

**RESOLUTION NO. 27, SERIES OF 2020**

**AMENDING THE DECLARATION OF  
A LOCAL DISASTER EMERGENCY  
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON APRIL 30, 2020  
AND EXTENDING THE DECLARATION  
TO EXPIRE AT MIDNIGHT ON MAY 30, 2020**

**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**, 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**, On April 22, 2020, Governor Jared Polis announced a state-wide easing of COVID-19 restrictions, beginning Monday, April 27, 2020, transitioning from a “stay at home” phase of COVID-19 Response to a “safer at home” response phase, which provides local governments with a variety of options when it comes to slowing the spread of the virus and protecting their communities; and

**WHEREAS**, Local governments can implement the guidelines of Safer-at-Home to match the state, go farther than the state, including but not limited to stay-at-home orders or additional protective measures, and local governments can relax guidelines more than the state; and

**WHEREAS**, Local governments may only relax state guidelines if by demonstrating proof of 14 consecutive days of decline of infection of COVID-19 in the county, submitting an application to CDPHE that includes a written COVID-19 suppression plan approved by the appropriate local public health authority, all hospitals within the jurisdiction and elected leadership; 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 will likely see 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**, 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**, on April 21, 2020, FCDPHE submitted a request to the Colorado Department of Public Health and Environment, for a waiver of some of the State Orders imposing stringent stay-at-home requirements, prohibiting travel except for Necessary Activities, prohibiting gatherings of any size, and limiting the businesses that may remain open only to those identified as critical or those performing minimum basic operations; and

**WHEREAS**, if granted, relief from these provisions will allow Fremont County to customize its future public health orders and response to meet the needs of its community and begin economic recovery for businesses and workers alike; and

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

**WHEREAS**, FCDPHE has determined that the phased reopening model proposed by the State of Colorado and including observing Social Distancing Protocol for businesses is the most appropriate manner of proceeding to ease the closure restrictions presently in place and incrementally reopen Fremont County businesses and other entities; and

**WHEREAS**, 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

**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” order being implemented on Monday, April 27, 2020 and continuing for an unknown period of time thereafter, the Board desires to continue the initial declaration of a local disaster emergency to May 30, 2020.**

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

**1. Extension of Declaration. The declaration of local disaster emergency dated March 26, 2020, (Resolution 25, Series of 2020), extended to April 30, 2020, (Resolution 26, Series of 2020), referencing the outbreak of COVID-19 and response thereto, is hereby extended to midnight on May 30, 2020, unless further amended, extended, or terminated by the Board prior to that time.** The Fremont County community is strongly directed to engage in social distancing and to postpone or cancel any gatherings or events where people will congregate in large number and/or in close contact with one another.

2. Emergency Plans.

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

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

c. The Director of the Office of Emergency Management, the Board of County Commissioners, the Public Health Director for FCDPHE, and the County Manager have full authority to assign county personnel, expend financial resources, use emergency procurement procedures, suspend and re-assign any county operations or policy to provide full support to the emergency response.

d. The Public Health Director shall continue to have the powers and duties conferred on her by C.R.S. § 25-1-506 and C.R.S. § 25-1-509. Pursuant to C.R.S. § 25-1-516, it is unlawful to willfully “violate, disobey, or disregard the provisions of the public health laws or the terms of any lawful notice, order, standards or rule.” The Public Health Director has authority under state law to issue orders and guidance and take other actions as necessary to protect the public health, safety and welfare. The BOCC directs county staff to take such actions to effectuate the orders and guidance of the Public Health Director as necessary, in consultation with the BOCC when appropriate.

3. County Offices.

a. Beginning on Tuesday, April 28, 2020 at noon, the County buildings shall be open to the public by appointment only, arranged with county departments and offices by telephone, electronic communication or other means prior to being admitted into the building. Every person entering the building must wear an appropriate mask at all times. At other times, county buildings shall remain closed, with the public continuing to conduct business through telephone, online services, e-mail, other electronic means, or by physically dropping off documents necessary for the conduct of business.

b. 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.

c. County Elected Officials, Department Heads and all employees shall observe state 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.

d. 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.

e. 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.

f. Unless otherwise directed by the Board of County Commissioners or FCDPHE, Fremont County shall implement and comply with the requirements and guidelines for the Colorado state "Safer at Home" COVID-19 response phase.

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). Public meetings that occur shall be available, to the greatest extent possible, for "virtual" public attendance and participation 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. 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, 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 May 30, 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 or as deemed necessary for the health, safety and welfare of the community.
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: April 28<sup>th</sup>, 2020

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell  
Chairman

By: [Signature]  
Clerk to the Board

