

**CLEAR CREEK BOARD OF COUNTY COMMISSIONERS  
AGENDA**

**April 22, 2021**

**SPECIAL MEETING—Zoom Call**

**Thursday**

**REGULAR SESSION:**

1:30 p.m. Public Comment

**BOARD OF HEALTH ACTION SESSION**

1:30 p.m.

1. Consideration of approval of resolution #21-02, Standing Public Health Order To Continue To Control The Spread Of Covid-19 And To Protect The Public Health, Safety And Welfare Of The Clear Creek County Community -- Peter Lichtman
2. Consideration of approval of resolution #21-03, Amending Standing Public Health Order Requiring Facial Coverings In Public Where Social Distancing Cannot Be Maintained And Facilitating Contact Tracing-- Peter Lichtman

**BOARD OF COUNTY COMMISSIONERS EXECUTIVE SESSION:** Pursuant to C.R.S. § 24-6-402(4)(f), for the County Attorney to meet with the Board of County Commissioners for the purposes of discussing personnel matters relating to hiring a County Manager but not regarding commissioners or elected officials or to discussions of personnel policies generally.

**REGULAR SESSION**

The Board will return to regular session after the executive session for the sole purpose of announcing the conclusion of the executive session and adjourning the meeting.



**To join and listen to the regular session of the meeting, please do the following:**

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**CLEAR CREEK COUNTY BOARD OF HEALTH  
RESOLUTION 21-02**

**STANDING PUBLIC HEALTH ORDER TO CONTINUE TO CONTROL  
THE SPREAD OF COVID-19 AND TO PROTECT THE PUBLIC HEALTH, SAFETY  
AND WELFARE OF THE CLEAR CREEK COUNTY COMMUNITY**

**April 22, 2021**

The Clear Creek County Public and Environmental Health Department (“CCCPEH”) is working to stop the spread of Coronavirus 2019 (“COVID-19”). To support this effort, we find it necessary to adopt the CDPHE COVID-19 Dial as modified herein to continue to control and slow the spread of the SARS-CoV-2 virus and to mitigate the effects of the disease COVID-19 caused by the virus.

**FINDINGS AND NECESSITY OF ORDER**

**WHEREAS**, CCCPEH has public health jurisdiction over Clear Creek County, Colorado (“Clear Creek County”) including all cities and towns therein. In furtherance of its jurisdiction, CCCPEH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Clear Creek County, as well as the power and duty to close schools and public places and to prohibit gatherings of people when necessary to protect public health, and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within Clear Creek County as CCCPEH may find necessary for the protection of public health; and

**WHEREAS**, COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 213 countries, including the United States; and

**WHEREAS**, COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease; and

**WHEREAS**, while Colorado has started vaccinating those who are most vulnerable to COVID-19, estimates indicate that as of April 12, 2021, only about 30% of the population is currently immune to COVID-19; this is far short of the percentage of the population needed to reach herd immunity. Additionally, new variants that are more transmissible are circulating in Colorado. These factors, coupled with a loosening of restrictions, could result in an increase in cases. While we work as a community to reach herd immunity through vaccination, it is important that the protective measures of the COVID-19 Dial remain in place to help reduce the risk of transmission until we reach that critical threshold; and

**WHEREAS**, while Clear Creek County’s one-week incident rates have dropped from the peaks of November and December, 2020, case counts are variable from week to week and have been steadily increasing for the past several weeks. Elimination of the COVID-19 Dial measures will likely lead to increased case counts in Clear Creek County until enough people have been vaccinated to reach the threshold to achieve herd immunity. As of April 16, 2021, there were 478,678 known presumptive positive cases of COVID-19 statewide in Colorado, and 428 known presumptive positive cases in Clear Creek County, Colorado, as well as 6,319 deaths due to COVID-19 statewide and 3 deaths in Clear Creek County; and

**WHEREAS**, vaccine access is increasing but demand for the vaccine still exceeds available supply; and

**WHEREAS**, hospital admission rates in Clear Creek County provides a specific metric of severity of COVID-19 cases among those infected.

### **History of State and CCCPEH Orders**

On March 10, 2020, the Governor of Colorado declared a State of Emergency relating to the presence of COVID-19.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020-017, ordering all Coloradans to Stay-at-Home due to the presence of COVID-19 in the state (“Stay-at-Home Order”).

