

SIXTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on December 22, 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	Absent
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Grant Adkisson, of Canyon 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 said that an open house will be held on January 7, 2021 in the Garden Park conference room from 3:00 p.m.-5:00 p.m. to honor Commissioner Payne. Ms. Bell explained that all pandemic precautions will be followed.

APPROVAL OF AGENDA

Commissioner Bell said that item #1 of the Consent Agenda would be removed.

Commissioner McFall moved to approve the Agenda with the removal of item #1 on the Consent Agenda. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by majority consent.

CONSENT AGENDA

Approval of Minutes / December 8, 2020

1. Approval of Bills for \$2,925,389.09
2. Authorization of Chairman's signature on Water Lease Agreement No. 1181 with the Upper Arkansas Water Activity Enterprise
3. Approval of Resolution #67 for SRU 20-008 Central Concrete Colorado
4. Approval of Resolution #68 for CUP 02-003 Ranch Land Pit #1 Major Modification
5. Schedule Public Hearings: None.

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

ADMINISTRATIVE/INFORMATIONAL

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

County Manager Bryant said that the CARES Act funds are being closed out. She said that the County would be submitting the final reimbursement request to the state. Ms. Bryant went on to say that the 2021 budget process has been wrapped up and the final budget in its entirety will be available at www.fremontco.com.

- b. 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 wished the community a happy, blessed and safe holiday season.

Commissioner McFall also wished happy holidays as well as thanking County Manager Bryant and her staff on the work they did on the CARES Act grants for Fremont County.

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. Certificates of Appreciation to Appointed Board members

Commissioner Bell presented Peggy Gair a certificate of appreciation for her many years of work on tourism not only in Fremont County but also for the State of Colorado.

Commissioner Bell presented Ralph and Kathy Kunselman with certificates of appreciation for their many years of volunteering on the Fair Board.

Commissioner Bell also said that the Board has certificates of appreciation for Julie Reeves, Fair Board, Greg Vanriper, 4-H Sales, Judy McCormick, Heritage Commission, and Rich Ledoux, Airport Advisory Board.

Commissioner McFall said that there are now several openings on the various volunteer boards and commissions. He said that if anyone is interested in filling any of these vacancies to send a letter of interest to the Commissioners expressing interest.

2. Approval of an Agreement for Inmate Health Care Services at the Fremont County Detention Center

Sheriff Allen Cooper said that the Sheriff's Department would like to change their inmate health care services at the Fremont County Detention Center to Turn Key Health Clinics, LLC. He said that this new agency would be better able to provide medical health care and mental health care at a reduced rate of \$56,240.00 a month.

Commissioner McFall moved to approve an Agreement for Inmate Health Care Services at the Fremont County Detention Center with Turn Key Health Clinics, LLC for \$56,240.00 a month beginning January 2, 2021 through December 31, 2024. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by majority consent.

3. Reappoint Fred Smith to the Fremont County Weed Advisory Board for a three-year term ending December 31, 2023

Commissioner Bell said that the Board has received a letter of interest from Fred Smith to be reappointed to the Fremont County Weed Advisory Board for a three-year term ending December 31, 2023.

Commissioner Bell moved to reappoint Fred Smith to the Fremont County Weed Advisory Board for a three-year term ending December 31, 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by majority consent.

4. Reappoint Grant Ary and Linda Valdez to the Fremont County 4-H Sales Committee for three-year terms ending December 31, 2023

Commissioner Bell said that the Board has received letters of interest from Grant Ary and Linda Valdez to be reappointed to the Fremont County 4-H Sales Committee for three-year terms ending December 31, 2023.

Commissioner McFall moved to reappoint Grant Ary and Linda Valdez to the Fremont County 4-H Sales Committee for three-year terms ending December 31, 2023. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by majority consent.

5. Reappoint Linda Skinner, Millie Wintz, and Mike Madone to the Fremont County Heritage Commission for three-year terms ending December 31, 2023

Commissioner Bell said that the Board has received letters of interest from Linda Skinner, Millie Wintz, and Mike Madone to be reappointed to the Fremont County Heritage Commission for three-year terms ending December 31, 2023.

Commissioner Bell moved to reappoint Linda Skinner, Millie Wintz, and Mike Madone to the Fremont County Heritage Commission for three-year terms ending December 31, 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye. The motion carried by majority consent.

6. Resolution #69 Extension of Fremont County local disaster emergency declaration

County Attorney Jackson said that the current local disaster emergency is set to expire December 24, 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 January 23, 2021.

