

The Board of County Commissioners met in special session on April 21, 2020. Those present for the session were, Don Batchelder, Chair; Ben Tisdell, Vice-Chair; John E. Peters, Commissioner Member; Connie Hunt, County Administrator; Carol Viner, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes. The meeting was conducted virtually pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

A. 9:44 The Board of County Commissioners convened as the Board of Health concerning the following items:

1. Discussion/Direction and possible action concerning potential extensions of Public Health Orders:

Tanner Kingery, County Public Health Director, and Glenn Boyd, County Emergency Manager, were present.

Commissioner Batchelder prefaced the meeting by reminding attendees that the Public Health Director was working from the best available information. He said that under a declared emergency, a fair amount of authority was given to Kingery; however, the established practice was for Kingery to present the best available information to the Board to get input prior to taking action. Commissioner Batchelder thanked Kingery for his work and openness and stated that he fully expected the practice to continue.

Kingery began a presentation regarding the current public health orders and recommendations. He said that outbreaks were still occurring in San Miguel and Montrose Counties, but overall Ouray County had done a good job limiting exposure. He cautioned that if businesses reopened too quickly and a surge of tourists were to visit the County, an increase of cases could be experienced.

Kingery proposed a phased plan to reopening, similar to what Governor Polis had recommended on a state-wide level. He recommended that a phased plan for reopening be established based on data. He recommended that a decrease in cases for 14 consecutive days be experienced, in addition to regional care facilities being able to treat symptomatic patients without a crisis standard of care. Additionally, he said that the State must be able to test all people experiencing symptoms and provide contact tracing and monitoring. He said the objectives for Phase 1 of the reopening process was to implement a self-reporting symptom tracker, develop a plan for a drive-through testing site, and associated logistics and planning support. Commissioner Tisdell said that Ouray County Public Health Agency (OCPHA) still had not received the test kits that were ordered in early March; he said that establishing a drive-through testing site was contingent upon obtaining the test kits. Kingery agreed. Kingery added that he was working to obtain some antibody testing.

Kingery explained the symptom tracker form developed under the G-Suite platform. He said that Unified Command would use the tracker to monitor symptoms to justify the ordering of additional test kits or personal protective equipment (PPE). The information would be housed in a platform that was HIPPA compliant.

Commissioner Peters asked what constituted an outbreak. Kingery replied that it was more than one related case. Commissioner Peters said that it was important to see where outbreaks were occurring in order to diminish the spread. Kingery agreed.

Commissioner Peters asked about the data that OCPHA received regarding County residents that had been tested. Kingery explained that if the patient's primary residence was listed in Ouray County, the case was assigned to the County, even if the person was tested out of County, or even out of State.

Commissioner Peters asked if the antibody testing would be more effective in places where there were more cases. Kingery agreed. He said that he wanted to have the tests available in the County if and when the test became more useful in determining who might have had the virus and recovered.

Commissioner Peters asked who would be accessing the data collected by the self-reporting symptom tracker. Kingery said that only the Incident Command team would be reviewing the data. He said that it allowed for residents to provide information in a safe and secure manner.

Commissioner Batchelder said that it appeared that more testing would become available to County residents. Kingery said that the swab test kits would become more available and the turnaround time for test results was improving. Kingery said that test kits were available through Mountain Medical and Montrose Memorial Hospital; he noted that there had no symptomatic patients that required a test that week. Commissioner Batchelder said that it was difficult to determine an accurate picture of the percentage of people who had the virus in the County given the small population. Kingery confirmed that he was utilizing regional data for a more accurate picture.

Commissioner Tisdell was concerned about visitors and second homeowners coming to the County from areas with high infection rates. He said that the State's epidemiological forecasts did not consider an influx of visitors into their models. He asked how a model could be developed to consider those factors. Kingery said that Unified Command had reviewed visitor data and number of hotel rooms in an attempt to develop a model, but noted that it was extremely difficult to determine the epidemiological impact tourists may have on the County. He said that the County needed to continue to encourage good hygiene practices and develop procedures for businesses to open safely.

