



**Board of Health Meeting  
July 8, 2020  
Minutes**

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

**Board of Health Members:**

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| 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 |

**Executive Management Team Members:**

|   |         |
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| Michele Askenazi, Director of Emergency Preparedness,<br>Response and Communicable Disease Surveillance | Present |
| Heather Baumgartner, Director of Community Health<br>Promotion  | Present |
| Jill Bonczynski, Director of Nutrition  | Present |
| Ronnae Brockman, Executive Assistant  | Present |
| Monique Didier, Director of Administration and Finance  | Present |
| John M. Douglas, Jr., MD, Executive Director  | Present |
| Mame Fuhrman, Director of the Office of Human Resources   | Present |
| Penny Grande, Director of Nursing   | Present |
| Brian Hlavacek, Director of Environmental Health  | Present |
| Jennifer Ludwig, Deputy Director  | Present |
| Kelly Weidenbach, Director of Planning and Information<br>Management                                    | Present |

**Others Present:**

Sid Overton, TCHD's Legal Counsel

**Call to Order**

Ms. Reyes called the meeting to order at 9:34 a.m.

**Enhancing Use of Face Coverings**

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, current data show that COVID-19 cases are rising in Colorado; however, case rates are lower than those in many other states. Locally, Denver County continues to have the highest rate of new

COVID-19 cases with Adams County running a close second. In TCHD's jurisdiction, new infections continue to trend upward, particularly in Adams County and the City of Aurora. While increased rates can be partially attributed to increased testing, the incidence rate and test positivity rates are high enough that increased transmission is almost certainly playing a role. Case rates are also rising to a lesser extent in Arapahoe and Douglas Counties.

Dr. Douglas stated that the use of face coverings has not increased in TCHD's jurisdiction over the past several weeks despite an increase in educational messaging. Face covering usage in Adams County has declined from 84% at the beginning of May 2020 to 60% at the end of June/beginning of July 2020. Per Dr. Douglas, there is growing evidence documenting the benefit of wearing masks, which is now widely recommended as one of the key prevention steps in the absence of a COVID-19 vaccine. Additionally, there is strong reason to believe that increased compliance with masks can support the re-opening of the economy. Currently, capacity limits in open businesses as well as the opportunity to open additional businesses is tied to COVID-19 transmission rates for the Colorado Department of Public Health and Environment (CDPHE) Variance process and the new Protect Our Neighbor process. Conversely, open business could also be shut down should case rates rise to an unacceptable level.

Dr. Douglas asked the Board to consider a possible motion to direct and authorize him, as the Executive Director of TCHD, to issue a public health order for face coverings for one or more of the following:

- Adams County and the City of Aurora: mandated face coverings
- Arapahoe County: either opt-out or opt-in by interested jurisdictions
- Douglas County: opt-in by interested jurisdictions

Ms. Joswick stated that she agrees with a mask mandate and that, ideally, the decision should be made by elected officials. She acknowledged, however, that many elected officials won't mandate face coverings because it has become a highly political issue. Ms. Joswick also stated that TCHD has no political agenda and that decisions are made based on scientific evidence.

Ms. Jaroch stated that she agrees that a mask mandate is needed; however, she is completely against TCHD issuing a mandate. She stated that the mandate should be made by elected officials and believes that Douglas County has stepped up to the plate in the battle against COVID-19.

Dr. Gallagher stated that issuing a mask mandate is a difficult and important decision. She voiced concern about asymptomatic transmission and a potential lock down in the fall as activities move indoors. She stated that she would prefer to mandate face coverings in areas with the highest incidence of COVID-19 and support jurisdictions in Arapahoe County that want to opt-in. She also advocated for a two-week review of COVID-19 transmission rates and mask usage rates. She stated that a local health department's role should be to provide information on COVID-19 hotspots and educating the public.

Dr. Fawell stated that he is conflicted. He believes masks should be worn when and where they're going to be effective, but doesn't think that a mask mandate is going to increase the percentage of people wearing masks. He stated that TCHD doesn't have the financial capacity to conduct a mass educational campaign. He also stated that he would support jurisdictions that want to opt-in.

Ms. Brainard stated that she prefers an opt-in or an opt-out option. She voiced agreement with Dr. Gallagher's suggested two-week review of COVID-19 transmission and mask usage rates and emphasized the necessity of educating the public on the importance of wearing masks and how to wear masks properly. She also agreed that we run the risk of a lock down in the fall if we're not proactive in preventing COVID-19 transmission.

Ms. Mullica inquired on Governor Polis' position on a statewide mask mandate. Dr. Douglas stated that he has heard that the Governor is interested, but doesn't know why he hasn't issued a mandate.

Ms. Mullica asked how a mask mandate would be enforced should the Board direct Dr. Douglas to issue one. Dr. Douglas stated that enforcement would consist primarily of education because enforcing violations would be complicated. He explained that a face covering mandate would need to be crafted in a way that wouldn't leave businesses stranded with enforcement of uncooperative patrons. Additionally, TCHD would need to devise a method of handling complaints from the public.

Ms. Mullica inquired whether any school districts planned to mandate masks. Dr. Douglas stated that he has heard that several school districts plan to mandate mask use; however, the age of the children required to do so varies between districts and other districts haven't decided. Per Dr. Douglas, many superintendents are developing language, but he doesn't know how strong or loose guidance will be.

Ms. Mullica stated that she favors a mask mandate for Adams, Arapahoe and Douglas Counties with an opt-out option for jurisdictions. She discussed the Board of Health's role and its responsibility to promote public health and stated that, as a mother, she worries about a COVID outbreak in the fall and schools closing again. She also worries about outbreaks in long-term care facilities and in our communities.

Mr. Delaney stated that he agrees with Ms. Mullica and supports a mask mandate across all three counties with an opt-out clause for jurisdictions. He stated that this is a public health issue and that there are asymptomatic individuals spreading COVID-19.

Ms. Reyes stated that she supports a mask mandate across all three counties with an opt-out option for jurisdictions. She pointed out that it is much harder for jurisdictions to pass a mask mandate because three readings are required, which is a lengthy process. She also pointed out that people are mobile and carry disease across city and county lines. Ms. Reyes stated that the Board should also consider communities and people of color who are disproportionately impacted by COVID.

**MOTION: Ms. Mullica moved to direct and authorize the Executive Director of TCHD to issue a public health order for face coverings for all three counties (i.e., Adams, Arapahoe and Douglas) with an opt-out clause for any municipality or county in TCHD's jurisdiction. Further, this order will expire on or before 90 days from its implementation date; however, it may be amended, extended or rescinded by the Executive Director of TCHD. Mr. Delaney seconded. The motion passed five to four with Ms. Mullica, Mr. Delaney, Ms. Reyes, Ms. Brainard and Ms. Joswick in favor and Dr. Fawell, Dr. Gallagher, Ms. Jaroch and Mr. Nannestad against.**

#### Other Items

None.

#### Adjournment

**MOTION: Ms. Joswick moved to adjourn the meeting at 11:58 a.m. and Dr. Fawell seconded. The motion passed unanimously.**