



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, APRIL 19, 2021

LAND USE HEARING

The Board did not hold a Land Use Hearing on April 19, 2021.

TUESDAY, APRIL 20, 2021

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided. Commissioner Shadduck-McNally and Commissioner Stephens were present. Also present were: Alisha Jeffers, Commissioners' Office, and Eliza Brock, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

1. **PUBLIC COMMENT:** Ed Behan from the public addressed the Board in person. Ken Ferrier and Diana Majors addressed the Board via email regarding the Satanka Cove Restrictions and vaccines requirements to reopen businesses, respectively.

2. **APPROVAL OF THE MINUTES FOR THE WEEK OF APRIL 12, 2021.**

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of April 12, 2021.

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF APRIL 26, 2021:** Ms. Jeffers reviewed the upcoming schedule with the Board.

4. **CONSENT AGENDA:**

AGREEMENTS:

1. INTERGOVERNMENTAL AGREEMENT REGARDING REHABILITATION WORK FOR THE CAMERON PEAK FIRE

2. PROJECT NO. 5032 – SKY VIEW CAMPGROUND (BID NO. B21-04)

3. PROFESSIONAL SERVICES AGREEMENT (P21-04, GEOTECHNICAL CONSULTING & MATERIAL TESTING SERVICES)

4. CO-RESPONDER LARIMER COUNTY AMENDMENT

5. CO-RESPONDER OFFICE OF BEHAVIORAL HEALTH AMENDMENT

6. COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN AND FINANCIAL PLAN

LIQUOR LICENSES: The following liquor licenses were approved/issued: Glen Echo Liquor-Retail Liquor Store -Bellvue, Glen Echo Resort –Hotel & Restaurant -Bellvue, Beaver Meadows Enterprises –Hotel & Restaurant -Red Feather Lakes, Sandy's Convenience Store- Fermented Malt Beverage Off Premise- Fort Collins.

MISCELLANEOUS

1. GUIDING PRINCIPLES CASH BONUS REQUEST

2. MEMORANDUM REQUESTING CHANGES TO POSITIONS AND NEW POSITIONS

3. DEPARTMENT OF HUMAN SERVICES PAYMENTS FOR FEBRUARY 2021

4. CORRECTED STIPULATION AS TO TAX YEAR 2019 VALUE

RESOLUTIONS

1. RESOLUTION EXTENDING MORATORIUM ON 1041 APPLICATIONS

2. RESOLUTION EXTENDING MORATORIUM ON OIL AND GAS APPLICATIONS

Manager Hoffman clarified that miscellaneous item 3 would be for regular positions rather than permanent.

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda.

Motion carried 3-0.

5. COMMISSIONERS GUESTS: Natasha Lloyd; Rekaivery co-founder. The organization provides equitable, sustainable opportunities for community members to access, sell and purchase locally sourced food. In a survey of the community, they found that 90% of respondents are unable to attend one or more farmer's markets per month and 85% said they would purchase local food regularly if it was more convenient for them. 80% of farmers are looking for more convenient sales opportunities. Only 1% of Larimer County agriculture products stay within the county. Rekaivery will provide convenient access to local products for consumers. They plan to sell on consignment with local growers reserving shelf space through an online app.

Rekaivery's shelves are stocked through collecting items from vendors at local farmers markets. Items are available to shoppers, including Women, Infants and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP) participants, in a grocery-like manner. Restocking services will be available mid-week for farmers if stock is running low. Items nearing end-of-life are offered to members in discounted boxes or donated and then farmers are paid.

They will be located within a one-and-a-half-mile radius of operating farmers' markets that are close to the public transportation and close to current supermarkets. Rekaivery supports 29 local suppliers per week with 10,800 transactions per year. They expect to impact the community with a 98% decrease in average food miles, \$10,000 to WIC & SNAP communities, \$346,000 returned to growers annually with a 300% increase over a retail option.

The challenges they are facing include permits as the city sees them as a stationary outdoor vendor while the county sees them as permanent. They will need to raise \$100,000 to pilot the program and will be launching their kick-starter campaign next week.

Chair Kefalas further clarified that the item in the consent agenda regarding the department of Human Services positions are being changed from limited-term employment but also are creating new positions that are longer-term positions.

