



DEPARTMENT OF HEALTH AND HUMAN SERVICES

June 8, 2020

TENTH AMENDED STANDING PUBLIC HEALTH INITIATING SYSTEM OF COLOR-CODED RISK LEVEL RESTRICTIONS TO CONTINUE TO LIMIT AND CONTAIN THE SPREAD OF THE COVID-19 VIRUS.

Pursuant to Colo. Rev. Stat. § 25-1-506 and other applicable authority, this Order sets forth guidance and requirements for, as well as limitations on, group gatherings and other activities to slow and contain the spread of the COVID-19 virus. Except as provided expressly herein, this Order amends and supersedes all previous Standing Public Health Orders issued by Gunnison County regarding COVID-19.

On March 10, 2020, the Governor of Colorado declared a state of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread throughout the State of Colorado, and community transmission of the illness has been confirmed in Gunnison County.

On March 12, 2020, Gunnison County declared a Local Disaster Emergency related to COVID-19. The County extended this Local Disaster Emergency pursuant to a meeting of the Gunnison County Board of County Commissioners on March 17, 2020, and additional extensions may occur as the COVID-19 emergency continues.

On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

On March 15, 2020, large municipalities across the nation, such as New York City, announced the closing of all bars and restaurants except for takeout and delivery services.



On March 15, 2020, the Colorado Department of Public Health and Environment (CDPHE) issued a statement strongly advising visitors to and residents of Gunnison County to minimize social contact and recommending that visitors return home rather than remain in the County.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020 017, "Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State." The Governor subsequently issued amendments to this Order.

On March 26, 2020, CDPHE issued Updated Public Health Order 20-24 Implementing Stay at Home Requirements.

Beginning on April 27, 2020, the Governor of Colorado and the State of Colorado initiated a measured and deliberative process to phase out certain restrictions imposed by previous Orders issued by the Governor and by CDPHE.

The purpose of this Order is to direct and support the community's COVID-19 long-term response efforts by creating a system of color-coded threat levels that automatically impose certain restrictions on events, activities and businesses based on certain enumerated indicators, with certain additional guidance issued by the Public Health Director to address particular conditions or variables as necessary to combat the COVID-19 pandemic.

The Public Health Director finds that the age, condition, and health of a significant portion of the population in Gunnison County places it at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk. A large surge in the number of persons with serious infections can compromise the ability of the healthcare system to deliver necessary healthcare to the public.

The Public Health Director further finds that the use of Face Coverings or masks is scientifically proven to reduce the spread of COVID-19, and imposes minimal burdens on persons within



Gunnison County. For example, the United States Centers for Disease Control & Prevention (CDC) has issued guidelines recommending the use of masks or Face Coverings in public settings where other social distancing measures are difficult to maintain. Moreover, numerous states have imposed mandatory Face Covering requirements, including Hawaii, New York, Delaware, New Mexico, Maryland, Maine, Illinois, Pennsylvania, Connecticut, Rhode Island, Virginia, and Massachusetts. This is also the case for numerous municipalities and counties in Colorado, including the City of Aspen, the City of Boulder, the County of Boulder, the City of Denver, the County of Larimer, the County of Routt, the County of Summit, the City of Louisville, the City of Fort Collins, and the City of Wheat Ridge. Scientific studies that support a Face Covering requirement include:

- Rothe C, Schunk M, Sothmann P, et al., *Transmission of 2019-nCoV Infection from an Asymptomatic Contact in Germany*. The New England Journal of Medicine (2020) at 382(10):970-971.
- Zou L, Ruan F, Huang M, et al., *SARS-CoV-2 Viral Load in Upper Respiratory Specimens of Infected Patients*. New England Journal of Medicine (2020) at 382(12):1177-1179.
- Pan X, Chen D, Xia Y, et al., *Asymptomatic cases in a family cluster with SARS-CoV-2 infection*. The Lancet Infectious Diseases (2020).
- Bai Y, Yao L, Wei T, et al., *Presumed Asymptomatic Carrier Transmission of COVID-19*. Jama (2020).
- Kimball A HK, Arons M, et al., *Asymptomatic and Presymptomatic SARS-CoV-2 Infections in Residents of a Long-Term Care Skilled Nursing Facility — King County, Washington, March 2020*. MMWR Morbidity and mortality weekly report (2020) ePub: 27 March 2020.
- Wei WE LZ, Chiew CJ, Yong SE, Toh MP, Lee VJ, *Presymptomatic Transmission of SARS-CoV-2 — Singapore, January 23–March 16, 2020*. MMWR Morbidity and mortality weekly report. 2020; ePub: 1 April 2020.
- Li R, Pei S, Chen B, et al., *Substantial undocumented infection facilitates the rapid dissemination of novel coronavirus (SARS-CoV2)*, Science (New York, NY) (2020).



