

SECOND MEETING (Special Meeting)

The Board of Commissioners of the County of Fremont; State of Colorado, met in Special Session on January 21, 2021 615 Macon Avenue, Room 207, Fremont County Administration Building, Canon City, Colorado. Chair Dwayne McFall called the meeting to order at 9:00 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	Absent
Sean Garrett	Planning & Zoning Director	Absent

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. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

OLD BUSINESS

None

NEW BUSINESS

1. Extension of Fremont County local disaster emergency declaration

Commissioner McFall said that the emergency declaration allows Fremont County to tap into Federal and state funds. He quoted part of the declaration stating that Colorado law provides for declaring a local disaster emergency to assist local governments in responding to and recovering from emergency events, including epidemics and emergency epidemics and pandemics. Mr. McFall said that not only does it help the county but also the municipalities within Fremont County.

Mykel Kroll, Emergency Manager said that activating the disaster emergency declaration then activates the emergency disaster plan. He said that without the declaration in place, it would appear to the state that the county can handle the financial impact of the pandemic without state assistance.

Commissioner Bell thanked Mr. Kroll for his hard work and leadership during the last 10 months.

Mykel Kroll, Emergency Manager said that he appreciates the working relationship with the public health staff and the support of the commissioners.

Commissioner Grantham also recognized Mr. Kroll's dedication over the past year. Mr. Grantham asked Mr. Kroll what part, if any, does his department play in the Department of Corrections.

Mykel Kroll, Emergency Manager explained that although the state has jurisdiction over the inmate population, he is in constant communication with the emergency manager for the Department of Corrections.

Kayla Marler, Public Health Director said that in order to qualify for additional help with testing, the county had to have a local disaster emergency declaration in place. She said that

the plan is to extend the contract with Mako to continue testing in the county. Ms. Marler said that it is helpful to her department to not have to worry about testing so they can now focus on administering the vaccine and community outreach. She said that because of funding that public health was able to receive because of the emergency declaration, they have been able to hire additional staff for the increase in work load without having to tap into the general fund.

Commissioner Bell asked Ms. Marler if she knew how long Mako would be here performing the COVID testing.

Kayla Marler, Public Health Director said that they would for sure be here until the end of March. She said that after discussions with the state, they are looking at having them here until late Summer.

Commissioner Grantham asked Ms. Marler what part her department plays in the Department of Corrections, if any.

Kayla Marler, Public Health Director said that she has been told that the state and federal government is taking care of the inmate population.

Commissioner Grantham asked Ms. Marler if the DOC numbers were not in our county totals, would that change where we are on the dial.

Kayla Marler, Public Health Director said that she tried to have a conversation with the state last week about Fremont county going to yellow on the dial but, the guidelines are currently being changed in the Governor's office.

Commissioner McFall thanked Ms. Marler and her staff for their continued hard work.

Commissioner Grantham said that he appreciates the work that Ms. Marler and her staff have put in during this difficult time.

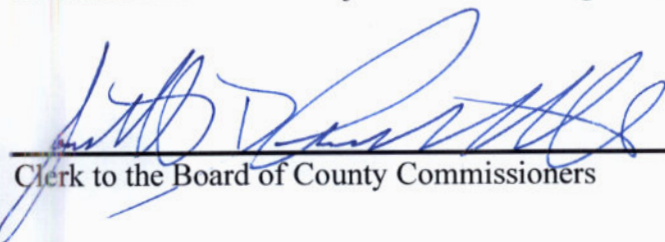
Commissioner Bell expressed her personal opinion that COVID has been nothing but a disaster. She said that there have been real costs to Fremont County and that since we are all paying federal and state taxes, it is only right that we bring some of those tax dollars to our county so the citizens are not having to pay full freight with only local tax dollars.

