

September 24, 2013

EIGHTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 24th, 2013, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Debbie Bell called the meeting to order at 9:30 A.M.

Debbie Bell	Commissioner	Present
Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Katie Barr	Clerk and Recorder	Present
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager; Bill Giordano, Planning and Zoning Director and Jody Blauser, Chief Deputy Clerk.

The Invocation was given by Tom Killgore of First Southern Baptist Church

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Norden moved to approve the agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

CONSENT AGENDA

Commissioner Bell noted a Public Hearing is being scheduled for October 8, 2013 at 10:00 a.m. for Consideration of Proposed Amendments to the Fremont County Street Cut Regulations.

Commissioner Payne moved to approve the consent agenda. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolutions #36 and #37 are attached.

ADMINISTRATIVE/INFORMATIONAL

1. Administrative and Elected Officials

Sunny Bryant, Budget and Finance Officer, presented a report on Sales and Use Tax. The Retail Tax Collections in July 2013 were \$339,270, bringing the year to date total to \$2,174,225. This is about \$27,000 less than 2012 and 1.8% less than budgeted. The Auto Use Tax collected in July 2013 was \$65,153 which is up 3% in comparison to 2012. The Construction Use Tax collected year to date is \$104,335 which is down 27% from 2012. Overall the total tax collections are down \$55,000 from last year.

Commissioner Norden moved to accept the Sales and Use Tax Report for July 2013. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

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Commissioner Norden said there will be numerous activities at the Fremont County Airport on September 28, 2013 including an air show, fly in and open house. The War Memorial Brick Dedication Ceremony will also be held at 10:00 a.m. at the Airport.

Commissioner Bell congratulated the City of Florence for a successful turn out at the Pioneer Days Celebration last weekend.

2. Citizens Not Scheduled:

Dawn Hayward of Canon City addressed concerns with the current management at the Humane Society. She went over statistics from the Humane Society which included 221 cats that went missing or lost in 2012 while at the Shelter. There were 243 dogs in 2012 that went missing or were lost while in the Shelter. Compared to other shelters this number is very high. The Humane Society Board denies there is any mismanagement. She asked the Commissioners to please investigate this situation.

Julie Reiter Phillips of Canon City was the Animal Control Officer for Fremont County from 1994-2002. During this time she personally witnessed inhumane treatment of animals at the Fremont Humane Society. In 1998 the manager was charged and convicted of cruelty to animals. He is still the manager there today. She requested the Commissioners stop any funding by the county to the shelter.

Elaine Million of Canon City said the lack of a volunteer program at the shelter is alarming. Since June 11, 2013 five individuals have saved 116 dogs and 271 cats from ending up in this shelter. New management and a new Board for the Humane Society are vital in order to get the shelter back on track. It is critical for volunteers to be allowed back into the shelter to help care for the animals. She has contacted the Humane Society Board regarding this issue and they have been non-responsive.

Sherrie Huebner of Canon City said she donates to the Humane Shelter and hates that there are so many allegations. The dogs at the shelter get no exercise since the volunteers are no longer allowed. The volunteers should be allowed to walk the dogs.

Commissioner Norden stated the Board of Commissioners has no authority over the Humane Society. The Fremont County Sheriff's Department currently is investigating the shelter and has turned over reports to the District Attorney's Office. The Sheriff is withholding payment until the investigation has been completed.

PUBLIC HEARINGS SCHEDULED FOR 10:00 A.M.

1. Consideration of an amendment to the Fremont County Ambulance Regulations

Chairman Bell opened the Public Hearing at 10:00 A.M.

County Attorney Jackson explained this amendment is very simple. There had been an issue with Basic Life Support (BLS) ambulance services and Advanced Life Support (ALS) ambulance services. There was some confusion that BLS ambulances could run as ALS ambulances under certain circumstances. This amendment will eliminate one sentence and replace it with: Any ambulance permitted, staffed, equipped or operating as a basic life support ambulance, shall not advertise, display, or claim to be an advanced life support ambulance.

Public Comments: None.

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Chairman Bell closed the Public Hearing at 10:04 A.M.

Commissioner Norden moved to approve Resolution #40 to amend the Fremont County Ambulance Regulations. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried. Resolution #40 is attached.

OLD BUSINESS

1. In consideration of a request for Advanced Life Support (ALS) upgrade on ambulance license for Arkansas Valley Ambulance. Representative: Jay DeMay, AVA.

