

**EIGHTH MEETING**

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 13, 2021, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

Dwayne McFall	Commissioner	Present
Debbie Bell	Commissioner	Present
Kevin Grantham	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

**INVOCATION**

Todd Luce, Grandview Christian Church

**PLEDGE OF ALLEGIANCE**

Those present cited the Pledge of Allegiance to the flag of the United States of America.

**APPROVAL OF AGENDA**

Commissioner Bell moved to approve the Agenda with the change of the word “County” on item 3 to “Counter.” Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**CONSENT AGENDA**

1. Approval of Minutes / March 23, 2021
2. Approval of Bills for \$2,993,648.56
3. Ratification of Chairman’s signature on the Stormwater Discharge Associated with Construction Activities Application for Pathfinder Community Center
4. Ratification of Chairman’s signature on the Stormwater Discharge Annual Report for the Airport
5. Ratification of Chairman’s signature on Contract Amendment #1 from the Office of Behavioral Health JBBS grant
6. Approval of extension of lease request for DB Aero LLC for Hangar 23 at the Fremont County Airport
7. Approval of 2021 Access & Functional Needs Whole Community Inclusion Grant SDGA Award Letter
8. Change meeting date for the regularly scheduled meeting from Tuesday, June 8, 2021 at 9:30 to **Thursday, June 10, 2021 at 9:30**
9. Change meeting date for the regularly scheduled meeting from Tuesday, July 13, 2021 at 9:30 to **Wednesday, July 14, 2021 at 9:30**
10. Schedule Public Hearing for:
  - a. April 27, 2021 at 10:00 a.m.:

Review of SRU 20-001 Phantom Canyon for possible revocation due to violations

b. May 11, 2021 at 10:00 a.m.:

Requesting approval of a Special Review Use, Department File # SRU 20-004 for a Contractors Yard for a landscaping business. The property is located on the Southside of Highway 115 between Ash & Willow Streets.

**Commissioner Grantham** moved to approve the Consent Agenda with the note that the BOCC meeting on Tuesday, June 8, 2021 at 9:30 has been rescheduled to **Thursday, June 10, 2021** at 9:30 and the meeting from Tuesday, July 13, 2021 at 9:30 has been rescheduled to **Wednesday, July 14, 2021** at 9:30. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

### **ADMINISTRATIVE/INFORMATIONAL**

1. Staff / Elected Officials:

a. County Clerk's Monthly Report

**County Clerk & Recorder Justin Grantham** gave the County Clerk's Monthly Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

**Commissioner Bell** moved to accept the County Clerk's Monthly Report. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

b. County Manager Report, Sunny Bryant, County Manager

**County Manager Bryant** gave the County Manager Report, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com).

c. Public Health Update, Kayla Marler, Director

**Director of Fremont County Public Health and Environment (FCDPHE) Kayla Marler** gave the County Public Health Update. She listed Fremont County Covid-19-related figures as follows: 45 active cases, 0 active hospitalization, 53 total deaths, as of April 13, 2021 FCDPHE has administered 9,827, Fremont County has provided a total of 21,171 total vaccinations, and per the Colorado Department of Public Health and Environment (CDPHE) 21% of Fremont County has been fully vaccinated, though they question the accuracy of the statistic. She also broke down figures from the community, DOC, and from long-term care facilities. Director Marler also mentioned that they did a clinic in Howard. She discussed the discontinuation of the Dial 3.0 on Friday and the State's new Snap Back program. She then added that they expect there will be a new Public Health Order from the CDPHE and that the state-wide mask mandate has been extended to May 5<sup>th</sup>, 2021.

**Commissioner McFall** noted how some businesses may have to continue mask mandates privately as corporately directed.

**Director Marler** explained that through the public health order, certain businesses and settings may have to continue following the mask mandate. She discussed the upcoming blood drive through FCDPHE on May 26<sup>th</sup> and mentioned that Colorado Mission of Mercy will be in Cañon City on September 24<sup>th</sup> and 25<sup>th</sup>.

**Commissioner McFall** talked about how we won't know what to expect until the Governor speaks on Friday.

**Commissioner Bell** explained that businesses and local governments don't know what to plan for because the State won't discuss what they plan on mandating next.

**Director Marler** said a press release may go out by Thursday and noted that it is important that everyone stays respectful and responsible.

**Commissioner Grantham** asked Director Marler about the 21% figure she mentioned earlier.

**Director Marler** elaborated on how the figure may be too small because they found that some patients were shown as not having received the vaccine, which does not correspond with billing figures. She expects that the figure is actually around 37-40%.

