PARK COUNTY BOARD OF COMMISSIONERS
WORK SESSION
VIRTUAL MEETING
WEDNESDAY, AUGUST 5, 2020
9:30 AM ADMINISTRATIVE SESSION

Video
To join the meeting, click on the link below or copy and paste into your preferred web browser: https://zoom.us/j/632627219?
pwd=Q2gvUVEwd0JuQ0R3TE9qWE9LTk9kQT09

Audio
Upon joining the meeting, you will have the option to use either your computer mic and speakers for audio interaction, or participate by phone. If you are not using your computer speakers and mic to interact in the meeting, you may use the dial- option below:

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Meeting ID: 632 627 219
Password: 04408
* At the start of the meeting enter your name when prompted *

9:30 AM ADMINISTRATIVE SESSION (OPEN)

. DISCUSSION RELATED TO A PROPOSED AMENDMENT TO THE COUNTY PUBLIC HEALTH ORDER 20-04

Documents:

08-05-20 PHO 20-05.pdf

. DISCUSSION RELATED TO A PROPOSED BALLOT QUESTION FOR COUNTY REVENUE STABILIZATION

Documents:

PARK COUNTY BALLOT QUESTION (v2 w CEN edits).pdf

. DISCUSSION RELATED TO 2020 APPOINTMENT RECOMMENDATION BOARDS OF ADJUSTMENT AND APPEALS

Documents:

2020 boas appointments.pdf

The purpose of a work session is to provide for a free and open dialogue. Discussions are not limited to those items being on the agenda. NOTE: This WORK SESSION agenda may be modified with items either being added or deleted. Please check Website "parkco.us" for most
updated agendas. If you need further information, please contact the BOCC (Board of County Commissioners) office at 719-836-4201.
RESCINDING PARK COUNTY BOARD OF HEALTH ORDER NO. 20-04
ISSUING PARK COUNTY BOARD OF HEALTH ORDER 20-05 INCORPORATING
SAFER-AT-HOME ORDERS 2020-0044, 2020-091, 2020-123, 2020-142 and 2020-144 AND
NINTH AMENDED COLORADO PUBLIC HEALTH ORDER 20-28

RECITALS

1. Park County Resolution No. 2009-09, established the Park County Public Health Agency pursuant to Section 25-1-506, C.R.S., designating the Board of County Commissioners of Park County as the Park County Board of Health ("Board of Health").

2. On March 10, 2020, the Governor of Colorado declared a state of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread throughout the State of Colorado, and community transmission of the illness has been confirmed in Park County.

3. On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

4. On March 19, 2020, Colorado Public Health Order 20-22 announced the closing of all bars, restaurants, theaters, gymnasiums, casinos, nonessential personal services facilities, and horse track and off-track betting facilities statewide.


6. On March 25, 2020, the Governor of Colorado issued Executive Order 2020-017 ordering all Coloradans to stay at home.

7. On April 6, 2020, the Governor of Colorado amended and extended Executive Order 2020-017 pursuant to Executive Order 2020-024.

8. On April 26, 2020, the Governor of Colorado rescinded Executive Order 2020-24 and issued Executive Order 2020-044, ordering all Coloradans to abide by Safer-at-Home restrictions.


10. On June 1, 2020, the Governor of Colorado issued Executive Order 2020-091, “Safer at Home and in the Vast, Great Outdoors.” Executive Order 2020-091 directed the Executive Director of CDPHE to issue a new or amended PHO consistent with Executive Order 2020-091. Executive Order 2020-091 was amended and extended by Executive Orders 2020-123, 2020-142 and 2020-144.

12. Executive Orders 2020-044 and 2020-091 expressly allow a local public health authority to issue an order more protective of public health than Executive Order 2020-044. To the extent provisions in a local public health order are more protective of public health than the amended Executive Order 2020-044 or amended Colorado Public Health Order 20-28, or any Colorado Public Health Order issued pursuant to the amended Executive Order 2020-044, such provisions in the local public health order shall remain in full force and effect.

