

Board of County Commissioners Meeting
Tuesday, May 5, 2020
8:00 a.m.
WebEx Events Virtual Meeting

To attend the Public Meeting please visit the County's web site at <https://www.jeffco.us/2079/Meetings-Agendas> and click on the link for the BCC Meeting you desire to attend which will take you to the WebEx Events platform. Please register and click on the blue "Join by Browser" option to join the meeting.

The following website also provides access to the meeting:

<https://jeffco.webex.com/jeffco/onstage/g.php?MTID=e067625a43ca7fa74390f4badfff0291b>

If a citizen wishes to make public comment during the meeting you will be required to log into the meeting using a computer. Instructions for participating can be found on the County's web site under Meetings and Agendas. Alternatively, citizens can also call in and listen to the meeting by dialing: +1-408-418-9388 and entering access code 969 302 385

Note: Citizens who dial in will not be able to provide public comment during the meeting.

AGENDA

The Tuesday meeting of the Board of County Commissioners (the "Board") is an open meeting in which the Board approves contracts, expends funds, hears testimony, makes decisions on land use cases and takes care of other county matters. The public is welcome to attend.

The Board meeting has three parts: Public Comment, the Business Meeting and the Public Hearing.

General Procedures

Agenda items will normally be considered in the order they appear on this agenda. However, the Board may alter the agenda, take breaks during the meeting, work through the noon hour; and even continue an item to a future meeting date.

The Board welcomes your comments. During the Public Comment time, members of the public have three minutes to present views on county matters that are not included on the Hearing Agenda. The Public Comment time is not for questions and answers; it is your time to express your views. The Board will take up to 15 minutes at the beginning of the meeting and if needed, additional public comment will be taken at the end of the meeting on items not listed on the Hearing Agenda.

Tuesday, May 5, 2020 (continued)

To participate in Public Comment, please log into the WebEx Events virtual meeting using a computer. Once logged into the meeting on your computer, please send a chat message to the host with your name, address, and the topic of your comment so that the Chair can recognize you at the appropriate time for public comment.

Please note that you are always welcome to communicate with the Board on the county's web site (www.jeffco.us), by e-mail (commish@jeffco.us), by phone (303-271-8525), fax (303-271-8941) or US mail (100 Jefferson County Parkway, Golden, CO 80419). You can also meet your Commissioners at numerous community events such as town hall meetings, homeowner associations and chamber meetings.

Business Meeting

Call to Order

Pledge of Allegiance

Public Comment - Please See Public Comment Instructions Above

Approval of Minutes Dated April 28, 2020

Approval of Special Session Minutes Dated April 24, 2020

Consent Agenda

CONSENT AGENDA PROCEDURES - Items on the Business Meeting Consent Agenda generally are decided by The Board without further discussion at the meeting. However, any Board member may remove an item from the Business Meeting Consent Agenda. The Board is not required to take public comment on removed items but may request additional information and input.

1. **Resolution CC20-086** Expenditure Approval Listings - Finance
2. **Resolution CC20-087** Bi-Weekly Payroll Register - Finance
3. **Resolution CC20-088** Policy Manual Part 5, Chapter 2, Section 1 Regarding Health Insurance Portability and Accountability Act Hybrid and Privacy and Security Officials Designation Policy - County Manager
4. **Resolution CC20-089** Policy Manual Part 5, Chapter 1, Section 3 Regarding Driving on County Business - County Manger

Tuesday, May 5, 2020 (continued)

5. **Resolution CC20-090** Policy Manual Part 1, Chapter 2, Section 5
Regarding Airport Lease Agreements - Development and
Transportation
6. **Resolution CC20-091** Policy Manual Part 1, Chapter 2, Section 4
Regarding Declaration of a Disaster or Emergency - Emergency
Management
7. **Resolution CC20-092** Policy Manual Part 5, Chapter 1, Section 6
Regarding Commercial Driver's Licenses - Safety and Compliance

Other Contracts and Resolutions for which Notice was not possible may be considered.

Regular Agenda - No Agenda Items

Public Hearing

There are two parts to the Public Hearing Agenda: The Hearing Consent Agenda and the Regular Hearing Agenda.

Items are listed on the Hearing Consent Agenda because no testimony is expected. In the event a Commissioner or any member of the public wishes to testify regarding an item on the Consent Agenda, the item will be removed and considered with the Regular Hearing Agenda.

To offer public testimony on any of the cases on the Public Hearing Agenda, please log into the WebEx Events virtual meeting using a computer. Once logged into the meeting on your computer, please send a chat message to the host with your name, address, and the topic of your comment so that the Chair can recognize you at the appropriate time for public testimony.

Unless otherwise stated by the Chair, a motion to approve the Hearing Consent Agenda shall include and be subject to staff's findings, recommendations, and conditions as listed in the applicable Staff Report.

Hearing Consent Agenda - No Agenda Items

The public is entitled to testify on items under the Public Hearing Regular Agenda. Information on participation in hearings is provided in the County's brochure, *"Your Guide to Board of County Commissioners Hearings."* It may be obtained on the rack outside the hearing room or from the County Public Affairs Office at 303-271-8512.

Tuesday, May 5, 2020 (continued)

Hearing Regular Agenda

8. **Resolution CC20-093** Ordinance Adopting Policy Manual Part 3, Chapter 4, Section 3 Regulating the Operation and Parking of Motor Vehicles - First Reading to Set Public Hearing for May 26, 2020 and Order Ordinance Published - Transportation and Engineering

Public Comment - Please See Public Comment Instructions Above

Reports

Adjournment

Jefferson County does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or sexual orientation in the provision of services. Disabled persons requiring reasonable accommodation to attend or participate in a County service, program or activity should call 303-271-5000 or TDD 303-271-8560. We appreciate a minimum of 24 hours advance notice so arrangements can be made to provide the requested auxiliary aid.

The Board meetings can be viewed on a television monitor in the cafeteria on the lower level of the Jefferson County Administration and Courts Facility. Also, you may use the cafeteria tables there to work or gather until The Board is ready to hear your case. The Board meetings and hearings are recorded and available on the county's Web site at www.jeffco.us.

COMMISSIONERS' MINUTES OF APRIL 28, 2020

The Board of County Commissioners of the County of Jefferson, State of Colorado, met in regular session on April 28, 2020 virtually on a WebEx Platform in the Jefferson County, Golden, Colorado. Commissioner Lesley Dahlkemper, Chairman presided. Commissioner Casey Tighe, Commissioner Libby Szabo and Diane Keathley, Deputy Clerk to the Board, were present.

Commissioner Lesley Dahlkemper, Chairman called the meeting to order.

STAFF PRESENT:

Donald J. Davis, County Manager
Kimberly Sorrells, County Attorney

APPROVAL OF MINUTES

Following a general discussion, the Board upon motion of Commissioner Tighe, duly seconded by Commissioner Szabo and by unanimous vote, approved the Minutes of April 21, 2020.

Following a general discussion, the Board upon motion of Commissioner Tighe, duly seconded by Commissioner Szabo and by unanimous vote, approved the Special Session Minutes of April 17, 2020.

CONSENT AGENDA

The Board approved the following Resolutions:

1. **Resolution CC20-074** Expenditure Approval Listings - Finance
2. **Resolution CC20-075** Bi-Weekly Payroll Register - Finance
3. **Resolution CC20-076** Abatement/Refund of Property Taxes - Board of Equalization
4. **Resolution CC20-077** Abatement/Refund of Property Taxes - Board of Equalization
5. **Resolution CC20-078** Abatement/Refund of Property Taxes - Board of Equalization
6. **Resolution CC20-079** Abatement/Refund of Property Taxes - Board of Equalization

7. **Resolution CC20-080** Abatement/Refund of Property Taxes - Board of Equalization
8. **Resolution CC20-081** Ratification Application and Acceptance Grant - POST In-Service Continuing Education Funds - Sheriff
9. **Resolution CC20-082** Ratification - CARES Act Airport Grant - Airport
10. **Resolution CC20-083** License Agreement - Quincy Lakes Homeowners Association (HOA) Permitting the Installation of Landscaping and Irrigation System in County Right of Way - Transportation and Engineering
11. **Resolution CC20-084** Pre-Approval of Certain Items for Facilities Management - Facilities

REGULAR AGENDA - No Agenda Items

PUBLIC HEARING CONSENT AGENDA

12. **Resolution CC20-072** 2020 Budget - Carryforward Supplementary Budget and Appropriation - Strategy, Planning and Analysis

The Board upon motion of Commissioner Tighe, duly seconded by Commissioner Szabo and by unanimous vote, adopted a resolution approving the items on the consent agenda subject to the adopted conditions of approval.

PUBLIC HEARING REGULAR AGENDA - No Agenda Items

LAW ENFORCEMENT AUTHORITY

The Board upon motion of Commissioner Tighe, duly seconded by Commissioner Szabo and by unanimous vote adjourned as the Board of County Commissioners and convened as the Law Enforcement Authority.