Commissioner Batchelder asked Kingery for his recommendations regarding the Public Health Orders currently in place. Kingery said that the County's Public Health Orders were in place until April 30th. He outlined three options. Option 1 proposed extending all orders to May 15th in order to allow the County to



increase capacity to test more people, collect more data, and limit the virus spread. He said that Option 1 would allow for Unified Command and elected officials to evaluate the situation constantly. He noted that Option 1 would continue to strain the economy and may lead to increased uncertainty. Kingery said that Option 2 was to simply extend the orders to a date beyond May 15th; the pros and cons were similar to Option 1. Kingery explained that Option 3 proposed that the Orders expire on April 30th. He said that it would allow for parts of the economy to re-open while following the State guidance. Kingery outlined the cons of Option 3: potential for increase of virus transmission, possibility for implementing more restrictions if things worsen, and sick visitors could take up hospital beds dedicated for Ouray County residents.

Commissioner Batchelder added that the County was also subject to the State's Orders. He said that the County did not have discretion over those orders. He asked Kingery to outline the State Orders in effect. Kingery said that the State's Stay-at-Home Order was in effect until April 30th. He said that Governor Polis had proposed a "Safer-At-Home" policy that would become effective on April 27th, along with a timeline of phased reopening for businesses.

Commissioner Batchelder opened the special meeting for public comment, and asked that comments be limited to the County Orders and the three options proposed by Kingery.

Greg Nelson, City of Ouray Mayor, said that he was speaking in his role as Mayor, but not on behalf of Ouray City Council. He said that he had concerns regarding how the process had played out. He said that he strongly supported the Unified Command structure, only if it was operated properly. Nelson felt that the Policy Group had not been utilized effectively. He claimed that the City's requests to convene the Policy Group had been rebuffed. He said that the City had been working with businesses to develop plans to reopen. Additionally, he emphasized the importance of mental health in the process.

John Wood, City of Ouray Council Member, echoed Nelson's concerns regarding the procedural shortcomings of Unified Command. Wood took umbrage with the American Enterprise Institute "Road Plan to Recovery" document that had been proposed by Commissioner Tisdell as a model for reopening; he claimed that the authors of the document represented an extreme right-wing faction. He said that the document proposed a level of testing that was unattainable, and the suggestions regarding contact tracing bordered on unconstitutional. Wood said that the only way to proceed forward was to convene the Policy Group to work as a complete team to weigh in on what was needed. He said that selecting an arbitrary date with no input from the business community would impact the economy unnecessarily.

Kendra Manley, City of Ouray resident and business owner, felt that she was stuck in the middle. She said that it was vital for businesses to be able to reopen, but was fearful of the implications of close contact with others. She said that there was a significant amount of uncertainty between the County and State Orders and requested clarity on how to move forward for both her customers and her employees.

John Moss, Log Hill Mesa resident, said that he was a part of the vulnerable population and had had been self-quarantining for six weeks. He was concerned about the lack of testing, but he was equally concerned about the ability of Ouray County to survive economically. He recommended that the current orders stay in place until June as that was traditionally when the start of the summer season. He said that the additional time would allow for the County to put pressure on the State to ensure that adequate testing was available.

Don Wild, City of Ouray resident, said that everyone who was in favor of extending the Orders had salaried jobs. He said that those who were self-employed or business owners were fighting to stay alive and in business. He said that more people in the County would be infected with the virus and that it could not be controlled. He said that the damage to the economy would be far more impactful.

Michael Trahan, Ouray County resident, agreed with Wild. He suggested that a plan be established to cautiously re-open, but leave it to the individuals and businesses to decide what was appropriate. He said that people should be allowed out, as determined by their own comfort level.

LeeAnn Parden, City of Ouray resident, echoed Wild and Trahan's comments. She said that personal responsibility needed to prevail. She said that people had the right to earn a living and should be allowed to go back to their lives.

Dolgio Nergui, City of Ouray resident, pointed out that many first responders did not have health insurance or hazard pay. She said the risk of first responders getting sick was a high and encouraged people to consider that in their reopening discussions.

Moss agreed that it was the responsibility of the individual to protect themselves. He asked if the Divide Ranch and Club Golf Course was considered essential under the current order. Kingery said that the course was closed under the current order. Viner said that some municipal courses remained open with strict restrictions about social distancing and usage.

