



**NOTICE OF COUNTYWIDE PUBLIC HEALTH ORDER  
REGARDING THE COVID-19 PANDEMIC (OCPHA NO. 12)**

This Order sets forth requirements and guidelines for personal responsibility and additional mask-wearing mandates to maintain the low level of spread of COVID-19 in Ouray County.

**FINDINGS**

The Public Health Director finds:

1. Corona Virus Disease 2019 ("COVID-19") is a highly contagious virus that has spread worldwide and is causing serious illness or death in certain cases, particularly in, but not limited to, the elderly or persons with underlying health condition.
2. On March 10, 2020, Jared Polis, the Honorable Governor of the State of Colorado, declared a State of Emergency for the entire State of Colorado in response to COVID-19 as the number of cases in Colorado and in the United States of America increased, and Governor Polis also announced numerous emergency measures to protect public health, safety, and welfare.
3. On March 16, 2020, the Board of County Commissioners of Ouray County, Colorado declared a Local Disaster Emergency due to COVID-19.
4. All jurisdictions remain under a disaster emergency and many state and local orders have been implemented to attempt to control the spread of COVID-19 in Colorado since March 10, 2020.
5. While Ouray County residents have been getting vaccinated in high rates, community mitigation tools, such as physical distancing, face coverings, hand washing, self-quarantining and isolating if sick and reporting symptoms to public health officials, are necessary to continue to the low transmission rates in the county.
6. On May 2, 2021, Governor Polis extended the statewide mask order which relaxes mask-wearing mandates for counties in level green with very low transmission rates, like Ouray County.
7. The presence of visitors to Ouray County from many communities throughout the state, surrounding states, and the country, if unregulated, may introduce increased illness into the community, imposing burdens on the local economy, local workers, our health care system, public services, first responders, food supplies and other essential services during the ongoing COVID-19 pandemic.
8. Ouray County Board of Health and the Public Health Director have determined that a stricter mask-wearing order is necessary within Ouray County to prevent an increase in transmission rates within Ouray County as additional visitors for the 2021 tourist season come to the county.
9. Data such as rate of community spread, level of vaccination in the County after the full efficacy date, regional trends including availability of EMS personnel and health infrastructure such as hospital capacity, and how busy the tourist season will be in 2021, are factors considered in issuing this county-



wide mandatory mask order and such order shall be reviewed every thirty (30) days or less as data dictates.

10. This emergency order is necessary to continue to preserve the public health, safety, and welfare by protecting against the spread of COVID-19 and to prevent an uptick in new cases in the county while the vaccination roll out continues.

#### LEGAL AUTHORITY

11. This Order is adopted pursuant to the legal authority set forth in C.R.S. § 25-1-506, 508, and 509, as well as all other applicable laws, rules, regulations, orders, and declarations. Under this authority, the 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 Ouray 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. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety, and welfare of Ouray County citizens.

#### MOST RESTRICTIVE STANDARD CONTROLS

12. The requirements of this Order shall be in addition to any State and/or Federal orders. The more restrictive orders control. Individuals should be aware that Executive Orders from the Governor of Colorado and State Public Health Orders from the Director of the Colorado Department of Public Health and Environment (CDPHE) may be issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders.

#### ORDER

- I. **Definitions.** For purposes of this Order:

**"Face Covering"** means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and that fits snugly but comfortably against the side of the face and remains in place without the use of one's hands. Face coverings include, but are not limited to, bandanas, medical masks, cloth masks, buffs, and gaiters. Face coverings do not include any mask that incorporates a one-way valve that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order.

**"Public Indoor Space"** means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.



**II. Indoor Face Covering Order.**

1. All persons are required to wear a Face Covering within any Public Indoor Space.
2. **Exceptions.** Nothing herein shall require the wearing of face coverings by the following persons under this Order:
  - a. Individuals ten (11) years old and younger.
  - b. Individuals who cannot medically tolerate a face covering.
  - c. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication.
  - d. When seated at a food service establishment.
  - e. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes.
  - f. Individuals who are officiating or participating in a life rite or religious service, giving a speech for broadcast or an audience.
  - g. Individuals who are alone in a room or with others from the individual's household.
  - h. Individuals who are actively engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel.