- Abhiteja Konda, Abhinav Prakash, Gregory A. Moss, Michael Schmoldt, Gregory D. Grant, and Supratik Guha, *Aerosol Filtration Efficiency of Common Fabrics Used in Respiratory Cloth Masks*, ACS Nano 2020 14 (5), 6339-6347.

The Public Health Director acknowledges and recognizes the efforts and assistance of the Gunnison Valley Watershed School District, Western Colorado University, the Towns of Crested Butte, Mount Crested Butte, Pitkin, and Marble, the City of Gunnison, Gunnison Valley Health, the United States Forest Service, the Bureau of Land Management, National Park Service, Crested Butte & Mt. Crested Butte Chamber of Commerce, The Tourism and Prosperity Partnership (TAPP), the Gunnison Country Chamber of Commerce, the State of Colorado (and its agencies and departments), the faith community, the business community and all of the residents of Gunnison County in assisting the Public Health Director in taking the steps necessary to mitigate and control the risk of COVID-19 infection, and shall continue to work with these entities and others in a collaborative effort to contain the spread of this deadly virus.

The potential for continued or additional limitations on business activities, events and gatherings, and the use of social distancing along with the use of Face Coverings decreases the risk of COVID-19 transmission to our most vulnerable populations, and, according to guidelines issued by the State of Colorado, is especially important for people who are over 65 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. The CDC reports that adults age 65 years and older are at higher risk for COVID-19 complications, hospitalizations and mortality based on United States data. This Order will reduce the likelihood that many individuals will be exposed to COVID-19, and will therefore slow the spread of COVID-19 in our communities.

This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508 of the Colorado Revised Statutes. Under these laws, the Gunnison County Public Health Director has the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over



property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health.

For the avoidance of doubt, this Order should be construed in the light most favorable to preventing the community spread of COVID-19 and protecting the public health. The Public Health Director finds that the provisions of this Order are necessary and are the least restrictive means available to continue to adequately protect the public health.

To the extent any ambiguity exists between this Order and any statement made by Gunnison County or others regarding the interpretation or effect of this Order, the express terms of this Order and the interpretation of the Public Health Director shall control.

For the avoidance of doubt, this Order controls over any executive order issued by the Governor of Colorado. Except where expressly indicated herein, this Public Health Order is consistent with and, in some cases, remains more restrictive than the executive orders thus far issued by the Governor of Colorado and CDPHE. Provisions that are construed to be less restrictive than the orders of the State of Colorado are contingent upon a grant of a variance by CDPHE.

Persons within Gunnison County are reminded that the Orders of the State of Colorado and other counties may still apply to them and to their activities, especially if such persons travel outside of the County. In addition, the terms of any Order issued by the Governor of the State of Colorado and/or CDPHE, incorporated by reference herein, are enforceable not only by the State but by Gunnison County and other local governments the same as the express provisions of this Order.

For the avoidance of doubt, this Order applies equally to persons within the boundaries of Gunnison County, Colorado, regardless of their city, state or country of origin.

Businesses and Event organizers are reminded of their duty of care to employees, staff patrons, guests and persons within Gunnison County, irrespective of whether such businesses and organizers follow or fail to follow the provisions of this Order or any previous Order. Gunnison County hereby disclaims any and all liability – to the extent any such liability could attach –



associated with organizers' or businesses' failure to exercise their duty of reasonable care and any and all other legal duties or obligations owed to employees, staff patrons, guests and persons within Gunnison County. Nothing in this Order or any previous Order should be construed as creating any legal relationship between Gunnison County and any third-party business entity, federal or local government entity, activity or Event, whether lying in tort, contract, by statute or by common law, or as any waiver of governmental immunity or other defenses or claims available to Gunnison County in the event of any legal action. **Business owners and Event organizers are also reminded that violation of this Order is subject to all potential civil and criminal enforcement mechanisms and penalties, including the potential closure of a business or Event.**

If any provision of this Order is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

This Order shall apply to all unincorporated areas of Gunnison County, Colorado (including State and Federal public lands) and all incorporated (municipal) areas that do not have their own public health agency, to wit: City of Gunnison, Town of Crested Butte, Town of Mt. Crested Butte, Town of Marble, and the Town of Pitkin, Colorado.

I. DEFINITIONS

For purposes of this Order:

An "Event" is a gathering for business, social, or recreational activities, or a location that engages in or allows for such activities; that takes place indoors or outdoors, including, but not limited to, community, civic, public, leisure, or sporting events; parades; concerts; festivals; assemblies; conventions; fundraisers; restaurants (regardless of capacity); community recreational centers; ice rinks; and similar locations and activities.

"Event" does not include activities that can be individual, conducted in small groups consistent with the express terms of this Order, or limited to persons residing in the same residence, such as



golfing, cross-country (Nordic) skiing, backcountry skiing, snowshoeing, walking, hiking, trail running, road cycling, dog walking, fly fishing, kayaking, paddle boarding, and mountain biking, as long as social distancing, Face Covering use and/or other efforts to comply with this Order occur.

