

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Regular Meeting
Online/Telephonic Meeting
August 9, 2021

BOH Members: President Gregg Thomas; Vice President Jorge De Santiago; Board Members Morgan McMillan, Landrey Fagan, and Brooke Harrison.

BCPH Staff: Executive Director Camille Rodriguez; Deputy Director Lexi Nolen; Acting Director of Administration and Finance Maryel Barron; Family Health Division Manager Daphne McCabe; Community Health Division Manager Heather Crate; Interim Strategic Initiatives Director Kelli Hintch; Marketing and Communications Manager Angela Simental; Communicable Disease & Emergency Management Division Manager Indira Gujral; COVID-19 Education Liaison and Policy Specialist Taylor Carranza; Medical Officer Dr. Chris Urbina; and Administrative Assistant Rita Mangeyn.

Boulder County Staff: Senior Assistant County Attorney Kate Haywood and Deputy County Attorney Trina Ruhland.

Guests: University of Colorado, Boulder Executive Vice Chancellor and Chief Operating Officer Patrick O'Rourke and Associate Vice Chancellor of Health and Wellness Services Jennifer McDuffie.

Members of the Public:

- 1) Nicole Pearlman, 5785 Old Stage Road, Boulder, CO 80302 – Supports Masking/Order
- 2) Ben Bishop, 1763 Montgomery Circle, Longmont, CO 80504- Against Mandated Masking
- 3) Alice Hein, 2927 11th Street, Boulder, CO 80304- Supports Masking/Order
- 4) Tamara McCarty, 2829 Blue Jay Way, Lafayette, CO 80026 – Supports Masking/Order
- 5) Laura and Katie Witt, 3413 Larkspur Drive, Longmont, CO 80503 – Supports Masking/Order
- 6) Lucia Harrop, 610 West Juniper Court, Louisville, CO 80027 – Supports Masking/Order
- 7) Elizabeth Fashing, 786 Sundance Lane, Erie, CO 80516- Supports Masking/Order
- 8) Jessica Wicks, 1396 Leyner Drive, Erie, CO – Against Mandated Masking
- 9) Amanda Dean, 1320 Carnation Circle, Longmont, CO 80503 – Supports Masking/Order
- 10) Lindsay Diamond, 7303 North 115th Street, Longmont, CO 80504 – Supports Masking/Order
- 11) Kristine and (Kennedy) Nelson, Westminster, CO – Against Mandated Masking
- 12) Brittany Jones, Horizon Avenue, Erie, CO 80516 – Against Mandated Masking
- 13) Cole and Elizabeth Strain – Supports Masking/Order
- 14) Beth Ewaskowitz, 1807 Quest Drive, Erie, CO 80516 – Supports Masking/Order
- 15) Katie Farnan, 4728 Berkshire Court, Boulder, CO 80301 – Supports Masking/Order
- 16) Grant Orvis – Supports Masking/Order
- 17) Gretchen (McLoughlin), 4607 South Hampton Circle, Boulder, CO 80301 – Against Mandated Masking
- 18) Warren (Hultquist), 1820 Mapleton Ave, Boulder, CO 80304 – Against Mandated Masking
- 19) Lexy Olson, 440 Capitol Ave, Berthoud, CO 80513 – Against Mandated Masking
- 20) Justin Virant, 3035 Oneal Parkway, Boulder, CO 80301- Against Mandated Masking
- 21) Riley Mancuso, Lafayette, CO – Supports Masking/Order
- 22) Shara Davis, 312 Widgeon Lane, Longmont, CO 80503- Supports Masking/Order
- 23) Elizabeth Dunford, 909 Little Leaf Court, Longmont, CO 80503- Supports Masking/Order
- 24) Mark Milliman, 4080 Greens Place, Longmont, CO 80503- Against Mandated Masking

