

EIGHTEENTH MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Regular Session on September 22, 2020 615 Macon Avenue, Room LL3, Fremont County Administration Building. Canon City, Colorado. Chairperson Debbie Bell called the meeting to order at 9:30 a.m.

Debbie Bell	Commissioner	Present
Dwayne McFall	Commissioner	Present
Tim Payne	Commissioner	Present
Justin Grantham	Clerk & Recorder	Present
Brenda Jackson	County Attorney	Present
Sunny Bryant	County Manager	Present
Sean Garrett	Planning & Zoning Director	Present

INVOCATION

Invocation: Greg Swearingen, Royal Gorge Vineyard Church, gave the invocation.

PLEDGE OF ALLEGIANCE

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

Commissioner Bell explained, for those watching, that the Commissioners are abiding by the physical distancing and face mask requirements but, that to be able to be heard during the meeting, their face masks are removed.

APPROVAL OF AGENDA

Commissioner McFall said that item #3 on the Consent Agenda will be removed.

Commissioner McFall moved to approve the Agenda removing item #3 from the Consent Agenda to be placed on a future 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 / September 8, 2020
2. Approval of Bills for \$1,337,694.98
3. Hay Crop and Grazing Lease Agreement between the County of Fremont and Jesse Talbert
4. Schedule Public Hearings: None.

Commissioner Payne moved to approve the amended Consent Agenda with the removal of item 3 as explained above. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

has been put out and can be found on the county's website www.fremontco.com. Ms. Bryant went on to say that a Request for Proposals to finish the space on the second floor of the Courthouse has also been put out and those proposals are due September 24, 2020. She also reported that a third round of the Fremont County Restart Business Grant Funding was opening up with a due date of October 15, 2020. Information can be found on our website at www.fremontco.com.

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

County Manager Bryant gave the Sales & Use Tax Report that can be found on the county's website at www.fremontco.com.

Commissioner McFall said that there is an opening on the Tourism Council. He encouraged anyone that is interested in serving on the Tourism Council to send a letter of interest to the Board of County Commissioners. Mr. McFall said that the Sheriff has moved the fire restrictions from Stage 2 to Stage 1.

Commissioner Payne said that he attended an organizational meeting of the Urban Renewal Authority with the Canon City City Council. He said that currently he is appointed as the representative for Special Districts but will be appointed today as the representative for Fremont County.

County Clerk and Recorder Grantham encouraged everyone to make sure all their information on their voter record is up to date and current at www.govotecolorado.gov.

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

George Storey said that heat pumps used for cooling and heating are efficient.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. Presentation of the 2019 Audit Report
Representative: Kyle Logan, Logan and Associates, LLC

Kyle Logan gave an overview of the 2019 Audit Report. The report in its entirety can be found at www.fremontco.com.

Commissioner Bell noted that this one document represents a tremendous amount of work by Logan and Associates, LLC, the County Finance Department, as well as all the Elected Officials and Department Heads that deal with the budget. She said that she hopes this audit gives the citizens of Fremont County comfort in knowing their tax dollars are being managed wisely.

Commissioner Payne asked for clarification on "Capital Assets Not Depreciated".

Kyle Logan explained that land, under the County standards, is considered non-

2. Memorandum of Understanding between the Colorado Department of Agriculture and Fremont County for Hemp Grows
Representative: Sean Garrett, Director of Planning & Zoning

Planning and Zoning Director Garrett explained that this would give his department access to monthly updates from the Colorado Department of Agriculture of locations where there are legal Hemp Grows. He said that this information would be for internal use only and not be made available to the public.

Commissioner McFall said that having access to this information will eliminate the county requiring additional permits for Hemp Grows.

Commissioner Payne moved to approve the Memorandum of Understanding between the Colorado Department of Agriculture and Fremont County for Hemp Grows. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

3. Resolution expanding the grant program with CARES Act Funding to include Fremont County schools and non-profit entities impacted by the COVID-19 Pandemic

County Manager Bryant said that this is expanding the previous resolution to include schools and non-profit entities impacted by the COVID-19 Pandemic.

Commissioner Bell said that the County is pleased to be able to offer grants to these entities after clarification from the Treasury Department that they are indeed eligible.

Commissioner McFall moved to approve Resolution #51 expanding the grant program with CARES Act Funding to include Fremont County schools, religious organizations and non-profit entities impacted by the COVID-19 Pandemic. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

4. Extension of the Fremont County local disaster emergency declaration

County Attorney Jackson gave a brief explanation of the reasons it is necessary to extend the Fremont County local disaster emergency declaration which includes being eligible for emergency funding. She said that the current declaration ends September 27, 2020 so it will be extended until October 26, 2020.

Commissioner Payne moved to approve Resolution #52 extending the Fremont County local disaster emergency declaration until midnight October 26, 2020. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

5. First Amendment to the intergovernmental agreement concerning transferability of water shares for Pathfinder Park

Commissioner Payne explained that this will allow the county's water shares to be used

6. Board appointment to the Cañon City Urban Renewal Authority

Commissioner Bell said that the Commissioners made the determination that whoever is sitting in the seat as District 1 Commissioner would be the best person to represent County interest at the meetings for the Canon City Urban Renewal Authority.

