

TWENTY-THIRD MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 10, 2019, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Canon City, Colorado. Chairman Dwayne McFall called the meeting to order at 9:30 a.m.

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

INVOCATION

Loren Kohlman, of E-Free 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 Bell moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

CONSENT AGENDA

1. Approval of Minutes / November 26, 2019
2. Approval of Bills for \$992,636.28
3. Ratification of Chairman's signature on Trust Subscription Agreement and Application for Medical Expense Reimbursement Coverage through American Fidelity
4. Schedule Public Hearing: January 14, 2020 at 10:00 a.m.
 - a. Amendment to the Fremont County Zoning Resolution section 5.10 & Amendment to the Fremont County Subdivision Regulations section XXIII regarding drainage plan requirements.
 - b. Request CDP 19-002 Skyline Steel
Requesting approval for a commercial development plan to allow for storage and sales of steel culverts, assembly of joints and elbows for culverts and incidental sales of antiques for property located at the intersection of 4th Street and Colorado State Highway 115 in Penrose CO 81240.
Representative: Matt Koch

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

ADMINISTRATIVE/INFORMATIONAL

1. Staff / Elected Officials:
 - a. County Clerk's Monthly Report

County Clerk Grantham gave the monthly report for November, 2019.

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

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

County Manager Bryant gave her report.

- c. Address Project Notice, Sean Garrett, Planning and Zoning Director

Planning and Zoning Director Garrett explained that they will be changing/updating physical addresses along Colorado State Highway 115 and that official change of address letters will be mailed to property owners in January 2020.

Commissioner Payne said the Grandview Bridge Design has been in the works for the last five to six years and that PILT money has been set aside over the past few years in anticipation for this project.

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

There were none.

OLD BUSINESS

None.

NEW BUSINESS

1. Recognition of the 2019 Fremont County Employee of the Year and nominees

The Board of County Commissioners read all of the nomination letters. The nominees, Julia Quade, Carrie Porter, Lynne Monahan, Jessica Bilbey, Marty Keen, Beverly Merlino, Yvonne Feyerherm, Christina Taylor and Shannon Espinosa were brought before the Board to be recognized.

The Board of County Commissioners presented Carrie Porter with the Employee of the Year award.

2. Noxious Weed Year End Report
Representative: Brittany Pierce, Weed Director

Weed Director Pierce gave her report.

3. Behavioral Health Update
Representative: Brian Turner, SolVista Health

Brian Turner, CEO of SolVista Health, gave his report.

4. Resolution to join the Rural Jump Start Program
Representative: Marc Bellantoni, Upper Arkansas Area Development Corporation

Marc Bellantoni, of Upper Arkansas Area Development Corporation, asked the Board to pass a resolution allowing Fremont County to join the Rural Jump Start Program, creating a Rural Jump Start zone in Fremont County. He explained the background of the program, potential benefits and requirements for unique and innovative new businesses to Colorado and Fremont County.

Commissioner Bell moved to approve Resolution #34. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

5. Appoint two new members to the Fremont County Tourism Council for three-year terms ending December 31, 2022

Commissioner Payne moved to appoint David Pruyne and Hans Prah to the Tourism Council for three-year terms, ending December 31, 2022. Commissioner Bell seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

6. Resolution Adopting the 2019 Fremont County, Colorado, Personal Data Privacy Policy

County Attorney Jackson explained HB 18-1128 and that this policy will apply to all elected officials, department heads and Fremont County personnel of Fremont County government. This will bring the County into compliance with State law.

Commissioner Bell moved to approve Resolution #35. Commissioner Payne seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner Payne, aye; Commissioner McFall, aye. The motion carried by unanimous consent.

PUBLIC HEARING

None.

Commissioner McFall adjourned the meeting at 10:36 a.m.




Clerk and Recorder

RESOLUTION NO. 34, SERIES OF 2019

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FREMONT AND STATE OF COLORADO AUTHORIZING PARTICIPATION IN THE RURAL JUMP-START PROGRAM ON DECEMBER 10, 2019

WHEREAS, THE Board of County Commissioners OF THE COUNTY OF Fremont recognizes that it would be beneficial to increase economic development in the county; and,

WHEREAS, the state of Colorado has enacted the Rural Jump-Start Zone program (CRS 39-30.5-106) for the express purpose of encouraging economic development in the rural areas of Colorado; and,

WHEREAS, the Board of County Commissioners of Fremont County has determined that it is in the best interests of the county to participate in the Rural Jump-Start program,

NOW, THEREFORE BE IT RESOLVED, the Board of County Commissioners of Fremont County authorizes the county to participate in the Rural Jump-Start program; and,

BE IT FURTHER RESOLVED, in the course of this participation, Fremont does hereby agree to provide incentive payments, exemptions, or refunds, as appropriate, for 100% of the county business personal property tax imposed on all new businesses that are approved by the Colorado Economic Development Commission to participate in the Rural Jump-Start program, for as long as the Colorado Economic Development Commission designates these new businesses as approved for the Rural Jump-Start program, understanding that such tax relief is limited by statute to eight years for each new business, and that no new businesses may be added to the program after December 31 2020.

