

## TWELFTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on June 23, 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	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

### INVOCATION

Joe Garkovich, of Mercy Today Ministries, gave the invocation.

### PLEDGE OF ALLEGIANCE

Those present cited the Pledge of Allegiance to the flag of the United States of America.

### APPROVAL OF AGENDA

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

### CONSENT AGENDA

1. Approval of Minutes / June 9, 2020
2. Approval of Bills for \$1,254,747.70
3. Approval of Resolution 37, Special Review Use Permit #SRU 20-002 Reynolds Annex II
4. Approval and authorization of Chairman's signature on a Small Dollar Grant Agreement (SDGA) through the Colorado Division of Homeland Security and Emergency Management (DHSEM)
5. Schedule Public Hearings: July 28, 2020 at 10:00 a.m.
  - a. Request: TUP 20-004 Skyline Mennonite Church  
Requesting approval of a Temporary Use Permit, Department file #TUP 20-004 Skyline Mennonite Church Canon City's Benefit Auction to allow for a one-day auction to be held at 155 Shoop Drive on October 3rd 2020. Food and drinks shall be provided at the event. This is the third request for the TUP.

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

### ADMINISTRATIVE/INFORMATIONAL

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

**County Manager Bryant** gave her report, which can be found on the county website at [www.fremontco.com](http://www.fremontco.com).

b. Sales & Use Tax Report, Sunny Bryant, County Manager

**County Manager Bryant** gave her Sales & Use Tax Report, which can be found on the county website at [www.fremontco.com](http://www.fremontco.com).

**Commissioner McFall** mentioned the next recycling event to be held on Saturday, June 27<sup>th</sup> from 9:00 a.m. until noon located at Bank of the San Juans on 9<sup>th</sup> and Royal Gorge Blvd in Canon City. This will be a drive-thru event.

**County Clerk Grantham** said that the leniency on late fees in the Motor Vehicle Department will expire on June 30, 2020. He also said that Monday, June 22<sup>nd</sup> was the last day that his office could mail a ballot to voters. Anyone wishing to vote or get a replacement ballot will need to visit the Voter Service & Polling Center located in the Garden Park Building at 201 N. 6<sup>th</sup> St in Canon City. VSPC hours this week are Monday-Friday 9:00 a.m. to 5:00 p.m., Saturday from 9:00 a.m. to 1:00 p.m. and then next week on Monday from 9:00 a.m. to 5:00 p.m. and Tuesday, Election Day from 7:00 a.m. to 7:00 p.m.

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

There were none.

#### **OLD BUSINESS**

There was no old business.

#### **NEW BUSINESS**

1. Collaboration Agreement regarding disbursement of Coronavirus Aid, Relief and Economic Security Act Funds to County and Municipalities

**County Manager Bryant** said that Fremont County was awarded \$4,103,969.00 of the \$2.1 billion federal funds that were awarded to the State of Colorado from the CARES Act. Fremont County will retain 55% of the \$4.1 million and the remaining 45% will be distributed to Brookside, Canon City, Coal Creek, Florence, Rockvale and Williamsburg. The amounts are determined by population and each entity is required to approve the agreement and submit it to the Department of Local Affairs, who is managing the funds. All agreements must be received by DOLA by July 7, 2020 in order for any funds to be allocated to Fremont County and the name entities. The reimbursement period is from March 1 through December 30 and is COVID related. Expenses must be COVID related to apply to these funds. In the event the entity does not use all of the funds allocated to them, it would be available to Fremont County to use if someone has COVID related expenses.

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

2. Resolution #40- Prohibiting the Sale, Use and Possession of Fireworks in the Unincorporated Areas of Fremont County in Accordance with Fremont County Ordinance Number 1, Series of 2012  
Representative: Allen Cooper, Fremont County Sheriff

**Sheriff Cooper** said that due to the extended weather forecast and our current low moisture content level, he is asking the Board to ban the sale, use and possession of fireworks in the unincorporated areas of Fremont County.

**Commissioner McFall** said this is a safety issue. We are currently in a stage 1 ban, close to stage 2. He said that BLM and US Forest Service are already in a stage 1 fire restriction. Chaffee County is in stage 2.

