

Board of Health AGENDA

NOTICE REGARDING COVID-19 (Novel Coronavirus): To adhere to COVID-19 social distancing precautions, all on-site public Board of Health meetings are postponed until further notice. To allow access to this meeting, and future Board of Health meetings, call 719-583-4513 for more information. The public may make any public comments by email to Executive Assistant Ramona Chisman-Ewing, at mona.ewing@pueblocounty.us.

The Board of Health meeting will be held **Wednesday, August 25, 2021**, at **12:00 noon by Zoom**.

- A. 12:00 - 12:03 p.m. – Call to Order and Approval / Changes to Agenda **(Action Required)**
- B. 12:03 - 12:05 p.m. – Approval of Board of Health Meeting Minutes held **July 28, 2021 (Action Required)**
- C. 12:05 – 12:25 p.m. – **Public Forum**
- D. 12:25 – 12:55 p.m. - **School Mask Requirements (Possible Action Required)**
- E. 12:55 – 1:10 p.m. – **Special Presentations: Community Health Assessment (CHA) Update** – Shylo
(Action Required) Dennison
- F. 1:10 - 1:15 p.m. – **Other Action Items**
 - Contracts – Georgia Alfonso
- H. 1:15 - 1:25 p.m. – **BOH Updates**
 - Public Health Director Report – Randy Evetts

ADJOURN



The Board of Health meeting was held by Zoom July 28, 2021, at 12:00 noon.

Board Members

Present: Donald Moore, Board President
Michael J. Nerenberg, Board Vice President
Garrison Ortiz, County Commissioner
Ed Brown, City Council Member
Eileen Dennis, Board Member

Absent: Ed Brown

Legal Counsel: Marci Day, Assistant County Attorney

Administrative Staff

Members Present: Randy Evetts, Public Health Director
Katie Davis, Deputy Director
Georgia Alfonso, Budget and Finance Director
Jody Carrillo, Environmental Health and Emergency Preparedness Division Director
Denise DeNardo, Human Resources
Maria Telfer, Community Health Services Division Director
Ramona Chisman-Ewing, Executive Assistant

Medical Officer: Christopher Urbina, MD

Staff Members: Brian Comfort, Justin Gage, Sarah Joseph, Audra LeTurgez, Jenna Seddon, Alicia Solis, Zak Van Ooyen, Chad Wolgram,

Guests: Zach Hillstrom, *The Pueblo Chieftain*

A. **Call to Order and Approve or Make Changes to the Agenda**

Board President, Donald Moore, called the meeting to order and asked for approval of the Agenda. Public Health Director Randy Evetts requested to postpone the special presentation by SCAP in order to discuss important/urgent COVID-19 issues regarding schools and this topic be moved to first action item to be discussed.

MOVED by Michael Nerenberg, seconded by Eileen Dennis, to approve the changes to the Agenda.

MOTION CARRIED UNANIMOUSLY

B. **Approval of Minutes**

MOVED by Michael Nerenberg, seconded by Eileen Dennis, to approve the June 23, 2021, BOH meeting minutes as submitted.

MOTION CARRIED UNANIMOUSLY

C. **Public Forum**

None

D. **Action Items**

Public Health Order for Schools

Public Health Director Randy Evetts presented to the Board a potential public health order regarding mask mandates for schools. There was much discussion if this order would only pertain to unvaccinated students or if all students would need to wear masks for the 2021 school year or if this should only be a recommendation and not a mandate. Numerous discussions have taken place with the schools. Initially the schools wanted minimum masking and quarantine/isolation orders as possible. Discussion today revealed District #70 is in favor of a mask mandate for unvaccinated students, as an incentive to become vaccinated. The challenge is enforcement both at the school and public health level. Randy stated he

wanted input from the Board on how to move forward not only with the schools, but the entire community and a possible future mask mandate. CDC is recommending everyone who is attending any indoor activity or at large gathering continue to wear a mask. The Colorado Department of Public Health and Environment is meeting with their policy group to try to give guidance to local public health department's hopefully by next week. The concern is will community members follow a public health order regarding masks or is this just a recommendation, as enforcement will be very difficult. Another issue is currently, 12 years old and under are not eligible to receive vaccine at this time.