Commissioner Bell 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: 12/10/2019

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:



By: [Signature]
Chairman

By: [Signature]
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY

RESOLUTION NO. 35, SERIES OF 2019

**A RESOLUTION ADOPTING THE 2018 FREMONT COUNTY,
COLORADO PERSONAL DATA PRIVACY POLICY**

WHEREAS, Colo. Rev. Stat. § 24-73-101(1) (2018) states:

"Each governmental entity in the state that maintains paper or electronic documents during the course of business that contain personal identifying information shall develop a written policy for the destruction or proper disposal of those paper and electronic documents containing personal identifying information. Unless otherwise required by state or federal law or regulation, the written policy must require that, when such paper or electronic documents are no longer needed, the governmental entity destroy or arrange for the destruction of such paper and electronic documents within its custody or control that contain personal identifying information by shredding, erasing, or otherwise modifying the personal identifying information in the paper or electronic documents to make the personal identifying information unreadable or indecipherable through any means";

WHEREAS, by virtue of House Bill 18-1128, Colo. Rev. Stat. § 6-1-713 (2018), Colo. Rev. Stat. § 6-1-713.5 (2018), Colo. Rev. Stat. § 6-1-716 (2018), and Colo. Rev. Stat. §§ 24-73-101 to 103 (2018) have been amended to provide stronger protections for consumer data and consumer data privacy;

WHEREAS, Fremont County's current policies, procedures and practices follow the requirements of the foregoing statutes, but it is prudent to set forth the requirements of those laws in a single policy to help ensure compliance; and

WHEREAS, because to date no court of competent and controlling jurisdiction has interpreted House Bill 18-1128, it is prudent that any policy of the County in relation to House BILL 18-1128 adopt the same language of the changes made by House Bill 18-1128;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Fremont, Colorado, that, effective immediately from the date this Resolution is passed by such Board, the attached *Fremont County, Colorado Personal Data Privacy Policy* shall be and hereby is approved and adopted as the primary guidance tool for personal data protection and personal data privacy for all Departments under the supervision and control of the Fremont County Board of County Commissioners and to all County elected officials' offices and departments of Fremont County, Colorado.

FURTHER, any and all future amendments of the *Fremont County, Colorado Personal Data Privacy Policy*, dated December 10, 2019, may be approved and adopted by motion of the Board.

Commissioner Bell 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: 10th December 2019

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:



By: [Signature]
Chairman

By: [Signature]
Clerk to the Board

FREMONT COUNTY PERSONAL DATA PRIVACY POLICY

PURPOSE

To help ensure ongoing and continuing compliance with the Act.

SCOPE

This Policy shall apply to all Departments under the supervision and control of the Fremont County Board of County Commissioners and to all County elected officials' offices and departments. The Fremont County Administration Department shall be responsible for management and administration of this policy.

DEFINITIONS

"Act" means that legislation passed by the Colorado Legislature as House Bill 18-1128, "Concerning Strengthening Protections for Consumer Data Privacy," and signed into law on May 29, 2018 by the Governor of the State of Colorado.

"Biometric Data" means unique biometric data generated from measurements or analysis of human body characteristics for the purpose of authenticating the individual when he or she accesses an online account.

"Departments" means, collectively, the following departments and offices of Fremont County: Board of County Commissioners, Administration, Airport, Assessor's Office, Building, County Attorney's Office, Clerk & Recorder's Office, Coroner's Office, Colorado State University Extension, Emergency Management, Facilities, Human Services, Information Technology, Planning and Zoning, Public Health, Public Trustee, Public Works, Sheriff's Office, Treasurer's Office, Veterans' Services, and Weed Management.

"Determination that a Security Breach Occurred" means the point in time at which there is sufficient evidence to conclude that a security breach has taken place.

"Fremont County" means Fremont County, Colorado, acting by and through the Fremont County Board of County Commissioners, including all Departments under the supervision and control of the Fremont County Board of County Commissioners and all County elected officials' offices and departments.

"Encrypted" means rendered unusable, unreadable, or indecipherable to an unauthorized person through a security technology or methodology generally accepted in the field of information security.

"Medical Information" means any information about a consumer's medical or mental health treatment or diagnosis by a health care professional.

