

ATTACHMENT B



PUBLIC HEALTH ORDER MCPH2020-03

SAFER AT HOME MESA COUNTY - PHASE 2

May 23, 2020

PURPOSE

This Public Health Order is being issued to continue to limit the health impacts of COVID-19. This Order implements measures to allow limited reopening of certain industries and businesses in Mesa County while maintaining sustainable levels of social distancing. This Order continues social distancing requirements for all residents and Stay-at-Home requirements for vulnerable populations pursuant Executive Order D 2020 017. This Order is effective within the entirety of Mesa County, including all cities and towns within the County.

BACKGROUND

The Governor of Colorado issued several Executive Orders to address the current COVID-19 pandemic since March 11, 2020, including an Executive Order declaring a disaster emergency due to the presence of Coronavirus Disease 2019 in Colorado.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020 017, which ordered Coloradans to Stay at Home due to the presence of COVID-19 in the state. This order was issued in response to the existence of hundreds of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. Further, there is substantial evidence of community spread of COVID-19 throughout the State.

On March 25, 2020, the Colorado Department of Public Health & Environment issued Public Health Order 20-24 based on the Governor's Executive Order D 2020 017. On April 1st, the Colorado Department of Public Health and Environment updated Public Health Order 20-24 adding clarification to the essential services and social distancing definitions of the Stay-at-Home requirements.

On April 27, 2020 the Colorado Department of Public Health & Environment issued a Safer at Home Public Health Order 20-28 based on the Governor's Executive Order D 2020 044 allowing many Coloradans to return to work while maintaining a sustainable level of social distancing.

On May 22, 2020 the Colorado Department of Public Health approved a Mesa County variance to portions of Executive Order D 2020 044 and Public Health Order 20-28 (See Attachment A). Mesa County demonstrated proof of two conditions, very low case counts of COVID 19 and 14 consecutive days of decline of infection of COVID-19 in the county. The Safer-at-Home Mesa County - Phase 2 plan is approved by Mesa County Board of Public Health, Mesa County Board of County Commissioners, and is fully supported by all four hospitals.

LEGAL AUTHORITY

This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Mesa County Public Health Director has the duty to investigate and control the causes of the epidemic or communicable diseases and conditions affecting public health; to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the territorial limits of Mesa County; and to prohibit the gatherings of people to protect the public health; all as the Public Health Director may find necessary for the protection of the public health. Immediate issuance of this Order is deemed reasonable and necessary under the existing circumstances and necessary for the preservation of the public health, safety and welfare.

PUBLIC HEALTH ORDER MCPH2020-03 IS EFFECTIVE IMMEDIATELY

This Order is complementary to CDPHE Public Health Order 20-28 and, therefore, should not be relied upon solely.

I. Businesses, Establishments, and Activities that Must Remain Closed

- Large events and mass gatherings that involve more than 50 people, and have a likelihood of attracting visitors from outside the local community shall remain closed.
- Any establishment, facility, or organized activity that cannot meet the limitations in this Order shall remain closed.

II. Best Practices for Mesa County Residents

- Maintain 6 feet of social distance
- Adults 65 years and older and high-risk populations shall limit public interactions and stay at home as much as possible
- Use cloth face coverings for interactions where physical distancing is not possible or when entering public places
- Stay home and not go to work or out in the public if experiencing symptoms
- Wash hands frequently with soap and water. If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol
- Clean and disinfect all non-porous, high-touch surfaces frequently
- Avoid unnecessary physical contact (including hugs, handshakes, or fist bumps).

III. Requirements for Mesa County Facilities, Establishments, and Activities

- Unless listed in Section I of this Order, businesses and establishments in Mesa County may remain open or reopen, provided they meet all applicable requirements in this Order.
- Establishments, facilities, and activities in Mesa County interested in reopening shall submit an online application to Mesa County Public Health <https://health.mesacounty.us/reopen/>.
- Per the second variance granted to Mesa County from the Colorado Department of Public Health and Environment, establishments and facilities shall be limited to 50% of

the posted occupancy code ensuring a minimum 28 sq feet per person not to exceed more than 175 people gathered in a confined indoor space at any given time.

- Local and personal recreation activities will be allowed to resume provided they can demonstrate the ability to follow specific health and safety measures. Local and personal recreation must adhere to the group gathering limits and capacity limitations as stated above.
- These requirements apply to indoor and outdoor settings.

