



IGNACIO TOWN BOARD SPECIAL MEETING AGENDA

Wednesday, July 01, 2020 – 6:30 PM

Remote Public Meeting

*This remote meeting is hosted by Zoom and requires Attendees to login to the Zoom meeting website at the following address: <https://zoom.us/j/92992319619>, or Attendees wishing to participate by phone shall call: **253-215-8782** and key in Webinar ID Number: **929 9231 9619***

*There is a Zoom Etiquette file on the Town website that details how Zoom meetings work and what is expected of Attendees. All Attendees will be able to hear and/or see the Town Board meeting. Attendees will be muted until the Mayor takes Attendee comments. Attendees wanting to comment must click on the "Raised Hand" tab at the bottom of the screen, or callers will have to enter *9. The Mayor will acknowledge which Attendee is to speak (by name or phone number) and the meeting host will unmute the Attendee who shall first provide their name and address before they begin their comments. Failure to follow directions or maintain meeting decorum will result in the muting of your connection. This meeting is being recorded.*

- I. **CALL REGULAR MEETING TO ORDER:** Moment of Silence, Moment of Gratitude, Reflection of Hope
- II. **ROLL CALL**
- III. **PUBLIC COMMENTS:** *The Town Board values public comment and allows this time for citizens to voice their thoughts and concerns. The Mayor will open the comment period and prior to addressing the Board, state your name and address and limit your comments to five (5) minutes. Meeting decorum will be maintained and failure to maintain composure and respect will result in the closure of your comment period. The Town Board and/or staff may respond to your comments or take your comments under advisement. Please do not comment on items listed on the Agenda as opportunity will be given to comment during these discussions. Thank you.*
- IV. **NEW BUSINESS**
 - A. La Plata County Intergovernmental Agreement – Agreement for Distribution of CARES Act Funds from DOLA
 - B. Resolution 08-2020 – Corona Virus Relief Fund (CVRF) Opt-In Authorization
 - C. Temporary Modification of Premises Due to COVID-19 for Porky's Smokehouse
- V. **ADJOURNMENT**

AGREEMENT FOR DISTRIBUTION OF CARES ACT FUNDS FROM DOLA

This Agreement for Distribution of CARES Act funds from DOLA ("Agreement") sets forth the understanding of the County of La Plata, Colorado (the "County"), the City of Durango ("Durango"), the Town of Bayfield ("Bayfield"), and the Town of Ignacio ("Ignacio") (collectively referred to as the "Parties" and individually as "Party") with respect to the allocation and distribution of CARES Act funding from the Colorado Department of Local Affairs ("DOLA") to the local jurisdictions in La Plata County.

RECITALS

- A. COVID 19 is a highly contagious virus that has spread to countries around the world, including the United States. On January 30, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 a "public health emergency of international concern" and on March 11, 2020 declared it a global pandemic.
- B. On March 11, 2020, the Governor of the State of Colorado issued Executive Order D 2020 003 declaring a disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19.
- C. On March 16, 2020, the Executive Director and Health Office of San Juan Basin Public Health ("SJBPH") declared a local public health emergency pursuant to C.R.S. § 24-33.5-701, *et seq.* and §25-1-509 due to the risk of spread of COVID-19, which, on March 17, 2020 was extended by the SJBPH Board of Health, until rescinded by such board, due to the risk of spread of COVID-19.
- D. On March 16, 2020, the La Plata County Manager declared a local disaster emergency due to the cost and magnitude of responding to and recovering from the impact of COVID-19, which is far in excess of the county's available resources. On March 17, 2020, the Board of County Commissioners of La Plata County extended the local disaster emergency, until rescinded by the Board, due to the risk of spread of COVID-19.
- E. On March 16, 2020, Durango's Interim City Manager issued Declaration 2020-01, a declaration of local emergency due to the presence of coronavirus (COVID-19) in Durango. On March 18, 2020, Durango City Council ratified the declaration, continuing it for so long as necessary to mitigate the presence of coronavirus in Durango.
- F. On March 19, 2020, the Ignacio Mayor declared a state of emergency for the Town of Ignacio due to COVID-19. On March 26, 2020, the Board of Trustees of the Town of Ignacio passed a resolution continuing the declaration and response.
- G. On March 24, 2020, the Board of Trustees of the Town of Bayfield declared a state of emergency in response to the COVID-19 pandemic.
- H. On March 28, 2020, President Trump approved a disaster declaration for the State of Colorado.

