

SIXTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on August 25, 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	Present

INVOCATION

Grant Adkisson, Cowboy Church, gave the invocation.

PLEDGE OF ALLEGIANCE

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

Commissioner Bell explained, for those watching, that the Commissioners are abiding by the physical distancing and face mask requirements but, that to be able to be heard during the meeting, their face masks are removed.

APPROVAL OF AGENDA

Commissioner Bell added an item to the agenda under Administrative/Informational. She said that the County Treasurer, Kathy Elliott, would be giving the Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report.

Commissioner McFall moved to approve the amended 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 / August 11, 2020
2. Approval of Bills for \$1,001,524.92
3. Ratification of Chairman's signature on a Victim Assistance and Law Enforcement Grant Application
4. Approval of Resolution #47 CUP 17-001 Yevoli Cobblestone Pit
5. Approval of a contract with Leck Construction, Inc. for the Airport Office Hangar Remodel
6. Schedule Public Hearings: None.

Commissioner Payne moved to approve the Consent 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 Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report, Kathy Elliott, County Treasurer

County Treasurer Kathy Elliott gave both the Semi-Annual Report and the Public Trustee's Quarterly Report. Both of these reports in their entirety can be found on the county's website at www.fremontco.com.

Commissioner Bell said that according to statute the Semi-Annual Report should be done in January and July. She asked Ms. Elliott why the July report has been given late for the past few years.

County Treasurer Kathy Elliott explained that she had thought that she had done the Semi-Annual Report but upon looking closer she discovered that she had been remiss in providing the report to the Board. She went on to say that in the future she will work on being prompt with the required Semi-Annual Report.

Commissioner McFall moved to approve the County Treasurer's Semi-Annual Report and Public Trustee's Quarterly Report. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

- b. County Manager Report, Sunny Bryant, County Manager

County Manager Bryant said that the Elected Officials and Department Heads are in the process of preparing the budget for 2021. She said that the budget will be available to the public for review the end of October. Ms. Bryant stated that Request for Proposals (RFP) for the Pathfinder Park Community Center can be found on the bid portal on the county website at www.fremontco.com. She went on to say that a second round of the Fremont County Restart Business Grant Funding has begun. This program will help businesses in Fremont County recover COVID related expenses. Information can be found on the county website at www.fremontco.com.

- c. Sales & Use Tax Report, Sunny Bryant, County Manager

County Manager Bryant gave the Sales & Use Tax Report that can be found on the county's website at www.fremontco.com.

County Clerk Grantham gave a detailed report on the voting by mail controversy that has been forefront in the national news recently. He said that the State of Colorado has been perfecting the vote by mail process since 2013. Mr. Grantham also assured the public that his office is in contact with the Postal Service at a state level and feels the utmost confidence that the election material will be treated as first class mail therefore having a 3-5 day business day delivery window. He encouraged the public to make sure their voter registration is up to date and correct with his office to prevent any possible delay. Mr. Grantham then went on to say that there are going to be four 24 hour drop boxes throughout the county where ballots can be taken. He said that the locations, dates and times for those will be listed in the insert that comes with the ballot. At this time, Mr. Grantham said that due to the lack of voter participation at the Howard Fire Department Voting center, his office has decided to move those resources to the Penrose Library.

Sheriff Allen Cooper came before the Board with the information he moved Fremont County to Stage 2 Fire Ban effective as of 5:00 p.m. August 24, 2020.

Commissioner McFall gave a brief report on the current fires in the state and thanked Sheriff Cooper for initiating the Stage 2 Fire Ban for Fremont County.

Commissioner Bell said that she would be attending the first face to face board meeting, since March, of Colorado Counties Incorporated in Denver on Thursday August 27, 2020. She said that she has the opportunity to serve as President Elect for CCI this year. Ms. Bell went on to say that the discussion at the meeting would be what the 2021 Legislative priorities are going to be for the Counties of Colorado.

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

George Storey spoke about the hurricanes, the stock market and the COVID-19 vaccine.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. Fremont County Heritage Commission Annual Report
Representative: Mike Madone

Mike Madone gave the yearly report from the Fremont County Heritage Commission. He said that despite the pandemic they have been able to meet regularly with the help of technology. He said that the commission is in the process of adding two more guides to the collection of guides available to educate the public on the heritage of Fremont County. Mr. Madone said that these guides would not be possible without grants from the tourism board. He said that Heritage Days has been cancelled as so many other events have due to COVID.

Commissioner Bell commended the Heritage Commission on the guides they provide.

Commissioner McFall asked Mr. Madone how the public would go about getting the windshield guide that was mentioned in the report.

Mr. Madone said that it is not quite ready but that they are hoping to have it available to use on your mobile devices.

Commissioner McFall suggested that the Heritage Commission and the Tourism Council work together to promote Fremont County.

Mr. Madone said that the guides are available for download on www.fremontheritage.com as well as for purchase at several places around the county such as the libraries in Canon and Florence, the history center and the Chamber of Commerce.

2. Extension of the Fremont County local disaster emergency declaration

County Attorney Jackson gave a brief explanation of the reasons it is necessary to extend the Fremont County local disaster emergency declaration which includes being eligible for emergency funding. She said that the current declaration ends August 28, 2020 so it will be extended until September 27, 2020.

Commissioner McFall moved to approve Resolution No. 48, Amending the Declaration of a Local Disaster Emergency Presently Set to Expire at Midnight on August 28, 2020 and Extending the Declaration to Expire at Midnight on September 27, 2020. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. A proposal and resolution concerning an extension of the 1% Fremont County sales and use tax scheduled to expire on December 31, 2023
Representative: Allen Cooper, Fremont County Sheriff

Sheriff Allen Cooper gave a report about how the funds from the tax increase have been used since it was approved by voters in 2013. He feels that many improvements have been made to the department that has made it a better place to work. Sheriff Cooper spoke about the replacement of vehicles that were in disrepair as well as being able to compensate employees competitively.

Commissioner Bell added that with the sales tax the Sheriff's office has been able to not only add an animal control department but has been able to expand that department.

Sheriff Cooper said that they have one animal control deputy that specializes in small animals and wild animals and another animal control deputy that specializes in large animals and livestock.