Jay DeMay said they had requested to be approved for ALS status last month. The issue was tabled until Dr. Numsen could provide a recommendation. He said Dr. Numsen has recommended they be approved for ALS Status.

Tom Anderson said that Dr. Numsen did recommend Arkansas Valley Ambulance be licensed as an ALS ambulance service as they do have the staffing to provide ALS care. Dr. Weber who was the previous medical provider believes there are still some issues that need to be worked out. Anderson said he did an inspection of the ambulance three months ago and it did pass the ALS inspection.

Jay DeMay said he is an ALS provider as is Steve Nutting who is and EMT Intermediate. There are also other paramedics who may be coming on board. They run 80% of their calls with an ALS provider on board. Commissioner Norden clarified that if an ALS provider is not responding to a call only BLS service can be provided.

Elaine Foster said it had been stated at a Public Hearing that Jay DeMay was being investigated by the State on a complaint. She received an email from the state saying they were not investigating Jay DeMay but they were investigating the complaint to see if it was worth pursuing.

Tom Anderson did speak with the State and Jay DeMay's license is in good standing.

Commissioner Bell noted the Commissioners do have a letter from Dr. Numsen stating that Arkansas Valley Ambulance appears to be capable of providing ALS service. He will continue to monitor them in the future.

Commissioner Norden moved to approve the certification for Arkansas Valley Ambulance to ALS status when an ALS provider is on board the ambulance. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Consideration of application fee refund request of Special Review Use Permit SRU 13-003 Arkansas Valley Ambulance

Elaine Foster said she had requested in writing a refund of the \$1800 application fee on June 20, 2013.

Bill Giordano said the letter was originally in the application packet and was over looked by the department. He explained the applicant was operating without a SRU Permit.

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They were contacted by the Code Enforcement Officers and given the opportunity to comply. Normally if applicants meet the deadlines set by the Code Enforcement Officers they are not put under a formal violation with a double fee. The applicant did comply and no formal violation was filed. The Planning Commission had wanted to table the SRU request because of how it was handled and wanted to double the fee.

Elaine Foster agreed that Mr. Giordano is correct. As they had never been through this process they did not realize they were in violation. When they were informed by the Code Enforcement Officers of the violation, they started the application process immediately.

Commissioner Norden moved to refund \$900 (one-half) of the application fee for SRU 13-003. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Second Reading of an Ordinance Prohibiting the Operation of Retail/Recreational Marijuana Cultivation Facilities, Product Manufacturing Facilities, Testing Facilities and Retail Marijuana Stores.

County Attorney Jackson said a Public Hearing was held on September 3, 2013 with respect to this Ordinance and received extensive public comment. The Board approved on first reading this Ordinance which prohibits the operation of all Retail Marijuana Facilities in the unincorporated areas of Fremont County. This Ordinance was published in the Daily Record. No amendments have been proposed so the Ordinance is in the same form as it was on the First Reading on September 3, 2013. The full reading can be waived today as no changes are being made.

Commissioner Payne moved to approve and adopt Ordinance #2013-1 Prohibiting Retail/Recreational Marijuana Operations and Facilities in Fremont County. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Ordinance #2013-1 is attached.

NEW BUSINESS

1. Liquor License:
 Penrose Family Enterprises
 Broadway's Bar and Grill
 103 Broadway #11 and #12
 Penrose, CO 81240
 New Hotel and Restaurant Liquor License Application
 Representative: Robert Mangone and Michelle Phillips

Robert Mangone said they are applying for a new Hotel and Restaurant Liquor License at 103 Broadway in Penrose. They are committed to offering good service and providing liquor training to all employees. His family also owns Fremont Lanes in Florence where they currently have a liquor license with no complaints. They intend to offer a family friendly environment. They hope to be open within 60 days. He has been working with the building department and the health department throughout this process. With a full service kitchen and a pizza oven they will offer a varied menu.

County Clerk Barr said all of the paperwork has been completed. The property has been posted, and notice was published in the Daily Record as is required.

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Commissioner Bell said the Commissioners received a letter from Michael Short who owns the building. He has secured a long term lease with the applicant and requested the Commissioners approve the Liquor License.

Michelle Phillips is the daughter of Mr. Mangone and will be the on-site manager. She intends to have three employees for the bar and three employees in the kitchen. She plans to have a liquor license training at the facility for all of the staff. Commissioner Norden asked how she plans to overcome the issues of the previous bar at that location. Michelle hopes by offering pizza and food it will be a family oriented place. She thinks the food will go over well in Penrose where there are limited places to eat. Michelle has already talked with Sheriff Beicker and welcomes the Deputies involvement at the establishment.