Commissioner McFall moved to appoint the District 1 Fremont County Commissioner to the Canon City Urban Renewal Authority. Commissioner Payne seconded the motion. Upon Vote: Commissioner McFall, aye; Commissioner Payne, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

7. Appoint Marvin Dornhecker to the Fremont County Board of Appeals as an alternate member for a three-year term ending August 1, 2023

Commissioner Bell said that the Board received a letter of interest from Marvin Dornhecker to be a member of the Fremont County Board of Appeals as an alternate member.

Commissioner Payne moved to appoint Marvin Dornhecker to the Fremont County Board of Appeals as an alternate member for a three-year term ending August 1, 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

8. Reappoint Lu Toxvard and James Wick to the Fremont County Airport Advisory Board for three-year terms ending October 1, 2023

Commissioner Bell moved to reappoint Lu Toxvard and James Wick to the Fremont County Airport Advisory Board for three-year terms ending October 1, 2023. Commissioner McFall seconded the motion. Upon Vote: Commissioner Bell, aye; Commissioner McFall, aye; Commissioner Payne, aye. The motion carried by unanimous consent.

Public Hearings Scheduled for 10:00 a.m.

None

Commissioner Bell adjourned the meeting at 10:25a.m.



Clerk to the Board of County Commissioners



RESOLUTION NO. 51, SERIES OF 2020

**A RESOLUTION BY THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS
EXPANDING THE GRANT PROGRAM WITH CARES ACT FUNDING
TO INCLUDE FREMONT COUNTY SCHOOLS, RELIGIOUS ORGANIZATIONS AND
NON-PROFIT ENTITIES IMPACTED BY THE COVID-19 PANDEMIC**

WHEREAS, on March 25, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) as an economic stimulus bill in response to the economic fallout of the COVID-19 pandemic in the United States; and

WHEREAS, President Trump signed the bill into law on March 27, 2020; and

WHEREAS, the CARES Act provides assistance for State, Local and Tribal Governments for providing assistance to governments for necessary expenditures incurred due to the public health emergency with respect to the COVID-19 public health emergency; and

WHEREAS, Fremont County is an eligible recipient of CARES Act funding and has been awarded \$4,103,969.00, which is allocated among the county and incorporated municipalities in Fremont County; and

WHEREAS, the CARES Act funds must be spent in accordance with the CARES Act and federal and state guidance, which includes grants to small businesses to reimburse the costs of business interruption caused by government-mandated closures and other restrictions; and

WHEREAS, Fremont County has recently discovered that CARES Act funding may also be used to reimburse the costs of business and service interruption incurred by schools, religious organizations and non-profit entities; and

WHEREAS, without the participation and cooperation of schools, religious organizations and non-profit entities, the imposition of public health closures, restrictions, and guidelines, the threat to the community from COVID-19 would be significantly greater and the citizens would have far fewer resources and services to assist them; and

WHEREAS, the Board of Commissioners recognizes the financial and personal sacrifices made by schools, religious organizations and non-profit entities and the public at large to comply with public health orders, executive orders, and other requirements to help keep the community safe by controlling the spread of COVID-19; and

WHEREAS, without the sacrifices and business interruptions made by the schools, religious organizations and non-profit entities, Fremont County would lack the resources and funding to take the necessary public safety measures to protect the community as a whole; and

WHEREAS, the Fremont County educational and non-profit communities has been instrumental and vital in a cooperative effort with Fremont County to mitigate against the uncontrolled spread of COVID-19 by complying with public health guidelines and requirements, resulting in unexpected financial losses incurred as a result of governmental mandates.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY AS FOLLOWS:

1. The Grant program for local businesses financially impacted by the public health emergency resulting from the COVID-19 pandemic shall be and hereby is expanded to include grants to Fremont County schools, religious organizations and non-profit entities.
2. Fremont County shall allocate a portion of CARES Act funding to make direct payments to qualifying and eligible schools, religious organizations and non-profit entities, to reimburse the costs of service interruption caused by required closures and other COVID-19 related losses. The grant program shall be the Fremont County Restart Business Grant program and shall be administered in compliance with the appropriate guidance from the U.S. Commerce Department, U.S. Treasury Department, Colorado Department of Local Affairs, and other appropriate and relevant regulating agencies.
3. Information regarding the program, eligibility criteria, application process, and other necessary information shall be posted on the Fremont County Government website at www.fremontco.com.
4. All Fremont County schools, religious organizations and non-profit entities that have suffered economic losses due to the COVID-19 emergency and that meet the eligibility criteria are encouraged and urged to make application for financial assistance.

Commissioner McFall moved the adoption of the foregoing Resolution with a second by Commissioner Payne.

