

## SPECIAL MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on March 26, 2020 615 Macon Avenue, Room 207, Fremont County Administration Building, Canon City, Colorado. Chair Debbie Bell called the meeting to order at 2:30 p.m.

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

### 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.

### OLD BUSINESS

1. New Liquor License Application  
Rocky Top River Ranch LLC  
Beer and Wine License  
10281 US Hwy 50 Howard, CO 81233

**Commissioner Bell** said no public comments were received following the public hearing on Tuesday, March 24.

**Commissioner Payne** moved to approve the Beer & Wine License for Rocky Top River Ranch LLC. Commissioner McFall seconded the motion. Upon Vote: Commissioner Payne, aye; Commissioner McFall, aye; Commissioner Bell, aye. The motion carried by unanimous consent.

### NEW BUSINESS

1. Extension of Fremont County local disaster emergency declaration

**County Attorney Jackson** explained that this is an extension of the emergency declaration that was initially signed on March 16, 2020 and was ratified and extended on March 19, 2020. The original expiration date was April 5, 2020, midnight. She said that due to the circumstances and following the guidelines of the State of Colorado, the Governor's Office, and CDPHE, it is necessary to extend that date to April 19, 2020, midnight. County buildings with the exception of the Sheriff's Office and judicial building will remain closed to the public, with up to a 50% reduction in staff, reducing some services. She said the reason for such drastic measures, is to hopefully shorten the duration of the emergency disaster.

**Commissioner McFall** moved to approve Resolution #25. 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 2:39 p.m.



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Clerk to the Board of County Commissioners



RESOLUTION NO. 25, SERIES OF 2020

EXTENDING THE DECLARATION OF  
A LOCAL DISASTER EMERGENCY, WITH AMENDMENTS,  
TO EXPIRE AT MIDNIGHT ON APRIL 19, 2020

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

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

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

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

**WHEREAS**, Colorado State Governor Jared Polis has issued the following Executive Orders which apply state-wide and are enforceable as emergency law:

**D 2020-03 3/11/2020**

Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado.

**D 2020-007 3/18/2020**

Ordering Suspension of Normal In-Person Interaction at All Public and Private Elementary and Secondary Schools in the State of Colorado Due to the Presence of COVID-19.

**D 2020-012 3/20/2020**

Order Limiting Evictions, Foreclosures, and Public Utility Disconnections and Expediting Unemployment Insurance Claim Processing to Provide Relief to Coloradans Affected by COVID19.

**D 2020-013 3/22/2020**

Ordering Colorado Employers To Reduce In-Person Workforce by Fifty Percent Due to the Presence of COVID-19 In the State.

**D 2020-017 3/25/2020**

Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State (effective at 6:00 a.m. on March 26, 2020); and

**WHEREAS**, Fremont County Department of Public Health and Environment (“FCDPHE”) has confirmed that Fremont County has a confirmed case of the illness and due to the contagiousness of the illness, Fremont County will 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 recommends that without appropriately responding to the illness, including cancelling and postponing public events, restricting social gathering to 10 people or less, the number of cases within Fremont County will rise, may result in serious illness or death for certain members of the community, and will have the effect of interrupting the functioning of the community, will overwhelm the capacity of the local health care system and the ability to respond to the COVID-19 pandemic; and

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

**WHEREAS**, The potential for an outbreak of COVID-19 in Fremont County constitutes a local disaster for purposes of C.R.S. § 24-33.5-709, particularly when the high number of elderly residents and incarcerated persons is taken into consideration, one confirmed case 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**, On March 19, 2020, the Board of Commissioners approved Resolution 22, Series of 2020, which extended the Declaration of a Local Disaster Emergency through midnight on April 5, 2020; and

**WHEREAS**, Public health and other medical experts have estimated that the number of cases of COVID-19 will continue to rise for the next several weeks and continued vigilance through closures and social distancing is necessary to slow the spread of the virus; and

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

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

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

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

**WHEREAS**, Fremont County’s response to the outbreak continues to be of a cost and magnitude far in excess of the County’s available resources, including financial resources; and

**WHEREAS**, **In light of the ongoing risk to public health and safety, at this time the Board desires to continue the initial declaration to April 19, 2020, as well as further clarify the effect of the declaration on county operations.**

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

**1. Extension of Declaration.** The declaration of local disaster emergency dated March 19, 2020, (Resolution 22, Series of 2020) referencing the outbreak of COVID-19, is hereby extended to midnight on April 19, 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. The County buildings shall be closed with the public allowed to conduct business through telephone, online services, e-mail, other electronic means, or by physically dropping off documents necessary for the conduct of business.

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

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 11<sup>th</sup> 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. To the greatest extent possible, county offices are ordered to reduce staffing to at least 50% by requiring staff to stay at home unless absolutely essential to delivery of basic, necessary county services.

4. County Public Meetings. Notice of cancellation of any public meetings shall be posted in the official posting places for Fremont County (website, outdoor and indoor bulletin boards). Meetings that are held shall be available for “virtual” public attendance and participation through live streaming on Facebook (if available), televised on Public Access Channel 191 (Spectrum), radio broadcasting and telephone conferencing. 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 April 19, 2020.

6. Ratification. The Board hereby ratifies all other actions reasonably necessary to cope with the emergency taken by individual commissioners, department heads, and emergency management personnel since the initial declaration of local disaster emergency.

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

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

9. Distribution. Copies of this declaration shall be given prompt and general publicity through all local media sources, on the County website and Facebook page, and also shall be filed promptly with the County Clerk and Recorder, the Office of Emergency Management, and the Colorado Division of Homeland Security and Emergency Management, Colorado Department of Public Health and Environment and other such agencies and entities as designated by the Board of Commissioners or as deemed necessary for the health, safety and welfare of .

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: 3/26/2020



BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: Debbie Bell  
Chairman

By: Wardunio Chief Deputy  
Clerk to the Board