- 25) Shay O. – Supports Masking/Order
- 26) Jane Meagher – Against Mandated Masking
- 27) Joe Mehsling, 2100 Breckenridge Drive, Berthoud, CO 80513 – Against Mandated Masking
- 28) Shelley Knuth, 1138 West Enclave Circle, Louisville, CO 80027 – Supports Masking/Order
- 29) Gene Slocum, 2001 Evergreen Ave, Boulder, CO 80304 – Against Mandated Masking
- 30) Andrea (no last name provided), 2800 Kalmia Avenue, Boulder, CO 80301 – No position stated
- 31) Ann-Marie McDonald, 2045 Balsam Drive, Boulder, CO 80304 – Against Mandated Masking
- 32) Sam Johnson, 1660 Snowy Owl Drive, Broomfield, CO 80020 - Supports Masking/Order
- 33) (Name Unclear), 3095 Meadowlark Lane, Dacono, CO 80514 – Against Mandated Masking
- 34) Valerie Bartell 1009 Alder Way, Longmont, CO 80503 – Supports Masking/Order
- 35) Hannah Monte, Wolf Creek Drive, Longmont, CO 80504- Supports Masking/Order
- 36) Kate Hise – Supports Masking/Order
- 37) Alie Hopper- Supports Masking/Order
- 38) Neha Swami – Supports Masking/Order
- 39) (Name and Address Unclear) Resident of Boulder, CO - Supports Masking/Order

Meeting Called to Order.

President Thomas called the meeting to order at 5:32 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. Public Comments (on unscheduled agenda items).

None.

ITEM 2. Approval of July 12, 2021 Regular Meeting Minutes.

Board Member Fagan made a motion, which was seconded by Board Member Harrison, to approve the July 12, 2021, Board of Health minutes. With all Board Members present voting in favor of the motion, President Thomas declared the motion unanimously carried.

ITEM 3. Update on Current COVID-19 Pandemic.

Communicable Disease & Emergency Management Division Manager Dr. Indira Gujral discussed the COVID-19 data beginning with the key messages from University of Colorado (CU) modeling that is shared across the state.

- State hospitalizations are slowly increasing.
- Reproductive number is 1.1 in Colorado; 1.3 in the metro area.
- Approximately 1 in 249 people in Colorado is currently infectious; the pandemic course varies across the state with infection growth occurring in the metro and central mountain regions.
- Delta variant is a major concern due to its dominance in the state; it is two to three times more transmissible than the wild type strain that circulated last summer; someone with the Delta variant is more likely to become infectious sooner (detected earlier) and spreading the virus earlier in the course of infection.
- Data from the Colorado Department of Public Health and Environment (CDPHE) show that the majority of the state is in elevated incidence growth meaning that more than 10 new cases per 100,000 are being seen in the past two weeks. Elevated incident plateau is occurring in the northwest region of the state. Mesa County is the only Colorado county showing sustained decline. Boulder County's data illustrate that cases are rapidly increasing along with the metro Denver region; all are showing an increase during the 7-day moving average of case rates.