6. CONSTRUCT COURTROOM AT THE JUSTICE CENTER FOR NEW 8TH JUDICIAL DISTRICT MAGISTRATE: Linda Hoffmann, County Manager. The state pays for judges and courtroom operations, but the county is responsible for providing facility space. As the community has grown and the caseload in the building has increased, the county need to provide an additional courtroom. The county was turned down by the voters previously to expand the building. Larimer county has a bond aid to provide an additional courtroom. Manager Hoffmann introduced Ken Cooper, Facilities Director

Mr. Cooper addressed the Board to explain this limited construction project is needed to provide one additional courtroom on the 1st floor of the Justice Center and will solve the short-term need for the 8th Judicial District at a total project cost expected to be less than \$1 million.

Mr. Cooper explained they are moving to meet the need as quickly as they can. They will be using the same construction teams including the Architect Studio and Hazelwood Construction that are familiar with the workings of the court. They have currently moved probation out of the building due to space and are repositioning staff on the first floor in the justice center. He anticipates the project being wrapped up early in the fourth quarter. Towards the end of 2020 the Board of County Commissioners set money aside for potential issues for facilities and this was one of those projects. There are dollars in the 2020 budget were set aside for this project.

There was a discussion with the Board on accommodations for the new magistrate in the meantime as the project is not set to complete until October. They are appreciative of the work done to make the project happen without permanently displacing staff in that building with minimal disruptions.

Susan Blanco, Chief Judge for Jackson, and Larimer Counties addressed the Board stating they are four and a half Judicial officers behind and extremely understaffed. For us to meet the demands of the population boom they have outgrown their space. It is more complicated than it appears as there are safety concerns. New construction will allow for a safer space, so members of the public are not being escorted to the back of the building where clerks and magistrates are located. This does not meet safety standards.

They were supposed to have their new magistrate prior to the COVID-19 pandemic. This project will allow the new magistrate to run a full-time docket without having to look for space. From now until October 2021 they will figure out how to allow accessibility for this individual with an option of working remotely for a time. They anticipate going back to full service in May.

There was a discussion with the Board about the remote option inhibiting the fairness of the proceeding. Judge Blanco explained that in some ways it makes the proceedings more accessible. Concerns with remote proceedings include the humanity of standing next to someone who is getting ready to go to jail and making sure that they are catching peoples voices. They are learning to take the good parts of a remote world and still preserve the integrity of the court. Currently the remote option gives them some wiggle room to use during the next few months.

There was a discussion with the Board on how long this short-term solution will work and if this will integrate with any new expansion of the courts. The drawing comes in support of the state court administrator's office. The new room is very narrow but does provide dedicated space, which is the priority, so the community has access to justice. It will not have room for a jury as this magistrate will not hear cases with a jury.

The Board had questions on the court being four and a half judicial officers behind. The state determines this each year as the budget is examined. At that time, they find out where Larimer County fits. This band aide will get them by and provide community with better access however, at some point they will need to come up with better and more permanent solution.

Mr. Cooper addressed the Board stating that this is the last option that will keep everyone in the building and add a courtroom. The next steps would be options of displacing staff in the building. The facilitates Master Plan allowed for consideration on budling what they needed for immediate needs but would provide a shell for upcoming needs. We need to find the resources to provide a more permanent solution.

Manager Hoffman addressed the Board explaining that the county could provide more smaller spaces but that becomes a larger problem for the court. The only other staff that could be displaced in the building would be the district attorney. Relocating the district attorney, it is an expensive alternative as they must be in downtown space. Making the space at the current building is not an option as they do not have the land space and the project would have a price tag of \$120 million dollars. They keep applying the band aide as the alternatives are expensive and very daunting. At the time of approval of the 2021 budget, the county did not know if the new magistrate would be allocated or not. The set-

aside money is in reserves and would have to be pulled to make the 2021 budget larger. This money is not in the 2020 budget.

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the use of up to \$1 million dollars in general fund future projects reserves set aside for 2021 to construct a new courtroom at the justice center.

Motion carried 3-0.

7. COVID-19 UPDATE AND DECISIONS: Linda Hoffmann, County Manager. Manager Hoffmann introduced Shayle Sabo, Pandemic Recovery Manager and Tom Gonzales, Public Health Director.