13. Law Enforcement Authority Report - Sheriff Shrader

Following the presentation and a general discussion, the Board upon motion of Director Tighe, duly seconded by Director Szabo and by unanimous vote adjourned as the Law Enforcement Authority and reconvened as the Board of County Commissioners.

REPORTS

The Board had a general conversation on topics including the Jefferson County Public Health Order as well as the COVID-19 mitigation efforts by staff, first responders, chambers of commerce, businesses and citizens including information on local testing locations.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

Attest:

Board of County Commissioners of
the County of Jefferson, Colorado

Diane Keathley, Deputy Clerk

Lesley Dahlkemper, Chairman

COMMISSIONERS' MINUTES OF APRIL 24, 2020

The Board of County Commissioners of the County of Jefferson, State of Colorado, met in a special session virtually on a WebEx Platform on April 24, 2020. Commissioner Lesley Dahlkemper, Chairman presided. Commissioner Casey Tighe, Commissioner Libby Szabo and Diane Keathley, Deputy Clerk to the Board, were present.

Commissioner Lesley Dahlkemper, Chairman called the meeting to order.

STAFF PRESENT:

Donald J. Davis, County Manager
Kimberly Sorrells, County Attorney

The Board approved the following Resolution:

1. **Resolution CC20-073** Third Extension of the Jefferson County COVID-19 Local Disaster Emergency - Board of County Commissioners

The Board upon motion of Commissioner Tighe, duly seconded by Commissioner Szabo and by unanimous vote, adopted a resolution approving Resolution CC20-073.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

Attest:

Board of County Commissioners of
the County of Jefferson, Colorado

Diane Keathley, Deputy Clerk

Lesley Dahlkemper, Chairman

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager

RE: EXPENDITURE APPROVAL LISTINGS

DATE: May 5, 2020

Staff Recommendation:

Allow settlement of accounts listed on the Expenditure Approval Listings dated April 30, 2020

Resolution No. CC20-086

Background:

Jefferson County has established a system of controls to reasonably assure that the claims to be examined and settled by the BCC on the Expenditure Approval Listings are allowable.

Further, the staff has reviewed all claims and has reasonable assurance that all claims are allowable and are in order to be paid.

Original returned to:

Andy Corbett, Interim Director of Finance, Jefferson County
Finance Division

Distribution:

Jerry DiTullio, County Treasurer

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager

RE: BI-WEEKLY PAYROLL REGISTER

DATE: May 5, 2020

Staff Recommendation:

Approve the issuance of county warrants as listed on this Bi-Weekly Payroll Register for period ending April 25, 2020.

Resolution No. CC20-087

Background:

Payroll warrants and ACH Direct Deposit Notifications have been prepared in accordance with current Personnel Action forms and time sheets received in the Financial Control Division by the required deadlines and all applicable taxes and deductions have been withheld therefrom. A summary register of these claims has been circulated and thereby presented for audit and allowance by the Board of County Commissioners. The Board of County Commissioners hereby directs the County Treasurer to pay same.

Prepared By: Jefferson County Finance Division

Distribution: Donald J. Davis, Jerry DiTullio, Accounting

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Don Davis, County Manager

RE: County Manager – Policy Manual Part 5, Chapter 2, Section 1 Regarding Health Insurance Portability and Accountability Act Hybrid and Privacy and Security Officials Designation Policy

DATE: May 5, 2020

Staff Recommendation:

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County that the existing 5.2.1 Health Insurance Portability and Accountability Act Hybrid and Privacy and Security Officials Designation Policy is hereby rescinded and replaced with the Policy attached hereto, effective May 5, 2020.

Resolution No. CC20-088

Background: The Deputy County Manager is currently the designated HIPAA privacy official. Now that the County has a Compliance Manager, it is appropriate to amend the existing policy to change the designated HIPAA privacy official from the Deputy County Manager to the Compliance Manager.

BCC Briefing Presented on April 21, 2020

Prepared by: Kate Newman

Distribution

Original returned to: Kate Newman

Copies to: Kate Newman, Stephanie Speer, Michael Dobbs, Jill Fraser, Rachel Bender

Title: Administrative Policy Health Insurance Portability and Accountability Act Hybrid and Privacy and Security Officials Designation Policy	Policy No. Part 5, Staff Policies Chapter 2, Health Information Privacy & Security Section 1
	Effective Date May 5, 2020
Policy Custodian County Manager	Adoption/Revision Date May 5, 2020

Adopting Resolution(s): CC20-

References (Statutes /Resos/Policies): Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 C.F.R. Parts 160 and 164, as amended, Health Information Technology for Economic and Clinical Health Act (HITECH); Information Security Policy; CC03-122, CC04-156, CC05-178, CC06-475, CC07-471, CC17-058, CC17-188

Purpose: To designate Jefferson County as a Hybrid Entity and identify Privacy and Security Officials in compliance with HIPAA.

Policy: Health Insurance Portability and Accountability Act (HIPAA) Hybrid and Privacy and Security Officials Designation Policy

A. Definitions: Relevant HIPAA definitions may be found in 45 C.F.R. 160.103 and 45 C.F.R. 164.103, 164.304, 164.402 and 164.501. In the event any of the definitions below conflict with the definitions in the HIPAA regulations, the definitions in the HIPAA regulations are controlling.

1. Business Associate: An entity or person that on behalf of a Covered Entity:
 - a. Creates, receives, maintains or transmits PHI for a function or activity regulated by HIPAA; or
 - b. Conducts business that involves the disclosure of PHI from such Covered Entity to the Business Associate or from another Business Associate of such Covered Entity to the Business Associate.
2. Covered Entity: A health plan, a health care clearinghouse, or a health care provider who transmits any health information in electronic form in connection with a transaction covered by HIPAA.
3. Hybrid Entity: A single legal entity that has designated itself as a Hybrid Entity because it is a Covered Entity that conducts business activities that include both covered and non-covered functions and has separate departments, offices, divisions, or employment units that would meet the definition of a Covered Entity or Business Associate if it were a separate legal entity (each a "Health Care Component").

4. Protected Health Information (PHI): PHI is individually identifiable health information that relates to the individual's past, present, or future physical or mental health, provision of health care, or payment for the provision of health care.

B. Designation

1. Jefferson County is hereby designated a Hybrid Entity under HIPAA.
2. The Health Care Components of the county under HIPAA include:
 - a. The following programs administered by the Human Resources Department: Programs offered to county employees as self-insured plans.
 - b. The following programs administered by the Human Services Department:
 - 1) Community Assistance Division, all program areas
 - 2) Children, Youth and Family Services Division's Child Protection & Foster Care program area
 - c. Jefferson County Public Health

C. Implementation and Enforcement Authority

1. Because Jefferson County is a single legal entity, there is one Designated Privacy Official and one Designated Security Official. The County's Health Care Components may assign other individuals to develop, implement, train, and enforce HIPAA procedures and guidelines.
2. Privacy
 - a. The Compliance Manager in the Safety & Compliance Division is the county's Designated Privacy Official under HIPAA and shall have the authority for establishing, implementing, and enforcing the overall county requirements of HIPAA. In the event there is a vacancy in the position of Compliance Manager, the Deputy County Manager may designate and name a county employee to serve as the HIPAA Designated Privacy Official in a procedure that implements this policy.
 - b. The Human Services Department Director, Human Resources Department Director, and Public Health Executive Director or their respective designees shall be responsible for the development, implementation, training, and enforcement of procedures and guidelines necessary for their respective county Health Care Component to comply with HIPAA and the overall requirements of the Designated Privacy Official.
3. Security
 - a. The Chief Information Security Official (CISO) as defined in the Information Security Policy shall serve as the Designated Security Official under Part 164,

Subpart C of HIPAA, who shall have the authority for the development and implementation of the overall county policies and procedures required by Part 164, Subpart C of HIPAA.

- b. The Human Services' Information Technology Director and the Total Compensation Manager, shall be responsible for the development, implementation, training, and enforcement of procedures and guidelines necessary for the Department to comply with Part 164, Subpart C of HIPAA for security standards and the overall requirements of the Designated Security Official.
 - c. Public Health's Supervisor of Information Technology is the Designated Security Official for the Public Health Department and shall be responsible for the development, implementation, training, and enforcement of procedures and guidelines necessary for the Department to comply with Part 164, Subpart C of HIPAA for security standards and the overall requirements of the Designated Security Official.
4. The policies, procedures, Notice of Privacy Practices, and other documentation adopted by the county related to HIPAA may be obtained from the county's Designated Privacy Official.
 5. The county's Designated Privacy Official shall also serve as the contact person who is responsible for hearing complaints regarding HIPAA and for providing information regarding the county's privacy practices.

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager

RE: County Manager – Policy Part 5, Chapter 1, Section 3 Regarding Driving on County Business

DATE: May 5, 2020

Staff Recommendation: NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County that the existing Driving on County Business Policy is hereby rescinded and replaced with the Policy attached hereto, effective May 5, 2020.

Resolution No. CC20-089

Background: The existing policy was amended to allow for an exception to driver's license requirements for non-resident students.