Commissioner Bell talked about the unfunded mandates that come from the state and how those effect the Sheriff's budget.

Sheriff Cooper touched on some of the unfunded mandates that are currently being dealt with. He said that he will have to purchase body cameras not only for the patrol deputies but for the detention deputies that transport inmates or work outside of the facility in any capacity. Sheriff Cooper added that not only is the cost of the camera incurred but the storage of the data collected by the cameras. He went on to say that the state is going to require all law enforcement agencies to have a records management system that is compatible with the state that, again, will be unfunded.

Commissioner Bell said that she believes that this legislation is great in concept but that in reality the things required have many issues of some sort. She said that she feels like there will be several amendments made to this bill.

Commissioner McFall said that with the recent focus being on defunding the police, Fremont County is trying to keep the funding for the Sheriff's department by putting this extension back on the ballot.

Sheriff Cooper also mentioned that although it is not presently mandated he has increased accessibility to Mental Health treatment in the detention facility for offenders by 40%. He said that the hope is that this will help see less repeat offenders.

Commissioner Bell said that this is an opportunity to show that Fremont County absolutely supports our law enforcement.

Commissioner Payne moved to approve Resolution No. 49 concerning an extension of the 1% Fremont County sales and use tax scheduled to expire on December 31, 2023 to be put on the November 2020 General Election ballot. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. 2021 Holiday Schedule

Human Resources Manager Tammy Childs presented the 2021 Holiday schedule to the Board.

Commissioner McFall moved to approve the 2021 Holiday Schedule as presented. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. Resolution establishing a grant program with CARES Act funding for Fremont County small businesses impacted by the COVID-19 Pandemic

County Manager Sunny Bryant said that in order to distribute funds from the CARES act to small businesses impacted by the COVID-19 Pandemic, the County needs to have a resolution in place establishing a grant program. She said that this is a reimbursement program so there are some very specific guidelines to be able to receive the grant money.

Commissioner Bell said that the Board is very excited about this program. She said that they worked very hard to get the State's share of CARES act funding to be distributed to local communities and counties. Ms. Bell said that they continue to find out how these funds can be used.

Commissioner McFall said that the requirements are on the county's website for the public to view. He encouraged people to get the word out to anyone whose business has been impacted by COVID-19 and could use the help this grant would give.

Commissioner Bell said that the deadline for the second round of grant applications is 5:00 p.m. on September 18, 2020.

Commissioner Payne moved to approve Resolution No.50 establishing a grant program with CARES Act funding for Fremont County small businesses impacted by the COVID-19 Pandemic. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

Public Hearings Scheduled for 10:00 a.m.

1. Request: TUP: 20-005 God and Country Music Festival
Requesting approval of a Temporary Use Permit, Department file #TUP 20-005 God and Country Music Festival to allow for a one-day music festival to be held at the Fremont County Airport on Saturday August 29, 2020. Food and drinks will be available for purchase at the event. This is the first request for the TUP.
Representative: Ray Linebaugh

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

Ray Linebaugh presented the plan for the God and Country Music Festival. He gave details of the precautions that would be taken to ensure social distancing, sanitizing and cleaning procedures.

Commissioner Bell asked Mr. Linebaugh how many people at one time would be allowed into the festival.

Mr. Linebaugh said that the guidelines currently state that 250 people plus staff can be in the area at one time. He said that volunteers would be stationed at the gate in order to count people coming into the area.

Commissioner Bell asked Mr. Linebaugh to address security, clean up and trash removal and disposal, and the number of volunteers/staff that would be working the festival.

Mr. Linebaugh said that the Sheriff's Department, Canon City Police Department and Florence Police Department would all be present at the event. He said that he has rented trash containers from Howard Disposal. Mr. Linebaugh said that there would be three "port-a-potties" with one being handicapped accessible and that hand sanitizer would be placed all around the area. He then said that there would be approximately 35 volunteers/staff that would be monitoring the area for cleanliness.

Commissioner McFall pointed out that the health department had suggested that there be a handwashing station available.

Mr. Linebaugh said that he has rented one of those as well.

Commissioner Payne pointed out that in the application it is stated that there would be four "port-a-potties" and one handicapped "port-a-potty" totaling five.

Mr. Linebaugh said that Howard Disposal recommend two regular "port-a-potties" and one handicapped for a total of three for that size of attendance.

Commissioner McFall read from the letter included in the application from the health department that the number of attendees should be limited to no more than 175. Mr. McFall asked Mr. Linebaugh if he had contacted Amanda Apodaca at the Fremont County Health Department to discuss the change in the number of attendees from 175 to 250.

Mr. Linebaugh said that his understanding is that according to the variance from the state that a gathering can be up to 250 people. He said that he would clarify the point with Ms. Apodaca.

Commissioner Bell asked Mr. Linebaugh where else, besides locally, has he advertised for the event.

Mr. Linebaugh said that he put an advertisement in the Westcliffe paper.

Planning and Zoning Director Garrett gave a staff report stating that the application had met the minimum requirements. He said that when the application was reviewed it was done so with the five "port-a-potties" as opposed to the three that Mr. Linebaugh said he had rented. Mr. Garrett said that if that does not pose a problem then the application is complete. He said that Mr. Linebaugh is requesting a waiver of the cash and surety bond.

Commissioner Bell requested that Sheriff Cooper come to the podium to answer a few questions. Ms. Bell asked Sheriff Cooper what his agreement with Mr. Linebaugh is for security at the event.

Sheriff Cooper said that there would be two deputies stationed at the gate for each event. He also said that the deputies would not be monitoring the number of people going into the event but would intercede if a situation arose due the maximum number of attendees being met. Sheriff Cooper said that in his discussions with Mr. Linebaugh, it appears that he wants to comply with the restrictions set forth by the county for the health of the public.

Commissioner Bell asked for Sheriff Cooper to address how a situation might be handled due to any protests that might arise.

Sheriff Cooper said that the county has an agreement with the Colorado Department of Corrections for support from their Special Operations Response Team (SORT) if the need should arise due to any kind of protest throughout the county.

George Storey spoke in opposition to the event due to the COVID-19 virus.

