

## FIFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on March 10, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairperson Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Justin Grantham	Clerk & Recorder	Absent
Dotty Gardunio	Deputy Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

### INVOCATION

There was no invocation.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

**Commissioner McFall** moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

### CONSENT AGENDA

1. Approval of Minutes / February 25, 2020
2. Approval of Bills for \$1,229,120.22
3. Schedule Public Hearing for April 14, 2020 at 10:00 a.m.:
  - a. Amendments to the Fremont County Zoning Resolution Section 8.3 Requesting approval for amendments of the Fremont County Zoning Resolution section 8.3 Meetings. Department is proposing an amendment to FCZR to require mandatory pre-submittal meetings for land use applications.

**Commissioner Payne** moved to approve the Agenda. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

### ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
  - a. County Manager Report, Sunny Bryant, County Manager

**County Manager Bryant** gave her report, which is available on the County website [www.fremontco.com](http://www.fremontco.com).

2. Citizens who wish to address the Commissioners on a matter not scheduled on the agenda



**George Storey** spoke about ecofriendly trash bags.

### **OLD BUSINESS**

1. Request: SRU 19-001: Royal Gorge Karting (Resolution # requested)  
Requesting approval for Department File # SRU19-001 Royal Gorge Karting a Special Review Use for a Rural Recreational Facility. Use includes the installation of two go kart tracks. One track's primary use will be short term rental/use. The other track use is designed for event racing consisting of various heats and classes. The property is located off of U.S. Hwy 50 at 45760 US Highway 50, Canon City

**Commissioner Bell** read parts of the resolution, noting the findings, conditions and requirements that, in part, led the Board to their decision.

**Commissioner Payne** moved to approve Resolution #16, SRU 19-001 with the 12 conditions. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

### **NEW BUSINESS**

1. Resolution No. 17 in Opposition to National Popular Vote Compact which will appear on the 2020 General Election Ballot

**Commissioner McFall** read the resolution.

**Commissioner McFall** moved to adopt Resolution #17. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

2. Resolution No. 18 Adopting the Fremont County Procurement Policy

**County Manager Bryant** said that this was to simplify the policy that was originally 76 pages down to 16 pages, while still ensuring tax payer money was being spent wisely and that grant requirements are being met.

**Commissioner Payne** moved to approve Resolution #18. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

3. Authorization of Chairperson's Signature on a contract to buy and sell commercial real estate to purchase 1901 East Main Street, Canon City, Colorado 81212

**County Manager Bryant** said that Fremont County Search and Rescue is in need of more space. After researching many avenues, this piece of property will meet the needs of not only Search and Rescue but many other County departments in the future. The offer is for \$425,000.00. A contract has been sent to the owners and the County is currently awaiting a response. The proposed closing date is June 1, 2020 or when Atmos Energy vacates the property, whichever happens later.

**Commissioner McFall** moved to approve the authorization of the chairperson's signature on the contract to purchase the property at 1901 East Main Street in Canon City. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

**Commissioner Bell** recessed the meeting at 9:58 a.m.

**Commissioner Bell** called the meeting back to order at 10:00 a.m.



## PUBLIC HEARING

1. Single Family Owner Occupied Housing Rehabilitation Program—UAACOG  
Upper Arkansas Area Council of Governments has closed out the Community Development Block Grant funds through the Colorado Division of Housing for the Single Family Owner Occupied Housing Rehabilitation Program in Fremont, Chaffee, Custer, Lake, Park, and Teller Counties with Fremont County as the lead party  
Representative: Autumn Dever, Upper Arkansas Area Council of Governments

**Commissioner Bell** opened the Public Hearing at 10:00 a.m.

**Autumn Dever** said that this was a three year grant that ended on December 31, 2019. A total of \$362,000.05 were spent. There were 47 jobs, the average loan amount was around \$13,000.00. She said this program will continue.

There were no public comments.

**Commissioner Bell** closed the Public Hearing at 10:01 a.m.

**Commissioner Bell** said this is a no action item.

2. Request: SRU 20-001: Phantom Canyon Estates  
Requesting approval for Department File # SRU 20-001 Phantom Canyon Estates for a Special Review Use for a Travel Trailer Park & Campground. The site will contain 40 sites for travel trailers/RV's and is located off of County Road 67 North of U.S. Hwy 50.  
Representative: Angela Bellantoni, Environmental Alternatives

**Commissioner Bell** opened the Public Hearing at 10:03 a.m.

**Angela Bellantoni** said that the applicants intend to develop a recreational vehicle park, allowing short stays. They will only allow hard side, self-contained units that will be inspected upon entry. No soft sides or tents will be allowed. Stays will be allowed for one day, up to, but no more than 30 days. There would be 40 spaces available with two parking spaces included for each unit. Electricity will be provided to each site and above ground pellet sites, which are approved by the U.S. Forest Service and the State Parks. Potable water will come from a 2,000 gallon cistern. They have submitted an engineered sanitation plan to the County. There will be two chemical toilets available for staff only. Host campers will be onsite 24 hours a day, 7 days a week but will not stay for more than the 30-day limit.

**Planning and Zoning Director Garrett** gave a staff report. He said the application is complete and all requirements have been met. There are contingency items, conditions and waiver requests.

**Paul Bond** was against SRU 20-001, having concerns regarding sewer, water and trash. He also wanted to know if this would later become a manufactured home park. He asked what would prevent patrons from crossing over onto his property which neighbors the applicant's property.

**Commissioner Bell** closed the Public Hearing at 10:14 a.m.

**Angela Bellantoni** said this property is not zoned properly to become a manufactured home park. She said there is a fence on the property line that is shared with Paul Bond. Quiet hours will be established and will make sure boundary lines are clear. Host campers will also be bound to the 30-day limit and will not be allowed to camp past the 30 days. She said that the applicants have had to modify their plan several times and would like to get things



**County Attorney Jackson** explained that chemical toilets are meant to be temporary, not permanent.

**Commissioner Bell** proposed that the chemical toilets would be allowed for no more than 24 months.

**Planning and Zoning Director Garrett** said that the addition of bathroom facilities would need to be submitted as a minor change.

**Commissioner McFall** moved to approve SRU 20-001 with all contingencies, conditions, waiver requests and a 24 month waiver of permanent restroom facilities. Commissioner Payne seconded the motion. Commissioner McFall moved to amend his motion to add the 6<sup>th</sup> condition, approval of the temporary chemical toilets from the Board of Health for the 24 month period. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent. Resolution #19 was assigned.

3. Amendment to the Fremont County Ambulance Regulations  
Resolution No. 20, Series of 2020 Adopting Fremont County Ambulance Regulations, Effective date of April 1, 2020, and repealing and superseding previous Ambulance Regulations

**Commissioner Bell** opened the Public Hearing at 10:25 a.m.

**Mikel Kroll** said that the ambulance regulations had not been updated since May 15, 2013. He said that there were a lot updates to clear up contradictions and fees. The proposed changes were provided to all EMS providers in the county as well as the two other counties that operate ambulances in Fremont County, as well as Flight for Life.

**County Attorney Jackson** said that for Article II Subpart MIII, language from the 2013 regulations were carried forward. She said that upon further review, private ambulance companies were being treated differently than public ambulance companies with respect to where the patient would be transported. The language was changed to say "all ambulances" will transport to the nearest facility in Fremont County, with the option to transport elsewhere. Those were the only changes to the originally proposed regulations.

There were no public comments.

**Commissioner Bell** closed the Public Hearing at 10:30 a.m.

**Commissioner Payne** moved to approve Resolution #20. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**Commissioner Bell** adjourned the meeting at 10:31 a.m.

  
Clerk to the Board of County Commissioners







RESOLUTION NO. 16 Series of 2020

**RESOLUTION FOR SPECIAL REVIEW USE PERMIT  
DEPARTMENT OF PLANNING AND ZONING  
FILE # SRU 19-001 ROYAL GORGE KARTING**

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, Royal Gorge Karting Circuit, LLC, (hereafter "applicant") has made application for issuance of a Special Review Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow for a Rural Recreational Facility, which application has been designated as file #SRU 19-001 Royal Gorge Karting to be located on certain real property that the applicant owns; and

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its January 7, 2020, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County Department of Planning and Zoning (hereafter "Department"), and a site plan and vicinity map were mailed fourteen (14) days prior to the public hearing, by certified mail, return receipt to the Department, to all property owners within five-hundred (500) feet of the boundaries of the subject parcel and to appropriate reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, and telephone number of the Department where additional information may be obtained, was posted on the property fourteen (14) days prior to the public hearing; and

WHEREAS, a notice of the public hearing was published by the Department, in a newspaper of general circulation in Fremont County, fourteen (14) days prior to the public hearing, and which contained the specific request, time and place of the public hearing, and an explanation of the proposed use and its location; and

WHEREAS, the Board held a public hearing concerning said application on February 25, 2020, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;



NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:

