

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES**

Tuesday, May 12, 2020

335 West Colorado Ave, Telluride Colorado (WEST WING)

All participants via zoom.us

Telluride, Colorado

Present: Hilary Cooper, Chair
Lance Waring, Vice-Chair
Kris Holstrom, Commissioner

Staff Present: Mike Bordogna, County Manager
Grace Franklin, County Public Health Director
Amy Markwell, County Attorney
Carmen Warfield, Chief Deputy Clerk

1. **CALL TO ORDER.**

12:47 p.m.

2. **ADMINISTRATIVE MATTERS**

- a. Discussion and update with the San Miguel County Stakeholders and Commissioners on the virus outbreak.

Present: Mike Bordogna, County Manager, Grace Franklin, County Public Health Director

- b. Re-visit the current Public Health Orders, specifically employees/companies living/working outside the County, to evaluate opening to additional phases.

Present: Grace Franklin, County Public Health Director; Kaye Simonson, County Planning Director

Note: Friday, May 15, 2020; at 12:01 pm, the County will be extending the workforce from outside of the County to the Western slope. (ATTACHMENT I – First Amendment to Standing Public Health Order #2020-05 Modifying restrictions to continue to limit and contain the spread of COVID-19 while allowing for a phased re-opening of activities.

- c. Presentation of the Data Summary prepared for the data site.

Present: Grace Franklin, County Public Health Director; Heather Widlund, County GIS Coordinator

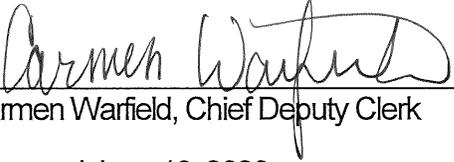
MOTION by Lance Waring to adjourn the meeting. **SECONDED** by Kris Holstrom.
PASSED 3-0.

3. **ADJOURNMENT**

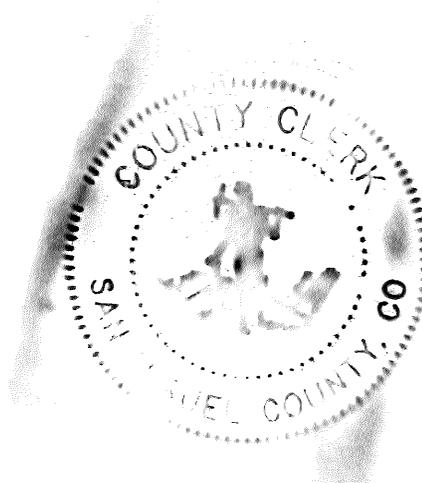
2:27 p.m.

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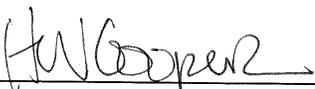
Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk

Approved June 10, 2020.

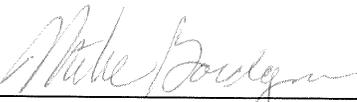


SAN MIGUEL COUNTY BOARD OF COMMISSIONERS



Hilary Cooper, Chair

ATTEST:



Mike Bordogna, County Manager



ATTACHMENT I

Department of Public Health and Environment
GRACE FRANKLIN, DIRECTOR

**FIRST AMENDMENT TO STANDING PUBLIC HEALTH ORDER #2020-05
MODIFYING RESTRICTIONS TO CONTINUE TO LIMIT AND CONTAIN
THE SPREAD OF COVID-19 WHILE ALLOWING FOR A PHASED
RE-OPENING OF ACTIVITIES**

EFFECTIVE: FRIDAY, MAY 15, 2020 at 12:01 AM MST

RECITALS

WHEREAS, local public health orders are adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508 of the Colorado Revised Statutes. Under these laws, the San Miguel County Board of Health and Public Health Director (Public Health Director) have 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 agency as the agency may find necessary for the protection of the public health; and

