

RESOLUTION NO. 22, SERIES OF 2020

**RATIFICATION OF RESOLUTION NO. 21 SERIES OF 2020
DECLARING A LOCAL DISASTER EMERGENCY
AND EXTENSION/AMENDMENT OF THE DECLARATION
OF LOCAL DISASTER EMERGENCY**

WHEREAS, Novel Coronavirus (resulting in the disease COVID-19) is a highly contagious virus that originated in China and has since spread to numerous countries around the world, including the United States; and

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

WHEREAS, On January 30, 2020, the World Health Organization (“WHO”) declared the worldwide outbreak of COVID-19 a “public health emergency of international concern.” On January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency. On March 11, 2020, WHO declared COVID-19 a pandemic, pointing to the sustained risk of further global spread. On March 11, 2020, the Governor of Colorado memorialized a verbal order from the previous day declaring the presence of COVID-19 in Colorado constitutes a disaster emergency; and

WHEREAS, On March 13, 2020, the President of the United States declared a national state of emergency because of COVID-19 pandemic. On March 16, 2020 the President of the United States issued new guidelines to help protect American’s during the COVID-19 pandemic, which includes: avoiding discretionary travel, gathering limited to 10 or less people, use of drive through and pick up delivery options, and telecommuting for work and school. On March 16, 2020, Colorado Department of Public Health issued a public order starting on March 17, 2020, that for 30 days all bars, restaurants, theaters, gyms and casinos, are closed with certain exceptions for take-out and delivery services for restaurants; and

WHEREAS, Fremont County Department of Public Health and Environment (“FCDPHE”) anticipates that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the county, Fremont County will see cases of the virus and its transmission within the community. Developing social distancing policies prior to an extensive outbreak has been a proven means of helping to contain COVID-19 outbreaks; and

WHEREAS, FCDPHE recommends that without appropriately responding to the illness, including cancelling and postponing public events, restricting social gathering to 10 people or less, numbers of cases within Fremont County will rise, may result in serious illness or death for certain members of the community, and will have the effect of interrupting the functioning of the community, will overwhelm the capacity of the local health care system and the ability to respond to the COVID-19 pandemic; 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 potential for an outbreak of COVID-19 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, 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, Pursuant to C.R.S. § 24-33.5-709(1), the Chairperson of the Board of County Commissioners of Fremont County has authority to declare a local disaster and such declaration shall be effective for up to seven days; and

WHEREAS, Pursuant to Resolution No. 51, Series of 1998, and C.R.S. §30-10-103(2), the Fremont County Board of County Commissioners has the authority to hold special or emergency meetings following posting of notice of such meetings in a public place as soon as practicably possible after the Board becomes aware of the need for such emergency meeting; and

WHEREAS, On Monday, March 16, 2020, in response to the local disaster and pursuant to the authority granted by C.R.S. § 24-33.5-709, the Board of County Commissioners met in emergency session and a state of local disaster emergency, referencing the local disaster, which declaration, which was duly signed by the Chairperson of the Fremont County Board of Commissioners; and

WHEREAS, C.R.S. § 24-33.5-709 provides that a local declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the political subdivision; and

WHEREAS, Pursuant to C.R.S. § 25-1-506(b), FCDPHE has authority to “establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health” and has authority to “close schools and public places and to prohibit gatherings of people when necessary to protect public health;” and

WHEREAS, Pursuant to C.R.S. § 25-1-509(2)(b), the Public Health Director has the powers to “exercise all powers and duties conferred and imposed upon agencies not expressly delegated” to the County Board of Health; and

WHEREAS, The Board of County Commissioners of Fremont County, Colorado are 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 continued outbreak of COVID-19 in Colorado continues to constitute a local disaster for purposes of C.R.S. § 24-33.5-709; 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, at this time the Board desires to ratify the initial declaration and continue to April 5, 2020, as well as further clarify the effect of the declaration on county operations.

NOW THEREFORE, THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY MAKES THE FOLLOWING DECLARATIONS:

1. Extension of Declaration. The initial declaration of local disaster emergency dated March 16, 2020, referencing the outbreak of COVID-19, is hereby ratified by the full Board and extended to end at midnight on April 5, 2020, unless further amended, extended, or terminated by the Board prior to that time. The Fremont County community is strongly directed to engage in social distancing and to postpone or cancel any gatherings or events where people will congregate in large number and/or in close contact with one another.

2. Emergency Plans.

a. Execution of all applicable local disaster emergency plans, interjurisdictional disaster emergency plans, and mutual aid agreements shall continue.

b. Fremont County personnel are directed to continue assisting cities and towns within Fremont County as resources permit, particularly those jurisdictions which have themselves declared local disaster emergencies.

c. The Director of the Office of Emergency Management 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. The County buildings shall be closed with the public allowed to conduct business through telephone, online services, e-mail, other electronic means, or by physically dropping off documents necessary for the conduct of business. Allowing county staff to work from home will be made on a case-by-case basis taking into consideration the ongoing operational needs of the County and also considering public health advice. Supervisors should consult with

the County Manager but have discretion to designate employees as critical to maintaining County operations. It is recognized that not all work will be able to be performed at home and may require physical presence all or some of the time. County Elected Officials and Department Heads (with approval from the County Manager) may allow services to be provided by limited appointment only, provided that all guidelines regarding social distancing (6-foot separation distance and thoroughly sanitizing all potentially affected surfaces following the appointment) are strictly followed. Such closure 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. Such closure 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.

4. County Public Meetings. Notice of cancellation of any public meetings shall be posted in the official posting places for Fremont County (website, outdoor and indoor bulletin boards). Meetings that are held shall be available for "virtual" public attendance and participation through live streaming on Facebook (if available), televised on Public Access Channel 191 (Spectrum), and telephone conferencing. 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. The Board may allow physical attendance at such meeting by persons having agenda items scheduled or members of the media, provided that all guidelines regarding social distancing (6-foot separation distance and thoroughly sanitizing all potentially affected surfaces following the appointment) are strictly followed.

5. 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, 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 April 19, 2020.

6. 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.

7. Emergency Locations. Whenever the disaster makes it imprudent or impossible to conduct the affairs of the BOCC any department at its regular location, county business may be conducted at any place until the disaster emergency is declared ended.

8. Delegation. The Board hereby delegates to its department heads authority to continue taking actions reasonably believed necessary to protect the public health, safety, and welfare of persons or property within Fremont County.

9. Distribution. Copies of this declaration shall be given prompt and general publicity through all local media sources, on the County website and Facebook page, and also shall be filed promptly with the County Clerk and Recorder, the Office of Emergency Management, and the Colorado

Division of Homeland Security and Emergency Management, Colorado Department of Public Health and Environment and other such agencies and entities as designated by the Board of Commissioners.

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

11. 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.

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

13. Effective Date. This Resolution shall be in full force and effect immediately upon adoption by the Board of County Commissioners.

Commissioner McFall 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: March 19th, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

By: Debbie Bell
Chairman

ATTEST:

By: [Signature]
Clerk to the Board