Application to Expand Current Capacity or Reopen:

The person responsible for the establishment or activity shall complete and sign an online application. Information required include:

1. Contact information
2. A brief description of the activities or business to be conducted at the facility
3. A commitment to implement the following Social Distancing and Cleaning best practices (as applicable):
 - a. Limit the number of people within the facility to no more than 50% of normal capacity, with a cap of no more than 175 people in a confined indoor space at any given time. Mechanisms must be in place to prevent overcrowding and to ensure adequate social distancing.
 - b. Organize facility space by arranging equipment and furniture to not only address the 50% occupant requirement but to also promote a distance of at least six feet between individuals.
 - c. Post signs at entrances encouraging visitors (or requiring them if you choose) to wear cloth face coverings, and to exclude themselves if they are experiencing symptoms of any illness.
 - d. Post signs in key places providing directions to hand washing/sanitizing locations.
 - e. Implement one-way entry and exit, and directional walkways.
 - f. Minimize opportunities for people to congregate or stand in lines by staggering visitors with reservation or appointment systems. Manage unexpected groups and/or lines by marking floors or using barrier tape to help people maintain six feet of distance between each other.
 - g. Use physical barriers such as plexiglass in close-contact settings (cashier or checkout stations).
 - h. Utilize touchless payment methods, such as smartphone apps, when possible.
 - i. Provide sufficient handwashing facilities and hand sanitizer stations.
 - j. Eliminate self-service options to prevent sharing of equipment, serving utensils, etc.
 - k. Patrons of an establishment shall limit group parties to no more than 10 people; groups shall consist only of family members and/or those in similar close relationships.
 - l. Ensure that reasonable accommodations can be made for vulnerable individuals who are still under the Stay at Home recommendations (e.g. seating assistance, special hours).
 - m. Avoid hosting activities that draw people from outside of Mesa County.

- n. Keep a schedule and daily journal to address frequent environmental cleaning and disinfection of bathrooms, high-touch surfaces, and items shared between individuals (menus, tables etc.).
- o. On a daily basis, ask employees and volunteers if they are experiencing symptoms of any illness. Do not allow anyone to remain in, or enter the facility if they have a **cough or shortness of breath/difficulty breathing**, OR any two of the following:
 - Fever (there should be a thermometer on hand)
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - A recent loss of taste or smell
- p. Ensure employees, contracted workers, and volunteers whose duties include close contact with members of the public wear a non-medical cloth face covering over the nose and mouth.
- q. Encourage all other employees to wear a non-medical cloth face covering over the nose and mouth while working, except where doing so would compromise the individual's health.

Compliance Audit:

1. One week after the establishment/facility opens, a Mesa County Public Health representative will perform an on-site assessment of the facility to ensure compliance based on the original application materials. As part of the assessment, the MCPH representative will provide clarification, education, and other resources related to Order requirements. If the establishment/facility is found to be non-compliant during the initial on-site assessment, the Mesa County Public Health team will plan a follow-up visit to occur within 72 hours.
2. If during the follow-up visit, the establishment/facility is still non-compliant, Mesa County Public Health will issue a Notice of Non-Compliance outlining the areas that need to be addressed, and assist in obtaining whatever resources are necessary to help the establishment/facility become compliant. The Mesa County Public Health team will plan a third visit to occur within 72 hours.
3. If upon the third visit the establishment/facility is still not in compliance with Order requirements, Mesa County Public Health will issue a Cease and Desist Order and turn the case over to the District's Attorney's office for further investigation and processing.
4. If during any of the above visits, the facility/establishment is shown to be compliant with the order requirements, no further action will be required.
5. However, further action can be triggered if/when Mesa County Public Health receives complaints of confirmable non-compliance for any facility/establishment. Mesa County Public Health will track complaints via email (healthinfo@mesacounty.us) regarding non-compliance with Mesa County Public Health Orders.