**Commissioner Payne** moved to approve Resolution #40. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

3. Extension of the Fremont County local disaster emergency declaration

**County Attorney Jackson** said that Fremont County is tracking what the State of Colorado is doing as far as timing. The State has extended their timeframe well into July, so Fremont County will be extending the Local Disaster Emergency Declaration to remain eligible for funding and disaster assistance from State and Federal governments. The extension will be until July 29, 2020 at midnight.

**Commissioner Bell** said that masks should be worn when required and possibly if recommended. She said everyone should be practicing social distancing.

**Commissioner McFall** moved to approve Resolution #41. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

4. Reappoint Larry Brown and Dan Brixey to the Fremont County Board of Appeals with terms expiring August 1, 2023

**Commissioner Bell** said that letters were submitted for the extension of these positions.

**Commissioner Payne** moved to reappoint Larry Brown and Dan Brixey. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

5. Appoint a new member to the Penrose Community Library District Board of Trustees for a term ending December 31, 2024

**Commissioner Bell** said they received a letter from Kristy Lindsey, of the Penrose Community Library District, asking the Board to appoint Donna Coppick to replace Sandy Johnston who has since left her position.

**Commissioner McFall** moved to appoint Donna Coppick. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

6. Community Development Block Grant (CDBG) Housing Grant Agreement between the State of Colorado Department of Local Affairs and Fremont County  
Representative: Amanda Allen, Housing Specialist, Upper Arkansas Area Council of Governments

**Amanda Allen** said that they are reapplying for this program. They have participated for over 30 years and are asking for another 3 year grant. She said in the last period they assisted 48 families, 36 of which were located in Fremont County. They are asking the Board to waive or reduce any fees possible.

**Commissioner Bell** said that they will reduce building permit fees by \$100.00 for each unit rehabbed within Fremont County.

**Commissioner McFall** said that this is a pass-thru grant that the COG monitors for affordable housing.

**Commissioner Payne** moved to approve the Community Development Block Grant and reducing the building permit fees by \$100.00. **Commissioner McFall** seconded the motion. Upon Vote: **Commissioner Payne**, aye; **Commissioner McFall**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

### PUBLIC HEARINGS

1. Request: CUP 90-012 Desert Reef:  
Request approval for renewal of CUP 90-012 Desert Reef Beach Club. Current CUP expires October 23rd 2020. The operation is located south of Florence at 1194 C.R. 110.  
Representative: Roselia Conrad

**Roselia Conrad** said that they have been in business for 34 years. Her husband was the owner before passing away and she is now the owner. The permit they have was good for 30 years, which is now expiring. The business is still operating successfully and she is asking for a lifetime renewal and if possible, that it can be transferred in the future.

**Planning and Zoning Director Garrett** said that it would be transferrable in the future. The original permit was issued in 1990 and there have been no complaints since that time. The department does recommend approval for life of use.


**Commissioner Bell** noted that the days and hours of operation are Tuesday through Sunday from 10:00 a.m. to 10:00 p.m., closed on Mondays for pool cleaning and maintenance work.

**Commissioner Bell** opened and closed the public hearing at 10:04 a.m. with no public comments.

**Commissioner Payne** mentioned that there are no contingency items or waiver requests.

**Commissioner McFall** moved to approve CUP 90-012. **Commissioner Payne** seconded the motion. Upon Vote: **Commissioner McFall**, aye; **Commissioner Payne**, aye; **Commissioner Bell**, aye. The motion carried by unanimous consent.

**Commissioner Bell** adjourned the meeting at 10:05 a.m.

  
Clerk to the Board of County Commissioners



**RESOLUTION NO. 37**  
**Series of 2020**

**RESOLUTION FOR SPECIAL REVIEW USE PERMIT**  
**DEPARTMENT OF PLANNING AND ZONING**  
**FILE # SRU 20-002 REYNOLDS ANNEX II**

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

THAT WHEREAS, Roger Reynolds, (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 Multi-Use Building , which application has been designated as file #SRU 20-002 Reynolds Annex II 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 May 5, 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 June 9, 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. 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.
- J. 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.
- K. 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 moved the adoption of the foregoing Resolution, seconded by Commissioner McFall 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: June 23<sup>rd</sup>, 2020

Debra Bell  
 CHAIRMAN, FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST: [Signature]  
 FREMONT COUNTY CLERK AND RECORDER