WHEREAS, the Public Health Director issued Public Health Agency Order #2020-05 (Order #2020-05) on May 2, 2020 which primarily aligns with the Governor Polis's Executive Order D 2020 044 issued on April 26, 2020 and the Colorado Department of Public Health & Environment's (CDPHE) "Safer at Home" Order 20-28 issued on May 8, 2020; and

WHEREAS, the Public Health Director, upon advisement from the County Board of Health, the County Medical Officer and state public health officials, continues to closely monitor conditions in regards to COVID-19 at the national, state and local level; and

WHEREAS, while there is a need for continued Public Health Orders to protect the public health, our community has done an amazing job at "flattening the curve" of this disease in San Miguel County and Order #2020-05 can be systematically relaxed in order to get people back to work and stimulate the economy while maintaining vigilance and best practices in order to implement a successful strategy moving forward; and

WHEREAS, beginning on April 27, 2020, the Governor of Colorado and the State of Colorado initiated a measured and deliberative process to phase out certain restrictions imposed by previous Orders issued by the Governor and by CDPHE; and

WHEREAS, local customizations of public health orders are reasonable and necessary based on San Miguel County being a tourist destination and an influx of visitors from around the State and others states who may not have been following strict orders to contain the spread or have extremely high caseloads are high risk factors that must be taken into consideration moving forward; and

WHEREAS, the Public Health Director continues to find that residents who have traveled outside of the County for a prolonged period of time, non-residents, visitors and non-resident homeowners from lower altitudes, regardless of whether they are residents of Colorado, another state, or a foreign country, are at a greater risk for complications from COVID-19 infection than residents, who are acclimatized to the high-altitude environment of San Miguel County. The Public Health Director further finds that self-isolation and quarantine helps prevent further spread of COVID-19 from locations outside of San Miguel County.

WHEREAS, notwithstanding these findings, the Public Health Director has determined that, at this time, continued relaxation of some of the restrictions directed toward non-residents and others can be and is consistent with protecting the public health; and

WHEREAS, the Public Health Director finds that such relaxation must be conducted on a gradual or phased approach in order to continue to protect the public health but to also allow a gradual return of activities; and

WHEREAS, the purpose of this Amendment is to relax certain restrictions contained in Order #2020-05 while maintaining community support and resources needed for COVID-19 response efforts in light of the limited medical and other emergency response resources in San Miguel County; and

WHEREAS, this Amendment and other provisions contained in Order #2020-05 may need to be rescinded, and additional or different restrictions may need to be imposed, in future orders issued by the Public Health Director to effectively address the ongoing pandemic. Accordingly, **the Public Health Director reserves the right to tighten restrictions in future orders and amendments should protection of the public health necessitate such measures** and no person should presume that future orders will automatically or necessarily further relax the restrictions contained in this Order; and

NOW THEREFORE, the Public Health Director issues this First Amendment to Public Health Agency Order #2020-05 (Amended Order #2020-05-01) which modifies limited aspects of Order #2020-05, which is incorporated by reference herein, and all provisions of Order #2020-05 shall continue to apply except as otherwise expressly provided in this Order.

- To the extent any ambiguity exists between this Amended Order #2020-05-01 and any statement made by San Miguel County staff and officials 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.
- Although persons within San Miguel County are also required to follow orders issued from Governor Polis and CDPHE, the provisions of this Amended Order #2020-05-01 controls to the extent that they are more protective or restrictive than orders issued by the State of Colorado.
- All persons within San Miguel County are reminded that the public health orders of the State of Colorado and San Miguel County apply to them when they are in San Miguel County. If persons

travel outside of this county, the public health orders issued by the State of Colorado and other counties apply to them and to their activities.