- a. The Applicant has withdrawn the lighting plan from its request by letter dated February 27, 2020. Therefore, nighttime activities and concerns regarding lighting in the area are no longer relevant.
- b. The public road access for Applicant's property is off of U.S. Highway 50, which is under the jurisdiction of the Colorado Department of Transportation (CDOT). CDOT has reviewed the application and the access issues and has issued a State Highway Access Permit for the proposed use, subject to certain conditions. While there are public concerns regarding traffic safety and congestion in the area as expressed by public comments submitted in writing and voiced at the public hearing, the Board lacks any engineering or professional opinions or studies to support generalized concerns. CDOT has expertise about the traffic in the area under its jurisdiction and has imposed the conditions it deems appropriate for the proposed recreational use.
- c. The location of the proposed use is compatible and harmonious with the surrounding neighborhood. The uses along U.S. Highway 50 are primarily tourism-related and include helicopter tours, bar/restaurants that have live music and late hours, particularly in the Summer months, campground, rafting companies, zipline recreational attractions. Also located in the vicinity is a firewood sawmill, kennels and horse boarding facilities.
- d. The proposed use will generate additional noise in the area, although the evidence is unclear regarding the volume or decibel level of the noise. Applicant has indicated that it does not run the "engine packages" that emit greater sound levels than what is normally expected from a go-kart track. Traffic along U.S. Highway 50 generates significant noise in the area, as does the helicopter tour operation.
- e. The proposed use is in the Urban Growth District under the Fremont County Master Plan. Highway frontage is essential to the success of the business and the location of the business is in close proximity to other commercial development along U.S. Highway 50.
- f. The procedural requirements of Section 8.14 of the Fremont County Zoning Resolution have been met.
- g. The proposed use will not have detrimental effects on property values.
- h. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.



i. The site will be served by streets and roads of sufficient capacity to carry the traffic generated by the proposed use, and the proposed use will not result in undue traffic congestion or traffic hazards.

j. The site is sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences, parking and loading facilities, landscaping and such other provisions required by this resolution.

k. The proposed use, if it complies with all conditions on which approval is made contingent, will not adversely affect other property in the vicinity or the general health, safety and welfare of the inhabitants of the County, and will not cause significant air, water, noise or other pollution.

2. A Special Review Use Permit shall be issued subject to the acceptance and observance by the Applicant of the following specified conditions that must be met within six (6) months:

A. Special Review Use Permit shall be issued for life of the use.

B. The Department shall review the permit annually to determine compliance with the conditions of the permit and forward it to the Board for their review as required by regulations. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.

C. The Applicant shall conform to all plans, drawings and representations submitted with or contained within the application except as may be inconsistent with the other provisions of the permit.

D. The Applicant shall comply with all laws and regulations of the County of Fremont, its agencies or departments, the State of Colorado, its agencies or departments and the United States of America, its agencies or departments, as now in force and effect or as the same may be hereafter amended.



E. Applicants shall obtain, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.

F. If a Special Review Use is abandoned, discontinued or terminated for a period of six (6) months, the approval thereof shall be deemed withdrawn, and the use may not be resumed without approval of a new application. Provided, however, if the holder of the permit intends to or does temporarily cease the use for six (6) months or more without intending to abandon, discontinue or terminate the use, the holder shall file a notice thereof with the Department of Planning and Zoning prior to the expiration of the six-month period stating the reasons thereof and the plan for the resumption of the use. The requirement of a notice of temporary cessation shall not apply to applicants who have included in their permit applications a statement that the use would continue for less than six (6) months in each year and such fact is noted on the permit. In no case, however, shall temporary cessation of use be continued for more than two (2) years without approval by the Board of County Commissioners.

G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.

H. Should Applicant decide to modify the operation in the future to include lighting for night activities, Applicant shall comply with all zoning regulatory requirements in effect, which presently require submission of a major modification application for the Special Review Use.

I. Days and hours of operation shall be limited from 9 am to 30 minutes after sunset, seven days a week. Said hours shall include maintenance and servicing of karts.

J. Applicant shall install or construct noise barrier fencing along the West and South sides of the large track (as shown on the drawing submitted by Applicant). The County reserves the right to impose additional conditions regarding noise controls if sufficient evidence demonstrates that the noise from actual operations is a nuisance to the neighborhood. The noise barrier fencing shall be reviewed and approved by the County engineer prior to installation or construction.

K. Applicant shall apply dust suppressant to the access road and parking area to control dust. The material, frequency of application and manner of application shall be reviewed and approved by the Fremont County Department of Transportation prior to application on the gravel or other unpaved surfaces.

L. Applicant shall widen the access road/driveway to a minimum 30 foot width from the Highway access point to the southerly boundary of the parking area.





M. Any organized spectator event that is likely to attract more than twenty-five spectators (such as an organized racing event) shall require the issuance of a Temporary Use Permit from the County.

N. Applicant shall coordinate with Fremont County Department of Transportation to conduct annual traffic counts to ensure continued adequacy of the access off U.S. Highway 50.

O. No overnight stays or camping is permitted.

P. Applicant shall comply with all requirements and conditions of the Highway Access Permit issued by CDOT.

Q. The County shall retain the right to modify any condition of the permit, if the actual use demonstrates that a condition of the permit is inadequate to serve the intended purpose of the condition. Such modification shall not be imposed without notice and a public hearing being provided to the Applicant at which time applicant and members of the public may appear and provide input concerning the proposed modifications to the conditions of the permit.

R. Only the named party on the permit shall be allowed to operate this Special Review Use Permit. Board approval shall be required prior to allowing any other person or entity to operate at the site under the conditions of this permit. All persons, entities or others requesting Board approval to operate under this Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.

S. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (complete reapplication).

**WAIVER REQUESTS APPROVED:**

1. Hard Surfacing for the parking area;
2. Landscaping of the parking area.

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

Commissioner Bell: Aye / Nay / Abstain / Absent  
Commissioner McFall: Aye / Nay / Abstain / Absent  
Commissioner Payne: Aye / Nay / Abstain / Absent



The Resolution was declared to be duly adopted.

DATE: 3-10-2020



Debra Bell  
CHAIRPERSON  
FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: Garduno Chief Deputy  
FREMONT COUNTY CLERK AND RECORDER



RESOLUTION NUMBER 17, SERIES OF 2020

IN OPPOSITION TO NATIONAL POPULAR VOTE COMPACT  
WHICH WILL APPEAR ON THE 2020 GENERAL ELECTION BALLOT

WHEREAS, America's Founding Fathers created a system of checks and balances to ensure that each state would have a unique voice in the election of a President; and that no city, state, or region would consolidate too much political power; and

WHEREAS, adoption of the National Popular Vote compact concentrates political power in a few large cities located in the most populous states; and

WHEREAS, Colorado's 9 Electoral Votes are highly coveted and pursued by presidential candidates, ensuring candidates listen to Colorado's unique interests on issues such as water, infrastructure, and taxes; and

WHEREAS, National Popular Vote compact requires Colorado's Presidential Electors to cast their votes for the candidate for President who received the most votes nationally, even if that candidate did not receive the most votes in Colorado; and

WHEREAS, requiring Colorado's Presidential Electors to cast their votes this way would give away Colorado's votes for President to more populated areas like Chicago, Los Angeles, New York and Washington, D.C., relegating Colorado's electorate to a mere bit play in Presidential elections; and

WHEREAS, National Popular Vote compact contains no majority requirement and would allow a candidate with a plurality, however small, to become President;

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County, Colorado, officially declares its opposition to National Popular Vote compact for the purpose of ensuring proper checks and balances against accumulation of political power and to protect Colorado's unique political voice in presidential politics.

Commissioner McFall moved for adoption of this Resolution, with a second by Commissioner Payne. The roll call vote of the Board was as follows:

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: 3-10-2020



Debbie Reel  
Chairman

Attest: Opardunis Chief Deputy  
Clerk



RESOLUTION NO. 18, SERIES OF 2020

RESOLUTION ADOPTING THE  
2020 FREMONT COUNTY PROCUREMENT POLICY

WHEREAS, the Board of County Commissioners, with consent of all elected officials, has drafted the Fremont County Procurement Policy Manual and desires to adopt the same; and

WHEREAS, The 2020 Procurement Policy is intended to promote responsible expenditures of public funds, adhere to the county budget, comply with State and Federal statutes and to ensure that goods and services purchased for Fremont County are obtained in a cost-effective manner, and state and federal grant and other funds are used in compliance with the federal, state, and grant regulations; and

WHEREAS, the Board of County Commissioners believes it to be in the best interest of the County to implement the Fremont County Procurement Policy Manual effective upon adoption by the Board on March 10, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County hereby formally adopts and approves the Fremont County Procurement Policy Manual, effective March 10, 2020. The Board of Commissioners hereby directs the County Manager to secure the approval signatures of all County Elected Officials, except for the Surveyor who is unaffected by the policy, and distribute copies (electronic or paper) to all Fremont County Departments prior to the effective date.

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

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Tim Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT

Date: 3-10-2020

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:



By: Debbie Bell  
Chairperson

By: Opardunis Chief Deputy  
Clerk to the Board







# **FREMONT COUNTY**

## **2020 PROCUREMENT POLICY**

**ADOPTED MARCH 10, 2020**

## **I. PURPOSE**

The purpose of this policy is to promote responsible expenditures of public funds, adhere to the county budget and comply with State and Federal statutes. This policy is also intended to ensure all goods and services purchased for Fremont County are obtained in a cost-effective manner, and state and federal grant and other funds are used in compliance with the federal, state, and grant regulations.