“Face Covering” mean a uniform piece of material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands.

“Face Covering Requirements” are requirements imposed by this Order that mandate that:

1. All persons shall wear Face Coverings:
 - a. When entering and while inside of a place of business or mode of transportation open to the public; and
 - b. In such other indoor or outdoor locations where persons are unable to maintain safe social distancing (six or more feet separation) from other persons who do not live in the same Residence.

2. The Face Covering Requirements do not require the following persons to wear Face Coverings:
 - a. Children under the age of two years;
 - b. Persons for whom a Face Covering would cause specific and demonstrable injury or impairment due to an existing health condition or disability;
 - c. Persons eating or drinking in a Bar or Restaurant only during the period of time such persons are actually eating or drinking (e.g., persons must wear Face Coverings while making or waiting for their orders);



- d. Persons working in a professional office when such persons are not having any face-to-face interactions with others or otherwise not in common areas; and
- e. Persons for whom wearing a Face Covering while engaged in a particular Event or activity would cause specific and demonstrable injury to that person (e.g., the use of Face Coverings in restaurant kitchens may need to be limited to avoid heat-related illness).

“Residence” means a home, apartment, condominium unit, manufactured home, long term hotel or motel room, accessory dwelling unit or similar such structure where one or more persons reside on a permanent or temporary (at least 30 days or more) basis. For avoidance of doubt, “Residence” does not include those buildings, facilities, locations or activities set forth in Paragraphs II(J), (K) and (L) of this Order.

II. ORDER

A. Process for Determination of COVID-19 Risk Level and Publication of Risk Level.

- 1. Employing the indicators contained Gunnison County COVID-19 Risk Level Indicator Guidelines attached as Exhibit 1 to this Order, the Public Health Director will make a determination as to the current Risk Level, and will subsequently issue a formal written directive indicating the Risk Level by color-coded designation (Risk Level Green, Risk Level Blue, Risk Level Yellow, Risk Level Orange, or Risk Level Red).
- 2. The Risk Level directive shall be published on Gunnison County’s website and social media pages, and copies shall be provided to all local news media, as well as Federal, State, County and Local government officials and law enforcement.
- 3. If the Public Health Director determines that such steps are necessary to protect the public health, the Public Health Director reserves the discretion to:



- a. Increase or decrease the Risk Level at any time during the pendency of this Order;
 - b. Consider factors beyond those provided Gunnison County COVID-19 Risk Level Indicator Guidelines attached as Exhibit 1 to this Order; and/or
 - c. Impose restrictions beyond the Risk Level Restrictions or loosen Risk Level Restrictions at particular locations or with regard to particular Events to address outbreaks or situations that would otherwise not be addressed by the current Risk Level Restrictions.
4. The Risk Level Restrictions set forth in Paragraph B below shall become effective twenty-four (24) hours after the Public Health Director issues a Risk Level directive pursuant to this Paragraph.

B. Risk Level Restrictions.

1. *Risk Level Green Restrictions.*
 - a. No restrictions on Events. Persons and businesses within Gunnison County may engage in normal operations and activities.
2. *Risk Level Blue Restrictions.*
 - a. Events of more than two hundred fifty (250) persons occurring outdoors are prohibited.
 - b. Events of more than fifty (50) persons occurring inside of a building or other indoor structure are prohibited, except as otherwise expressly permitted in this Public Health Order or unless the Event organizer or business owner receives



an exemption by the Public Health Director, which she can issue in her sole discretion based on public health considerations.

- c. Events not otherwise prohibited by this Order are nonetheless prohibited unless businesses or Event organizers take at least the following steps to mitigate risks (“Business Hygiene and Social Distancing Protocols”):
 - i. Employers and Event organizers provide all necessary and reasonable risk mitigation measures to protect older adults (age 65 and older), including employees, and individuals with underlying medical conditions that are at increased risk of serious COVID-19, including employees (collectively, At-Risk Persons) who are their employees, customers or clients.
 - ii. Social distancing recommendations must be met. These include limiting contact of people within six (6) feet from each other for ten (10) minutes or longer, and any other guidance issued or approved by the Public Health Director.
 - iii. Employees, volunteers and staff must be screened for coronavirus symptoms each day and excluded if symptomatic.
 - iv. Event organizers (including businesses) must engage in reasonable efforts to make their employees or staff available for any testing or contact tracing being performed by Gunnison County at the direction of the Public Health Director.
 - v. Proper hand hygiene and sanitation must be readily available to all attendees and employees.
 - vi. Environmental cleaning guidelines from the CDC are followed (e.g., clean and disinfect high touch surfaces daily or more frequently).