Commissioner Norden moved to approve the Hotel and Restaurant Liquor License for Penrose Family Enterprises LLC. DBA Broadway's Bar and Grill. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

2. Consideration of reappointment of Mr. Leonard Mino and Mr. Tom Schilf to the Fremont County Airport Advisory Board for an additional three-year term ending October 1, 2016.

Commissioner Norden said he had spoken with Leonard Mino and he had expressed interest in being reappointed to the Fremont County Airport Advisory Board. The Commissioners also received a letter from Tom Schilf requesting to be serve another term as well.

Commissioner Norden moved to reappoint Leonard Mino and Tom Schilf to the Fremont County Airport Advisory Board for additional three year terms ending on October 1, 2016. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried.

3. Consideration of a Resolution adopting an amended policy regarding Violence and Firearms in the Workplace Fremont County Personnel and Procedures Manual, Policy 6.21

County Attorney Jackson said this is a revision to the current Violence in the Workplace Personnel Policy. There was an issue earlier in the year with employees who have concealed carry permits. The County's insurance carrier says that employees should not possess firearms in the work place unless it is part of their job requirement.

Commissioner Bell said this is not a reflection on those employees who do have a concealed carry permit, as she herself has one. However it is in the best interest of the County and the taxpayers to have this policy in place.

Commissioner Payne moved to approve Resolution #41 adopting an amended policy regarding Violence and Firearms in the Workplace. Commissioner Norden seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner Norden, aye; Commissioner Bell, aye. The motion carried. Resolution #41 is attached.

Chairman Bell adjourned the meeting at 10:46 A.M.

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Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 36
Series of 2013

RESOLUTION FOR ZONE CHANGE
DEPARTMENT OF PLANNING AND ZONING FILE #ZC 13-001 MARY'S REZONE

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

THAT WHEREAS, Derick Westback (hereafter "applicant") has made application for an amendment of the zoning map of Fremont County to change from the AGRICULTURAL ESTATES ZONE DISTRICT to the INDUSTRIAL ZONE DISTRICT for certain described real property owned by the estate of Donald Lockhart;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its August 6, 2013 regular meeting and recommended the **APPROVAL** of such application; and

WHEREAS, a notice containing the specific request, proposed use, date, time, and location of the public hearing, 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 the appropriate reviewing agencies.

WHEREAS, a notice containing the specific request, proposed use, date, time, and 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 September 10, 2013 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

NOW THEREFORE, BE IT RESOLVED by the Board that:

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The Board did make the following findings with respect to the application for Zone Change as follows:

1. A statement of justification for the rezoning, including at least one (1) of the following conditions
 - a. The property was not properly zoned when existing zoning was imposed.
 - b. Additional land is needed in the proposed zone district.
 - c. There has been a material change in the neighborhood which justifies the requested zone change.
 - d. The proposed zone change will be in conformance to the Comprehensive or Master Plan for the area.

2. And the following list of other criteria to be considered in the review of the application:
 - a. There is a public need and there will be a County or neighborhood benefit.
 - b. The granting of the zone change request will tend to preserve and promote property values in the neighborhood.
 - c. There will not be any effect on existing traffic.
 - d. There will be no effect on adjacent uses.
 - e. The proposed development will be in harmony and compatible with the surrounding land uses and development in the area.

NOW THEREFORE, BE IT RESOLVED that the above and foregoing application and request for change be and is hereby approved; that the zoning classification of the hereinafter described real property is changed from the AGRICULTURAL ESTATES ZONE DISTRICT to the INDUSTRIAL ZONE DISTRICT and that the zoning map of Fremont County be and is hereby amended to show and record such change of classification and that the legal description of the real property so affected is described as follows:

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LEGAL DESCRIPTION

The East 138 feet of Lots 7 and 9, in Block 5, Phelps Subdivision, Fremont County, Colorado.

