

**RESOLUTION NO. \_\_\_\_\_, SERIES OF 2023**

**EXTENDING THE DECLARATION OF A LOCAL DISASTER EMERGENCY  
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON OCTOBER 12, 2023  
AND EXTENDING THE DECLARATION TO MIDNIGHT ON OCTOBER 24, 2023**

**WHEREAS**, On October 5, 2023, the Chairman *pro tem* of the Board of County Commissioners declared a Local Disaster emergency due to the discovery of hazardous and biohazardous conditions at 31 Werner Road in Penrose, Colorado; and

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709, the Declaration of the Local Disaster Emergency, is due to expire on October 12, 2023, seven days following the initiation of the Local Disaster Emergency Declaration; and

**WHEREAS**, On October 5, 2023, Governor Jared Polis verbally declared a disaster emergency as defined in C.R.S. § 24-33.5-703(3), activating the State Emergency Operations Plan and directing the Office of Emergency Management to take all necessary and appropriate State actions to assist Fremont County with its response, recovery, and statewide mitigation efforts; and

**WHEREAS**, the active law enforcement investigation, emergency management response, recovery and mitigation efforts are continuing, but have not been completed; and

**WHEREAS**, the Fremont County Sheriff, Fremont County Coroner, and Fremont County Emergency Manager have informed the Board of County Commissioners that an extension and continuation of the Declaration of a Local Disaster Emergency, is necessary to continue the County's access to state and federal resources for response, recovery and mitigation efforts; and

**WHEREAS**, C.R.S. § 24-33.5-709 permits the Board of County Commissioners to continue or renew the local disaster emergency declaration for a period in excess of seven days, if necessary to continue the response and recovery aspects of the local disaster emergency.

**NOW THEREFORE, THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY MAKES THE FOLLOWING DECLARATIONS:**

1. **Extension of Declaration.** The Declaration of Local Disaster Emergency dated October 5, 2023, is hereby approved and extended to October 24, 2023, due to the continuation of the investigation, response, recovery and mitigation of the hazardous and biohazardous conditions existing at 31 Werner Road, Penrose, Colorado.
2. **Emergency Plans.** Execution of all applicable local disaster emergency plans, interjurisdictional disaster emergency plans, and mutual aid agreements shall continue.
3. **Authorization.** The Director of the Office of Emergency Management, the Board of County Commissioners, the Fremont County Sheriff, Fremont County Coroner and the County Manager have full authority to assign county personnel, expend financial resources (in consultation

with the Board of County Commissioners), use emergency procurement procedures, suspend and re-assign any county operations or policy to provide full support to the emergency response.

4. Ratification. The Board hereby ratifies all other actions reasonably necessary to cope with the emergency taken by individual commissioners, elected officials, department heads, and emergency management personnel since the initial declaration of local disaster emergency.

5. Distribution. Copies of this declaration shall be given prompt and general publicity through all local media sources, on the County website and Facebook page, and also shall be filed promptly with the County Clerk and Recorder, the Office of Emergency Management, and the Colorado Division of Homeland Security and Emergency Management, and other such agencies and entities as designated by the Board of Commissioners or as deemed necessary for the health, safety and welfare of the community.

6. Safety. The adoption of this Resolution is necessary for the immediate preservation of public health, safety and welfare.

7. Severability. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

8. Amendment/Extension. The BOCC reserves the right to further amend, extend or terminate this declaration at any time prior to its termination date.

9. Effective Date. This Resolution shall be in full force and effect immediately upon adoption by the Board of County Commissioners.

Commissioner \_\_\_\_\_ moved adoption of the foregoing Resolution, seconded by Commissioner \_\_\_\_\_ and approved by roll call vote as follows:

Debbie Bell	Aye	Nay	Absent	Abstain
Kevin J. Grantham	Aye	Nay	Absent	Abstain
Dwayne McFall	Aye	Nay	Absent	Abstain

Date: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Clerk to the Board