

January 31, 2022

**PUBLIC HEALTH AGENCY ORDER # 2020-08 – AMENDMENT 28
CHAFFEE COUNTY PUBLIC HEALTH ORDER RELATED TO COVID-19**

EFFECTIVE JANUARY 31, 2022

*** 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 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 January 27, 2022, Chaffee County had 3,202 confirmed positive reported cases, and numerous more home tests that have not been reported to Chaffee County Public Health. There have also been 41 deaths associated with COVID-19. Transmission of the virus, especially new variants that are more transmissible, continues to threaten Chaffee County citizens' way of life and livelihoods, as well as the potential for serious illness or death for certain members of the community. A surge in cases will have the effect of further interrupting the functioning of the community, and may overwhelm the capacity of the local health care systems ability to respond to the COVID-19 pandemic.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets or aerosolized particles. 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 the virus' ability to live in the air for long periods of time.

Widespread mask use and vaccinations are low cost and effective ways to reduce the spread of COVID-19 infections, as well as reduce the severity of illness if an individual does contract COVID-19. 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.

As of the date of this Order, the B.1.617.2 ("Omicron") variant is now the dominant strain of COVID-19 present in the State of Colorado and in Chaffee County. The Omicron variant is considerably more transmissible than previous strains. However, it is less severe, especially when someone is up to date on their vaccinations. Reinfection within a short duration, such as 2-3 weeks, is possible. Omicron has also defied some of our previous testing strategies. However, at the time of this order, the CDC has not changed any of its mitigation measures and protocols.

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 and boosted;
2. Stay home if sick or have a suspicion of infection;
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 or not boosted; and
7. Wear a mask indoors and in crowded outdoors places if community risk of transmission is substantial or worse.

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. Organizational mask mandates and/or vaccination requirements have proven to slow the spread of COVID-19, including the Omicron variant. CCPH encourages organizations to conduct a risk assessment to determine if such procedures necessary to protect the health and safety of those in the organization and the community at large.

ORDER

I. Individual Face Covering Directives

- A. All individuals age two (2) and older, regardless of vaccination status, are strongly recommended to wear a mask or face covering in public, indoor settings in areas of "Substantial" or "High" transmission pursuant to the CDC's COVID Data Tracker.
- B. All individuals age two (2) and older, regardless of vaccination status, are required to wear a mask or face covering while indoors and/or within six (6) feet of others in any County facility.
- C. Individuals are encouraged to wear a mask regardless of the CDC's transmission status determination if they are immunocompromised or at increased risk for severe disease from COVID-19, or if they have someone in their household who is immunocompromised, at increased risk of severe disease, or not fully vaccinated and boosted.
- D. Any individual, age two (2) and older, regardless of vaccine status, is encouraged to wear a medical-grade face covering that covers the nose and mouth when entering or within a public indoor space where members of different households are present. Any individual, age two (2) and older 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.

E. 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. Unvaccinated or not fully vaccinated residents, staff, and visitors to Prisons;
2. Unvaccinated or not fully vaccinated residents, staff, and visitors to Jails;
3. 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>
 - b. Long-term care facilities should follow CDPHE's requirements and recommendations, found here: <https://covid19.colorado.gov/lctf>

F. 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.**

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. However, receiving a COVID-19 booster is highly recommended as soon as an individual is eligible, which is 5 months after their 2nd dose of Pfizer or Moderna, or 2 months after their dose of Johnson & Johnson. By receiving a booster, an individual is considered "up to date" with their vaccination series.

G. The following individuals are exempt from the requirements of this Order:

1. Individuals who cannot medically tolerate a face covering.

H. Individuals performing the following activities are exempt from the face covering requirements 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.
- I. 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.
 - J. Nothing in this Order changes or abrogates the CDC's Order on January 29, 2021, to the extent such Order remains applicable, 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. CCPH urges schools to follow a layered approach using CDPHE's guide for operationalizing the CDC's school guidance: <https://covid19.colorado.gov/practical-guide-for-operationalizing-cdc-school-guidance>.