RESOLUTION NUMBER 38, SERIES OF 2020

**RESOLUTION OF THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS  
AUTHORIZING SUBMITTAL OF A REQUEST FOR A VARIANCE TO THE  
COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR  
LIBRARIES, MUSEUMS, LARGER GATHERINGS AND EVENTS**

**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 28, 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 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 April 22, 2020, Governor Jared Polis announced a state-wide easing of COVID-19 restrictions, beginning Monday, April 27, 2020, (Executive Order D 2020 044), 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**, pursuant to E.O. 2020 044, and Colorado Public Health Order 20-28, any county that desires to apply for a variance from part or all of the executive order may do so after meeting certain criteria and submitting an alternative COVID-19 suppression plan to be approved or denied by the Colorado Department of Public Health and Environment (CDPHE); and

**WHEREAS**, on June 1, 2020, Governor Jared Polis announced another state-wide easing of COVID-19 restrictions, (Executive Order D 2020 091), transitioning from a “safer at home” phase of COVID-19 Response to a “safer at home and in the vast, great outdoors” 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**, the Board of Commissioners, Board of Health and Fremont County Department of Public Health and Environment agree that Fremont County should seek a variance since the community is not experiencing a high rate of transmission and that social distancing policies should be tailored to local conditions, in order to promote community wellness and economic stability; and

WHEREAS, CDPHE has approved a variance for Fremont County for restaurants, outfitters, places of worship, fitness facilities and recreation, set forth in Fremont County Public Health Order 2020-02; and

WHEREAS, CDPHE has approved a variance for Fremont County for wine tasting/sales rooms, bowling alleys, and movie theaters, set forth in Fremont County Public Health Order 2020-04; and

WHEREAS, the Fremont County Department of Public Health and Environment has proposed a CDPHE variance and Fremont County Public Health Order dated June 9, 2020, that addresses local conditions and tailors social distancing policies to address local conditions with respect to libraries, museums, and larger group gatherings/events; and

WHEREAS, the Board of Commissioners believes that the provisions, policies and protocols set forth in the June 9, 2020 "Safer at Home Fremont County" proposed public health order better addresses the needs of Fremont County than the Colorado Orders and that a variance should be requested for approval of the proposed local public health order.

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

Section 1. The Board of County Commissioners for the County of Fremont hereby formally approves and adopts the June 9, 2020, Variance Request for libraries, museums, larger group gatherings and events under the current Safer at Home Fremont County local public health order as an alternative plan in place of the state "Safer-At-Home" order, authorized by Executive Order D 2020-044, subject to the approval of a variance by the Colorado Department of Public Health and Environment.

Section 2. Fremont County Board of Commissioners hereby authorizes the Fremont County Department of Public Health and Environment to submit the alternative plan and public health order to the Colorado Department of Public Health and Environment, requesting a second variance from the state orders presently in effect for COVID-19.

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

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dwayne McFall	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: June 9<sup>th</sup>, 2020



Debbie Bell  
Chair Person

Attest: [Signature]  
Clerk

RESOLUTION NO. 39, SERIES OF 2020

RESOLUTION AMENDING THE MARCH 2019 EDITION OF THE FREMONT COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL, CHAPTER 13, PAY AND COMPENSATION PLAN

WHEREAS, pursuant to C.R.S. 30-2-104 the Board of County Commissioners is authorized to adopt Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners, with consent of all elected officials, adopted the March 2019 Fremont County Personnel Policies and Procedures; and

WHEREAS, the Board of County Commissioners has determined the language in Chapter 13, Pay and Compensation Plan, section 13.03(A) Promotions and section 13.03(C) Change to Lower Grades, Demotions, required revision to establish a countywide system to determine pay setting for these actions; and

WHEREAS, a copy of the amended Chapter 13 is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. Amended Policy 13.03(A) regarding Promotions, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
2. Amended Policy 13.03(C) regarding Change to Lower Grades, Demotions, for the Fremont County Personnel Policies and Procedures Manual, March 2019, is hereby approved and adopted, effective immediately.
2. A copy of this Resolution shall be included as part of the 2019 Manual.
3. An electronic copy of this Resolution with the amended policy will be placed on the Employee Self Service portal.

