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NOVEMBER 20, 2020

**PUBLIC HEALTH ORDER REGARDING THE
COVID-19 PANDEMIC FOR PHILLIPS COUNTY,
COLORADO**

- 1. Purpose, Effective Area.** This Amended and Restated Public Health Order is being issued to limit the health impacts of COVID-19. This Order sets forth requirements and guidelines for group gatherings, business operations, personal responsibility, and additional guidance to slow the spread of COVID-19. This Order is effective within the entirety of Phillips County, including all incorporated towns within the County.
- 2. Effective Date and Time, Limitations.** The Public Health Order will become effective at 5:00 p.m. on November 23, 2020 and will remain in effect until 11:59 p.m. December 23, 2020, unless extended, rescinded, superseded, or amended in writing.
- 3. Findings and Intent.** As of November 19, 2020, there are 182,801 known cases of COVID-19 in Colorado; 11,980 Coloradans have been hospitalized and 2,350 Coloradans have died from COVID-19.

The 14 day rolling average of the percentage of positive PCR tests relative to the total number of COVID-19 PCR tests performed on Phillips County residents has steadily increased from 0.0% on August 30, 2020 to 5.8% on November 19, 2020.

In Phillips County, the positive cases per 100,000 people metric on September 4, 2020 surpassed the state threshold of 175.0 per 100,000 for Safer at Home Level Yellow: Concern and put the county in Level Orange: High Risk. The county has remained in Level Orange: High Risk and case numbers continue to increase. As of October 22, 2020, the county was at 374 cases per 100,000 people, surpassing the Level Red: Severe Risk of 350. This places Phillips County in the top 7 counties in the state for highest Two-Week Cumulative Incidence.

There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, so gatherings of people facilitate transmission of COVID-19. The Public Health Director further finds that, in the absence of a widely available

vaccine and/or treatment, we must use other tools, such as physical distancing and face coverings, to mitigate the spread of COVID-19 to protect health and save lives.

Phillips County continues to see a growing trend in outbreaks in its resident population associated with gatherings, travel outside of the county and office-based business operations. The intent of this Order is to minimize contact among individuals and reduce the public's exposure to the novel coronavirus in an effort to prevent further restrictions and closures being imposed upon the county by the State. The State notified all local public health agencies on October 23, 2020 that they may move counties more quickly to other dial levels as defined in the State public health order, than previously communicated and that they move a county more than one level at a time. The State also recommended that counties like Phillips rapidly implement the strongest mitigation plan possible.

4. Legal Authority. This Order is adopted pursuant to the legal authority set forth in Sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes, as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Northeast Colorado 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 Phillips 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.

5. Most Restrictive Standard Controls. To the extent any State or Federal orders or laws are more restrictive than what is set forth herein, such orders control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (CDPHE) are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders. The more restrictive Phillips County provisions expressly provided below shall control.

6. Incorporation of State Orders. All Executive Orders issued by the Governor and all CDPHE Public Health Orders are hereby adopted and deemed incorporated herein. This Public Health Order is intended to clarify and harmonize this Phillips County Public Health Order with all of the State's orders.

For purposes of this order, the term "Physical Distancing Requirements" shall have the same meaning as the State defined term "Social Distancing Requirements".

7. Compliance with State Orders. In order to safely open and operate,

businesses and other entities allowed to operate must comply with all Executive Orders issued by the Governor, all CDPHE Public Health Orders and all State Guidance applicable to such operations.

8. The Big Three. Preventing a resurgence of COVID-19 in Phillips County requires all individuals and businesses to comply with the mandatory provisions of this Order. In addition, all persons in Phillips County are strongly encouraged to assume additional personal responsibility and adopt The Big Three to keep transmission of illness low. These are:

- a. I will maintain 6 feet of physical distance from other individuals.
 - i. Physical distance is one of the most effective COVID-19 prevention measures.
 - ii. I will keep this distance from any person who is not from my household.
- b. I will wash my hands frequently and thoroughly for at least 20 seconds.
 - i. Hand washing is especially important after visiting public settings and businesses and before eating or touching my face.
- c. I will cover my face in public.
 - ii. I will wear a face covering whenever I am outside and may not be able to maintain 6 feet of physical distance from others.
 - iii. I will wear a face covering whenever I am in indoor areas open to the public.
 - iv. Face coverings are not a substitute for maintaining physical distance.

In addition, individuals are strongly encouraged to adopt further actions including:

- d. I will stay home when I am sick.
 - i. Isolating myself from others, including household members, will help protect others and limit the spread.
- e. I will get tested immediately if I have COVID-19 symptoms.
 - i. Testing early after COVID-19 symptoms develop can provide valuable information to help prevent spreading COVID-19 to other people and to inform public health officials about the extent of disease spread in the community.
- f. I will get a flu shot.
 - i. A flu shot is recommended every year. Additionally, with the unpredictability circulating at the same time

as the flu, the best measure is to decrease the possible impacts on the respiratory system, including preventing the flu. The flu vaccine not only reduces the risk of illness but can prevent hospitalizations and deaths.

- ii. Getting the flu shot also helps conserve potentially scarce health care resources during this pandemic.

9. Limitations on Public and Private Gatherings

a. Public and private gatherings, as defined by CDPHE Third Amended Public Health Order 20-35 Safer at Home Dial (“CDPHE PHO 20-35”), when not otherwise regulated as a specific sector or activity in Section III of the CDPHE PHO 20-35 are limited to:

- i. No indoor gatherings with individuals of different households.
- ii. No more than **10** individuals outdoors from no more than 2 households.

10. Limitations on Non-Critical Manufacturing

- a. Non-Critical Manufacturing is limited to 25% capacity or 50 people.