III. Individual Activity Directives

- A. All individuals currently living within Chaffee County are strongly encouraged to follow the Chaffee County COVID Code of Conduct.
- B. All private gatherings occurring inside or outside a residence are strongly 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 and boosted. All individuals aged twelve (12) and older are encouraged to get a booster as soon as they are eligible. All individuals aged five (5) and older are encouraged to get a full series of an approved vaccine such as Moderna or Pfizer immediately. 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 distancing or mask requirements) should get tested for COVID-19 using prioritization criteria that can be found on the Chaffee County COVID-19 website. 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, regardless of vaccination status, must isolate until ALL of the following criteria are met:
 - 1. At least five (5) days have passed since symptoms onset (symptom onset is day 0);
 - 2. At least twenty-four (24) hours have passed since last fever without the use of fever-reducing medicines; and
 - 3. Symptoms have resolved or have improved.
- F. Fully vaccinated and boosted (if eligible because it has been 5 months since their 2nd dose of Pfizer or Moderna, or two months since their Johnson & Johnson) individuals who have come into close contact with someone suspected or confirmed to have COVID-19 are recommended to be tested on day 5 after exposure (day of exposure is day 0) and wear a mask in public, indoor settings for ten (10) days.
- G. Unvaccinated individuals, or those who have not been boosted if eligible, who have come into close contact with someone suspected or confirmed to have COVID-19 are recommended to test at symptom onset, or if asymptomatic, on day five (5). CCPH will require full quarantine for unvaccinated close contacts and close contacts who are not boosted if eligible, when transmission is outside of the school environment following the CDC recommendations at the time. At the time of this order, quarantine is required for five (5) days after exposure (day of exposure is day 0), followed by strict mask wearing for an additional five days.
- H. Upon request, individuals who have tested positive for COVID-19 are asked to comply with CCPH's case and outbreak investigations, including following all isolation guidelines, as well as providing all their close contacts with information on their COVID-19 diagnosis, quarantine requirements, and testing recommendations.
- I. Positive results from at-home tests must be reported to CCPH via the internet at <https://covidbinax.colorado.gov>.
- J. All unvaccinated individuals traveling during this time are encouraged to voluntarily self-quarantining per quarantine guidelines, especially if participating in high-risk activities while traveling and if visiting or living with vulnerable or unvaccinated individuals when possible to do so.
- K. 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>. Individuals who have received a full vaccine series are urged to get a booster as soon as possible. At the time of this order, individuals ages five (5) and older are encouraged to complete a primary series of a COVID-19 vaccine. Individuals twelve (12) and older are encouraged to get boosted 5 months after their 2nd dose of Pfizer, 5 months after their 2nd dose of Moderna (18 and older only) or 2 months after their

dose of Johnson & Johnson (18 and older only). Some immunocompromised individuals ages 5 and older are recommended to get an additional dose of the primary series 28 days after their second dose. Individuals who feel they may be immunocompromised should speak with their doctor. To register for and schedule a vaccination, please call CCPH at 719-539-4510 or follow 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 and boosted;
2. Stay home if sick or have a suspicion of infection;
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 or not boosted; and
7. Wear a mask indoors and in crowded outdoors places if community risk of transmission is substantial or worse.

A. Event and activity capacity, distancing, and permitting requirements shall be based on venue and capacity as set forth below, excluding necessary event and activity staff. In-person indoor events for unvaccinated individuals are highly discouraged during the pandemic. While under "Substantial" or "High" transmission risk using the COVID Data Tracker, indoor events and activities that cannot ensure vaccination and mask requirements should consider postponing until transmission risk decreases or adopting other mitigation strategies.

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.

- B. Non-school-related group sports and activities shall follow the capacity restrictions as set forth above.

- C. All open business and government functions, children’s day camps, residential camps and youth sports camps, and houses of worship are asked to comply with CCPH’s case and outbreak investigations, including allowing positive employees to isolate, as well as informing any close contacts of the business or organization about the possible exposure to COVID-19, quarantine requirements, and testing recommendations.

- D. 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.

- E. Residential Care Facilities shall follow the CDPHE guidance for Residential Care Facilities, found here: <https://covid19.colorado.gov/lctcf>

- F. At this time when incidence is surging and hospital capacity is uncertain, CCPH strongly recommends the public to evaluate its return on investment when planning and executing events, meetings, and social gatherings that may include unvaccinated individuals.

V. Hospital/Healthcare 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 at 10:00 a.m., Monday through Friday:

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

C. Monoclonal Antibody Reporting. All Colorado hospitals and Healthcare Facilities (hospitals, urgent care clinics, freestanding emergency departments, etc.) shall take all necessary steps to provide all eligible Coloradans access to life-saving monoclonal antibody therapies. Providers who are approved for enrollment in the Monoclonal Antibody Therapy Program administered by CDPHE are required to submit weekly electronic reporting regarding their administration of monoclonal antibody therapies into a federal reporting database made available through CDPHE. Individuals who meet the criteria need for treatment with monoclonal antibody therapies per CDPHE and state orders may seek such treatment from any authorized healthcare facility without the need for a healthcare provider referral for care.

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.


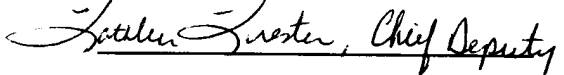
- D. CCPH recognizes the need for long-term planning for events and activities.. Because of the need for this consistency for event planning, this Order is in effect and will continue to be in effect until midnight Mountain time **February 28, 2022**, unless extended, rescinded, superseded, or amended 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 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.**
- 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.**



January 31, 2022

Andrea Carlstrom, Director, CCPH

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:



Chaffee County Clerk *Clerk and Recorder*