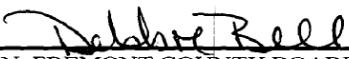
County of Fremont,
State of Colorado

Commissioner Payne seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

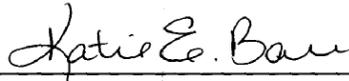
Commissioner Bell:	<input checked="" type="checkbox"/> Aye / Nay / Abstain / Absent
Commissioner Payne:	<input checked="" type="checkbox"/> Aye / Nay / Abstain / Absent
Commissioner Norden:	<input checked="" type="checkbox"/> Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: September 24, 2013



 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 

 FREMONT COUNTY CLERK AND RECORDER

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Commissioner Norden moved the adoption of the following Resolution:

RESOLUTION NO. 37
Series of 2013

RESOLUTION FOR SPECIAL REVIEW USE PERMIT
DEPARTMENT OF PLANNING AND ZONING
FILE #SRU 13-003 ARKANSAS VALLEY AMBULANCE –
TEXAS CREEK AMBULANCE STATION (FIRE STATION)

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

THAT WHEREAS, Arkansas Valley Ambulance, (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 an ambulance station for Arkansas Valley Ambulance, to include housing of a full time staff (there will be two staff personnel on site 24 hours a day, 365 days a year), housing of ambulance(s) and similar vehicles, meeting / training room and living quarters for on duty personnel**, which application has been designated as file **#SRU 13-003 Arkansas Valley Ambulance – Texas Creek Ambulance Station (Fire Station)**;

AND WHEREAS, pursuant to the Fremont County Zoning Resolution previously adopted; the Planning Commission of Fremont County reviewed the application at its **August 6, 2013** 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

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WHEREAS, the Board held a public hearing concerning said application on September 10, 2013, 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:
 - 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*

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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.

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- I. Applicant shall provide to the Department, documentation from the Fremont County Weed Coordinator that the applicant has in place an acceptable weed control plan, further the applicant shall implement and maintain the plan, if required.
- 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).

Commissioner Payne seconded the adoption of the foregoing Resolution and upon a vote of the Board as follows:

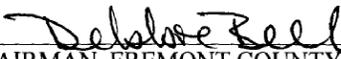
Commissioner Bell: Aye / Nay / Abstain / Absent

Commissioner Norden: Aye / Nay / Abstain / Absent

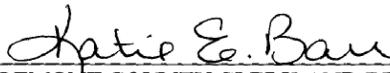
Commissioner Payne: Aye / Nay / Abstain / Absent

The Resolution was declared to be duly adopted.

DATE: September 24, 2013



 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: 

 FREMONT COUNTY CLERK AND RECORDER

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 Katie E. Barr, Clerk and Recorder, Fremont County, CO

**RESOLUTION NO. 40, SERIES OF 2013
 ADOPTING AN AMENDMENT TO THE
 FREMONT COUNTY AMBULANCE REGULATIONS**

WHEREAS, Fremont County is authorized pursuant to the authority contained in Title 25, Article 3.5, C.R.S. to license and regulate ambulance service providers and ambulance vehicles; and

WHEREAS, Colorado Revised Statutes, at §25-3.5-301 provides that no person shall provide ambulance service publicly or privately in this state unless that person holds a valid license to do so issued by the board of county commissioners of the county in which the ambulance service is based; and

WHEREAS, the current Ambulance Regulations for Fremont County were adopted by the Board of County Commissioners by Resolution No. 21, Series of 2013, recorded at Reception number 907552 on May 14, 2013, and became effective on May 15, 2013; and

WHEREAS, the ambulance service entities have indicated that Article II, Section D regarding Basic Life Support Ambulance Services contains ambiguous language and is subject to an interpretation inconsistent with the intent of the Board of Commissioners; and

WHEREAS, the ambiguous language requires clarification by the Board of Commissioners; and

WHEREAS, Fremont County Board of Commissioners finds that the proposed amendment is appropriate and necessary; and

WHEREAS, a public hearing concerning the proposed amendments was held by the Board of County Commissioners on the 24th day of September, 2013, notice of which was published in a newspaper of general circulation in the county, at least fourteen days prior to the date of the hearing; and

WHEREAS, due consideration has been given to the comments received at said public hearing.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County that:

1. Article II, Section D of the Fremont County Ambulance Regulations is hereby repealed in the entirety, and re-enacted to read as follows:

D. Basic Life Support Ambulance Services. Any ambulance permitted, staffed, equipped or operating as a basic life support ambulance, shall not advertise, display, or claim to be an advanced life support ambulance.

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2. All other provisions of the Fremont County Ambulance Regulations shall remain in full force and effect.

3. This Resolution of Amendment shall be recorded in the office of the Fremont County Clerk and Recorder and shall specifically relate to and supplement Resolution No. 21, Series of 2013, recorded at Reception number 907552 on May 14, 2013.

4. This Amendment to the Fremont County Ambulance Regulations shall become effective immediately upon adoption of this Resolution by the Board of Commissioners for the County of Fremont.