- vii. The Event or business must follow all indoor ventilation guidelines issued or approved by the Public Health Director.
- viii. The Event or business complies with any and all industry-specific guidance issued or approved by the Public Health Director for COVID-19 risk mitigation.
- ix. The Event organizers or business owners take all reasonable and necessary steps to follow and ensure compliance with the Face Covering Requirements, which would apply to all persons present at the Event; including employees, staff, volunteers, participants, clients and customers.
- x. Nothing herein should be construed to prevent a business or Event organizer from adopting additional measures to prevent COVID-19 exposure or transmission, so long as such measures are stricter than those required by this Paragraph.

3. *Risk Level Yellow Restrictions.*

- a. Events of more than fifty (50) persons occurring outdoors are prohibited, except as otherwise expressly permitted in this Public Health Order.
- b. Events of more than twenty-five (25) persons occurring inside of a building or other indoor structure are prohibited, except as otherwise expressly permitted in this Public Health Order.
- c. At-Risk Persons are **strongly encouraged** to remain home and should only attend Events if:



- i. Such person is an employee who must physically report to his or her job site or other location(s) if necessary to perform his or her official job duties; or
 - ii. Such person must enter into a medical service provider's office or facility, hardware store, grocery store or discount department store for the purpose of obtaining medical care, food, clothing or other necessary items if such location is otherwise in compliance with this Order.
 - iii. At-Risk Persons are required to avoid any and all areas declared a COVID-19 outbreak by either the Public Health Director, the State of Colorado, or the United States government.
- d. Short term lodging, including but not limited to campgrounds, recreational vehicle parks, reserved camping sites, hotels, motels, short term rentals (less than 30 days), bed and breakfast establishments, lodges and retreats ("Short Term Lodging"), are restricted as follows:
- i. Such lodging facilities must limit the number of rooms occupied by guests to no more than fifty percent (50%) of the total number of rooms or spaces available for rent at such facilities;
 - ii. Such facilities must follow the Business Hygiene and Social Distancing Protocols; and
 - iii. Such facilities operate consistent with any local industry group plans approved by the Public Health Director.
 - iv. The 50 percent occupancy limitation set forth above does not include rooms rented under the authorization of the Public Health Director for quarantine or emergency purposes under this or previous versions of



this Order, meaning that if a lodging establishment is renting rooms under such provisions, the occupancy of those rooms does not count toward the 50 percent limitation.

- v. Recreational vehicle parking spots or slips that are rented on a long-term basis (30 days or more) or are owned, in whole or in part, by the recreational vehicle owner do not constitute Short Term Lodging, but are otherwise are required to comply with this Order.
- e. Events at the following locations or in relation to the following activities (“Personal Services”) are limited to ten (10) persons or less:
- i. Personal trainers;
 - ii. Hair and nail salons;
 - iii. Spas;
 - iv. Tanning booths;
 - v. Oxygen bars;
 - vi. Non-medical massage settings; and
 - vii. Tattoo artists.
- f. All Events at the following businesses, establishments or locations are prohibited, regardless of the number of attendees (“Group Fitness and Public Activities”):
- i. Summer camps;



- ii. Indoor swimming pools and community centers;
- iii. Libraries, except:
 - 1. Libraries may offer curbside and delivery service of books, periodicals, DVDs and other library materials to patrons, so long as libraries:
 - a. Follow the American Library Association’s guidelines for disinfecting returned items, so long as such guidelines remain stricter than the requirements of this Order; otherwise, this Order controls; and
 - b. Otherwise comply with the provisions of this Order.
 - i. Indoor team sports or group activities, such as basketball, volleyball or table tennis games or leagues;
 - ii. Martial arts facilities and classes;
 - iii. Indoor cycling studios;
 - iv. Yoga or Pilates studios;
 - v. Dance studios; and
 - vi. Gyms, weight rooms, and workout or fitness centers.
- g. All Events at bars, nightclubs, taverns, taprooms, distilleries and restaurants (“Restaurants and Bars”) are prohibited, regardless of the number of attendees, except that such establishments may provide service through



outdoor seating only and provide takeout and delivery of food so long as such establishments are otherwise in compliance with this Order.

- i. For the avoidance of doubt, this means that bars, taverns, taprooms, craft breweries and restaurants are closed, except for outdoor dining, takeout and/or delivery food service.
 - ii. Service of alcohol by the drink at bars, taverns, craft breweries and restaurants is hereby prohibited, except that such facilities may serve alcohol on a package basis if otherwise permitted by law. If otherwise permitted by this Order, Restaurants are nonetheless allowed to sell alcohol to patrons seated in outdoor areas.
 - iii. For purposes of this Order, the term “Restaurants and Bars” includes any establishment or business that is a limited retail food establishment, as that term is defined by C.R.S. § 25-4-1607(a.5), including but not limited to ice cream shops, doughnut shops, soda fountains, and candy stores.
- h. Backcountry and outdoor education, outfitter and guide services (e.g., fly-fishing guides, hunting guides, mountain bike classes or guides, rafting guides, climbing clinics, classes or guides, horsepackers, horseback riding operations, wilderness medicine classes) (“Outfitters and Guides”) are prohibited from engaging in Events with students or clients unless the Outfitters and Guides:
- i. Engage in only outdoor non-contact activities;
 - ii. Follow any industry-specific guidelines issued by professional organizations in their field (e.g., American Mountain Guides Association, Association for Experiential Education, Professional



Mountain Bike Instructors Association) or any industry-specific guidelines approved by the Public Health Director, whichever is stricter; and

- iii. Otherwise follow the provisions of this Order.

