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Lori A Mitchell
Chaffee County Clerk

June 22, 2021

**PUBLIC HEALTH AGENCY ORDER # 2020-08 – AMENDMENT 22
CHAFFEE COUNTY PUBLIC HEALTH ORDER RELATED TO COVID-19**

EFFECTIVE JUNE 22, 2021

*** THIS ORDER SHALL RESCIND AND REPLACE ALL PREVIOUS ORDERS ***

FINDINGS

On January 30, 2020, the World Health Organization (“WHO”) declared the worldwide outbreak of COVID-19 a “public health emergency of international concern.” On January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency.

On March 10, 2020, the Governor of Colorado (the “Governor”) declared a state of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment (“CDPHE”) has confirmed that COVID-19 continues to spread throughout the State of Colorado.

On March 11, 2020, WHO declared COVID-19 a pandemic, pointing to the sustained risk of further global spread.

On March 13, 2020, Chaffee County (“County”) declared a Local Disaster Emergency related to COVID-19. Pursuant to Resolution 2020-29, the County ratified and extended this Local Disaster Emergency declaration at a meeting of the Chaffee County Board of County Commissioners (“BoCC”) on March 17, 2020. The BoCC further extended the disaster declaration which remains in effect.

On March 13, 2020, the President of the United States (the “President”) declared a National Emergency due to COVID-19.

On March 16, 2020 the President issued new guidelines to help protect Americans during the COVID-19 pandemic, which includes: avoiding discretionary travel, gathering limited to 10 or less people, use of drive through and pick up delivery options, and telecommuting for work and school.

Chaffee County Public Health (“CCPH”) anticipated that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the county, Chaffee County would see cases of the virus and its transmission within the community. Developing social distancing policies prior to an extensive outbreak has been a proven means of helping to contain COVID-19 outbreaks.

CCPH issued its first Public Health Order on March 17, 2020. CCPH has issued various additional orders intended to reflect measures imposed by the Governor, CDPHE and variances granted by the state. The current CCPH Order is set to expire on December 4, 2020.

Effective April 27, 2020, CDPHE issued Public Order 20-28, which implemented a Safer at Home model. That order was updated by a “COVID-19 Home Dial” (the most recent version is

CDPHE Public Order 20-36 dated November 20, 2020). The COVID-19 Dial required that **Vulnerable Individuals** remain at home, but allowed limited reopening of various institutions and businesses. Additionally, individuals were encouraged to stay at home as much as possible and practice Social Distancing to reduce the likelihood of disease transmission, but certain activities were permitted. As we continue to combat COVID-19 in our communities, continuing restrictions remains appropriate.

On July 16, 2020, the Governor issued Executive Order D 2020 138 (amended and extended by subsequent Executive Orders) mandating all individuals over ten years old to wear a face covering over their nose or mouth when entering or moving within any public indoor space or while using or waiting for public transportation.

On May 14, 2021, the Governor issued Executive Order D 2021 103 (amending and restating prior orders) setting forth new guidelines for face coverings with respect to vaccination and/or activity status. In connection therewith, CDPHE issued a second amendment to Public Health Order 20-38, setting forth similar COVID-19 restrictions.

As of May 17, 2021, Chaffee County had 1,162 confirmed positive cases and 25 deaths associated with COVID-19. Transmission of the virus continues to threaten Chaffee County citizens' way of life and livelihoods, particularly with the influx of tourist traffic throughout the County. As a result, CDPHE has directed Chaffee County to implement a mitigation plan. CDPHE recommends that without taking appropriate steps, the number of cases within Chaffee County will once again rise which may result in serious illness or death for certain members of the community, and will have the effect of further interrupting the functioning of the community, will overwhelm the capacity of the local health care system and the ability to respond to the COVID-19 pandemic. Additionally, a large surge in the number of persons with COVID-19 can compromise the ability of the healthcare system particularly in the high-country counties currently affected by community transmission to deliver necessary healthcare to the public.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice social distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. There is clear evidence that some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings promote transmission of COVID-19. COVID-19 also physically contributes to property loss, contamination, and damage due to its propensity to attach to surfaces for prolonged periods of time.

Widespread mask use and vaccinations are low cost and highly effective ways to reduce the spread of COVID-19 infections by as much as 95%. Broad adoption of mask wearing and vaccinations may have significant economic benefits by allowing the County to prevent re-closures and, ultimately, return to our normal lives more quickly. A recent study from Goldman Sachs concluded that a federal mask mandate could save the U.S. economy from taking a 5% hit to the Gross Domestic Product (GDP).