**More Information on making face coverings can be found at [CDC.gov](https://www.cdc.gov).**

**The requirements of this Order supplant any other local public health orders and take effect at 6:00 PM on May 7, 2021, and its requirements remain in effect until 12:00 AM on June 6, 2021, unless otherwise extended in writing by the Public Health Director. This order shall be known as Ouray County Public Health Agency Order No. 12. (OCPHA No. 12).**

OCPHA is tasked with protecting the health and welfare of the citizens of Colorado by investigating and controlling the causes of epidemic and communicable disease. This Order is necessary to control any potential transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

**THE COUNTY WILL SEEK VOLUNTARY COMPLIANCE THROUGH EDUCATION AND WARNING NOTICES PRIOR TO THE ISSUANCE OF ANY CITATIONS OR COMMENCEMENT OF LEGAL ACTION.**

**ANYONE FAILING TO COMPLY WITH THIS ORDER MAY BE SUBJECT TO THE PENALTIES CONTAINED IN C.R.S. § 25-1-516 AND 18-1.3-501, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN (18) MONTHS.**

  
\_\_\_\_\_  
Tanner Kingery, MPH, Public Health Director

Date: May 7, 2021

**From:** Toma67  
**Sent:** Monday, May 17, 2021 11:39 AM  
**To:** hhollenbeck@ouraycountyco.gov  
**Subject:** BOCC Comments

Hannah,

Please pass these comments along to the BOCC in reference to their discussion on masks protocols.

County Commissioners,

I am making these comments as a private citizen and they do not reflect on policies of any organization I serve in.

I believe we should align our mask protocols with current CDC and Colorado guidance. Residents and visitors should begin to take responsibility for themselves and make their own decisions on whether they want to wear face coverings or not.

I believe you are making contradictory statements in several ways: 1. Claiming that the current mask requirement is done for the sake of the children being able to continue school while current guidelines require the use of masks in school settings. 2. Despite current mask guidelines, Ouray High School recently went to an isolation protocol because of the exposure of students to COVID. 3. Allowing and encouraging tourist visits and large events where distancing and groups will probably be either not enforced or only enforced by complaint is a larger threat to our guests and population than allowing people to congregate and make their own decisions about masks.

Let us return to some personal responsibility rather than rules that are currently not even enforced. I encourage you to rescind the current public health order and let it align with CDC and State guidance.

Tom Austin

Please accept and consider my comments/ recommendation concerning Ouray County maintaining indoor mask mandates at this time. I write these from a basis of over four decades of education/ experience as a practicing physician (now retired).

As I'm sure you know, the new CDC mask/social distancing guidelines as of May 16,2021 ONLY apply to the fully vaccinated person. Given the propensity of many people to lie about/ or ignore their vaccine status, allowing no masks indoors could be a very significant risk to others.

The indoor places where masks are still required e.g., schools, childcare, medical settings, may have a higher statistical probability of virus transmission either from sicker people (possible in medical settings) or from the length of time people spend in those settings. However, the people working in the stores/ restaurants/ bars/offices may contact dozens or more different people in one day and the numbers of people they contact then increases their statistical chance of being exposed to COVID by a non-vaccinated person who elects to not mask indoors. The unvaccinated are also still recommended (CDC) to maintain social distancing from non-family members. Even though our tourist season is very young, I have already personally encountered non-vaccinated, unmasked people gathering outside of restaurants in Ouray and pressing to within 6 ft of myself (even though fully vaccinated I still wear a mask in such uncontrolled public situations). Yes, I ask them as politely as I can, "Are you vaccinated?". Often they say "No" even with an attitude of "what's it to you?" Thus, my anecdotal reference attests to the fact that some of our visitors/ tourists won't follow the guidelines of science unless required to do so. All it takes is one of those individuals to start an infection cycle in our town.