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

Timothy R. Payne	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Debbie Bell	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent
Dwayne McFall	<input checked="" type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent

Date: June 9<sup>th</sup>, 2020



BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY

ATTEST:

By: Debbie Bell  
Chairman

By: [Signature]  
Clerk to the Board

**CHAPTER 13**  
**PAY AND COMPENSATION PLAN**  
(amended by Resolution # of 2020)

**13.01 General Policy**

Fremont County offers a compensation package which includes pay, benefits and accrued leave to provide its employees with security and opportunities. The County is committed to compensating employees reasonably within economically feasible parameters taking into consideration comparisons of essential job functions throughout the County, qualifications of employees to perform the essential job functions, and comparison among similarly sized Counties' compensation for similar positions.

Typically, new hires will begin employment on the first Monday of a designated pay period. There may be limited exceptions to this based on exceptional needs of a department.

All other payroll actions affecting pay will be effective on the first Monday of the designated pay period. These actions include service adjustments, promotions, demotions, transfers and other actions affecting pay.

**13.02 Compensation Administration**

**A.) Salary Surveys**

Fremont County is committed to reviewing established salary surveys, such as those prepared by Colorado Technical Services, Inc (CTSI) on an annual basis as well as any other method or means determined to be effective in gathering salary information from similar organizations for similar positions. These surveys are obtained and organized in a manner to allow effective review during the classification process, establishment of the annual pay scale and any other appropriate times.

**B.) Pay Scale Structure**

The Board of County Commissioners will review and adopt a pay scale structure annually during the budget process. Efforts will be made to establish a pay scale containing grades for all County positions and step increases across each grade. Employees will progress through the steps of the classified grade of their position annually, if the budget allows and until the highest achievable step of the grade is achieved, at which time the employee will be capped until a county-wide increase is adopted.

**C.) New Hire Pay**

The classified grade of the position will determine placement on the pay scale. Ordinarily, new hire compensation will be set at the entry level of the grade.

If the Elected Official or Department Head has justification, such as advanced knowledge, skills or abilities relative to the position selected, they may request approval from the County Manager to place the employee on a higher step within the grade.

### 13.03 Pay Administration

Pay administration is the process of advancing through the classified grade of the position occupied, such as adjustments based on promotions to higher graded positions; demotions, voluntary or non-voluntary; and other actions affecting the base pay of an employee.

#### A.) Promotions

Promotion is advancement to a higher graded position. Compensation is based on the knowledge, skills and abilities of the selectee. The length of service with the County may be a factor, but not the sole consideration.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed of promotions for employees at least one week prior to the effective date. Promotions are effective the first day of the pay period following selection.

Compensation for these actions are based on the grade of the position. The pay is not necessarily based on the current step the employee occupies, however promotion actions will result in a minimum increase of at least 3% per grade (current grade to grade of new position) unless this places the employee above the current pay scale adopted by the Board of County Commissioners.

#### B.) Career Progression

Career progressions are used for those limited positions throughout the County which are classified as tiered positions, where the employee is hired at a lower grade and progress to higher grades as they increase in experience and knowledge.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed of career progression actions at least two weeks prior to the effective date. Career progressions are effective the first day of the pay period following eligibility.

Compensation for these actions is based on the grade of the position. The pay is not necessarily based on the current step the employee occupies, however will result in an increase of at least 3% unless this places the employee above the current pay scale adopted by the Board of County Commissioners.

#### C.) Change to Lower Grades, Demotions

Employees may voluntarily accept a position classified at a lower grade than their current position, which shall not constitute a demotion under the disciplinary process. Voluntary changes to a lower grade could be through application to a posted vacancy, a written request or due to performance deficiencies.

Employees involuntarily moved to a lower graded position than their current position are

demoted. Demotions are generally a result of conduct issues, or performance issues for which the employee does not accept a voluntary change to lower grade. Both actions will result in a decrease of pay for the employee.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed of both a change to lower grade or demotion at least one week prior to the effective date. Change to lower grades and demotions are effective the first day of the pay period following the action.

