

**ORDINANCE NO. 05  
(SERIES OF 2020)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, ADOPTING  
EMERGENCY APPROPRIATIONS TO THE 2020 MUNICIPAL BUDGET IN RESPONSE TO  
COVID-19**

**WHEREAS**, the City of Aspen declared a local disaster emergency on March 12, 2020 pertaining to the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19; and

**WHEREAS**, the City of Aspen commenced and continues to support crisis response efforts, through both personnel and other resources, led by the Pitkin County Incident Management Team; and

**WHEREAS**, on March 17, 2020 Pitkin County Board of Commissioners adopted emergency spending authority for its Public Health Emergency Response programs to provide additional resources for housing, food and childcare assistance for those experiencing financial distress as a result of the COVID-19 impact; and

**WHEREAS**, current resources dedicated within Pitkin County's budget appropriation are likely to be insufficient to address the aggregate demands for relief, including those from City of Aspen residents; and

**WHEREAS**, on March 30, 2020, City Council adopted Ordinance #4, Series of 2020, an emergency ordinance providing a one-time appropriation of \$200,000 for distribution to Pitkin County pursuant to an Intergovernmental Agreement (IGA) for the purpose of providing financial relief to City of Aspen residents; and

**WHEREAS**, on April 9, 2020, City Council approved Resolution #33, Series of 2020, adopting six outcome statements and related objectives for the City of Aspen Covid-19 relief efforts and directing the City Manager to implement specific tactics to reach the objectives; and

**WHEREAS**, the City Council has determined that additional appropriations to this County fund and other funds that may be deemed appropriate for receipt of funds for emergency relief as approved by Resolution of the City Council are necessary for further economic relief, recovery and stimulus; and

**WHEREAS**, the City of Aspen (the "City") is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the "Charter"); and

**WHEREAS**, Section 9.12 of the Charter authorizes the City Council to enact emergency appropriations through an emergency ordinances adopted pursuant to Section 4.11 for the preservation of public property, health, peace, or safety upon the unanimous vote of City Council members present or upon a vote of four (4) Council members, whichever is less.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ASPEN CITY COUNCIL THAT:**

Section 1. That the budget for the City of Aspen, Colorado for fiscal year 2020 be amended to include additional emergency appropriations as follows:

1. \$300,000 from the City of Aspen's General Fund released to Pitkin County pursuant to the intergovernmental agreement entered by these governments for the purpose of providing financial relief to City of Aspen residents in the areas of housing, utility, food and childcare assistance under the existing Pitkin County qualification's structure for relief.
2. \$3,000,000 from the City of Aspen's General Fund towards reaching the City of Aspen Covid-19 relief effort outcomes, including:
  - a) immediate economic relief disbursement through the Aspen Community Foundation and/or government partners; and,
  - b) distribution to Aspen area serving non-profits that provide legal aid and mental health services; and,
  - c) community at-large COVID-19 testing and personal protective equipment; and,
  - d) rent assistance/loan to stabilize businesses and non-profits, including providing for a small business loan/stabilization program; and,
  - e) additional communication and temporary city staffing needs to implement the adopted outcomes.
3. \$1,500,000 from the City of Aspen's Housing Development Fund towards reaching the City of Aspen Covid-19 relief effort outcomes, including:
  - a) rent and mortgage assistance for deed-restricted housing units as qualified through Pitkin County Human Services; and,
  - b) additional communication and temporary city staffing needs to implement the adopted outcomes.
4. \$1,000,000 from the City of Aspen Kids First Fund towards reaching the City of Aspen Covid-19 relief effort outcomes, including:
  - a) additional childcare financial aid;

- b) aiding in retaining qualified childcare providers and staff in the community; and,
- c) additional communication and temporary city staffing needs to implement the adopted outcomes.

The specific amount provided to any program or programs and the restrictions and conditions of any specific disbursement shall be determined by the City Manager, with consultation and approval of the Finance Director and City Attorney. Any funds not spent at the time the Declaration of Local Disaster Emergency is terminated shall be returned to the particular fund from which the appropriation was designated above.

Section 2. It is hereby declared that, in the opinion of the City Council, an emergency exists; and, there is a need for the preservation of public property, health, peace, or safety of the City of Aspen, its residents, and guests.

This ordinance shall become effective immediately upon passage by the City Council at the second reading of the Ordinance.

The City Clerk is directed that publication of this ordinance shall be made as soon as practical and no later than ten (10) days following final passage.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

INTRODUCED AND READ as provided by law as an emergency ordinance by the City Council of the

City of Aspen on the 9th day of April, 2020.

TORRE

Torre, Mayor

ATTEST:

Nicole Henning

Nicole Henning, City Clerk

FINALLY adopted, passed and approved this 14th day of APRIL, 2020, by

the unanimous vote of all City Council members present; or  
a vote of four (4) council members.

TORRE  
Torre, Mayor

ATTEST: Nicole Henning  
Nicole Henning, City Clerk