Commissioner McFall said that there appeared to be two different times for the end of the event. He asked Mr. Linebaugh to clarify the 30 minute time difference.

Mr. Linebaugh said that he wanted to have the extra time to get the first round of people out of the area and clean up before the next event started.

Commissioner Payne said that one of the concerns that the Board has is the fact that there was advertising for this event before any application was submitted to the County for approval.

Mr. Linebaugh said that on those advertisements he did put a disclaimer.

Commissioner Bell said that the event has been cleared by the FAA since the airport does abide by FAA rules and regulations.

Commissioner Payne asked the airport manager Wes Brandt if any other county property other than the actual runway going to be used during this event.

Airport Manager Wes Brandt said that Mr. Linebaugh did request to set some tables up in the shop area of Hanger 14 which is the airport office to which Mr. Brandt agreed.

Commissioner Payne asked Mr. Brandt if firearms would be allowed on the property.

Airport Manager Wes Brandt said that it is posted that no firearms are allowed at the airport.

Commissioner Bell closed the Public Hearing at 10:24 a.m.

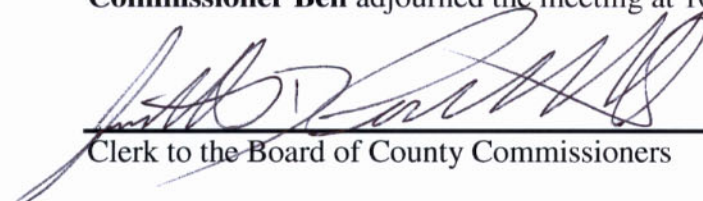
Commissioner McFall assured Mr. Linebaugh that he appreciates this event and what it represents and stands for.

Commissioner Payne expressed his concerns about security and the removal of trash.

County Attorney Jackson said that if the cash and surety bond is not waived, a cash refundable deposit of \$1,000.00 would be required.

Commissioner Payne moved to approve a Temporary Use Permit, Department file #TUP 20-005 God and Country Music Festival to allow for a one-day music festival to be held at the Fremont County Airport on Saturday August 29, 2020 but denies the waiver of the cash and surety bond. 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 10:57 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 47
Series of 2020

RESOLUTION FOR CONDITIONAL USE PERMIT - FILE NUMBER CUP 17-001
YEVOLI COBBLESTONE PIT AMENDMENT – INCREASE TRUCK TRIPS

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter “Board”)

THAT WHEREAS, Mark Yevoli, (hereafter "Applicants") has made application for amendment of an existing Conditional Use Permit CUP 17-001 pursuant to 8.2 of the Zoning Resolution of Fremont County to increase truck trips to twenty (20) per day. Said application has been designated as file **#CUP 17-001 Yevoli Cobblestone Pit**; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, telephone number of the 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 agencies, in accordance with regulations; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location of the public hearing, 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 **August 11, 2020**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the county's file concerning the application; and

WHEREAS, it appears that the issuance of a Conditional Use Permit is appropriate;

NOW THEREFORE, BE IT RESOLVED by the Board that:

1. The Board did make the following findings with respect to the application for a Conditional Use Permit as follows:
 - a) The procedural requirements of 8.2 of the Fremont County Zoning Resolution have been met.

- b) The location of the proposed use is compatible with other land uses in the area and does not place an undue burden on existing transportation, utilities, and service facilities in the vicinity, except as otherwise noted in these findings.
 - c) The site is of 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.
 - d) 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.
 - e) The proposed use, if it complies with all conditions on which this 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 Conditional Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions:
- A. The term of the Conditional Use Permit shall be for Life of 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.
 - C. Applicants 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. Applicants 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 and keep in effect all other permits required by any other governmental agency and as otherwise may be required by Fremont County. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
 - F. All loads of material transported from the site shall comply with applicable Colorado Revised Statutes.
 - G. Days of operation will be limited to Monday through Saturday from 7 am to 3 pm for mining, crushing, screening and stockpiling.
 - H. Days and hours for truck hauling will be Monday through Saturday from 6 am to 7 pm.

- I. **The number of haul truck trips shall not exceed 20 truck trips per day. (A trip is considered as a single or one direction vehicle movement with either the origin or the destination (exiting or entering) inside the subject property.)**
- J. If a conditional 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 conditional 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 prior to the expiration of the six (6) 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.
- K. If a Conditional Use Permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.
- L. If it is found by judicial action or it is determined by any other proper authority that any easement used for access into the subject property is not valid, then termination of the Conditional Use Permit will result.
- M. Fremont 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.
- N. Only the named party on the permit shall be allowed to operate this Conditional 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 Conditional Use Permit must agree to abide by all terms and conditions of this Conditional Use Permit and shall be required to be named on this Conditional Use Permit as additional parties who are bound by the terms and conditions of this Conditional Use Permit.
- O. Temporary parking area and interior roads shall be graveled and a dust suppressant will be required to be applied, if necessary.

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

Mrs. Commissioner Bell: Aye / Nay / Abstain / Absent

Mr. Commissioner Payne: Aye / Nay / Abstain / Absent

Mr. Commissioner McFall: Aye / Nay / Abstain / Absent

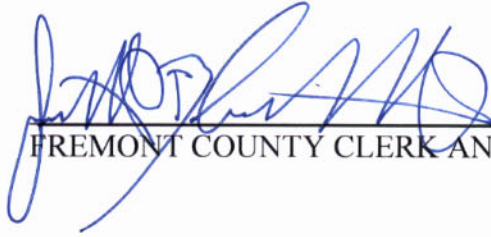
The Resolution was declared to be duly adopted.