**Commissioner McFall** asked Director Marler if they are able to get enough vaccines for the clinics.

**Director Marler** said that they are getting enough vaccines and that they are more available now than they were before.

**Commissioner McFall** discussed how they are hoping for more local control.

**Commissioner Grantham** encouraged people to stay respectful if businesses decide to keep the mask mandate in place. He asked what to expect on the 16<sup>th</sup> regarding outdoor events.

**Director Marler** replied that there are no restrictions for outdoor spaces.

**Commissioner Grantham** asked Director Marler what businesses should expect regarding capacities.

**Director Marler** said that businesses in Fremont County will not be able to run at full capacity.

**Commissioner Bell** asked Director Marler if it will be a public health order, executive order, or recommendation.

**Director Marler** said it will be through the public health order.

**Commissioner Bell** thanked director Marler and her staff for all their hard work. She pointed out how happy the public has been with the vaccination clinics.

**Commissioner McFall** asked Director Marler how long the testing site would be around.

**Director Marler** replied that the clinic is here until June 30<sup>th</sup> and running Monday through Saturday. She also invited Fremont County residents to call FCPDHE to schedule a vaccine.

**Commissioner Bell** announced information regarding the annual Holcim Tire Day. She said it will be on Saturday from 8 am to noon at the Portland Plant Park and noted that the program is for Fremont County residents only. Commissioner Bell also explained there are trash vouchers for residents who live inside of municipalities and how one voucher is good for one load of trash.

**Commissioner McFall** mentioned Florence's Spring Clean-Up Week. He then added his concerns regarding fire-safety and noted that people should contact their local fire departments or fire districts if they do plan on burning.

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda.
  - a. There were none.

## **OLD BUSINESS**

1. None.

## **NEW BUSINESS**

1. Review and discussion of Fremont County Local Disaster Emergency Declaration

**Commissioner McFall** explained that the Fremont County Local Disaster Emergency Declaration is in place and will automatically renew until the State of Colorado no longer declares a Disaster Emergency.

**Commissioner Grantham** elaborated on the Fremont County Local Disaster Emergency Declaration and how it functions to aid the health department and provide necessary funds.

**Commissioner McFall** noted that at any point the board has the ability to amend the declaration if necessary.

2. A proclamation for impaired driving prevention and awareness  
Representative: Pamela Hamby

**Pamela Hamby** presented a proclamation for impaired driving prevention and awareness.

**Commissioner Bell** read the proclamation, which can be found in its entirety at [www.fremontco.com](http://www.fremontco.com). She also thanked Pamela for bringing awareness to impaired driving and the damage that it can cause.

**Commissioner McFall** thanked Pamela.

**Commissioner Grantham** thanked Pamela.

**Commissioner Bell** moved to approve a proclamation for impaired driving prevention and awareness for April 2021. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

3. Ratification of Chairman's signature on Open Counter Zoning Check Program  
Representative: Sean Garrett, Planning & Zoning Director

**Planning & Zoning Director Garret** explained how the Open Counter Zoning Check Program functions.

**Commissioner McFall** asked when the program will be live.

**Director Garret** said it will be live within the next couple of months.

**Commissioner Bell** discussed how helpful the program will be as a resource and thanked Director Garrett.

**Commissioner Grantham** added that the program will be helpful and asked Director Garrett if there is somewhere people can go to see what it will look like.

**Director Garret** replied that Salt Lake City, Utah uses the program.

**Commissioner Grantham** moved to approve the Ratification of the Chairman's signature on the Open Counter Zoning Check Program. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

4. Resolution #23 opposing the proposed “Protect Animals from Unnecessary Suffering and Exploitation” (PAUSE) AKA Ballot Initiative 16

**Commissioner Grantham** read Resolution #23 opposing the proposed “Protect Animals from Unnecessary Suffering and Exploitation” (PAUSE) AKA Ballot Initiative 16, which can be found in its entirety on public record in the Fremont County Clerk & Recorder’s Office.

**Commissioner McFall** explained how Initiative 16 does not acknowledge current animal husbandry practices that have increased the lifespans of cattle and other animals. He also mentioned The Farm Bureau, The Cattlemen, Pork Growers, and other organizations that are against Initiative 16. Commissioner McFall urged people to vote against it if it appears on the ballot.

**Commissioner Grantham** added that the Colorado Dairy Farmers, Wool Growers, Colorado Livestock Association, and The Colorado Pork Producers Council are some other organizations that are against Initiative 16 and also quoted Governor Polis’ and Attorney General Phil Weiser’s opposition. He also talked about how it is important to recognize the Initiative for what it is and to oppose it.

