



**Board of Health Meeting
March 24, 2020
Minutes**

At an emergency meeting of the Tri-County Health Department (TCHD) Board of Health, held virtually via Zoom, there were:

Board of Health Members:

Janice Brainard, RN, Secretary, Arapahoe County	Present
Richard Delaney, JD, Adams County	Present
Thomas Fawell, MD, Arapahoe County	Present
Kaia Gallagher, PhD, Arapahoe County	Present
Marsha Jaroch, NP, Douglas County	Present
Paulette Joswick, RN, Douglas County	Present
Julie Mullica, Adams County	Present
Zachary Nannestad, Vice President, Douglas County	Present
Rosanna Reyes, RN, President, Adams County	Present

Tri-County Health Department Staff:

Ronnae Brockman, Executive Assistant	Present
John M. Douglas, Jr., MD, Executive Director	Present
Jennifer Ludwig, Deputy Director	Present
Becky O'Guin, Communication Manager	Present
Mellissa Sager, Policy and Intergovernmental Affairs Manager	Present

Others Present:

Kathleen Conti, Arapahoe County Commissioner
Emma Pinter, Adams County Commissioner
Maureen Waller, Special Projects Manager, Douglas County

Call to Order

Ms. Reyes called the meeting to order at 1:04 p.m.

Proposed Stay at Home Order for Adams, Arapahoe and Douglas Counties

Pursuant to Colorado Revised Statutes (CRS) § 25-1-508 and 509, local public health directors and district boards of health have the authority to issue public health orders to prevent the spread of a contagious or infectious disease.

Per Dr. Douglas, TCHD has been working with its legal counsel to draft "Stay at Home" Public Health Orders to control and reduce the spread of COVID-19 to maintain adequate healthcare capacity in Adams, Arapahoe and Douglas Counties. This order is being drafted in conjunction Jefferson County Public Health, Boulder County Public Health, Broomfield Public Health and Environment, and Denver Department of Public Health and Environment to ensure orders align across our jurisdictions. Should we decide to proceed with a public health order, Dr. Douglas stated that he would work through the afternoon to finalize it. Dr. Douglas requested Board of Health members' feedback on the draft Order.

Ms. Jaroch stated that she had spoken with the Douglas County Commissioners about the proposed Order and that one Commissioner supports it, one has concerns and the third is opposed. One reason cited was the low number of COVID-19 cases and hospitalizations among Douglas County residents. Additionally, the Commissioners mentioned the Colorado Department of Public Health and Environment's waiver for which businesses can apply as long as they can guarantee social distancing requirements for employees can be met.

Dr. Douglas explained that public health officials are aware of five percent of COVID-19 cases at best due to limited testing ability. Additionally, disease cases multiply rapidly and data is generally two weeks behind; therefore, the number of COVID-19 cases is actually much higher in the general population.

Ms. Jaroch also stated that the length of the Stay at Home Order was crucial and that she intends to support the Order. Per Dr. Douglas, our proposed Stay at Home Order would be in effect until 11:59 p.m. on April 17, 2020 unless TCHD determined that it was in the interest of public health for the Order to be extended, rescinded, superseded, or amended.

Mr. Nannestad concurred with Ms. Jaroch and stated that he also supported a Stay at Home Public Health Order. He referred to a text message that he had just received from a Douglas County Commissioner inquiring whether nonprofit organizations that deliver food or provide transportation services for seniors would be exempt under the proposed Stay at Home Order. Ms. Sager stated that both services would be exempt.

Ms. Brainard asked whether the Arapahoe County Commissioners supported the proposed Order. Dr. Douglas stated that he spoke with Commissioner Nancy Jackson who supports the Order and that Commissioner Nancy Sharpe stated during another call that she opposes the Order based on current low case numbers and hospitalizations. Commissioner Conti stated that she, Commissioner Sharpe and Commissioner Jeff Baker understand the potential need for a Stay at Home Order, but need solid talking points for the businesses that could be hurt by this. Ms. O'Guin stated that she is working on talking points and would have them available by the time the Order is issued.

ACTION ITEM: Ms. O'Guin to compile and provide talking points to the Adams, Arapahoe and Douglas County Commissioners by the time the Stay at Home Public Health Order is issued.

Ms. Brainard noted that the draft Order allowed home-based care for seniors, adults and children to enable parents in essential services to work away from home. She inquired whether that exemption extended to allowing nannies and babysitters to provide in-home care for parents who work at home. Dr. Douglas stated that would consider this.

