

FOURTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on November 24, 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
Tammy Childs	Assistant County Manager	Present
Sean Garrett	Planning & Zoning Director	Absent
Marshall Butler	Planning & Zoning Coordinator	Present

INVOCATION

Bill Woods, Solid Rock Christian Church, gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

CONSENT AGENDA

1. Approval of Bills for \$2,502,960.93
2. Schedule a Special Meeting at 8:30 a.m. on Thursday, December 17, 2020, to certify the mill levies and adopt the 2020 budget
3. Approval of Resolution #59 for Conditional Use Permit CUP 98-008 Spotted Burro Pit Major Modification
4. Approval of Contract with Nunn Construction for the Fremont County New Courtroom and Improvement Project
5. Schedule Public Hearings: December 8, 2020 at 10:00 a.m.
 - a. Ordinance 1-2020—First Reading of Amendments to Residential Cultivation of Marijuana, Ordinance 1-2017

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

ADMINISTRATIVE/INFORMATIONAL

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

County Manager Bryant said that a final round of CARES act grants has been opened for revenue recovery. She said that there is an application and information sheet on the

county's website, www.fremontco.com. Ms. Bryant explained that the dollar amount given to each qualified applicant would depend on how many submissions are received. She said that so far over \$548,000.00 has been distributed throughout the county.

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

County Manager Bryant gave the Sales & Use Tax Report, which can be found on the County website at www.fremontco.com.

Commissioner Bell said that the deadline for the latest round of CARES act grant applications is Thursday December 10, 2020 at 5:00 p.m. She also wished everyone a safe and happy Thanksgiving.

Commissioner Payne said that he has been in talks with the City of Canon City to see if the County can help get the glass recycling back since the council of governments dropped that program.

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

None.

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 November 25, 2020 at midnight. 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 December 24, 2020.

Commissioner Payne moved to approve Resolution #62 amending the declaration of a local disaster emergency presently set to expire at midnight on November 25, 2020 and extending the declaration to expire at midnight on December 24, 2020. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

2. Emergency and Temporary Meeting Rules and Procedures

County Attorney Brenda Jackson explained that in March the BOCC passed a resolution that would allow telephonic or electronic board meeting participation due to the COVID-19 pandemic. She said that since the need still remains for telephonic or electronic participation there should be a resolution passed with no limitation. Ms. Jackson said that at a time when it is no longer necessary, a resolution would be passed to remove the modification.

Commissioner McFall moved to approve Resolution #63 adopting temporary meeting rules and procedures concerning telephonic or electronic participation. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Extension of Agreement with SEH on Grandview Bridge

County Manager Bryant said that due to some changes to the agreement the deadline was not able to be met. She said that they are asking to extend the deadline to June 30, 2021.

Commissioner Payne moved to approve the extension of agreement with SEH on the Grandview Bridge design project to June 30, 2021. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. Award bid and approve agreement for services for the Fremont County Coroner's Office

County Manager Bryant explained that this agreement includes cremations of indigent citizens, removals, transportation for autopsies, etc. She said that of the two bids received, Holt Family Funeral Home was able to provide the services at the least cost.

Commissioner Bell clarified that this bid process was done in the same manner that all bids are handled in the county.

County Manager Bryant added that this contract is a two-year contract with the ability to renew in one-year increments if there are no changes to the fees. She said that if there are changes to the fees the contract would have to go through the bid process again.

Commissioner McFall moved to award bid and approve agreement for services for the Fremont County Coroner's Office to Holt Family Funeral Home beginning January 1, 2021 and going through December 31, 2022 with an opportunity to renew on an annual basis. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

PUBLIC HEARINGS

None

Commissioner Bell adjourned the meeting 9:57 a.m.



Clerk to the Board of County Commissioners

RESOLUTION NO. 62, SERIES OF 2020

**AMENDING THE DECLARATION OF
A LOCAL DISASTER EMERGENCY
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON NOVEMBER 25, 2020
AND EXTENDING THE DECLARATION
TO EXPIRE AT MIDNIGHT ON DECEMBER 24, 2020**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, 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 30, 2020, Governor Jared Polis issued Executive Order D 2020-234, extending the Declaration of a Disaster Emergency in the State of Colorado due to the presence of COVID-19 in the state until November 29, 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, and extended to November 25, 2020 (Resolution 56, Series of 2020), is hereby extended to midnight on December 24, 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 December 24, 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, November 24, 2020.