- Boulder County averaged 35 cases a day during the 7-day rolling average. There have been 330 new cases since August 1; less than 3% were affiliated with CU, Boulder.
- Boulder County now uses the Centers for Disease Control (CDC) and Prevention Transmission Tracker which illustrates that incidents have increased to 80.93 per 100,000 from 39.4 per 100,000 in July resulting in “substantial transmission” or level orange.
- Case trends are steadily increasing among all age groups especially in those 0-9 which have the highest incidence rate in the state. The highest case rate for the week was among the 23-34 age group which also has lower vaccination rates.
- With schools returning to session, summer year to year comparison was conducted among ages 0-5; 6-11; 12-19 which showed that that virus spread is increasing rapidly in 2021 especially among school age children. Factors such as the Delta variant and no masking mandates may have contributed to the increases this summer.
- Disparities among racial and ethnic groups are narrowing the last few weeks. Hispanic/Latinx community members who make up 14% of the county population and represent 10% of cases while white/non-Hispanic-Latinx community members show 78% of cases and represent 77% of the population.
- All local municipalities are being impacted by the virus spread.
- There are currently 20 hospitalizations in the county. The admission rate typically increases two weeks after an increase in cases.
- There have been seven deaths since May 2 with one of them recently occurring at a long-term care facility (LTCF).
- Seven-day increase seen in positivity since June with 900 to 1000 people being tested a day. Free testing sites are available at the Heart of Longmont, Stazio Ball Fields, and Nederland.
- County vaccination rates are high with 80% of the eligible population having received at least one dose. The total county population vaccination rate is 64%.
- Vaccination focus is shifting to the younger eligible population of ages 12-14- 15-19, and 20-24.
- Data on the unvaccinated population shows that 97,000 or 30% of those not vaccinated is due to ineligibility or other reasons. Approximately 39,500 Boulder County school-aged children 5-19 years of age are either ineligible (23,500) or unvaccinated (16,000), representing 41% of the total unvaccinated population. Among unvaccinated children 12-19 years of age, 40% are children of color (not white or of Hispanic ethnicity). Municipalities with less than 70% of children 12-19 receiving one dose include the City of Boulder, Lafayette, Longmont, and Jamestown.
- Vaccination equity and the focus on priority populations (e.g. Latinx, LGBTQ+, mountain, and people with intellectual and developmental differences) through Community Ambassador efforts continues.
 - Board Member Harrison asked about the data breakdown by vaccinated versus unvaccinated individuals with respect to hospitalization, case numbers, etc. Dr. Gujral said that CDPHE will be releasing a data dashboard with this information soon.
 - Board Member Harrison also asked to confirm if 68% of ages 12-19 have received just one dose. Dr. Nolen answered that she will confirm but most likely it is somewhere between 60-74%.
 - President Thomas asked if the tracking of children with COVID-19 has changed since last summer. Dr. Gujral said that it has not; the same reporting mechanisms exist as previously used.

Deputy Director Dr. Lexi Nolen presented the public health goals and strategy to the board. Current concerns include a significant transmission in the county and surrounding communities; cases are likely underestimated due to at home tests which are not reported into the state data system; rates among children are much higher this year than last year at this time; the overall population vaccination rate is at

64%, meaning there are around 100,000 people unvaccinated; the Delta variant and circulating Lambda variant in other states, with potential for other more serious variants.

The North Star Covid goals are to prevent deaths and significant illness; to not overwhelm the hospital systems which not only concerns hospital bed occupancy, but staffing shortages across the systems and within the public health department itself; and safely returning to “normal” activities.

- Board Member McMillan asked what percentage of ICU occupancy is COVID-19 related. Dr. Nolen will send the information.
- Board Member Harrison asked if the counties with high transmission rates also have low vaccination rates. Dr. Nolen said that generally that is the case, but she will send more information.

Resuming normal activities particularly in schools takes into account that case rates are higher this year than the beginning of school last year when there was masking, but no vaccine; there is no longer an option for hybrid learning; the vaccination rate for county high school students is at 59%; it is not operationally possible to isolate vaccinated from unvaccinated students; and there is a strong need to decrease the burdens on school staff related to containment. These factors drive the need for school masking mandates. Given the many harms of mass quarantining last year; the impact to families who are not uniformly vaccinated and whose lives are significantly disrupted, layered mitigation strategies are the best way to keep children in school safely. Dr. Nolen added that there is an option to opt out of masking for children who have medical reasons. She then showed a graph that illustrates a spectrum of mitigation strategies from minimally burdensome to most burdensome. The goal is to aim for less burdensome approaches so that the most burdensome strategies will not need to be implemented.

Dr. Nolen also addressed what is currently on the radar including a strong recommendation for public indoor masking alignment for counties, municipalities, health systems, and businesses; and vaccination mandates for government workers and customers of businesses. She added that the forthcoming licensing of the Pfizer vaccine may help accelerate these vaccination mandates.

Dr. Nolen then introduced University of Colorado, Boulder Executive Vice Chancellor and Chief Operating Officer Patrick O'Rourke and Associate Vice Chancellor of Health and Wellness Services Jennifer McDuffie to give a brief higher education update as it relates to the safe return of students to campus. Mr. O'Rourke began by stating that students will be returning to classes on August 23. With the student population already eligible for vaccination, the university is requiring all campus faculty, students, and staff to show proof of vaccination or request an exemption for personal, religious, or medical reasons. So far, 65% of faculty and staff and 30% of students have responded. Mr. O'Rourke foresees that as the campus nears the start of the fall semester, the reporting will accelerate. Given that only 5% of people are claiming exemptions, most of the campus community will likely be vaccinated as the fall semester begins.

