

**RESCINDING PARK COUNTY BOARD OF HEALTH ORDER NO. 20-01
ISSUING PARK COUNTY BOARD OF HEALTH ORDER 21-02 INCORPORATING
EXECUTIVE ORDER 2021-023 AMENDING AND EXTENDING EXECUTIVE
ORDERS D 2020-235, 2020-265 AND 2020-289 ESTABLISHING DIRECTIVES FOR
THE COVID-19 DIAL FRAMEWORK, ORDER 2021-007 REQUIRING INDIVIDUALS
TO WEAR FACE COVERINGS AND AMENDED COLORADO PUBLIC HEALTH
ORDER 20-36**

RECITALS

1. Park County Resolution No. 2009-09, established the Park County Public Health Agency pursuant to Section 25-1-506, C.R.S., designating the Board of County Commissioners of Park County as the Park County Board of Health ("Board of Health").
2. On March 10, 2020, the Governor of Colorado declared a state of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread throughout the State of Colorado, and community transmission of the illness has been confirmed in Park County.
3. On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.
4. On March 19, 2020, Colorado Public Health Order 20-22 announced the closing of all bars, restaurants, theaters, gymnasiums, casinos, nonessential personal services facilities, and horse track and off-track betting facilities statewide.
5. On March 19, 2020, Park County declared a Local Disaster Emergency related to COVID-19.
6. On March 25, 2020, the Governor of Colorado issued Executive Order 2020-017 ordering all Coloradans to stay at home.
7. On April 6, 2020, the Governor of Colorado amended and extended Executive Order 2020-017 pursuant to Executive Order 2020-024.
8. On April 26, 2020, the Governor of Colorado rescinded Executive Order 2020-24 and issued Executive Order 2020-044, ordering all Coloradans to abide by Safer-at-Home restrictions.
9. On April 27, 2020, Colorado Public Health Order 20-24 was rescinded and Colorado Public Health Order 20-28 was issued. Colorado Public Health Order 20-28 was amended on May 4, 2020, May 8, 2020, May 14, 2020, May 26, 2020 and June 2, 2020.
10. On June 1, 2020, the Governor of Colorado issued Executive Order 2020-091, "Safer at Home and in the Vast, Great Outdoors." Executive Order 2020-091 directed the

Executive Director of CDPHE to issue a new or amended PHO consistent with Executive Order 2020-091. Executive Order 2020-091 was amended and extended by Executive Orders 2020-123, 2020-142, 2020-144, 2020-170, 2020-199 and 2020-213.

11. On June 5, 2020, Colorado Public Health Order 20-28 was amended to be consistent to the directives of Executive Order 2020-091. Colorado Public Health Order 20-28 was further amended on June 19, 2020, June 30, 2020, July 30, 2020 and August 21, 2020.

12. On July 16, 2020, the Governor of Colorado issued Executive Order 2020-138, “Ordering Individuals in Colorado to Wear Non-Medical Face Coverings.” Executive Order 2020-138 amends and extends Executive Orders 2020-039, 2020-067, 2020-092, and 2020-110 to protect Coloradans by requiring individuals in Colorado to wear a non-medical face covering over their nose and mouth when entering or moving within any public indoor space, subject to several exceptions.

13. The Executive Order Ordering Individuals in Colorado to Wear Non-Medical Face Coverings was amended and extended on August 14, 2020 by Executive Order 2020-164, on September 12, 2020 by Executive Order 2020-190, on October 11, 2020 by Executive Order 2020-219, on November 2, 2020 by Executive Order 20-237, on November 9, 2020 by Executive Order 2020-245, on December 8, 2020 by Executive Order 2020-276, on December 14, 2020 by Executive Order 2020-281 and on January 6, 2021 by Executive Order 2021-007.

14. On September 15, 2020, the Colorado Department of Public Health and Environment issued PHO 20-35, implementing the “Safer at Home Dial” which supersedes and replaces PHO 20-22, 20-24 and 20-28, as amended. The Safer at Home Dial consisted of three levels that Colorado counties qualify for based on meeting three specific metrics.

15. On September 20, 2020, the Colorado Department of Public Health and Environment issued an Amended PHO 20-35. PHO 20-35 was further amended on October 23, 2020 and October 27, 2020.

16. On October 30, 2020, the Governor of Colorado issued Executive Order 2020-235, “Superseding and Replacing Executive Orders Concerning Protect Our Neighbors and Safer at Home in the Vast, Great Outdoors and Establishing Directives for the COVID-19 Dial Framework.” Executive Order 2020-235 combined the Protect Our Neighbors, Safer at Home and in the Vast, Great Outdoors, and Stay at Home Orders into the Colorado Department of Public Health and Environment’s “Dial” framework.

17. On November 2, 2020, the Colorado Department of Public Health and Environment issued PHO 20-36, which supersedes Amended PHO 20-35. PHO 20-36 includes COVID Dial – Individual Requirements and Covid-19 Dial Levels. The PHO 20-36 COVID-19 Dial consisted of five levels that counties qualified for based on meeting three specific metrics.