Commissioner Grantham agreed with Ms. Bell. He said that he credits the citizens of Fremont County for keeping our percentages low. He said that although he may not agree with some of the over statements in the declaration, he understands the necessity. In addition to the portion of the declaration that Mr. McFall referenced, Mr. Grantham referred to a portion of the declaration that says Fremont County's response to the outbreak continues to be of a cost and magnitude far in excess of the County's available resources, including financial resources.

Commissioner McFall said that in addition to thanking all of the departments that have put in so much time and work, the businesses and citizens of Fremont County should be thanked as well for following the protocols and guidelines that have been put in to place.

Commissioner Bell moved to approve resolution #7 extending the local disaster emergency declaration set to expire at midnight on January 23, 2021 and extending the declaration to expire at midnight on February 22, 2021. Commissioner Grantham seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Grantham, aye; Commissioner McFall aye. The motion carried by unanimous consent.

Commissioner McFall adjourned the meeting at 9:33 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 7 , SERIES OF 2021

**AMENDING THE DECLARATION OF
A LOCAL DISASTER EMERGENCY
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON JANUARY 23, 2021
AND EXTENDING THE DECLARATION
TO EXPIRE AT MIDNIGHT ON FEBRUARY 22, 2021**

WHEREAS, on March 16, 2020, the Board of County Commissioners adopted Resolution Number 21, Series of 2020, extending the Declaration of a Local Disaster Emergency due to the presence of COVID-19 in Fremont County; and

WHEREAS, on March 26, 2020, the Board of County Commissioners adopted Resolution Number 25, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on April 19, 2020; and

WHEREAS, on April 6, 2020, Governor Jared Polis issued Executive Order 2020 024, extending the time to April 26, 2020, for all Coloradans to stay at home and continue to observe social distancing to slow the rate of infection and number of COVID-19 cases; and

WHEREAS, on April 14, 2020, the Board of County Commissioners adopted Resolution Number 26, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on April 30, 2020; and

WHEREAS, on April 26, 2020, the Board of County Commissioners adopted Resolution Number 27, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on May 30, 2020; and

WHEREAS, on May 28, 2020, the Board of County Commissioners adopted Resolution Number 35, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on June 29, 2020; and

WHEREAS, on June 23, 2020, the Board of County Commissioners adopted Resolution Number 41, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on July 29, 2020; and

WHEREAS, on July 28, 2020, the Board of County Commissioners adopted Resolution Number 45, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on August 28, 2020; and

WHEREAS, on August 25, 2020, the Board of County Commissioners adopted Resolution Number 48, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on September 27, 2020; and

WHEREAS, on September 22, 2020, the Board of County Commissioners adopted Resolution Number 52, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on October 26, 2020; and

WHEREAS, on October 22, 2020, the Board of County Commissioners adopted Resolution Number 56, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on November 25, 2020; and

WHEREAS, on November 24, 2020, the Board of County Commissioners adopted Resolution Number 62, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on December 24, 2020; and

WHEREAS, on December 22, 2020, the Board of County Commissioners adopted Resolution Number 69, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on January 23, 2021; and

WHEREAS, on September 15, 2020, the Colorado Department of Public Health and Environment (CDPHE), issued Public Health Order 2020-35, setting forth the requirements for implementation of Safer at Home Dial; and

WHEREAS, on November 2, 2020, CDPHE issued Public Health Order 2020-36, setting forth further requirements for implementation of the COVID-19 Dial, which remains in effect, subject to certain amendments; and

WHEREAS, pursuant to the Fourth Amended Public Health Order 20-36, issued on January 4, 2021, the requirements of the COVID-19 Dial remain in full force and effect, subject to certain amendments; and

WHEREAS, Fremont County is currently in the Orange level of the dial, requiring continued exercise of extreme caution and indicating that the county is still in a state of high risk for COVID; and

WHEREAS, Fremont County Department of Public Health and Environment (“FCDPHE”) has confirmed that Fremont County has confirmed cases of the illness and due to the contagiousness of the illness, Fremont County is seeing additional cases of the virus and its transmission within the community. Developing social distancing policies prior to an extensive outbreak has been a proven means of helping to contain COVID-19 outbreaks; and