Fiscal Impact: None

BCC Briefing Presented on: April 21, 2020

Originator: Kate Newman

Distribution: Kate Newman, Michael Dobbs

Title: Administrative Policy Driving on County Business	Policy No. Part 5, Staff Policies Chapter 1, Rules Section 3
	Effective Date May 5, 2020
Policy Custodian County Manager	Adoption/Revision Date May 5, 2020

Adopting Resolution(s): CC20-

References (Statutes/Resos/Policies): CC01-515, CC08-169, CC09-451, CC13-170, CC16-116, CC17-262, CC18-066, CC18-384, CC19-367; Treasury Regulation 1.274-5(k)(6)(ii), Commercial Driver’s License Policy, Vehicle Options for Elected Officials Policy, Smoking in County Vehicles and on County Property Policy, Commercial Driver’s License Policy, Personnel Rules

Purpose: To set standards for driving county vehicles and/or personal vehicles for county business.

Policy: Driving on County Business

A. Definitions

1. Discretionary MVR Violations are MVR Violations that are serious in nature, but with the approval of the Department Director, the Driver may still drive on county business.
2. Driver means all persons driving on county business, including employees, interns and volunteers. Elected and Appointed Officials are excluded.
3. Motor Vehicle Record (MVR) is the state issued document of the Driver’s past three years of driving history.
4. Unacceptable MVR Violations are MVR Violations that are serious in nature and immediately revoke the Driver’s eligibility to drive on county business.
5. Vehicle means any personal or county-owned automobile, truck, van or sport utility vehicle, motorcycle or motorized equipment requiring a license to operate.
6. Violation is any conviction of a vehicle-related crime or traffic infraction in the Driver’s past three years of driving history.

B. Applicability

This policy applies to all county Drivers. County vehicle options and IRS provisions for commuting for Elected Officials are found in the Vehicle Options for Elected Officials Policy.

C. Eligibility to Drive on County Business

1. Drivers with a suspended, revoked, or canceled license may not drive on county business.
2. Drivers with Unacceptable MVR Violations may not drive on county business, which may also lead to dismissal from employment.

Unacceptable MVR Violations (one (1) or more of the following in the past three (3) years)
Involved in race/speed contest
Left scene of an accident
Attempted to flee or elude police
Vehicular homicide, manslaughter, or assault
Any felony involving the use of a vehicle.
Any violation of state or local law relating to vehicle traffic control arising in connection with a fatal accident.
More than one (1) Discretionary MVR Violation

3. Drivers with a Discretionary MVR Violation may be granted eligibility to drive on county business by the Department Director, with Safety and Compliance consultation. Drivers with a Discretionary MVR Violation who are required to hold a Commercial Driver's License for their position may be granted eligibility to drive on county business by the Department Director and Safety and Compliance. The Department Director and/or Safety and Compliance may require the Driver to take an online or a behind-the-wheel course(s). Any course may be at the Driver's expense and will be taken in the time-frame prescribed by the Department Director and/or Safety and Compliance.

Discretionary MVR Violations (no more than one (1) of the following permitted in the past three (3) years)
Reckless or careless driving
Passed a stopped school bus
A suspended, revoked, or canceled license
DUI, DWI, and/or DWAI

4. If the Discretionary Moving Violation is a DUI, DWI, or DWAI, the Driver may NOT transport children on county business for three (3) years from the date of the Violation.

5. If the Discretionary MVR Violation or Unacceptable MVR Violation took place during the performance of county business, a county Driver may NOT drive on county business for three (3) years. If the Discretionary Moving Violation is a DUI, DWI, or DWAI that took place during the performance of county business, and the Driver is an employee, the Driver shall be terminated. If the Driver is an intern or volunteer, the Driver shall not continue to serve in that capacity.
6. Prior to employment for a position that requires driving, Human Resources must review and assure that the candidate is eligible to drive on county business. If the candidate has a Discretionary MVR Violation, the provisions of C.3. apply.
7. Safety and Compliance shall review Drivers' MVRs periodically for eligibility to drive on county business.

D. Driver Responsibility

1. County Vehicles

- a. Drivers shall report immediately any known unsafe condition(s), mechanical problems, and any damage to a county vehicle to the Fleet Services Division, the Airport's fleet unit if the vehicle is owned by the airport, or the Sheriff's fleet unit if the vehicle is owned by the Sheriff.
- b. Drivers shall not let unauthorized individuals drive county vehicles.
- c. Drivers shall not use county vehicles for personal purposes except for travel to and from lunch or incidental/personal errands that may be permitted pursuant to the "de minimis" usage exemptions in IRS Publication 15-B, Employers Tax Guide to Fringe Benefits.
- d. If a county fleet vehicle is returned in a condition that requires extensive cleaning due to operator neglect or abuse, the Driver's division may be charged for cleaning the vehicle.
- e. Drivers shall report accurate vehicle mileage at the fueling stations and on the Motor Pool Reservation Sheet. Failure to report mileage accurately may result in loss of privileges and disciplinary action as provided for in the Personnel Rules.

2. Personal Vehicles

- a. If a personal vehicle is to be used for county business, the Driver shall:
 - (1) maintain auto insurance in accordance with state law,
 - (2) provide proof of insurance to Safety and Compliance upon request,

(3) maintain the vehicle's operating condition in accordance with all State and Federal Laws and Regulations.

- b. A Driver who chooses to drive their personal vehicle on county business may submit their claims to their own insurance company. The county does not pay for damage to personal vehicles or deductibles on insurance policies.
- c. Motorcycles may not be used for county business.
- d. County logos shall not be applied to personal vehicles unless otherwise approved by the Department Director.
- e. Executive Officers will receive a monthly vehicle allowance that will be taxable as income. Executive Officers may not also be reimbursed for mileage nor drive a county vehicle.

3. County and Personal Vehicles

Drivers shall abide by the following rules when driving on county business:

- a. Use child safety seats and seatbelts in accordance with State law when transporting children,
- b. Require all occupants to use seatbelts,
- c. Do not use vehicles that are unsafe to operate,
- d. Do not offer rides to hitchhikers,
- e. Lock vehicle doors and remove keys when parked,
- f. Adhere to local, state and federal driving laws and obey warning signs.

4. Notification of Violations and Citations

- a. Any Driver who is required to drive on county business must immediately report to their supervisor (or volunteer coordinator) all citations and violations received while driving on county business and all Discretionary and Unacceptable MVR Violations received while driving on personal time. Any Driver who is required to drive on county business must immediately report to their supervisor all suspension, revocations, or cancelations of their license.
- b. Supervisors (or volunteer coordinators) shall immediately report all known Violations to Safety and Compliance.
- c. Drivers who fail to report such Violations will be subject to disciplinary action that may include revocation of driving privilege or dismissal from employment.

5. Drivers who will be driving on county business in either a county or personal vehicle and have an out-of-state license must obtain a Colorado Driver's license within 30 days of hire or beginning to serve as an intern or volunteer. Exception: Any nonresident who is temporarily residing in Colorado for the principal purpose of furthering such nonresident's education, is at least sixteen years of age, has a valid driver's license from his or her state of residence, and is considered a nonresident for tuition purposes by the educational institution at which such nonresident is furthering his or her education.

E. Reimbursements

1. Tickets

The employee shall be responsible for any traffic or parking tickets incurred while driving on county business, except load violations beyond the driver's control.

2. Parking Expenses and Tolls

The county may reimburse parking and toll expenses for county business related trips. The county will not reimburse for parking and tolls associated with commuting or personal use.

3. Mileage Reimbursement for Personal Vehicles

- a. The intent of mileage reimbursement is to compensate the employee for out-of-pocket costs incurred (i.e. fuel, oil, wear and tear) while using their personal vehicle for county related business.
- b. Mileage will be reimbursed only to the driver of the vehicle at the county's set mileage rate. A Claim Voucher, indicating the date, destination, purpose and mileage traveled must be submitted.
- c. Mileage to and from a seminar, conference, training session or other county related business event will be reimbursed to the extent the distance exceeds the normal commute to the employee's work environment. For example, if an employee normally travels 20 miles round trip to work, and the round-trip distance to a conference is 30 miles, the employee may be reimbursed for 10 miles.
- d. A Personal Vehicle may not be used to travel if the estimated mileage will exceed the cost of round trip airfare.
- e. Drivers may not use a County Procurement Card to purchase fuel for their personal vehicle without advance, specific approval from their supervisor.

4. Reimbursement for County Motor Pool Vehicles

The county will pay/reimburse for fuel, oil and maintenance costs associated with

the use of a county motor pool vehicle. The county will not reimburse for mileage when a county motor pool vehicle is used.

5. Other Modes of Transportation

- a. The county may reimburse for reasonable transportation costs from other modes of transportation, such as bus, light rail, taxi services, vehicle sharing service such as Uber or Lyft, etc. in instances where the cost of using such service is comparable to mileage reimbursement and parking.
- b. Supervisor approval is required for reimbursement of other transportation costs.