Commissioner McFall moved to approve resolution #69 extending the local disaster emergency declaration set to expire at midnight on December 24, 2020 and extending the declaration to expire at midnight on January 23, 2021. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by majority consent.

Commissioner Bell called a recess at 9:51 a.m.

Commissioner Bell called the meeting to order at 10:00 a.m.

PUBLIC HEARINGS

1. VPR 20-001 Aetna & Phenix Street
Resolution #70 Requesting approval of a Vacation of Public Right of Way Department File # VPR 20-001 Aetna & Phenix Street. Application is to vacate two platted roadways between Field Ave & Red Canyon Road. Neither right-of-way is currently installed or utilized.
Representative: Matt Koch

Commissioner Bell called the public hearing to order at 10:00 a.m.

Matt Koch appeared before the Board asking to vacate two platted roadways between Field Ave and Red Canyon Road. Mr. Koch said that neither right-of-way is currently installed or utilized.

Planning and Zoning Director Garrett said that application was complete and met all minimum criteria. He said that there is one contingency for a lot line adjustment. Mr. Garrett also confirmed that the department had received, in writing, approval from all surrounding neighbors.

Commissioner Bell closed the public hearing at 10:02 a.m. with no public comment.

Commissioner McFall moved to approve resolution #70 Requesting approval of a Vacation of Public Right of Way Department File # VPR 20-001 Aetna & Phenix Street. Application is to vacate two platted roadways between Field Ave & Red Canyon Road with the contingency of a lot line adjustment. Commissioner Bell seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by majority consent.

Commissioner Bell adjourned the meeting at 10:04 a.m.


Clerk to the Board of County Commissioners



RESOLUTION NO. 67

Series of 2020

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE # SRU 20-008 CENTRAL COLORADO CONCRETE

BE IT RESOLVED by the Fremont County Board of County Commissioners (hereafter "Board"):

THAT WHEREAS, CENTRAL COLORADO CONCRETE (hereafter "applicant") has made application for issuance of a Special Review Use Permit pursuant to 8.14 of the Zoning Resolution of Fremont County for a Permit to allow for a Rural Recreational Facility, which application has been designated as file #SRU 20-008 CENTRAL COLORADO CONCRETE to be located on certain real property that the applicant owns; and

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **NOVEMBER 3, 2020**, regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, telephone number of the Fremont County 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 reviewing agencies; and

WHEREAS, a notice containing the specific request, proposed use, date, time, location, 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 **December 8, 2020**, at which time comments and evidence were considered, including all materials contained as part of the application and which were in the Department's file concerning the application; and

WHEREAS, it appears that issuance of a Special Review Use Permit is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. The Board makes the following findings with respect to the application for issuance of a Special Review Use Permit to Applicant as follows:
 - a. The procedural requirements of Section 8.14 of the Fremont County Zoning Resolution have been met.
 - b. The location of the proposed use is compatible and harmonious with the surrounding neighborhood.
 - c. The proposed use will not have detrimental effects on property values.
 - d. The proposed site and use will not impair public health, welfare, prosperity and safety by creating undesirable sanitary conditions, overburdening of utilities or adverse environmental influences.
 - e. 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.
 - f. The site is 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.

- g. The proposed use, if it complies with all conditions on which 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 Special Review Use Permit shall be issued contingent on the acceptance and observance by the Applicant of the following specified conditions that must be met within six (6) months, if applicable, since the use was previously in operation prior to approval by the Board:
 - A. Special Review Use Permit shall be issued for life of the 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. It shall be the responsibility of the permit holder to provide the Department with copies of other permits, licenses, or other documentation showing compliance with the requirements of any other governmental agency (*to include items such as changes to the documents, updates, renewals, revisions, annual reports*). Further it shall be the responsibility of the permit holder to provide the Department with copies of any documents that would affect the use of the subject property, such as but not limited to updated or renewed leases for use of or access to the subject property. Copies of these documents shall be submitted to the Department prior to the anniversary date of the approval of the use permit each year. If the Department has to notify the permit holder that the anniversary date has passed and / or request said documentation, then a penalty fee shall be charged to the permit holder. If the required documentation and penalty fee are not submitted to the Department within twenty (20) days following notification to the permit holder, then violation procedures may be commenced, which could result in termination, revocation, rescission or suspension of the use permit.
 - C. The Applicant 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. The Applicant 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, prior to operation, and keep in effect, throughout operation, all other permits, licenses or the like, including renewals, required by any other governmental agency and as otherwise may be required by Fremont County and shall provide copies of such to the Department. Revocation, suspension or expiration of any such other permits shall revoke, suspend or terminate the permit authorized hereunder, as the case may be.
- F. If a Special Review 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 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 of Planning and Zoning prior to the expiration of the six-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 of County Commissioners.
- G. If a Special Review Use Permit is to be transferred it shall comply with all applicable Federal, State and County regulations regarding such transfer.
- H. Days and hours of operation shall not be limited.
- I. Refuse service provider will be determined upon completion of development. Frequency should be governed by a rate sufficient to prevent nuisance conditions.
- J. The 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.
- K. Only the named party on the permit shall be allowed to operate this Special Review 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 Special Review Use Permit must agree to abide by all terms and conditions of this Special Review Use Permit and shall be required to be named on this Special Review Use Permit as additional parties who are bound by the terms and conditions of this Special Review Use Permit.