DATE: **August 11, 2020**



CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:



FREMONT COUNTY CLERK AND RECORDER



RESOLUTION NO. 48, SERIES OF 2020

AMENDING THE DECLARATION OF
A LOCAL DISASTER EMERGENCY
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON AUGUST 28, 2020
AND EXTENDING THE DECLARATION
TO EXPIRE AT MIDNIGHT ON SEPTEMBER 27, 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, on April 14, 2020, the Board of County Commissioners adopted Resolution Number 26, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on April 30, 2020; and

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

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

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

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

WHEREAS, on May 12, 2020, the Board of County Commissioners adopted Resolution Number 32, Series of 2020, amending Resolution 27, Series of 2020 to open county offices for walk-in public traffic beginning on May 18, 2020; 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, on June 1, 2020, Governor Jared Polis announced a state-wide easing of COVID-19 restrictions, beginning Monday, June 1, 2020, transitioning from a “safer at home” phase of COVID-19 Response to a “safer at home in the vast, great outdoors” response phase, which provides local governments with a variety of options when it comes to slowing the spread of the virus and protecting their communities; and

WHEREAS, Local governments can implement the guidelines of Safer-at-Home in the Vast, Great Outdoors to match the state, go farther than the state, including but not limited to stay-at-home orders or additional protective measures, and local governments can relax guidelines more than the state; and

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

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

WHEREAS, on May 21, 2020, FCDPHE was granted a variance from the Colorado Department of Public Health and Environment, for a waiver of some of the State Orders imposing stringent stay-at-home requirements; and,

WHEREAS, relief from these provisions is allowing Fremont County to customize its future public health orders and response to meet the needs of its community and begin economic recovery for businesses and workers alike; and

WHEREAS, on May 26, 2020, FCDPHE submitted a second variance request to CDPHE to relax the requirements for additional types of businesses; and

WHEREAS, on June 4, 2020, FCDPHE was granted a variance from the Colorado Department of Public Health and Environment, for a waiver of some of the State Orders imposing stringent safer-at-home requirements; and

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

WHEREAS, FCDPHE has determined that the phased reopening model proposed by the State of Colorado and including observing Social Distancing Protocol for businesses is the most appropriate manner of proceeding to ease the closure restrictions presently in place and incrementally reopen Fremont County businesses and other entities; and

WHEREAS, on August 4, 2020, Governor Jared Polis issued Executive Order D 2020-152, extending the Declaration of a Disaster Emergency in the State of Colorado due to the presence of COVID-19 in the state until September 3, 2020; and

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

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

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

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

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

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

WHEREAS, in light of the ongoing risk to public health and safety, and in consideration of the state-wide "safer at home in the vast, great outdoors" order presently in effect, the Board desires to continue the initial declaration of a local disaster emergency for an additional thirty days, to September 27, 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), extended to April 30, 2020, (Resolution 26, Series of 2020), extended to May 30, 2020 (Resolution 27, Series of 2020), as amended (Resolution 32, Series of 2020), extended to June 29, 2020 (Resolution 35, Series of 2020), extended to July 29, 2020 (Resolution 41, Series of 2020), extended to August 28, 2020 (Resolution 45, Series of 2020) with amendments, referencing the outbreak of COVID-19 and response thereto, is hereby extended to midnight on September 27, 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 shall continue to be open to the public, to the extent this can be accomplished consistent with existing protocols for social distancing. If not, the county buildings shall remain closed, with the public continuing to conduct business through telephone, online services, e-mail, other electronic means, or by physically dropping off documents necessary for the conduct of business.

4. All other measures set forth in Resolution 27, Series of 2020 and Resolution 32, Series of 2020, Resolution 35, Series of 2020, Resolution 41, Series of 2020, and Resolution 45, Series of 2020 shall continue in full force and effect, including observance of state and local requirements and guidelines for social distancing (6-foot separation distance and thoroughly sanitizing all potentially affected surfaces following appointments and at regular intervals), wearing of masks and other PPE, and such other precautions as are required by FCDPHE, the Board of Commissioners, Colorado Governor Executive Orders, Colorado Public Health Orders and such other requirements and guidelines as may be instituted in the future.

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

6. Such restriction shall also not apply to the Fremont County Sheriff's Office, except such closure that the Sheriff deems appropriate for the protection of housed prisoners and county staff.
7. County Public Meetings. Public meetings shall be open to physical attendance by the public, in accordance with social distancing requirements. Public meetings also shall be available, to the greatest extent possible, for "virtual" public attendance through live streaming on Facebook (if available) and YouTube, televised on Public Access Channel 191 (Spectrum), and radio broadcasting when available. Each of these broadcast means shall be utilized if available and if feasible to use. Other broadcast means may be available as necessary and accessible. Information regarding access to public meetings shall be posted on the County website, and on the outside doors of the Fremont County Administration Building at least 24 hours in advance of any public meeting, or if not feasible, as soon as practical in advance of the meeting.
8. 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 September 27, 2020.
9. 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.
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 McFall moved adoption of the foregoing Resolution, seconded by
Commissioner Payne 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: August 25th, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: [Signature]
Clerk to the Board



RESOLUTION NO. 49, SERIES OF 2020

A PROPOSAL AND RESOLUTION CONCERNING AN EXTENSION OF THE ONE CENT (1.00%) FREMONT COUNTY SALES AND USE TAX PRESENTLY SCHEDULED TO EXPIRE ON DECEMBER 31, 2023; SUCH PROCEEDS TO CONTINUE TO BE USED FOR FUNDING THE STATE-MANDATED LAW ENFORCEMENT AND EMERGENCY SERVICES PROVIDED BY THE FREMONT COUNTY SHERIFF'S OFFICE; UPON APPROVAL OF THE REGISTERED ELECTORS OF FREMONT COUNTY, COLORADO; AUTHORIZATION FOR THE COUNTY TO COLLECT AND EXPEND PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND §29-1-301, C.R.S., SUCH AMOUNTS AS MAY BE GENERATED BY THE IMPOSITION OF THE ONE CENT SALES AND USE TAX, AND PROVIDING FOR THE SUBMISSION OF THIS PROPOSAL AND RESOLUTION TO A VOTE OF THE REGISTERED ELECTORS OF THE COUNTY AT THE ELECTION TO BE HELD ON NOVEMBER 3, 2020.