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

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

Date: November 24th, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: [Signature]
Clerk to the Board



RESOLUTION NO. 63, Series of 2020

**RESOLUTION ADOPTING TEMPORARY MEETING RULES AND
PROCEDURES CONCERNING TELEPHONIC OR ELECTRONIC
PARTICIPATION**

WHEREAS, C.R.S. § 30-10-302, as amended, provides that the Board of County Commissioners of the County of Fremont (“BOCC” or “Board”), has the general statutory authority to establish rules and regulations to govern the transactions of its business; and

WHEREAS, on March 16, 2020, the Chair of the Board issued a local disaster emergency declaration as it relates to the COVID-19 outbreak in Fremont County, which outlines the progressive spread of the disease, which was ratified and extended on March 19, 2020, by Resolutions Number 22, Series of 2020 and which has been extended each month, and is presently set to expire November 25, 2020, subject to extension of the Declaration by the Board; and

WHEREAS, to assist in combating the spread of COVID-19, both private businesses and government organizations are practicing social distancing and encouraging remote working opportunities where possible for employees; and

WHEREAS, the Board desires to adopt this Resolution to establish Rules to permit the Board to conduct business telephonically or electronically, with proper public notice, and if so desired by the Board members; and

WHEREAS, to also facilitate the ability of the Board’s appointed boards and committees, specifically including but not limited to, the Planning Commission and the Board of Zoning Adjustment, to continue to serve the public in a safe, efficient, and transparent manner, because the Bylaws of said boards and committees may not currently provide for telephonic or electronic meetings or hearings, the Board also adopts this Resolution to provide temporary rules and guidance for its appointed boards and committees to conduct regular and special meetings and hearings and other business telephonically or electronically, with proper notice and posting as may be required; and

WHEREAS, transparency and public process remains of paramount importance to the Board and this Resolution shall be read to permit maximum public participation in Board meetings.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby adopts the following temporary meeting rules and procedures:

Section 1. Purpose and Term:

The Board finds in consideration of the COVID-19 outbreak, and upon recommendations of public health experts to practice “social distancing”, the following temporary rules and procedures shall be in effect at all times when the County is operating with at Declaration of a Local Disaster Emergency due to COVID-19, is in effect, or until further repeal or amendment from the Board, whichever occurs sooner.

Unless otherwise modified herein, it is the intent of the Board to otherwise maintain and follow the Rules to the maximum extent practicable.

Section 2. Telephonic or Electronic Participation:

All Board members shall be permitted to participate in any BOCC meeting by way of telephone or other electronic means.

Any commissioner(s) participating by means of telephone, or other electronic method, shall be deemed present and counted towards a quorum for voting purposes.

Section 3. Telephonic or Electronic Meetings:

For any meeting whereby a quorum of the BOCC is to participate by means of telephone, or other electronic method, the County shall, as appropriate:

- Publish a conference call dial-in number, and any associated access code, with the agenda for the purposes of inviting public participation; or
- Publish the electronic medium and access method to the platform the Board may utilize, with instructions to members of the public on how to listen and participate.

In order to ensure maximum transparency and public participation, the County shall inform the public, through customary means and use of official posting places, of any such BOCC Telephonic or Electronic Meeting.

Upon convening a properly noticed Telephonic or Electronic Meeting, the Board is authorized to take any formal action as contemplated by Colorado law.

The County shall audio-record any Telephonic or Electronic Meeting of the Board and said recording shall constitute the official record of the meeting. When it is not feasible to audio-record, then the Clerk to the Board, or designee, or a County staff person assigned by the BOCC shall take written minutes of the meeting, and the written minutes shall constitute the official record of the meeting.

Where the County holds a meeting by other electronic means, the County shall endeavor to video and audio-record that meeting. When it is not feasible, then written minutes shall be taken as set forth above.

Section 4. Applicability to Appointed Boards and Committees:

The Board, by this Resolution, hereby adopts and applies the above temporary rules and procedures for and to its appointed boards and committees, specifically including, but not limited to, the Planning Commission and Board of Zoning Adjustment, to enable them to conduct authorized meetings telephonically or electronically while this Resolution remains in full force and effect. For applicability purposes, where the above temporary rules and procedures refer to "Board" or "BOCC" and as the context directs, it is understood that the name of the specific appointed board or committee would be substituted.

Section 5. Ratification of Prior Actions:

All actions, meetings and proceedings of the Board of County Commissioners taken in 2020 pursuant to these temporary rules are hereby ratified, approved and accepted as valid and legitimate actions of the Board of County Commissioners and shall have full force and effect.

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

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Dwayne McFall	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: November 24th, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY, COLORADO

Debbie Bell
Chairperson

ATTEST:

By: [Signature]
County Clerk & Recorder