F. Commuting

1. In accordance with IRS regulations, commuting mileage is considered taxable income. The law enforcement exception to the IRS regulations allows Sheriff, Coroner, and District Attorney law enforcement officers to commute in county vehicles without taxation on the value of the benefit if they meet the requirements of Treasury Regulation 1.274-5(k)(6)(ii), which requires that the employee (1) be full-time employee of a unit responsible for the prevention or investigation of crime, (2) be authorized by law to carry firearms, execute search warrants, and to make arrests, and (3) regularly carries a firearm.
2. Employees who are expected to respond to operational emergencies from the employee's residence outside of county business hours may be permitted to use county vehicles to drive to/from their homes. These employees must occupy positions where it is impractical to obtain a county vehicle prior to responding and must have written approval from the Department Director. These employees are prohibited from using these vehicles during non-work hours for personal use except pursuant to the "de minimis" usage exemptions in IRS Publications. In the event these employees drive to/from their homes in a county vehicle and do not respond to an operational emergency prior to reporting to duty at their normal scheduled hour, that trip shall be reported to Payroll by the employee as commuting for tax consideration. An employee who commutes must annually submit a certified report of the dates and mileage.

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager

RE: Development and Transportation – Policy Part 1, Chapter 2, Section 5 Regarding Airport Lease Agreements

DATE: May 5, 2020

Staff Recommendation: NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County that the existing Airport Lease Agreements Policy is hereby rescinded and replaced with the Policy attached hereto, effective May 5, 2020.

Resolution No. CC20-090

Background: The proposed amendments prohibit lease renewals and extensions for tenants that breach existing lease, clarify and standardize rates, and adds provisions for renewals including forms of renewal and criteria to qualify for a renewal.

Fiscal Impact: None

BCC Briefing Presented on: April 21, 2020

Originator: Kate Newman

Distribution: Kate Newman, Jeanie Rossillon, Paul Anslow

Title: Administrative Policy Airport Lease Agreements	Policy No. Part 1, County Administration Chapter 2, County Organization Section 5
	Effective Date May 5, 2020
Policy Custodian Development and Transportation Department	Adoption/Revision Date May 5, 2020

Adopting Resolution(s): CC20-

References (Statutes/Resos/Policies): CC06-155, CC17-189, CC19-286

Purpose: To set standards for granting, renewing and extending lease agreements at the Rocky Mountain Metropolitan Airport and permit the chairman of the Board of County Commissioners (BCC) to sign leases in certain circumstances.

Policy: Airport Lease Agreements

A. Applicability

1. This policy is applicable to all airport-owned and operated properties and leaseholds.
2. This policy shall govern new leases, renewals and extensions by: affording uniformity with respect to the granting of airport leases; establishing lease terms that correspond with hangar/property development projects; encouraging full property utilization; preventing land banking; and ensuring compliance with local, state and federal laws and grant assurances.

B. Definitions

Improvement means any building, structure, fixture or enhancement currently existing on a parcel of leased airport property at the time the county considers granting a lease renewal/extension for such parcel.

C. Rights of Lessees

Each lessee shall have an opportunity to negotiate a fair and reasonable lease agreement with the county that complies with applicable law and the airport's prevailing "Rates and Charges," "Minimum Standards" and "Rules and Regulations." A lease's term shall give a lessee the benefit of a reasonable amortized life of the improvements.

D. Lease Term

1. Hangar Ground-Lease (excluding temporary hangar structures)
The standard term for ground leases shall be up to 30 years plus one 10-year option to extend. The total term of a lease may be increased to 30 years plus two 10-year options to extend (a 50-year term) if: (1) improvements encompass a minimum of 12,000 square feet and (2) the entire contiguous leasehold is greater than 43,560 square feet.
2. County-Owned Buildings or Office Space Leases
The standard term for building/office leases shall be up to 1 year plus a maximum of four options to renew for the same time period as the original lease term.

3. County-Owned T-Hangars, Dedicated Parking (automobile or aircraft) Spaces, Temporary Hangar Structure, and Terminal Concessions
The standard term for County-owned t-hangars, dedicated parking spaces, temporary hangar structure, and terminal concessions shall be one month with automatic one-month renewals and the ability of the County to terminate said lease at any time with 30 days written notice.

E. Lease Renewals and Extensions

1. A lessee may obtain a renewal or extension via a new lease agreement or an amendment to an existing lease provided that a lessee is not in breach or default of its current lease obligations. Lessees in breach or default of current lease obligations may not renew or extend their lease.
2. Lease Renewal or Extension Terms:
 - a. Current Lease Rates Apply: All renewals and extensions shall be subject to the Airport's prevailing "Rates and Charges" and annual Consumer Price Index and market rate adjustments.
 - b. Length of Renewal Term: Any renewal or extension shall grant a term of at least one month and shall be no longer than the length of the prior lease term (including option periods).
 - c. Form of Renewal: The county may elect to grant a lease renewal (in the form of a new lease agreement) or a lease extension (via an amendment to the prior lease) depending on whether the terms and provisions in the existing lease are up to date.
3. Renewal Criteria: Criteria that the Airport Director may use to assess whether to grant a renewal or extension include, without limitation:
 - a. reasonable useable life of improvements;
 - b. condition of improvements (both cosmetically & structurally, including overall condition, exterior skin, roof, pavement, interior, landscaping, drainage, structure and function) and cost to the county for continued maintenance of the leased premise (if any);
 - c. future capital investment (if any) by lessee to improve the leasehold and extend the useable life or condition of the improvements;
 - d. remaining functionality of improvements for its applicable use;
 - e. history of compliance with Airport Minimum Standards and Rules and Regulations during the existing term of the lease; documented failure to comply with rules may be grounds for denial of a renewal or lease extension;
 - f. compatibility with long-term airport development goals, including but not limited to, the Airport Master Plan, Airport Layout Plan, and development visions of the Board of County Commissioners; and

g. conformance of proposed lease extension or renewal with this Airport Lease Agreement Policy.

4. The Airport Director shall determine if the renewal criteria above have been met. If the renewal criteria have been met and provided that the county and a lessee can reach agreement on the terms and provisions of any renewal or extension, a lessee may obtain a renewal or extension.

F. Landlord Lease Consents and Estoppel Certificates

The Airport Director is authorized to execute any landlord consent to assignment of a lease and/or lease estoppel certificates relating to airport leases or the transfer of existing airport leases to a new lessee so long as such approval is consistent with the terms of the underlying lease and this policy.

G. Signature Authority for Airport Leases

1. The Chairman of the BCC is authorized to execute:

a. New lease agreements when the term does not exceed five (5) years and revenue from the lease is less than \$25,000 per month after such lease has been approved as to form by the County Attorney's Office.

b. Amendments of leases of any length or revenue amount in accordance with the terms of this policy after such amendment has been approved as to form by the County Attorney's Office.

2. Leases not meeting the above criteria shall be presented to the BCC for approval, subject to the BCC's standard operating procedure for approving contracts.

MEMORANDUM

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager

RE: Emergency Management – Policy Part 1, Chapter 2, Section 4 Regarding Declaration of a Disaster or Emergency

DATE: May 5, 2020

Staff Recommendation: NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County that the existing Emergency Management Policy is hereby rescinded and replaced with the Declaration of a Disaster or Emergency Policy attached hereto, effective May 5, 2020.

Resolution No. CC20-091

Background: The proposed amendments to the Emergency Management Policy change the policy's name, amend the declaration wording to align with succession of authority for building closures, and add role and responsibility for Public Health Director.

Fiscal Impact: None

BCC Briefing Presented on: April 21, 2020

Originator: Kate Newman

Distribution: Kate Newman, Kurt Behn

Title: Administrative Policy Declaration of Disaster or Emergency	Policy No. Part 1, County Administration Chapter 2, County Organization Section 4
	Effective Date May 5, 2020
Policy Custodian Emergency Management	Adoption/Revision Date May 5, 2020

Adopting Resolution(s): CC20-

References (Statutes /Resos/Policies): C.R.S. 24-33.5-701, et seq; CC83-176, CC88-788, CC07-095, CC11-151

Purpose: To provide for the basic governmental functions of maintaining the public peace, health and safety before, during, and after, an emergency or disaster, including mitigation, preparedness, response and recovery, as contemplated by the Colorado Disaster Emergency Act, (Part 7 of Article 33.5, Title 24, Colorado Revised Statutes)

Policy: Emergency Management

A. Definitions

1. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including, but not limited to, fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill, or any other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or para-military action, or a condition of riot, insurrection, or invasion.
2. "Emergency" means any occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause that is less severe than a disaster, but of such severity that it cannot be handled by emergency response agencies in conduct of their normal duties.
3. "Emergency Management" means the marshaling of all resources available to meet all potential disasters or emergencies under coordinated management. The phases of emergency management are mitigation, preparedness, response and recovery.
4. "Mitigation" means any activities that actually eliminate or reduce the probability of occurrence of disaster.
5. "Preparedness" means the development of plans, the stockpiling and inventory of critical resources, the organization and training of response personnel, and the exercise of plans.

6. "Recovery" means those actions, both short-term and long-term, that result in the planned redevelopment of Jefferson County after a disaster, consistent with disaster experience and with measures available for hazard reduction.
7. "Continuity of Operations Plan" (COOP) means the development and maintenance of a plan to relocate operations without the loss of basic government functions.