- I. On April 22, 2020 the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-26 and on April 26, 2020, the Governor of the State of Colorado issued Executive Orders D 2020 044 and D 2020 045 (followed by Executive Order D 2020 079 on May 25, 2020) and on April 27, 2020 CDPHE issued Public Health Orders 20-28 and 20-29 (followed by a First Amended Public Health Order 20-28 on May 4, 2020, an Amended Public Health Order 20-29 on May 5, 2020, a Second Amended Public Health Order 20-28 on May 8, 2020, a Third Amended Public Health Order 20-28 on May 14, 2020, a Second Amended Public Health Order 20-29 on May 26, 2020, a Fourth Amended Public Health Order 20-28 on May 26, 2020, and a Fifth Amended Public Health Order 20-28 on June 2, 2020, all response to the effects of COVID-19.
- J. The conditions that created the need for the Parties to each declare local disaster emergencies have not abated, as the virus continues to spread within the community, and the virus has created a myriad of economic distresses and unanticipated costs in La Plata County to individuals and families, to businesses, and to the local governments addressing the pandemic’s effects.
- K. The United States Congress adopted the Coronavirus Aid, Relief and Economic Security Act, Pub. L. No. 116-136 (“CARES Act”), which established a Coronavirus Relief Fund. The CARES Act was signed into law on March 27, 2020.
- L. Pursuant to the CARES Act, the United States Treasury will make payments from the federal fund to states and eligible units of local government.
- M. Governor Polis issued Executive Order D 2020 070 on May 18, 2020, establishing the CARES Act Fund to receive federal funds for allocation. Through DOLA, a Coronavirus Relief Fund (“CVRF”) will reimburse costs to counties, municipalities and special districts for: (1) necessary expenditures incurred due to the COVID-19 public health emergency; (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of the enactment of the CARES Act); and (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
- N. DOLA has determined that La Plata County has a population of 56,221 people and the per capita share of CVRF is \$ 4,823,037.00.
- O. DOLA requires all local jurisdictions within La Plata County to collaborate on allocation of funding and to establish an agreement regarding distribution of CVRF within La Plata County.
- P. The provisions of Article XIV, § 18 of the Colorado Constitution and C.R.S. § 29-1-203 allow Colorado local governments to cooperate or contract with one another to provide any function, service or facility lawfully authorized to each local government. Moreover, the Colorado General Assembly encourages local and inter-jurisdictional disaster planning and mutual aid in coping with disasters. C.R.S. § 24-33.5-701 *et seq.*

AGREEMENT FOR DISTRIBUTION OF CARES ACT FUNDS FROM DOLA

Q. The Parties each have authority to provide resources and services to citizens as contemplated under the CARES Act as a result of the coronavirus pandemic within their respective boundaries.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and obligations herein set forth, the Parties hereby mutually agree as follows:

- 1. Allocation of CVRF; Current and Projected Expenses.** The Parties agree that each jurisdiction shall participate in the CVRF.

Each Party has estimated their current costs and expenses from March 1, 2020, through May 31, 2020, and projected expenses from June 1, 2020 to December 31, 2020, as follows:

Jurisdiction	Estimated Current Expenses (March 1-May 31, 2020)	Projected Expenses (June 1 – December 30, 2020)
Durango		
Bayfield		
Ignacio		
La Plata County		
TOTAL		

The Parties acknowledge that estimates of current or projected costs and expenses may change based on current and future guidance issued by the U.S. Department of the Treasury and/or DOLA on use of the CVRF funds.

At this time, based on current guidance, projected costs and expenses for each Party and SJBPH for actions taken to respond to the COVID-19 emergency, including possible economic support for individuals, businesses, non-profits and other entities, is expected to meet or exceed the CVRF funds available from DOLA.

