

The Board of County Commissioners met in special session on April 24, 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. 8:00 The Board of County Commissioners convened as the Board of Health concerning the following items:

1. Discussion and Direction of Public Health Orders, Extensions and Revisions:

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

Kingery said that Ouray County Public Health Order 1 closing bars, restaurants, theaters, gymnasiums, and non-essential personal services and Public Health Order 2 limiting mass gatherings mirrored State Public Health Orders. It was his recommendation that those two orders expire on May 1st as stated in the Orders and to follow State guidance on closures and limits on mass gatherings going forward.

Viner explained that the State was implementing a variance process for counties to apply for exemptions from certain restrictions from the new State Orders. Viner said that it was difficult to determine the specifics of the new State Orders as the full text of the document would not be available until April 26th.

Kingery said that he was seeking input regarding the extension of County Public Health Order 3 restricting overnight lodging facilities and Public Health Order 4 discouraging all non-residential homeowners and seasonal residents from traveling to the County. Kingery said that the State would be transitioning to the “Safer-at-Home” model to allow for phased reopening. He said that it was important for the County to encourage people to not participate in unnecessary travel and to observe good hygiene practices.

Commissioner Peters said that businesses needed to be able to reopen; specifically the short-term lodging facilities. He said that the lodgers needed to be able to practice protocols before the busy summer season got underway. He wanted the lodgers to be given the opportunity to phase reopening as soon as possible.

Commissioner Tisdell asked if Kingery was aware of any epidemiological models that considered an influx of visitors from other areas. Kingery said that the model did not exist, and that it was very difficult to predict what kind of impact visitors would have in Ouray County. He said that many jurisdictions on the Western Slope were seeking similar information and that it was being discussed regionally.

Commissioner Batchelder confirmed that Kingery recommended that Public Health Orders 1 and 2 expire or be rescinded, and Orders 3 and 4 be extended. Kingery confirmed Commissioner Batchelder’s statement was correct.

Commissioner Batchelder asked for public comment on the recommendation.

Greg Nelson, City of Ouray Mayor, said that he had stated his concerns during the April 21, 2020 Special Meeting regarding the failure to follow incident command procedures. He said that the Board and Unified Command was issuing recommendations and making decisions without engaging elected officials through the Policy Group. Commissioner Tisdell said that the Policy Group was meeting in the weekly MAC meeting. He said that the individual Policy Groups could make requests and recommendations to Unified Command through their liaison. Commissioner Batchelder asked Nelson to clarify exactly what he was advocating for. Nelson said that he was requesting a meeting of the elected officials from the County, Town and City. He said that the Policy Group had last met four weeks previously and that the group needed to be reconvened. Commissioner Tisdell said that elected officials participated in the weekly MAC meetings in a similar manner to how the Policy Group meetings were done. He added that Nelson had been present at the weekly MAC Meetings and that the City could make requests and recommendations to Unified Command through their liaison.

John Wood, City of Ouray Council Member, said that the MAC meetings and the Policy Group meetings were not the same thing. Viner said that the process was structured based on the emergency declaration. She said that the emergency was a public health emergency, as well as being an economic emergency. She suggested that Unified Command consider developing different processes that asked for more input from different groups. Commissioner Batchelder said that the Board would discuss convening the Policy Group or other avenue to mitigate frustration.

Beth Lakin, Town of Ridgway Council Member, said that it was important to empower businesses to make plans. She asked if there were plans to return to stringent regulations if there was an increase in cases. Kingery said that if cases started to increase the Public Health Orders may have to be reevaluated. He added that it would also be based on the ability of local providers to test and handle patients. Lakin recommended that the triggers be clearly understood to not give the impression to businesses that it was arbitrary. She said that the ability to plan was helpful to everyone.

Tammee Tuttle, Ridgway resident and business owner, wanted to ensure that businesses reopened safely; she said that reopening was a priority. She requested that simple and clear guidance be provided to the businesses in order for them to educate their staff and customers.



John Wood, City of Ouray Council Member, said that the virus was not going to go away. He said that it was going to continue to ebb and flow and that the City, County and Town needed to start analyzing how it was going to end. He said that each jurisdiction had unique needs. Wood said that he had concerns about residents traveling to other areas and not quarantining after they returned to the County. He said that educating and placing restrictions on people needed to be done in accordance with the Constitution. Viner said that the current Order did not contemplate residents that left and returned to the County. She agreed that there were Constitutional issues and cited an ongoing lawsuit regarding a similar matter in Gunnison County.