WHEREAS, Fremont County, Colorado (the "County") is authorized pursuant to part 1 of Article 2 of Title 29, Colorado Revised Statutes, as amended ("CRS") to levy a county sales tax on the sale of tangible personal property at retail, and the furnishing of services, upon the approval of the registered electors of the County voting on such proposal, which shall be effective throughout the incorporated and unincorporated portions of the County; and

WHEREAS, the County is authorized by law to levy a county use tax on the privilege of using or consuming in the County any construction and building materials purchased at retail or for the privilege of storing, using or consuming in the County any motor and other vehicles purchased at retail on which registration is required upon the approval of the registered electors of the County voting on such proposal, which shall be effective throughout the incorporated and unincorporated portions of the County; and

WHEREAS, on November 3, 2013, the electors of Fremont County authorized additional funding which would be realized through the imposition of an additional one percent (1.00%) sales and use tax would allow the Fremont County Sheriff to provide an adequate level of services that are legally required and deemed necessary for Fremont County residents; and

WHEREAS, the one percent sales and use tax authorized in 2013 was authorized for a 10-year time period; and

WHEREAS, Fremont County Sheriff's Office continues to be in critical need of additional funding for operations, including management and operation of the jail, salaries for patrol deputies, and other public and community safety programs and services; and

WHEREAS, due to the revenue and spending limitations contained in Article X, Section 20 of the Colorado Constitution, extension of the authorized one cent per one dollar sales and use tax for Sheriff's Office operations would be ineffective without removal of the revenue and spending limitations imposed upon such funding; and

WHEREAS, Article X, Section 20, part 3(a) provides that a referred ballot measure may be decided in a state general election, which is scheduled for November 3, 2020; and

WHEREAS, the Board of County Commissioners of the County ("Board") finds that it is in the best interest of the present and future inhabitants of the County to submit a proposal for an extension of the one percent (1.00%) on the sales and use tax authorized by the voters in 2020 to the registered electors of the County for the purpose of obtaining their approval of this Proposal and Resolution; and

WHEREAS, an election is scheduled for November 3, 2020, which is no more than 90 days from the date of adoption of this resolution; and

WHEREAS, part 1 of Article 2 of Title 29, Colorado Revised Statutes provides that the County Clerk and Recorder shall publish the text of such tax proposal four separate times, a week apart, in the official newspaper of the County and of each city and incorporated town within the County; and

WHEREAS, Article X, Section 20(3)(b), Colorado Constitution (TABOR) requires that certain additional election notices be published or posted as provided therein; and

WHEREAS, Articles 1 to 13, Title 1, C.R.S., requires that certain additional election notices be published or posted as provided therein; and

WHEREAS, part 1 of Article 2 of Title 29, Colorado Revised Statutes provides that the proposal shall contain certain provisions concerning the amount, levying and scope of such tax.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO, AS FOLLOWS:

1. Definitions. For the purpose of this Proposal and Resolution, the definition of words herein contained shall be as defined in Sections 39-26-102 and 39-26-201, C.R.S., and said definitions are incorporated herein by this reference.

2. Sales Tax Imposed on Sales and Services. Subject to voter approval as set forth herein, there shall continue to be levied, imposed, collected and paid a countywide sales tax of one percent (1.00%) of the gross receipts, upon the sale of tangible personal property at retail or the furnishing of certain services, as provided in Section 29-2-105 (1)(d), C.R.S., upon all taxable transactions in the County, thereby extending the imposition of the existing total County sales tax of two and one-half percent (2.50%) indefinitely, subject to future modification or elimination by the electors of Fremont County. The 2013 voter-approved sales tax of one percent shall not expire on December 31, 2023. The imposition of the tax on the sale at retail of tangible personal property and the furnishing of certain services subject to this tax shall be in accordance with schedules set forth in the rules and regulations of the Colorado Department of Revenue and in accordance with any regulations which may be enacted by separate resolution of the Board.

3. Place of Sale. For the purpose of this Proposal and Resolution, all retail sales shall be sourced as specified in Section 39-26-104(3), C.R.S., as existing or as hereafter amended, and by rules and regulations promulgated by the Colorado Department of Revenue.

4. Property and Services Subject to Sales Tax - Exemptions and Limitations.

a. The tangible personal property and services taxable pursuant to this Proposal and Resolution shall be the same as the tangible personal property and services taxable pursuant to the State of Colorado sales tax laws, Section 39-26-104 and Section 39-2-105, C.R.S. The tangible personal property and services taxable pursuant to this Proposal and Resolution are subject to certain sales tax exemptions as those specified in part 7, Article 26, Title 39, C.R.S. The sales and use tax imposed pursuant to this Resolution and Proposal, will be expressly subject to the following exemptions, as provided in §29-2-105(1)(d), C.R.S., and no others:

1. Exemption for sales of machinery or machine tools specified in §39-26-709, C.R.S.;
2. Exemption for sales of electricity, coal, wood, gas, fuel oil, or coke specified in §39-26-715(1)(a)(II), C.R.S.;
3. Exemption for sales of food, as specified in §39-26-707(1)(e), C.R.S.;
4. Exemption for vending machine sales of food specified in §39-26-714(2), C.R.S.;
5. Exemption for sales by a charitable organization specified in §39-26-718(1)(b), C.R.S.;
6. Exemption for sales of farm equipment and farm equipment under lease or contract specified in §39-26-716(2)(b) and (2)(c);
7. Exemption for sales of components used in the production of energy, including but not limited to alternating current electricity, from a renewable energy source specified in §39-26-724, C.R.S.;
8. Exemption for sales by an association or organization of parents and teachers of public school students that is a charitable organization as specified in §39-26-718(1)(c), C.R.S.;
9. Exemption for sales that benefit a Colorado school specified in §39-26-718(1)(c), C.R.S.

b. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S.

c. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by this Proposal and Resolution when such sales meet both of the following conditions:

1. The purchaser is a nonresident of, or has his principal place of business outside of the County; and
2. Such personal property is registered or required to be registered outside the limits of the County under the laws of the State of Colorado.

d. The sales tax imposed by this Proposal and Resolution shall not apply to the sale of construction and building materials, as the term is used in §29-2-109, C.R.S., if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to Fremont County evidencing that a local use tax has been paid or is required to be paid.

e. The sales tax imposed by this Proposal and Resolution shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of that sought to be imposed by Fremont County. A credit shall be granted against the sales tax imposed by Fremont County with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule county. The amount of the credit shall not exceed the sales tax imposed by Fremont County.

f. The sales tax imposed by this Proposal and Resolution shall not apply to the sale of food purchased with public food assistance benefits. For the purposes of this exemption, "food" shall have the same meaning as provided in 7 U.S.C. §2012 (g), as such Section existed on October 1, 1987, or as thereafter amended.

g. The sales tax imposed by this Proposal and Resolution shall not apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants, and children, 42 U.S.C. §1786. For the purposes of this exemption, "food" shall have the same meaning as provided in 42 U.S.C. §1786 as such Section existed on October 1, 1987, or as thereafter amended.