 - i. Real estate agencies and agents are prohibited from conducting open house showings.

 - j. All Events must follow the Business Hygiene and Social Distancing Protocols.
4. *Risk Level Orange Restrictions.*
- a. All Events of more than ten (10) persons are prohibited, except as otherwise expressly permitted in this Order.

 - b. At-Risk Persons are **required** to remain home and should only attend Events if:
 - i. Such person is an employee who must physically report to his or her job site or other location(s) if necessary to perform his or her official job duties; or

 - ii. Such person must enter into a medical service provider's office or facility, hardware store, grocery store or discount department store for the purpose of obtaining medical care, food, clothing or other necessary items if such location is otherwise in compliance with this Order.

 - iii. At-Risk Persons are required to avoid any and all areas declared a COVID-19 outbreak by either the Public Health Director, the State of Colorado, or the United States government.



- c. All Short Term Lodging shall cease operations and all Events in such facilities are prohibited, unless otherwise authorized in writing by the Public Health Director for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel.
 - i. For the avoidance of doubt, disbursed camping on Federal public lands is permitted so long as campers are otherwise in compliance with this Order and any order or rule issued by the United States or the State of Colorado.

- d. All Events at Restaurants and Bars are prohibited, including but not limited to outdoor service of patrons, except that such establishments may provide takeout and delivery of food or beverages so long as such establishments are otherwise in compliance with this Order.
 - i. For the avoidance of doubt, the use of any outdoor seating or outdoor space by customers at any restaurant or bar is prohibited under Risk Level Orange.

- e. Personal Services and Events associated with Personal Services are prohibited.

- f. Except as expressly provided under Paragraph C of this Order, Events at retail establishments are prohibited.
 - i. Retail establishments may operate by online or over-the-phone sales, except goods ordered through such means must be delivered by mail or by delivery to a customer's home or vehicle outside of the retail location.

- g. All Events at professional offices not expressly excluded by Paragraph C of this Order, including but not limited to law firms, accountants, architects, real



estate offices, not-for-profit business offices, title companies, engineers, escrow agents, and investment and brokerage firms are prohibited, and such offices shall operate by telecommuting only, except:

- i. Solo practitioners (i.e., professionals who practice by themselves without sharing physical office space with others) may continue to use their professional offices so long as no other persons (e.g., other professionals, staff, clients and customers) are present.
- ii. A single staff member from a professional office may meet with a single client, or a group of clients who live in the same residence, so long as:
 1. The purpose of such a meeting is solely for the client(s) to physically execute or affix his or her signature to formal paper documents (e.g., a will) for which no legal alternative (such as electronic signature) exists; and
 2. The requirements of this Order are otherwise followed.
- h. Real estate agents are prohibited from conducting property showings or open houses, but may conduct inspections, virtual or online showings, photographing and evaluations so long as no clients, potential buyers, potential sellers or other persons are present.
- i. All Events at or associated with Group Fitness and Public Activities are prohibited.
- j. All Events at or associated with the following activities (Organized Outdoor Activities) are prohibited:



- i. Alpine or downhill ski and mountain bike park areas (including summer and winter activities);
 - ii. Skate parks;
 - iii. Baseball, football, soccer and lacrosse fields, and tracks;
 - iv. Bike or pump track parks;
 - v. Parks, playgrounds and play places;
 - vi. Ice and hockey rinks; and
 - vii. Backcountry huts or yurts.
- k. All Events conducted by or associated with Outfitters and Guides are prohibited.
- l. All Events at childcare facilities are prohibited, except:
- i. Child care facilities may provide child care services to employees, contractors or persons necessary to conduct business or operations in the business or locations identified in Paragraphs C(3)-(5) (“Essential Workers”), so long as such facilities otherwise comply with the provisions of this Order and any guidance issued by the Public Health Director.
- m. Schools and institutions of higher learning, including public and private elementary and secondary schools, charter schools, pre-schools, colleges and universities must limit their Events to the plans developed by these institutions for COVID-19 risk mitigation and approved by the Public Health Director.



- n. All Events must follow the Business Hygiene and Social Distancing Protocols.