Roger Sagal, Town of Ridgway resident, asked if the County was entirely dependent upon the State to provide test kits. He asked if the County felt it was equipped to handle an outbreak during peak visitor times. Kingery said that the Public Health Agency did not have the capacity to deal with an outbreak like Sagal was suggesting. He said that OCPHA was a small department with only two employees. He said that he was concerned about the impacts on first responders as well, given the limited number of responders in the community. Kingery said that the County was not entirely reliant on the State for testing; he said that Montrose Memorial Hospital had donated 30 kits to the County.

Tom Ellison, City of Ouray resident and bed and breakfast operator, wished to discuss the Order pertaining to short-term lodging. He said that those lodgers needed to be able to get back to business. He did not think there would be a large influx of visitors, given the State guidance to stay at home. He said that businesses and lodgers needed to be able to reopen or the economy was going to collapse.

Ryan Hein, City of Ouray resident and hotel operator, said that the City of Ouray had reached out to business sectors in order to encourage development of safe practice procedures. He encouraged the County reach out to John Wood to look at the plans. He agreed that detrimental harm would result from continued business closures.

Nelson said that the State was reticent to share funds with smaller counties. He said that only large communities with a population of 500,000 or more received CARES Act funds. He said that relying on future bills to assist was not a guarantee for success. Commissioner Tisdel said that Colorado Municipal League and Colorado Counties, Inc. were lobbying for the state to share the funding with smaller jurisdictions. He said that the funds could be used for testing, PPE and contact tracing. Nelson agreed the funding would be well utilized, but that it did not solve the long-term economic impact experienced in Ouray County.

Kim Woodin, Ouray Inn, said that the City of Ouray lodgers had met to develop guidelines for operating. She encouraged the Board to review the document.

Nelson pointed out that the City of Ouray was the only governmental entity in the County that was forced to lay off and furlough employees. He said that the City was anticipating up to 50% decrease in revenue.

John Clark, Town of Ridgway Mayor, agreed that it was a challenging situation. He said that the challenge was to find a compromise that allowed businesses to reopen, while also protecting public health. He supported efforts to reopen as soon as possible. Clark was open to all options regarding testing, so long as they were effective.

Sagal asked if there was a way to streamline the decision making process between the City, Town, and County. Commissioner Tisdel responded that the Unified Command structure was designed to solicit information from the local policy groups and other pertinent organizations. He said that the incident management structure was designed for short-term responses and not necessarily for long-term pandemics. Commissioner Tisdel said that the response was twofold: the public health aspect and the economic recovery portion. Commissioner Batchelder said numerous efforts were going in term of the response at the City and Town levels. He said that it appeared that the City of Ouray was frustrated with the process and that it needed to be addressed.

Jason Perkins, Ouray RV Park and Cabins, said that many business owners were fearful of going out of business. He said that there needed to be a balance to allow for continuous reevaluation.

Jeremey Serman, County resident, said that the business community was suffering and extending the orders to May 15th, June 15th, or June 30th would have no realistic impact on controlling the virus. He said that people needed to determine their own risk. He encouraged reopening as soon as possible.

Nelson said that the City of Ouray had been requesting through their liaison to Unified Command that a policy group meeting be scheduled.

Brian Duckles, Timber Ridge Lodge owner, said that it was important to lift the Orders. He understood that lifting the Orders would not mean that visitors would immediately flood the area. He said that having Orders in place impacted reservations.

Tamara Gulde, City of Ouray business owner, thanked the County and Unified Command for their efforts in making difficult decisions and following the process. She did not think that the City of Ouray had been respectful to the processes, exacerbating frustrations and leading to misinformation. She appreciated the City's outreach to businesses, but thought that it should have been a coordinated response. Gulde said that she had mixed feelings about reopening her business, given the threat to vulnerable employees and visitors. Gulde thought that offering antibody testing would help make some decisions easier.

Commissioner Batchelder invited the other Board members to give their thoughts on the three options presented by Kingery.

Commissioner Peters agreed that it was a balance of economic health and public health. He said that individuals needed to take responsibility to protect themselves. He agreed that the businesses should determine their own guidelines and comfort level in reopening. He said that businesses needed to reopen safely. Commissioner Peters questioned why first responders did not have the needed equipment. Commissioner Batchelder said that it was difficult for the County to compete for resources, given the small population.