13. The age, condition, and health of a significant portion of the population in Park County places it at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk. A large surge in the number of persons with serious infections can compromise the ability of the healthcare system, particularly in the high-country counties currently affected by community transmission, to deliver necessary healthcare to the public.

14. This Order is adopted pursuant to the legal authority set forth in Sections 25-1-506 and 25-1-508, C.R.S. Under these laws, the Park County Board of Health (the “Board”) has the power to develop and promote public policies needed to secure the conditions necessary for a healthy community and the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and 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 Board as the Board may find necessary for the protection of the public health.

15. Park County is a large County, covering 2,166 square miles. Park County has a limited number of emergency medical service providers, fire protection service providers and Sheriff’s Office personnel (collectively referred to herein as “public safety responders” or “emergency service providers”). Due to its vast geographic area and high altitudes, emergency service providers must travel substantial distances to remote locations. Distances, weather, remoteness, adverse road conditions and its small number of public safety responders, cause Park County’s human emergency response resources to be extremely limited even under ordinary circumstances.

16. In the event of a pandemic, a fire or other natural disaster, Park County’s emergency response resources are significantly taxed. Nonetheless, in such circumstances individuals in Park County, whether full time residents, part-time residents, or visitors, will call on emergency service providers in order to protect themselves, their families and their property.

17. Any circumstance that would reduce the already limited number of Park County public safety responders poses a significant health and safety risk to all Park County residents and visitors to Park County and threatens the health, safety and well-being of the residents of and visitors to Park County and those of/to neighboring Counties.
18. Public safety responders’ exposure to COVID-19-positive individuals, if the public safety responders are unprotected, will necessarily reduce the number of public safety responders. This is because when exposed, in order to contain the spread of the disease, they must be quarantined until a full incubation from possible exposure has elapsed (14 days since last known exposure) and it is determined that the first responder is not potentially infectious. If infected, the first responder could be out of service for longer than 14 days.

19. Moreover, Park County has no medical facilities except for one small clinic. All severe COVID-19 cases would need to be transported out of County and for long distances. Where helicopter transport is not available or safe, such transports would have to be done by Park County emergency service providers, which would reduce the number of public safety responders.

20. The Park County’s public safety responders do not have the capacity and resources to adequately control, manage, police, and ensure the safety of these visitors and their impacts on Park County and its residents, including preventing visitors from gathering, disregarding social. Nor do Park County public safety responders have the capacity to provide services to persons needing assistance on recreation lands, or to do so safely without putting the personnel at risk to the virus.

21. The Board nonetheless recognizes that where a COVID-19 suppression plan approved by the Public Health Director exists and where Park County is capable of meeting the requirements for a local variance from part or all of the Governor’s Executive Orders and Public Health Order 20-28, as amended, it is appropriate to apply to the Colorado Department of Health and Environment for a variance. In the event approval is granted, then businesses and/or activities are subject to compliance with the Park County COVID-19 suppression plan.

22. On May 28, 2020, Park County applied to the Colorado Department of Public Health and Environment for a local variance and requested relief from certain provisions of the Safer at Home Executive Order D 2020 044 and PHO 20-28, as amended.

23. On June 7, 2020, Park County’s variance request was approved with amendments in regard to community centers.

24. On June 18, 2020, Park County applied to the Colorado Department of Public Health and Environment for a second local variance and requested relief from certain provisions of the Safer at Home Executive Order D 2020 091 and PHO 20-28, as amended.

25. On July 1, 2020, Park County’s second variance request was approved.

26. To the extent any ambiguity exists between this Order and any statement made by Park County or others regarding the interpretation or effect of this Order, the express terms of this Order and the interpretation of the Public Health Director shall control.

26. For the avoidance of doubt, this Order controls over any executive order issued by
the Governor of Colorado to the extent more restrictive than the executive orders thus far issued by the Governor of Colorado and the Colorado Department of Public Health and Environment.

ORDER

1. **Effective Area.** This Public Health Order No. 20-05 (“Order”) shall apply to all unincorporated areas of Park County, Colorado (including State and Federal public lands) and all incorporated (municipal) areas that do not have their own public health agency, to wit: Town of Alma and Town of Fairplay.