Compensation for these actions is based on the grade of the position and shall be determined as follows, not to exceed the maximum step and pay for the grade:

- Voluntary Change to Lower Grade
  - o Employees pay will be determined by reducing their current salary by 3% for each grade (current grade to grade of new position).
  - o Example: Employee is currently a grade 35 and is changing to a grade 33, their salary will reduce 6% and they will be placed in the step meeting or exceeding the result of this calculation in the new grade.
- Demotion as a result of a non-voluntary action
  - o Employees pay will be determined by reducing their current salary by 10% for each grade (current grade to grade of new position).
  - o Example: Employee is currently a grade 35 and is demoted to a grade 33, their salary will reduce 20% and they will be placed in the step meeting or exceeding the result of this calculation in the new grade.

D.) Transfers within the County

Employees who work for the County may apply for any posted position open to all candidates or open to current employees. If they meet the minimum qualifications of the posted position they will be granted an interview but are not guaranteed selection for the position.

Elected Officials, Department Heads or supervisors are ultimately responsible for ensuring the Human Resource Department is informed if a current employee is selected for transfer at least two weeks prior to the effective date. Transfer will normally be effective the first day of the pay period following a two week courtesy notification to their current department.

Compensation for these actions is based on the grade of the position. The pay is not necessarily based on the current step the employee occupies but generally will not result in a decrease of pay unless the position is classified at a lower grade.

E.) Bonuses

The Board of County Commissioners may award a lump sum bonus to an employee upon request or recommendation by an Elected Official or County Manager for one-time special assignments or projects which deserve additional recognition and are not a normal part of the employee's essential job functions, or for a special event or project which far exceeds an employee's essential job functions.

Bonuses will be treated as compensation for W-2 reporting purposes and will be processed

through payroll with all applicable taxes being withheld and reported.

#### **13.04 Classification**

All County positions are classified by the Human Resource Department using a factor evaluation system, a clearly written job description and a review of similar positions with similar essential job functions.

Elected Officials, Department Heads, County Manager and supervisors provide to the Human Resource Department the essential job functions, desired qualifications based on objective factors, applicable knowledge, skills and abilities required to successfully perform the essential job functions and the physical requirements of the position.

The Human Resource Department will assist with writing and editing the job description, verify qualifications and classify the position based on information contained within the job description.

Classification of all positions will be based solely on the job description, the factor evaluation process and not on the individual who occupies or may occupy the position.

Elected Officials, Department Heads, County Manager or supervisors may request a position be reevaluated by contacting the Human Resource Department and providing an updated job description.

Upon classification the job description and evaluation statement will be presented to the County Manager for review and approval. The Board of County Commissioners will review and approve all classifications for newly established positions and reclassified positions resulting in a change in grade.

Reclassified positions which are encumbered and result in a decrease in grade will not result in a loss of pay for the incumbent. When the position becomes vacant, it will be announced and filled at the classified grade.

Reclassified positions which are encumbered and result in an increase in grade will result in the incumbent being promoted to the new grade, typically at the same step.

Market adjustments can be considered for relative and applicable circumstances or for budgetary reasons.

RESOLUTION NO. 40, SERIES OF 2020

A RESOLUTION PROHIBITING THE SALE, USE AND POSSESSION  
OF FIREWORKS IN THE UNINCORPORATED AREAS OF FREMONT COUNTY  
IN ACCORDANCE WITH  
FREMONT COUNTY ORDINANCE NUMBER 1, SERIES OF 2012

**WHEREAS**, on June 26, 2012, Fremont County adopted Ordinance Number 1, Series of 2012 (2012-1), which imposed county-wide fire restrictions in Fremont County; and

**WHEREAS**, Section 6 of the Fire Restrictions Ordinance and Section 30-15-401(1)(n.7) C.R.S., allows for the Board of County Commissioners to prohibit the sale, use and possession of fireworks between May 31 and July 5, provided the Board makes a written express finding that all, or a portion of Fremont County is in a state of high fire danger, based on competent evidence; and

**WHEREAS**, on May 12, 2020, the Board of Commissioners approved Resolution 30, Series of 2020, lifting the suspension of the Fire Restriction Ordinance, thereby imposing fire restrictions throughout the unincorporated areas of Fremont County, which are presently in Stage One; and

**WHEREAS**, Sheriff Allen Cooper has consulted with other entities sharing jurisdiction concerning fires within the county, has assessed the fire danger for Fremont County and has concluded that the sale, use and possession of fireworks should be banned to reduce the threat and risk of wild fires within the County and the Board of Commissioners defers to his determination; and

