

STANDING PUBLIC HEALTH ORDER 2020-_____

**LOCAL ADOPTION OF THE STATE OF COLORADO COVID-19 DIAL AND
ADDITIONAL SAFETY REQUIREMENTS TO CURTAIL THE SPREAD OF COVID-19**

MOFFAT COUNTY BOARD OF HEALTH

RECITALS:

- A. Moffat County Resolution 2009-35, established the Moffat County Public Health Agency, pursuant to C.R.S. § 25-1-506, designating the Board of County Commissioners of Moffat County as the Moffat County Board of Health (“Board of Health”).
- B. Public Health has the statutory authority to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health, as well as to establish, maintain, and enforce isolation and quarantine, and to exercise physical control over persons within its jurisdiction as necessary for the protection of public health. C.R.S. § 25-1-506(3)(b)(V) and (VI).
- C. Public Health has the statutory authority to close schools and public places and to prohibit gatherings of people when necessary to protect public health. C.R.S. § 25-1-506.
- D. Public Health has jurisdiction for both incorporated and unincorporated Moffat County. C.R.S. § 25-1-506(2)(a).
- E. The Director General of the World Health Organization has declared that COVID-19 constitutes a Public Health Emergency of International Concern and characterized it as a pandemic. The Secretary of the U.S. Department of Health and Human Services has declared COVID-19 constitutes a public health emergency and on March 13, 2020, the President of the United States declared a National Emergency. On March 10, 2020, Colorado Governor Jared Polis declared a State of Disaster Emergency and that declaration continues. 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 Moffat County. On March 25, 2020, the Board of County Commissioners of Moffat County declared a local disaster, and that declaration continues.
- F. As of December 15, 2020, there are 293,382 cases of COVID-19 in Colorado; 16,487 Coloradans have been hospitalized and 3,218 Coloradans have died from COVID-19.
- G. For the two-week period of November 27 through December 11, 2020, Moffat County Public Health reported 165 COVID-19 cases which is the equivalent of 1,041 cases per 100,000. There were four (4) COVID-related deaths during this same period (2 deaths at Sandrock Ridge and 2 deaths at Memorial Regional Health). New COVID-19 cases at an incidence of greater than 350 per 100,000 falls within the Red, Stay at Home category under the Colorado Department of Public Health and Environment (“CDPHE”) Public

Health Order 2020-36 COVID-19 Dial (“CDPHE Order 2020-36”). The Moffat County testing positivity rate is at 16.6%. These numbers continue to rise despite mitigation measures previously put in place.

- H. Moffat County continues to see a growing trend in outbreaks associated with gatherings and office-based business operations, among other places. The intent of this Order is to minimize contact among individuals and reduce the public's exposure to COVID-19 in an effort to prevent further restrictions and closures being imposed upon the county by the State. The State notified all local public health agencies on October 23, 2020, that they may move counties more quickly to other CDPHE Order 20-36 dial levels and that they may move a county more than one level at a time.
- I. 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 of severe illness. In particular, this includes all adults over age 60 and anyone with an underlying health condition.
- J. These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and these actions will help hospitals, first responders, and other healthcare services continue to provide services for those who need them (along with utilities, human services, and businesses) 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.
- K. On November 2, 2020, Jill Hunsaker Ryan, MPH, the Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”) entered Public Health Order 2020-36 implementing levels of restrictions for individuals, businesses, and activities to prevent the spread of COVID-19 (the “COVID-19 Dial”).
- L. On November 10, 2020, the Board of Health received information from the Public Health Director and Medical Officer that supports the measures contained herein.
- M. On November 17, 2020, the Moffat County Public Health Agency received communication from CDPHE stating: “Given the continued and rapid increase in incidence rates in Moffat County and across the State, we have decided that the implementation of COVID-19 Dial Level Orange restrictions is suitable at this time This process will require the county to implement restrictions across all sectors as described in Section II.E of Public Health Order 20-36, as amended.” On December 7, 2020, the Moffat County Public Health Director was notified that CDPHE was contemplating plans to implement COVID-19 Level Red restrictions in Moffat County, but preferred Moffat County choose to move to Level Red voluntarily.
- N. The Moffat County Board of Health believes it is important to take action to help stop the spread of COVID-19 in our community, but it also important for businesses in our

community to remain open as much as possible so people can continue to work and earn a living. After collaboration with other important stakeholders in Moffat County, including elected officials of the City of Craig, and local law enforcement, the Moffat County Board of Health has devised a COVID-19 Mitigation Plan, which is incorporated into this Standing Public Health Order. The COVID-19 Mitigation Plan was submitted to CDPHE on December 14, 2020, and CDPHE approved the Plan on December 15, 2020. While recognizing that Moffat County is making critical progress in bringing its community partners and stakeholders together in the COVID-19 response, CDPHE also stated it will continue to monitor the county's metrics and progress and if there is no downward trend by December 28, 2020, or a percent positivity under 15%, CDPHE will likely require the county to implement Level Red restrictions or move to Level Red at that time.