18. On November 17, 2020, the Colorado Department of Public Health and Environment issued an Amended PHO 20-36. The Amended PHO 20-36 COVID-19 Dial consists of six levels (i.e. Green, Blue, Yellow, Orange, Red and Purple) that counties qualify for

based on meeting specific metrics. The Counties will remain in a Dial level so long as they continue to meet the metrics in that level. If the county falls out of compliance with one or more of the metrics associated with that level, they will have two weeks to develop and implement mitigation strategies to get back into compliance with the metric. A Second Amended PHO 20-36 was issued on November 20, 2020, a Third Amended PHO 20-36 was issued on December 7, 2020 and a Fourth Amended PHO 20-36 was issued on January 4, 2020.

19. On November 28, 2020, the Governor of Colorado issued Executive Order 2020-265 Amending and Extending Executive Order D 2020 235 and Establishing Directives for the COVID-19 Dial Framework. Executive Order 2020-265 was amended and extended on December 27, 2020 by Executive Order 2020-289 and on January 25, 2021 by Executive Order 2021-023.

20. As of the date of this Order, Park County is listed as “Level Orange: High Risk” as defined in the Fourth Amended PHO 20-36 and subject to the metrics and restrictions identified in Fourth Amended PHO 20-36. Park County’s level on the COVID-19 Dial may be revised during the duration of this PHO 21-02. The County will follow the metrics and restrictions of its current COVID-19 Dial level as determined by the CDPHE, and as may be amended.

21. Executive Orders 2020-044 and 2020-091 expressly allow a local public health authority to issue an order more protective of public health than Executive Order 2020-044. To the extent provisions in a local public health order are more protective of public health than the amended Executive Order 2020-044 and 2020-091, or any Colorado Public Health Order issued pursuant to an Executive Order, such provisions in the local public health order shall remain in full force and effect.

22. The age, condition, and health of a significant portion of the population in Park County places it at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk. A large surge in the number of persons with serious infections 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.

23. This Order is adopted pursuant to the legal authority set forth in Sections 25-1-506 and 25-1-508, C.R.S. Under these laws, the Park County Board of Health (the “Board”) has the power to develop and promote public policies needed to secure the conditions necessary for a healthy community and 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 Board as the Board may find necessary for the protection of the public health.

24. Park County is a large County, covering 2,166 square miles. Park County has a limited number of emergency medical service providers, fire protection service providers and

Sheriff's Office personnel (collectively referred to herein as "public safety responders" or "emergency service providers"). Due to its vast geographic area and high altitudes, emergency service providers must travel substantial distances to remote locations. Distances, weather, remoteness, adverse road conditions and its small number of public safety responders, cause Park County's human emergency response resources to be extremely limited even under ordinary circumstances.

25. In the event of a pandemic, a fire or other natural disaster, Park County's emergency response resources are significantly taxed. Nonetheless, in such circumstances individuals in Park County, whether full time residents, part-time residents, or visitors, will call on emergency service providers in order to protect themselves, their families and their property.

26. Any circumstance that would reduce the already limited number of Park County public safety responders poses a significant health and safety risk to all Park County residents and visitors to Park County and threatens the health, safety and well-being of the residents of and visitors to Park County and those of/to neighboring Counties.

27. Public safety responders' exposure to COVID-19-positive individuals, if the public safety responders are unprotected, will necessarily reduce the number of public safety responders. This is because when exposed, in order to contain the spread of the disease, they must be quarantined until a full incubation from possible exposure has elapsed (14 days since last known exposure) and it is determined that the first responder is not potentially infectious. If infected, the first responder could be out of service for longer than 14 days.

28. Moreover, Park County has no medical facilities except for one small clinic. All severe COVID-19 cases would need to be transported out of County and for long distances. Where helicopter transport is not available or safe, such transports would have to be done by Park County emergency service providers, which would reduce the number of public safety responders.

29. The Park County's public safety responders do not have the capacity and resources to adequately control, manage, police, and ensure the safety of these visitors and their impacts on Park County and its residents, including preventing visitors from gathering, disregarding social. Nor do Park County public safety responders have the capacity to provide services to persons needing assistance on recreation lands, or to do so safely without putting the personnel at risk to the virus.

30. The Board nonetheless recognizes if the County falls out of compliance with one or more of the metrics associated with its then-current COVID-19 Dial level, it will have two weeks to develop and implement mitigation strategies to get back into compliance with the metric. If after two weeks one or more of the metrics remains out of compliance, the County will participate in a consultation with the CDPHE to determine whether additional mitigation time and/or mitigation strategies are warranted, or if the County must move to a lower level. Businesses and/or activities are subject to compliance with the County's COVID-19 mitigation plan. The Board also recognizes the CDPHE reserves the right to move counties one or more levels more quickly as circumstances warrant.

31. On May 28, 2020, Park County applied to the Colorado Department of Public Health and Environment for a local variance and requested relief from certain provisions of the Safer at Home Executive Order D 2020 044 and PHO 20-28, as amended.

