

SEVENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on April 14, 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	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Absent

INVOCATION

Commissioner Bell asked for a moment of silence for all those affected by COVID-19.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Commissioner Bell added an additional item under New Business.

Commissioner McFall moved to approve the Agenda adding an additional item under New Business. 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 / March 24, 2020
2. Approval of Minutes / March 26, 2020
3. Approval of Bills for \$1,669,780.30
4. Reschedule Public Hearing: May 12, 2020 at 10:00 a.m.
 - a. TUP 20-001 – Howard Creek Farm
Request approval of a Temporary Use Permit, Department file #TUP 19-002 Howard Creek Farm to allow a Wedding Venue, including a 400 square foot hay barn on 11 acres adjacent to the Arkansas River in Howard. The site will host 15 events a year from May to October each year primarily on the weekends. The site is located at 356 County Road No. 4 in Howard.
 - b. Amendments to the Fremont County Zoning Resolution on 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 Consent Agenda to include rescheduling two Public Hearings. 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 Clerk's Monthly Report

County Clerk Grantham gave his report for the month of March, 2020.

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

Commissioner Bell said that Fremont County has created a separate page on the website that give resources to individuals and businesses that have been negatively impacted by COVID-19.

Commissioner Payne said that he would be attending a meeting with several other rural counties to put something together to bring to the governor showing the impact on rural counties vs urban counties.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. Resolution Extending the Declaration of a Local Disaster Emergency, with Amendments, to expire at Midnight on April 30, 2020

Commissioner Bell said that this step was being taken because the Governor extended closures throughout the state.

Commissioner McFall wanted to reiterate that even though the building is closed to the public, all departments are still conducting business.

Commissioner Bell also said that if you have any questions about how to conduct business during this time, to go to the county's web page and find the department you need assistance from, give them a call and they will walk you through any procedures needed.

Commissioner Payne moved to approve Resolution #26, Extending the Declaration of a Local Disaster Emergency, with Amendments, to expire at Midnight on April 30, 2020. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. Approval of Chairman's signature on an Airport Grant application through the Federal Aviation Administration.

County Manager Bryant said that Fremont County applied for a grant through the FAA. This grant is in the amount of \$676,601.00 and is for taxi way improvements. Originally the County would have had to provide matching funds but through the CARES act the project will be 100% funded by the FAA. The project is out for bid and the county is ready to move forward.

Commissioner Bell asked if construction would be delayed because of COVID-19.

County Manager Bryant said that since construction is considered essential that the project would not be delayed.

Commissioner McFall moved to approve the Chairman's signature on an Airport Grant application through the Federal Aviation Administration in the amount of \$676,601.00. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Intergovernmental Agreement with the City of Canon City for Stormwater Capital Improvement Design and Construction – Abbey Basin and Rhodes Avenue Chanel

County Manager Bryant said that the funds were coming from PILT (Payment in Lieu of Taxes) funds. Fremont County has budgeted \$300,000.00 this year to be used for stormwater

projects. This IGA is requesting \$100,000.00 in 2020 and \$100,000.00 in 2021. Those numbers will be worked into the proposed budget for next year.

Commissioner Payne moved to approve an Intergovernmental Agreement with the City of Canon City for Stormwater Capital Improvement Design and Construction. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. National Public Safety Telecommunications Week (April 12th – 18th) Proclamation.

Commissioner Bell read the proclamation.

Commissioner McFall moved to approve the National Public Safety Telecommunications Week (April 12th-18th) Proclamation. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

There were none.

Commissioner Bell adjourned the meeting at 9:50 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 26, SERIES OF 2020

**EXTENDING THE DECLARATION OF
A LOCAL DISASTER EMERGENCY, WITH AMENDMENTS,
TO EXPIRE AT MIDNIGHT ON APRIL 30, 2020**

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

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

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

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

WHEREAS, FCDPHE recommends that without appropriately responding to the illness, including cancelling and postponing public events, restricting social gathering to 10 people or less, the number of cases within Fremont County will rise, may result in serious illness or death for certain members of the community, and will have the effect of interrupting the functioning of the community, will overwhelm the capacity of the local health care system and the ability to respond to the COVID-19 pandemic; and

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

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

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

WHEREAS, The continued outbreak of COVID-19 in Colorado continues to constitute a local disaster for purposes of C.R.S. § 24-33.5-709; and

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

WHEREAS, In light of the ongoing risk to public health and safety, and in consideration of the extension of the state-wide "stay at home" order being extended to April 26, 2020, at this time the Board desires to continue the initial declaration to April 30, 2020.