This policy encompasses all purchases of goods and services necessary for the County to function and provide the public with services. It applies to all County offices, departments, boards and commissions funded through county appropriation.

## **II. SCOPE**

This policy applies to Elected Officials, Department Heads and employees who are authorized to initiate or approve purchases on behalf of Fremont County. Each County Elected Official or Department Head shall designate individuals in their department who are authorized to sign purchase documents. The Finance Department will maintain a list of authorized employees. All documents received in the Finance Department without the proper authorized signature will be returned to the department for correct authorization.

## **III. PURCHASING GOAL**

The goal is to increase the value and effectiveness of the purchasing process. To meet this goal all authorized purchasers will:

- Purchase goods and services to meet the needs of the county
- Attempt to obtain the best price for the goods and services
- Guard against misappropriation
- Ensure fair opportunities in competing for the county's business through statutory requirements for competitive bids and proposals combined with county purchasing procedures
- Make efforts to protect public funds and receive the best value for expenditures

## **IV. PURCHASING ETHICS**

Consistent with standards of conduct and ethics required of all public officials, Elected Officials and County employees participating in the purchasing process shall not:

- Participate in financial transactions in which the county participant has a personal or financial interest which actually or appears to create unethical or compromising relationships, actions or communications.

- Use County credit, purchasing power or facilities to purchase goods or services for non-county purposes, or purchases unrelated to county employment responsibilities.
- Make, participate in or attempt to influence any decision if the employee has a personal or financial interest in the outcome of the decision. Elected Officials and County employees who have a conflict of interest will provide written notification to the County Manager to excuse themselves from the process.
- Underestimate or exaggerate requirements to prospective bidders, misrepresent the quality of a bidder's goods or services or disclose confidential bid information to a competitor.
- Accept gifts, entertainment, favors or services from present or potential suppliers to the County which may influence, or appear to influence, purchasing decisions. Elected Officials and County employees may accept trivial items as a matter of courtesy with a value of less than \$65.00, or the amount determined by the Colorado Ethics Commission.
- Disclose County information of a confidential or proprietary nature. Persons with access to this information shall be held to higher standard.
- Demonstrate due care and proper consideration of ethical and legal ramifications and governmental regulations when interacting with a supplier of goods or services to the County.
- Engage in any other conduct that is prohibited by Title 24, Article 18 of the Colorado Revised Statutes.

**V. COMPLIANCE WITH STATE STATUTES, FEDERAL REGULATIONS AND COUNTY POLICY**

All purchases for goods and services will be made in compliance with applicable Code of Federal Regulations (CFR) as they relate to funding, Colorado Revised Statutes (C.R.S.), Code of Colorado Regulations, and County policy.

All County departments and operating funds will operate within the constraints of the approved annual budget, as adopted by the Board of County Commissioners. Exceeding the annual appropriation without proper authorization constitutes a violation of law and this Policy.

Elected Officials and County employees are responsible for the use and distribution of public funds and therefore, must remain cognizant of these responsibilities and the preservation of records for inspection by the public.

Any purchase made which significantly and materially violates this policy may result in non-payment and mandatory return of items purchased as well as personal liability of the responsible employee. Any violation of this policy may result in criminal or civil legal action against such employee.

The County Department of Human Services is also subject to 11 CCR 2508, Volume 5, Finance and Accounting regulations.

County departments receiving grant monies are responsible for ensuring the monies are spent within the guidelines of such grants and for submitting all required reports to the grantor.

#### **VI. PROCUREMENT RECORDS AND INFORMATION**

Procurement information is a public record and shall be available for inspection and copying by the public, as provided in the Colorado Open Records Act (C.R.S. 24-72-201, *et seq.*).

Procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules. If records retention guidelines and schedules are not adopted the general rule of seven (7) years will be followed.

#### **VII. DEFINITIONS**

**Award** – The acceptance of a bid or proposal, which may include the presentation of a proposed written agreement for performance of a contract.

**Authorized Signature** – Elected Officials, Department Heads and their designees who are authorized to sign purchase documents.

**Change Order** – A written order authorizing the vendor to change an original purchase order or contract.

**Construction** – The process of building, altering, repairing, improving or demolishing any County owned structure, building or real property.

**Contract** – Any agreement between the County and a contractor to acquire or dispose of supplies or services, or for construction.

**Contract Amendment** – Any written alteration of a contract accomplished in accordance with the terms of that contract.

**Proprietary Information** – Information or data describing technical processes, mechanisms or operational factors a business wishes to keep confidential and restricted from public access.

**Purchase Order** – Written authorization for a purchase of goods or services from a vendor. Acceptance of a purchase order forms a contract.

**Purchaser** – An Elected Official, Department Head or their designee authorized to make purchases for the department or to obtain quotes from vendors.

**Request for Proposals (RFP)** – A formal solicitation for technical and pricing proposals.

Request for Qualifications – A formal solicitation for technical or specific information (without pricing) to ascertain the qualifications of vendors who may provide a product or service.

Request for Quote (RFQ) – A formal solicitation for price quotes for a product or service.

Statement of Work (SOW) – A document that defines specific activities and deliverables and their respective timelines, all of which form contractual obligations and performance obligations of the parties.

## **VIII. PURCHASING AUTHORITY**

The Board of County Commissioners (BOCC) has the authority, or may delegate the authority, to commit funds. The Board of County Commissioners, by resolution, has authorized spending limits for a single purchase as follows:

Individual Departments:	\$.01 - ≤\$5,000
County Manager:	>\$5,000 - ≤\$25,000
Board of County Commissioners Approval:	>\$25,000

Individual departments are authorized to complete transactions up to the designated monetary cap for items approved in the annual budget. For purchases exceeding this amount departments are authorized to obtain quotes for authorized signatory approval prior to purchasing.

Policies set forth in this manual shall apply to all employees acting as agents of the County in the procurement of goods or services. Any employee who expends County funds, without proper authorization or compliance with the procedures as set forth by the BOCC will be subject to disciplinary action(s) up to and including termination.

The Elected Official, Department Head, or their designee, is responsible for determining whether a purchase is within the approved budget, and whether it complied with grant expenditure requirements, when applicable. In the event of a budget overrun, the Elected Official, Department Head, or their designee, will cooperate with the Finance Department, which will communicate the overrun to the BOCC for final approval.

**IX. PROCEDURES**

All expenditures will be estimated by the purchaser to establish the level of approval required prior to purchase.

**A.) Purchases up to \$10,000**

County offices, departments, boards and commissions have the authority to purchase goods and services in this cost range on a non-competitive basis. Any purchase over \$5,000 requires the County Manager’s signature prior to finalizing the purchase.

<b>Purchases ≤ \$10,000</b>			
<b>Supplies/ Materials</b>	<b>Technology</b>	<b>Fleet</b>	<b>Professional Services</b>
↓	↓	↓	↓
	Review by IT Dept.	Review by DOT	No formal competitive solicitation by Dept.
	↓	↓	↓
Department is not required to solicit bids. Any purchase over \$5,000 requires the County Manager’s signature prior to finalizing the purchase.			
↓			
Any agreements and contracts to be reviewed by County Attorney and County Manager and approved by the BOCC			

**B.) Purchases over \$10,000 but less than \$25,000**

County offices, departments, boards and commissions will attempt obtain at least two (2) quotes from qualified vendors. For a telephone quote, the purchaser must obtain the vendor's name, contact information, purchase price and any relevant additional terms. If only one quote is received, the Elected Official or Department Head must provide documentation showing the process that was used and the organizations contacted for quotes. The County Manager must approve/sign for the purchase prior to finalizing the purchase.

<b>Purchases &gt; \$10,000 and ≤ \$25,000</b>					
<b>Supplies/ Materials</b>	<b>Technology</b>	<b>Fleet</b>	<b>Professional Services</b>	<b>Emergency Purchases</b>	
↓	↓	↓	↓	↓	↓
	Review by IT Dept.	Review by DOT	No formal competitive solicitation by Dept.	During Business Hours	After Business Hours
	↓	↓	↓	↓	↓
Dept. should attempt to obtain at least 2 quotes	IT Dept. should attempt to obtain at least 2 quotes	Fleet Dept. should attempt to obtain at least 2 quotes	Dept. should attempt to obtain a quote		Notify County Manager the next business day
↓					↓
Purchase Order or quote signed by County Manager					Purchases > \$10,000 and ≤ \$25,000, notify County Manager the next business day
↓					↓
Any agreements and contracts to be reviewed by County Attorney and County Manager and approved by the BOCC					
↓					
Copy to Finance Dept.					

**C.) Purchases over \$25,000 but less than \$50,000**

County offices, departments, boards and commissions will obtain at least three (3) quotes from qualified vendors for the goods or services. If three quotes are not received the Elected Official or Department Head must provide documentation a written showing the process that was used and the organizations contacted for quotes. The County Manager and BOCC must approve/sign for the purchase prior to finalizing the purchase.