The Parties agree that CVRF funds shall initially be allocated as follows:

Jurisdiction	Population	Allocation
Durango	18,973	\$ 732,437.00
Bayfield	2,689	103,807.00
Ignacio	908	35,053.00
La Plata County	56,221	3,951,740.00
TOTAL		\$ 4,823,037.00

- 2. Fund Distribution.** Each Party shall be separately responsible for applying for funding from DOLA by opting-in to the CVRF. Further, each Party is separately responsible for

determining eligible costs and expenses and for seeking reimbursement of costs incurred between March 1, 2020 and December 30, 2020. By signing this Agreement, each Party certifies that the allocated funds will be used only to cover those costs and expenses that are eligible expenses in compliance with the CARES Act, specifically:

- a. Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
 - b. Were not accounted for in the budget most recently approved as of March 27, 2020 for such Party;
 - c. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020; and
 - d. Any additional federal or state legislation, rules and regulations promulgated regarding expenditure and accounting requirements.
- 3. Use of Funds.** The Parties acknowledge that the CARES Act requires CVRF monies to be spent as of December 30, 2020 and, within the confines of paragraph 2 above, that the primary purpose of the monies is to reimburse the Parties and SJBPH for actions taken to respond directly to the COVID-19 emergency and to prepare for future response actions. Under the CARES Act, eligible expenditures include, but are not limited to, expenses for:
 - a. Acquisition and distribution of medical and protective supplies;
 - b. Technical assistance to the Parties or other entities on mitigation of COVID-19 related threats to public health and safety;
 - c. Public safety measures undertaken in response to COVID-19;
 - d. Quarantining individuals;
 - e. Establishment of temporary public medical facilities;
 - f. Maintenance of county jails to enable compliance with COVID-19 public health precautions; and
 - g. Care for homeless populations to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
- 4. Economic Support in Connection with the COVID-19 Public Health Emergency.** To the extent CVRF monies exist after satisfaction of the needs described in paragraph 3 above, each Party agrees to explore the ability and, where practicable and legally permissible, use of its own allocated CVRF funds to implement programs and/or provide grants to support businesses and nonprofits located and doing business within La Plata County in responding to COVID-19. Each Party will determine, in its sole discretion, if such programs or grants can and should be implemented and awarded based on financial, logistical, legal and other considerations. If the County determines that it will implement such programs and/or grants, the County agrees that the programs and/or grants will be made available on an equitable basis to qualified and eligible entities and organizations located and doing business within La Plata County, regardless of whether such entities and organizations are physically located within the unincorporated county or within the limits of Durango, Bayfield or Ignacio. All grants issued by the Parties shall be co-branded to

include the County and the applicable municipal jurisdiction in which the grant recipient is physically located, if any.

5. Possible Re-allocation. To ensure that the maximum amount of CVRF is expended by December 30, 2020 for the benefit of La Plata County residents and businesses, the Parties agree to work with the County to determine whether any of the CVRF will not be expended as of December 30, 2020 so the funds may be reallocated by the County for use to fund other eligible expenses before December 30, 2020. As such, on or before September 1, 2020, the Parties shall formally consult on the utilization of the funds to date and reasonably anticipated expenditures through December 30, 2020. No later than October 15, 2020, each Party agrees to provide written notice to all other Parties of any amount it reasonably anticipates will be unused as of December 30, 2020. Such anticipated unused funds may then be subject to an amendment of this Agreement for re-allocation of such funds or, if not amended, allocation to the County for distribution under the CVRF.