For a vaccinated individual have they significantly (in most cases) lowered their risk of serious illness or death from COVID? Data shows us yes, definitely. There still is an approximate 5% chance that a vaccinated individual can become seriously ill/ die from COVID after exposure to a non-vaccinated person. Is not wearing masks indoors in public spaces worth that 5% risk for our residents?

Therefore, I strongly encourage Ouray County to keep the indoors mask requirement for at least another 30-60 days. Why would I say this? 1) Ouray County residents, businesses are entering our heaviest tourist season with visitors from all over the US and even the world. Many of these states/ countries have a more significant, current COVID infection rates than we do now in Ouray County (this increases the statistical risk that any individual from that location may have a COVID infection) and many have not achieved the reasonably high rate of vaccination of residents that we have here. 2) Some of these tourists/ visitors may come from places where mask mandates have been loosely/ not enforced and that may increase the risk that an unvaccinated tourist/ visitor ignores the CDC continued recommendation to wear a mask and socially distance. Therefore, the statistical likelihood that an unmasked, COVID- virus -carrying tourist will enter one of our businesses or offices is increased. Compounding this situation is the fact that often we do not know about the exposure until one of our residents gets COVID because states do not regularly share data when one of their residents returns home and is ill. Given the time it commonly takes for symptoms to develop the "carrier person" who brought the virus to our locality is gone and unidentifiable. This confounds control of infection spread.

If people were honest about vaccinations and all unvaccinated persons either wore a mask indoors or stayed outside, then we would likely be fine. However, people have demonstrated that either they don't understand the definition of "fully vaccinated" or they just lie/ don't care about their vaccination status. Why 30-60 days? That gives us time to get to herd immunity within our local residents (if those locals who are not vaccinated actually get vaccinated.) and allows us to follow the data for what actually

happens once our local population group is magnified in size by the very large number of tourists that we traditionally see here (more tourists last year than before COVID as I understand!).

Yes, I understand that the state proposal verbally supports businesses still requiring indoor masks, however without a local government mandate the ability of a business owner to enforce this requirement on their business premises is weakened. Please recall the multiple incidents last year when visitors (even some from as close as Montrose) refused, sometimes accompanied by verbal assault or threats made towards the local business employees/owners, to wear a mask or leave. Yes, the police can be called for such an incident based on legal trespass, however, how fast does this happen? How often does the perpetrator disappear into the crowd or a car and escape punishment for their risky behavior? What will that person do in the next business?

Because we live in a county with a very large seasonal increase in our population and the very diverse points of origin of these tourists/ visitors our local precautions need to be different than a stable, relatively self-contained community. We don't have a small number of tourists just passing through, but actually have almost as many seasonally transient people living in our county for several days/ weeks than we have year around residents. Having our county government continue with the indoor mask mandate in businesses for 30-60 more days beyond the current June 6<sup>th</sup> (except restaurants/ bars when actually eating/ drinking) strengthens the likelihood that the unvaccinated will not be able to bring an increase in COVID to our county. Once we reach herd immunity levels, then that would be different. For the vaccinated, wearing a mask indoors while in a business/store/office is a small price to pay for all around improved community protection from the virus.

Kathryn L Boehnke, MD

Ouray, CO

**From:** Bruce Gulde  
**Sent:** Sunday, May 23, 2021 12:45 PM  
**Subject:** Revisiting Ouray County Mask Mandate

Dear County Commissioners:

Just a quick note to let you know that I currently believe the current Ouray County Mask Order should be rescinded as soon as possible.

Thank you.

**Regards,**  
**Bruce Gulde**  
**Mountain Fever Shirts & Gifts**  
**970.325.4408**  
[www.MountainFeverShirts.com](http://www.MountainFeverShirts.com)

**From:** dave ouraymed.com  
**Sent:** Friday, May 21, 2021 10:02 AM  
**To:** [jniece@ouraycountyco.gov](mailto:jniece@ouraycountyco.gov)  
**Subject:** masks

As of now I am ready to support a lifting of the Mask order. Thank you for all you do.