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

1. Extension of Declaration. The declaration of local disaster emergency dated March 26, 2020, (Resolution 25, Series of 2020) referencing the outbreak of COVID-19 and response thereto, is hereby extended to midnight on April 30, 2020, unless further amended, extended, or terminated by the Board prior to that time. The Fremont County community is strongly directed to engage in social distancing and to postpone or cancel any gatherings or events where people will congregate in large number and/or in close contact with one another.

2. Emergency Plans.

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

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

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

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

3. County Offices.

a. The County buildings shall be closed with the public allowed to conduct business through telephone, online services, e-mail, other electronic means, or by physically dropping off documents necessary for the conduct of business.

b. Allowing county staff to work from home will be made on a case-by-case basis taking into consideration the ongoing operational needs of the County and also considering public health advice. Supervisors should consult with the County Manager but have discretion to designate employees as critical to maintaining County operations.

c. It is recognized that not all work will be able to be performed at home and may require physical presence all or some of the time. County Elected Officials and Department Heads (with approval from the County Manager) may allow services to be provided by limited appointment only, provided that all guidelines regarding social distancing (6-foot separation distance and thoroughly sanitizing all potentially affected surfaces following the appointment) are strictly followed.

d. Such closure shall not apply to the Fremont County Judicial Building, and such authority to close the building or limit public access shall be exercised by the Chief Judge of the 11th Judicial District.

e. Such closure shall also not apply to the Fremont County Sheriff's Office, except such closure that the Sheriff deems appropriate for the protection of housed prisoners and county staff.

f. To the greatest extent possible, county offices are ordered to reduce staffing to at least 50% by requiring staff to stay at home unless absolutely essential to delivery of basic, necessary county services.

4. County Public Meetings. Notice of cancellation of any public meetings shall be posted in the official posting places for Fremont County (website, outdoor and indoor bulletin boards). Meetings that are held shall be available for "virtual" public attendance and participation through live streaming on Facebook (if available), televised on Public Access Channel 191 (Spectrum), radio broadcasting and telephone conferencing. Each of these broadcast means shall be utilized if available and if feasible to use. Other broadcast means may be available as necessary and accessible. Information regarding access to public meetings shall be posted on the County website, and on the outside doors of the Fremont County Administration Building at least 24 hours in advance of any public meeting, or if not feasible, as soon as practical in advance of the meeting. The Board may allow physical attendance at such meeting by persons having agenda items scheduled or members of the media, provided that all guidelines regarding social distancing (6-foot separation distance and thoroughly sanitizing all potentially affected surfaces following the appointment) are strictly followed.

5. Resource Allocations. Independent of the date the Board terminates the declaration of local disaster emergency, in light of the magnitude of the disaster in terms of personnel resources, particularly Public Health, Human Services, Emergency Services, the Coroner's Office and the Fremont County Sheriff's Office, all staff in all county departments are hereby directed to dedicate all available resources to support in addressing the disaster over non-disaster-related work through April 30, 2020.
6. Ratification. The Board hereby ratifies all other actions reasonably necessary to cope with the emergency taken by individual commissioners, department heads, and emergency management personnel since the initial declaration of local disaster emergency.
7. Emergency Locations. Whenever the disaster makes it imprudent or impossible to conduct the affairs of the BOCC any department at its regular location, county business may be conducted at any place until the disaster emergency is declared ended.
8. Delegation. The Board hereby delegates to its department heads authority to continue taking actions reasonably believed necessary to protect the public health, safety, and welfare of persons or property within Fremont County.
9. Distribution. Copies of this declaration shall be given prompt and general publicity through all local media sources, on the County website and Facebook page, and also shall be filed promptly with the County Clerk and Recorder, the Office of Emergency Management, and the Colorado Division of Homeland Security and Emergency Management, Colorado Department of Public Health and Environment and other such agencies and entities as designated by the Board of Commissioners or as deemed necessary for the health, safety and welfare of .
10. Safety. The adoption of this Resolution is necessary for the immediate preservation of public health, safety and welfare.
11. Severability. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.
12. Amendment/Extension. The BOCC reserves the right to further amend, extend or terminate this declaration at any time prior to its termination date.
13. Effective Date. This Resolution shall be in full force and effect immediately upon adoption by the Board of County Commissioners.

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

Date: April 14th, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: [Signature]
Clerk to the Board