6. Miscellaneous Provisions.

- a. *Effective Date.* This Agreement shall be effective on the date the last Party executes it (“Effective Date”).
- b. *Entire Agreement.* This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion or modification hereto shall have any force or effect whatsoever.
- c. *Modification.* This Agreement may not be amended or modified in any manner, except by written agreement of all Parties, executed in the same manner as this Agreement.
- d. *Captions.* Captions are used throughout this Agreement for convenience and reference only and shall not be considered, in any manner, in the construction or interpretation of this Agreement.
- e. *Counterparts.* This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute but one and the same original document. Faxed or emailed copies of signatures shall be treated as originals.
- f. *Signatory’s Authority.* Each person signing this Agreement in a representative capacity expressly represents that the signatory has the subject Party’s authority to so sign and that the subject Party will be bound by the signatory’s execution of this Agreement.
- g. *Notices.* All notices, requests, demands, or other communications under this Agreement shall be in writing and shall be deemed effective upon: (a) delivery, if delivered personally, or (b) five (5) days after mailing, if deposited in the U.S. Mail, postage prepaid. Each Notice shall be addressed to the appropriate person at the

receiving Party (“Addressee”) at the address listed below or to such address as a Party may designate by a Notice given in compliance with this section.

For La Plata County:
Chuck Stevens
La Plata County Manager
1101 E. 2nd Ave.
Durango, CO 81301
Chuck.Stevens@co.laplata.co.us

For Town of Bayfield:

For City of Durango:

For Town of Ignacio:

- h. *Governing Law and Venue.*** The terms and conditions of this Agreement shall be construed, interpreted and enforced in accordance with Colorado law. If any legal action is necessary to enforce the terms and conditions of this Agreement, the Parties agree that jurisdiction and venue for bringing such action shall be in La Plata County, Colorado.
- i. *Authorship.*** This Agreement’s final form resulted from review and negotiations among the Parties, and no part of this Agreement shall be construed against any Party on the basis of authorship.
- j. *Severability.*** If any provision of this Agreement is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and, the remainder of this Agreement shall remain operative and binding on the Parties, their successors and assigns.
- k. *Joint Venture.*** It is not intended by this Agreement to, and nothing contained in this agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to or shall be for the benefit of any person, firm, organization or corporation not a Party hereto and no other person, firm, organization or corporation shall have any right or cause of action hereunder.
- l. *Governmental Immunity.*** Notwithstanding any other provision of this Agreement, no term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as now existing or hereafter amended (the “CGIA”).

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

**BOARD OF COUNTY COMMISSIONERS
LA PLATA COUNTY, COLORADO**

Deputy Clerk to the Board

Clyde Church, Chair Date

CITY COUNCIL OF THE CITY OF DURANGO

By: _____ Date
Title: _____

**BOARD OF TRUSTEES OF THE TOWN OF
BAYFIELD**

By: _____ Date
Title: _____

**BOARD OF TRUSTEES OF THE TOWN OF
IGNACIO**

By: _____ Date
Title: _____

RESOLUTION NO. 08-2020

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AUTHORIZING THE OPT-IN TO THE DOLA ADMINISTERED CORONA VIRUS RELIEF FUND (CVRF) PROGRAM

WHEREAS, the Town of Ignacio passed Resolution 06-2020, declaring a state of emergency due to the Corona Virus pandemic for the Town of Ignacio on March 26, 2020; and

WHEREAS, Congress passed the CARES Act which allocated federal funding to states in response to the Corona Virus pandemic; and

WHEREAS, the Department of Local Affairs (DOLA) is the State of Colorado's agency handling the distribution of the CARES Act funding, and as such has created the Corona Virus Relief Fund (CVRF); and

WHEREAS, the Town of Ignacio has approved an Agreement with La Plata County regarding the allocation of CVRF funds locally, and the Town of Ignacio also needs to Opt-In to the CVRF program in order to access funds and obtain reimbursement for eligible expenses.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO AS FOLLOWS:

- 1) The Town of Ignacio hereby authorizes the Mayor and staff to complete the necessary CVRF program documentation necessary to Opt-In to this program.
- 2) The Town of Ignacio authorizes staff to utilize the DOLA portal for submission of expenses that are eligible for reimbursement to the Town. This program and CARES Act funds are due to expire on December 31, 2020.

ADOPTED THIS FIRST DAY OF JULY, 2020.

TOWN OF IGNACIO, COLORADO

Stella Cox, Mayor

Attest:

Tuggy Dunton, Town Clerk