Non-residents, visitors and non-resident homeowners from lower altitudes, regardless of whether they are residents of Colorado, another state, or a foreign country, are at a greater risk for complications from COVID-19 infection than residents, who are acclimatized to the high-

altitude environment of Chaffee County. Non-residents, regardless of whether they own a residence in Chaffee County, and regardless of whether they reside in Colorado, another state, or another country, continue to impose potentially excessive burdens on local health care, public services, first responders, food supplies and other essential services. Such persons continue to potentially create issues with regard to enforcement of Chaffee County's public health orders.

One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable and increase the distance between people in the work environment. This Order helps to continue to carefully re-open the County's economy yet preserves the welfare of our residents by reducing the spread of the disease in our communities and our workplaces, and preserving critical emergency and healthcare capacity in the State.

The limitations on people's activities, business activities, large gatherings and use of social distancing, masks, and vaccinations decreases the risk of COVID-19 transmission to our most vulnerable populations and is especially important for people who are over 65 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. This Order will continue to reduce the likelihood that many individuals will be exposed to COVID-19 at a single event and will therefore continue to slow the spread of COVID-19 in our communities. CCPH is monitoring the spread of COVID-19 and the Public Health Director reserves the right to tighten restrictions in future orders should protection of the public health and welfare necessitate such measures.

This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, Colorado Revised Statutes. Under these laws, the Chaffee County Public Health Director has the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health.

Nothing in the Governor's Executive Orders or CDPHE Public Health Orders prevent a local public authority from issuing an Order more protective of public health. Any restrictions in this Order that are more protective of the public health and welfare will prevail over any state Executive or CDPHE order that are less protective of the public health and welfare.

This Order shall apply to all unincorporated areas of Chaffee County, Colorado and all incorporated (municipal) areas that do not have their own public health agency: City of Salida, Town of Poncha Springs, and Town of Buena Vista. This Order applies equally to persons within the boundaries of Chaffee County, Colorado, regardless of their city, state or country of origin. Schools and residential camps are subject to alternative public health orders as set forth in State guidance.

The provisions of this Order are necessary and are the least restrictive means available to continue to adequately protect the public health. If any provision of this Order is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

INTENT

This Order sets forth to direct and support Chaffee County's COVID-19 response efforts. Chaffee County is committed to the "Chaffee County COVID-19 Code of Conduct," which establishes the following expectations:

1. Get vaccinated;
2. Stay home if sick;
3. Get tested if experiencing COVID-19 symptoms;
4. Wash your hands;
5. Respect the COVID-19 safety protocols of any business or organization;
6. Physically distance if unvaccinated; and
7. Wear a mask indoors and in crowded outdoors places if unvaccinated.

CCPH and the Chaffee County Board of Health fully support any organization, business, or individual who would like to be more restrictive than this Order requires.

ORDER

I. Individual Face Covering Directives

- A. Any individual, age twelve (12) and older, who is not fully vaccinated, is encouraged to wear a medical or non-medical cloth face covering that covers the nose and mouth when entering or within a public indoor space where members of different households are present.
- B. Any fully vaccinated individual may go without any type of face covering in any setting, subject to the exceptions in this Order.
- C. Notwithstanding Sections I.A and I.B above, certain individuals, age twelve (12) and older, must wear a medical or non-medical cloth face covering that covers the nose and mouth in the following settings:
 1. Any individual, regardless of vaccination status, must wear a medical or non-medical face covering when entering an indoor public space where the business or organization has chosen to require face coverings.
 2. Unvaccinated or not fully vaccinated students, staff, and visitors to preschool through grade 12 schools (including indoor extracurricular activities) and child care centers and services, including residential and day camps, except while participating in outdoor activities;
 - a. Face coverings of unvaccinated or not fully vaccinated individuals may be removed in a school classroom setting for the limited purpose of playing an instrument that cannot otherwise be played while wearing a face covering.

3. Unvaccinated or not fully vaccinated staff of Colorado Division of Motor Vehicle offices;
 4. Unvaccinated or not fully vaccinated residents, staff, and visitors to Prisons;
 5. Unvaccinated or not fully vaccinated residents, staff, and visitors to Jails;
 6. Unvaccinated or not fully vaccinated patients, visitors, and personnel in emergency medical and other healthcare settings (including hospitals, ambulatory surgery centers, urgent care centers, non-ambulatory surgical structures, clinics, doctors' offices, and non-urgent care medical structures).
 - a. All health care entities are strongly urged to follow the CDC's Infection Control Recommendations, which can be found here:
<https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-after-vaccination.html>
- D. As allowed under state law, owners, operators, and managers of any business or service may, at their discretion, continue to require individuals entering or within their locations to wear face coverings or show proof of full vaccination. **CCPH and the Chaffee County Board of Health fully support any organization, business, or individual who would like to be more restrictive than this Order requires.**
- E. For purposes of this Order, an individual is "fully vaccinated" two (2) weeks after their second dose in a two-dose series of the COVID-19 vaccine, such as the Pfizer or Moderna vaccine, or two (2) weeks after their single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.
- F. The following individuals are exempt from the requirements of this Order:
1. Individuals eleven (11) years old and younger; and
 2. Individuals who cannot medically tolerate a face covering.
- G. Individuals performing the following activities are exempt from the requirements of Section II.C of this Order while the activity is being performed:
1. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
 2. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;