2. **Effective Date and Time, Limitations.** This Order is in effect until September 6, 2020.

3. **Safer at Home and in the Vast, Great Outdoors Order Enforcement.** The Ninth Amended Colorado Public Health Order 20-28 is hereby incorporated herein and subject to the enforcement under Section 25-1-509, Colorado Revised Statutes, and the penalties stated herein.

4. **Variance Request and Approval.** The June 7, 2020 and July 1, 2020 Decisions of the Colorado Department of Public Health and Environment regarding Park County’s variance requests, as well as any future Decision of the Colorado Department of Health are hereby incorporated herein and subject to the enforcement under Section 25-1-509, Colorado Revised Statutes, and the penalties stated herein. All park County businesses and/or activities are subject to compliance with the Park County COVID-19 suppression plans.

5. **Purpose.** This Order is being issued to contain the spread of COVID-19 and limit the risks of dangerous health conditions from it, including without limitation containing the spread of the COVID-19 virus and preventing its further spread in Park County and protecting the health, safety and welfare of Park County residents, Park County public safety responders, and the public generally.

6. **Legal Authority.** This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, Colorado Revised Statutes as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Board has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and 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 public health. Immediate issuance of this Order is deemed reasonable and necessary under the existing circumstances and necessary for the preservation of the public health, safety and welfare of Park County, its citizens and the general public.

7. **Most Restrictive Standards Control.** To the extent any State of Colorado and/or Federal orders or laws are more restrictive than what is set forth herein, such orders and laws control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (“CDPHE”) have been and continue to be issued

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20-05 Board of Health Public Health Order
on matters related to the COVID-19 pandemic. All members of the public are responsible for following the Governor’s and CDPHE’s orders and local orders including this Order. Additionally, the Board may legally require and implement more restrictive standards, requirements, and orders for Park County than what the State of Colorado or the Federal government may require. To the extent this Order is more restrictive than orders from the State of Colorado or Federal government, this Order controls.

8. **Definitions:**

For purposes of this Order:

“Safer at Home and in the Vast, Great Outdoors” means Coloradans should stay at home or in the great outdoors away from others as much as possible and continue to limit social interactions from others not in their own household(s).

9. **General Information for all Persons.** The Board of Health strongly recommends that everyone within Park County comply with the Governor’s Safer-at-Home and in the Vast, Great Outdoors Order and Amended Public Health Order 20-28, as amended.

Residents of Park County are strongly encouraged to use recreation lands in a manner that does not expose them to the risk of requiring assistance from public safety personnel, who may not respond to calls for assistance at all or in a timely fashion.

Residents of Park County who are at heightened risk from COVID-19 are strongly encouraged to stay at home.

These actions are some of the most available and effective tools to help slow the spread of the virus in our community - and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the spread, we have a chance to protect our family, friends, and neighbors who are at risk for severe illness. In particular, this includes all adults over age 60 and anyone with an underlying health condition.

These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and actions will help public safety responders and other public safety and health care services continue to provide services for those who need them in the coming weeks and months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread the greater the benefit for the whole community.

10. **Penalties.** Failure to comply with this Order is subject to the fines contained in Sections 25-1-516 and 18-1.3-501, Colorado Revised Statutes, including a fine of up to five thousand ($5,000).

ADOPTED this _______day of August, 2020, at a meeting of the Park County Board of Health.
Richard Elsner, Chairman

Mike Brazell, Commissioner

Ray Douglas, Commissioner

Received and Approved:

Lynn Ramey
Public Health Director

Tom McGraw, Sheriff

ATTEST:

Debra Green
Park County Clerk and Recorder

Date

Date

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20-05 Board of Health Public Health Order
BALLOT QUESTION