Dr. Nerenberg stated all of the disadvantages being discussed should not prevent the Board from doing right thing. Wastewater readings indicate there is an uptick in positive results. He believes schools and other public places, should strongly be encouraged to put a mask mandate in place, as this is the 'correct thing to do.' He understands it cannot be enforced, but it is the right thing to do. He also believes businesses should do the right thing and require masks or proof of vaccination, but he does not feel a public health order is necessary at this time. Dr. Nerenberg noted if the Health Department does issue a public health order, it would provide coverage for the school districts/boards. He stated, 'this is a lose, lose situation, someone will be the bad guy; he prefers to be the bad guy doing the right thing.'

Eileen Dennis expressed concerns that a public health mandate will not be effective, but individual agencies, school districts, and hospital employers could be effective by establishing their own policies regarding masking. She strongly advises communication to the community regarding rate of cases to encourage people to protect themselves, employees, students, etc.

Garrison Ortiz stated he appreciated the pros and cons of the issue being laid out. He noted the respective school district boards have the ability to mandate and enforce a mask order themselves. He does not see the point of a mandate or public health order unless there is follow through with enforcement. Mr. Ortiz also noted he would not support a mandate for masking in schools unless there was a firm commitment from school districts 60 and 70 to provide direction to their staff and strict enforcement of such an order. A mask mandate cannot be effective if there is no buy in from the schools.

Donald Moore stated that the debate is not about the science regarding the effectiveness of masks. The debate is if a public health order should be issued or should it be more of a communication and education issue, as well as a collaborative effort. No matter what, the message should be effective; he also sees the educational/collaborative route as being more effective; he does not see mandates working as much as a collaborative effort would be. He also stated the school districts need to own this issue and go with guidance from CDC. Donald also is concerned about the credibility of the Department if the public ignores a public health order from the Department.

Dr. Urbina believes public health has a responsibility to prevent communicable disease and present the science behind the action; he suggests seriously making a mask order mandate. Schools are telling him if it is not a mandate, they will experience push back from the community, parents, and Boards of Education. Dr. Urbina stated this is an essential public health service.

Donald Moore asked Randy Evetts to share what he has learned in meetings with the school districts. Donald also stated he did not see the school districts wanting to take ownership of enforcement. Randy shared the message he heard in a meeting with the districts is a mask mandate is for the best, but they are not sure how they are going to enforce it; the enforcement piece is the challenge. The schools see the option of a mandate as an incentive to get students vaccinated. Garrison stated if public health mandates something with no follow through, it hurts the Health Department's credibility. Donald Moore stated he looks for a collaborative route, as this is the best way to get things done. He also suggested a Memorandum of Understanding (MOU) with the schools to work together to encourage students to get vaccinated or wear a mask. Eileen Dennis and Garrison Ortiz also liked the idea of a MOU. Donald said the goal is to protect the students. Dr. Urbina stated this is a gallant idea, but doesn't think it will be received very well by the schools, because they want the local health department to make the mandate. He stated CDC is recommending masks and he thinks the Colorado Department of Public Health and Environment will follow suit. Dr. Urbina stated a public health order would let the schools inform parents and student if they don't follow the rules of the public health order, they could get expelled. Dr. Nerenberg stated if a PHO isn't issued and an outbreak in the schools occurs, the Health Department will take the blame; this is a no-win situation. Donald asked Dr. Urbina what tools are available to enforce a PHO. Dr. Urbina stated the same tools used to enforce quarantine/isolation orders; enforcement will be difficult

either way. Donald stated he understand the philosophy behind this thinking, but he doesn't understand how the Department can enforce this locally without statewide support like PDPHE has with the COVID-19 epidemic. Attorney Marci Day stated this is a complicated issue, when PDPHE deviates from the state. Donald suggested waiting until CDPHE issues a mandate statewide. Marci also stated when an enforcement action is taken, who the enforcement action is being taken against; is it the parent, the child, or the school district? Garrison stated if one district enforces the mask mandate and the other doesn't, students could choose one district over another. He reiterated schools need to enforce any mask mandate and if one district deviates from the mandate, it will create a larger issue.

Randy informed the Board the state attorney offered two approaches. First, the Board could issue a public health order. The second approach is for PDPHE simply to send a letter to the schools stating this is a mandate; the difference is a public health order is more enforceable. Attorney Marci Day stated from a legal perspective, if a PHO is issued, enforcement is more of a clear path. The Department has never been in a position to enforce a local PHO that wasn't supported by an existing state public health order. Marci would like further conversation with the state attorney before issuing a letter or going to an official PHO and what PDPHE's role would be. Randy stated having a PHO simply mandates a prevention effort by having a mask mandate in place locally. Dr. Nerenberg asked how much time does PDPHE have before schools start; some schools start next week, and District 70 starts August 12, 2021. School districts/boards would probably want a decision within the next few weeks before school starts.