**Commissioner Bell** discussed her recent article on the subject and gave examples of how the agriculture industry impacts the economy and invited people to oppose Initiative 16 and educate others on its effects.

**Commissioner McFall** mentioned that the issue of the title of Initiative 16 was moved to the Colorado Supreme Court. He asked that people be respectful to others when discussing this topic.

**Commissioner Grantham** noted that in Colorado anything that goes on the ballot must be a single subject and said Initiative 16 is at least three subjects.

**Commissioner McFall** encouraged people to reach out to their legislators to get them to publicly oppose Initiative 16.

**Commissioner Grantham** moved to approve Resolution #23 opposing the proposed “Protect Animals from Unnecessary Suffering and Exploitation” (PAUSE) AKA Ballot Initiative 16. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Humane Society of Fremont County shelter update  
Representative: Doug Rae, Director

**Fremont County Humane Society Director, Doug Rae** gave an update about the Humane Society in 2020 and mentioned that they received a PPP Loan, which saved the shelter financially. He also mentioned that in 2020 the shelter was almost empty. To refer to Mr. Rae’s report please contact the Fremont County Humane Society.

**Commissioner Bell** replied that because people were home more during 2020 they must have wanted their pets’ company.

**FCHS Director Rae** agreed with Commissioner Bell and continued providing statistics from the update report.

**Commissioner Grantham** referred to the summary page of the shelter update report and asked Doug if the transferred-ins included intakes and if they have transferred-outs.

**FCHS Director Rae** said the transferred-ins are included in the intakes and the transferred-outs are included in dispositions going out. He explained that a transfer-out happens when they find it necessary to send dogs to other shelters that have the time and

resources to work with them. He said a transfer-in is when they receive animals from other shelters.

**Commissioner Grantham** asked Doug how they determine how many and which animals to transfer.

**FCHS Director Rae** explained how sometimes doing a transfer can help an animal get adopted more quickly.

**Commissioner Grantham** asked Doug about pit bulls at the shelter and whether they were transferred in.

**FCHS Director Rae** replied that the shelter doesn't usually transfer in pit bulls because Fremont County has so many already. He then spoke about Bill 21-1160 and noted that the bill is for saving healthy and safe animals from euthanasia, but had concerns regarding a shelter's authority to define 'healthy' and 'safe.'

**Commissioner Grantham** discussed how the bill had been amended and did away with some of the present concerns. For reference, he quoted a section on page 4 lines 17-19 from the bill regarding live-outcomes.

**FCHS Director Rae** questioned the meaning of the phrase that Commissioner Grantham quoted.

**Commissioner Grantham** explained how the phrase must be an exception and so the bill doesn't actually change much and therefore does not seem as threatening as it previously did.

**FCHS Director Rae** mentioned his concern regarding the enforcement of the bill.

**Commissioner Grantham** encouraged Doug to continue opposing the bill because it can be unamended or changed.

**FCHS Director Rae** referenced a section of the bill on page 3 line 9 regarding the different types of shelters.

**Commissioner McFall** discussed how the decision to kill an animal is already within the authority of the animal shelter.

**FCHS Director Rae** said that shelters can use the bill to say that they have to kill an animal.

**Commissioner Grantham** quoted a section from Bill 21-1160.

**Commissioner Bell** questioned who determines the meaning of the word "safe" within the bill's context.

**FCHS Director Rae** mentioned that he met the bill's sponsor and pushed to have the word "safe" changed to "treatable" but no response was made.

**Commissioner Grantham** asked Doug if "safe" is defined in the bill. He found the place where "safe" is defined in the bill and recited the section. Commissioner Grantham asked Doug about transfers.

**FCHS Director Rae** replied that with the bill in place, dogs that aren't considered safe are not to be transferred.

**Commissioner Bell** noted how nice the bill's title sounds and hoped that people learn more about it before voting on it.

**Commissioner Grantham** asked Doug if he had spoken with the Fremont County representatives and senator.

**FCHS Director Rae** said he had and added how nobody at the last Town Hall had discussed the bill with him.

**Commissioner McFall** mentioned a recent case where stakeholders were supposedly contacted, but most had never actually been talked to.

**FCHS Director Rae** said Representative Duran claimed to have spoken with stakeholders but the three largest stakeholders in Colorado, including Fremont County Humane Society, had never been contacted. He requested that Fremont County oppose the bill.

**Commissioner McFall** said that he cannot decide.

**Commissioner Grantham** offered his personal support against the bill.

**Commissioner Bell** recommended having an offline discussion within the Board to make a determination.

**FCHS Director Rae** explained how it looks like there is nothing wrong with the bill but there are things wrong with it.

