

# OFFICIAL RECORD OF PROCEEDINGS

## **Boulder County Board of Health (BOH) Emergency Meeting Online/Telephonic Meeting September 23, 2020**

**BOH Members:** President Gregg Thomas; Vice President Jorge DeSantiago; and Board Members Morgan McMillan; Landrey Fagan, M.D.; and Brooke Harrison.

**BCPH Staff:** Public Health Director Jeff Zayach; Deputy Public Health Director Lexi Nolan; Director of Strategic Initiatives Susan Motika; Director of Finance and Administration Megan Hatten; Communicable Disease and Emergency Management Division Manager Indira Gujral; Assistant County Attorneys Kate Haywood and Trina Ruhland; Medical Officer Chris Urbina, M.D.; Administrative Assistant Rita Mangeyn; and Business Operations Manager Tammy Golden.

**Guest:** University of Colorado Interim Executive Vice Chancellor and Chief Operating Officer Patrick O'Rourke.

### **Meeting Called to Order.**

President Thomas called the meeting to order at 3:16 p.m. and asked all participants to identify themselves for the record (see above). He declared that a quorum was present, that notice of the meeting was posted on the Board of Health website, and that call-in information was included to allow for public participation. Due to COVID-19, the need for social distancing, and the current public health order, President Thomas said the meeting was being conducted online and telephonically.

### **ITEM 1. Consideration of Public Health Order No. 2020-07, Prohibiting Gatherings Involving Persons Aged 18-22 Years in the City of Boulder and Stay-at-Home for Subject Properties.**

Public Health Director Jeff Zayach said there has been a surge of COVID-19 cases at the University of Colorado at Boulder (CU), particularly among people aged 18-22 years. He said the rise in cases was concerning enough to warrant a public health order to help control the spread of infection.

Mr. Zayach said a letter was sent to all CU students asking them to voluntarily self-quarantine for 14 days, which was helpful. But there's continues to be a high number of cases at CU due to continued gatherings without compliance with public health orders, especially in the Hill neighborhood.

Mr. Zayach said Boulder County Public Health recommended that a public health order (PHO) be issued to help control the spread of COVID-19 in the city of Boulder. He said the proposed PHO has been reviewed and endorsed by the Colorado Department of Public Health and Environment (CDPHE), the Governor's Office, the City of Boulder, and the University of Colorado.

Mr. Zayach said BCPH, the City of Boulder, and CU would support enforcement of the PHO through the establishment of a consolidated Area Command with the following goals:

1. Stop the spread of the disease.
2. Contain the spread of disease to prevent it from spreading to the rest of the community.

As of September 22, there were 3,900 cases in Boulder County with significant, escalating case rates that are higher than during any previous peaks. The number of cases in Boulder County was higher than in all other counties in the Metro Denver Area. Mr. Zayach showed graphics that depicted the surge in cases and referenced a single day with over 200 cases, 174 of which were CU students. He said the number of COVID-19 cases in the general Boulder County population remained low, meaning the escalation of cases at CU was the cause for the alarming increase in cases. Mr. Zayach said it will be important to prevent the surge of cases in this age group from reaching other age groups and vulnerable populations. He said the five-day average percent positivity rate was 3.5% on August 1 but was now 4.1%. Over 54,000 polymerase chain reaction (PCR; diagnostic) tests have been administered in Boulder County to date.

Mr. Zayach said COVID-19 testing sites were being set up in Boulder – a drive-through site at Stazio Ballfields (mainly serving community members) and a walk-up site on campus, where the majority of CU students will get tested.

Area Command was striving to push the percent positivity rate under 5%. Communicable Disease and Emergency Management Division Manager Indira Gujral said CU was requiring proactive saliva tests in all dorms. If students tested positive, they must go straight to Wardenburg Health Center for testing confirmation. If symptomatic, they must also go to Wardenburg for PCR testing. Staff noted that hospital rates have remained low. They also indicated that the rise in COVID-19 cases occurred in the dorms following the recent Greek rush term.

Mr. Zayach expressed his deep gratitude to Assistant County Attorneys Kate Haywood and Trina Ruhland, who have provided invaluable support to BCPH to draft COVID-19 public health orders and provide legal COVID-19 guidance. Ms. Ruhland summarized the draft PHO, which would be effective for 14 days and included the following components:

1. Prohibit all gatherings in the city of Boulder of everyone 18-22 years and any gatherings involving any people within that age group. Ms. Ruhland said that people in that age group may not socialize with others citywide, both indoors or outdoors, on and off campus, and they cannot dine out together. They can still go to work or exercise, but they cannot gather with others.
2. Issuing a stay-at-home directive to 36 specific addresses within the Hill neighborhood, which include Greek life fraternities and sororities and a few specific residences with multiple or egregious violations to public health orders. The PHO will impact roughly 1,000 people living in these select locations who will be subject to stay-at-home restrictions and may not leave their houses except for very specific purposes.

With respect to the gathering prohibition, dorm students shouldn't gather in common areas, but they can remain in their rooms with their roommates. Board Member McMillan asked for clarification between the two components of the order, and Ms. Ruhland explained those who are subject to the stay-at-home (SAH) directive cannot go to work, outside to study, to stores, etc. She said the SAH did include a provision for voting, as that was an "essential activity." Ms. Ruhland explained those not subject to the stay-at-home component of the PHO could still go outside to study, eat alone, exercise, etc.