- If any provision of this Amended Order #2020-05-01 is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.
- Nothing in this Amended Order #2020-05-01 prevents any individual local governmental entity, business or service provider from adopting more protective standards for their jurisdictions, employees, offices, businesses or customers (ie: requiring all patrons to wear a face covering when entering a premises) and remain free to deny any or all of their services as they deem appropriate and necessary under the circumstances.
- This Amended Order #2020-05-01 shall apply to all unincorporated areas of San Miguel County, Colorado, and all incorporated (municipal) areas that do not have their own public health agency, to wit: Town of Telluride, Town of Mountain Village, Town of Norwood, Town of Ophir, and the Town of Sawpit, Colorado.

PLEASE READ THIS ORDER CAREFULLY. FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES CONTAINED IN C.R.S. §§ 25-1-514, 25-1-516, AND 18-1.3-501, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN MONTHS.

I. MODIFICATIONS TO ORDER #2020-05

- A. **Section III. A.** which stated “Employees and patrons of Non-Critical Businesses (businesses and services that are not Appendix F) are restricted to Local Residents until further notice by the Public Health Director or her designee. For more information about the County’s Phased Approach, please see Appendix H. III.” is hereby modified to state:

“Employees and patrons of Non-Critical Businesses (businesses and services that are not listed in Appendix F) are restricted to residents from the following Colorado counties until further notice by the Public Health Director or her designee: San Miguel, Montrose, Ouray, Dolores, Delta, Mesa, San Juan, Montezuma, Gunnison, Hinsdale, Archuleta, Pitkin, Garfield and La Plata who do not require staying in Short Term Lodging in San Miguel County For more information about the County’s Phased Approach, please see Appendix H. III.”

- B. **Section III. F.** which stated “All Field Services, including but is not limited to real estate, lawn care & landscaping, house cleaning, electricians & plumbers, handyman

services, general contractors/construction, appraisers, land surveyors, architects, engineers and home inspectors, may resume operations, in accordance with the requirements of this Order including Appendix B. Real estate includes in-person real estate showings * for only Local Residents and marketing services which must adhere to Physical Distancing Requirements with cleaning and disinfection between each showing, but may not hold open houses. * Field Services are limited to workers who are Local Residents until further direction from the Public Health Director or her designee. Construction and landscaping businesses must continue to register on-line on the County's website." is hereby modified as follows:

*"All Field Services, including but is not limited to real estate, lawn care & landscaping, house cleaning, electricians & plumbers, handyman services, general contractors/construction, appraisers, land surveyors, architects, engineers and home inspectors, may resume operations, in accordance with the requirements of this Order including Appendix B. Real estate includes in-person real estate showings * for Local Residents and others who do not require staying in Short Term Lodging in San Miguel County for said in-person showings, and marketing services which must adhere to Physical Distancing Requirements with cleaning and disinfection between each showing, but may not hold open houses. * Field Services are limited to workers from the following Colorado counties until further direction from the Public Health Director or her designee: San Miguel, Montrose, Ouray, Dolores, Delta, Mesa, San Juan, Montezuma, Gunnison, Hinsdale, Archuleta, Pitkin, Garfield and La Plata. Construction and landscaping businesses must continue to register on-line on the County's website."*

II. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

- If you have questions regarding this Order, please contact the San Miguel County Health Department at 970.728.4289.
- Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the San Miguel County District Court within 90 days of the date of this Order, pursuant to C.R.S. § 25-1-515. However, you must continue to obey the terms of this Order while your request for review is pending.

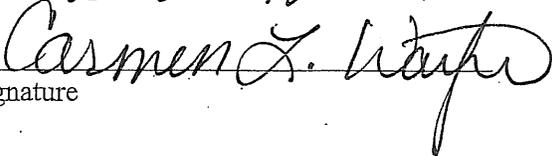
This Order is in effect until MIDNIGHT MST on *May 31, 2020*,
and is subject to continuing review by the Public Health Director.



Grace Franklin, Public Health Director

05/14/20
Date

I, Carmen L. Warfield, hereby acknowledge receipt of this Order.



Signature

5/14/2020
Date

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To protect and preserve the health and environment by providing high-quality public health care services and environmental protection services to the people of San Miguel County.