**Commissioner Grantham** thanked Doug for his explanation.

6. Appointment of a new member to the Tourism Council to fill a vacancy with a term expiring December 31, 2023

**Commissioner Bell** noted that Chris McLaughlin is owner of Desert Reef Hot Springs in Florence.

**Commissioner Grantham** moved to appoint Chris McLaughlin as a new member to the Tourism Council to fill a vacancy. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

**Commissioner Grantham** spoke about having more meeting material and information available online for the public.

**The Board of County Commissioners** revisited item 6 "Appointment of a new member to the Tourism Council to fill a vacancy with a term expiring December 31, 2023" and amended the term to expire in 2021.

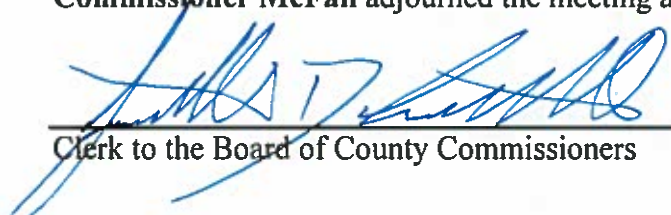
**Commissioner Grantham** moved to appoint Chris McLaughlin as a new member to the Tourism Council to fill a vacancy with a term expiring December 31, 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner Grantham, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

#### **PUBLIC HEARINGS**

None

**Commissioner McFall** adjourned the meeting at 11:09 a.m.



  
Clerk to the Board of County Commissioners

RESOLUTION NO. 23, SERIES OF 2021

**A RESOLUTION FOR THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS, FREMONT COUNTY, COLORADO, OPPOSING THE PROPOSED “PROTECT ANIMALS FROM UNNECESSARY SUFFERING AND EXPLOITATION” (PAUSE), AKA BALLOT INITIATIVE 16**

**WHEREAS**, on March 17, 2021, a citizens initiative titled “Protect Animals from Unnecessary Suffering and Exploitation” (PAUSE) was approved by the Title Board of the Colorado Secretary of State for petition to the November 2022 General Election as Initiative 16; and

**WHEREAS**, the initiative is an industry killing effort that will disrupt all aspects of meat production, sales, and export; and

**WHEREAS**, the initiative criminalizes farmers, ranchers and veterinarians who use accepted animal husbandry practices to care for animals; and

**WHEREAS**, the initiative changes state statutory language to define common animal care practices as cruelty to animals; and

**WHEREAS**, the initiative bans slaughter for animals that have lived less than 25 percent of their “natural” life span; and

**WHEREAS**, the initiative criminalizes the following veterinary and animal husbandry practices: spaying and neutering, reproductive practices (artificial insemination, pregnancy diagnosis, fertility testing), etc.; and

**WHEREAS**, the initiative eliminates accepted animal husbandry practices, opening the door to animal cruelty prosecution for common and basic practices such as feeding, sheltering and transportation; and

**WHEREAS**, according to the Colorado Department of Agriculture, agriculture contributes \$21.9 million to the Fremont County economy; and

**WHEREAS**, the economic impact to farmers, ranchers, meat cutters, veterinarians and other related industries would be tremendous and negative; and

**WHEREAS**, it has been reported that even the Governor of Colorado agrees that the PAUSE initiative would “hurt Colorado, and destroy jobs”; and

**WHEREAS**, this Board abhors the infliction of needless suffering of animals and recognizes that our cattle and livestock producers take great effort to treat their animals humanely.



**NOW, THEREFORE, BE IT RESOLVED, THAT THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO** declares its opposition to this Initiative and urges the Governor of Colorado and Commissioner of the Colorado Department of Agriculture to continue to do the same; and

**BE IT FURTHER RESOLVED,** the Commission urges all citizens of Fremont County to decline to sign any petition that supports placing Initiative 16 (PAUSE) on the November 2022 ballot and also encourages all Fremont County citizens to educate our urban cousins about the importance of agriculture to the entire State of Colorado; and

**FINALLY, BE IT RESOLVED,** that the Commission also urges all citizens of Fremont County and the State of Colorado that care about the well-being of animals – be they livestock, pets, service animals, or other – take action to defeat this measure if it does make the November 2022 ballot.

Commissioner Grantham moved the adoption of the foregoing Resolution with a second by Commissioner Bell. The roll call vote of the Board was as follows:

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Kevin Grantham	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 4-13-2021

Dwayne McFall  
Chairman

Attest: [Signature]  
Clerk to the Board