Commissioner Norden moved adoption of the foregoing Resolution, with a second by Commissioner Payne and approved by roll call vote as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

Date: September 24, 2013

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: Katie E. Bau
Clerk to the Board

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RESOLUTION NO. 41, SERIES OF 2013

**RESOLUTION ADOPTING AN AMENDED POLICY REGARDING VIOLENCE AND FIREARMS IN THE WORKPLACE
FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, pursuant to §30-2-104, the Board of County Commissioners is authorized to adopt a classification and compensation plan for all county employees paid in whole or in part by the county; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, has adopted the March 1, 2010 Fremont County Personnel Policies and Procedure Manual; and

WHEREAS, the Board of County Commissioners has determined that the language of Policy 6.21 regarding Workplace Violence requires revision to enable County Employees to better understand the purpose, intent and requirements of Fremont County regarding violence and firearms in the workplace; and

WHEREAS, a copy of the amended Violence and Firearms in the Workplace Policy, number 6.21 is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Fremont County:

1. Amended Policy 6.21 regarding Violence and Firearms in the Workplace, for the Fremont County Personnel Policies and Procedures Manual, (March 1, 2010) is hereby approved and adopted.
2. The Amended Policy 6.21 shall be effective beginning October 1, 2013. Until such effective date, the current, existing policy 6.21 shall remain in full force and effect.
3. The County Manager, in his Human Resources capacity, shall provide a copy of the Amended Policy 6.21 to all employees, by a means reasonably calculated to reach all employees, at the earliest possible opportunity.

Commissioner Payne moved for adoption of this Resolution, with a second by Commissioner Norden. The roll call vote of the Board was as follows:

Debbie Bell	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Edward H. Norden	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain
Timothy R. Payne	<input checked="" type="radio"/> Aye	Nay	Absent	Abstain

The Resolution was declared to be duly adopted.

Date: September 24, 2013

Debbie Bell
Chairman

Attest: Katie E. Ban
Clerk

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6.21 Violence and Firearms in the Workplace

The safety and security of County employees and customers are very important. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises pending the outcome of an investigation. Threats, threatening behavior, or other acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include but are not limited to threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

No employee of the County shall bring or possess a firearm or handgun of any type in the workplace unless specifically authorized by law or unless a firearm is necessary for the performance of, and within the scope of, specific job duties. Possessing a valid concealed weapons permit is not a grant of legal authority to carry or possess a firearm in the workplace. The Colorado Peace Officers Act (§16-2.5-101, et seq., C.R.S.) is a grant of legal authority for carrying or possessing a firearm in the workplace, for those who are employed and working in a peace officer job position. County employees, including Elected Officials and Department Heads for whom carrying or possessing a firearm or handgun is a necessary job requirement, shall have this requirement expressly stated in their job description and shall be subject to ongoing training and qualification requirements to ensure protection of the health, safety, and welfare of all County employees and the members of the public.

County employees also are prohibited from carrying or possessing a firearm while in the course and scope of performing their job for the County, whether or not they are on County property at the time, or in a County vehicle and whether or not they are licensed to carry a concealed firearm. This policy also prohibits weapons at any County sponsored function such as parties or picnics. This policy shall not be interpreted to prohibit a County employee from carrying a firearm or handgun in the employee's private vehicle for personal protection, whether or not the vehicle is parked on County property.

Employees are responsible for notifying their Department Head/Elected Official or the Human Resource Department of any violations of this policy which they have witnessed, received, or have been told that another person has witnessed or received. Employees also should report any behavior they have witnessed which they regard as threatening or violent when that behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

For example, County employees should report any individual who:

- Uses threats, intimidation or manipulation toward management or co-workers;
- Displays paranoid behavior, feelings of being victimized, or believes that others are conspiring against them;
- Displays unwarranted anger toward those who offer constructive criticism, or incites fear amongst co-workers;

September 24, 2013

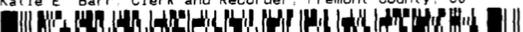
- Has been terminated or released from County employment, and appears to be focused more on the position they previously held (e.g., maintains unwelcome contact with current employees), rather than on pursuing other employment;
- Has been recently charged or convicted of a violent crime and is employed by the County.

Each employee who receives a protective or restraining order which lists or may apply to County-owned or leased premises as a protected area is required to provide their Department Head or Elected Official with a copy of such order.