B. Declaration of Disaster or Emergency

1. The Board of County Commissioners delegates the authority to declare, continue or discontinue a Disaster or Emergency in Jefferson County to the Chairman of the Board of County Commissioners. If the Chairman is not available, the BCC delegates this authority to the Chairman Pro-Tem or the other Commissioner if the Pro-Tem is unavailable. Such declaration may be continued, renewed, or discontinued by the Board of County Commissioners.
2. The declaration of an Emergency or a Disaster:
 - a. Activates the response and recovery aspects of all applicable disaster or emergency plans of Jefferson County.
 - b. Authorizes the Chairman to execute requests and agreements for aide and assistance.
3. Any order or proclamation declaring, continuing or terminating a Disaster or Emergency shall be filed promptly with the Colorado Division of Homeland Security & Emergency Management and the Clerk and Recorder of Jefferson County.
4. The Board of County Commissioners may allocate emergency funds when costs of the disaster exceed authorized emergency response budgets.

C. Preparing for a Disaster or Emergency

1. The Director of Emergency Management is hereby empowered to:
 - a. Prepare and keep current a plan to be known as the Jefferson County Emergency Operations Plan. The Emergency Operations Plan will be consistent with the standards and principles of the National Incident Management System endorsed by the Department of Homeland Security.
 - b. Seek, obtain, or assist in obtaining supplies, equipment and services needed for the protection of the life and property of the people of Jefferson County in accordance with the emergency funds allocated by the Board of County Commissioners.
 - c. Direct disaster preparedness coordination and cooperation between the divisions, services and staff of Jefferson County, and resolve questions of authority and responsibility that may arise between such divisions, services and staff, but this shall not constitute any right to direct or control any

personnel of the Jefferson County Sheriff's Office or any other operating division of Jefferson County, except as expressly authorized by the Jefferson County Sheriff and the Board of County Commissioners.

- d. Represent Jefferson County in all dealings with public or private agencies pertaining to emergency management and disasters, except to the extent it involves the duties of another County elected official, and then only in coordination with that elected official.
- e. Receive on behalf of Jefferson County from any duly constituted governmental agency or any private person or agency, any services, equipment, supplies, materials or funds, by way of gift, grant or loan, for emergency or disaster purposes in accordance with direction obtained from the Board of County Commissioners and the Jefferson County Sheriff.
- f. Negotiate on behalf of Jefferson County with other duly constituted governmental agencies for the establishment of such mutual aid agreements as may be deemed necessary. The scope of such mutual aid agreements may encompass all facets of the Emergency Operations Plan, and may pledge the assistance and cooperation of Jefferson County in emergency and disaster situations in return for similar pledges from such other governmental agencies, provided any such mutual aid agreements shall be subject to approval by the Board of County Commissioners and by other elected official who may be involved in performance of any obligations contained in any such agreement.

D. Elected Officials, Appointed Officials, and Department Directors

- 1. The duties and powers of the Elected Officials, Appointed Officials and Department Directors shall include, but shall not be limited to the following:
 - a. During a Disaster or Emergency, each Elected Official, Appointed Official, and Department Director will participate when requested by providing resources under their control, filling any statutory requirement they may have, and ensuring appropriate representation at the Emergency Operations Center if requested.
 - b. Prior to a Disaster or Emergency, develop and maintain a Continuity of Operations Plan to ensure operations continue without the loss of basic government functions.
- 2. Sheriff Office Duties and Authority During an Emergency or Disaster
 - a. The duties and powers of the Sheriff shall include, but shall not be limited to the following:
 - 1) Ensure command of the Emergency Management function.
 - 2) Marshal appropriate resources as needed.
 - 3) Request and negotiate aid agreements as needed.

- 4) Request additional emergency funds from the Board of County Commissioners when costs for response to disasters goes beyond what has been previously budgeted.
3. Director of Jeffco Public Health Authority During an Emergency or Disaster
 - a. The duties and powers of the Director shall include, but shall not be limited to the following:
 - 1) Marshal appropriate resources as needed.
 - 2) Request and negotiate aid agreements as needed.
 - 3) Request additional emergency funds from the Board of County Commissioners when costs for response to disasters goes beyond what has been previously budgeted.

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager

RE: Safety & Compliance – Policy Part 5, Chapter 1, Section 6 Regarding Commercial Driver's Licenses

DATE: May 5, 2020

Staff Recommendation: NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Jefferson County that the existing Commercial Driver's License Policy is hereby rescinded and replaced with the Policy attached hereto, effective May 5, 2020.

Resolution No. CC20-092

Background: The proposed amendments to the CDL policy clarify license and drug testing requirements.

Fiscal Impact: None

BCC Briefing Presented on: April 21, 2020

Originator: Kate Newman

Distribution: Kate Newman, Michael Dobbs

Title: Administrative Policy Commercial Driver's License	Policy No. Part 5, Staff Policies Chapter 1, Rules Section 6
	Effective Date May 5, 2020
Policy Custodian Safety & Compliance	Adoption/Revision Date May 5, 2020

Adopting Resolution(s): CC20-

References (Statutes /Resos/Policies): CC13-170, CC15-443, CC19-426

Purpose: To provide rules for employees who hold a Commercial Driver's License and perform safety sensitive functions.

Policy: Commercial Driver's License

A. Applicability

1. This Policy shall apply to all Departments/Divisions that report to the Board of County Commissioners, Elected Officials Offices and Appointed Officials Offices.
2. All employees who hold a Commercial Driver's License (CDL) and perform any safety-sensitive function are subject to this policy and all applicable state and federal laws and regulations. Such employees are referred to as Drivers under this policy. Employees subject to this policy are also subject to the Jefferson County Personnel Rules and the Policy and Procedure Manuals.

All Drivers must have a valid driver's license for a minimum of two consecutive years immediately proceeding employment.

Safety-sensitive function means all time related to operating, inspecting, maintaining, and repairing a vehicle, including time obtaining assistance or remaining in attendance for a disabled vehicle. Safety-sensitive function includes all time, including wait time, from the time a Driver begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

3. Drug and alcohol testing shall be administered by the Safety and Compliance Division (S&C).
 - a. Any questions about this policy can be directed to the Director of S&C.
 - b. Drivers will be provided educational materials that include an explanation of the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substance problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected.
 - c. Testing is conducted by a SAMHSA certified lab provider.

4. All employees who are required to hold a CDL as a requirement of their position must pass all requirements of Department of Transportation (DOT) physical. The county will not issue a letter in support of a medical waiver. The cost to take the DOT physical will be reimbursed by the county.
5. All employees are required to report any medical condition and/or prescription that may impact their ability to perform safety-sensitive functions.

B. Prohibited Conduct

1. The following conduct is prohibited.

- a. Alcohol Use

No Driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No Driver shall use alcohol while performing safety-sensitive functions or while on-call to perform safety-sensitive functions. No Driver shall perform safety-sensitive functions within four hours after using alcohol. A Driver required to take a post-accident alcohol test shall not use alcohol until he/she undergoes the post-accident alcohol test.

- b. Controlled Substance Use

No Driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when he/she uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the Driver that the substance will not adversely affect the Driver's ability to safely operate a commercial motor vehicle and the prescription has been reported to S&C.

C. Consequences

1. A Driver will be dismissed in accordance with the Jefferson County Personnel Rules for a confirmed positive drug test or blood alcohol level of 0.04 or above. Drivers that test positive due to refusal to test will be dismissed in accordance with the Jefferson County Personnel Rules.
2. If the blood alcohol level is 0.02 or greater, but less than 0.04, the employee may not perform, nor be permitted to perform, any safety sensitive functions for at least 24 hours. The county shall take appropriate disciplinary action.

D. Circumstances Where Testing Is Required

1. There are five circumstances that require a drug and/or alcohol test:

- Pre-Hire Testing
- Post-Accident
- Reasonable Suspicion
- Random Testing
- Follow-up and Return to Duty

a. Pre-Hire Drug Testing

- 1) Pre-Hire drug testing shall be conducted prior to a Driver's start day for all safety sensitive positions and positions requiring a CDL within 6 months of hire. The hiring unit shall provide instructions to the applicant prior to hire. A Driver must have a negative test result before beginning employment.

b. Post-Accident Testing

- 1) A Driver who was performing a safety-sensitive function at the time of an accident must be tested as soon as practicable but in all cases no later than 8 hours after the accident for alcohol and no later than 32 hours after the accident for controlled substances if:
 - the accident involved a human fatality
 - the accident involved bodily injury with immediate medical treatment away from the scene; or
 - the accident involved disabling damage to any motor vehicle requiring tow away.
- 2) The Driver must remain available for testing during this period or be deemed to have refused testing.

c. Reasonable Suspicion Testing

- 1) A Driver shall submit to drug or alcohol testing when there is reasonable suspicion to believe that the Driver is under the influence of drugs or alcohol. The required observations shall be made by a supervisor or other person who is trained in accordance with federal regulations.
- 2) The determination must be based on contemporaneous observations concerning the appearance, behavior, speech or body odors of the Driver or the actual possession of or use of alcohol or illegal drugs on the job. The person who makes the determination that reasonable suspicion exists shall not conduct the test.
- 3) The Driver will be escorted to the medical provider for testing.

d. Random Testing

- 1) Random drug and alcohol testing shall be conducted on an unannounced basis in compliance with federal regulations. A random sample of all Drivers shall be selected each month by the county contracted medical review company. Individual Drivers may be tested more than once per year to compose the sample.
- 2) Each month, S&C provides the medical review company with an updated list of all Drivers. The medical review company selects a random sample from that list and provides S&C with a list of Drivers to be tested. S&C prepares instructional envelopes containing the test/tests that are being required along with the testing location and authorization form signed by S&C and provides the envelope to the Drivers' supervisor.