**WHEREAS**, according to the National Drought Monitor, the intensity of the drought for Fremont County and the State of Colorado is presently in the moderate to severe drought range and is expected to persist or intensify in future months; and

**WHEREAS**, within the past week, the wildfire activity in the Southwest region of the United States and in several locations in Colorado; and

**WHEREAS**, the Bureau of Land Management has reported the status of the Remote Automated Weather Stations (RAWS), which indicates that many fuels tracked in the RAWS in Fremont County are extremely high or high; and

**WHEREAS**, some of the RAWS information for Fremont County indicates:

Red Creek – Gambel Oak: 109, Pinyon: 94, Ponderosa: 91  
Willis Creek – Douglas Fir: 105, White Fir: 108, Ponderosa: 95  
Gibson – White Fir: 110, Ponderosa: 91, Douglas Fir: 86  
Black Mountain: - Gambel Oak: 128, Pinyon: 98; and



WHEREAS, the Bureau of Land Management is currently in Stage 1 fire restrictions in Fremont County; and

WHEREAS, the National Weather Service has placed Fremont County under Red Flag warnings for fire danger frequently over the past several weeks and this level of fire danger is expected to continue for an indefinite period of time; and

WHEREAS, natural fuels contributing to high fire danger are prevalent throughout Fremont County.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR FREMONT COUNTY** that based upon the findings and competent evidence set forth herein, and pursuant to Ordinance Number 2012-1 the SALE, USE and POSSESSION of all fireworks, including those deemed permissible under §12-28-103, C.R.S., in the unincorporated areas of Fremont County, are hereby PROHIBITED and BANNED.

The Board of Commissioners and the Sheriff of Fremont County strongly encourage residents of Fremont County, and visitors to Fremont County, to comply with all terms and conditions of the Fire Restrictions, and to exercise great caution with fires and sources that contribute to the fire danger to keep Fremont County safe from wildfires.

This Resolution shall become effective at 10:00 a.m. on Tuesday, June 23, 2020.

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

Debbie L. Bell	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Dwayne McFall	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<input checked="" type="radio"/> AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: June 23<sup>rd</sup>, 2020 Time: \_\_\_\_\_

Debbie L. Bell  
Chairman

Attest: [Signature]  
Clerk and Recorder



RESOLUTION NO. 41, SERIES OF 2020

AMENDING THE DECLARATION OF  
A LOCAL DISASTER EMERGENCY  
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON JUNE 29, 2020  
AND EXTENDING THE DECLARATION  
TO EXPIRE AT MIDNIGHT ON JULY 29, 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**, 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 May 12, 2020, the Board of County Commissioners adopted Resolution Number 32, Series of 2020, amending Resolution 27, Series of 2020 to open county offices for walk-in public traffic beginning on May 18, 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 June 1, 2020, Governor Jared Polis announced a state-wide easing of COVID-19 restrictions, beginning Monday, June 1, 2020, transitioning from a “stay at home” phase of COVID-19 Response to a “safer at home in the vast, great outdoors” 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 in the Vast, Great Outdoors 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**, 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 May 21, 2020, FCDPHE was granted a variance from the Colorado Department of Public Health and Environment, for a waiver of some of the State Orders imposing stringent stay-at-home requirements; and,

**WHEREAS**, relief from these provisions is allowing 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**, on May 26, 2020, FCDPHE submitted a second variance request to CDPHE to relax the requirements for additional types of businesses; and

**WHEREAS**, on June 4, 2020, FCDPHE was granted a variance from the Colorado Department of Public Health and Environment, for a waiver of some of the State Orders imposing stringent safer-at-home requirements; 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**, 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 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 July 29, 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), extended to May 30, 2020 (Resolution 27, Series of 2020), as amended (Resolution 32, Series of 2020), and further extended to June 29, 2020 (Resolution 35, Series of 2020), referencing the outbreak of COVID-19 and response thereto, is hereby extended to midnight on July 29, 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 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 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.

4. All other measures set forth in Resolution 27, Series of 2020 and Resolution 32, Series of 2020, and Resolution 35, 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. 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 July 29, 2020.

9. 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.

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: June 23<sup>rd</sup>, 2010

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell  
Chairman

By: [Signature]  
Clerk to the Board