On April 26, the Governor of Colorado issued Executive Order D 2020-044, Safer at Home, through May 27, 2020 (“Safer-at-Home Order”).

On June 1, 2020, the Governor of Colorado issued Executive Order D 2020-091, Safer-at-Home and in the Vast, Great Outdoors (“Safer-at-Home and in the Vast, Great Outdoors Order”), which was extended by Executive Order D 2020-213 until November 5, 2020.

Clear Creek County’s movement from the Stay-At-Home Order to Safer-At-Home and in the Vast, Great Outdoors Order resulted in the easing of social distancing restrictions in Clear Creek County.

On September 16, 2020, the Executive Director of CDPHE issued Public Health Order 20-35, Safer at Home Dial, which superseded and replaced Public Health Order 20-28 (“PHO 20-35”).

On November 2, 2020, the Executive Director of CDPHE issued Public Health Order 20-36, COVID-19 Dial, which supersedes and replaces Public Health Order 20-35 (“PHO 20-36”).

On April 16, 2021, PHO 20-36 is expected to expire and the COVID-19 Dial will become non-mandatory guidance at the State level.

Counties in the Denver Metropolitan Area, to ensure consistency and minimize confusion for businesses and the community, desire to adopt CDPHE’s COVID-19 Dial as issued on April 4,

2021, and as amended herein. Clear Creek County assumes the restrictions of the next less-protective level on the Dial, based on the County’s PHO 20-36 metrics as of April 16, 2021.

## INTENT

The intent of this COVID-19 Dial Order is to continue to control the spread of COVID-19, so as to maintain consistent healthcare capacity in Clear Creek County and to protect the public health, safety, and welfare of the Clear Creek County community.

## DEFINITIONS

1. **Critical Business** is any business that is designated as a critical business under the terms of the CDPHE “Tenth Amended Public Health Order 20-36 COVID-19 Dial” dated April 4, 2021.
2. **Critical Government Function** is any governmental function that is designated as critical under the terms of the CDPHE “Tenth Amended Public Health Order 20-36 COVID-19 Dial” dated April 4, 2021.

## ORDER

Pursuant to the authority granted the Executive Director of Clear Creek County Public Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-509(1)(c), the following is ordered:

### 1. Assignment to and Movement Between Dial Levels

- a. **Phase 1: Moving Toward Full Reopening – April 16, 2021 through May 15, 2021**
  - i. **Level Designation:** Upon devolution of the CDPHE Public Health Order 20- 36, on April 16, 2021, CCCPEH adopts Colorado’s COVID-19 Dial framework set forth, as modified below (the “Dial”), and Clear Creek County will be assigned to one Level less protective based on its case incidence and positivity Dial metrics as of April 16, 2021 (“Phase 1 Level”).
  - ii. **Duration:** Between April 16, 2021 and May 15, 2021, Clear Creek County will remain at the Phase 1 Dial Level.
  - iii. **Movement:** Clear Creek County will not move levels during this 30-day Phase 1 Level between April 16, 2021 and May 15, 2021.
  - iv. **Restrictions:** All businesses and activities within Clear Creek County must follow the Capacity Restrictions for the Phase 1 Level located in Section 3 and Appendix A of this Order and the Mitigation Requirements for All Sectors located in Section 3 of this Order.
- b. **Phase 2: Observation Period – May 16, 2021 through August 15, 2021**
  - i. **Level Designation:** Upon conclusion of Phase 1 on May 16, 2021, Clear Creek County will move to Level Clear – New Normal – 100% capacity with no Mitigation Requirements as defined in Section 1.b.iii of this Order. Face covering requirements may still apply and State orders, if any, may still apply. In addition, municipal jurisdictions may implement their own protective measures, and this

Order shall not be construed as prohibiting any business from implementing or continuing such protective measures.