3. Individuals who are actively engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel and the wearing of a mask prohibits them from performing their job;
 4. Individuals who are officiating or participating in a life rite or religious service where the temporary removal of a face covering is necessary to complete or participate in the life rite or religious service.
- H. These directives shall be applied in a manner consistent with the American with Disabilities Act (42 U.S.C. § 12101 et seq.), Title VII of the Civil Rights Act (42 U.S.C. § 2000e et seq.), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 et seq.), and any other relevant federal or State law.
- I. Nothing in this Order changes or abrogates the CDC's Order on January 29, 2021, requiring the wearing of masks by travelers to prevent the spread of COVID-19. All Coloradans must abide by the CDC's Order, which can be viewed here:
<https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>

II. Schools and Childcare

- A. Schools and child care, including overnight residential camps and day camps, shall work with their local public health agencies as COVID-19 cases occur, and shall follow CDPHE guidance for Cases and Outbreaks in School and Child Care.

III. Individual Activity Directives

- A. All individuals currently living within Chaffee County are encouraged to follow the Chaffee County COVID Code of Conduct.
- B. All private gatherings occurring inside or outside a residence are encouraged to follow the CDC's interim public health recommendations for vaccinated and unvaccinated people.
- C. People at risk of severe illness from COVID-19 are urged to get fully vaccinated. Unvaccinated high risk individuals are urged to minimize participating in activities that may increase exposure to the virus, including travel.
- D. Individuals who are sick or are experiencing any symptom of COVID-19 or have participated in high-risk activities (e.g. events without social distancing or mask requirements) should get tested for COVID-19. If an individual has tested positive for COVID-19 and/or has developed any symptom of COVID-19, they should be in isolation (staying away from others) until they have had no fever for at least 24 hours without the use of medicine that reduces fevers, symptoms have improved,, and at least ten days have passed since symptoms first appeared. A limited number of people with severe illness may require longer isolation. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.

- E. Individuals who have tested positive for COVID-19 must comply with CCPH's case and outbreak investigations, including, without limitation, providing names and contact information for other persons that have COVID-19 or were a close contact of someone with COVID-19, or any other information reasonably necessary for CCPH to investigate and control the spread of COVID-19.
- F. All unvaccinated individuals traveling during this time are encouraged to get tested for COVID-19 before traveling and upon return and voluntarily self-quarantining per quarantine guidelines, especially if participating in high-risk activities while traveling.
- G. All eligible individuals are encouraged to get a COVID-19 vaccination as soon as possible. Eligible populations may be found at <https://covid19.colorado.gov/vaccine>. To register for and schedule a vaccination, please call CCPH at 719-539-4510 or following the registration procedures of an authorized COVID-19 vaccine provider.

IV. Business and Event Directives

The following section outlines the business and event directives for Chaffee County.

All business and government functions, children's day camps, residential camps and youth sports camps, and houses of worship are recommended to adhere to the Chaffee County COVID Code of Conduct," which establishes the following expectations:

- 1. Get vaccinated;
 - 2. Stay home if sick;
 - 3. Get tested if experiencing COVID-19 symptoms;
 - 4. Wash your hands;
 - 5. Respect the COVID-19 safety protocols of any business or organization;
 - 6. Physically distance if unvaccinated; and
 - 7. Wear a mask indoors and in crowded outdoors places if unvaccinated.
- A. All unvaccinated members of places of indoor worship are strongly encouraged to join virtually.
 - B. Event capacity, distancing, and permitting requirements shall be based on venue and capacity as set forth below, excluding necessary event staff. In-person indoor events for unvaccinated individuals are highly discouraged during the pandemic.
 - 1. Indoor event capacity shall be capped at seventy-five percent (75%) of the venue capacity.
 - 2. Per the Chaffee County Board of Health, outdoor events in Chaffee County shall have a maximum allowable capacity of five thousand (5,000) attendees.
 - 3. Event capacity limits as set forth above will be reviewed by the Chaffee County Board of Health at least monthly and may be modified based on the current metrics.