5. *Risk Level Red Restrictions.*

- a. All Events of more than one person occurring outside a Residence are prohibited, except as otherwise expressly permitted in this Public Health Order.
- b. At-Risk Persons are **required** to remain home and should only attend Events if:
 - i. Such person is an employee who must physically report to his or her job site or other location(s) if necessary to perform his or her official job duties; or
 - ii. Such person must enter into a medical service provider's office or facility, hardware store, grocery store or discount department store for the purpose of obtaining medical care, food, clothing or other necessary items if such location is otherwise in compliance with this Order.
 - iii. At-Risk Persons are required to avoid any and all areas declared a COVID-19 outbreak by either the Public Health Director, the State of Colorado, or the United States government.
- c. All Events at Restaurants and Bars are prohibited, except that such establishments may provide takeout and delivery of food or beverages so long as such establishments are otherwise in compliance with this Order.



- i. For the avoidance of doubt, the use of any outdoor seating or outdoor space by customers at any restaurant or bar is prohibited under Risk Level Red.
- d. All Short Term Lodging shall cease operations and all Events in such facilities are prohibited, unless otherwise authorized in writing by the Public Health Director for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel.
- i. For the avoidance of doubt, disbursed camping on Federal public lands is permitted so long as campers are otherwise in compliance with this Order and any order or rule issued by the United States or the State of Colorado.
- e. All Events at or associated with Group Fitness and Public Activities are prohibited.
- f. All Events at or associated with Organized Outdoor Activities are prohibited.
- g. Personal Services and Events associated with Personal Services are prohibited.
- h. Except as expressly provided under Paragraph C of this Order, Events at retail establishments are prohibited.
- i. All Events at professional offices not expressly excluded by Paragraph C of this Order, including but not limited to law firms, accountants, architects, real estate offices, not-for-profit business offices, title companies, engineers, escrow agents, and investment and brokerage firms are prohibited, and such offices shall operate by telecommuting only, except:
- i. Solo practitioners (i.e., professionals who practice by themselves without sharing physical office space with others) may continue to use



their professional offices so long as no other persons, (e.g., other professionals, staff, clients and customers) are present.

ii. A single staff member from a professional office may meet with a single client, or a group of clients who live in the same residence, so long as:

1. The purpose of such a meeting is solely for the client(s) to physically execute or affix his or her signature to formal paper documents (e.g., a will) for which no legal alternative (such as electronic signature) exists; and

2. The requirements of this Order are otherwise followed.

j. All Events conducted by or associated with Outfitters and Guides are prohibited.

k. All Events at childcare facilities are prohibited.

l. All Events at schools and institutions of higher learning, including public and private elementary and secondary schools, charter schools, pre-schools, colleges and universities are prohibited, but schools and learning institutions may conduct online classes or courses.

i. For the avoidance of doubt, this provision requires closure of all school facilities, including cafeterias, dormitories, practice fields, and sports stadiums.

ii. Notwithstanding the other provisions of this Order, the following activities are permitted at education institutions within Gunnison County so long as such activities are otherwise in compliance with this Order:



1. The use of faculty office or conference space in order to conduct online classes or seminars; and
 2. The use of vehicle repair facilities located on campus for the limited purpose of maintaining or repairing government vehicles.
- m. Real estate agents are prohibited from conducting property showings or open houses, but may conduct virtual or online showings.
- n. Any Event expressly permitted by this Order must otherwise follow the Business Hygiene and Social Distancing Protocols.
- o. All persons who are not Residents of Gunnison County are strongly encouraged to return home and not re-enter Gunnison County during Risk Level Red.

C. Exceptions to the Risk Level Restrictions

1. Nothing in this Order prohibits the gathering of persons who live in the same Residence.
2. Nothing in this Order should be construed as less restrictive than any order issued by the Governor of the State of Colorado or the Colorado Department of Public Health and Environment (CDPHE), unless Gunnison County has been granted a variance by CDPHE. To the extent that any provision of this Order is construed to be less restrictive than any order issued by the Governor or CDPHE, the gubernatorial and/or CDPHE order(s) control.



- a. To the extent any Event, business or activity is operating under a variance applied for by Gunnison County and granted by CDPHE, the express terms of any such variance shall apply instead of this Order.
3. The Public Health Director reserves the right to grant an exemption to any Event from any Risk Level Restriction on a case-by-case basis in her sole discretion based on public health considerations, and only after the applicant for such exemption provides detailed and specific information, as requested by the Public Health Director, on the specific steps that Event organizers will take to protect the public health.
 4. Except as otherwise expressly provided by this Order or pursuant to any written directive or guidance issued by the Public Health Director, Events at the following businesses or locations are exempt from the Risk Level Restrictions set forth in this Order (“Exempted Events”), except that such Events are strongly encouraged to follow the provisions of this Order and any guidance provided or approved by the Public Health Director:
 - a. Places of worship;
 - i. places of worship are encouraged to implement electronic platforms to conduct services whenever possible or to conduct smaller, more frequent services if the Risk Level is Yellow or higher.
 - b. Federal, state, local and special district facilities (except for public schools, colleges or universities);
 - c. public utilities or utility service providers (*e.g.*, electric utility providers, internet service providers, water and sewer service providers);
 - d. grocery stores (*e.g.*, Clark’s, Safeway, or City Market);