- ii. **Duration:** Between May 16, 2021 and August 15, 2021 – 90 days – Clear Creek County will remain at Level Clear, subject to observation of COVID-19 severity metric by CCCPEH and movement as defined in Section 1.b.iii. of this Order.
  - iii. **Movement:** Clear Creek County will begin Phase 2 in Level Clear. Clear Creek County may then be assigned to the Dial Level most reflective of its COVID- 19 severity metric, rate of hospital admissions of County residents as described in this section and Appendix A. Clear Creek County will be moved to more or less protective Levels if experiencing rates reflective of more or less protective Levels for seven (7) consecutive days over a 14-day rolling average.
    - 1. Level Clear: up to 2 hospital admissions of County residents per 100,000 population over a 14-day period.
    - 2. Level Blue: greater than 2.0 and up to 3.0 hospital admissions of County residents per 100,000 population over a 14-day period.
    - 3. Level Yellow: greater than 3.0 and up to 4.0 hospital admissions of County residents per 100,000 population over a 14-day period.
    - 4. Level Orange: greater than 4.0 and up to 5.0 hospital admissions of County residents per 100,000 population over a 14-day period.
    - 5. Level Red: More than 5 hospital admissions of County residents per 100,000 population over a 14-day period.
    - 6. Level Purple: 5 or more hospital admissions of County residents per 100,000 population over a 14-day period and hospital capacity is threatened.
  - iv. **Restrictions:** Clear Creek County must follow the Capacity Restrictions for its assigned Level located in Section 2 and Appendix A of this Order. Mitigation Requirements for All Sectors located in Section 3 of this Order are not required under Level Clear.
- c. CCCPEH, in the interests of public health, safety, and welfare, reserves the right to move Clear Creek County one or more Levels quicker than stated above and to implement other restrictions as circumstances warrant.

## 2. Capacity Restrictions

- a. Clear Creek County shall follow the capacity restrictions set forth on Appendix A for its Level designation.
- b. Any business or activity not specifically addressed in this Order or Appendix A may operate as an indoor or outdoor event, depending on whether the business or activity is indoors or outdoors.
- c. There are no local Capacity Restrictions or Mitigation Requirements in Level Clear except as provided by any statewide order or local face covering order.

## 3. Mitigation Requirements for All Sectors – Levels Green, Blue, Yellow, Orange, Red & Purple

- a. All requirements in this section shall apply unless impossible or unsafe to carry out the activity or function while complying.

- b. Critical Businesses and Critical Government Functions may continue to operate, and must comply with Distancing Requirements, all of the requirements in this Order, and any applicable executive orders or CDPHE public health orders and mandatory guidance, unless doing so would make it impossible to carry out critical functions.
- c. **Distancing Requirements**
  - i. Individuals shall maintain at least 6 feet of distance from other individuals who are non-household members. However, nothing in this section shall limit groups of up to 10 individuals from attending events together or patronizing a restaurant or bar together; and nothing in this section shall limit organized sports activities; so long as these activities comply with the requirements of this Order.
  - ii. Businesses should arrange their space or seating areas to accommodate 6-foot distancing of non-household members at all times.
  - iii. Shared or common indoor areas where people can congregate without observing 6-foot distancing should be closed or discouraged.
  - iv. Virtual meetings should occur where possible to reduce unnecessary in-person gatherings.
  - v. Prioritize remote work and enable it whenever practical.
  - vi. Business policies should be adopted to reduce density, such as staggering arrivals and dismissals of employees and customers, using reservation systems, marking spaces 6-feet apart where lines tend to form, and designating separate entrances and exits.
- d. **Face Covering Requirements**
  - i. Face coverings are required pursuant to Executive Order D 2020 138, as amended and extended, and CCCPEH's Face Covering Order, as amended and extended.
  - ii. Employers should provide protective gear such as face shields and gloves, where appropriate, and face coverings.
- e. **Hygiene, Cleaning and Disinfecting**
  - i. Employers must require employees showing any symptoms or signs of sickness, or who has been in contact with known positive cases to stay home. Employers must ensure paid sick leave policies are consistent with state law and communicate those policies to employees. See the Colorado Department of Labor and Employment's Paid Leave Under the Healthy Families and Workplaces Act Interpretive Notice & Formal Opinion and Colorado Workplace Public Health Rights Poster.
  - ii. Customers showing any symptoms or signs of sickness, or who have been in contact with known positive cases must stay home and follow isolation and quarantine guidance. Businesses should implement flexible cancellation policies to encourage customers to stay home when ill or exposed.
  - iii. Follow CDC's When and How to Wash Your Hands guidance.
  - iv. Follow CDC's Cleaning and Disinfecting Your Facility guidance.
- f. **Ventilation**
  - i. Ensure proper ventilation and maximize ventilation by adopting strategies such as opening windows whenever possible and upgrading air filters.
  - ii. Businesses and individuals are encouraged to move interactions among members of different households outside whenever possible.

