnel, equipment, supplies, facilities, funding, and other resources of the City of Kalispell; and

- ✓ The availability and utilization of all necessary city services, equipment, and other resources will further the efforts to protect health and safety and to preserve the lives, property, and resources of the people of the City of Kalispell.

Therefore, as City Manager of the City of Kalispell, Montana, I hereby declare:

1. A state of local emergency pursuant to Section 10-3-402, MCA.
2. This Declaration shall activate the response and recovery aspects of any and all adopted local and interjurisdictional disaster emergency plans and programs, and authorize the application for emergency funding, furnishing of aid and assistance in accordance with such plan.
3. The City Manager has the authority, pursuant to Section 10-3-406, MCA, to prevent ingress to or egress from all or part of the City and to direct law enforcement to enforce quarantines and curfews in all or parts of the City concurrent with or at the direction of the County Board of Health Officer.
4. The City Manager will adhere to and implement all directives provided by the Governor of the State of Montana and the County Health Officer or Board of Health regarding the COVID-19 pandemic.
5. Regular meetings of the City Council, as required by Section 2-6 of the Kalispell Municipal Code may be cancelled or may be held via electronic means with audio and visual communications.
6. Meetings of boards, commissions, and advisory groups and all other scheduled public meetings and hearings of the City Council may be temporarily postponed. Meetings that are held, may be held via electronic means with audio and visual communication.
7. The City Manager has the authority to administer all affairs, departments, and personnel of the City, including, but not limited to, implementing orders for employees to work from home and self-quarantine.
8. The City Manager has authority to approve contracts and expenditures in furtherance of implementing the Resolutions passed by the City Council and this Declaration, and taking all measures deemed necessary to address the emergency, subject to retroactive approval by the council.
9. The City Manager, pursuant to KMC 2-26, upon ratification of this Declaration by a 2/3<sup>rd</sup> vote of the City Council, is authorized to enter into agreements and contracts, and make purchases and expenditures without adhering to state and local procurement requirements, including those in Titles 7 and 18, MCA and to the City's purchasing policy. This authorization is limited only to agreements, contracts, purchases, and expenditures reasonably necessary to implement the Declaration and to no other agreements, contracts, purchases, or expenditures.
10. All City departments and agencies are authorized to take appropriate action to assist the City Manager, federal, state, and local agencies, and other individuals in containing, preparing

for, responding to, and recovering from this emergency, to protect City and local property, and to provide such other assistance as is necessary to protect the public health, welfare, and safety of the residents of the City, including any personnel, equipment, supplies, facilities, funding, and other resources deemed necessary to assist with preventing, and combating COVID-19.

11. This Declaration is effective immediately and shall terminate upon subsequent order from the City Manager or the City of Kalispell.

12. Copies of this Declaration shall be filed with the County Clerk and Recorder, the City Clerk, and the Montana Disaster and Emergency Services Division in Helena.

13. The public shall be notified of this Declaration as soon as reasonably feasible through general dissemination to the news media, posting on the city website and social media accounts, or using other means of communication appropriate for informing the general public.

Declared by the City Manager of the City of Kalispell, Montana, on this 6 day of April, 2020.

  
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Doug Russell  
City Manager

ATTEST:

By:   
Title: Administrative Coordinator