WHEREAS, COVID-19 can be a serious illness leading to severe complications and even the risk of death in some, including the elderly or those with underlying health issues or compromised immune systems; and

WHEREAS, FCDPHE continues to make concerted efforts to secure additional testing capabilities to enable Fremont County to more accurately determine the number of confirmed COVID-19 cases, and to track whether the cases are increasing or declining and the extent to which Fremont County should deviate from state guidelines; and

WHEREAS, Fremont County continues to exercise precautions appropriate for the community, by providing restrictions, guidelines and the tools needed for businesses to operate in a safe and functional manner, to maintain the level of social distancing required to prevent threats to the public health response, healthcare systems and the community's health; and

WHEREAS, on January 8, 2021, Governor Jared Polis issued Executive Order D 2021-009, extending the Declaration of a Disaster Emergency in the State of Colorado due to the presence of COVID-19 in the state until January 25, 2021; and

WHEREAS, it is very likely that the Declaration of a Disaster Emergency in the State of Colorado will be further extended due to the continued presence of COVID-19 in the State of Colorado; and

WHEREAS, Colorado law provides for declaring a local disaster emergency to assist local governments in responding to and recovering from emergency events, including epidemics and emergency epidemics and pandemics (See C.R.S. 24-33.5-703(3)); and

WHEREAS, the presence of confirmed cases of COVID-19 with a high risk for spread of the virus in Fremont County constitutes a local disaster for purposes of C.R.S. § 24-33.5-709, particularly when the high number of elderly residents and incarcerated persons is taken into consideration, confirmed cases of COVID-19 in Fremont County together with the confirmed presence of COVID-19 in a number of Colorado Counties, including those adjacent to and in close proximity with Fremont County; and

WHEREAS, The Board of County Commissioners of Fremont County, Colorado is authorized to declare a local disaster emergency for incidents occurring within the boundaries and response areas on behalf of municipal corporations, special districts, and other eligible non-governmental organizations; and

WHEREAS, the outbreak of COVID-19 in Colorado continues to constitute a local disaster for purposes of C.R.S. § 24-33.5-709 and Fremont County is experiencing an increase in COVID-19 cases in recent weeks; and

WHEREAS, Fremont County's response to the outbreak continues to be of a cost and magnitude far in excess of the County's available resources, including financial resources; and

WHEREAS, in light of the ongoing risk to public health and safety, and in consideration of the state-wide Protect Our Neighbors, Safer at Home and Stay at Home Colorado Executive orders presently in effect, the Board desires to continue the initial declaration of a local disaster emergency for an additional thirty days, to February 22, 2021.

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 March 26, 2020, (Resolution 25, Series of 2020), extended to April 30, 2020, (Resolution 26, Series of 2020), extended to May 30, 2020 (Resolution 27, Series of 2020), extended to June 29, 2020 (Resolution 35, Series of 2020), extended to July 29, 2020 (Resolution 41, Series of 2020), extended to August 28, 2020 (Resolution 45, Series of 2020), extended to September 27, 2020 (Resolution 48, Series of 2020), and extended to October 26, 2020 (Resolution 52, Series of 2020), referencing the outbreak of COVID-19 and response thereto, and extended to November 25, 2020 (Resolution 56, Series of 2020), and extended to December 24, 2020 (Resolution 64, Series of 2020), and extended to January 23, 2021 (Resolution 69, Series of 2020), is hereby extended to February 22, 2021, unless further amended, extended, or terminated by the Board prior to that time. The Fremont County community is strongly directed to engage in social distancing and to postpone or cancel any gatherings or events where people will congregate in large number and/or in close contact with one another.