**g. Signage**

- i. Post signage that face coverings are required to enter any public indoor space per the requirements of Executive Order D 2020 138, as amended, or per the requirements of CCCPEH's Face Covering Order.
- ii. Post signage on good hygiene practices, including washing hands and distancing.
- iii. Post signage prohibiting anyone showing any symptoms or signs of sickness from entering.
- iv. All signage should be easy to follow and in languages employees and customers understand.

**h. Personal Social Gatherings**

- i. Indoor Personal Social Gatherings should follow CDC guidance on gatherings. This Order presumes that an indoor personal social gathering consists of 10 people or less. Indoor gatherings greater than 10 people should follow indoor events requirements as defined by the applicable level in Appendix A.

**OTHER PUBLIC HEALTH ORDERS RELATED TO COVID-19**

1. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning medical Face Coverings.
2. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) that impose Face Covering requirements beyond those contained in this Order.
3. Nothing in this Order should be construed to preempt any local Public Health Orders.
4. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.
5. This Order is in addition to all executive orders issued by the Governor of Colorado and all public health orders and mandatory guidance documents issued by CDPHE. If there is a conflict between this Order and any executive order, CDPHE public health order, or local public health order, the most restrictive order applies.

**ADVISEMENT AND ADDITIONAL INFORMATION**

1. Along with CDPHE, CCCPEH is tasked with protecting the health and welfare of the citizens of Clear Creek County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. CCCPEH will attempt to seek voluntary compliance through education, technical assistance, and warning notices. However, this Order may be enforced by any appropriate legal means.
2. This Order has the effect of law. Pursuant to C.R.S. §§25-1-114.1 and 25-1-516, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a fine of up to one thousand dollars (\$1,000.00) per violation and

imprisonment in the county jail for up to one year. For violations of this Order, CCCPEH may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order.

3. Any business open to the public that violates the provisions of this Order may be subject to the suspension or revocation of its license by the appropriate licensing authority as provided by law and/or subject to an immediate Closure Order from CCCPEH.

4. If you have questions regarding this Order, please contact the CCCPEH at 303-670-7425 or view the COVID-19 information on CCCPEH's website at: <https://www.clearcreekcounty.us/1210/Public-Health-Orders-Guidance>.

5. This CCCPEH Public Health Order 21-02 shall be in effect from April 22, 2021, at 11:59 p.m. through August 15, 2021, at 11:59 p.m.

6. FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR.

7. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then 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.

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If you have questions regarding this Order, please contact CCCPEH at 303-670-7525.

ADOPTED this 22nd day of April, 2021, at a regular meeting of the Clear Creek County Board of Health.

\_\_\_\_\_  
George Marlin, Chairman

\_\_\_\_\_  
Sean C. Wood, Commissioner

ATTEST:

\_\_\_\_\_  
Randall Wheelock, Commissioner

\_\_\_\_\_  
Deputy Clerk and Recorder  
For Brenda L. Corbett  
Clear Creek County Clerk and Recorder

Received and Approved

\_\_\_\_\_  
Timothy Ryan, PhD.  
Public & Environmental Health Director

\_\_\_\_\_  
Date

## APPENDIX A

	Level Clear: New Normal	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
Metric for Phase 2 – Hospital Admissions per 100,000	0-1.99	2 – 2.99	3 – 3.99	4 – 4.99	5 or greater	5 or greater and Hospital Capacity is Threatened
HIGH RISK POPULATIONS	No local capacity restrictions. Must still be attentive to hygiene and sanitation and must ensure paid leave policies meet state law requirements to ensure employees remain home when sick.	Use caution Eligible for worker benefits and mandatory prioritization for remote work	Advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Strongly advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home Ordered Eligible for worker benefits and mandatory prioritization for remote work
PERSONAL GATHERING SIZE		Indoor personal gatherings should follow the <a href="#">CDC guidance on gatherings</a> up to 10 people and indoor events or outdoor event for more than 10 people	Indoor personal gatherings should follow the <a href="#">CDC guidance on gatherings</a> up to 10 people and indoor events or outdoor event for more than 10 people.	Up to 10 people from no more than 2 households	None; gatherings of 2+ people from different households prohibited	None; gatherings of 2+ people from different households prohibited
CHILDCARE		Open	Open	Open	Open	Open
P-12 SCHOOLS		In-person.	In-person suggested, hybrid, or remote as appropriate.	In-person suggested, hybrid, or remote as appropriate.	P-5: in person suggested, hybrid, or remote as appropriate; Middle school: in-person, hybrid, or remote suggested; High school: hybrid or remote suggested.	In-person, hybrid, or remote as appropriate.
HIGHER EDUCATION		In-person.	In-person, hybrid, or remote as appropriate.	In-person, hybrid, or remote as appropriate.	Remote suggested, limited in-person when necessary.	Remote suggested, very limited in-person when necessary.
RESTAURANTS		6 feet between parties up to 100% capacity	50% capacity up to 150 people 6ft between parties outdoors, per local zoning.	25% capacity up to 50 people 6ft between parties outdoors, per local zoning.	Indoor dining closed. Take out, curbside, delivery, or to go, outdoor/ open air with only groups of same household is open.	Indoor and outdoor dining closed. Take out, delivery, or to go is open.
LAST CALL FOR ON-PREMISE		2 a.m.	1 a.m.	12 a.m.	10 p.m.	No on-premise service.
SMOKING LOUNGES		50% capacity up to 25 people.	50% capacity up to 10 people.	25% capacity up to 10 people.	Closed.	Closed.