"Notice" means:

- Written notice to the postal address listed in the records of Fremont County;
- Telephonic notice;

- Electronic notice, if a primary means of communication by Fremont County with a Colorado resident is by electronic means or the notice provided is consistent with the provisions regarding electronic records and signatures set forth in the federal "Electronic Signatures in Global and National Commerce Act", 15 U.S.C. § 7001 et seq.; or
- Substitute notice, if Fremont County demonstrates that the cost of providing notice will exceed two hundred fifty thousand dollars (\$250,000.00), the affected class of persons to be notified exceeds two hundred fifty thousand (250,000) Colorado residents, or that Fremont County does not have sufficient contact information to provide notice. Substitute notice consists of all of the following:
 - o E-mail notice if Fremont County has e-mail addresses for the members of the affected class of Colorado residents;
 - o Conspicuous posting of the notice on the website page of Fremont County if Fremont County maintains one; and
 - o Notification to major statewide media.

"Personal Identifying Information" means, a social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data, as defined in Colo. Rev. Stat. § 6-1-716 {1}{a} (2018); an employer, student, or military identification number; or a financial transaction device, as defined in Colo. Rev. Stat. § 18-5-701(3) (2018).

"Personal Information" means

(A) a Colorado resident's first name or first initial and last name in combination with any one or more of the following data elements that relate to the resident, when the data elements are not encrypted, redacted, or secured by any other method rendering the name or the element unreadable or unusable: social security number; driver's license number or identification card number; student, military, or passport identification number; medical information; health insurance identification number; or biometric data;

(B) a Colorado resident's username or e-mail address, in combination with a password or security questions and answers, that would permit access to an online account; or

(C) a Colorado resident's account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to that account.

- "Personal Information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

"Security Breach" means the unauthorized acquisition of unencrypted computerized data that compromises the security, confidentiality, or integrity of personal information maintained by Fremont County. Good faith acquisition of personal information by an employee or agent of Fremont County for the purpose of the County is not a security breach if the personal information is not used for a purpose unrelated to the lawful government purpose or is not

subject to further unauthorized disclosure.

The definitions of Article 73 of Title 24, Colorado Revised Statutes are further hereby incorporated into this Policy except where any such definition conflicts with the definitions contained in this policy; in that case, the definitions contained in this policy shall control.

POLICY STATEMENTS

1. Applicability. This Policy shall apply to all Departments under the supervision and control of the Fremont County Board of County Commissioners and to all County elected officials' offices and departments.

2. Disposal of Personal Identifying Information. It shall be the policy for all Departments that, unless otherwise required by state or federal law or regulation, when such paper or electronic documents containing personal identifying information are no longer needed by the Departments, the Departments shall destroy or arrange for the destruction of such paper and electronic documents within the Departments' custody or control by shredding, erasing, or otherwise modifying the personal identifying information in the paper or electronic documents to make the personal identifying information unreadable or indecipherable through any means.

The Departments shall implement inter-departmental procedures and policies which address the specific nature of their offices to ensure compliance with this Policy and the Act.

3. Protection of Personal Identifying Information. All Departments shall protect personal identifying information from unauthorized access, use, modification, disclosure, or destruction. The Departments, with assistance from the Information Technology Department, shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal identifying information for the nature and size of Fremont County.

The Departments shall require that all contracts with third parties which could result in the exchange of personal identifying information include contractual terms to ensure third parties are subject to and abiding by the terms of the Act and this Policy.

4. Notification of Security Breach. A Department shall immediately notify the County Manager when it becomes aware that a Security Breach may have occurred. The County Manager, in conjunction with the notifying Department, shall immediately notify the County's Information Technology Department. The Information Technology Department shall conduct in good faith a prompt investigation to determine the likelihood that personal information has been or will be misused. Fremont County shall give Notice, as provided below, to the affected Colorado residents unless the investigation determines that the misuse of information about a Colorado resident has not occurred and is not *reasonably* likely to occur.

Notice must be made in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a Security Breach occurred, consistent with the legitimate needs of law enforcement and any measures necessary

to determine the scope of the breach and to restore the reasonable integrity of the computerized data system.

If Fremont County is required to provide notice the following information shall be provided to all affected Colorado residents:

- The date, estimated date, or estimated date range of the security breach;
- A description of the personal information that was acquired or reasonably believed to have been acquired as part of the security breach;
- Information that the resident can use to contact Fremont County to inquire about the security breach;
- The toll-free numbers, addresses, and websites for consumer reporting agencies;
- The toll-free number, address, and website for the federal trade commission; and
- A statement that the resident can obtain information from the federal trade commission and the credit reporting agencies about fraud alerts and security freezes.

