

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan
District I

Douglas B. Monger
District II

M. Elizabeth Melton
District III

Commissioners' Daily COVID-19 Agenda

April 4, 2020

LIVE AUDIO WILL BE AVAILABLE BY CALLING 1 (669) 900-6833. MEETING ID: 522 308 0487

1. 10:30 A.M. CALL TO ORDER

2. PUBLIC COMMENT

Public Comment will be heard on any item except quasi-judicial land use items. County Commissioners will take public comment under consideration but will not make any decision or take action at this time.

1. DUE TO THE CURRENT PANDEMIC, THE COUNTY COMMISSIONERS REQUEST CITIZENS ATTEND THE MEETINGS VIA PHONE. Because public access to the Courthouse has been curtailed we request public comment be submitted in writing to bcc@co.routt.co.us. Public comments will be read into the record.

3. COVID-19 WORK SESSION

The Commissioners will address critical items for regular county and emergency operations related to the COVID-19 pandemic. Action may be taken and direction to staff may be given in relation to any of these items.

The Routt County Board of Health may enter executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice related to specific legal questions concerning Routt County's COVID-19 response.

PUBLIC HEALTH ORDER 2020-003 PROHIBITING ALL CONSTRUCTION IN ROUTT COUNTY, COLORADO.

Consideration to adopt, deny, amend, or table the adoption of Public Health Order 2020-003.

Presenter: Erick Knaus, County Attorney

Documents:

[BCC AGENDA COMMUNICATIONS FORM.CONSTRUCTION ORDER.PDF](#)
[PUBLIC HEALTH ORDER CONSTRUCTION.DRAFT.PDF](#)

4. 1:00 P.M. MEETING ADJOURNED

LIVE AUDIO WILL BE AVAILABLE BY CALLING 1 (669) 900 6833.
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All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your

request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service.
Dial 711 or TDD (970) 870-5444.



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: April 4, 2020	ITEM TIME:

FROM:	Erick Knaus, County Attorney
TODAY'S DATE:	April 2, 2020
AGENDA TITLE:	Consideration to Issue Public Health Order 2020-003 prohibiting all construction in Routt County, Colorado.

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> X ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:
Request Board of Health consideration of Public Health Order 2020-003 prohibiting all construction activities for a period of two weeks. Emergency repairs are exempted from the prohibition.

II. RECOMMENDED ACTION (<i>motion</i>):
Motion by the Board of Health adopting, denying, amending, or tabling the adoption of Public Health Order 2020-003.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
PROPOSED REVENUE (<i>if applicable</i>):
CURRENT BUDGETED AMOUNT: \$0.00
PROPOSED EXPENDITURE: N/A
FUNDING SOURCE: N/A

SUPPLEMENTAL BUDGET NEEDED: YES NO
No.

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):
Adoption of the proposed Order or an amended Order will have clear impacts on construction activities across all jurisdictions in Routt County.



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

The Board of Health previously adopted Public Health Order 2002-001 concerning the prohibition of short-term lodging and Public Health Order 2002-002 concerning the prohibition of gatherings of five or more people. The Board of Health and its designees have also issued guidance directed to the construction industry concerning best practices, safety recommendations, and need for compliance. Those guidance directives and notices have been largely ignored or are deemed insufficient to ensure the health, safety, and welfare of Routt County citizens. At its meeting on April 2, 2020, the Board of Health heard from the Public Health Agency Medical Officer advising of concerns related to travel in and out of Routt County generally and concerns related to ongoing construction practices specifically. The Board of Health directed the drafting of a new or revised Public Health Order directed at addressing the specific public health concerns as they relate to the construction industry as these businesses are currently considered "exempt" from the State of Colorado Stay at Home Order. The state's Order does NOT preempt the continuation of or adoption of more restrictive local orders.

VI. LEGAL ISSUES:

The Board of Health has the authority to enter an Order as presented.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

VIII. SUMMARY AND OTHER OPTIONS:

The Board of Health may adopt, deny, amend, or table the proposed action.

IX. LIST OF ATTACHMENTS: Supplemental Budget Request Proposed Order.

**STANDING PUBLIC HEALTH ORDER 2020-003
PROHIBITING CONSTRUCTION
ROUTT COUNTY BOARD OF HEALTH**

Recitals

A. Routt County Resolution 2009-018, established the Routt County Public Health Agency, pursuant to C.R.S. § 25-1-506, designating the Board of County Commissioners of Routt County as the Routt County Board of Health (“Board of Health”).