Any report of violations of this Policy shall be made to the Human Resources Director, County Manager, Elected Official, or other appropriate supervisory personnel.

Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with that individual, and/or prosecution of the person(s) involved.

September 24, 2013

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 Katie E Barr, Clerk and Recorder, Fremont County, CO


ORDINANCE NO. 2013-1

FREMONT COUNTY, STATE OF COLORADO

**PROHIBITING THE OPERATION OF RETAIL/RECREATIONAL MARIJUANA
 CULTIVATION FACILITIES, RETAIL/RECREATIONAL MARIJUANA PRODUCT
 MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND
 RETAIL MARIJUANA STORES PURSUANT TO ARTICLE XVIII, §16
 OF THE COLORADO CONSTITUTION**

WHEREAS, Colorado voters approved the adoption of Amendment 64 at the general election held on November 6, 2012, thereby adding Article XVIII, Section 16: Personal use and regulation of marijuana to Article XVIII of the Colorado Constitution; and

WHEREAS, Amendment 64 provides for the state licensing and regulation of recreational marijuana establishments, including marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores; and

WHEREAS, paragraph 5(f) of Amendment 64 allows a locality, defined to include a county, to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance; and

WHEREAS, a majority of voters in unincorporated Fremont County voted against Amendment 64; and

WHEREAS, Amendment 64 conflicts with federal law, as the possession, cultivation, sale and use of marijuana remains illegal under federal criminal statutes; and

WHEREAS, the Board of County Commissioners of Fremont County ("Board") finds that the licensing and operation of marijuana establishments provided for in Amendment 64, by making marijuana more readily available in the community and facilitating the recreational use of marijuana, presents a threat to the health and education of Fremont County's children, to the safety of the workplace and the travelling public and to the public health, safety and welfare as a whole; and

WHEREAS, the licensing and operation of medical marijuana centers, medical marijuana infused products manufacturing, and optional premises cultivation operations pursuant to the Colorado Medical Marijuana Code and the Fremont County Zoning Resolution shall be unaffected by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Fremont County, Colorado:

September 24, 2013

Section 1: Purpose.

The purpose of this Ordinance is to prohibit the operation of recreational or retail marijuana cultivation facilities, retail or recreational marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance as authorized by Amendment 64, paragraph 5(f).

Section 2: Authority.

This Ordinance is authorized under Article XVIII, Section 16, paragraph 5(f) of the Colorado Constitution.

Section 3: Applicability.

This Ordinance shall apply throughout the unincorporated area of Fremont County.

Section 4: Definitions.

Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colorado Constitution.

Section 5: Marijuana Establishments Prohibited.

The licensing and operation of recreational or retail marijuana cultivation facilities, recreational or retail marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores is hereby prohibited.

Section 6: Enforcement. This Ordinance shall be enforced by the Fremont County Sheriff.

Section 7: Violation. It shall be unlawful for any person to violate any provision of this Ordinance.

Section 8: Disposition of Fines and Surcharges. Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ordinance shall be paid into the treasury of Fremont County. The fine for a first offense and for any subsequent offense shall be one thousand dollars (\$1,000.00) per violation and each day shall be deemed a separate violation. In addition to the fines and penalties, any person convicted of a violation of this ordinance shall be subject to the statutory surcharge of ten dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund. This surcharge shall be paid to the clerk of the court by each person convicted of violating this ordinance. The clerk shall transmit the moneys to the respective funds in accordance with Colorado law.

September 24, 2013

Section 9: Severability Clause.

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Ordinance.

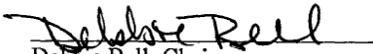
Section 10: Publication and Effective Date.

The foregoing text is the authentic text of Fremont County Ordinance No. 2013-1. The first reading of the ordinance took place on September 3, 2013. It was published in full in the Canon City Daily Record on September 9, 2013.

Second Reading is set for September 24, 2013 at 9:30 a.m. at the Fremont County Administration Building, Room LL-3, 615 Macon Ave., Canon City, CO 81212.

It was adopted with without amendments on 9-24-13. It is to be republished by title in Canon City Daily Record on 9-26-13 and shall take effect September 24, 2013.

Done and signed this 24th day of September, at Canon City, Colorado.


Debbie Bell, Chair
Board of County Commissioners of
Fremont County, Colorado

I hereby testify and attest that the provisions of Ordinance 2013-1 as set forth hereinabove are true and correct to the best of my knowledge, information and belief.


Hattie E. Bau
Fremont County Clerk and Recorder