IV. Special Considerations

- Businesses currently limited by group size (e.g. child care facilities, classrooms) may expand capacity to 50 people, unless prohibited by a specific regulatory authority such as DORA, Department of Human Services, etc.
- Indoor Malls may reopen under this order provided they limit occupancy to no more than 50% of normal capacity, which is the same guidance for all retail stores within the mall. Do not allow people to congregate in common areas, which includes any type of special events. Indoor Malls must follow Social Distancing and Cleaning best practices (Section III.).
- Outdoor spaces such as patios or other expanded areas as granted by any municipality may be included for restaurants and on-premises retail liquor establishments. Limit use to 50% of capacity.
- Alcohol consumption in restaurants and in on-premises retail liquor establishments must end no later than 11 p.m.
- Outdoor activities where more than one group is allowed shall keep a reasonable and safe distance from other groups of no less than 20 feet.
- Swimming pools with an appropriate disinfectant (e.g. chlorine or bromine) are not limited to 50 persons but rather to 50% of the posted occupancy code or less as necessary to comply with the social distancing requirements in this Order.
- To the extent possible, participants in recreational and sports activities should be limited to those engaging in the particular activity. Spectators are highly discouraged, as are participants from communities outside of Mesa County.
- High-touch surfaces and shared outdoor equipment (e.g. playgrounds) should be used with extreme caution. Members of the public are highly encouraged to carry their own disinfecting wipes so they can disinfect surfaces prior to using them.

V. Public and Private Gatherings

- Gatherings shall be limited to no more than fifty (50) persons.
- Participants shall maintain at least six feet distance from each other.
- Organized gatherings held at a business or facility shall adhere to the applicable requirements established in Section II of this Order.

DURATION

Mesa County Public Health Order 2020-03, is effective as of 12:01 a.m. May 24, 2020. This Order shall expire no later than six (6) weeks from May 24, 2020. This order can be replaced or supplemented by other orders at any time, and may also be extended beyond its expiration date.

The decision to continue to lift restrictions, stay with the current plan, or go back to Stay at Home will be made by Mesa County Board of Public Health based on the rate of positive COVID-19 cases and hospitalizations in Mesa County.

Effective date: May 24, 2020

BY ORDER OF

Jeffrey G. Kuhr, PhD
Director of Public Health
Mesa County, Colorado

Approved by the Mesa County Public Board of Public Health on May 23, 2020 at 2:00 p.m. MDT



Sent via email to mcbocc@mesacounty.us

May 22, 2020

Scott McInnis, Chair
Rose Pugliese, Commissioner
John Justman, Commissioner
Mesa County Board of County Commissioners
P.O. Box 20,000
544 Rood Avenue
Grand Junction, CO 81502-5010

RE: Mesa County Variance Request from portions of Executive Order D 20 044 and Public Health Order 20-28

Dear Commissioners:

Thank you for your second application to the Colorado Department of Public Health and Environment (CDPHE) of a variance request to portions of **Executive Order D 20 044 Safer at Home** and **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your request and consider the information provided, and determine that the request is approved, with some amendments, as explained further below.

Mesa County has a two week disease incidence rate of 0.65 per 100,000 people. Per the application, Mesa County Public Health has a robust public health system, including disease investigation and surveillance activities, testing, and sufficient hospital capacity to take care of COVID-19 cases.

This variance request essentially expands upon your prior variance request to allow up to 50% capacity in Mesa County critical and noncritical businesses, including houses of worship, with a requirement that operational plans be submitted to Mesa County Public Health. Additionally, you ask for gatherings to expand to 50 people. With the addition of a total cap of no more than 175 people in a confined indoor space at any given time, your variance application for these items is approved. In order to achieve 6 feet distancing the limit is 50% of the posted occupancy code limit ensuring a minimum 28 sq feet per person not to exceed more than 175 people gathered in a confined indoor space at any given time.

Note that for postsecondary institutions, which your variance seeks to permit reopening, you will need to work with the Department of Higher Education to work through their processes for evaluating what portions of higher education may be opened under what circumstances. If you

Mesa County Second Variance
May 22, 2020

deem additional relaxation of restrictions are necessary, you may wish to submit another variance request for that purpose.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the county were to exceed a 15% positivity rate or more than 100 cases per 100,000 population in a two week period (approximately 153 cases in two weeks), the variance is automatically rescinded. Additionally, CDPHE reserves the right to modify or rescind this variance approval as circumstances warrant. This approval is in effect until the final expiration of PHO 20-28, which will be extended in some capacity beyond the current expiration date next week.

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Mesa County residents are safe and healthy as we deal with this global pandemic. Mesa County is a valued partner, and we are available to answer any questions and work with you on these matters. Please give me a call if you have any questions.

Sincerely,



Jill Hunsaker Ryan, MPH
Executive Director