- 3) The supervisor determines when to provide the Driver with the testing instructional envelope. The envelope must be delivered to the Driver within the same month that it was drawn. Upon receipt of the instructional envelope, the Driver must go immediately to the county contracted medical provider to take the test/tests that are required.

e. Follow-up and Return to Duty Testing

- 1) Any Driver who has been required to or voluntarily undergoes rehabilitation for substance or alcohol abuse must submit to a controlled substance test and/or an alcohol test before returning to work. In addition, the Driver will be subject to follow-up testing not to exceed 60 months following the employee's return to work.
- 2) All follow-up testing will be done at the county's direction and at the employee's expense.
- 3) The county may require follow-up testing as a condition of continued employment based on a Driver's admission or other evidence of drug or alcohol use. Nothing in this policy prohibits the county from additional testing if the employee agrees to be tested.

E. Testing Standards

1. All employees who hold a CDL, drive a DOT registered vehicle must submit to drug and alcohol testing in accordance with this policy and state and federal laws and regulations. This drug and alcohol testing policy is administered by S&C. Testing procedures conform to the requirements set forth in federal and state law and regulations. A DOT qualified Medical Review Officer (MRO) will receive and verify all test results and maintain confidentiality of all records as required by law.
2. Drug tests
Drug tests are conducted to detect those substances identified in the federal regulations, including but not limited to: marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), opioids, and phencyclidine (PCP). Drug testing is conducted by a split sample urine test.
3. Alcohol tests
Alcohol tests are conducted to detect blood alcohol concentration of 0.02 or greater as indicated by an alcohol breath test. If the alcohol test result is 0.02 or greater, a second or confirmation test should be conducted after a 15-minute waiting period (and not more than 45 minutes after the first test). Any result less than 0.02 alcohol concentration is considered a negative test.
4. Test results
The county contracted medical provider collects urine for drug tests and conducts the alcohol test. The county contracted medical review company will email negative test results to the S&C. The county contracted medical review company will contact the Driver directly in the event of a positive test result. The medical review company will attempt to identify a reason for the positive test result. If the medical review company

cannot identify a “legal” reason for the positive test result, the medical review officer will notify S&C of the positive test result.

5. Second sample testing

The Driver has 72 hours after being informed of a verified positive test by the MRO to request a test of the split sample. The request must be made to the MRO, and the employer must ensure the test is conducted. The Driver must pay cash to have the sample tested. If the split sample results are negative, S&C will reimburse test cost and the Driver will be reinstated.

6. Refusal

Any Driver that refuses to be tested for drugs and/or alcohol will be considered a confirmed positive and will be terminated.

F. Self-Admission of Alcohol and Drug Use

1. A Driver may voluntarily admit to drug or alcohol abuse and may not be disciplined based solely on the admission if:

- a. The admission is not made to avoid required testing, as determined by S&C;
- b. The Driver has participated in or agrees to participate in evaluation and treatment;
- c. The Driver refrains from performing a safety-sensitive function until S&C is satisfied that the Driver has been evaluated and has successfully completed education or treatment requirements; and
- d. The Driver signs a release of information that will enable the county to receive the results of the evaluation, treatment recommendations, and information related to the employee’s completion of any program or treatment.

2. The Driver may be subject to disciplinary action, including dismissal, for any other reason, even if that reason is related to the person’s use or possession of drugs or alcohol. The employee is responsible for applying for and obtaining any necessary leave under the Jefferson County Personnel Rules. Employees may be dismissed or separated if leave is not available or not approved.

3. A Driver must contact a Substance Abuse Professional as required by federal regulations within five calendar days of the admission and enter a treatment program as soon as practical. S&C will maintain a list of certified Substance Abuse Professionals. Certified Substance Abuse Professionals may not be covered by insurance. Written certification from the Substance Abuse Professional must be submitted to S&C. The certification must indicate the treatment program and the time frame for successful completion. Following the successful completion of the treatment program, the Substance Abuse Professional must send a letter of completion to S&C.

4. The Driver must take a “return to duty” drug and alcohol test as directed by S&C. This test will be an observed test. The Driver will then be subject to follow-up testing comprised of a minimum of 6 times for drug/alcohol in the first year. The Driver is subject to follow up testing not to exceed 48 months following the first 12 months as directed by the Substance Abuse Professional. Drug/alcohol tests are random and

unannounced as directed by S&C. These tests will be observed tests. All costs associated with the tests shall be born by the employee. The employee must use appropriate leave for any time off required for testing.

G. Prescription Drug Use

1. Drivers are responsible for advising their medical practitioner that they hold a commercial drivers license and perform safety-sensitive functions. Drivers are responsible for asking their medical practitioner whether a prescribed substance will adversely affect their ability to safely operate a commercial vehicle. A Driver must follow any instructions from his/her medical provider concerning the use of any prescription drug.
2. All Drivers must report to S&C if they are prescribed any substance that is considered a controlled substance under the federal regulations. S&C may contact county contracted medical provider to verify side effects of a prescription drug. If a Driver uses any substance that adversely affects the ability to safely operate a vehicle or perform safety-sensitive functions, the Driver must notify S&C. Employees may be required to take leave or may be given a temporary reassignment that does not involve driving or safety-sensitive functions.

M E M O R A N D U M

TO: Honorable Chairman and Members of the Board of County Commissioners

FROM: Donald J. Davis, County Manager

RE: Transportation and Engineering – Ordinance Adopting Policy Manual Part 3, Chapter 4, Section 3 Regulating the Operation and Parking of Motor Vehicles - First Reading to Set Public Hearing for May 26, 2020 and Order the Ordinance Published

DATE: May 5, 2020

Staff Recommendation: WHEREAS, by virtue of Section 30-15-401(1) (h), C.R.S. the Board of County Commissioners (BCC) of the County of Jefferson, State of Colorado has the power to adopt an ordinance to control the movement and parking of motor vehicles in unincorporated Jefferson County, and

WHEREAS, the BCC adopted the ordinance established as Policy 3.4.3, which controls and regulates the movement and parking of vehicles and Motor Vehicles on public property for the safety and welfare of the public, and

WHEREAS, the Transportation and Engineering Division has determined a need exists to regulate parking on Taft Court, Union Court, and West 52nd Place. Parking Restricted be restricted to residents only between the hours of 12:00 am and 11:59 pm, Monday through Sunday.

WHEREAS, over sixty percent (60%) of the households Taft Court, Union Court, and West 52nd Place area support the proposed revisions to the ordinance.

NOW THEREFORE, BE IT RESOLVED, that the BCC hereby introduces and reads by title the Ordinance entitled "An Ordinance Adopting Policy Part 3, Chapter 4, Section 3 Regulating the Operation and Parking of Motor Vehicles."

FURTHER RESOLVED, that a public hearing for consideration of the adoption of this Ordinance is hereby set for May 26, 2020.

FURTHER RESOLVED, that the Clerk to the Board shall have the ordinance published in full in the official newspaper at least 10 days before the public hearing.

Resolution No. CC20-093

Background: Taft Court, Union Court, and West 52nd Place are County-maintained local streets which take access from West 52nd Avenue. The neighborhood served by these streets is within an unincorporated enclave surrounded by incorporated Wheat Ridge and Arvada. Users of the G-Line Wheat Ridge-Ward RTD station are parking on the nearby streets, likely due to no vacancy

in the RTD parking lot or to avoid paying parking fees, resulting in an increase of parked vehicles in the unincorporated neighborhood. The City of Wheat Ridge is planning improvements for West 52nd Avenue within the next year that will remove on-street parking currently available, thereby creating further parking constraints in the area. In addition, the RTD station has attracted several new developments to the area, all of which would contribute to parking demand. Due to these increasing parking impacts, residents within the neighborhood requested that parking on these unincorporated neighborhood streets be restricted to residents-only.

Fiscal Impact: The cost of time and materials is insubstantial and will come out of the Transportation & Engineering Division's operating budget.