Garrison asked if this mandate would apply to both public and private schools Kindergarten through 12th grade. Dr. Urbina stated this mandate would apply to all schools, but not include higher education. Dr. Urbina stated it will be a political challenge to explain why schools, long-term health care facilities, jails, and health care settings differ from other places of business, such as supermarkets, car dealerships, etc. Michael Nerenberg stated schools differ, because children are required to attend, but people are not required to go to other places of business. Donald shared information from District 60's website stating the school districts are looking to public health and the Governor to issue guidelines, not them.

Randy asked the following questions of the Board:

- Do you support some sort of a mandate for masking in the schools?
- Do you want a masking public health order issued or a letter to parents/students?

Dr. Urbina stated it will be important for the districts to collaborate any effort by telling children not to come to school if they are sick, increasing ventilation, keep social distancing, as well as testing when coming out of quarantine, etc. Randy stated other counties have issued a letter of recommendation. Listening to the state attorney, she indicated PDPHE can in a letter outline the Health Department's PHO authority issued by statute, but there is no enforceability if it is needed. Marci stated she did not know what age restrictions would apply for masking. Randy stated no age is included in the proposed mandate, but this could warrant more discussion. Dr. Urbina stated recent information says a child of any age can spread COVID. Currently, Marci Day stated PDPHE has the broad authority in statute to control the spread of disease, but a PHO regarding masks would be more specific and be seen as an enforceable action if people do not follow the PHO. Further recommendations will be given by the state after evaluating new CDC guidelines, which could impact the state's recommendations at the local level.

Donald Moore asked in general if the Board decides to mandate masks for schools today, are the Department and school districts prepared to deal with the resulting actions (e.g. calls, protests, enforcement). Dr. Urbina stated it is important to be consistent with CDPHE and recommended waiting before making a final decision regarding local recommendations and guidelines. Dr. Nerenberg asked if this PHO, which is still a work in progress, be approved today pending input/guidance from the state. Attorney Marci Day recommended waiting until the state issues guidance and not approve a pending PHO. It was suggested to have Randy communicate with the school districts to inform them of the Board's discussion today. Marci said it is important to inform the school districts legal action would be taken against them and not students or parents, if a mask mandate is not followed. It was also suggested to reduce the length of the public health order if it is implemented, to simplify its understanding. The Board concluded its discussion and deferred this decision until CDPHE issues additional guidance based on CDC's recent directive.

Financial and Contract Cost Reports

Financial reports for the end of June 2021 were presented to the Board. Revenues exceeded expenditures by \$778,432.74. Georgia reviewed the financials regarding expenses, surplus, and savings due to the time it takes to fill vacant positions. The current surplus reflects the COVID-19 funding received.

MOVED by Garrison Ortiz, seconded by Michael Nerenberg, to accept the monthly financial report as presented.

MOTION CARRIED UNANIMOUSLY

CONTRACTS:

No contracts presented for approval this month.

F. **Board of Health Updates**

Cancel Work Session In August

There is a work session scheduled in August, but Randy said it will be canceled as the auditors need more time to complete the Department's annual audit. The audit should be ready for review in September.

New Emergency Preparedness Program Manager Introduction

Randy introduced Brian Comfort who is the new Emergency Preparedness Program Manager. Brian is already busy responding with his team to the water shortage in Colorado City this week. Welcome Brian!

Public Health Director's Report

Randy briefly mentioned the 2021 BOH survey results and asked the Board to think about two items of concern mentioned in the survey that could be discussed at a later date:

- Board of Health survey results:
 - Does the Board representation reflect the community?
 - Concerns about efficiency and how time is used during Board meetings

Randy asked the Board to review the survey results and to bring suggestions for improvement forward at the next regular BOH meeting.

G. **Unfinished Business**

None

H. **New Business**

None

The next regular BOH meeting is scheduled for Wednesday, August 25, 2021, at 12:00 noon by Zoom.

MOVED by Michael Nerenberg, seconded by Garrison Ortiz, to adjourn the Board of Health meeting.

MOTION CARRIED UNANIMOUSLY



Donald Moore, Board of Health President



Randy Evetts, MPA, Public Health Director