<b>Purchases &gt; \$25,000 and ≤ \$50,000</b>					
<b>Supplies/ Materials</b>	<b>Technology</b>	<b>Fleet</b>	<b>Professional Services</b>	<b>Emergency Purchases</b>	
↓	↓	↓	↓	↓	↓
	Review by IT Dept.	Review by DOT	No formal competitive solicitation by Dept.	During Business Hours	After Business Hours
	↓	↓	↓	↓	↓
Dept. obtain at least 3 quotes	IT Dept. obtain at least 3 quotes	Fleet Dept. obtain at least 3 quotes	Dept. should obtain at least 3 quotes		Notify County Manager the next business day
↓					↓
Purchase Order signed by County Manager and BOCC					Purchase > \$25,000 ≤ \$50,000, notify County Manager the next business day and place on the next BOCC agenda
↓					
Any agreements and contracts to be reviewed by County Attorney and County Manager and approved by the BOCC					
↓					
Copy to Finance Dept.					



D.) Purchases over \$50,000

County offices, departments, boards and commissions will complete the formal competitive bidding process; either Request for Proposal (RFP) or Request for Quote (RFQ). Upon award of the bid the Board of County Commissioners must approve/sign for the purchase prior to finalizing the purchase.

Purchase > \$50,000					
Supplies/ Materials and other Contract Services	Technology	Fleet	Professional Services and other contract Services	Emergency Purchases	
↓	↓	↓	↓	↓	↓
	Review by IT Dept.	Review by DOT		During Business Hours	After Business Hours
	↓	↓		↓	↓
Review with County manager					Notify County Manager the next business day
↓					↓
Department to request bids					
↓					
Invitation to bid and advertisement					Purchase > \$50,000, notify County Manager the next business day and place on the next BOCC agenda
↓					
Sealed bid opening					
↓					
Review by County Manager and award of bid at BOCC formal agenda meeting					
↓					
Any agreements and contracts to be reviewed by County Attorney and County Manager and approved by BOCC					
↓					
Copy to Finance Dept.					

E.) Any exceptions to the above procedures must be approved, in writing, by the Board of County Commissioners.

F.) Request for Quote / Request for Proposal Process:

- 1.) Elected Official or Department Head prepares the specifications for the goods or services.
- 2.) Specifications should be clear and concise with sufficient detail and include the following information: function of the goods or services, materials, methods, shipment information with delivery point, quality assurance, warranties and support requirements. The Elected Official or Department Head shall not prepare the specification with the intention or goal of restricting or limiting competition.
- 3.) Elected Official or Department Head in consultation with the County Manager will initiate the Request for Proposal or Request for Quote process to solicit bids from vendors. This process includes the development of an accurate Statement of Work.
- 4.) Elected Official or Department Head in consultation with the County Manager will ensure proper public notice by advertising in the County's designated newspaper and on the County website. Advertisements are to be published at least once weekly for two (2) consecutive weeks, unless otherwise specified, and shall allow for a reasonable amount of time for bid submissions.
- 5.) Public Notice will include:
  - a. Brief description of the goods or services;
  - b. Instructions on how to obtain a bid package;
  - c. Contact information of the County representative;
  - d. Deadline, including date and time, for submitting questions;
  - e. Date, Time and Location of Pre-bid/Pre-Proposal Conference, if any;
  - f. Submission requirements of bids;
  - g. Deadline, including date and time, for submitting bids;
  - h. Award criteria;
  - i. Date, Time and Location of bid opening.
- 6.) A Pre-bid or Pre-Proposal Conference may be conducted prior to the bid deadline to provide information to potential bidders.
- 7.) Each bid received will be date-stamped, unopened and stored in a secure location until the designated date and time of bid opening. Should a bid be opened mistakenly, (typically due to insufficient information on the outside of the envelope), it will be noted on the envelope and stapled closed.
- 8.) All bids are to be submitted via United States Postal Mail, hand-delivery, or through the Bid Portal on the Fremont County website. Exceptions will be noted in the Public Notice. Late submissions shall not be accepted unless circumstances

warrant. All bids, once accepted, shall not be altered or corrected, except as specifically authorized in this policy.

- 9.) A bid may be modified or withdrawn only by written request prior to the submission deadline.
- 10.) The County may cancel a RFP or RFQ at any time.
- 11.) All bids will be publicly opened as advertised. The company name, amount and other relevant information shall be read aloud, recorded and witnessed by the Elected Official, Department Head or County Manager. Any errors discovered following the bid opening will be handled at the discretion of the County.
- 12.) Bids will be primarily evaluated on price with vendor responsibility and responsiveness as additional factors. If sufficient funds are not available to award a contract, the solicitation may be canceled or the Purchaser may choose to re-scope the project and re-solicit bids, as may be determined to be in the best interest of the County.
- 13.) The RFQ or RFP must clearly identify relevant and material criteria to properly evaluate bids. This criteria will include price, and may include the vendor's plan for providing the goods or services, qualifications, experience with similar projects, previous work experience with County, availability and reputation. Vendors may be asked to clarify any aspect of the bid as necessary.
- 14.) An appropriate notice awarding the contract will be issued before work commences. Any award requiring approval by the Board of County Commissioners will occur at a regularly scheduled Board meeting with a recommendation, or presentation, by the department.
- 15.) Formal bid requirements may be waived by the Board of County Commissioners if the same or similar goods or services was properly advertised within the past six (6) months or if the formal process would cause undue hardship or delay, harm to public safety or is contrary to the best interests of the County.
- 16.) The department will maintain the quotes and the formal RFQ or RFP procurement file as a public document. The procurement file will contain:
  - a. RFQ or RFP;
  - b. List of vendors who received the solicitation;
  - c. Quotes received;
  - d. Copy of the Public Notice, if applicable;
  - e. Bid analysis sheet justifying the selection.

#### G.) Specifications and Scope of Work

- 1.) All specifications and scope of work will be prepared and drafted in a manner to promote efficiency, encourage and maximize competition, and compliance with requirements without excessive restrictions.

- 2.) The County reserves the right to prepare specifications and scope of work including reference to standardized goods or services, levels of product functionality, product performance requirements and required levels of professional experience and qualifications to meet the needs of the County.
- 3.) Specifications and scope of work will be made available to any vendor at their request.

#### H.) Protested Solicitations and Awards

Any bidder, actual or prospective, who is aggrieved in connection with a solicitation or award of a contract may protest to the Board of County Commissioners within seven (7) days following the award notification.

#### I.) Exceptions to the Procurement Process

- 1.) Emergency purchases to address imminent threats to public health, welfare or safety, or other exigent circumstances, Reference should be made to the County Emergency Operations Plan.
- 2.) Intergovernmental Agreements to receive specific goods or services from other government entities which are qualified to provide such goods or services.
- 3.) Sole Source Vendor purchases made after soliciting and negotiating a specific good or service available from only one source.
- 4.) State Bid Pricing for items common to government operations which are bid by the State to obtain beneficial pricing for local governments.
- 5.) Short term contracts with licensed professionals such as Attorneys, Engineers, Architects and medical professionals.
- 6.) Newspaper Advertising for notices published in the designated County newspaper to meet public notice legal requirements.
- 7.) Utility Bills for various utilities such as electrical, water, natural gas, sewer and telephone services which are regulated through pricing schedules controlled by the Colorado Public Utilities Commission or other government entity.
- 8.) Recurring purchases under a County-approved contract for goods, services or construction projects.

#### J.) Agreements for Goods or Services

- 1.) All County contracts must be prepared in an acceptable format, presented and approved, prior to execution, by the County Attorney.
- 2.) All computer hardware and software purchases must be coordinated with the County Information Technology Department.
- 3.) All service providers must agree to the contract terms and conditions.

- 4.) All vendors must provide a completed W-9 form.
- 5.) All vendors must provide written verification of insurance coverage, compliance with Colorado Worker's Compensation law and professional certifications as necessary.

**K.) Change Orders for Professional Services and Capital Construction Contracts**

- 1.) All agreements for Services and Contracts will contain a defined procedure to document changes to the scope of work or contract price. The County representative overseeing the contract is responsible for documenting the change(s) in the scope of work and any resulting change in the contract value.
- 2.) Change orders to an Agreement for Services or Contract approved by the Board of County Commissioners must be approved by the Board at a public meeting.

**L.) Delivery of Goods or Services**

- 1.) All goods and services purchased on behalf of the County must be delivered to a County government address, unless it is agreed a County employee will pick up the goods or services from the vendor or the services will be performed at a non-County government location. No goods or services may be delivered to an employee's home address.
- 2.) Delivery of goods and services should occur during normal business hours. The delivery should be inspected in a timely manner for conformance with the order. Any damaged or unacceptable goods shall be immediately returned to the vendor.