BCC Briefing Presented on April 21, 2020

Original Returned to: Kate Newman

Distribution

Jeanie Rossillon, Transportation & Development Director, ext. 8575

Steve Durian, Transportation & Engineering Director, ext. 8498

Melodie Clayton, Associate Transportation Engineer, ext. 8471

Kourtney Hartmann, County Attorney's Office ext. 8964

ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of the County of Jefferson, State of Colorado, will hold a public hearing concerning the adoption of the "Ordinance Regulating the Operation and Parking of Vehicles" at 8:00 a.m. on May 26, 2020 when and where all parties may appear and be heard as follows:

To attend the Public Meeting please visit the County's web site at <https://www.jeffco.us/2079/Meetings-Agendas> and click on the link for the BCC Meeting you desire to attend which will take you to the WebEx Events platform. Please register and click on the blue "Join by Browser" option to join the meeting. The following website also provides access to the meeting: <https://jeffco.webex.com/jeffco/onstage/g.php?MTID=e76fdb9f9255ffba443251e3ca619c4b1>

If a citizen wishes to make public comment during the meeting you will be required to log into the meeting using a computer. Instructions for participating can be found on the County's web site under Meetings and Agendas. Alternatively, citizens can also call in and listen to the meeting by dialing: +1-408-418-9388 and entering access code 964 617 981 Note: Citizens who dial in will not be able to provide public comment during the meeting.

Further notice is hereby given that said public hearing may, at the discretion of the Board, be continued from time to time without further notice until a decision is announced by the Board. The proposed amended ordinance is set out in full below:

Title: Regulatory Policy Regulating the Operation and Parking of Vehicles	Policy No. Part 3 Regulations, Chapter 4, Motor Vehicles Section 3
	Effective Date
Policy Custodian Transportation and Engineering	Adoption/Revision Date

Adopting Resolution(s):

References (Statutes/Resos/Policies): Sections 30-15-401(1)(h), 42-1-102, 42-4-1202, 42-4-1204, C.R.S.; CC83-620, CC83-621, CC84-684, CC88-059, CC 92-595, CC92-984, CC93-359, CC94-482, CC94-748, CC94-824, CC95-580, CC95-617, CC95-699, CC96-040, CC00-515, CC00-516, CC04-581, CC05-259, CC07-045, CC10-503, CC12-440, CC13-023, CC15-155, CC17-370, CC17-398, CC19-177, CC19-209

Purpose: An Ordinance to control and regulate the movement and parking of vehicles on public property for the safety and welfare of the public.

Policy: Regulating the Operation and Parking of Vehicles

A. Definitions.

As used in this ordinance, unless the context otherwise requires:

1. "Division" means the Division of Transportation and Engineering.
2. "Highway" means the entire width between the boundary lines of every County right-of-way when any part thereof is open to the use of the public for purposes of vehicular travel. For purposes of this Ordinance, right-of-ways classified as Streets and Roads by the Transportation and Engineering Divisions shall be considered Highways.
3. "Major Motor Vehicle" means any Vehicle that is:
 - a. Eight (8) feet or more in width including the truck bed; and/or
 - b. Twenty-five (25) feet or more in length; and/or
 - c. Regardless of size, a truck tractor, road tractor or semi-trailer.

The term "Major Motor Vehicle" shall not include those Vehicles defined as Authorized Emergency Vehicles in Section 42-1-102(6), C.R.S.

4. "Major Recreational Vehicle" means a Vehicle:
 - a. Designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to a Motor Vehicle chassis or van which is used primarily for pleasure, enjoyment, other recreational purposes, or family transportation of the Owner, lessee or occupant; or
 - b. Designed to be drawn by a Motor Vehicle and to provide temporary or permanent living quarters, and which is used primarily for pleasure, enjoyment, other recreational purposes, or family transportation of the Owner, lessee or occupant.
5. "Motor Vehicle" means any self-propelled Vehicle which is designed primarily for travel on the public Highways and which is generally and commonly used to transport Persons and property over the public Highways.
6. "Owner" means a Person who has, holds, possesses, or owns the legal title to a Vehicle or in the event a Vehicle is the subject of any agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a or lessee or mortgagor shall be deemed the Owner, or parties otherwise having lawful use or control or the right to use or control a Vehicle for a period of thirty (30) days or more.
7. "Park" or "Parking" means the Standing of a Vehicle, whether occupied or not, other than very briefly for the purpose of, and while actually engaged in, loading or unloading property or passengers.
8. "Peace Officer" means every Person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in Jefferson County including any Jefferson County Sheriff's Deputy.

9. "Person" means every individual, firm, partnership, association, corporation or limited liability company.
10. "Stand", "Standing", or "Stood" means the halting of a Vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.
11. "Stop" or "Stopping" means the halting of a Vehicle, even momentarily, whether occupied or not.
12. "Traffic Control Devices" means all signs, signals, markings, and devices, not inconsistent with State law, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
13. "Trailer" means any wheeled Vehicle, without motive power, which is designed to be drawn by a Motor Vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, horses, or other property over the public Highways.
14. "Vehicle" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks, including but not limited to Motor Vehicles, Major Motor Vehicles, Major Recreational Vehicles, and Trailers.

B. Unlawful Parking

It shall be unlawful for any Person to operate, Stand, Park or Stop a Vehicle in any manner on any Highway or at any place in the unincorporated area of Jefferson County, where such movement or Parking of Vehicles has been restricted or prohibited, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a Peace Officer or Traffic Control Device. Parking may be restricted or prohibited through adoption by the Board of County Commissioners of a resolution or ordinance or by the approval by the Board of County Commissioners of regulatory devices that restrict or prohibit Parking. Parking prohibitions specified in this Ordinance are in addition to the restrictions specified in Section 42-4-1204, C.R.S., and otherwise specified by law.

C. Penalty Assessment

In addition to other remedies, penalties, fees and costs provided for in this Ordinance, the penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed for any violation of Section B of this Ordinance.

D. Notices For Illegally Parked Vehicles

Whenever any Vehicle is found Standing, Parked or Stopped on any Highway or property in violation of any of the restrictions imposed by this Ordinance, any Peace Officer shall take the Vehicle's registration number and may take any other information displayed on the Vehicle which may identify its Owner, and shall hand to the occupant of such Vehicle or, if the Vehicle is unoccupied, shall conspicuously affix to such Vehicle a penalty assessment notice or summons and complaint, on the form authorized in Section 16-2-201(2), C.R.S., directing the Owner thereof to respond to and answer the charge at the place and time specified in said notice or summons and complaint, or pay the penalty no later than that date and time to the

Jefferson County Treasurer, 100 Jefferson County Parkway, Golden, Colorado 80419.

E. Failure to Comply with Notice of Summons Attached to Parked Vehicle

If there is no response to the notice or summons within the time specified on the penalty assessment notice or summons as provided in Section D, by appearance and payment at the place and time specified in the penalty assessment notice or summons or by mailing payment by means of United States mail, postage prepaid, or by other disposition of the charge as provided by law, the Office of the Clerk of the Combined Courts may send another notice by mail to the Owner of the Vehicle informing the Owner of the violation and specifying the time and place for the Owner to appear and pay or contest the charges alleged therein. If the Owner has not made payment to the Jefferson County Treasurer within the time and date specified in the notice, the Clerk of the Combined Courts may issue an arrest warrant.

F. Penalty

Any Person who violates the provisions of Section B of this Ordinance is guilty of a class 2 petty offense and, upon entry of plea of guilty or conviction thereof, shall be punished by a fine of \$25.00. If such Person fails to pay the fine or to appear and contest the fine at the time and date specified, the fine shall be increased to \$35.00. If such Person fails to respond to the additional notice sent by the Clerk of the Combined Courts by the time specified therein, the fine shall be increased to \$50.00. Such fines and forfeitures shall be collected by the Treasurer of Jefferson County and shall be paid into the treasury of Jefferson County, and are in addition to any other remedies, penalties, fees and costs provided for in this Ordinance.

G. Presumption of Illegal Parking

1. In any prosecution charging a violation of any provision of this Ordinance, proof that the particular Vehicle described in the complaint was Standing, Parked or Stopped in violation of such Ordinance, together with proof that the defendant named in the complaint was at the time of such Standing, Parking or Stopping the registered Owner of such Vehicle, shall constitute prima facie evidence that the registered Owner of such Vehicle was the Person who Stood, Parked or Stopped such Vehicle at the point where, and for the time during which, such violation occurred.
2. Copies of the registration of any Vehicle, certified as such by the State Motor Vehicle Department or the County Clerk and Recorder, shall be sufficient to establish ownership of such Vehicle.

H. Removal and Impoundment

It is a public nuisance, traffic obstruction and grounds to impound the Vehicle, for any Person to Park or leave unattended any Vehicle upon any area or portion of a public Highway or place in violation of or contrary to a Parking limitation or prohibition established pursuant to this Ordinance. This Section shall be in addition to, and shall not supersede, the provisions of Part 18, Article 4, Title 42, C.R.S., regarding towing of abandoned Vehicles.

1. Provision of Notice. Before a Vehicle may be impounded for violation of any of the restrictions imposed by this Ordinance, a Peace Officer shall conspicuously

affix to such Vehicle a written notice that, if the Vehicle remains in violation of this Ordinance for more than seventy-two (72) hours after the written notice is affixed to the Vehicle, it may be impounded. A Vehicle may not be impounded unless more than 72 hours have passed since the notice was affixed to such Vehicle.