5. Collection, Administration and Enforcement.

a. The collection, administration, and enforcement of the sales tax imposed by this Proposal and Resolution shall be performed by the Executive Director of the Department of Revenue of the State of Colorado (the "Executive Director") in the same manner as the collection, administration, and enforcement of the Colorado state sales tax. The provisions of Article 26 of Title 39, C.R.S., and any amendment thereto enacted before or after the effective date of this Proposal and Resolution, together with all rules and regulations promulgated by the Executive Director shall govern the collection, administration, and enforcement of the sales tax imposed by this Proposal and Resolution.

b. The Vendor (retailer) shall be liable and responsible for the payment of the sales tax imposed by this Proposal and Resolution and shall remit such payment to the Executive Director in accordance with the applicable provisions of Title 39, article 26, C.R.S. The Vendor shall be entitled as collecting agent to withhold a collection fee in the same amount and in the same manner as authorized in Sections 39-26-105, C.R.S., and any amendment thereto enacted before or after the effective date of this Proposal and Resolution, for the total amount due by the Vendor to the Executive Director. Such Vendor shall not be entitled to retain the collection fee for each month that the Vendor is delinquent in

remitting said tax, unless good cause is shown for the delinquent remittance.

6. Deficiency Notice and Dispute Resolution. In the event that the County asserts that sales or use taxes are due in an amount greater than the amount paid by a taxpayer, the State shall follow the procedure set forth in Section 29-2-106.1, C.R.S., including, but not limited to, the mailing of a deficiency notice to the taxpayer by certified mail. Such deficiency notice shall state the additional sales and use taxes due and must notify the taxpayer, in clear and conspicuous type, that the taxpayer has a right to elect a hearing on the deficiency pursuant to Section 29-2-106.1(3), C.R.S.

7. Use Tax Imposed. Subject to voter approval as set forth herein, there shall continue to be levied, imposed, collected and paid a countywide use tax of one percent (1.00%) of the gross receipts, as specified herein and as provided in Section 29-2-109 (1), C.R.S., upon all taxable transactions in the County, thereby extending the imposition of the existing total County use tax of two and one-half percent (2.50%) indefinitely, subject to future modification or elimination by the electors of Fremont County. The 2013 voter-approved use tax of one percent shall not expire on December 31, 2023. The use tax shall be imposed only for the privilege of using or consuming in the County any construction and building materials purchased at retail or for the privilege of storing, using, or consuming in the County any motor and other vehicles purchased at retail on which registration is required, or both. The term “construction and building materials” shall not include parts or materials utilized in the fabrication, construction, assembly, or installation of passenger tramways, as defined in §12-150-103(5), C.R.S., by any ski area operator, as defined in §33-44-103(7), C.R.S., or any person fabricating, constructing, assembling, or installing a passenger tramway for a ski area operator.

8. Use Tax Exemptions. In no event shall the use tax imposed by this Proposal and Resolution apply:

a. To the storage, use, or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the County;

b. To the storage, use, or consumption of any tangible personal property purchased for resale in the County, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

c. To the storage, use, or consumption of tangible personal property brought into the County by a nonresident thereof for his own storage, use, or consumption while temporarily within the County; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into the State of Colorado by a nonresident to be used in the conduct of a business in this State;

d. To the storage, use, or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivisions in their governmental capacities only or by religious or charitable corporations in the conduct of their religious or charitable functions.

e. To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;

f. To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule county equal to or in excess of that imposed by this Proposal and Resolution. A credit shall be granted against the use tax imposed by this Proposal and Resolution with respect to a person's storage, use or consumption in the County of tangible personal property previously purchased by him in another statutory or home rule county. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous statutory or home rule county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this Proposal and Resolution;

g. To the storage, use, or consumption of tangible personal property and household effects acquired outside of the County and brought into it by a nonresident acquiring residency;

h. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the County and he purchased the vehicle outside of the County for use outside of the County and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of the County;

i. To the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of the use tax imposed by this Proposal and Resolution;

j. To the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of the use tax imposed by this Proposal and Resolution;

k. To the storage of construction and building materials.

9. Motor and Other Vehicle Use Tax Collection.

a. The use tax provided for herein shall be applicable for every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of Title shall be issued for such vehicle or for a mobile home by the Department of Revenue of the State of Colorado or its authorized agent until any tax due upon the storage, use, or

consumption thereof pursuant to this Proposal and Resolution has been paid.

b. The use tax imposed by this Proposal and Resolution applicable to motor and other vehicles shall be collected by the authorized agent of the Department of Revenue of the State of Colorado in the County.

c. The proceeds of the use tax imposed by this Proposal and Resolution applicable to motor and other vehicles shall be distributed to the County periodically as specified by law or by contract entered into with the Department of Revenue pursuant to Section 24-35-110, C.R.S.

10. Collection of Construction and Building Materials Use Tax. The collection of the use tax for construction and building materials shall be administered at the direction of the Board. The use tax may be paid by estimate through the payment of the tax at the time permits are issued for building and construction. As an alternative to the estimate procedure, and with the specific, written authorization of the Board, payment of this use tax may be made by the filing by any applicant for a building permit of an affidavit stating that the applicant intends to purchase all building and construction material necessary for the project described in the building permit application from a licensed retailer located within the County. Every building permit applicant who utilizes the alternative procedure provided above shall maintain and preserve detailed purchase and receipt records which shall be subject to inspection and audit by employees of the Board, and any unpaid taxes due shall be subject to collection. The collection and administration of the use tax imposed by this Proposal and Resolution shall be performed at the direction of the Board in substantially the same manner as the collection, administration and enforcement of the sales and use tax of the State of Colorado.