**M.) Capital Purchases and Asset Procedures**

- 1.) Equipment, fixtures, vehicles and building improvements with a purchase price of \$5,000 or more are classified as a capital asset and included in the annual depreciation process.
- 2.) Capital Assets no longer used by the acquiring department may be disposed of as follows:
  - a. Elected Official or Department Head determines the asset to be obsolete, non-repairable or no longer useful.
  - b. Elected Official or Department Head notifies the Finance Department of the need for disposal.
  - c. Elected Official or Department disposes of the asset through recycling, disposal facility or sale. Employees cannot receive any asset without cost.
  - d. If an item is sold, proceeds of the sale will be deposited in a county account and recorded as a revenue.

**N.) Conflict of Interest in Procurement Processes**

- 1.) No County employee may contract for providing goods or services with the department for which the employee works.
- 2.) Contracting for goods or services with an employee, administrative officer, member of the employee's immediate family or a company which is owned in whole or in part by an employee, administrative officer or member of employee's immediate family member or a company in which an employee, administrative officer or member of employee's immediate family has a financial interest, will be permitted if:
  - a. Immediate written notification is given to the Finance Department describing such relationship;
  - b. Contracting with an employee-owned business could not be construed as an unfair advantage over other competitors;
  - c. The employee is not involved with the RFP or RFQ process in any manner. If the employee is an Elected Official or Department Head then the procurement process will be delegated to the Finance Department.

O.) Any requests for exceptions to this policy will be submitted in writing to the County Manager who will have the final decision regarding the exceptions.

**X. FEDERAL GRANTS**

**A.) Office of Management and Budget (OMB) Compliance Reference 2 C.F.R. Part 200**

This section addresses grant funding, reimbursement from Federal funding sources and other government assisted funding within individual programs or departments.

**1.) Federal Emergency Management Agency (FEMA) – Public Assistance (PA)**

- a. Program categories:
  1. Category A – Debris Removal
  2. Category B – Emergency Protective Measures
  3. Category C:G – Permanent Work
- b. FEMA Categories A and B are most often associated with a public exigency or emergency.
  1. An exigency exists when there is a need to avoid, prevent or alleviate serious harm or injury, financial or otherwise, to the applicant and use of competitive procurement proposals would prevent urgent action required to address the situation.
  2. An emergency exists when a threat to life, public health or safety, or improved property requires immediate action to alleviate the threat.

3. The exigency and emergency exception only apply during the actual exigent or emergency circumstance and may vary in length for each incident.
- 2.) Colorado Department of Public Health and Environment (CDPHE)
    - a. Fremont County Department of Public Health and Environment (FCDPHE) is a subrecipient of federal grant funding and therefore required to competitively procure products and services used in the operation and administration of federal funds received.
      1. FCDPHE is responsible for ensuring compliance with these policies, 2 C.F.R. Part 200, Appendix II to 2 C.F.R. when procuring goods and services.
  - 3.) USDA Child and Adult Care Food Program (CACFP)
    - a. Fremont County Department of Human Services (FCDHS) is a subrecipient of federal funding therefore required to competitively procure products and services used in the operation and administration of federal funds received.
      1. FCDHS is responsible for ensuring compliance with these policies, 2 C.F.R. Part 200 when procuring goods and services.
  - 4.) Other Grant Programs
    - a. Fremont County will follow the appropriate regulation for any grant funds that are received by the County.
- B.) Methods of Procurement:
- 1.) Micro-purchase – The one-time acquisition of supplies or services of which the aggregate dollar amount does not exceed the threshold defined in §200.67.
    - a. No requirement to solicit competitive quotes.
    - b. Cost of goods or services are considered reasonable.
    - c. Purchases are distributed equitably among qualified sources.
    - d. Invoices or receipts are maintained to document the purchase.
  - 2.) Small Purchase – the relatively simple and informal procurement method to secure services, supplies or other property which do not cost more than the Simplified Acquisition Threshold.
    - a. Requires a written solicitation including specifications.
    - b. Requires competitive price or rate quotes from an adequate number of qualified sources (preferably 3 or more).
    - c. Quotes are kept confidential prior to awarding of the contract.
    - d. Quotes are evaluated based on price and other factors identified in RFP or RFQ.
    - e. Purchases are awarded to the most responsive and responsible vendor.
    - f. All vendors receive the same information about the goods or services.
  - 3.) Large Purchase – all purchases requiring formal procurement processes of submission of bids.

- a. Requires RFQ process, prior to solicitation a price analysis will be conducted to determine a reasonable cost of the goods or services.
- b. Developer of the specifications cannot submit a bid.
- c. RFQ clearly defines the purchase conditions.
- d. Public notice is given through advertisement in the County designated newspaper and on the County website.

4.) Noncompetitive Procurement (Sole Source) - This is a non-competitive process and is only used when one of the following circumstances is met:

- a. Item is available from only a single source.
- b. A public emergency will not permit a delay resulting from competitive solicitation.
- c. After solicitation, competition is deemed inadequate.
- d. Noncompetitive negotiation of a noncompetitive procurement is authorized.

C.) Necessary steps must be taken to assure purchases are from small businesses, minority businesses, women's business enterprises and labor surplus firms when possible.



**RESOLUTION NO. 20, SERIES OF 2020**  
**ADOPTING FREMONT COUNTY AMBULANCE REGULATIONS**  
**EFFECTIVE DATE OF APRIL 1, 2020, AND**  
**REPEALING AND SUPERSEDING PREVIOUS AMBULANCE REGULATIONS**

**WHEREAS**, Fremont County is authorized pursuant to the authority contained in Title 25, Article 3.5, C.R.S. to license and regulate ambulance service providers and ambulance vehicles; and

**WHEREAS**, Colorado Revised Statutes, at §25-3.5-301 provides that no person shall provide ambulance service publicly or privately in this state unless that person holds a valid license to do so issued by the board of county commissioners of the county in which the ambulance service is based; and

**WHEREAS**, the current Ambulance Regulations for Fremont County were adopted by the Board of County Commissioners by Resolution No. 21, Series of 2013, recorded at Reception number 907552 on May 14, 2013, and became effective on May 15, 2013; and

**WHEREAS**, on September 24, 2013, the Board of County Commissioners approved Resolution 40, Series of 2013, approving an Amendment to the Fremont County Ambulance Regulations; and

**WHEREAS**, the Ground Ambulance Regulations adopted by the Colorado Department of Public Health and Environment have been revised in various respects, making it necessary to revise the Fremont County Ambulance Regulations to be consistent with the State Regulations; and

**WHEREAS**, a review of the licensing and permit fees for ambulance service and vehicles indicates that the fees should be increased to offset actual costs to Fremont County incurred in the ambulance licensing process, including conducting inspections, handling and managing complaints, and various other functions of Fremont County pursuant to the Ambulance Regulations; and

**WHEREAS**, Fremont County Board of Commissioners finds that the proposed Fremont County Ambulance Licensing Regulations are reasonable, appropriate and necessary; and

**WHEREAS**, a public hearing concerning the proposed amendments was held by the Board of County Commissioners on the 10<sup>th</sup> day of March, 2020, notice of which was published in a newspaper of general circulation in the county, at least fourteen days prior to the date of the hearing; and

**WHEREAS**, all Ambulance Service agencies licensed in Fremont County were provided copies of the proposed Regulations and notice of the public hearing more than thirty days prior to the date of the public hearing to allow ample time for comment and consideration; and

**WHEREAS**, due consideration has been given to the comments received at said public hearing.



**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Fremont County that:

1. The proposed Fremont County Ambulance Regulations, as revised and attached hereto as Exhibit A, are hereby approved and adopted, to become effective on April 1, 2020.

2. All fees as stated in the April 1, 2020 Fremont County Ambulance Regulations shall become effective and apply to all renewals of Ambulance Service Licenses and Ambulance Permits submitted in 2020 for the 2020-2021 term of the licenses and permits.

3. This Resolution of Amendment shall be recorded in the office of the Fremont County Clerk and Recorder upon approval and adoption this date.

4. All prior versions of the Fremont County Ambulance Regulations, including all amendments thereto, shall be of no further force or effect and shall be deemed repealed and superseded as of the effective date of the Ambulance Regulations adopted pursuant to this Resolution.

