

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan
District I

Douglas B. Monger
District II

M. Elizabeth Melton
District III

Commissioners' Agenda September 23, 2020

Times listed on the agenda are approximations and may be longer or shorter, or being earlier than scheduled, with no notice. Agendas are subject to change 24 hours before the meeting start time. To ensure you have the most up-to-date information, please check the agenda after 24 hours of its start time.

If you are joining the meeting for a specific item, please join 10 minutes before the item to ensure you are present for the beginning of the item.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85106670945?pwd=UXZZSGx1O01Mc0s2cklGVk13Qld5UT09>

Password: 522

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The Routt County Board of County Commissioners or 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.

- 1. 9:30 A.M. CALL TO ORDER**
- 2. 9:30 A.M. WEEKLY UPDATE FROM EMERGENCY OPERATIONS DIRECTOR**
David DeMorat, County Emergency Operations Director, will give a weekly update on the COVID-19 crisis to the Board of Commissioners.
- 3. 10:00 A.M. WEEKLY BOARD OF HEALTH UPDATE**
Presenters: Dr. Harrington and Interim Public Health Director Roberta Smith

ALL BUSINESSES

Discussion regarding adoption of amendments to and extension of Public Health Order 2020-03 concerning businesses.

Documents:

[AMEND PH ORDER 2020-03 COMMUNICATIONS FORM 9-14-2020.PDF](#)
[PUBLIC HEALTH ORDER 2020-03 BUSINESS 4TH AMENDED RECORDED.PDF](#)

4. 11:30 A.M. 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. To make a public comment raise your hand on the zoom platform if online; if calling in press *9. Another option is to download the Zoom app that allows you to raise your hand as well. The moderator will then select you when it is your turn. Written public comment can also be submitted to BCC@CO.ROUTT.CO.US. Please make sure to indicate in the subject line of your email that it is public comment and reference the agenda item to which it relates. Public comments will be entered into the record.

5. 11:30 A.M. MEETING ADJOURNED

Please click the link below to join the webinar:

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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: September 23, 2020		ITEM TIME:
FROM:	Erick Knaus/Lynaia South	
TODAY'S DATE:	September 14, 2020	
AGENDA TITLE:	Public Health Order 2020-03, Requiring Mitigation Plan of all Businesses	
CHECK ONE THAT APPLIES TO YOUR ITEM:		
<input type="checkbox"/> ACTION ITEM		
<input checked="" type="checkbox"/> DIRECTION		
<input type="checkbox"/> INFORMATION		
I. DESCRIBE THE REQUEST OR ISSUE:		
Discussion regarding adoption of amendments to and extension of Public Health Order 2020-03 concerning businesses.		
II. RECOMMENDED ACTION:		
Give direction to the legal department regarding drafting changes.		
III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):		
PROPOSED REVENUE:		
PROPOSED EXPENDITURE:		
FUNDING SOURCE:		
N/A		
IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):		
N/A		
V. BACKGROUND INFORMATION:		
<p>Routt County Public Health Order 2020-03 expires September 30, 2020, unless otherwise extended. Other amendments to the Order may also be made.</p> <p>In general, this Order requires:</p> <ol style="list-style-type: none"> 1) all businesses to implement a mitigation protocol; 2) all businesses implement social distancing measures including the requirement that all employees and customers use a face covering; 3) all businesses allowed to be open under a variance granted to the County by the State to comply with all terms of variance; and 4) gatherings and events over 10 people to submit a self-certification form to Public Health. 		

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

VI. LEGAL ISSUES:
N/A
VII. CONFLICTS OR ENVIRONMENTAL ISSUES:
N/A
VIII. SUMMARY AND OTHER OPTIONS:
Other options include not extending the order.

**FOURTH AMENDED STANDING PUBLIC HEALTH ORDER 2020-03
REQUIRING MITIGATION PLAN OF ALL BUSINESSES
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 and that declaration continues. 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 and that declaration continues.

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.

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. This Order applies to any individual, business or organization, including for profit or non-profit, regardless of its corporate structure, engaged in any commercial, manufacturing, or service activities (collectively "Business"). For the purposes of this Order, the term "employee" shall include owners, contractors, subcontractors, workers, and volunteers regardless of the absence of any employer-employee relationship.

4. **Social Distancing Requirements for all Businesses.**

All Businesses operating within Routt County shall immediately implement the following Social Distancing Requirements:

a. Older adults (age 60 and older) and individuals with underlying medical conditions that are at increased risk of contracting COVID-19 are encouraged to not visit a Business (whether as an employee, customer, or other person). Employers are encouraged to provide additional mitigation for these employees whenever possible.

b. Employees must self-screen for COVID-19 symptoms each day, including measuring the employee's temperature. Businesses shall keep records that the screen was completed such as having employees sign a record that the symptom check has been completed. Any employee that exhibits COVID-19 symptoms must be excluded from work.

c. Social distancing measures must be employed to ensure that employees and people from the public can easily maintain a minimum of 6 foot distance from each other, except for momentary circumstances to accept payment, deliver goods, walk past, perform otherwise necessary tasks, or the nature of the Business requires closer proximity. Achieving adequate social distancing may require limiting the number of people that can enter or participate in a location at any one time.