Mr. Gonzales updated the Board on issues related to COVID-19 recovery. Governor Polis devolved the COVID dial on Friday, April 16, 2021. The Larimer County dial was created at that time. It has relaxed much of the restrictions and businesses moved to level blue. Restaurants and retail establishments should keep people six feet apart and wear face coverings. Statewide face covering order is extended through early May and the county order is extended through the middle of May. Children 11 and older should wear face coverings indoors. It is recommended outdoors as well, but not required.

The fourth wave is starting to come down. We went from 207 per 100,000 down to 172 per 100,000 positive cases in one week. The percent positivity dropped from above 7 to 6.2. We would love to see that percent below 5.

Colorado State University switched to remote learning after spring break and 18 to 24-year-old case rate has dropped dramatically. Mr. Gonzales encouraged the public to follow quarantine orders and keep children home if they are showing symptoms of illness. You can still have the virus with a vaccine however, symptom will be significantly less.

We now have over 80% of those over 70 vaccinated and last week the county providers (19) administered 31,500 shots which is a county record. As a county we have administered 250,196 doses with 158,332 individuals currently with one dose of the vaccine and 103,165 being fully vaccinated. The vaccine is much more accessible, and people should get online to register. The county is doing clinics every day in the community and their clinic at Aztlan Center is reporting 20% of their participants are from the black, indigenous and people of color (BIPOC) community. The state health bus visited Wellington last week and will be traveling to Berthoud in the next couple of weeks. The number of individuals who have been vaccinated in the non-white community is going up, but we will continue to work on strategies for the Latinx population. Currently as a county we are 53% vaccinated and the goal is to be 65% vaccinated. Once we get to that percentage, we will see the percent positivity and hospitalizations decline dramatically.

Kori Wilford addressed the board to explain the DriveTo65.org campaign that is trying to rally the community around getting vaccinated. The Keep NoCo Open and Clay Pot Creative teams have worked on the campaign so they can get more folks vaccinated. Individuals can register through the

website www.larimer.org/covidvaccine. They can also reach out with questions to 970-498-5500 or email publichealth@larimer.org.

The Centers for Disease Control and Prevention put a pause on the Johnson & Johnson vaccine. The advisory committee at the CDC is reviewing the data right now on the rare and severe type of blood clot. Larimer County's allocation of the J & J vaccine is very small and has not greatly impacted our supply. If folks have a reaction to the vaccine, they should reach out to the vaccine adverse reporting system at vaers.hhs.gov or by calling 800-822-7967.

There was a discussion with the Board on Sheriff Smith's statement that the one-shot J & J vaccine is useful in the shared congregate settings such as the detention center. Also, the sites listed in the slide are only the county-run sites. The Federal Emergency Management Association site is still operating at the Ranch and are working on ratcheting up the capacity, but they are not there yet. They are currently vaccinating 1,500 to 2,000 a day.

The Board had questions regarding isolated adults and what kind of strategies we are looking into so we can reach that population. The State Health Department is going to be supplying the vaccine to clinics and providers soon so they can offer them at regular appointments. It was suggested to communicate to programs like Meals on Wheels or those going to these older adult's homes. Mr. Gonzales stated they will investigate that option and are currently having hospitals that have patients on record send out emails to that population.

The Board had questions on how they will be addressing the issue of hesitancy in getting the vaccine. The state is putting \$8 million dollars into mass advertising efforts in various media platforms including radio, internet, and television. Local efforts with our new Health Equity Coordinator and Specialists are also underway.

Kori Wilford, Larimer County Health Department Public Information Officer, addressed the Board. They have shifted their messaging to encouraging the folks that are on the fence to not to delay which is part of the Drive to 65 Campaign. They have hired more outreach specialists and are going to some neighborhoods on foot for direct outreach. Also, in the forums and presentations they provide to the community they are signing individuals up.

Manager Hoffman introduced Shayle Sabo, Pandemic Recovery Manager for the Larimer Collaborative. Ms. Sabo updated the Board that her team sent them the recovery plan and implementation document they have been working on. She clarified these are the same being the base plan and the document outlining out it will be implemented. They have the framework outlined but are not truly in the recovery stage yet. The plan has been left vague in some places so they can keep it flexible as they get more community feedback and receive information on other funding sources. Community outreach for the plan is being sent out for broader community engagement. This plan is unique as it is a long-term, resilience-building strategy.