4. Any organization seeking to host a special event in Chaffee County must submit a proposed COVID-19 element to the already-required health and safety plan which will be reviewed by the Board of Health. CCPH has developed a toolkit for event planners and organizations to provide guidance for safely holding an event in Chaffee County. The toolkit is accessible here: https://docs.google.com/document/d/1TuZwBVIgZH3ASdI05nrBSos2W_Md8T1s4dCHipivL9I. Any organization or group planning an event that does not otherwise require a special event permit is strongly encouraged to utilize the toolkit for their planning, as well.
 5. Nothing in this Order shall in any way modify or supersede permitting requirements from any local government or municipality. Please refer to County or municipal regulations for special event permitting requirements.
- C. Non-school-related group sports and activities shall follow the capacity restrictions as set forth above.
- D. All open business and government functions, children’s day camps, residential camps and youth sports camps, and houses of worship must comply with case and outbreak investigations, including but not limited to providing names and contact information for employees, customers, or guests that have COVID-19, were a close contact to someone with COVID-19 or otherwise requested by CCPH to investigate and control the spread of COVID-19.
- E. Business and government functions, children’s day camps, residential camps and youth sports camps, and houses of worship are encouraged to follow the CDC, CDPHE, and CCPH guidance by business sector. If there are any discrepancies between this Order and CDPHE guidance, this Order shall govern.
- F. Residential Care Facilities shall follow the CDPHE guidance for Residential Care Facilities, found here: <https://drive.google.com/file/d/1TCZVpFTZVkJntn0cmIJT5JCr9mPFoJvS/view>.

V. Hospital Facility Reporting

A. COVID-19 Case Reporting. All Colorado hospitals shall report to CDPHE in a form and format determined by CDPHE, certain information for all suspected (pending laboratory test) and confirmed (positive laboratory test) cases of COVID-19, including but not limited to:

1. race and ethnicity;
2. numbers of suspected and confirmed cases who are hospitalized, who are hospitalized and using a ventilator, or who are in the emergency department waiting for an inpatient bed;
3. numbers of suspected and confirmed cases who are discharged and in recovery;
4. deaths due to COVID-19; and
5. medical equipment and supply information, including but not limited to total bed and intensive care unit (ICU) bed capacity and occupancy, ventilator availability and utilization, and availability of N95 masks.

Reporting by hospitals shall be done in CDPHE's EMResource reporting system on a daily basis or as otherwise required by this Order.

B. Hospital Bed Capacity Reporting. All Colorado hospitals shall report to CDPHE the following in EMResource daily at 10:00 a.m.:

1. The daily maximum number of beds that are currently or can be made available within 24 hours for patients in need of ICU level care; and
2. The daily maximum number of all staffed acute care beds, including ICU beds, available for patients in need of non-ICU hospitalization

VI. Basis, Review, Application, Duration, Modification, and Penalties

- A. Chaffee County is tasked with protecting the health and welfare of the citizens of Chaffee County, Colorado by investigating and controlling the causes of epidemic and communicable disease. This Order is necessary to control any potential transmission of disease to others. See section 25-1-508, Colorado Revised Statutes. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.
- B. Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the Chaffee County District Court within 90 days of the date of this Order, pursuant to section 25-1-515, Colorado Revised Statutes. However, you must continue to obey the terms of this Order while your request for review is pending.
- C. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
- D. CCPH recognizes the need for long-term planning for events and activities throughout the summer months. Because of the need for this consistency for event planning, this Order is in effect and will continue to be in effect until midnight Mountain time **August 31, 2021**, unless extended, rescinded, superseded, or amended in writing. This Order is subject to amendment at any time provided the circumstances change. CCPH will review the current metrics and circumstances monthly in an effort to determine if such an amendment is necessary.
- E. **CCPH is continuing to monitor the Chaffee County metrics and may adjust restrictions based on sector of transmission at any time. Should the rate of vaccination of Chaffee County residents exceed seventy percent (70%) of eligible populations, CCPH will review this Order in an effort to lessen restrictions. Should the hospital capacity at Heart of the Rockies Regional Medical Center or region exceed eighty-five percent (85%) due to COVID-19, CCPH will review this order and impose additional restrictions as necessary to protect the county.**

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Lori A Mitchell
Chaffee County Clerk

F. FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO THE PENALTIES CONTAINED IN SECTIONS 25-1-516 AND 18-1.3-501, COLORADO REVISED STATUTES, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN MONTHS.

Andrea Carlstrom

June 22, 2021

Andrea Carlstrom, Director, CCPH

STATE OF COLORADO, CHAFFEE COUNTY

ATTEST:

Lori Mitchell by

Lillian Luster Chief Deputy Clerk and
Recorder

Chaffee County Clerk