11. Use of Tax Proceeds. All proceeds collected from the additional 1.00% sales and use taxes authorized herein shall be used for the following and for no other purpose:

- A) Law Enforcement:
 - 1. Hire, train and retain deputies
 - 2. Equip patrol deputies, investigators, animal control deputies and civilian support staff;
 - 3. Conduct fire and criminal investigations;
 - 4. Expand vehicle replacement program to cover transports, animal control and other transportation needs.
 - 5. Purchase records management system consistent with state data reporting requirements;
 - 6. Purchase fuel, and necessary operational supplies and equipment.

- B) Criminal Justice:
 - 1. Hire, employ, train, and equip detention deputies, court security deputies, transport personnel and civilian support staff;
 - 2. Conducting criminal extradition;
 - 3. Install additional cameras to increase security and safety within the detention facility and public areas;

- C) Other law enforcement purposes:
1. Purchase body cameras for patrol and detention deputies as required by state law, along with the necessary electronic storage for data collected;
 2. Complete the replacement of stainless steel for porcelain fixtures in the detention center housing units, convert all water fixtures to water saving fixtures and complete various maintenance projects in the aging facility.

12. Submission to Electors. Upon approval of this Proposal and Resolution by the Board, the sales and use tax proposal contained herein is hereby referred to the qualified and registered electors of the County for determination at the statewide election, which will be conducted as a mail ballot election in Fremont County, concluding on the third day of November, 2020, there shall be submitted to the vote of the registered electors of Fremont County the question herein authorized.

13. Contents of the Ballot. At said election the official ballot, including absentee and mail ballots, shall state the substance of the question to be voted upon and so stated shall constitute the ballot Title, designation and submission clause, and each registered elector voting at the election shall indicate his or her choice on the question submitted, which shall be in the following form:

SHALL THE ONE-PERCENT FREMONT COUNTY SALES AND USE TAX PRESENTLY IN EFFECT TO DIRECTLY FUND THE URGENT PUBLIC SAFETY NEEDS IDENTIFIED AS CRITICAL TO PERFORMING STATUTORY OBLIGATIONS TO ALL FREMONT COUNTY RESIDENTS BY FREMONT COUNTY SHERIFF ALLEN COOPER, THE CHIEF COUNTY LAW ENFORCEMENT OFFICIAL SERVING ALL RESIDENTS OF THE CITIES, TOWNS AND UNINCORPORATED AREAS WITHIN THE BOUNDARIES OF FREMONT COUNTY, AND SET TO EXPIRE ON DECEMBER 31, 2023, BE EXTENDED PURSUANT TO PART 1 OF ARTICLE 2 OF TITLE 29, COLORADO REVISED STATUTES TO BE EXCLUSIVELY APPLIED TO THE FOLLOWING AND USED FOR NO OTHER PURPOSES:

1. LAW ENFORCEMENT NEEDS: HIRE, TRAIN AND RETAIN DEPUTIES. EQUIP PATROL DEPUTIES, INVESTIGATORS, ANIMAL CONTROL DEPUTIES AND CIVILIAN SUPPORT STAFF; CONDUCT FIRE AND CRIMINAL INVESTIGATIONS; EXPAND VEHICLE REPLACEMENT PROGRAM TO COVER TRANSPORTS, INVESTIGATIONS AND ANIMAL CONTROL PURCHASE RECORDS MANAGEMENT SYSTEM CONSISTENT WITH STATE DATA REPORTING REQUIREMENTS. PURCHASE FUEL AND NECESSARY OPERATIONAL SUPPLIES AND EQUIPMENT;

2. CRIMINAL JUSTICE NEEDS: HIRE, EMPLOY, TRAIN AND EQUIP DETENTION DEPUTIES, COURT SECURITY DEPUTIES, TRANSPORT PERSONNEL AND CIVILIAN SUPPORT STAFF; CONDUCT CRIMINAL EXTRADITION, INSTALL ADDITIONAL CAMERAS TO INCREASE SECURITY, AND SAFETY, WITHIN THE DETENTION FACILITY AND PUBLIC AREAS.

3. PURCHASE BODY CAMERAS FOR PATROL AND DETENTION DEPUTIES AS REQUIRED BY STATE LAW TOGETHER WITH THE NECESSARY ELECTRONIC MEANS OF STORAGE FOR DATA COLLECTED.

4. COMPLETE THE REPLACEMENT WITH STAINLESS STEEL FOR PORCELAIN FIXTURES IN THE DETENTION CENTER HOUSING UNITS, CONVERT ALL WATER FIXTURES TO WATER SAVING FIXTURES AND COMPLETE VARIOUS MAINTENANCE PROJECTS IN THE AGING FACILITY.

COMMENCING ON JANUARY 1, 2023 AND CONTINUING THEREAFTER, EXCEPT SUCH EXPIRATION AS DETERMINED BY THE VOTERS IN A FUTURE ELECTION, AND SHALL THE COUNTY BE AUTHORIZED TO COLLECT AND EXPEND ANY AND ALL SUCH PROCEEDS GENERATED BY THE ONE CENT (1.00%) SALES AND USE TAX WITHOUT STATUTORY OR CONSTITUTIONAL LIMITATION OR CONDITION, INCLUDING SECTION 29-1-301, COLORADO REVISED STATUTES AND ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES _____

NO _____

14. Conduct of the Election. The election shall be conducted under the provisions of the Colorado Election Code as set forth in C.R.S. Section 1-7-101, et seq.

15. Notice of Ballot Issue. The County Clerk and Recorder of Fremont County, State of Colorado, shall give public notice of the election on the question hereby submitted by causing a notice to be published in the Canon City Daily Record as provided by law, and by mailing to "All Registered Voters" at each address within Fremont County, Colorado, at which one or more electors is registered, within such time limits as permitted by law, a notice entitled, "Notice of Election on a Referred Measure". The notice shall include only (a) the election date and hours for voting, (b) the ballot Title, (c) the text of the measure to be voted upon, (d) the office address and the telephone number of the Fremont County Clerk and Recorder, (e) the estimated or actual total of County fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change, (f) for the first full

fiscal year of the proposed County tax increase, County estimates of the maximum dollar amount of each increase and of County fiscal year spending without the increase and (g) two summaries, not more than five hundred words each, one for and one against the measure, of written comments filed with the County Clerk and Recorder by thirty days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the measure to be voted upon. The County Clerk and Recorder shall maintain on file and accurately summarize all relevant written comments.