He further noted that the campus public health office will continue attending to the campus public health requirements. The university has also renewed an MOU (Memorandum of Understanding) with BCPH that allows the university to continue its status as a closed system for contact tracing and case investigation. The university has continued to partner with BCPH as well as local jurisdictions and municipalities on the response. Mr. O'Rourke thanked the board and BCPH for their ongoing partnership and the work that has been done to help keep all county educational systems safe.

- President Thomas asked what are the vaccination requirements for the campus community. Mr. O'Rourke said that by September 15, all students, faculty, and staff must do one of two things: confirm their vaccination status or seek an exemption for medical, personal belief, or religious reasons. He added that the deadline allows international students to be vaccinated if they were unable to do so in their home countries.

- Board Member Harrison asked if a student were to claim a personal belief exemption for the COVID-19 vaccine, but have not for any previous required vaccinations, will the personal belief exemption be granted? Mr. O'Rourke said that yes, the student will be given the exemption with the university relying solely on the student's word to pursue exemptions.
- Board Member Harrison also inquired if the campus vaccination rate turns out to be under 75%, what actions will be taken. Mr. O'Rourke is confident that the rate will be over 90% given the current tracking, but the university will determine other requirements, as needed.

ITEM 4. Consideration to Approve Public Health Order 2021-07, Requiring Facial Coverings Indoors for All Individuals Ages 2+ in Childcare, Camps, and PreK-12 School Settings.

Public Comments: Members of the public, as noted above, spoke for and against Public Health Order 2021-07, Requiring Facial Coverings Indoors For All Individuals ages 2+ in Childcare, Camps, and PreK-12 School Settings that is before the board this evening.

Deputy County Attorney Trina Ruhland began the presentation by addressing the orders currently in effect at the federal and state levels. To summarize, the Federal CDC order requires anyone two years and older to wear a facial mask on public transportation including school buses. The Colorado orders include Executive Order D2021-122: Disaster Declaration and CDPHE's orders 20-20 and 20-38 requiring masks in homeless shelters, prisons, jails, healthcare settings for not fully vaccinated individuals, and LTCFs.

Ms. Ruhland then outlined Public Health Order 2021-07 that is before the board this evening. It is based on guidance from both the CDC and the American Academy of Pediatrics (AAP). The order mandates that anyone two years of age and older must wear a mask/face covering indoors in school buildings, childcare settings, youth (under 19 years of age) sports, activities, and camps regardless of vaccination status. This order exempts anyone under two years of age and individuals who cannot medically tolerate a face covering. Exceptions include activities such as swimming, having a meal or snack, and playing an instrument. Ms. Ruhland also clarified the difference between an "exemption" which is related to an individual and "exception" which pertains to an activity.

Ms. Ruhland then introduced Taylor Carranza, the BCPH COVID-19 Education Liaison and Policy Specialist, to address the Schools and Childcare guidance that is included in this order. The guidance is comprised of layered mitigation requirements including, but not limited to wearing face coverings indoors in all schools, childcare, and extracurricular activities; enforcement of quarantine and isolation; reporting all cases and outbreaks to BCPH; routine cleaning; improving ventilation; and symptom screening. By requiring these layered mitigation strategies and indoor masking, BCPH will be able to significantly reduce the number of quarantines in schools in the coming semester. A signage requirement for school buildings, childcare facilities, and facilities that host youth activities is included in the guidance.

Board Discussion:

- Board Member McMillan asked if the order and guidance would apply only to indoors. Yes, students can take their masks off outdoors. She also asked why no quarantines are required for those who are asymptomatic and vaccinated since they can still shed and spread the virus. Medical Officer Dr. Chris Urbina explained that breakthrough infections occur in less than 1% of cases and indoor masking for vaccinated and unvaccinated people will help reduce indoor transmission along with the other mitigation layers described earlier. Dr. Urbina added that if a person tests positive and is vaccinated, the individual will still need to be isolated from school settings by quarantining.
- President Thomas asked how the infrastructure in the county for testing compares to the last school year. Taylor Carranza explained that BCPH still offers testing at community sites in Boulder, Longmont, Lyons, and Nederland; Boulder Valley School District offers testing at a central location at Centaurus High School and via a mobile clinic.