ACTION ITEM: Dr. Douglas to consider exempting in-home nannies and babysitters for parents working from home.

Ms. Brainard asked how TCHD's Stay at Home Order would be impacted should Governor Polis issue a statewide order that was less comprehensive than ours. Ms. Sager stated that local orders take precedence provided they're stricter than a statewide order.

Commissioner Conti asked whether TCHD's proposed Stay at Home Order would exempt oil and gas operations. Dr. Douglas answered affirmatively.

Dr. Fawell stated that Page 7, section iii of the Order should end after mandating social distancing for outdoor activities rather than calling out specific places and activities. Dr. Douglas stated that these places and activities are called out specifically because that's where people are congregating. Dr. Douglas invited Dr. Fawell to do some wordsmithing and asked him to submit it in the next 30 minutes.

Dr. Gallagher stated that the fine (up to \$5,000) for violating the Stay at Home Order is too extreme. Ms. Sager stated that this is standard state law for the violation of a Public Health Order.

Ms. Mullica stated that cities in our jurisdiction may need guidance on implementing outdoor recreation restrictions. Ms. Mullica asked about food manufacturing and other types of manufacturing. Ms. Sager stated that manufacturing is exempt. Ms. Mullica inquired whether the Order could be expanded to include commercial construction. Ms. Sager stated that we planned to include commercial construction. Ms. Mullica inquired whether motels and hotels were exempt. Ms. Sager answered affirmatively. Ms. Mullica asked about homeless persons and providing shelter. Ms. Sager stated that the homeless are exempt from Order and that TCHD was working with our counties to identify available resources for this population.

Commissioner Conti shared an e-mail from Commissioner Baker regarding rural constituents and their need to protect their animals with firearms. She stated that Commissioner Baker would like to exempt firearm and ammunition dealers. Dr. Douglas stated that he had a similar conversation with two of our three County Sheriffs who agreed that shutting down firing ranges, gun shops and ammunition dealers could cause Second Amendment concerns and that crowding in these venues isn't an issue; therefore, these venues would be exempted from the Stay at Home Order

Ms. Reyes asked whether temporary housing and bed and breakfasts were exempt. Ms. Sager stated that she would discuss short-term rentals with TCHD's legal counsel. Ms. Reyes inquired whether halfway houses were exempt. Ms. Sager stated that halfway houses were considered residential facilities and were exempt. Ms. Reyes inquired whether treatment facilities were exempt. Dr. Douglas stated that the Order exempts medical and mental health providers and facilities. Finally, Ms. Reyes asked whether community gardens were exempt. Dr. Douglas stated that we could exempt community gardens to operate at the minimum capacity needed to maintain the garden.

ACTION ITEM: Ms. Sager to discuss whether to exempt short-term rentals (i.e., temporary housing and bed and breakfasts) with TCHD's legal counsel.

ACTION ITEM: Dr. Douglas to ensure community gardens are permitted to operate at the minimum capacity needed provided social distancing requirements are met.

Ms. Reyes requested that the last sentence on page 16, "...the aggrieved person must continue to obey the terms of this Order while his, her, or its request for judicial review is pending." to "...the aggrieved person must continue to obey the terms of this Order while his, her, or their request for judicial review is pending." Dr. Douglas agreed to make this change.

ACTION ITEM: Dr. Douglas to make the above change to last sentence of page 16 of the Order.

Mr. Delaney stated that all of his questions had already been addressed.

Adams County Commissioner Emma Pinter stated that she encourages TCHD to make the Stay at Home Order strict and that the Adams County Board of County Commissioners fully supports the Order.

MOTION: Ms. Reyes moved that the Board of Health authorize and direct the Executive Director of Tri-County Health Department to issue a “Stay at Home” Public Health Order effective through 11:59 p.m. April 17, 2020 in response to the COVID-19 pandemic. Ms. Jaroch seconded. All were in favor except Dr. Fawell who abstained.

Dr. Douglas stated that he would set up a phone call with Arapahoe and Douglas Counties for this afternoon. A call with Adams County is already scheduled.

ACTION ITEM: Dr. Douglas to contact all three sets of County Commissioners this afternoon regarding the impending Stay at Home Public Health Order.

Adjournment

The meeting was adjourned at 2:21 p.m. by general consent.

Rosanna Reyes, President

Jan Brainard, Secretary