WITHOUT RAISING TAXES, SHALL PARK COUNTY BE AUTHORIZED TO ADJUST ITS MILL LEVY ANNUALLY FOR THE PURPOSE OF MAINTAINING REVENUES THAT WOULD BE LOST DUE TO STATEWIDE PROPERTY TAX ASSESSMENT RATE REDUCTIONS, SO THAT TO THE EXTENT POSSIBLE THE REVENUES GENERATED EQUAL THE TAX REVENUES GENERATED IN THE FULL CALENDAR YEAR PRIOR TO THE YEAR THAT THE CHANGE IN THE METHOD OF CALCULATING ASSESSED VALUATION TOOK PLACE, PLUS THE RATE OF INFLATION AND THE PERCENTAGE GROWTH IN THE POPULATION OF PARK COUNTY IN THE PRIOR CALENDAR YEAR, AS DEFINED IN THE TAXPAYER’S BILL OF RIGHTS, ARTICLE X, SECTION 20, PARAGRAPH 7(C) OF THE COLORADO CONSTITUTION?
SUBJECT: 2020 Appointment Recommendation
Boards of Adjustment and Appeals

DATE: July 30, 2020

TO: Board of County Commissioners (BOCC)
    Tom Eisenman, County Manager

FROM: Sheila Cross, Director of Development Services

EXPLANATION AND SUMMARY:

The Board of Adjustments primarily hears setback variance cases. The land use regulations describe the Board as having five regular members plus alternate members. There are currently no appointed alternates. I recently received a letter of interest from a resident. It is provided as Attachment 1. I recommend that the BOCC appoint Garrison Genschorck as an alternate member of the Board of Adjustments.

The Board of Appeals is prescribed by the Building Code. Its purpose is to hear appeals of the Building Officials application or interpretation of Code. Its by-laws prescribe 4 members. In preparation for a 2017 appeal, the BOCC appointed 3 members, as only 3 letters of interest were received. Since then one member has moved from the County. I recently received 2 statements of interest from qualified residents. They are provided as Attachment 2. I recommend that the BOCC appoint Garrison Genschorck and Lance Rosetto to the Board of Adjustments so that any appeal received can be heard.

REQUESTED ACTION:

Staff requests that the Board of County Commissioners make the following appointments:

- Garrison Genschorck as an alternate member of the Board of Adjustments,
- Garrison Genschorck as a member of the Board of Appeals, and
- Lance Rosetto as a member of the Board of Appeals.
Mrs. Cross,
I would like to express my interest in being a member of the Board of Adjustments for Park County. I feel that my extensive background knowledge in the building field makes me an excellent candidate for this position. I have been a builder and maintained the same license number in Park County for the past 21 years and in the construction field for the past 33 years. In 2000 I helped establish the Mountain Building Industries Association (MBIA) and helped work on the Land Use Regulations. I have created a PUD and in so doing, had to nearly double the size of Bailey water and sanitation storage capability. This development included 16 condos and 10 homes. I have also rezoned properties, requested a variance, and completed numerous homes and commercial projects throughout Park County. I have been licensed and worked in Park, Summit, Jefferson, and Grand Counties, as well as the City and County of Denver and the City of Golden. I have an extensive knowledge of the building codes as well as an excellent working relationship with the building department. I would appreciate your consideration.
Sincerely,
Garrison Genschorck
Mrs. Cross,
I would like to express my interest in being a member of the Board of Appeals for Park County. I feel that my extensive background knowledge in the building field makes me an excellent candidate for this position. I would appreciate your consideration.
Sincerely,
Garrison Genschorck
Dear Sheila Cross,

I would like to confirm my interest in participating on the Board of Appeals. I, Lance Rossetto, have been a licensed contractor, both residential, and commercial for approximately 20 years in Park County, less on the commercial side. I am currently an active licensed general contractor in Park, and Jefferson Counties, and have a personal commitment to providing safe, quality built homes built with in County, State and National guidelines and have a deep respect for the building codes. It would be an honor to help serve on the Board of Appeals, Thank you for your consideration.

Sincerely,
Lance Rossetto, president
Rosetto Custom Homes, Inc.
303-816-6245 o
303-594-5220 c
rchomes@earthlink.net