2. Costs of Impoundment. No Vehicle shall be released from impoundment until the charges for impoundment and storage shall have been paid.
 3. Right to a Hearing. An Owner may, within five (5) days after the impoundment, request a hearing to contest the Parking violation or the validity of the impoundment. The request must be made to the Clerk of the Combined Courts of Jefferson County. An Owner will be given a hearing within forty-eight (48) hours, excluding weekends and holidays, after the Owner makes a request for a hearing. The court may waive or adjust any charges imposed by or described in this Ordinance whenever the impoundment was improper.
 4. Abandonment of Impounded Vehicles. Any impounded Vehicle not claimed within twenty-four (24) hours of the time of impoundment shall be treated as abandoned. The provisions of Part 18, Article 4, Title 42, C.R.S., regarding abandoned Vehicles, shall apply to such Vehicle.
- I. All-Night Parking of Vehicles on Clear Creek Canyon Right-Of-Way
1. No Person, except Persons on emergency calls, or Persons in emergency situations, shall Park a Vehicle on the right-of-way in Clear Creek Canyon along U.S. Highway 6 in unincorporated Jefferson County, for a period of time longer than thirty (30) minutes between the hours of 10:00 p.m. and 5:00 a.m. of any day.
 2. The Division shall furnish and arrange for placement and maintenance of Traffic Control Devices in accordance with Sections 42-4-502 and 503, C.R.S. designating the portion of the right-of-way along U.S. Highway 6 where Parking is prohibited, pursuant to Section J of this Ordinance.
- J. Parking Regulations on Highways in Unincorporated Jefferson County.
1. It shall be unlawful for any Person to Park any Major Motor Vehicle upon any Highway in unincorporated Jefferson County, except for the purposes of loading, unloading or other immediate and active use.
 2. No Major Recreational Vehicle or Trailer shall be Parked on any Highway within any Highway in unincorporated Jefferson County for a period in excess of twenty-eight (28) days within any one-year period.
 3. It shall be unlawful for any Person to Park any Vehicle for sale upon any Highway in unincorporated Jefferson County.
 4. No citation or summons and complaint shall issue for violation of Regulations J.1 and J.2 above unless there are at least two (2) or more complaining witnesses from separate households who have signed such complaint or citation stating

- (a) the complainant's name, address and telephone number,
 - (b) if a violation of regulation J.2 is alleged, that the Major Recreational Vehicle or Trailer was Parked for a period in excess of twenty eight (28) days for any one-year period.
5. The enforcement of these regulations shall be governed by Jefferson County Section A through H of this Ordinance.

K. Restricting Parking in Designated Residential Areas

1. The Division is hereby authorized to determine that there is a need to restrict Parking of Vehicles in a designated residential area by Persons who do not reside in that area who seek access to nearby public buildings or facilities, including schools, based on a finding that unrestricted Parking could:
 - a. Cause hazardous traffic conditions in the residential area.
 - b. Produce excessive auto emissions, noise, trash and refuse.
 - c. Unreasonably burden access by area residents to their residences; or
 - d. Damage the character of those areas as Residential Districts and diminish the value of property in those areas.
2. Said determination shall not be made unless at least 60 percent (60%) of the households within the designated area support such determination.
3. The boundaries of the area within which Parking will be restricted shall be determined by the Division Director or his/her designee.
4. Upon a determination of need and area as set forth in Section K.1. through K.3, and upon a resolution of approval by the Board of County Commissioners, the Division may include the area on the list specified in Section K.10 of this Ordinance and may post signs pursuant to this Ordinance in the area determined to be adversely impacted to limit the duration of Parking, to designate certain no Parking areas, to limit Parking on certain days and/or during designated hours to residents of such area, to provide notice that Vehicles Parked illegally in such areas are subject to impoundment, and/or to impose any other restrictions reasonably necessary to mitigate the Parking problem and associated harm.
5. If the Parking restriction limits Parking to residents of the area, resident permits shall be obtained from the Division and dispensed by the homeowner's association, and if there is no association, then by the residents. The homeowner's association or residents shall be required to compensate the County for the cost of the permits. Parking permits shall be distributed to all residents of the designated area who desire a permit.
6. Any resident permit shall be affixed to the left-hand corner of the rear bumper of the Vehicle.

7. This Ordinance shall not apply to emergency Vehicles responding to an emergency or to delivery Vehicles that are in the process of making a delivery within the restricted area.
8. Holders of Parking permits within all areas of Jefferson County for which a permit is required shall be limited to Parking along the frontage of the property where they reside.
9. This Ordinance shall be enforced pursuant to the provisions of Section A through H.
10. The areas subject to Parking restrictions pursuant to this Section K are listed below:
 - a. Ken Caryl Open Space - Mountain Pine Drive Area. Permit Parking on Mountain Pine Drive adjacent to 1 through 17 Mountain Pine Drive for the hours of 7:00 p.m. through 6:00 a.m.
 - b. Columbine High School Area. Restriction of Parking to residents only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday while school is in session on the following Highways: Fair Drive from Marshall Court to 6074 West Fair Drive, 6086 West Lamar Drive to 6074 West Lamar Drive, Arbor Avenue from Marshall Court to Arbor Drive, 6648 West Arbor Drive to 6498 West Arbor Drive. Restriction of Parking to residents only between the hours of 7:00 a.m. and 3:30 p.m., Monday through Friday while school is in session on the following Highways: Polk Avenue from Saulisbury Court to Pierce Street, Saulisbury Court north of Polk Avenue, and Reed Court north of Polk Avenue.
 - c. Colorow Elementary School Area. South Everett Street cul-de-sac and West Arbor Drive. Permit Parking on the South Everett Street cul-de-sac which includes 6283, 6272, 6282 and 6292 South Everett Street, and West Arbor Drive between Everett Court and 8906 West Arbor Drive on school days between the hours of 8:00 a.m. through 5:00 p.m.
 - d. Chatfield High School Area. Restriction of Parking only to residents between the hours of 8:00 a.m. to 5:00 p.m. on school days in the following areas:
 - (1) along the Highways known as West Roxbury Place, West Roxbury Drive, and West Fremont Drive, all from South Robb Street to the cul-de-sac, South Robb Street from West Frost Avenue to West Roxbury Place, Blacktail Mountain, and Gore Range Road (Hornsilver Mountain to end of the cul-de-sac);
 - (2) in the Saddlewood and Territory Subdivisions to residents only along the Highways known as Rabbit Ears Pass, Vail Pass, Sheephorn Mountain, Mount Holy Cross, Eagles Nest Circle, Mount Powell, Piney Peak, Long Springs Butte, Hornsilver Mountain, Quarry Mountain and Little Haystack Mountain; and

(3) Woodbourne Subdivision along the Highways known as West Fremont Avenue, South Robb Street, West Roxbury Place, West Frost Place, West Fremont Place, West Frost Avenue, West Glasgow Avenue, West Geddes Avenue, South Pierson Street, West Roxbury Avenue, West Rowland Avenue, West Rowland Drive, South Owens Street.

- e. Marker Park Area. Parking restricted to residents only between the hours of 7:00 a.m. and 9:00 p.m. on the following Highways: 6600-6700 blocks of Hinsdale Place, 6600-6700 blocks of Hinsdale Avenue, 6600-6700 blocks of Glasgow Avenue, 6600-6700 blocks of Geddes Avenue, 6600-6700 blocks of Frost Avenue, 7177-7400 blocks of Newland Street (west side of Highway), 7176-7200 blocks of Newland Street (east side of Highway), 6300-6400 blocks of Indore Place, 6300-6400 blocks of Geddes Drive, 6300-6400 blocks of Frost Drive, the 7400 block of Lamar Street, and the 6600-6700 blocks of Roxbury Place, Pierce Street to Newland Street.
- f. Jefferson Academy Area. Parking restricted to residents only between the hours of 7:00 a.m. and 9:00 p.m. on school days on the following Highways: 99th Avenue from Yarrow Street to Ammons Circle, Ammons Circle from 99th Avenue (west intersection) to 99th Avenue (east intersection), Yarrow Street from approximately 300' north of 99th Place to Allison Street, Allison Street from Yarrow Street to 101st Avenue, 101st Avenue from end of cul-de-sac to approximately 300' east of Allison Street, and Allison Court from end of cul-de-sac to Allison Street.
- g. Normandy Elementary School Area. Parking restricted to residents only between the hours of 8:00 a.m. and 5:00 p.m. on West Coal Mine Place east of Kendall Boulevard.
- h. South Table Mountain Park Area. Parking Restricted to residents only between the hours of 7:00 am and 10:00 pm on Old Quarry Road.
- i. West Noddle Mountain. Parking Restricted to residents only on days when school is in session between the hours of 8:00 am and 10:00 am and 2:30 pm and 4:30 pm.
- j. Taft Court, Union Court, and West 52nd Place. Parking Restricted to residents only between the hours of 12:00 am and 11:59 pm, Monday through Sunday.

L. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

M. Public Health, Safety, and Welfare

This Board of County Commissioners hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare.