



**CLEAR CREEK COUNTY BOARD OF HEALTH
RESOLUTION 21-02**

**STANDING PUBLIC HEALTH ORDER TO CONTINUE TO CONTROL
THE SPREAD OF COVID-19 AND TO PROTECT THE PUBLIC HEALTH, SAFETY
AND WELFARE OF THE CLEAR CREEK COUNTY COMMUNITY**

April 27, 2021

The Clear Creek County Public and Environmental Health Department (“CCCPEH”) is working to stop the spread of Coronavirus 2019 (“COVID-19”). To support this effort, we find it necessary to adopt the CDPHE COVID-19 Dial as modified herein to continue to control and slow the spread of the SARS-CoV-2 virus and to mitigate the effects of the disease COVID-19 caused by the virus.

FINDINGS AND NECESSITY OF ORDER

WHEREAS, CCCPEH has public health jurisdiction over Clear Creek County, Colorado (“Clear Creek County”) including all cities and towns therein. In furtherance of its jurisdiction, CCCPEH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Clear Creek County, as well as the power and duty to close schools and public places and to prohibit gatherings of people when necessary to protect public health, and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within Clear Creek County as CCCPEH may find necessary for the protection of public health; and

WHEREAS, COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 213 countries, including the United States; and

WHEREAS, COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease; and

WHEREAS, while Colorado has started vaccinating those who are most vulnerable to COVID-19, estimates indicate that as of April 12, 2021, only about 30% of the population is currently immune to COVID-19; this is far short of the percentage of the population needed to reach herd immunity. Additionally, new variants that are more transmissible are circulating in Colorado. These factors, coupled with a loosening of restrictions, could result in an increase in cases. While we work as a community to reach herd immunity through vaccination, it is important that the protective measures of the COVID-19 Dial remain in place to help reduce the risk of transmission until we reach that critical threshold; and



WHEREAS, while Clear Creek County’s one-week incident rates have dropped from the peaks of November and December, 2020, case counts are variable from week to week and have been steadily increasing for the past several weeks. Elimination of the COVID-19 Dial measures will likely lead to increased case counts in Clear Creek County until enough people have been vaccinated to reach the threshold to achieve herd immunity. As of April 16, 2021, there were 478,678 known presumptive positive cases of COVID-19 statewide in Colorado, and 428 known presumptive positive cases in Clear Creek County, Colorado, as well as 6,319 deaths due to COVID-19 statewide and 3 deaths in Clear Creek County; and

WHEREAS, vaccine access is increasing but demand for the vaccine still exceeds available supply; and

WHEREAS, hospital admission rates in Clear Creek County provides a specific metric of severity of COVID-19 cases among those infected.

History of State and CCCPEH Orders

On March 10, 2020, the Governor of Colorado declared a State of Emergency relating to the presence of COVID-19.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020-017, ordering all Coloradoans to Stay-at-Home due to the presence of COVID-19 in the state (“Stay-at-Home Order”).

On April 26, the Governor of Colorado issued Executive Order D 2020-044, Safer at Home, through May 27, 2020 (“Safer-at-Home Order”).

On June 1, 2020, the Governor of Colorado issued Executive Order D 2020-091, Safer-at-Home and in the Vast, Great Outdoors (“Safer-at-Home and in the Vast, Great Outdoors Order”), which was extended by Executive Order D 2020-213 until November 5, 2020.

Clear Creek County’s movement from the Stay-At-Home Order to Safer-At-Home and in the Vast, Great Outdoors Order resulted in the easing of social distancing restrictions in Clear Creek County.

On September 16, 2020, the Executive Director of CDPHE issued Public Health Order 20-35, Safer at Home Dial, which superseded and replaced Public Health Order 20-28 (“PHO 20-35”).

On November 2, 2020, the Executive Director of CDPHE issued Public Health Order 20-36, COVID-19 Dial, which supersedes and replaces Public Health Order 20-35 (“PHO 20-36”).

On April 16, 2021, PHO 20-36 is expected to expire and the COVID-19 Dial will become non-mandatory guidance at the State level.

Counties in the Denver Metropolitan Area, to ensure consistency and minimize confusion for businesses and the community, desire to adopt CDPHE’s COVID-19 Dial as issued on April 4,



2021, and as amended herein. Clear Creek County assumes the restrictions of the next less-protective level on the Dial, based on the County's PHO 20-36 metrics as of April 16, 2021.

INTENT

The intent of this COVID-19 Dial Order is to continue to control the spread of COVID-19, so as to maintain consistent healthcare capacity in Clear Creek County and to protect the public health, safety, and welfare of the Clear Creek County community.

DEFINITIONS

1. **Critical Business** is any business that is designated as a critical business under the terms of the CDPHE "Tenth Amended Public Health Order 20-36 COVID-19 Dial" dated April 4, 2021.
2. **Critical Government Function** is any governmental function that is designated as critical under the terms of the CDPHE "Tenth Amended Public Health Order 20-36 COVID-19 Dial" dated April 4, 2021.