Commissioner Peters said that the Public Health Orders should be lifted as soon as practical. Commissioner Tisdel agreed. He was unhappy with the State's inability to involve small counties in their considerations of state-wide orders and resources. He thought that a measured reopening was the key to mitigate the need to reenact strict regulations. Additionally, Commissioner Tisdel thought that taking a regional response was also advisable. He suggested that Unified Command increase the emphasis on recovery.

Commissioner Tisdel thought that extending the Public Health Orders to May 15th was the best recommendation.

Commissioner Batchelder suggested that the Board consider extending the Public Health orders to May 15th based on the physical and financial health concerns. He suggested that Unified Command consider issuing a statement to visitors and second homeowners that, given the constraints and limited PPE, first responders may not be able to respond to all calls. He said that a statement would protect the County as well as being upfront with businesses and visitors. Commissioner Batchelder said that the Board would consider relaxing the current restrictions in the latter part of May. The Board agreed to the direction.

Commissioner Peters recommended that the extended Orders allow for some flexibility for businesses with plans for protecting employees and visitors could open earlier. The Board agreed.

The Board agreed to direct request Unified Command to work with local businesses to develop policies and plans to open safely.

2. Discussion and possible consideration of voluntary COVID-19 Health Questionnaire:

Kingery presented the form. He said that compiling the data collected by the form would allow for data-based decisions.

Commissioner Tisdel commended Kingery for developing the self-reporting form, noting that similar forms had been utilized in other counties.

The Board agreed to request that Kingery add a mental health question to the form.

Kingery said that Unified Command would also be circulating a form to the business community to help develop plans for reopening.

The Board agreed to the direction proposed by Kingery.

B. 12:17 General Business:

1. Discussion / request for approval and staff authorization to: 1) establish a Google G-Suite account, and 2) enter into a Business Associate Agreement (BAA); to serve as a HIPPA (Health Insurance Portability and Accountability Act) compliant, secure access, storage tool, to house Personal Identifying Information (PII), Public Health Information (PHI) for use by all applicable County Departments within Ouray County Government:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve and authorize staff to 1) establish a Google G-Suite account, and 2) enter into a Business Associate Agreement (BAA); to serve as a HIPPA (Health Insurance Portability and Accountability Act) compliant, secure access, storage tool, to house Personal Identifying Information (PII), Public Health Information (PHI) for use by all applicable County Departments within Ouray County Government.

A roll call vote was taken on the motion with the following results:

*Commissioner Batchelder voted in the affirmative.
Commissioner Tisdel voted in the affirmative.
Commissioner Peters voted in the affirmative.*

There was no discussion. Motion passed unanimously.

2. Discussion and request for award of recruitment firm for Road and Bridge Superintendent Recruit:

The Board agreed to delay consideration of the request until later in the year.

3. Request for approval of warrants:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve the warrants as presented.

A roll call vote was taken on the motion with the following results:

*Commissioner Batchelder voted in the affirmative.
Commissioner Tisdel voted in the affirmative.
Commissioner Peters voted in the affirmative.*

There was no discussion. Motion passed unanimously.

4. Request for ratification of approval and authorization of Chair's signature on Xerox Lease Agreements 122865 and 125723 for the Administration and Assessor's offices: (ratification)

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to ratify approval and authorization of Chair's signature on Xerox Lease Agreements 122865 and 125723 for the Administration and Assessor's offices.

A roll call vote was taken on the motion with the following results:

*Commissioner Batchelder voted in the affirmative.
Commissioner Tisdel voted in the affirmative.
Commissioner Peters voted in the affirmative.*

There was no discussion. Motion passed unanimously.

12:25 Commissioner / Administrative Reports:

Commissioner Tisdel discussed the following:

- 1) **Broadband Project** – Commission Tisdel said that funding commitment letters had not been received for Phase 2 of the project, but that it was forthcoming. Hunt said that the County could not enter into any agreements until the funding letter from the Department of Local Affairs had been executed.

Carol Viner, County Attorney, discussed the following:

- 1) **Via Ferrata Agreement** – Viner said that she was reviewing the document as the activity took place on a County-owned property. She said that the Board may need to reconsider the agreement based on her review.

12:26 The Board of County Commissioners adjourned the special session.



Hollenbeck

Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Don Batchelder, Chair

Ben Tisdel, Vice-Chair

John E. Peters, Commissioner Member