B. Public Health has the statutory authority to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health, as well as to establish, maintain, and enforce isolation and quarantine, and to exercise physical control over persons within its jurisdiction as necessary for the protection of public health. C.R.S. § 25-1-506 (3)(b)(V) and (VI).

C. Public Health has the statutory authority to close schools and public places and to prohibit gatherings of people when necessary to protect public health. C.R.S. § 25-1-506.

D. Public Health has jurisdiction for both incorporated and unincorporated Routt County. C.R.S. § 25-1-506(2)(a).

E. The Director General of the World Health Organization has declared that COVID-19 constitutes a Public Health Emergency of International Concern and characterized it as a pandemic. The Secretary of the U.S. Department of Health and Human Services has declared COVID-19 constitutes a public health emergency and on March 13, 2020, the President of the United States declared a National Emergency. On March 10, 2020, Colorado Governor Jared Polis declared a State of Disaster Emergency. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread throughout the State of Colorado, and community transmission of the illness has been confirmed in Routt County. On March 13, 2020, Routt County declared a local disaster.

F. In consultation with the Routt County Public Health Director and the Routt County Public Health Medical Officer, the Board of Health issues these orders to slow the spread of the COVID-19 virus.

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

These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and actions will help hospitals, first responders, and other healthcare services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming weeks and months.

Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread the greater the benefit for the whole community.

H. The Board of Health has received direct and specific information from the Public Health Agency's Medical Officer and Public Health Director that travel into and out of Routt County is an identified source of risk for the continued spread of COVID-19. The Medical Officer specifically identified construction projects that utilize the service of workers from outside of Routt County as a direct threat to the health, safety, and welfare of Routt County citizens.

NOW, THEREFORE, IT IS ORDERED:

1. This Order is effective within the entirety of Routt County, including all cities and towns within the County.

2. The issuance of this Order is deemed reasonable and necessary for the preservation of the public health, safety and welfare.

3. All construction of any kind, except as identified below, shall cease upon the effective date and time of this Order. Construction includes non-residential (heavy industrial, engineering, institutional, and commercial) and residential work as well as any alteration, remodeling, or renovation thereof.

4. Construction projects may continue Minimum Basic Operations so long as Social Distancing Requirements are met. Minimum Basic Operations shall mean:

a. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.

b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

5. The following construction projects are exempt from this Order so long as Social Distancing Requirements are met:

- a. Infrastructure. Projects necessary for the provision, maintenance, or improvement of roads, public transportation, oil production, governmental facilities, and water, sewer, gas, electrical, and solid waste services.
- b. Healthcare. Projects necessary for the provision, maintenance, or improvement of hospitals, emergency centers, healthcare clinics, and physician’s offices.
- c. Communications. Projects necessary for the provision, maintenance, or improvement of internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

6. Emergency repairs necessary to maintain the safety, sanitation, and essential operation of an agricultural, residential, or commercial structure are not considered construction for the purposes of this Order and may proceed so long as property owners, residents, and workers comply with all State and local Social Distancing Requirements as outlined in then-current Public Health Orders as well as any requirements of the Regional Building Department. Emergency repairs do not include the installation of new facilities or modification to existing facilities unless required to prevent damage or preserve the intended use of the existing structure. By way of example, emergency repairs include replacement or reparation of faulty appliances, electronics, pipes, and systems.

7. **Most Restrictive Standard Controls.** To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control.

8. **Judicial Review.** Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the Routt County District Court within 90 days of the date of this Order, pursuant to C.R.S. § 25-1-515. However, you must continue to obey the terms of this Order while your request for review is pending.

9. **Penalties.** Failure to comply with this Order is subject to the penalties contained in C.R.S. §§ 25-1-516 and 18-1.3-501, including a fine of up to five thousand (\$5,000) dollars and imprisonment in the county jail for up to eighteen (18) months and may subject the person to a civil action for damages.

10. **Effective Date.** This Order is effective as of 5 p.m. on April 5, 2020 and is in effect through April 17, 2020, unless extended or earlier rescinded.

ORDERED THIS 4th day of April, 2020.

BY THE BOARD OF HEALTH FOR ROUTT COUNTY, COLORADO

Timothy V. Corrigan, Chair

ATTEST:

Kim Bonner,
Routt County Clerk and Recorder