

The Board of County Commissioners met in special emergency meeting on July 3, 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 and in person pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

**A. 4:00PM The Board of County Commissioners convened as the Board of Health concerning the following item:**

**1. Review and approval of Public Health Order concerning Masks:**

*Tanner Kingery, County Public Health Director, was present.*

Kingery provided an update on a newly diagnosed COVID-19 case in Ouray County. Kingery said that it was twelfth case in the County. Kingery said that the County's variance that permitted the operation of restaurants would be rescinded if more than five cases were diagnosed in a two week period; he said that the newly diagnosed case was the third case in two weeks.

The Board moved on to address the Order.

Commissioner Tisdell said that the Order was in conformance with the discussion had at the Joint Policy Group Work Session with the City of Ouray and Town of Ridgway elected officials held on July 2, 2020. He inquired if a finding regarding the large number of visitors from states with spiking cases should be included. Viner did not think it was necessary. She pointed out that the Order included a reference to challenges encountered by business owners asking customers to wear masks.

Commissioner Tisdell requested that the reference to "mass transit" in Section II(1)(c) be changed to "public transportation." The Board agreed.

Commissioner Tisdell asked if the Order was compatible with the County's variances. Viner affirmed that it was.

Commissioner Tisdell said that the Order achieved what was necessary and appropriate, given the testimony from business owners and from the City and Town.

Commissioner Peters said that he had received several phone calls and emails from residents that were concerned that the Board may be overstepping their authority. He said that there was contradictory evidence regarding the idea that masks were helping. He asked if the Order was adequate to protect the County from legal actions. Viner said that the Board of Health listened to evidence presented by the County Public Health Agency Medical Director, in addition to the County Emergency Medical Services Medical Director. She felt that the Order was defensible and reasonable. Viner confirmed that the Board was acting within their authority.

Commissioner Batchelder stated that the Board was meeting in an emergency special meeting. He requested that Viner explain the basis for emergency meetings. Viner said that an emergency circumstance existed as the Fourth of July holiday was fast approaching. The holiday typically brought many visitors to the County. She explained that the Emergency Declaration allowed the Board to meet without the twenty-four hour posting requirement. Viner said that the County was perilously close to losing the variance for restaurants if further steps were not taken to protect public health and safety. She said that the Order was necessary for the health, safety and welfare of Ouray County residents and visitors.

Commissioner Batchelder asked for public comment.

Patsy Miller, County resident, said that the Center for Disease Control (CDC) had stated that masks and face coverings were the most important way to limit the spread of COVID-19.

Shari Braund, Ridgway resident, asked if the Order would impact areas like hiking trails or bike paths. Commissioner Batchelder said that that the Order pertained to businesses and areas outside commercial businesses where people gathered in line. Viner read from the Order: "All persons shall be required to wear a Face Covering when entering, waiting in line to enter and while in the following locations open to the public within Ouray County: a) any place of business or facility engaged in any sales or other transactions of any kind to the general public and any place that offers services, facilities, privileges, or advantages to the general public, including any outside courtyard, patio, seating, waiting or parking area associated with the place of business or place of service in which any kind of delivery, pick up or other service is provided; b) Any County, City of Ouray or Town of Ridgway owned or operated building or indoor facility of any kind; and c) any public transportation."

Commissioner Batchelder reiterated that no impacts to bike or hiking paths were anticipated; however, social distancing recommendations from the State were still in effect.

Tammee Tuttle, Ridgway business owner and County resident, asked how information regarding the Order would be disseminated. Kingery said that the public information officers were working on messaging, and creating flyers and posters. He said that the Town and City Mayors were going every business to distribute the Order and provide resources. He said that social media campaigns would be released and visual messaging signs (VMS) would have messages that promoted the face covering mandate.

Christel Pizzarusso asked if there would be fines imposed on those not following the Order. She said that the power needed to flow from the people to the government



Tuttle asked for clarification regarding enforcement. She asked who she should call if there was an altercation with a customer who refused to comply with the Order, Kingery said that if business owners were having issues with a customer, they should call law enforcement. He said that individuals that refused to comply could be cited for trespassing.

John Clark, Town of Ridgway Mayor said that he was willing to distribute posters and other messaging around the Town of Ridgway.

Tuttle inquired to know if the trespassing offense would be criminal or civil. Viner said that it would be a criminal trespassing offense if the customer refused to wear a mask; however, Viner pointed out that the goal was for voluntary compliance.

John Wood, City of Ouray Council Member, said that there were regulations in place from the State; he said that the State could revoke business licenses. He warned that the State would have compliance officers out in communities over the holiday weekend.

Commissioner Peters asked how the Order would be enforced for individuals with medical issues. Viner said that there was a medical exemption.

Tuttle inquired about the best way to inform customers of the new Order without inviting confrontation. Commissioner Batchelder recommended printing a copy of the Order to present to customers if there was an issue.

**M/S/P** – Motion was made by Commissioner Tisdel and seconded by Commissioner Peters to approve Public Health Order Number Nine concerning Masking, as amended in Section II(1)(c), based on the public comments received, in addition to the discussion had at the July 2, 2020 Joint Policy Group Work Session with City of Ouray and Town of Ridgway elected officials, and the findings included in the Order. Commissioner Batchelder added that the Board had received several comments from business owners requesting that the County enact a mask order to alleviate some of the negative comments received from customers.

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.

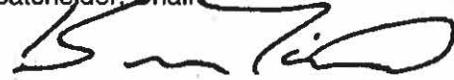
After the motion carried, the Board discussed the budget implications of promoting the Order. Hunt reported that the public information officers felt that the cost of promoting the Order were minor and could be managed within the current budget. The County Administrator had been authorized to expend funds up to the limitations established with County procurement policies.

**4:59 The Board adjourned the special emergency meeting.**

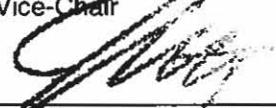
BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO, SITTING  
AS THE BOARD OF HEALTH

  
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Don Batchelder, Chair

  
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Ben Tisdel, Vice-Chair

  
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John E. Peters, Commissioner Member



Attest:

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