<b>NON-CRITICAL MANUFACTURING</b>	75% capacity.	50% capacity up to 50 people (or up to 100 with calculator)	25% capacity up to 50 people.	25% capacity up to 50 people.	10% capacity or 25 people.
<b>OFFICES</b>	75% capacity.	75% capacity, remote work is strongly encouraged.	25% capacity, remote work is strongly encouraged.	10% capacity, remote work is strongly encouraged.	Remote work or Closed.
<b>BARS</b>	25% capacity up to 75 people.	Closed.	Closed.	Closed.	Closed.
<b>GYMS/FITNESS</b>	6 feet between parties up to 100% capacity.	50% capacity up to 50 people (or up to 100 with calculator).	25% capacity up to 50 people.	10% capacity up to 10 people indoors per room, or outdoors in groups less than 10. Reservations required.	Virtual, or 10 person capacity outdoors per activity.
<b>GROUP SPORTS AND CAMPS</b>	50 -person capacity per activity. Camps limited to 25 participants indoors and 50 outdoors.	25 -person capacity per activity. Camps limited to 10 participants indoors and 25 outdoors.	10 person capacity per activity. Camps should be conducted virtually or with no more than 10 participants outdoors.	Virtual, or 10 person capacity outdoors with 6ft distancing.	Virtual, or 10 person capacity outdoors with 6ft distancing. Camps are closed.
<b>CRITICAL AND NON-CRITICAL RETAIL</b>	75% capacity.	75% capacity.	50% capacity with increased curbside pick-up, and delivery. Dedicated senior and at-risk hours encouraged.	50% capacity with increased curbside pick-up, and delivery. Dedicated senior and at-risk hours encouraged.	Non-critical retail closed. Curbside pick-up and delivery OK. Critical may operate at 50% capacity but should make significant efforts to reduce the number of people in-store as much as possible.
<b>PERSONAL SERVICES</b>	50% capacity up to 50 people.	50% capacity up to 50 people.	25% capacity up to 25 people.	25% capacity up to 25 people.	Closed.
<b>LIMITED HEALTH CARE SETTINGS</b>	50% capacity up to 50 people.	50% capacity or 50 people.	25% capacity or 25 people.to	25% capacity up to 25 people.	10% capacity or 25 people.
<b>INDOOR UNSEATED EVENTS AND ENTERTAINMENT</b>	50% capacity up to 175 people.	50% up to 50 people no calculator or up to 150 with calculator.	25% up to 50 people with calculator.	Closed. Educational institutions including museums, aquariums and zoos may operate indoors at 25% capacity up to 25 people.	Closed.
<b>INDOOR SEATED EVENTS AND ENTERTAINMENT</b>	6 feet distancing up to 100% capacity.	50% capacity up to 150 people.	25% capacity up to 50 people.	Closed. Educational institutions including museums, aquariums and zoos may operate indoors at 25% capacity up to 25 people.	Closed.
<b>CASINOS</b>	Same as indoor events.	Same as indoor events.	Same as indoor events.	Closed.	Closed.
<b>OUTDOOR SEATED AND UNSEATED EVENTS AND ENTERTAINMENT</b>	6ft distancing up to 100% capacity.	50% capacity up to 175 people.	25% capacity up to 75 people, with calculator for unseated.	25% capacity up to 75 people, with calculator for unseated.	Closed.
<b>OUTDOOR GUIDED SERVICES</b>	6ft distancing up to 100% capacity.	50% capacity up to 10 people.	25% capacity up to 10 people.	25% capacity up to 10 people.	25% capacity up to 10 only in your own household.

