

## EMERGENCY ORDINANCE

**AN EMERGENCY ORDINANCE APPROVING OBTAINING FLOOD INSURANCE COVERAGE THROUGH THE STANDARD FIRE INSURANCE COMPANY AS PER THE NFIP (NATIONAL FLOOD INSURANCE PROGRAM) FOR THE CITY HALL BUILDING LOCATED AT 606 MANITOU AVE, AMENDING THE 2012 BUDGET, AND APPROPRIATING THE REQUIRED FUNDS**

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**WHEREAS,** the City is a home rule municipality with all powers granted by Article XX of the Colorado Constitution and its Home Rule Charter;

**WHEREAS,** Article XX, § 6 of the Colorado Constitution states: "The statutes of the state of Colorado, **so far as applicable**, shall continue to apply to such cities and towns, except insofar as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters." Colo. Const. art. XX, § 6 (emphasis added);

**WHEREAS,** Section 5.9 of the City's Home Rule Charter allows the City to adopt emergency ordinances, which ordinances become effective immediately upon passage;

**WHEREAS,** it has been discovered that the current Property and Casualty insurance coverage of City Hall has a flood damage caveat that if a property is in Flood Zone A (as designated by FEMA) and the property is valued at over a million dollars, the deductible for the property increases from \$1,000 to the amount that would have been paid by NFIP (National Flood Insurance Program) for it to cover the property;

**WHEREAS,** it has been determined that the City Hall building is in Flood Zone A and has been valued under the current Property and Casualty insurance policy at \$2,131,343 and that NFIP will cover the building up to \$500,000;

**WHEREAS,** obtaining flood insurance for the City Hall building is an urgent matter of preservation of public property;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** The Flood Insurance Coverage Application, through The Standard Fire Insurance Company Flood Service Center, is hereby approved in substantially the form attached hereto as **Exhibit A** and incorporated herein by this reference, subject to final approval by the City Attorney. Upon such approval by the City Attorney, the Mayor is hereby authorized and directed to execute Application on behalf of the City with any changes approved by the City Attorney.

**Section 2:** The 2012 budget is hereby amended as set forth in Exhibit B to account for this additional expense, and the funds are hereby appropriated.

**Section 3:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4:** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 5:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community, and for the preservation of public property, health, peace, and safety pursuant to Section 5.9 of the City's Home Rule Charter, and this ordinance must be passed as an emergency ordinance, because: (1) it is an urgent matter to provide flood insurance as soon as possible for the preservation of the City Hall building.

**Section 6:** This ordinance shall take effect immediately after final approval and adoption on second reading.

Passed on First Reading this 5<sup>th</sup> day of June 2012.

/s/ Donna Kast  
City Clerk

Passed on second reading and adopted by a unanimous vote of all Council Members present this 12th day of June 2012.

Approved: /s/ Marc A. Snyder  
Mayor and City Council

Attest: /s/ Donna Kast  
City Clerk

Approved for Council Action: /s/ Jack Benson  
City Administrator

Approved as to form: /s/ Jeff Parker  
City Attorney

Published June 14, 2012  
*City's Official Website and at City Hall*