- e. banks, savings and loan institutions, and credit unions;
- f. automobile repair shops;
- g. automobile parts stores;
- h. laundromats;
- i. package liquor stores;
- j. recreational and medical marijuana dispensaries;
- k. Alcoholics Anonymous and Narcotics Anonymous sessions;
- l. livestock, farming or ranching operations;
- m. hardware stores;
- n. medical service providers (*e.g.*, hospitals, doctor's offices, medical clinics, medical supply companies, dental offices, physical therapists, pharmacies but **not** including non-medical massage services or tattoo artists);
- o. mail and shipping centers;
- p. Federally regulated commercial air travel;
- q. the courts and court and judicial district offices;
- r. veterinarians, kennels and animal shelter or boarding facilities, including equestrian stables (but **not** including commercial horseback riding or horse-packing operations);
- s. food banks;



- t. airports and airport operations;
 - u. newspapers, radio and television stations;
 - v. gas stations and convenience stores; and
 - w. discount department stores (*e.g.*, Wal-Mart, Dollar Tree).
5. Notwithstanding the provisions of Paragraph 3 above, Exempted Events that occur in places other than places of worship or at government owned or operated facilities (*e.g.*, privately owned grocery stores, hardware stores, and discount department stores) must still follow Business Hygiene and Social Distancing Protocols if imposed by the Risk Level Restrictions, including the Face Covering Requirements.
6. To the extent that the Risk Level declared by the Public Health Director would prohibit or otherwise restrict operations and activities at residential and commercial construction sites, which include but are not limited to oil and gas and mining operations, such sites may continue to operate so long as they are in compliance with this Order **and** if they receive an express, written exemption from the Public Health Director after providing her sufficient information, in her sole discretion, to ascertain compliance with this Order.
- a. The Public Health Director may impose additional requirements associated with any exemption granted under this Paragraph, including but not limited to prohibiting construction workers from engaging in daily travel into and out of Gunnison County, self-isolation for a minimum of seven (7) days, or to maintain lodging at a site approved by the Public Health Director within Gunnison County.
 - b. If the Public Health Director has granted a general contractor an exemption under this Paragraph, that general contractor and any subcontractor(s)



operating under the general contractor need not apply for separate or additional exemption(s), so long as:

- i. The general contractor is otherwise in compliance with the existing exemption;
- ii. The contractor(s) screen employees or contractors for COVID-19 symptoms;
- iii. All At-Risk Persons, as defined by this Order, are precluded from working at the construction site(s) overseen by the general contractor;
- iv. No person who is not an employee or contractor of the contractor(s), except for a licensed government inspector, is permitted at the construction site(s) overseen by the general contractor;
- v. No more than ten (10) employees or contractors are permitted at any one construction site at any one time;
- vi. All disinfecting guidelines promulgated by the CDC are followed;
- vii. The contractor(s) provide at each construction site appropriate access to proper sanitation and handwashing stations or, in the alternative, disinfectant for hand hygiene;
- viii. The contractor(s) require physical (social) distancing at each construction site of greater than six (6) feet at all times or use of face covering for limited periods (less than 10 minutes) for required specific construction related activities; and



- ix. The contractor(s) comply with any additional requirements imposed by the Public Health Director pursuant to the previous exemption not otherwise set forth above.

- 7. To the extent the Risk Level declared by the Public Health Director would prohibit or otherwise restrict essential residential home and repair services (electrician, plumbing, propane delivery, trash, recycling and sanitation services, residential and commercial cleaning and home care services), such services may continue so long as they are in compliance with this Order.

- 8. Notwithstanding the provisions of this Order, any exemption previously granted by the Public Health Director shall continue to apply to the Event for which the exemption was granted, unless:
 - a. The exemption would allow an Event prohibited under the provisions of any executive order issued by the Colorado Governor or CDHPE, or would violate the terms of any variance issued by CDHPE; or
 - b. Revoked by the Public Health Director at any time in her sole discretion based on public health considerations.

- 9. All persons who have tested positive for the COVID-19 virus are hereby **ordered**, under penalty of law, to isolate and quarantine themselves from all other persons, without exception, for a period of at least ten (10) days from the date on which such person first experienced any symptoms of COVID-19 (*e.g.*, fever, cough, shortness of breath), or 72 hours after the quarantined person is afebrile (resolution of any fever without the aid of medication), whichever is later.
 - a. The Public Health Director reserves the right to extend the period of any quarantine under this Paragraph in her sole discretion.



III. FURTHER GUIDANCE

Further guidelines are available at <https://www.gunnisoncounty.org/938/Coronavirus-COVID-19>, including but not limited to “The 5 Commitments of Containment”. Gunnison County Public Works and any other appropriate government agencies (e.g., Highway Patrol, Colorado Department of Transportation) are hereby encouraged to erect or provide appropriate highway signage to alert travelers to this Order.