John Countryman, Ridgway resident, congratulated Kingery for stepping up to challenge and thanked him for his leadership. Countryman was concerned about the lack of testing as compared to surrounding counties. He said that the statement that Ouray County had very few cases was incorrect due to the lack of available testing. He said that, in the absence of accurate data, it was advisable to chart a course for caution in reopening, particularly in terms of lodging. He encouraged Kingery to continue to make decisions that were in the best interest of the community.

Commissioner Batchelder clarified that testing was only performed when ordered from a medical provider. Kingery confirmed that was correct. Commissioner Batchelder said that there were tests available, but that they would only be utilized for symptomatic patients with a doctor's order.

Michael Trahan, Ridgway resident, said that individuals had a responsibility to protect themselves. He thought that stated reopening would allow business owners to determine their own acceptable level of risk and when to reopen.

Commissioner Peters wished to clarify the purpose of a recent visit from National Guard and State personnel to the County. He said that it was not due to an outbreak. He reported that a discussion was had on how to safely deal with the emergency in real time. Commissioner Peters said that the County had requested more supplies and accurate data.

Kendra Manley, Ouray resident and business owner, said that she wanted her salon to be able to reopen fully; however, the health of her employees and customers came first. She said that residents and business owners needed to support the County in protecting the public health of the community members.

Lora Slawitschka, Ouray Chalet, agreed with Manley; however, she said that no plans addressed the economic health of the community. She said that the hotel industry required reservations and that the lodgers needed to understand what could happen on May 16th, if the Order was extended to May 15th. She pointed out that surrounding counties never closed short-term lodging and there was no corresponding spike in cases.

Dolgio Nergui, Ouray resident, inquired to know if there was guidance for privately-owned homes used as vacation rentals. Kingery said that members of Unified Command had met with the lodgers and developed guidance for best practices for the hotels but that short-term rentals like Nergui was referencing were closed under the Safer-At-Home Order. Jeff Wood, City of Ouray Police Chief and member of Unified Command, said that there was no industry standard yet, and that the nature of renting entire homes may be difficult to implement some of the strategies. Dave Turner, Ouray resident and property manager, said that he had developed his own policies to be implemented if lodging was reopened on May 15th. He said that he would be establishing a mandatory 72 hour waiting period between occupants. He was concerned about his ability to provide personal protective equipment (PPE) to his employees. He noted the additional costs for PPE, as well as the increased hours for employees. He welcomed collaboration and guidance from other businesses. Commissioner Tisdal asked if Kingery could request guidance from the Colorado Department of Public Health and Environment (CDPHE). Kingery said that he would make the request and also ask regional Public Health Agencies for recommendations.

Addie Tish, County resident, was concerned about the short-term rentals. She said that education regarding proper Safer-At-Home policies would be helpful to the community and visitors. She did not think that Ouray County was prepared to handle a surge of illness.

Hearing no other public comment, the Board continued on to discuss the public health order recommendations. Commissioner Batchelder said that Kingery was recommending that Orders 1 and 2 be rescinded and let the State Public Health Orders apply.

Commissioner Tisdal agreed that there were good reasons to rescind Public Health Orders 1 and 2 and extend Orders 3 and 4 with some modifications. Commissioner Peters and Commissioner Batchelder agreed.

Commissioner Batchelder noted that while the Orders may be rescinded, it was not a free for all. He said that if there was an increase in the number of cases the County may be forced to reinstate Orders.

The Commissioners agreed that a slow reopening was the best way limit the possibility for an increase in cases, while allowing businesses to operate.

Commissioner Tisdal requested that Kingery solicit input from other counties that had similar regulations. He said that Hinsdale County had recommendations specific to RVs and camper trailers that could be useful in Ouray County. Additionally he requested information on how the County could increase the capacity for contact tracing and provide guidelines in different languages. Commissioner Tisdal hoped to have more information regarding CARES Act funding that may be available to the 59 counties in Colorado that did not receive funds in the first disbursement.

Commissioner Batchelder wished to discuss the capacity of Unified Command and the level of work expected from the three designated Commanders. He said that elected officials needed to be cognizant of the level of work they were tasking key people with in order to avoid burn out. He said that the Board needed to assign tasks that were productive. Commissioner Tisdell agreed; he said that general emergency management response was geared more towards short-term incidents, like fires. He said that the COVID-19 outbreak was testing the framework of incident command.

The Board agreed to direct staff to schedule a Joint Policy Group Work Session.

9:45 The Board of County Commissioners adjourned the special session.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



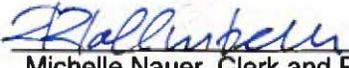
Don Batchelder, Chair



Ben Tisdell, Vice-Chair



John E. Peters, Commissioner Member



Michelle Nauer, Clerk and Recorder

By: Hannah Hollenbeck, Deputy Clerk of the Board