16. Additional Publication of the Proposal and Resolution. The County Clerk and Recorder is directed to publish the text of this Proposal and Resolution in full, four separate times, a week apart, in the *Canon City Daily Record*, the official newspaper of the county, and also in the official newspaper of each city and incorporated town within the county.

17. Procedure after Election. If a majority of all votes cast at the election shall be for the measure, the measure shall be deemed passed, the County Clerk and Recorder of the County shall, at least forty-five (45) days prior to January 1, 2023 (on or before November 17, 2022) submit notice of the adoption of the same to the Executive Director of the Department of Revenue, together with a certified copy of this Proposal and Resolution.

18. Administration. The Board may adopt such uniform rules and regulations as may be necessary for the administration and enforcement of this Proposal and Resolution, and the Board or their authorized representatives are hereby empowered to enter and execute on behalf of the County any agreements necessary for the administration and enforcement of this Proposal and Resolution.

19. Repeal and Amendment.

a. If this Proposal and Resolution is approved by a majority of the registered electors of the County at the statewide election (Fremont County mail ballot election) to be concluded on November 3, 2020, its provisions relating to the amount of tax imposed, specifically, the one cent (1.00%) sales tax specified in Paragraph 2 of this Proposal and Resolution and the one cent (1.00%) use tax specified in Paragraph 7 hereof, and the provisions relating to the distribution of revenue as set forth in Paragraph 11 hereof, shall not be repealed or amended except by resolution of the Board, approved by the vote of the people in the same manner as in the original adoption hereof.

b. Except as provided in subsection (a) hereof or as otherwise provided in Title 29, Article 2, part 1, C.R.S., the provisions of this Proposal and Resolution may be repealed or amended, subsequent to its adoption, by majority vote of the Board, and such repeal or amendment need not be submitted to the registered electors of the County for their approval.

20. Effective Date. Upon adoption by the registered electors voting thereon vote for approval of this County-wide sales and use tax proposal, such additional tax shall be effective and in force on January 1, 2024.

21. **Ratification.** All action heretofore taken by the County and by the officers thereof not inconsistent herewith directed toward the imposition of a countywide sales and use tax is hereby ratified, approved and confirmed.

22. **Repealer.** All acts, orders, resolutions, ordinances, or parts thereof, taken by the County and in conflict with this Proposal and Resolution are hereby repealed, except that this repealer shall not be construed so as to revive any act, order, resolution or part thereof, heretofore repealed.

23. **Severability.** If any provision of this Proposal and Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Proposal and Resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this Proposal and Resolution are declared to be severable.

ADOPTED AND APPROVED this 25th day of August, 2020.

Commissioner Payne moved the adoption of the foregoing Resolution with a second by Commissioner McFall.

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.

Debbie Bell
Chairman

Attest: [Signature]
Clerk



RESOLUTION NO. 50, SERIES OF 2020

**A RESOLUTION BY THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS
ESTABLISHING A GRANT PROGRAM WITH CARES ACT FUNDING
FOR FREMONT COUNTY SMALL BUSINESSES
IMPACTED BY THE COVID-19 PANDEMIC**

WHEREAS, on March 25, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) as an economic stimulus bill in response to the economic fallout of the COVID-19 pandemic in the United States; and

WHEREAS, President Trump signed the bill into law on March 27, 2020; and

WHEREAS, the CARES Act provides assistance for State, Local and Tribal Governments for providing assistance to governments for necessary expenditures incurred due to the public health emergency with respect to the COVID-19 public health emergency; and

WHEREAS, Fremont County is an eligible recipient of CARES Act funding and has been awarded \$4,103,969.00, which is allocated among the county and incorporated municipalities in Fremont County; and

WHEREAS, the CARES Act funds must be spent in accordance with the CARES Act and federal and state guidance, which includes grants to small businesses to reimburse the costs of business interruption caused by government-mandated closures and other restrictions; and

WHEREAS, without the participation and cooperation of local businesses, the imposition of public health closures, restrictions, and guidelines, the threat to the community from COVID-19 would be significantly greater; and

WHEREAS, the Board of Commissioners recognizes the financial and personal sacrifices made by business owners, employees, customers, and the public at large to comply with public health orders, executive orders, and other requirements to help keep the community safe by controlling the spread of COVID-19; and

WHEREAS, without the sacrifices and business interruptions made by the small business community, Fremont County would lack the resources and funding to take the necessary public safety measures to protect the community as a whole; and

WHEREAS, the Fremont County business community has been instrumental and vital in a cooperative effort with Fremont County to mitigate against the uncontrolled spread of COVID-19 by complying with public health guidelines and requirements, resulting in unexpected financial losses incurred as a result of governmental mandates.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY AS FOLLOWS:

1. Fremont County shall create and administer a grant program for local businesses financially impacted by the public health emergency resulting from the COVID-19 pandemic.
2. Fremont County shall allocate a portion of CARES Act funding to make direct payments to qualifying and eligible local businesses, to reimburse the costs of business interruption caused by

required closures and other COVID-19 related losses. The grant program shall be the Fremont County Restart Business Grant program and shall be administered in compliance with the appropriate guidance from the U.S. Commerce Department, U.S. Treasury Department, Colorado Department of Local Affairs, and other appropriate and relevant regulating agencies.

3. Information regarding the program, eligibility criteria, application process, and other necessary information shall be posted on the Fremont County Government website at www.fremontco.com.

4. All local businesses that have suffered economic losses due to the COVID-19 emergency and that meet the eligibility criteria are encouraged and urged to make application for financial assistance.

Commissioner Payne moved the adoption of the foregoing Resolution with a second by Commissioner McFall.

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: August 25th, 2020

Debbie Bell
Chairman

Attest: [Signature]
Clerk