d. All employees and customers must cover their nose and mouth with a face-covering, unless the nature of the Business requires the removal of the face-covering. While encouraged, masks are not required for individuals actively engaged in physical exercise so long

as the social distancing requirements set forth herein and all other state and local mitigation protocols are observed.

e. Where lines may form at a facility, six-foot increments at a minimum must be marked, establishing where individuals should stand to maintain adequate social distancing.

f. Signs at the entrance of each facility that remains in use must be posted informing all employees and customers that they should avoid entering the facility if they have a cough or fever, maintain a minimum six-foot distance from one another, sneeze and cough into a cloth or tissue or, if not available one's elbow, not shake hands, or engage in any unnecessary physical contact.

g. Hand sanitizer, soap and water, or effective disinfectant shall be made available at or near the entrance of the facility, any area where there is high-frequency employee interaction with members of the public such as the cashier, and in other appropriate areas for use by attendees, the public, and employees.

h. Contactless payment systems should be provided, or, if not feasible to do so, all payment portals, pens, and styluses must be disinfected after each use.

i. Other high-touch surfaces should be regularly disinfected and environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC) must be followed (e.g., clean and disinfect high touch surfaces daily or more frequently).

j. Vehicles, other than those used for public transit, that transport more than one employee of businesses are a higher-risk environment therefore the following requirements must be met.

i. Employees must use hand sanitizer prior to entering the vehicle.

ii. Employees must cover their nose and mouth with a non-medical, cloth face-covering when in vehicle.

iii. The number of passengers must be limited to 50% of the vehicle's occupancy to increase the distance between passengers to the largest extent possible.

iv. Windows must remain open and/or ventilation increased.

v. High-touch surfaces in the vehicle shall be disinfected daily.

k. Businesses shall limit travel by employees in and out of Routt County. If a Business has employees that travel in order to work, the Business shall take reasonable measures to reduce this travel, such as allowing employees to remain in Routt County to complete their work. Such measures shall be included in the Mitigation Protocol, defined below.

5. **Mitigation Protocol.**

All Businesses at which there is more than one person present at any time (whether employees or members of the public) must prepare a "Mitigation Protocol" by 8:00 a.m. on April 14, 2020, or prior to opening to more than one person, whichever is later, for each facility or operational location in Routt County. The Mitigation Protocol must be substantially in the form attached to this Order as Appendix A and must address the Social Distancing Requirements in paragraph 5, above.

a. The Mitigation Protocol must be posted at or near the entrance of each facility that remains in use, and shall be easily viewable by the public and employees. A copy of the Mitigation Protocol must also be provided to each employee performing work at the facility.

b. All Businesses shall implement their Mitigation Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand.

c. For construction Businesses, the COVID-19 Construction Site Management Plan Requirements issued by the Routt County Regional Building Department, as may be amended from time to time, are incorporated in to this Order as if fully set forth herein. The Construction Site Management Plan shall incorporate all requirements of this Order and may be posted as a substitute for the Mitigation Protocol required herein.

d. For any Business that serves food that would be allowed to be open under the Variance Request submitted by Routt County to the State: The requirements of the Mitigation Protocol - Restaurants approved by the State in granting the Variance are incorporated in this Order as if fully set forth herein and shall satisfy the Mitigation Protocol requirement herein. Such businesses shall not be allowed to operate pursuant to the Variance until approved by the State.

e. For any gatherings or events at public and commercial spaces in excess of ten people, which are allowed under a State Public Health Order, or a variance granted to Routt County, the Mitigation Protocol required herein shall include a self-certification form as prescribed by the Routt County Public Health Department. The self certification form shall be submitted to Routt County Public Health at least 15 days in advance of the gathering or event. Furthermore, if the Variance Request for Gatherings at Public and Commercial spaces is approved by the State, all mitigation protocols included in that Variance are incorporated in this Order as if fully set forth herein.

f. For any other Business that is subject to a Variance Request submitted by Routt County to the State: The requirements of the Mitigation Protocol for that business type approved by the State in granting the Variance are incorporated into this Order as if fully set forth herein and shall satisfy the Mitigation Protocol requirement herein. Such businesses shall not be allowed to operate pursuant to the Variance until approved by the State.

g. Failure to develop and post a Mitigation Protocol or inability to meet the requirements of the Mitigation Protocol and this Order may result in the closure of a Business and its facilities.

6. The responsibility for compliance with this order shall apply to the owner of the Business and the property owner of the property on which the facility is located. In addition, each employee or member of the public utilizing the facilities of the Business shall be personally responsible for their own compliance with this Order.

7. Any Business that provides more stringent mitigation and social distancing requirements shall be deemed to have met the intent of this Order.

8. **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.

9. **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.

10. **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.

11. This Order is effective, as amended as of July 29, 2020 and is in effect through September 30, 2020, unless extended or earlier rescinded.

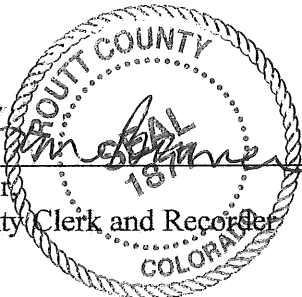
ORDERED THIS 29th day of July, 2020.

BY THE BOARD OF HEALTH FOR ROUTT COUNTY, COLORADO.



Timothy W. Corrigan, Chair

ATTEST:



Kim Bonner
Routt County Clerk and Recorder