- O. The Board of County Commissioners of Moffat County adopted Resolution 2020-18 on November 24, 2020, temporarily closing most Moffat County facilities to the public during the month of December, 2020, and providing services to the public by electronic means, telephone, and also by appointments. This Resolution decreases the amount of contact county employees have with other county employees and with the public. Decreasing direct contact between people has been shown to reduce the risk of COVID-19, and Moffat County is reviewing this Resolution regularly to consider whether it should be amended, extended, or rescinded according to the best interests of the residents of Moffat County.
- P. Given that Moffat County will be subject to the State's COVID-19 Dial in the foreseeable future, the Board of Health desires to establish a single Order that will effectuate subsequent movement along the Dial. Currently, Moffat County is on the Level Orange on the Dial.
- Q. To keep Moffat County from going to Level Red restrictions, the Moffat County Board of Health is calling on the community to come together and adhere to this Public Health Order to help reduce the transmission of this disease.

NOW, THEREFORE, IT IS ORDERED:

- 1. This Order is effective within the entirety of Moffat County, including all cities and towns within the County.
- 2. In order to protect the critical infrastructure of Moffat County (including but not limited to healthcare personnel and employees), to protect the capacity of the Intensive Care Unit and healthcare system, and to safeguard persons most at risk for severe illness or death during the surge of cases and hospitalizations within Moffat County, the issuance of this Order is deemed reasonable and necessary for the preservation of the public health, safety and welfare.

3. All requirements of CDPHE Order 2020-36, Safer at Home COVID-19 Dial, as may be amended or restated from time to time, are incorporated in this Order as if fully set forth herein, and shall also be the order of the Moffat County Board of Health.
4. Incorporation of State Orders. All Executive Orders issued by the Governor and all CDPHE Public Health Orders are hereby adopted and deemed incorporated herein.
5. Compliance with State Orders. In order to safely remain open and operate, businesses and other entities allowed to operate must comply with all Executive Orders issued by the Governor, all CDPHE Public Health Orders and all State Guidance applicable to such operations.
6. Face Covering Requirements. All individuals above the age of ten (10) years must cover their nose and mouth with a face-covering in public indoor spaces or other public places when six (6) foot physical distancing between individuals cannot be maintained, unless the nature of the Business (such as dentistry or personal care) requires the removal of the face-covering. Individuals between the ages of two (2) and ten (10) are encouraged to wear face-coverings as described herein.
7. Cooperation with Contact Tracing, Quarantine Orders, and Isolation Orders. All individuals are encouraged to cooperate with contact tracing efforts conducted by Moffat County Public Health and shall cooperate with any quarantine or isolation orders issued by Moffat County Public Health and the Moffat County Medical Officer.
8. Most Restrictive Standard Controls. To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control. Individuals should be aware that new orders from the Governor and CDPHE are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders.
9. Moffat County COVID-19 Mitigation Plan. The Board of County Commissioners of Moffat County hereby adopts as part of this Public Health Order all of the provisions of the Variance and Mitigation Framework and also all of the provisions of the Community-Wide Mitigation Effort Lead by Stakeholder Group as set forth in the Moffat County COVID-19 Mitigation Plan, which was approved by CDPHE on December 15, 2020.
10. Judicial Review. Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the Moffat County District Court within ninety (90) days of the date of this Order, pursuant to C.R.S. § 25-1-515. However, you must continue to adhere to the terms of this Order while your request for review is pending.
11. Penalties. This Order is enforceable. Failure to comply with this Order may subject the person to civil and criminal penalties to the extent permitted by Colorado law. The Moffat County Board of Health and the Public Health Director will seek to enforce compliance with this Order by taking the following steps:

- a. Send a warning letter;
- b. Send a Notice to Cease and Desist;
- c. File a court case for a temporary restraining order and injunctive relief;
OR If a business is licensed by the State of Colorado, seek assistance from the State to revoke the license

12. This Order is effective as of December ____, 2020 at ____:00 p.m. and is in effect through _____, __ 20 ____, unless extended or earlier rescinded.

ORDERED THIS ____ day of December, 2020.

BY THE BOARD OF HEALTH FOR MOFFAT COUNTY, COLORADO.

Ray Beck, Chair

Donald Broom

Don Cook

Attest:

Erin Miller, Deputy Clerk and Ex-officio to the
Board of Health, Moffat County, Colorado