Vice President DeSantiago asked how the PHO would be enforced, and Ms. Ruhland explained that the PHO will have three enforcement mechanisms:

1. Traditional BCPH authority to enforce PHO.
2. The City of Boulder, through its emergency order, has incorporated PHO into its municipal code, and violations can be enforced by City of Boulder Police. City police are collaborating with CU Police on enforcement in the Hill neighborhood.

3. Through CU Police. University of Colorado Interim Executive Vice Chancellor and Chief Operating Officer Patrick O'Rourke said campus police have stepped up disciplinary jurisdiction to include the hosting of parties and violations of isolation quarantine, which could be subject to immediate suspension for the remainder of the academic term. To date, 14 such interim suspensions have been issued, and he said a shift in behavior has been noticeable due to the increased enforcement.

Board Member McMillan asked if there was any precedence for public health orders for specific age demographics. Ms. Ruhland said it was novel, although public health officials were confident that this tailored approach would help to address the spread of COVID-19 in Boulder County. CDPHE and the Governor's Office agreed that it was a good approach.

Board Member McMillan also asked about restrictions on exercise and the ability to combat isolation through exercise. Ms. Ruhland said exercise was permitted for those affected by the SAH order, as well as the general PHO, as long as they did so alone. Board Member McMillan asked if there were any appropriate social outlets for this age group. BCPH Medical Officer Chris Urbina, M.D., said the large number of cases warranted aggressive actions to help decrease the spread of infection. He said it will be important for everyone in that age group to quarantine, isolate if they're infected, and adhere to the PHO to help limit the spread of infection in Boulder County.

Board Member Harrison asked if the PHO would be extended beyond the current 14 days, if necessary, and Mr. Zayach said the PHO would be extended if the number of cases did not appropriately decline and there continued to be increased spread of infection.

President Thomas asked if commuter students in the 18-22 year age group would be restricted, and Ms. Ruhland said the PHO only affected people in that age group who were within the city limits of Boulder.

Mr. Zayach emphasized the importance of collaboration between the City of Boulder, BCPH, and CU in the PHO. He recognized it will be difficult for all involved, but it will essentially come down to student behavior and the responsibility of the students to help control the spread of the disease in Boulder County.

Mr. O'Rourke thanked the Board and expressed CU's appreciation to BCPH for helping to address the increase in COVID-19 cases at the university. He said CU supported the PHO and recognized its role in affecting behavior and supporting its student population. He said the PHO will have an impact on the students' mental health, and CU will need to support them. He added that CU doesn't want to be the source of increased restrictions placed on the greater community of Boulder County, so the university was dedicated to ensuring compliance to prevent that from happening.

Board Member Harrison asked how the PHO would prevent those living in residences included in the stay-at-home provision to leave their residences to stay elsewhere. Mr. O'Rourke said there were provisions within the PHO that precluded those residents from vacating their premises and "couch surfing" in the community. They also anticipated that some will want to return to their parents' homes, so the order included provisions allowing that to occur in an orderly manner.

President Thomas asked how the PHO affected 18-year-old high school students within the city of Boulder. Ms. Ruhland said the PHO included a provision excluding K-12 activities from the definition of "gatherings" for purposes of the PHO, so 18-year-old high school students could attend high school events.

President Thomas also asked if the county attorneys anticipated legal actions once the PHO was released. Ms. Ruhland said some may disagree with the order, but she was confident in the legal soundness of the order.

Mr. Zayach said the PHO will be revisited at the end of the two weeks to determine if it should be amended or extended. He asked the Board to authorize staff to do so without the need to secure board approval.

***Board Member Harrison made a motion, which was seconded by Vice President DeSantiago, to approve Boulder County Public Health Public Health Order No. 2020-07, prohibiting gatherings involving persons between the ages of 18 and 22 years within the city of Boulder and stay-at-home or subject properties.***

President Thomas asked if the Board wanted to authorize staff to amend or extend the PHO without board approval. Board Member McMillan said she wanted to remain sensitive to the issue and asked staff to ensure the Board is updated on the effectiveness of the PHO. The Board agreed to split the motion into two components, one to consider approval of the PHO and another regarding an extension or amendment of the PHO. Mr. Zayach requested that BCPH be authorized to make amendments to the public health order without requesting approval from the Board if emergency action was warranted and timing was critical. He said staff will return with a recommendation before the PHO expires October 8.

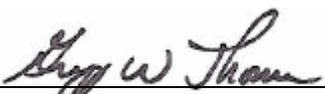
***With all members voting in favor of the motion to approve BCPH Public Health Order No. 2020-07, President Thomas declared the motion carried.***

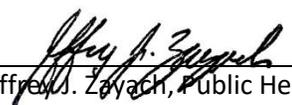
***Board Member McMillan made another motion, which was seconded by Board Member Harrison, to authorize Boulder County Public Health to amend Public Health Order No. 2020-07 without additional approval from the Board of Health within the next 14 days if urgent action was warranted. With all members voting in favor of the motion to approve BCPH Public Health Order No. 2020-07, President Thomas declared the motion carried.***

Mr. Zayach thanked the Board and said he would keep the Board updated until the next Board meeting to determine next steps for BCPH Public Health Order #2020-07.

**ITEM 9. Adjournment.**

There being nothing further to discuss, President Thomas declared the meeting adjourned at 4:09 p.m.

  
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Gregg Thomas, President

  
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Jeffrey J. Zayach, Public Health Director