Commissioner Payne moved adoption of the foregoing Resolution, with a second by Commissioner McFall and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	<u>Aye</u>	Nay	Absent	Abstain
Timothy R. Payne	<u>Aye</u>	Nay	Absent	Abstain

Date: 3-10-2020



BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell  
Chairman

By: Ordunio Chief Deputy  
Clerk to the Board



# FREMONT COUNTY AMBULANCE REGULATIONS

Effective Date: April 1, 2020

## ARTICLE I

**DEFINITIONS:** As used in these regulations, the following words, unless the context in which they are used indicates otherwise, shall be given the following meanings:

- A. "Ambulance" means any privately or publicly owned ground vehicle, especially constructed or modified and equipped, intended to be used, and maintained or operated by an ambulance service for the transportation, upon the streets and highways in this state and county, of individuals who are sick, injured or otherwise incapacitated or helpless.
- B. "Ambulance Service" means the furnishing, operating, conducting, maintaining, advertising or otherwise engaging in or professing to be engaged in the transportation of patients by ambulance. Taken in context, it also means the person so engaged or professing to be so engaged. The person so engaged and the vehicles used for the emergency transportation of persons injured at a mine are excluded from this definition when the personnel utilized in the operation of said vehicles are subject to the mandatory safety standards of the Federal Mine Safety and Health Administration, or its successor agency.
- C. "Based" means an ambulance headquartered in; having a substation, office or a permanent station in the County, whose primary response area is dedicated to transporting patients originating in the County.
- D. "Board" means the Board of County Commissioners for Fremont County, Colorado.
- E. "County" means Fremont County, Colorado.
- F. "Emergency" means any actual or self-perceived event which threatens life, limb or well-being of an individual in such a manner that a need for immediate medical care is created.
- G. "Emergency Facility" means a general hospital with an emergency department staffed twenty-four (24) hours a day, seven (7) days per week, with a licensed physician or an emergency medical outpatient facility staffed twenty-four (24) hours a day, seven (7) days per week with a licensed physician or registered nurse with direct medical supervision by a licensed physician.
- H. "Emergency medical service provider (EMS Provider)" means an individual, who holds a valid emergency medical service provider certificate issued by the Colorado Department of Public Health and Environment, including categories of Emergency Medical Technician (EMT, EMT- Intermediate, EMT-Advanced, and Paramedic.



- I. "License" means the authorization and certificate issued by the Board to operate an ambulance service in the County. It also means the certificate issued by the Board as evidence that an ambulance service has met the requirement of these regulations.
- J. "Licensee" means the person or entity that has been issued a license by the Board to provide ambulance service in the County.
- K. "Medical Director" means a Colorado licensed physician who establishes protocols and standing orders for medical acts performed by EMS providers of an ambulance agency and who is specifically identified as being responsible to assure the competency of the performance of those acts by such EMS Providers as described in the physician's medical continuous quality improvement program. Any reference to a "physician advisor" in any previous regulation or document shall apply to a "medical director" as described herein.
- L. "Patient" means any individual who is sick, injured or otherwise incapacitated or helpless.
- M. "Permit" means the authorization and certificate issued by the Board of County Commissioners with respect to an ambulance used or to be used to provide ambulance service in the County.
- N. "CDPHE Regulations" shall mean all regulations related to Emergency Medical Services promulgated by the Colorado Department of Public Health and Environment, Division of Emergency Medical Services, specifically 6 CCR 1015-3 and other applicable regulations.

## ARTICLE II

### REGULATIONS:

- A. Ambulance Service License Required. No person, partnership or corporation shall provide or operate an ambulance service, publicly or privately, in the County using any ambulance based in the County, unless that person holds a valid license to do so issued by the Board.
- B. Ambulance Permit. No ambulance based in the County shall be operated within the County unless a permit has been issued and posted in the patient compartment, as hereinafter provided. All ambulances shall bear evidence that its equipment meets or exceeds, or is the equivalent to the requirements set forth in the minimum equipment list established by the CDPHE Regulations.
  - I. Basic Life Support (BLS) Permit. Each ambulance operated by an ambulance service for which a basic life support vehicle permit is issued shall be equipped in a manner that meets or exceeds or is equivalent to the current items listed in the CDPHE Regulations and shall operate within the scope of practice of an EMT. There shall be at least one EMS provider on board at all times.





2. **Advanced Life Support (ALS) Permit.** Each ambulance operated by an ambulance service for which an Advance Life Support (ALS) permit is issued must, **at all times**, meet the basic equipment requirements of an ALS ambulance and shall operate within the scope of practice of a Paramedic, EMT-Intermediate, or EMT-Advanced, depending on the certification of available personnel actually on board the ambulance. There shall be at least one EMS Paramedic, EMT-Intermediate, or EMT-Advanced, on board at all times.

3. Each ambulance operated by an ambulance service for which an ALS permit is issued may operate as a BLS ambulance if available personnel does not include at least one Paramedic, EMT-Intermediate, or EMT-Advanced on board at all times, but does include an EMT. An advanced life support ambulance providing only basic life support care may not charge for advanced life support care and may be subject to having the ALS permit revoked for failure to comply with the permit requirements. Any ALS ambulance operating within the scope of operations for a BLS ambulance shall inform the dispatching agency that the ambulance is operating as a BLS ambulance due to personnel limitations.

C. **Basic Life Support Ambulance Services.** Any ambulance permitted, staffed, equipped or operating as a basic life support ambulance, shall not advertise, display, or claim to be an advanced life support ambulance. This shall not restrict an ambulance permitted as an ALS ambulance from providing advanced life support care, and charging for such care, when the appropriate staffing and equipment levels can be met.

D. **Ambulance Crew Members.** No patient shall be transported in an ambulance which is based in the county unless there are at least two (2) or more crew members, including the driver, present and authorized to operate the ambulance in accordance with the requirements for an advanced life support ambulance or basic life support ambulance. A licensed ambulance shall be driven only by a person with a valid driver's license.

E. **Exceptions to Licensing and Permits Requirements.** The provisions of the licensing and permit paragraphs as set forth above shall not apply to the following:

1. Vehicles used by other agencies including quick response teams and rescue units that do not routinely transport patients or vehicles used to transport patients for extrication or evacuation from areas inaccessible to a permitted ambulance. Vehicles used in this capacity may only transport patients to the closest practical point of access to a permitted ambulance or medical facility;

2. Ambulances from outside the County and/or another vehicle rendering services as an ambulance in case of a major catastrophe or multicasualty (disaster), rendering services when ambulances with permits based in the localities of the catastrophe or emergency are insufficient to render the services required;



3. Vehicles used or designated for the scheduled transportation of convalescent patients, individuals with disabilities, or persons who would not be expected to require skilled treatment or care while in the vehicle;
4. Ambulances based outside of Fremont County, which are transporting a patient in/through Fremont County when the transport originated outside of Fremont County;
5. An ambulance service that does not transport patients from points originating in Colorado, or transporting a patient from a point originating outside the borders of Colorado.
6. Vehicles used solely for the transportation of intoxicated persons or persons incapacitated by alcohol as defined in Section 27-82-102(11), C.R.S. as amended, but who are not otherwise disabled or seriously injured and who would not be expected to require skilled treatment or care while in the vehicle.
7. In the case of an emergency in any ambulance service area where no person possessing the qualifications required by these regulations is present or available to respond to a call for the emergency treatment and transportation of patients by ambulance, any person may operate such an ambulance to transport any sick, injured, or otherwise incapacitated or helpless person in order to stabilize the medical condition of such a person pending the availability of appropriate medical care. (C.R.S. 25-3.5-202, as amended).

F. Insurance. Each ambulance service shall maintain insurance coverage for each and every ambulance owned, operated or leased by the ambulance service. The vehicle insurance shall meet the minimum vehicle insurance coverage as defined by §10-4-609, C.R.S. and §42-7-103(2), C.R.S., with the County identified as an additional insured or certificate holder.

1. The insurance shall also provide:

a. Coverage for injury to or death of persons in accidents resulting from any cause for which the owner of the said vehicle would be liable on account of any liability imposed on him by law, regardless of whether the ambulance was being driven by the owner, his agent or lessee, or any other person;

b. Coverage as against damage to the property of another, including personal property, under like circumstances, in amounts as required by Colorado state law; and

c. Worker's compensation coverage consistent with the Colorado Worker's Compensation Act of CRS title 8, articles 40-47.

2. Proof of insurance showing the County as a certificate holder, shall be filed with the Board, together with the application for an ambulance service license as required in these regulations. Every insurance policy required shall contain a provision for continuing



liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insured shall not be affected by the insolvency or bankruptcy of the insured, and that until a policy is revoked, the insurance company will not be relieved from liability on account of nonpayment of premiums, failure to renew license at the end of the year, or any act or omission of the named insured.

3. Proof of renewal of any and all insurance policies shall be provided to the Board. The Board shall be identified to the insurance company, in order that it will receive, automatically from the insurance company, notification of any policy changes, renewals, lapses, or cancellations.

4. A certificate of insurance shall indicate the vehicles covered by the policy, type of insurance (vehicle and professional liability, etc.) Policy number(s), policy effective date, policy expiration date, amount of coverage, and contain a provision that thirty (30) days prior written notice of any cancellation, termination or revocation of said insurance policy shall be given to the Board.

5. Any changes in the status of vehicles listed on the certificate of insurance during the licensing cycle shall be noted on a new certificate of insurance and forwarded to the Board within thirty (30) days of the changes.

6. Notification of any changes in insurance shall be made in writing within thirty (30) days of such changes to the Board, by the Licensee, to be followed with a certificate of insurance as outlined in previous paragraphs. The Board may require additional proof of insurance at any time as needed in order to promote health, safety, and welfare of residents of the County.

7. The Board shall be provided with documentation from the applicant that information regarding the amount of professional liability insurance the ambulance service carries was provided to all volunteers and employees.

G. Ambulance Specifications. Ground vehicles obtained, licensed and placed in use as ambulances, shall meet the requirements as adopted by the State of Colorado. All ambulances licensed for operation in the County shall be manufactured by an organization registered with the National Highway Traffic Safety Administration (NHSTA) as a final stage manufacturer. Except for temporary replacement vehicles, all ambulances shall have the name of the ambulance service clearly visible on said vehicles.