2. Emergency Plans.

a. Execution of all applicable local disaster emergency plans, interjurisdictional disaster emergency plans, and mutual aid agreements shall continue.

b. Fremont County personnel are directed to continue assisting cities and towns within Fremont County as resources permit, particularly those jurisdictions which have themselves declared local disaster emergencies.

c. The Director of the Office of Emergency Management, the Board of County Commissioners, the Public Health Director for FCDPHE, and the County Manager have full authority to assign county personnel, expend financial resources, use emergency procurement procedures, suspend and re-assign any county operations or policy to provide full support to the emergency response.

d. The Public Health Director shall continue to have the powers and duties conferred on her by C.R.S. § 25-1-506 and C.R.S. § 25-1-509. Pursuant to C.R.S. § 25-1-516, it is unlawful to willfully “violate, disobey, or disregard the provisions of the public health laws or the terms of any lawful notice, order, standards or rule.” The Public Health Director has authority under state law to issue orders and guidance and take other actions as necessary to protect the public health, safety and welfare. The BOCC directs county staff to take such actions to effectuate the orders and guidance of the Public Health Director as necessary, in consultation with the BOCC when appropriate.

3. County Offices shall continue to be open to the public, to the extent this can be accomplished consistent with existing protocols for social distancing. If not, the county buildings may be subject to closure, with the public continuing to conduct business through telephone, online services, e-mail, other electronic means, or by physically dropping off documents necessary for the conduct of business.

4. All other measures set forth in Resolution 27, Series of 2020 and Resolution 32, Series of 2020, Resolution 35, Series of 2020, Resolution 41, Series of 2020, Resolution 45, Series of 2020, and Resolution 48, Series of 2020, and Resolution No. 62, Series of 2020, shall continue in full force and effect, including observance of state and local requirements and guidelines for social distancing (6-foot separation distance and thoroughly sanitizing all potentially affected surfaces following appointments and at regular intervals), wearing of masks and other PPE, and such other precautions as are required by FCDPHE, the Board of Commissioners, Colorado Governor Executive Orders, Colorado Public Health Orders and such other requirements and guidelines as may be instituted in the future.
5. Such restrictions shall not apply to the Fremont County Judicial Building, and such authority to close the building or limit public access shall be exercised by the Chief Judge of the 11th Judicial District.
6. Such restriction shall also not apply to the Fremont County Sheriff's Office, except such closure that the Sheriff deems appropriate for the protection of housed prisoners and county staff.
7. County Public Meetings. Public meetings shall be open to physical attendance by the public, in accordance with social distancing requirements. Public meetings also shall be available, to the greatest extent possible, for "virtual" public attendance through live streaming on Facebook (if available) and YouTube, and radio broadcasting when available. Each of these broadcast means shall be utilized if available and if feasible to use. Other broadcast means may be available as necessary and accessible. Information regarding access to public meetings shall be posted on the County website, and on the outside doors of the Fremont County Administration Building at least 24 hours in advance of any public meeting, or if not feasible, as soon as practical in advance of the meeting.
8. Commissioner Meeting Participation. Each County Commissioner who has health or medical circumstances preventing in-person meeting participation may participate in formal and other meetings by teleconferencing (video and/or audio), unless one or more county commissioners expresses an objection to such remote participation, at which time the issue of participation by teleconferencing for which an objection is expressed shall be put before the Board of Commissioners for a formal vote.
9. Resource Allocations. Independent of the date the Board terminates the declaration of local disaster emergency, in light of the magnitude of the disaster in terms of personnel resources, particularly Public Health, Human Services, Emergency Services, the Coroner's Office and the Fremont County Sheriff's Office, all staff in all county departments are hereby directed to dedicate all available resources to support in addressing the disaster over non-disaster-related work through February 22, 2021.
10. Ratification. The Board hereby ratifies all other actions reasonably necessary to cope with the emergency taken by individual commissioners, department heads, and emergency management personnel since the initial declaration of local disaster emergency.

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

12. 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.

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

14. Effective Date. This Resolution shall be in full force and effect as of midnight, January 23, 2021.

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

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain

Date: January 21st, 2021

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: [Signature]
Chairman

By: [Signature]
Clerk to the Board