- Board Member Harrison asked if mask exemptions would be allowed for indoor sport facilities with a robust ventilation system and mixed age facilities. Ms. Ruhland referred to the state guidance that differentiates indoor/outdoor areas based on how many walls exist and the order is activity-based for school building requirements. Dr. Urbina said there is no strong evidence of transmission in large venues, but when people congregate in closer settings, this is where transmission issues arise.
- Board Member Harrison asked what would be the trigger point to rescind the order. Director Rodriguez said that the goal is to closely monitor vaccination rates and overall health of the community, but since the situation is dynamic, she cannot give an exact date or data point at this point.
- Board Members Harrison and McMillan acknowledged the community's concerns about the order not having an end point. They recommended having a county-wide trigger. While President Thomas agreed with the other board members, he said that it is challenging to have a date to rescind the order because of how ever-changing the situation is currently. Board Member Fagan recommended that the board choose a date to revisit the order.
- Board Member Harrison asked if this order is binding or could the school districts override it. Ms. Ruhland confirmed that BCPH has full authority across Boulder County and the order cannot be overridden by the school districts. Dr. Urbina added that the changing variants are a critical piece in decision-making. Much of the information about the new variants is unknown so monitoring the data is very important.

Board Member McMillan thanked the public for speaking at tonight's meeting and taking the time to voice their comments.

- President Thomas asked how easy or difficult is it to prove a medical or religious exemption. Ms. Ruhland said that there is no religious exemption in this order. The medical exemption would go through an ADA (Americans with Disabilities Act) process, but BCPH would not be involved. The school districts would handle it instead. Processes for exemptions are already in place at the school districts, if needed.

Dr. Nolen responded to Board Member Harrison's earlier concerns about hybrid learning and clarified that there will be no option for hybrid learning this year as part of the school districts' agreement with the teachers' unions. She added that regularly revisiting the data and not having rapid changes will help avoid any disruption to schools. The board agreed that children need to be kept in the classrooms and to think about the most vulnerable in schools.

The board recommended to revisit the order in two months' time at the October 11, 2021 meeting.

Board Member Fagan made a motion, which was seconded by Board Member McMillan, to approve Public Health Order 2021-07, Requiring Facial Coverings Indoors For All Individuals ages 2+ in Child-care, Camps, and PreK-12 School Settings. With all Board Members voting in favor of the motion, President Thomas declared the motion unanimously carried.

ITEM 5. Director's Report.

Director Rodriguez announced that this is Vice President De Santiago's last meeting as a Board Member and said that there will be a formal recognition at the September 13 regular meeting. Ms. Rodriguez expressed her gratitude for his many years of service and wished him well. President Thomas added that he appreciated Vice President De Santiago's time on the board and particularly valued his great work with the community's Latinx residents. He hopes to continue to have a community champion on the board.

Ms. Rodriguez went on to highlight a couple of items from the report such as the rising cases and assessing staffing to support the community and schools. President Thomas requested an update on the staffing strategies at a future meeting, particularly given the current wave. He added that if the current wave does not subside, what is the risk of pulling employees back into the response? Ms. Rodriguez said that conversations about this topic are occurring daily, and the team will share their strategies and goals at September's COVID-19 update.

Director Rodriguez also highlighted the opioid settlement dollars and that BCPH is exploring various options with the county as the funds become available.

Board Member McMillan added a thank you to the Air Quality team on their great work at the state level and hopes that this important effort can continue given staff's time on the pandemic response.

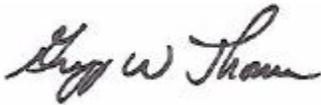
Dr. Nolen recognized the entire team on all of the work that went into Public Health Order 2021-07.

ITEM 6. Old & New Business / Announcements.

None.

ITEM 7. Adjournment.

There being nothing further to discuss, President Thomas declared the meeting adjourned at 8:32 p.m.



Gregg Thomas, President



Camille Rodriguez, Executive Director