Ms. Sabo explained they are developing a leadership group to maintain a collaborative structure and want to make sure they do not lose out on available funds. They are pulling the top two or three implementation strategies in each area of focus and will look for direction from the Board on that topic. She is splitting the government education and policy focus duties with Ricardo Perez, COVID-19 Community Coordinator. He will work with school districts and higher education. He has met

with the managers to find out what is most needed and put together an initial three-month plan. Messaging has been about response and now we need to focus on what resources community needs. Ms. Sabo's focus will be on wildfire impacted areas.

Now that the COVID-19 dial is decreasing they are also keeping tabs on how we can support our business community by sharing local orders and requirements. They have had conversations on the Level Up program evolving into the future. This has provided opportunities for better public and private collaboration.

There was a discussion with the Board on staying updated on the Thompson School District and Estes Park schools and the outreach and business that may be participating in the Level Up program along the eastern side of the county. There was a question on conflicts from other counties resident's visiting our businesses and making sure they are following our guidelines. The Keep NoCo Open communications group are tied into those efforts and from a compliance standpoint. Ms. Sabo will pass onto the team the concerns to see if we can do a different type of campaign and messaging for the businesses boarding the counties.

There was a discussion with the Board on the decision regarding options presented on the equity advisory approach. They have not had a chance to dive into that conversation with that group. During the following week they will dive into this conversation at their meeting.

Manager Hoffman thanked Ms. Sabo and her team for their work. They have been well organized from the beginning and are attracting new players to the conversation. Plans are robust and we are a welcoming environment to all voices.

Chair Kefalas also commented that there are great partnerships established in the public and private sectors that they can use moving forward.

8. COUNTY MANAGER UPDATE: Manager Hoffmann updated the Board on this week's coordination meetings and upcoming projects and activities.

There was a discussion with the Board on the Wildfire newsletter and providing better access to this publication on the Facebook page. Also, the housing needs assessment will be extended into June for community and objective team input.

9. COMMISSIONER ACTIVITY REPORTS: The Board detailed their attendance at events during the previous week.

10. LEGAL MATTERS: David Ayraud, County Attorney, stated that the matter is dealing with a new lawsuit filed against members of the sheriff's office regarding an inmate at the jail. The session will be a rundown of the facts to defend the county and the employees but not of the medical providers.

DECISION EXPECTED

Executive Session pursuant to C.R.S. 24-6-402(4)(b): conference with attorneys for legal advice regarding court case: City of Thornton v. Board of County Commissioners of Larimer County,

19CV30339.

MOTION

Commissioner Stephens moved that the Board of County Commissioners enter into executive session pursuant to C.R.S. 24-6-402(4)(b): for the purpose of receiving legal advice on specific legal questions regarding Dustin Napier v. Board of County Commissioners, Sheriff Justin Smith, Captain Timothy Palmer, Armor Correctional Health Services, Inc., et al.

Motion carried 3-0

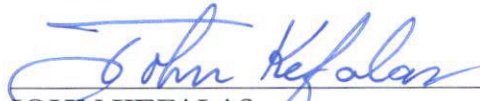
Mr. Ayraud summarized the discussion going over facts on the claim filed by Mr. Napier, some of the legal questions that may arise during the preceding and asking the Board to consider authorizing his office and co-council to represent and defend the county defendants as well as indemnify the county defendants but excluding the non-county defendants including Armor Medical.

MOTION

Commissioner Shadduck-McNally moved to authorize the county attorney and co-council Bruno, Colin & Lowe to defend Larimer County, the Board of County Commissioners, Sheriff Justin Smith and all employees of Larimer County and the sheriff's office named as defendants and provide full indemnity to the Board of County Commissioners, Sheriff Justin Smith and all employees of Larimer County and the sheriff's office operating within the scope of their employment in the United States district court case 21-CV-00746-MEH.

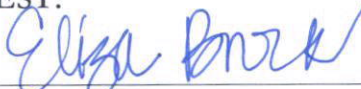
Motion carried 3-0

With there being no further business, the Board adjourned at 11:34 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Eliza Brock, Deputy Clerk