L. A Special Review Use Permit shall not be modified in any way without Department approval for Minor Modifications or approval of Major Modifications by the Board in accordance with Section 8.14 of the Fremont County Zoning Resolution (complete reapplication).

WAIVER REQUESTS: Waivers of the following have been requested and granted:

5.3.2 Surfacing: Surfacing for all business, commercial or industrial off-street parking areas shall be graded and surfaced to control dust and provide proper drainage. Spaces shall be asphalt or concrete surface unless waived by the Board. If asphalt or concrete, spaces shall be clearly marked. Curbs or barriers shall be installed to prevent parking vehicles from extending over any lot lines.

5.3.4 Landscaping: All parking spaces (areas) used for business, commercial or industrial uses may be required to provide appropriate vegetation designed to break up the expanse of the parking area.

CONTINGENCY ITEMS TO BE COMPLETED PRIOR TO COMMENCING OPERATIONS:

Revised site plan addressing irrigation ditch to the North

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

Commissioner Payne: Aye / Nay / Abstain / Absent

Commissioner McFall: Aye / Nay / Abstain / Absent

Commissioner Bell: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: 12/08/2020

Deborah Reel

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: *[Signature]*

FREMONT COUNTY CLERK AND RECORDER



RESOLUTION NO. 68
Series of 2020

RESOLUTION FOR CONDITIONAL USE PERMIT - FILE NUMBER CUP 02-003
RANCH LAND ROCK PIT #1 MAJOR MODIFICATION

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

THAT WHEREAS, Holcim (US) Inc., (hereafter "Applicant") has made application for a major modification of an existing Conditional Use Permit CUP 02-003 pursuant to 8.2 of the Zoning Resolution of Fremont County to add a section of ground to the existing permit boundary for the purpose of exploration. Said application has been designated as file **#CUP 02-003 Ranch Land Rock Pit #1 Major Modification**; and will now be referred to as the Red Creek Quarry; 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 **December 8, 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 Sunrise to Sunset, Monday through Friday.
 - H. 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.

- I. If a Conditional Use Permit is to be transferred, it shall comply with all applicable Federal, State and Local regulations regarding such transfer.
- J. 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.
- K. 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.
- L. 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.

Commissioner McFall moved the adoption of the foregoing Resolution, seconded by Commissioner Payne 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: **December 8, 2020**

Debbie Zell

CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

[Signature]

FREMONT COUNTY CLERK AND RECORDER

RESOLUTION NO. 69, SERIES OF 2020

**AMENDING THE DECLARATION OF
A LOCAL DISASTER EMERGENCY
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON DECEMBER 24, 2020
AND EXTENDING THE DECLARATION
TO EXPIRE AT MIDNIGHT ON JANUARY 23, 2021**

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 November 24, 2020, the Board of County Commissioners adopted Resolution Number 62, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on December 24, 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 is currently in the Orange level of the dial, requiring continued exercise of extreme caution and indicating that the county is still in a state of high risk for COVID; 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, on November 28, 2020, Governor Jared Polis issued Executive Order D 2020-263, extending the Declaration of a Disaster Emergency in the State of Colorado due to the presence of COVID-19 in the state until December 28, 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 January 23, 2021.

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), and extended to December 24, 2020 (Resolution 64, Series of 2020) is hereby extended to midnight on January 23, 2021, 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 may be subject to closure, 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 January 23, 2021.
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, December 24, 2020.

Commissioner McFall moved adoption of the foregoing Resolution, seconded by Commissioner Bell 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	Aye	Nay	<input checked="" type="radio"/> Absent	Abstain

Date: December 22nd, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: [Signature]
Clerk to the Board