32. On June 7, 2020, Park County's variance request was approved with amendments in regard to community centers. Park County Community Centers are allowed to operate at 50% capacity to ensure a minimum of 28 square feet per person, and may not exceed 175 gathered in a confined indoor space at any given time, and may not exceed 250 people in an outdoor space.

33. On June 18, 2020, Park County applied to the Colorado Department of Public Health and Environment for a second local variance and requested relief from certain provisions of the Safer at Home Executive Order D 2020 091 and PHO 20-28, as amended.

34. On July 1, 2020, Park County's second variance request was approved.

35. To the extent any ambiguity exists between this Order and any statement made by Park County or others regarding the interpretation or effect of this Order, the express terms of this Order and the interpretation of the Public Health Director shall control.

36. For the avoidance of doubt, this Order controls over any executive order issued by the Governor of Colorado to the extent more restrictive than the executive orders thus far issued by the Governor of Colorado and the Colorado Department of Public Health and Environment.

ORDER

1. **Effective Area.** This Public Health Order No. 21-02 ("Order") shall apply to all unincorporated areas of Park County, Colorado (including State and Federal public lands) and all incorporated (municipal) areas that do not have their own public health agency, to wit: Town of Alma and Town of Fairplay.

2. **Effective Date and Time, Limitations.** This Order is in effect until March 4, 2021.

3. **COVID-19 Dial.** Executive Order 2021-023 and Fourth Amended PHO 20-36 are hereby incorporated herein and subject to the enforcement under Section 25-1-509, Colorado Revised Statutes, and the penalties stated herein. Park County will follow the metrics and restrictions of its current COVID-19 Dial level as determined by the CDPHE, and as may be amended.

4. **Ordering Individuals in Colorado to Wear Non-Medical Face Coverings Enforcement.** Executive Order 2021-007 is hereby incorporated herein and subject to the enforcement under Section 25-1-509, Colorado Revised Statutes, and the penalties stated herein.

5. **Variance Request and Approval.** The June 7, 2020 and July 1, 2020 Decisions of the Colorado Department of Public Health and Environment regarding Park County's variance

requests, as well as any future Decision of the Colorado Department of Health are hereby incorporated herein and subject to the enforcement under Section 25-1-509, Colorado Revised Statutes, and the penalties stated herein. All park County businesses and/or activities are subject to compliance with Park County COVID-19 mitigation plans.

6. **Purpose.** This Order is being issued to contain the spread of COVID-19 and limit the risks of dangerous health conditions from it, including without limitation containing the spread of the COVID-19 virus and preventing its further spread in Park County and protecting the health, safety and welfare of Park County residents, Park County public safety responders, and the public generally.

7. **Legal Authority.** This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, Colorado Revised Statutes as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Board has the power and 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 public health. Immediate issuance of this Order is deemed reasonable and necessary under the existing circumstances and necessary for the preservation of the public health, safety and welfare of Park County, its citizens and the general public.

8. **Most Restrictive Standards Control.** To the extent any State of Colorado and/or Federal orders or laws are more restrictive than what is set forth herein, such orders and laws control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (“CDPHE”) have been and continue to be issued on matters related to the COVID-19 pandemic. All members of the public are responsible for following the Governor’s and CDPHE’s orders and local orders including this Order. Additionally, the Board may legally require and implement more restrictive standards, requirements, and orders for Park County than what the State of Colorado or the Federal government may require. To the extent this Order is more restrictive than orders from the State of Colorado or Federal government, this Order controls.

9. **Definitions:**

For purposes of this Order:

“Safer at Home and in the Vast, Great Outdoors” means Coloradans should stay at home or in the great outdoors away from others as much as possible and continue to limit social interactions from others not in their own household(s).

10. **General Information for all Persons.** The Board of Health strongly recommends that everyone within Park County comply with the Governor’s Safer-at-Home and in the Vast, Great Outdoors Order and Amended Public Health Order 20-36.

Residents of Park County are strongly encouraged to use recreation lands in a manner

that does not expose them to the risk of requiring assistance from public safety personnel, who may not respond to calls for assistance at all or in a timely fashion.

Residents of Park County who are at heightened risk from COVID-19 are strongly encouraged to stay at home.

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

These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and actions will help public safety responders and other public safety and health care services continue to provide services for those who need them in the coming weeks and months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread the greater the benefit for the whole community.

11. **Penalties.** Failure to comply with this Order is subject to the fines contained in Sections 25-1-516 and 18-1.3-501, Colorado Revised Statutes, including a fine of up to five thousand (\$5,000).

ADOPTED this 2nd day of February, 2021, at a meeting of the Park County Board of Health.

Richard Elsner, Chairman

Amy Mitchell, Commissioner

Ray Douglas, Commissioner

ATTEST:

Debra Green
Park County Clerk and Recorder

Received and Approved:

Lynn Ramey, Public Health Director

Date

Tom McGraw, Sheriff

Date