ORDER

Pursuant to the authority granted the Executive Director of Clear Creek County Public Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-509(1)(c), the following is ordered:

1. Assignment to and Movement Between Dial Levels

- a. **Phase 1: Moving Toward Full Reopening – April 16, 2021 through May 15, 2021**
 - i. **Level Designation:** Upon devolution of the CDPHE Public Health Order 20-36, on April 16, 2021, CCCPEH adopts Colorado's COVID-19 Dial framework set forth, as modified below (the "Dial"), and Clear Creek County will be assigned to one Level less protective based on its case incidence and positivity Dial metrics as of April 16, 2021 ("Phase 1 Level").
 - ii. **Duration:** Between April 16, 2021 and May 15, 2021, Clear Creek County will remain at the Phase 1 Dial Level.
 - iii. **Movement:** Clear Creek County will not move levels during this 30-day Phase 1 Level between April 16, 2021 and May 15, 2021.
 - iv. **Restrictions:** All businesses and activities within Clear Creek County must follow the Capacity Restrictions for the Phase 1 Level located in Section 3 this Order and the Mitigation Requirements for All Sectors located in Section 3 of this Order.
- b. **Phase 2: Observation Period – May 16, 2021 through August 15, 2021**
 - i. **Level Designation:** Upon conclusion of Phase 1 on May 16, 2021, Clear Creek County will move to Level Clear – New Normal – 100% capacity with no Mitigation Requirements as defined in Section 3 of this Order. Face covering requirements may still apply and State orders, if any, may still apply. In addition, municipal jurisdictions may implement their own protective measures, and this Order shall not be construed as prohibiting any business from implementing or continuing such protective measures.



- ii. **Duration:** Between May 16, 2021 and August 15, 2021 – 90 days – Clear Creek County will remain at Level Clear, subject to observation of COVID-19 severity metric by CCCPEH and Movement as defined in Section 1.b.iii and Section 1.b.iv of this Order.
 - iii. **Movement:** Clear Creek County will begin Phase 2 in Level Clear.
 - iv. **Mitigation Phase “Snap Backs”:**
 - A. Should case rates and percent positivity increase, *simultaneously*, above the levels listed in this Section 1.b.iv.A,1 and A.2, the BOH and the public health director shall meet in a regularly scheduled or emergency public meeting, as appropriate, to discuss imposing additional restrictions at the appropriate level as outlined in the “Tenth Amended Public Health Order 20-36 COVID-19 Dial 3.0” issued by CDPHE and dated April 4, 2021.
 - 1. 14-day incidence rate equal to or greater than 300 cases per 100,000; and,
 - 2. Percent positivity equal to or greater than 7.5%.
 - B. Should the number of new COVID-19 cases in the State of Colorado reach a seven-day average of 3000 or more, the BOH and the public health director shall meet in a regularly scheduled or emergency public meeting, as appropriate, to discuss imposing additional restrictions at the appropriate level as outlined in the “Tenth Amended Public Health Order 20-36 COVID-19 Dial 3.0” issued by CDPHE and dated April 4, 2021.
 - v. **Restrictions:** Clear Creek County must follow the Capacity Restrictions for its assigned Level located in Section 2 of this Order. Mitigation Requirements for All Sectors located in Section 3 of this Order are not required under Level Clear.
- c. CCCPEH and the BOH, in the interests of public health, safety, and welfare, reserve the right to move Clear Creek County one or more levels quicker than stated above and to implement other restrictions as circumstances warrant.
- 2. Capacity Restrictions**
- a. Clear Creek County shall follow the capacity restrictions set forth in the “Tenth Amended Public Health Order 20-36 COVID-19 Dial 3.0” issued by CDPHE and dated April 4, 2021, for its Level designation, unless in Level Clear.
 - b. Any business or activity not specifically addressed in this Order may operate as an indoor or outdoor event, depending on whether the business or activity is indoors or outdoors.
 - c. There are no local Capacity Restrictions or Mitigation Requirements in Level Clear except as provided by any statewide order or local face covering order.
- 3. Mitigation Requirements for All Sectors – Levels Green, Blue, Yellow, Orange, Red & Purple**
- a. All requirements in this section shall apply unless impossible or unsafe to carry out the activity or function while complying.
 - b. Critical Businesses and Critical Government Functions may continue to operate, and must comply with Distancing Requirements, all of the requirements in this Order, and



any applicable executive orders or CDPHE public health orders and mandatory guidance, unless doing so would make it impossible to carry out critical functions.