**CLEAR CREEK COUNTY BOARD OF HEALTH  
RESOLUTION 21-03**

**AMENDING STANDING PUBLIC HEALTH ORDER  
REQUIRING FACIAL COVERINGS IN PUBLIC WHERE  
SOCIAL DISTANCING CANNOT BE MAINTAINED AND FACILITATING CONTACT  
TRACING**

**April 22, 2021**

Pursuant to Colorado Revised Statutes (“C.R.S.”) §§ 25-1-506, 508, 509, and 516, Clear Creek County Board of Health (“BOH”) hereby issues this Public Health Order requiring facial coverings to be worn in public where social distancing cannot be maintained throughout Clear Creek County, Colorado, so as to control and slow the spread of the SARS-CoV-2 virus (“coronavirus”) and to mitigate the effects of the disease resulting therefrom (the coronavirus and the disease resulting therefrom shall be referred to herein as “COVID-19”). The goal of this Order shall be to control and reduce the spread of COVID-19 while allowing the re-opening of local businesses, recreation sites and events.

**FINDINGS**

Whereas, the BOH has public health jurisdiction over Clear Creek County, including all cities and towns therein. In furtherance of its jurisdiction, BOH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Clear Creek County, as well as the power and duty to close schools and public places and to prohibit gatherings of people when necessary to protect public health, and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within Clear Creek County as BOH may find necessary for the protection of public health; and

Whereas, COVID-19 is a respiratory illness transmitted like other respiratory illnesses through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two (2) to fourteen (14) days after exposure. Symptoms include fever, cough, shortness of breath, or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease; and

Whereas, COVID-19 was first detected in Wuhan, China, in late 2019, and since then has spread to over 180 countries and territories, including the United States. As of December 21, 2020, there have been 311,036 confirmed or probable positive cases of COVID-19 statewide in Colorado and 257 confirmed or probable positive cases in Clear Creek County, Colorado, as well as 3,511 deaths related to COVID-19 cases statewide and 2 deaths in Clear Creek County; and

Whereas, on March 10, 2020, the Governor of Colorado (“Governor”), Jared Polis, declared a State of Emergency related to the presence of COVID-19 in the State of Colorado; and

Whereas, on March 16, 2020, the Chairman of the Board of County Commissioners for Clear Creek County declared a local disaster emergency, which, on March 17, 2020, was ratified and extended by the Board of County Commissioners for Clear Creek County, and has been extended so that it remains in effect as of this date; and

Whereas, on June 1, 2020, the Governor of the State of Colorado issued Executive Order D2020-091 for Safer at Home and in the Vast, Great Outdoors; and

Whereas, on June 4, 2020, the Governor of the State of Colorado issued Executive Order D2020-092 Amending Executive Orders D2020-039 and D2020-067 Ordering Workers in Critical Businesses and Critical Government Functions to Wear Non-Medical Face Coverings, which amended and extended Face Covering requirements through July 4, 2020; and

Whereas, on March 5, 2021, the Governor of the State of Colorado issued Executive Order D 2021 056 Extending Executive Orders D 2020-039, D 2020-067, D 2020-092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035 and D 2021 079 Ordering Individuals in Colorado to Wear Non-Medical Face Coverings through May 3, 2021; and

Whereas, on April 4, 2021, the Executive Director of CDPHE issued the Tenth Amended Public Health Order (PHO) 20-36 COVID-19 Dial, providing additional guidance regarding wearing face coverings in a variety of circumstances, including while entering or within Public Indoor Spaces (as defined in Section 5 of this Order); and

Whereas, under Executive Order D 2021 079) mask wearing continues to be mandatory for all counties in schools (including extracurricular activities), child care centers, indoor children's camps, public-facing state government facilities, emergency medical and other healthcare settings, personal services and limited healthcare settings as defined by PHO 20-38, congregate care facilities, prisons, and jails; and