11. Limitations on Non-Critical Office-Based Businesses

a. Non-Critical Office-Based Business, as defined by CDPHE PHO 20-35, means any commercial business that is conducted in an office and not a production environment and is not included in the list of Critical Business in Appendix A of the CDPHE PHO 20-35.

b. As of the Effective Date of this Order, Non-Critical Office-Based Businesses are required to maintain in-office occupancy at not more than 10% of total by maximizing use of telecommuting and developing in-office rotation schedules.

c. Non-Critical Office-Based Businesses must continue compliance with all applicable Governor’s order, CDPHE orders, and DORA and State rules, regulations and guidance.

d. All other Office-Based Business should encourage remote work and reduce in- office occupancy wherever practicable.

12. Limitations for Gyms/Fitness Facilities

a. Gyms/Fitness facilities are required to operate at 10% capacity, maximum of 10 people per room or outdoors in groups less than 10. Reservations are required.

13. Hours of Operation for Restaurants and Bars

a. All Restaurants, Bars and other places of public accommodation permitted to offer food and beverages for on-site consumption pursuant to the CDPHE Amended Public Health Order 20-35

Safer at Home Dial, as amended, must operate at no more than 25% capacity, observing all must close for on-site consumption and occupancy by 8:00 p.m. daily. This closure applies to both outside dining and indoor dining. Establishments are strongly encouraged to implement protocols to ensure that all patrons have left the premises by 8 p.m.

b. Beginning at 8:00 p.m. daily, all on-premises licensees licensed under Articles 3, 4, 5 of Title 44 of the Colorado Revised Statutes, must cease all alcohol sales, service, possession and consumption on premise.

c. As of the Effective Date of this Order, Restaurants, Bars and other places of accommodation permitted to offer food and beverages for on-site consumption pursuant to the CDPHE PHO 20-35, as amended, in addition to all other requirements, must limit party size to 8 people or fewer from the same household only.

d. Operations for delivery, window service, drive-through service, drive-up service or curbside delivery may continue as permitted by applicable law.

14. Employee Health Surveillance for Restaurant and Lodging Workers. All Restaurants, Bars and other places of public accommodation permitted to offer food and beverages for on-site consumption pursuant to the CDPHE PHO 20-35 as amended and all lodging operators shall maintain a record of the following employee information, for the purposes of contact tracing activities in the event of a suspected or confirmed outbreak of COVID-19:

- a. Current contact information for all employees;
- b. Dates of all shifts worked by all employees, dating back to re-opening; and
- c. Other known places of employment for each employee.

15. Face Coverings.

- a. Individuals must wear face coverings that cover nose and mouth whenever:
 - i. In indoor areas open to the general public; or
 - ii. Outdoors whenever at least 6 feet of separation cannot be maintained among all individuals.
 - iii. Exceptions: cloth face coverings do not need to be worn by persons who are consuming food or beverages, children under the age of 11, persons with medical conditions that make it difficult to breathe or persons otherwise unable to remove the mask without assistance.
- b. In order to ensure that sufficient supplies of medical face masks are available to health care workers, members of the public are

strongly encouraged to use non-medical cloth face coverings, unless a medical face mask is medically necessary.

c. In accordance with Governor Polis' Executive Order D 2020 219, employers and operators of places of public accommodation, and those authorized on their behalf, shall have discretion to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering. Such action shall be applied in a manner consistent with the American Disabilities Act (42 U.S.C. § 12101, *et seq.*), Title VII of the Civil Rights Act (42 U.S.C. § 2000e, *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401, *et seq.*), and any other relevant federal or state law.

16. Limitations for Indoor Events and Entertainment

a. Indoor Events, as defined in PHO20-36 means indoor activities like receptions, events, concerts, indoor markets, non-critical auctions, theaters, trade shows or other indoor venues not covered in other sections listed in PHO 20-36 are closed.

17. Limitations for Outdoor Events and Entertainment

a. Outdoor Events, as defined in PHO 20-36 means outdoor activities such as outdoor receptions, events, fairs, rodeos, non-critical auctions, concerts, outdoor markets, or other outdoor venues not covered in any other sector listed in PHO 20-36. This does not include activities covered under delineated sectors in the PHO 20-36 such as **Restaurants, Houses of Worship, or Outdoor Guided Tours.**

b. Outdoor Events and Entertainment is limited to 25%, 75 people (with calculator), attended only with members of your own household and 6 ft spacing between groups.

18. Additional Information, Recommendations and Requirements for all Persons.

a. Importance of Public Actions: These actions are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the spread, we protect our family, friends, and neighbors. In particular, this includes all adults over age 65 and anyone with an underlying health condition. These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and the actions required or recommended herein will help hospitals, first responders, and other health care services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread, the greater the benefit for the whole community.

b. Importance of Business Actions: The actions listed in this Order

are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of hospitalizations and deaths caused by COVID-19. By slowing the spread, businesses protect their workers and customers and our local economy. Businesses shall not require, incentivize, encourage or coerce employees, contractors or subcontractors into risking their health by violating this Order, including by working while sick, working without a face covering, working in close quarters with others, or working without proper protective equipment or protocols. Businesses are strongly encouraged to be supportive of employees who are ordered to self-isolate or quarantine, including by paying them to stay home. Northeast Colorado Health Department may provide information to the Colorado Department of Public Health and Environment to publish information about any outbreak at a business so that the public is aware of the extent and nature of disease spread in the community.

19. Penalties. Failure to comply with this Order is subject to the penalties contained in Section 25-1-516 and 18-1.3-501, Colorado Revised Statutes, including a fine of up to \$5,000 and imprisonment in the county jail for up to 18 months.

By: Trish McClain
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