

Resolution No. 09-2020

**A RESOLUTION OF THE CITY OF DERBY, KANSAS REGARDING CITY OPERATIONS IN RESPONSE TO THE COVID-19 PANDEMIC DECLARING A LOCAL STATE OF EMERGENCY; TEMPORARILY AMENDING OR SUSPENDING PUBLIC FORUMS AT CITY MEETINGS; AUTHORIZING REMOTE PARTICIPATION IN PUBLIC MEETINGS; AUTHORIZING CANCELATION OF PUBLIC MEETINGS; TEMPORARILY EXPANDING AUTHORITY OF THE CITY MANAGER AND DEPUTY CITY MANAGER TO ACT ON BEHALF OF THE CITY; AND RATIFYING PREVIOUS COVID-19 EMERGENCY DECISIONS.**

**WHEREAS**, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death has been confirmed in Kansas; and

**WHEREAS**, a State of Disaster Emergency was proclaimed by Governor Laura Kelly for the State of Kansas on March 12, 2020; and

**WHEREAS**, on March 13, 2020, the President of the United States declared COVID-19 a national emergency; and

**WHEREAS**, on March 16, 2020, the Chairman of the Board of County Commissioners of Sedgwick County, Kansas, declared a state of local disaster emergency in Sedgwick County, Kansas; and

**WHEREAS**, the health, safety, and welfare of persons within the City of Derby and the employees of the City of Derby are of critical importance and are endangered by the threat and spread of COVID-19; and

**WHEREAS**, the City Council, in response to COVID-19, desires to protect the public health, safety, and welfare by making temporary changes to City procedures and by temporarily expanding the authority of the City Manager and Deputy City Manager to act on behalf of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DERBY:**

**Section 1. Declaration of Local State of Emergency.** A Local State of Emergency is hereby declared in the City of Derby regarding the COVID-19 Pandemic. The City of Derby retains any and all authority under the Home Rule Authority granted by Art. 5 Sec. 12 of the Kansas Constitution, to address the state of emergency and adopt necessary measures to the extent that said measures do not contradict or conflict with the State Emergency Plan or Emergency Plan of Sedgwick County.

**Section 2. Temporary Suspension of Voluntary Public Forum.** The voluntary “Public Forum” provided at City meetings is hereby suspended until further notice. This suspension of the “Public Forum” applies to City Council, Planning Commission, and all public meetings held

on behalf of the City. This temporary suspension of the voluntary “Public Forum” does not apply to mandatory or statutory processes requiring a public hearing.

**Section 3. Authorization for Remote Participation in Public Meetings.**

A. Members of the City Council, the Mayor, and members of all City boards and commissions are expressly authorized to remotely attend and participate in their respective public meetings. A remote participant will provide reasonable notice of their intent to participate remotely to the City Manager, the Deputy City Manager, or their designee to allow time for necessary preparation. A remote participant must be capable of fully participating in the meeting and must be able to communicate with all other members of the body, staff, and others at the meeting.

B. Remote participants act as full participants in public meetings, shall be considered present and in attendance, and may cast votes. When roll is called, the remote participant will be noted as “participating remotely” and the minutes will reflect if and when remote participants leave the meeting. In the event of technical difficulties lasting longer than 3 minutes, the meeting Chair may suspend discussion until the remote participant is again present. If the delay lasts longer than three minutes or interferes with the meeting, the meeting Chair may excuse the remote participant and continue the meeting.

C. Remote participation in public meetings does not excuse or amend the duties of members under the Kansas Open Meetings Act.

**Section 4. Cancellation of Public Meetings.** The City Manager or Deputy City Manager may cancel public meetings when deemed necessary for the public health, safety, and welfare.

**Section 5. Grant of Authority to City Manager.**

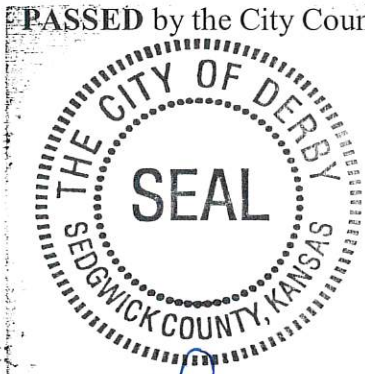
A. The City Manager and Deputy City Manager are hereby temporarily vested with authority to make all decisions with regard to personnel and City operations without the need to obtain Council authority for said actions. This grant of temporary authority includes the authority to close City facilities or suspend City operations; the authority to temporarily amend, extend, or suspend policies and procedures, including purchasing and personnel policies, of the City in response to the emergency; the authority to make decisions concerning the grant of additional leave and/or benefits to City employees; the authority to make decisions and purchases exceeding the previously established purchasing authority granted by the Council; and the authority to make other decisions deemed necessary by the City Manager or Deputy City Manager to continue City operations, secure the well-being and safety of City employees, and secure the public health, safety, and welfare in response to COVID-19.

B. The City Manager and Deputy City Manager shall keep the City Council and Mayor informed of actions taken pursuant to this grant of authority by reporting the emergency actions taken to the City Council at its next available meeting.

**Section 6. Ratification of Emergency Decisions of City Manager.** The City Council hereby ratifies the emergency decisions made by the City Manager and Deputy City Manager in response to COVID-19 prior to the date of this Resolution.

**Section 7. Effective date.** This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action by the City Council.

**PASSED** by the City Council this 24th day of March 2020 and **SIGNED** by the Mayor.




**CITY OF DERBY, KANSAS**

  
Randy White, Mayor

Attest:

  
Hillary Lawrence, City Clerk

Approved as to form:

  
Jacqueline R. Butler, City Attorney