

## SPECIAL MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on October 22, 2020 615 Macon Avenue, Room 207, Fremont County Administration Building, Canon City, Colorado. Chair Debbie Bell called the meeting to order at 3:00p.m.

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

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

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

### OLD BUSINESS

None

### NEW BUSINESS

1. Extension of Fremont County local disaster emergency declaration

**County Attorney Brenda Jackson** said that the current local disaster emergency is set to expire October 26<sup>th</sup>, 2020 at midnight. She went on to explain that since the state has extended its emergency declaration until November 15<sup>th</sup>, 2020. Ms. Jackson said that we need to be concurrently under the same emergency declaration time frame as the state. She said that the resolution before the board extends the local disaster emergency declaration until November 25, 2020.

**Commissioner Bell** thanked County Attorney Jackson for all of her work to prevent a lapse between the county emergency declaration, the state emergency declaration and time frames for the extensions.

**Commissioner McFall** moved to approve resolution #56 EXTENSION OF THE FREMONT COUNTY LOCAL DISASTER EMERGENCY DECLARATION PRESENTLY SET TO EXPIRE AT MIDNIGHT ON OCTOBER 26<sup>TH</sup>, 2020 AND EXTENDING THE DECLARATION TO EXPIRE AT MIDNIGHT ON NOVEMBER 25<sup>TH</sup>, 2020. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

**Commissioner Bell** adjourned the meeting at 3:02p.m.

  
Clerk to the Board of County Commissioners



**RESOLUTION NO. 56, SERIES OF 2020**

**AMENDING THE DECLARATION OF  
A LOCAL DISASTER EMERGENCY  
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON OCTOBER 26, 2020  
AND EXTENDING THE DECLARATION  
TO EXPIRE AT MIDNIGHT ON NOVEMBER 25, 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 Resolution Number 45, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on August 28, 2020; and

**WHEREAS**, on 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 October 15, 2020, Governor Jared Polis issued Executive Order D 2020-222, extending the Declaration of a Disaster Emergency in the State of Colorado due to the presence of COVID-19 in the state until November 14, 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 Fremont County is experiencing an increase in COVID-19 cases in recent weeks; and

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

**WHEREAS**, in light of the ongoing risk to public health and safety, and in consideration of the state-wide "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 November 25, 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), extended to June 29, 2020 (Resolution 35, Series of 2020), extended to July 29, 2020 (Resolution 41, Series of 2020), extended to August 28, 2020 (Resolution 45, Series of 2020), extended to September 27, 2020 (Resolution 48, Series of 2020), and extended to October 26, 2020 (Resolution 52, Series of

2020), referencing the outbreak of COVID-19 and response thereto, is hereby extended to midnight on November 25, 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, Resolution 45, Series of 2020, and Resolution 48, 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. Commissioner Meeting Participation. Each County Commissioner who has health or medical circumstances preventing in-person meeting participation may participate in formal and other meetings by teleconferencing (video and/or audio), unless one or more county commissioners expresses an objection to such remote participation, at which time the issue of participation by teleconferencing for which an objection is expressed shall be put before the Board of Commissioners for a formal vote.

9. Resource Allocations. Independent of the date the Board terminates the declaration of local disaster emergency, in light of the magnitude of the disaster in terms of personnel resources, particularly Public Health, Human Services, Emergency Services, the Coroner's Office and the Fremont County Sheriff's Office, all staff in all county departments are hereby directed to dedicate all available resources to support in addressing the disaster over non-disaster-related work through November 25, 2020.

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

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

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

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

14. Effective Date. This Resolution shall be in full force and effect as of midnight, October 26, 2020.

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

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

Date: October 22<sup>nd</sup>, 2020

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell  
Chairman

By: [Signature]  
Clerk to the Board

