



**Board of Health Meeting  
August 30, 2021  
Minutes**

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

**Board of Health Members:**

Kevin Bracken, Douglas County	Present
Janice Brainard, RN, Arapahoe County	Present
Thomas Fawell, MD, Arapahoe County	Present
Kaia Gallagher, PhD, President, Arapahoe County	Present
Linda Fielding, MD, Douglas County	Present
Julie Mullica, MPH, Vice President, Adams County	Present
Kim Muramoto, RN, Douglas County	Absent
Rosanna Reyes, RN, Adams County	Present
Julie Schilz, RN, Adams County	Present

**Executive Management Team Members:**

Michele Askenazi, Director of Emergency Preparedness, Response and Communicable Disease Surveillance	Present
Heather Baumgartner, Director of Community Health Promotion	Present
Lisa Bolstad, Administrative Assistant	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	Absent
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 Management	Present

**Call to Order**

Dr. Gallagher called the meeting to order at 4:00 p.m.

**Introductions**

Dr. Gallagher welcomed Kevin Bracken to the Board of Health.

**Update on COVID-19 Trends: Overall and in School-age Youth**

Dr. Douglas provided an update on COVID-19 trends and discussed the benefits of masking.

### **Reconsideration of Current Opt-out Policy**

Dr. Douglas asked the Board to consider rescinding its “Opt-out Policy” which was adopted in November 2020. The policy, which gives County Commissioners the ability to opt out of the application and enforcement of countywide public health orders, has created concern and confusion among local officials and residents and has severely limited TCHD’s ability to carry out its statutorily required public health duties.

**MOTION: Ms. Mullica moved to rescind the Policy Regarding Issuance of County-wide Public Health Orders, the Board of Health policy allowing County Commissioners to opt-out of the application and enforcement of county-wide public health orders, that was adopted by the Board on November 6, 2020. Ms. Brainard seconded. The motion passed with a five-to-three vote with Ms. Mullica, Ms. Reyes, Ms. Schilz, Ms. Brainard, and Dr. Gallagher voting in favor and Dr. Fawell, Dr. Fielding and Mr. Bracken voting against.**

Dr. Fielding alleged that at least one Board of Health member is compromised due to complaints related to their Board of Health duties that had been filed against their professional license. She stated that this is a class 4 felony under Colorado Revised Statutes (C.R.S.) 18-8-306, Attempt to influence a public servant, and declared the meeting compromised and tainted by an atmosphere of coercion. Dr. Fielding demanded that the meeting be canceled until the status of “those Board members” was resolved. Randy Dement, TCHD’s legal counsel, stated that these allegations constituted a legal issue and should be discussed in executive session.

***ACTION ITEM: Dr. Gallagher to convene an executive session of the Board with legal counsel to discuss Dr. Fielding’s allegations.***

**MOTION: Dr. Fielding moved that this meeting was improperly called as an “Emergency” meeting and, as evidenced by the meeting content, there was no reason to have this meeting on such short notice. She further moved to terminate the meeting at once and declare everything discussed void until the Board reconvenes at its normal monthly meeting. Mr. Bracken seconded. The motion failed with a two-to-six vote with Dr. Fielding and Mr. Bracken in favor and Ms. Mullica, Ms. Reyes, Ms. Schilz, Ms. Brainard, Dr. Gallagher and Dr. Fawell against.**

Dr. Fawell stated that, per the Bylaws, a “Special” meeting of the Board could be called with at least 72 hours advance notice. Dr. Douglas stated that a special meeting was justified due to rising COVID-19 rates and two counties opting out of the August 18, 2021 public health order.

### **Reconsideration of School Mask Mandate**

Dr. Douglas asked to Board to consider rescinding the August 18, 2021 public health order and issuing a public health order requiring the use of face coverings for all individuals, aged 2 years and older, in all indoor school and childcare settings located within Adams, Arapahoe and Douglas Counties. Dr. Douglas cited rising case rates in children, increasing school outbreaks, and the need to keep children healthy and in school.

**MOTION: Dr. Gallagher moved to authorize and direct the Executive Director of Tri-County Health Department to rescind the Public Health Order Requiring Face Masks in Schools and Childcare Facilities issued on August 18, 2021 and, in response to the COVID-19 pandemic and to support and limit interruptions to critical in-person learning for all**

students, replace this existing order by issuing a public health order requiring the use of face coverings for all individuals, aged 2 years and older, in all indoor school and child care settings located within Adams, Arapahoe and Douglas Counties. Order shall become effective at 12:01 AM on Wednesday, September 1, 2021 and shall stay in effect until December 31, 2021, unless amended, extended, or rescinded. Health data and community conditions shall be monitored daily while this Order is in effect. Ms. Mullica seconded. The motion passed with a five-to-three vote with Ms. Mullica, Ms. Reyes, Ms. Schilz, Ms. Brainard, and Dr. Gallagher in favor and Dr. Fawell, Dr. Fielding and Mr. Bracken against.

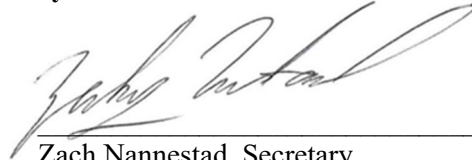
**MOTION:** Mr. Bracken moved that, should the numbers drop in the next week or two, a review and removal of the mask mandate happen immediately. Dr. Fielding seconded. The motion failed with a two-to-six vote with Dr. Fielding and Mr. Bracken in favor and Ms. Mullica, Ms. Reyes, Ms. Schilz, Ms. Brainard, Dr. Gallagher and Dr. Fawell against.

**Adjourn**

**MOTION:** Ms. Reyes moved to adjourn the meeting at 6:08 p.m. Ms. Schilz seconded and the motion passed with a unanimous affirmative vote by the Board members.



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Kaia Gallagher, PhD, President



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Zach Nannestad, Secretary