If an investigation by Fremont County determines that the type of personal information described within this Policy has been misused or is reasonably likely to be misused, then Fremont County shall, in addition to the notice and in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a security breach occurred, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system:

- Direct the person whose personal information has been breached to promptly change his or her password and security question or answer, as applicable, or to take other steps appropriate to protect the online account with the person or business and all other online accounts for which the person whose personal information has been breached uses the same username or e-mail address and password or security question or answer.
- For log-in credentials of an e-mail account furnished by Fremont County, Fremont County shall not comply with this policy by providing the security breach notification to that e-mail address, but may instead comply with this policy by providing notice through other methods, as defined in this policy, or by clear and conspicuous notice delivered to the resident online when the resident is connected to the online account from an internet protocol address or online location from which Fremont County knows the resident customarily accesses the account.

The breach of encrypted or otherwise secured personal information must be disclosed in accordance with this policy if the confidential process, encryption key, or other means to decipher the secured information was also acquired in the security breach or was reasonably believed to have been acquired.

Departments are prohibited from charging the cost of providing such notice to individuals.

Nothing in this policy prohibits the notice described in this policy from containing additional information, including any information that may be required by state or federal law.

If the Departments use a third-party service provider to maintain computerized data that includes personal information, then the third-party service provider shall give notice to and cooperate with Fremont County in the event of a security breach that compromises such computerized data, including notifying Fremont County of any security breach in the most expedient time and without unreasonable delay following discovery of a security breach, if misuse of personal information about a Colorado resident occurred or is likely to occur. Cooperation includes sharing with Fremont County information relevant to the security breach; except that such cooperation does not require the disclosure of confidential business information or trade secrets.

Notice required by this policy may be delayed if a law enforcement agency determines that the notice will impede a criminal investigation and the law enforcement agency has notified Fremont County not to send notice required by this policy. Notice required by this policy must be made in good faith, in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the law enforcement agency determines that notification will no longer impede the investigation, and has notified Fremont County that it is appropriate to send the notice required by this policy.

If Fremont County is required to notify more than one thousand (1,000) Colorado residents of a security breach pursuant to this policy, Fremont County shall also notify, in the most expedient time possible and without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by the federal "Fair Credit Reporting Act", 15 U.S.C. § 1681a (p), of the anticipated date of the notification to the residents and the approximate number of residents who are to be notified. Nothing in this policy requires Fremont County to provide to the consumer reporting agency the names or other personal information of security breach notice recipients.

This policy does not apply to a person who is subject to Title V of the federal "Gramm-Leach-Bliley Act", 15 U.S.C. § 6801 et seq.

A waiver of these notification rights or responsibilities is void as against public policy.

5. Reporting of Security Breach. In the event Fremont County must notify Colorado residents of a data breach pursuant to this policy, Fremont County shall provide notice of any security breach to the Colorado attorney general in the most expedient time possible and without unreasonable delay, but not later than thirty (30) days after the date of determination that a security breach occurred, if the security breach is reasonably believed to have affected five hundred (500) Colorado residents or more, unless the investigation determines that the misuse of information about a Colorado resident has not occurred and is not likely to occur.

The breach of encrypted or otherwise secured personal information must be disclosed in accordance with this policy if the confidential process, encryption key, or other means to decipher the secured information was also acquired or was reasonably believed to have been acquired in the security breach.

If Fremont County is required to notify more than one thousand (1,000) Colorado residents of a security breach pursuant to this Policy, Fremont County shall also notify, in the most expedient time possible and without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by the federal "Fair Credit Reporting Act", 15 U.S.C. § 1681a (p), of the anticipated date of the notification to the residents and the approximate number of residents who are to be notified. Nothing in this Policy requires Fremont County to provide to the consumer reporting agency the names or other personal information of security breach notice recipients. This policy does not apply to a person who is subject to Title V of the federal "Gramm-Leach-Bliley Act", 15 U.S.C. § 6801 et seq.

COMPLIANCE

This policy shall be complied with in all respects. Revisions to this policy may occur and every attempt will be made to provide prior notice of any such change. However, when deemed necessary in order to fully protect the County's interests, the interest of the public, and to more fully protect the safety of the public, including employees governed by this policy, this policy may be changed without notice.

APPLICABLE LEGISLATION AND/OR RELATED REGULATIONS, POLICIES AND FORMS

The Act mandates that all governmental entities have in place a policy for the protection, destruction, and proper disposal of paper and electronic documents containing personal identifying information (PII). Because as of the date of this Policy no Court of competent and controlling jurisdiction has interpreted the Act, and to help ensure ongoing and continuing compliance, this Policy contains, to the extent possible, the same or substantially similar language as is contained in the Act. To the extent any such Court interprets or invalidates any portion of the Act, this Policy may need to be amended.

Date: December 10, 2019