David Olson, MD, MBA

On Thu, May 20, 2021 at 4:40 PM Jake Niece <[jniece@ouraycountyco.gov](mailto:jniece@ouraycountyco.gov)> wrote:

Hello members of the Ridgway Youth Council! John Clark and Preston Neill shared your email addresses with me because I am interested in hearing students' perspectives on the County indoor mask order.

My primary reason for still holding onto the mask order was the explicit request from School Administration to continue it through the school year. People under 16 only just became eligible for vaccination, and will not reach full efficacy before the end of the school year. Kids 11 and under cannot be vaccinated at all.

Even though masks will still be required in schools, my thought is the public mask order offers some increased protection for unvaccinated students outside of school. I understand that many people are ignoring the mask requirement now, but when the County drops it, there will be very little mask wearing in indoor public spaces at all.

As students still in school, what is your opinion? Do you think the County should drop the indoor mask requirement? I realize you all are probably 17 or 18 and have had the chance to be vaccinated if you want, but what's the general feeling among students in the school who are a little younger?

The Board of County Commissioners have our next meeting this Tuesday and we may vote to rescind the order. I welcome your thoughts, and the thoughts of any other students not included on this email. You're directly affected by this policy decision, and so far we've had no input from students.

Thank you for taking the time to consider this.

**Jake Niece**

**Ouray County Commissioner – District 3**

Direct Phone: 970 318 8204

County Office: 970 325 7320

PO Box C, Ouray, CO 81427

[www.ouraycountyco.gov](http://www.ouraycountyco.gov)

*Under the Colorado Open Records Act (CORA), all messages sent by or to me on this county-owned e-mail account may be subject to public disclosure.*

**From:** Nerea McKnitt [  
**Sent:** Thursday, May 20, 2021 6:12 PM  
**To:** Jake Niece <[jniece@ouraycountyco.gov](mailto:jniece@ouraycountyco.gov)>  
**Subject:** Re: What do students think about the County mask requirement?

From my personal point of view, I think dropping the masks will be the next step to going back to normal. This way people wont have to avoid the rules and instead they can simply avoid conflict.

Nerea McKnitt

**From:** Christian Lindler  
**Sent:** Thursday, May 20, 2021 7:07 PM  
**To:** Jake Niece <[jniece@ouraycountyco.gov](mailto:jniece@ouraycountyco.gov)>  
**Subject:** Re: What do students think about the County mask requirement?

Hello Jake,

Thank you for asking for input. Though I have been vaccinated, I feel that wearing masks indoors until school is over will protect those who have been unable to get it. Having so many younger, unvaccinated students congregating every day at school poses a large risk because a single case could so easily spread to many others. Hopefully when school is over this risk will lessen. However, at least until then, I think it is smart to maintain the indoor mask requirement.

Thank you,  
Christian Lindler

**From:** Anna Bartschi  
**Sent:** Friday, May 21, 2021 9:35 AM  
**To:** Jake Niece <[jniece@ouraycountyco.gov](mailto:jniece@ouraycountyco.gov)>  
**Subject:** Re: What do students think about the County mask requirement?

Hi! From what I've heard most of the students would like the mask mandate to be dropped. Most of the upperclassmen are vaccinated and there is always the option to wear a mask anyways. -  
Anna

**From:** emma rose  
**Sent:** Friday, May 21, 2021 10:27 AM  
**To:** Jake Niece <[jniece@ouraycountyco.gov](mailto:jniece@ouraycountyco.gov)>  
**Subject:** Re: What do students think about the County mask requirement?

Thank you for asking Jake! I know everyone in my class has gotten the opportunity to get vaccinated and most of the people in our class are vaccinated almost fully. I've been vaccinated since March, I got the J&J, and I personally think that Ouray needs to drop the mandate. The CDC has said it was safe, and we live in a super respectful community and I believe that if someone isn't vaccinated then they will wear a mask. I know tourism is a big concern, but I also feel like not dropping the mandate is in some way making it seem like what's the point in getting vaccinated? I think the people that are vaccinated should be able to be rewarded in some sense, and I think we just have to trust that people are going to do the right thing. Even if covid cases rise, we could just put the mandate back in place, but I think it's worth a try because I know so many people who are vaccinated that feel as though it was for nothing.