H. Ambulance Equipment. Each ambulance shall be licensed and registered as required by Colorado motor vehicle laws and shall contain the following equipment which shall be maintained in good working order:

1. Emergency lighting, audible warning equipment and special markings compliant with Colorado law for emergency vehicles.



2. Safe tires and in addition, adequate snow tires or chains when weather conditions demand.
  3. Radio communications equipment, maintained in good working order, that is capable of transmitting and receiving clear voice communications and is compatible with E-911 dispatch, and one or more emergency facilities or a physician, receiving facilities, mutual aid agencies, and ten channel medical radio communications capability.
  4. Safety belts and/or other restraining devices for each patient and all personnel.
  5. A functioning fire extinguisher with current annual inspection of the all-purpose dry chemical type, ABC, and of the size as specified on the equipment list for the County.
  6. The minimal required equipment as established by the CDPHE Regulations. The Board may add to this list at their discretion as other needs or new methodology becomes known.
  7. Required equipment may be swapped between in-service and out-of-service ambulances, but under no circumstances shall an ambulance be placed in-service or operated at the permitted level with less than the minimum required equipment.
1. Inspections. The Board shall appoint and direct personnel to inspect each ambulance to be issued a permit under a valid license in the County once a year or more often if required by the Board. Such inspections shall determine that each such ambulance is being properly maintained and contains the equipment specified in these regulations. Inspections shall also ensure that all equipment on the ambulance is properly secured, and medications and supplies are maintained and stored according to the manufacturer's recommendations and any federal, state or local requirements. Maintenance records shall be made immediately available upon the Boards request. Such inspections shall be in addition to other safety or motor vehicle inspections required to be made under Colorado law and shall not excuse compliance with any requirement of any other applicable Colorado law. The permit for each ambulance shall be posted in the patient compartment of the ambulance and made available for inspection by the Board. An ambulance will not be required to be taken out of service during a permit inspection. However, if an inspection is interrupted due to a call for service, the entire inspection must be repeated and an additional \$30 fee may be imposed for the repeat or re-inspection.





- J. Medical Oversight. All ambulance services based in the County shall have a primary Medical Director, meeting the requirements as defined in the EMS Practice and Medical Director Oversight Rules at 6 CCR 1015-3, Chapter Two to supervise the medical acts performed by all personnel of the ambulance service agency. A licensee shall inform the Board in writing, within 14 business days, of changes in medical oversight of the ambulance service and/or the medical director of record. The Medical Director shall be notified in writing by the Board of any violations of these regulations by the ambulance service or individual licensee.
- K. Quality Improvement. Each licensed ambulance service operating within the County shall have an ongoing medical continuous quality management program (CQM) consistent with the requirements as defined in the EMS Practice and Medical Director Oversight Rules at 6 CCR 1015-3, Chapter Two, to objectively, systematically and continuously monitor, assess and improve the quality and appropriateness of care provided by the medical care providers operating on an ambulance service.
- L. The Medical Director shall provide an attestation to be included with the Application for Licensure and or/ Renewal Licensure of the willingness to provide medical oversight and the medical CQM program for the ambulance service.
- M. General Regulations.
1. The Board shall be authorized to enforce such rules and regulations as it deems necessary to provide for quality emergency medical services and ensure compliance with Colorado law and any resolution adopted by the Board, which regulate the operation and licensing of ambulance services in the County.
  2. The Board may appoint an individual or office to represent the board and fulfill any or all of the responsibilities listed in these regulations. This "Authorized Representative" shall be responsible to the Board.
  3. All ambulances shall deliver patients to the most appropriate licensed emergency facility within the County. In the case of ambulances owned by public entities, previously defined boundaries of an ambulance service area and its delivery destination may require that the patient be transferred to another ambulance service. In the sole discretion of the licensed ambulance service, a patient may be transported to a licensed emergency facility outside of the County.
  4. In the event of an incident where transportation of serious trauma or multiple patients (two or more) is possible, the ambulance service(s) should notify the receiving emergency facility as soon as possible after arriving on the incident scene. The emergency facility may issue special transport instructions which may include delivery of the patient(s) to alternate and appropriate emergency facilities.



5. No licensed ambulance service shall operate from locations other than those on file with the Board nor shall such licensed ambulance service abandon said location without prior notification to the Board.

6. Each ambulance service shall make available statistical information concerning the transportation of patients as specified by the Board. The licensee shall make available any statistical information concerning the transportation of patients upon request of the Board.

7. An ambulance service operating in the County must comply with all County zoning, and other regulations.

8. All ambulance services shall, upon request, submit to the County copies of the ambulance service's written policy and procedure manual, operational or medical protocols, or other documentation the County may deem necessary.

9. The County shall accept Ambulance Permits issued by another Colorado county as if issued by Fremont County, for ambulances operating in more than one county and not based in Fremont County. Ambulances based in Fremont County shall be required to have a valid County ambulance permit, regardless of whether the ambulance is operated in other counties.

10. Any licensed ambulance service that is unable to operate 7 days a week and 24 hours a day, due to staffing or other limitations, shall be required to provide advance notice to its dispatching agency of the days and times that the service will be unavailable to furnish, operate, conduct maintain, advertise or otherwise engage in or profess to be engaged in the transportation of patients by ambulance. Such notice shall be provided as soon as such limitations become known to the licensed ambulance service and notice of any continuing or changed limitations shall be provided to such dispatching agency on a continuing basis, until such time as the licensed ambulance service is again available for continuous service 7 days a week, 24 hours a day.

### ARTICLE III

#### LICENSES & PERMITS:

A. Application for Ambulance Service License. An application for an ambulance service shall be submitted in writing to the Board and shall contain the following information and necessary supporting documents:

1. The name, address, and telephone number of the ambulance service and each individual licensee.



2. The name, address, and telephone number of the owner of the ambulance service, and the status of the owner as sole proprietor, partnership, corporation, or governmental entity.
3. The name, address, telephone number, and position of the person applying for the license, hereinafter referred to as the applicant.
4. The name, address, and telephone number of the person responsible for the management of the operations on a daily basis.
5. The name, address, and telephone number of each director and officer of any corporation owning or applying for an ambulance service license, the name, address, and telephone number of each partner of any partnership and each member of any other public or private entity owning or applying for an ambulance service license.
6. The number of vehicles operated by the ambulance service, both within the County and those operated in any other county.
7. The locations within the County from which each ambulance will operate.
8. The geographic area to be served by the ambulance service.
9. The name, address, and telephone number and other contact information of the Medical Director of the ambulance service.
10. An attestation by the medical director of willingness to provide medical oversight and a medical continuous quality management (CQM) program for the ambulance service.
11. A statement from the Licensee that the equipment, personnel and the ambulances are in compliance with the provisions of these regulations and applicable federal and state laws and regulations.
12. Certificate of insurance as set forth and required in these regulations. Self-insured municipalities shall provide proof of insurance as required by the Board.
13. A fee in the amount of one hundred dollars (\$100.00) for the ambulance service license, by check or money order made payable to the Board. A fee of twenty-five dollars (\$25.00) for each ambulance permit, by check or money order made payable to the Board, shall be presented at or before the time of the inspection(s). The Board may waive payment of such fees for ambulance services operated by municipalities or special districts (C.R.S. 25-3.5-301, as amended). Request for waiver will be processed in the same manner as a new or renewal application.



14. A list of all paid or unpaid personnel, together with copies of all current certifications for such personnel. All new personnel information and renewal certifications shall be sent to the Board within thirty (30) days of hire or renewal. The personnel list shall include: name, date of hire, certification numbers, and drivers license number(s).

15. Any changes to any license information shall be sent to the Board within thirty (30) days of said change, except when a different time frame is specifically required pursuant to these regulations.

B. Issuance of Ambulance Service License & Vehicle Permit(s). Upon receipt of an application for a license to provide ambulance service and vehicle permit(s); the Board shall review the application and the applicant's record. The Board may recommend that a resolution be passed to issue the applicant a license to operate an ambulance service and authorize the issuance of permits for each ambulance inspected. An Ambulance Service License shall be signed by the Chairman or his/her replacement to the Board and witnessed by the County Clerk. An Ambulance Permit may be signed, on behalf of the Board, by the person conducting the inspection. A license and/or permit is valid when issued, and shall be valid for a period of twelve (12) months following the date of issue providing that:

1. The ambulance service staff, vehicle, equipment, and locations remain in compliance with the requirements of these regulations.

2. The ambulance service personnel are certified or possess at the least the minimum qualifications set forth in provisions of these regulations.

A license or permit expires at 11:59 p.m., on April 30 of each year unless revoked or suspended earlier by the Board. A permit is valid only as long as the service holds a valid County Ambulance Service License.

In the event an Ambulance Service License expires, all Ambulance Permits held by the service shall be temporarily invalid. Upon restoration of a license, any permits rendered temporarily invalid shall become valid and their original expiration dates restored. If the licensee does not intend to renew said license, all permits must be returned to the Board within 48 hours.