c. Distancing Requirements

- i. Individuals shall maintain at least 6 feet of distance from other individuals who are non-household members. However, nothing in this section shall limit groups of up to 10 individuals from attending events together or patronizing a restaurant or bar together; and nothing in this section shall limit organized sports activities; so long as these activities comply with the requirements of this Order.
- ii. Businesses should arrange their space or seating areas to accommodate 6-foot distancing of non-household members at all times.
- iii. Shared or common indoor areas where people can congregate without observing 6-foot distancing should be closed or discouraged.
- iv. Virtual meetings should occur where possible to reduce unnecessary in-person gatherings.
- v. Prioritize remote work and enable it whenever practical.
- vi. Business policies should be adopted to reduce density, such as staggering arrivals and dismissals of employees and customers, using reservation systems, marking spaces 6-feet apart where lines tend to form, and designating separate entrances and exits.

d. Face Covering Requirements

- i. Face coverings are required pursuant to Executive Order D 2020 138, as amended and extended, and CCCPEH's Face Covering Order, as amended and extended.
- ii. Employers should provide protective gear such as face shields and gloves, where appropriate, and face coverings.

e. Hygiene, Cleaning and Disinfecting

- i. Employers must require employees showing any symptoms or signs of sickness, or who has been in contact with known positive cases to stay home. Employers must ensure paid sick leave policies are consistent with state law and communicate those policies to employees. See the Colorado Department of Labor and Employment's Paid Leave Under the Healthy Families and Workplaces Act Interpretive Notice & Formal Opinion and Colorado Workplace Public Health Rights Poster.
- ii. Customers showing any symptoms or signs of sickness, or who have been in contact with known positive cases must stay home and follow isolation and quarantine guidance. Businesses should implement flexible cancellation policies to encourage customers to stay home when ill or exposed.
- iii. Follow CDC's When and How to Wash Your Hands guidance.
- iv. Follow CDC's Cleaning and Disinfecting Your Facility guidance.

f. Ventilation

- i. Ensure proper ventilation and maximize ventilation by adopting strategies such as opening windows whenever possible and upgrading air filters.
- ii. Businesses and individuals are encouraged to move interactions among members of different households outside whenever possible.

g. Signage

- i. Post signage that face coverings are required to enter any public indoor space per the requirements of Executive Order D 2020 138, as amended, or per the requirements of CCCPEH's Face Covering Order.



- ii. Post signage on good hygiene practices, including washing hands and distancing.
- iii. Post signage prohibiting anyone showing any symptoms or signs of sickness from entering.
- iv. All signage should be easy to follow and in languages employees and customers understand.

h. Personal Social Gatherings

- i. Indoor Personal Social Gatherings should follow CDC guidance on gatherings. This Order presumes that an indoor personal social gathering consists of 10 people or less. Indoor gatherings greater than 10 people should follow indoor events requirements as defined by the applicable Level as set forth in the “Tenth Amended Public Health Order 20-36 COVID-19 Dial 3.0” issued by CDPHE and dated April 4, 2021,

OTHER PUBLIC HEALTH ORDERS RELATED TO COVID-19

1. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning medical Face Coverings.
2. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) that impose Face Covering requirements beyond those contained in this Order.
3. Nothing in this Order should be construed to preempt any local Public Health Orders.
4. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.
5. This Order is in addition to all executive orders issued by the Governor of Colorado and all public health orders and mandatory guidance documents issued by CDPHE. If there is a conflict between this Order and any executive order, CDPHE public health order, or local public health order, the most restrictive order applies.

ADVISEMENT AND ADDITIONAL INFORMATION

1. Along with CDPHE, CCCPEH is tasked with protecting the health and welfare of the citizens of Clear Creek County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. CCCPEH will attempt to seek voluntary compliance through education, technical assistance, and warning notices. However, this Order may be enforced by any appropriate legal means.
2. This Order has the effect of law. Pursuant to C.R.S. §§25-1-114.1 and 25-1-516, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a fine of up to one thousand dollars (\$1,000.00) per violation and imprisonment in the county jail for up to one year. For violations of this Order, CCCPEH may



seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order.

3. Any business open to the public that violates the provisions of this Order may be subject to the suspension or revocation of its license by the appropriate licensing authority as provided by law and/or subject to an immediate Closure Order from CCCPEH.

4. If you have questions regarding this Order, please contact the CCCPEH at 303-670-7425 or view the COVID-19 information on CCCPEH's website at: <https://www.clearcreekcounty.us/1210/Public-Health-Orders-Guidance>.

5. This CCCPEH Public Health Order 21-02 shall be in effect from April 27, 2021, at 11:59 p.m. through August 15, 2021, at 11:59 p.m.

6. FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR.

7. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then 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. To this end, the provisions of this Order are severable.

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If you have questions regarding this Order, please contact CCCPEH at 303-670-7425.

ADOPTED this 27th day of April, 2021, at a regular meeting of the Clear Creek County Board of Health.

George Marlin
George Marlin, Chairman

Sean C. Wood
Sean C. Wood, Commissioner

ATTEST:

Randall Wheelock
Randall Wheelock, Commissioner

[Signature]
Deputy Clerk and Recorder
For Brenda L. Corbett
Clear Creek County Clerk and Recorder

Received and Approved

[Signature]
Timothy Ryan, PhD.
Public & Environmental Health Director

4/28/2021
Date