

ORDINANCE NO. 166

An Emergency Ordinance of the Town Council of the Town of Stevensville, Montana, enacting measures to reduce the spread of the 2019 Novel Coronavirus (COVID-19), providing for the continuity of Town business 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 ("CDC") 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 Ravalli County; and

WHEREAS, § 7-5-104, MCA, authorizes the Town 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 Town 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 is 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 Town and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Stevensville, Montana, as follows:

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

Section 2: All Town Board, Commission, Committee, and Council meetings are canceled through April 30, 2020. The Mayor is authorized to extend cancellation of meetings on a week-by-week basis beginning April 30, 2020.

Section 3: In the event the Ravalli County Health Department directs or suggests a moratorium on public gatherings, or in the event of a confirmed case of COVID-19 within Ravalli County, Town Council meetings will be cancelled beyond April 30, 2020. The Mayor is authorized to cancel Town Council meetings on a week-by-week basis beginning April 30, 2020.

Section 4: Town Hall offices are closed to the public from March 16 through April 30, 2020. The Mayor is authorized to extend the closure on a week-by-week basis beginning April 30, 2020. Essential services at Town Hall will continue to be provided to customers remotely.

Section 5: The Town temporarily waives all late fees and will not shut off service for delinquent water and sewer accounts through April 30, 2020. The Mayor is authorized to extend such waivers on a week-by-week basis beginning April 30, 2020.

Section 6: The Town approves emergency leave up to an equivalent of two weeks paid leave for all Town employees who are required to be quarantined by the Ravalli County Health Department or a licensed physician due to COVID-19. Employees who are normally scheduled for shifts of 40 hours per week will be eligible to receive 80 hours of paid emergency leave. Employees who are normally scheduled for 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 Town to provide more extensive benefits, the Town will do so.

Section 7: The Mayor is hereby authorized to pay all claims and take any other such action authorized by law for public health, safety and welfare of the community, and for the continuity of business, which the Council will approve once the Council resumes regular operations.

Section 8: 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 9: This Emergency Ordinance shall take effect immediately upon its adoption by the Town council of the Town of Stevensville, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF STEVENSVILLE, MONTANA, THIS 20TH DAY OF MARCH, 2020.

APPROVED:

Brandon E. Dewey, Mayor

ATTEST:

Monica Hoffman, Town Clerk