C. Ambulance Service License Renewal. Any such license, unless revoked by the Board, may be renewed by filing an application for renewal. Applications for renewal shall be filed annually, **BUT NOT LESS THAN THIRTY (30) DAYS BEFORE THE DATE THE LICENSE EXPIRES**. Failure to receive notice of renewal from the County shall not release the individual agency from its responsibility for renewal of said license. If the renewal application is not received at least thirty (30) days prior to expiration, and the applicant's license expires, the applicant shall cease operation until the license is reissued. A renewed license becomes effective on the day the old license expires or as of the time of





reissue, whichever is later. The renewed license shall be mailed to the applicant and shall be valid for a period of twelve (12) months, or until April 30.

- D. Ambulance Permit Renewal. Any such permit, unless revoked or suspended by the Board, may be renewed by a licensed ambulance service by requesting and scheduling an inspection. Requests for renewal inspections must be made annually, BUT NOT LESS THAN FIFTEEN (15) DAYS BEFORE THE DATE THE PERMIT EXPIRES. Requests should be made to the Board and may be made in writing or by telephone. The County will not provide renewal notices. If a request is not received at least fifteen (15) days prior to expiration, and the applicant's permit expires, the ambulance shall be taken out-of-service until the permit is reissued. The renewed permit will be issued at the time of the inspection and shall be valid for a period of twelve (12) months following the date of issue.
- E. Transfer of License or Permits. No license or permit issued by the Board shall be sold, assigned, or otherwise transferred.
- F. Change of Ownership. Prior to beginning operations and upon change of ownership of an ambulance service, the new owner or operator must file for and obtain a new ambulance service license and ambulance permit. Any sale or exchange of stock in excess of twenty-five percent (25%) of the total outstanding stock of a privately held corporation to anyone other than an existing stockholder at the time of the original issuance of the license shall be deemed a change of ownership for the purpose of these regulations.
- G. Reporting.
  - 1. Licensed ambulance services shall complete a patient care report for each patient that is assessed. Ambulance services shall provide patient care information to the CDPHE, including the minimum pre-hospital care data set pursuant to the Rules Pertaining to Emergency Medical Services Data and Information Collection and Record Keeping at 6 CCR 1015-3, Chapter Three.
  - 2. Each licensed ambulance service shall complete and submit to the CDPHE an organizational profile pursuant to the Rules Pertaining to Emergency Medical Services Data and Information Collection and Record Keeping at 6 CCR 1015-3, Chapter Three.

#### ARTICLE IV



**COMPLAINT AND INVESTIGATION PROCEDURE:**

- A. The County has adopted a complaint and investigation policy and procedure which is intended to address:
  - 1. Complaints against any ambulance service licensed in the County;
  - 2. Allegations of unlicensed ambulance services or vehicles without a valid permit operating within the County.
- B. The policy includes, but is not limited to, the procedures associated with complaint intake; complaint validation; criteria for initiating an investigation; a method for notification to the complainant about the resolution of the investigation; and a method for the notification of other local entities with jurisdiction over ambulance services, the department and/or the Colorado Medical Board for complaints regarding EMS Providers or other medical personnel associated with the service or the medical director.
- C. The County shall notify the primary Medical Director of the ambulance service, in writing, of any violation of the ambulance licensing regulations by the ambulance service or alleged complaints or violations by individual medical providers operating on an ambulance service.

**ARTICLE V**

**REVOCAATION/SUSPENSION PROCEDURES AND HEARINGS:**

- A. The Board may on its own motion or on complaint, after an investigation and/or public hearing at which the licensee shall be afforded an opportunity to be heard; suspend or revoke any license or permit issued by the Board pursuant to these regulations. The Board may temporarily suspend, for a period not to exceed thirty days, any license or permit issued pursuant to these regulations, pending any prosecution, investigation, or public hearing. The licensee shall receive written notice of such temporary suspension, and a hearing shall be held no later than ten (10) days after such temporary suspension. After such hearing, the Board may suspend any license or permit, issued pursuant to these regulations for any portion of or for the remainder of its term. At the end of such period, the person whose license or permit was suspended may apply for a new license or permit as in the case of an original application. Upon a second violation or failure to comply with any provision of these regulations by any licensee, the Board may permanently revoke such license or permit.
- B. When appropriate, the Board should make every effort to consult with and include the Fremont County EMS Council in any revocation/suspension proceedings.



- C. All hearings before the Board shall be public and every vote and official act of the Board shall be public. The Board has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any issue at any hearing which the Board is authorized to conduct.
- D. Written notice of temporary suspension, suspension or revocation as well as any required notice of such hearing shall be given by certified mail to the licensee or permit holder at the address contained in such license application.
- E. If any license is suspended or revoked, no part of the fees paid therefore shall be returned to the licensee.
- F. Notice of temporary suspension of a permit for the operation of any individual ambulance shall be made in writing at any time following inspection by the Board. The Notice of Temporary Suspension shall include specific information regarding steps necessary for correction of the deficiency. The Board shall have a hearing on the temporary suspension of such permit, and such hearing shall be conducted within ten (10) days following temporary suspension. The permit may be reinstated by the Board prior to such hearing, following a reinspection that determines the ambulance fully complies with the provisions of these regulations. Upon issuance of a reinstatement permit, any scheduled hearing shall be vacated. In all cases, whether or not a hearing is held, an inspection must be conducted prior to resuming operation.
- G. Upon revocation or suspension of an ambulance service license, all vehicle permits issued to the ambulance service will be automatically suspended or revoked, and the license and all permits must be returned to the Board within 48 hours.
- H. The Board shall notify local law enforcement authorities, dispatch agencies, fire department, hospitals and medical director(s) of any such revocation or suspension.
- I. The following practices shall be unlawful and may be grounds for a suspension or revocation of a license:
  - 1. Violation of any provision of these regulations;
  - 2. Violation of any state or federal law, rule or regulation, or applicable ordinance or regulation of any municipality or the County.
  - 3. Willful and deliberate failure to respond to any call in the absence of good cause shown. Private companies may choose not to accept a call, but must respond once and if a call is accepted.
  - 4. Willful and deliberate failure to transport a patient when required by nature of the injury, unless an informed patient refusal is signed by the patient or guardian.



5. Administration of unnecessary treatment or supplies to a patient for the purpose of increasing the patient's bill.
6. Advertisement, claims of, or charging as an Advanced Life Support ambulance when permitted, staffed or equipped as a Basic Life Support ambulance.
7. Administration of any substance considered a drug or intravenous fluid unless under direct order of a physician, either present or by radio or telephone, except as permitted by protocol or standing order.
8. Responding to a call for ambulance service by an ambulance service company that has not been requested, with the knowledge that another ambulance service company has been notified to respond to the call or is actually responding to the call ("call jumping").
9. Conduct which constitutes a threat to the health or safety of the individuals receiving emergency care from a licensed ambulance service or services.

## ARTICLE VI

### MISCELLANEOUS:

- A. Use of Sirens and Emergency Equipment. All emergency equipment and warning devices shall be used in accordance with all Colorado traffic statutes, rules, and regulations.
- B. Alleged Negligence.
  1. In any legal action filed against a licensee in which it is alleged that plaintiff's injury, illness, or incapacity was aggravated or exacerbated by, or was otherwise injured by the negligence of the licensee, no negligence shall be presumed because of such allegations.
  2. If a judgment is entered against such licensee, he shall, within thirty (30) days, file a copy of the findings of fact, conclusions of law, and order of the court, with the Board and with the Clerk and Recorder of the County. The Board shall take note of such judgment for purposes of investigation and appropriate action if a violation of these regulations is present.
  3. The licensee shall notify the Board of any lawsuit pending against the licensee in reference to the above Section, A and B, no later than 30 following the date the case is "at issue" as such term is used in court rules.





- C. Violation - Penalty. Any person who violates any provision of these regulations, which is required pursuant to §25-3.5-301, et seq., C.R.S., commits a class 3 misdemeanor, and shall be punished as provided by law.
- D. Remedies. These regulations create no private remedy for the breach of any provision of these regulations. The penalties set forth herein are the sole and exclusive penalties and remedies for the breach of any provisions of these regulations.
- E. Severability. If any of the provisions of these regulations are determined to be invalid, such determination shall not affect the remaining provisions of these regulations.
- F. Responsibilities of the Board. The Board of County Commissioners will:
1. Comply with all provisions of 25-3.5-301, et seq. C.R.S., as amended, regarding the inspection and licensing of ambulances.
  2. Develop and maintain an emergency medical services plan as part of the Health & Medical Annex (Annex H) to the Local Emergency Operations Plan which:
    - a. Outlines the emergency medical services which are and are not available in particular areas of the County.
    - b. Identifies ways in which emergency medical services providers can coordinate responses so that such responses are cooperative rather than duplicative.
    - c. Promotes mechanisms for the efficient sharing of resources in disasters or multiple casualty incidents, such as mutual aid agreements between counties and adjacent emergency medical service entities;
  3. Each year, submit to the local EMS Council on Emergency Medical Services, an annual report which details the County's emergency medical services plan and any revisions to such plan and which details the expenditure of moneys received.