Whereas, local communities may have additional mask restrictions; and

Whereas, the United States Centers for Disease Control and Prevention ("CDC"), Colorado Department of Public Health and Environment ("CDPHE"), and Clear Creek County Public & Environmental Health ("CCCPEH") have recommended that members of the public, when they need to interact with others not members of their household, whether indoors or outdoors, should cover their mouths and noses to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic yet still be contagious. People can also be contagious 48 hours before developing symptoms. Many people with COVID-19 have mild symptoms and do not recognize that they are infected and contagious and that they can unintentionally infect others; and

Whereas, while Colorado has started vaccinating those who are most vulnerable to COVID-19, the Colorado Modeling Group estimates that as of March 31, 2021, only about 25% of the population is currently immune to COVID-19; this is far short of the percentage of the population needed to

reach herd immunity. Additionally, new variants that are more transmissible are circulating in Colorado.

Whereas, these factors, coupled with a loosening of restrictions, could result in an increase in cases, hospitalizations and deaths. While we work as a community to reach herd immunity, it is important that all community members continue to wear a face covering when they are within six (6) feet of distance from non-household members to help reduce the risk of transmission until we reach that critical threshold.

Whereas, scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are lifted, that the wearing of facial coverings by individuals while in public areas assists in maintaining reduced virus transmission by reducing the spread of respiratory droplets; and

Whereas, a facial covering mandate can work in concert with reduced social distancing restrictions under Safer at Home and in the Vast, Great Outdoors to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus necessary to protect vulnerable populations and to prevent the health care system from becoming overwhelmed; and

Whereas, on April 13, 2021, the BOH adopted Resolution 21-01 creating a new standing public health order requiring facial coverings in public; and

Whereas on April 15, 2021, the Executive Director of CDPHE issued PHO 20-38 Limited COVID-19 Restrictions, which, among other things, rescinded and replaced PHO 20-36 COVID-19 Dial but continues to require compliance with Executive Order D 2020 138, as amended and extended (most recently amended by D 2021 079), concerning face coverings; and

Whereas, subsequently, in light of PHO 20-36 COVID-19 Dial being rescinded, and to help guide counties in the Denver Metro Area through the recovery phase of the COVID-19 pandemic and into a full reopening, local health leaders suggested language for new public health orders for county public health boards in the region to adopt by resolution; and

Whereas, in consideration of the benefits of a regional, unified and consistent approach to COVID-19 public health orders, the BOH Public & Environmental Health Director recommend adoption of a resolution adopting the suggested language, and the BOH adopted that resolution on April 20, 2021 (BOH Resolution 21-02), prior to consideration of this Resolution 21-03; and

Whereas, in light of the adoption of BOG Resolution 21-02, the BOH has determined it appropriate to amend Resolution 21001 to remove the references to the COVID-19 Dial, as the adoption of Resolution 21-02 addresses those concerns.

## **ORDER**

Pursuant to statutory authority granted to the BOH, the following is ordered:

1. Each person within Clear Creek County must wear a Face Covering while (a) they are in indoor areas other than their Residence as defined below, or (b) they are outdoors when they are unable to maintain, or when they are not maintaining, social distance of at least six (6) feet from any non-household members, unless otherwise specifically exempted by Section 6 of this Order. These requirements supplement and are in addition to any other social distancing orders.
2. Businesses shall post on all entrances a sign which states that, pursuant to Clear Creek County Public Health Order 20-005, no individual may enter the facility without wearing a Face Covering unless a specific exception applies. Clear Creek County Public & Environmental Health shall provide a PDF copy of the sign for businesses to print out and post on their entrances. The PDFs are available on the County Website, [www.clearcreekcounty.us](http://www.clearcreekcounty.us), in the INFORMATION ON THE COVID-19 EMERGENCY RESPONSE section, under PUBLIC HEALTH ORDERS. If an individual qualifies for an exception, no business should deny services based on failure to wear a Face Covering.
3. “Face Covering,” as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made or may be handmade and improvised by using ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face; allow for breathing without restriction; and either be constructed of disposable mask materials or include multiple layers of fabric that can be laundered and machine-dried without damage or change to shape. Face Coverings must cover the nose and mouth at all times and should remain in place until taken off safely. If a worker’s Face Covering moves during work, it must be replaced with one that does not need to be frequently adjusted in order to reduce touching of the face. A Face Covering should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order’s requirements. Valves of that type permit droplet release from the mask and can put others nearby at risk.