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: September 22nd, 2020

Debbie Bell
Chairman

Attest: [Signature]
Clerk



RESOLUTION NO. 52, SERIES OF 2020

AMENDING THE DECLARATION OF
A LOCAL DISASTER EMERGENCY
PRESENTLY SET TO EXPIRE AT MIDNIGHT ON SEPTEMBER 27, 2020
AND EXTENDING THE DECLARATION
TO EXPIRE AT MIDNIGHT ON OCTOBER 26, 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 25, 2020, for all Coloradans to stay at home and continue to observe social distancing to slow the rate of infection and number of COVID-19 cases; and

WHEREAS, on April 14, 2020, the Board of County Commissioners adopted Resolution Number 26, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on April 30, 2020; and

WHEREAS, on April 26, 2020, the Board of County Commissioners adopted Resolution Number 27, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on May 30, 2020; and

WHEREAS, on May 28, 2020, the Board of County Commissioners adopted Resolution Number 35, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on June 29, 2020; and

WHEREAS, on June 23, 2020, the Board of County Commissioners adopted Resolution Number 41, Series of 2020, extending the Declaration of a Local Disaster Emergency, with amendments, which is due to expire at midnight on July 29, 2020; and

WHEREAS, on July 28, 2020, the Board of County Commissioners adopted Resolution Number 45, Series of 2020, amending and extending the Declaration of a Local Disaster Emergency, which is due to expire at midnight on August 28, 2020; and

WHEREAS, on 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 “safer 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 is seeing additional cases of the virus and its transmission within the community. Developing social distancing policies prior to an extensive outbreak has been a proven means of helping to contain COVID-19 outbreaks; and

WHEREAS, 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, on September 2, 2020, Governor Jared Polis issued Executive Order D 2020-176, extending the Declaration of a Disaster Emergency in the State of Colorado due to the presence of COVID-19 in the state until October 2, 2020; and

WHEREAS, it is very likely that the Declaration of a Disaster Emergency in the State of Colorado will be further extended due to the continued presence of COVID-19 in the State of Colorado; and

WHEREAS, Colorado law provides for declaring a local disaster emergency to assist local governments in responding to and recovering from emergency events, including epidemics and emergency epidemics and pandemics (See C.R.S. 24-33.5-703(3)); and

WHEREAS, the presence of confirmed cases of COVID-19 with a high risk for spread of the virus in Fremont County constitutes a local disaster for purposes of C.R.S. § 24-33.5-709, particularly when the high number of elderly residents and incarcerated persons is taken into consideration, confirmed cases of COVID-19 in Fremont County together with the confirmed presence of COVID-19 in a number of Colorado Counties, including those adjacent to and in close proximity with Fremont County; and

WHEREAS, The Board of County Commissioners of Fremont County, Colorado is authorized to declare a local disaster emergency for incidents occurring within the boundaries and response areas on behalf of municipal corporations, special districts, and other eligible non-governmental organizations; and

WHEREAS, the outbreak of COVID-19 in Colorado continues to constitute a local disaster for purposes of C.R.S. § 24-33.5-709; and

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 October 26, 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), extended to June 29, 2020 (Resolution 35, Series of 2020), extended to July 29, 2020 (Resolution 41, Series of 2020), extended to August 28, 2020 (Resolution 45, Series of 2020), and extended to September 27, 2020 (Resolution 48, Series of 2020), referencing the outbreak of COVID-19 and response thereto, is hereby extended to midnight on October 26, 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, Resolution 35, Series of 2020, Resolution 41, Series of 2020, Resolution 45, Series of 2020, and Resolution 48, Series of 2020, shall continue in full force and effect, including observance of state and local requirements and guidelines for social distancing (6-foot separation distance and thoroughly sanitizing all potentially affected surfaces following appointments and at regular intervals), wearing of masks and other PPE, and such other precautions as are required by FCDPHE, the Board of Commissioners, Colorado Governor Executive Orders, Colorado Public Health Orders and such other requirements and guidelines as may be instituted in the future.

5. Such restrictions shall not apply to the Fremont County Judicial Building, and such authority to close the building or limit public access shall be exercised by the Chief Judge of the 11th Judicial District.

6. Such restriction shall also not apply to the Fremont County Sheriff's Office, except such closure that the Sheriff deems appropriate for the protection of housed prisoners and county staff.
7. **County Public Meetings.** Public meetings shall be open to physical attendance by the public, in accordance with social distancing requirements. Public meetings also shall be available, to the greatest extent possible, for "virtual" public attendance through live streaming on Facebook (if available) and YouTube, televised on Public Access Channel 191 (Spectrum), and radio broadcasting when available. Each of these broadcast means shall be utilized if available and if feasible to use. Other broadcast means may be available as necessary and accessible. Information regarding access to public meetings shall be posted on the County website, and on the outside doors of the Fremont County Administration Building at least 24 hours in advance of any public meeting, or if not feasible, as soon as practical in advance of the meeting.
8. **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 October 26, 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 as of midnight, September 27, 2020.

Commissioner Payne moved adoption of the foregoing Resolution, seconded by
Commissioner McFall 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: September 22nd, 2020

BOARD OF COUNTY COMMISSIONERS
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell
Chairman

By: [Signature]
Clerk to the Board