IV. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

If you have questions regarding this Order, please contact the Gunnison County Health Hotline at 970.641.7660.

Gunnison County is tasked with protecting the health and welfare of the citizens of Gunnison County, 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. *See* section 25-1-508, Colorado Revised Statutes. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the Gunnison County District Court within 90 days of the date of this Order, pursuant to section 25-1-515, Colorado Revised Statutes. However, you must continue to obey the terms of this Order while your request for review is pending.

This Order is in effect until midnight Mountain time at the end of December 31, 2020, and is subject to continuing review by the Public Health Director.

FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO CIVIL PENALTIES AND THE PENALTIES CONTAINED IN SECTIONS 25-1-516 AND 18-1.3-501, COLORADO REVISED STATUTES, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN MONTHS.



Joni Reynolds
Joni Reynolds
Public Health Director

6/8/2020 13:02 pm
Date

I, SHELY WILLIAMS, hereby acknowledge receipt of this Order.

Shelly Williams
Sign

6-8-2020
Date





Gunnison County COVID-19
Coronameter (Risk Level Indicator) Guidelines*
June 8, 2020

Green - No Threat (1 of 3 criteria below met): No restrictions.

- We have a vaccine that is broadly available and effective.
- We have herd immunity.
- We have an effective treatment.

Blue - Cautious Normal (5 of 8 criteria below met): Large group activities may be limited. All businesses and recreational activities that can satisfy basic social distancing and hygiene precautions, subject to restrictions on group size, can expect to operate.

- < 3 or more symptomatic individuals testing positive per day for any 3 days in a 7-day period.
- < 9 individuals self-reporting as symptomatic in a single day.
- Testing threshold is being met. **
- No concerns about being able to transfer patients to regional hospitals with adequate care.
- Hospital census is at normal (inpatient admissions & length of stay are similar to previous months/years) or predicted levels.
- GVH employees out with respiratory illness is less than 7%.
- PPE stockpile is sufficiently adequate to manage a surge for 28 days or more.
- No concerns about providing safe levels of care at GVH.

Yellow - Community Concern (3 of 7 criteria below met): The public is encouraged to voluntarily increase social distancing and hygiene measures. At-risk individuals should take extra precautions.

- 3 or more symptomatic individuals testing positive per day for any 3 days in a 7 day period.
- Testing threshold is not being met or more than 9 individuals self-reporting as symptomatic in a single day.
- No more than 60% of the 24-licensed beds filled at GVH with patients having COVID-19 illness.
- Regional transfer centers are seeing a surge in patients with COVID-19 ($\geq 50\%$ full with COVID-19 cases), but still able to accept transfers from GVH.
- GVH employees out with respiratory illness is more than 15%.
- PPE supply is more than 28 days but restock sources may have moved to allocation supply chains.
- Once we have entered the Yellow Stage we will fall back to Blue 7 days after criteria for Blue are met.

Orange - On Cliff (2 of 8 criteria below met): High risk business and recreational activities prohibited. Group size limited, with strong focus on social distancing and hygiene. In-state travel restrictions.

- 6 or more symptomatic individuals testing positive per day on any 3 days in a 5 day period.
- Testing threshold is not being met or more than 18 individuals self-reporting as symptomatic in a single day.
- GVH is at more than 60% capacity of the 24-licensed beds being filled with patients who have COVID-19 illness.
- Regional transfer centers are filling with patients who have COVID-19 illness but still able to accept transfers from GVH; filling is $> 50\%$ of regularly-staffed ICU area (i.e. not an alternate care site).
- Alternate care site is being stood up for potential patient care needs.
- GVH employees out with respiratory illness is $> 15\%$.
- PPE supply is only sufficient to manage surge for less than 28 days.
- Once we have entered the Orange Stage we will fall back to Yellow 14 days after criteria for Yellow are met.

Red - Severe (1 of 6 criteria below met): Only essential business activities permitted. Minimal group size for all activities. Social distancing and hygiene precautions mandatory. Essential travel only.

- More than 10 symptomatic individuals testing positive on any single day
- Testing threshold is not being met or more than 30 individuals self-reporting as symptomatic in a single day.
- Regional transfer centers are unable to accept COVID-19 admissions from GVH.
- GVH has resorted to Crisis Standards of Care, including use of the alternate care site.
- PPE stockpile is only sufficient to manage care of COVID-19 patients for less than 14 days.
- GVH patients needing a ventilator exceeds the number available.
- Once we have entered the Red Stage we will fall back to Orange 28 days after criteria for Orange are met.

*Note: This document is a guideline for Incident Command to assess the current viral threat to Gunnison county. Depending on potential future COVID-19 waves, Public Health may need to adjust the criterion in this scale to more readily address the threat of new infection spread.

**Definition: The threshold for adequate testing is being met when 75% or more of symptomatic individuals are being tested and county health is receiving results within 5 days of the test being performed.

EXHIBIT

1