A video showing how to wear and clean Face Coverings may be found on the CDC’s website at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>

4. “Residence,” as used in this Order, means the real property (including structures and the land) upon which an individual resides with other members of his or her household. “Residence” includes hotels, motels, shared rental units, and similar facilities; however “Residence” does not include any common areas that may be used by multiple households.
5. “Public Indoor Space,” as used in the Order, means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by

right or by invitation, expressed or implied, or that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Spaces include all enclosed indoor areas except for an individual's Residence.

6. A Face Covering is not required as follows:

a. Working Alone. In any Public Indoor Space setting when any person is alone in such space (a single, fully enclosed room) when others outside of that person's household are not present and the public does not regularly visit the room. That individual must put on a Face Covering when coworkers are located six feet or less from the individual, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present.

b. Food Establishments. Persons in restaurants or other food establishments which are permitted by state and local regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking; provided, however, that face coverings must be worn while entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed;

c. Other Expressly Permitted Situations. In the limited situations where CDPHE, through a current public health order, has explicitly permitted the removal of a Face Covering in order for customers to receive designated services that require removal of a customer's Face Covering, for example, facials and dental procedures.

d. Hearing Impaired. For individuals who are communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication.

e. Private Vehicles. When a person is driving or is a passenger in a privately-owned or operated motor vehicle when it is occupied only by an individual or members of the same household. Individuals must wear a Face Covering when driving or a passenger in public transportation, paratransit vehicles, taxis, private car services, or ride-sharing vehicles when used for that purpose.

e. First Responder Unforeseen Emergency. With exception of an unforeseen emergency (e.g. law enforcement officers responding to an immediate threat), first responders are required to wear a Face Covering under this Order. However, this Order does not preempt any CDPHE orders or State of Colorado Executive Orders that require first responders to wear Face Coverings.

f. Verifying Identity. Persons in a Public Indoor Place such as banks, financial institutions or other security sensitive businesses who are requested to remove or lower their face covering for purposes of verifying their identity to carry out a sale or transaction; provided, however, that Face Coverings must otherwise be worn while in the establishment.

- g. Children. This Order does not require any child aged four (4) years or younger to wear a Face Covering. Parents and caregivers must supervise the use of Face Coverings by children to avoid misuse. In addition, this Order advises that children under age three years should not wear a Face Covering due to the risk of suffocation.
7. Preemption and Conflicts.
- a. This Order is in addition to all executive orders issued by the Governor of Colorado and all public health orders and guidance documents issued by CDPHE. If there is conflict between this Order and any executive order, CDPHE public health order or local public health order, the most restrictive order applies.
- b. Nothing in this Order should be construed to preempt any local public health orders. If there is conflict between this Order and any local public health order, the most restrictive order applies.
- c. Nothing in this Order should be construed to require the wearing of a Face Covering when doing so would violate Federal law, rule or regulation.
8. Individuals must comply with CCCPEH'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 requested by CCCPEH to investigate and control the spread of COVID-19.
9. All Public Indoor Spaces 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 of someone with COVID-19 or any other information requested by CCCPEH to investigate and control the spread of COVID-19.
10. Along with CDPHE, the Clear Creek County BOH and the CCCPEH are tasked with protecting the health and welfare of the citizens of Clear Creek County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. CCCPEH will attempt to seek voluntary compliance through education. However, this Order may be enforced by any appropriate legal means.
11. This Public Health Order shall be in effect from 11:59 p.m. on April 22, 2021, and shall expire at 11:59 p.m. on May 31, 2021, unless extended or modified by further order of the BOH or the CCCPEH Director. This Order supersedes prior Resolutions of the Board relating to facial mask coverings.
12. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then 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.

FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN (18) MONTHS.

If you have questions regarding this Order, please contact the CCCPEH at 303-670-7528.

ADOPTED this 22nd day of April, 2021, at a regular meeting of the Clear Creek County Board of Health.

\_\_\_\_\_  
George Marlin, Chairman

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Sean C. Wood, Commissioner

ATTEST:

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Randall Wheelock, Commissioner

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Deputy Clerk and Recorder  
For Brenda L. Corbett  
Clear Creek County Clerk and Recorder

Received and Approved

\_\_\_\_\_  
Timothy Ryan, PhD.  
Public & Environmental Health Director

\_\_\_\_\_  
Date