


CITY MANAGER'S OFFICE MEMORANDUM
#32-2020

DATE: May 18, 2020
TO: Honorable Mayor Meredith Leighty and City Council Members
FROM: Heather Geyer, City Manager 
SUBJECT: CR-93 – Requiring the Wearing of Face Coverings in the Interest of Public Health

PURPOSE

To consider a resolution issuing a directive strongly urging the wearing of face coverings in the interest of public health in order to reduce community transmission of COVID-19.

BACKGROUND

The proposed resolution provides a mechanism for the City to further promote and educate residents on the importance of following national, state and local health department guidance concerning COVID-19. The use of a face coverings is one of the primary ways to slow the spread of the virus.

COVID-19 is a world-wide health pandemic. The U.S. has a total of 1,364,061 positive cases and 82,246 deaths. The State of Colorado received its first case of COVID-19 in early March. The COVID-19 pandemic has spread across Colorado currently infecting more than 20,475 people and causing 1,062 deaths. There are more than 206 outbreaks at residential and non-hospital healthcare facilities. Northglenn experienced the first outbreak at a care facility the week of May 4th. To date, the City has 127 positive cases of COVID-19 and 8 deaths. The virus is expected to continue to spread with a second wave predicted in Colorado in September 2020.

Public Health measures designed to slow the spread of the virus have been implemented through statewide orders of the Governor and the Colorado Department of Public Health and Environment ("CDPHE"), as well as locally by several county health departments, counties and cities. On April 26, the State Stay-At-Home order expired. Tri-County Health Department extended the order until May 8. As businesses reopen under Safer at Home, the Council has expressed concerns about doing everything we can to protect the community. Additionally, some community members have expressed their concerns to members of Council.

The Mayor and City Council sent a letter to Dr. Douglas, Executive Director of Tri-County Health Department, expressing support for a public health order requiring face coverings. The Tri-County Board of Health decided to not support the request for a public health order and endorsed an aggressive public education campaign and continued monitoring and compliance with face covering use.

Several communities have adopted face covering or mask requirements and/or public health orders to include: Aspen, Denver, Fort Collins, Lafayette, Louisville, Westminster and Wheat Ridge.

Federal and State Guidance

The United States Centers for Disease Control and Prevention ("CDC") and CDPHE have recommended that members of the public, when they need to interact with others outside the home, and especially in settings where many people are present, should cover the mouth and nose to prevent inadvertently spreading COVID-19. One key transmission method for the

COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze. People can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others.

Public health guidance currently recommends wearing a face covering, in combination with physical distancing of a least 6 feet, and frequent hand-washing. These steps are designed to reduce the risk of transmitting the COVID-19 virus when in public and engaged in necessary activities by reducing the spread of respiratory droplets.

Public Education

The City has been actively promoting federal and state guidelines on all communication channels. Recently, the Mayor and City Council created an educational video for the community, encouraging residents to wear face coverings. This video has been pushed out on the City's social media platforms. Staff will continue to provide face covering education through City communication channels. When the City reopens to the public on June 1, members of the public will be expected to wear a face covering.

Enforcement

Education will be the City's primary focus to protect the health of residents and visitors, especially seniors and others most at risk of contracting the virus. The City is relying on voluntary cooperation for compliance with the directive.

STAFF RECOMMENDATION

Staff drafted CR-93 at the request of Mayor and City Council. The resolution, as drafted, is consistent with federal and state guidelines. Staff supports the resolution as drafted.

BUDGET/TIME IMPLICATIONS

City Council has identified providing face coverings to the community as part of the City's COVID-19 response. City Council will be discussing next steps at the June 1, 2020 study session.

STAFF REFERENCE

If Council members have any comments or questions, they may contact Heather Geyer, City Manager, at 303.450.8706 or hgeyer@northglenn.org

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-93
Series of 2020

Series of 2020

A RESOLUTION ISSUING A DIRECTIVE STRONGLY URGING THE WEARING OF FACE COVERINGS

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to the novel coronavirus, now designated as COVID-19;

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 13, 2020, the Mayor issued an order declaring a local disaster emergency in and for the City of Northglenn resulting from the COVID-19 pandemic, which was subsequently ratified by City Council on March 19, 2020, and further extended on April 13, 2020;

WHEREAS, the Governor has issued a series of executive orders imposing requirements to mitigate the effects of the disease to prevent further spread and to protect limited health care resources, and which orders currently extend until several dates in May, under revised protocols;

WHEREAS, the Governor's executive orders have been implemented by public health orders of the Colorado Department of Public Health and Environment ("CDPHE");

WHEREAS, on April 17, 2020, the Governor issued Executive Order D 2020 039, and on April 22, 2020, CDPHE Public Health Order 20-26 was signed, ordering workers in Critical Businesses and Critical Government functions to wear face coverings while working, except where doing so would inhibit the individual's health, and to also wear gloves, to the extent possible when in contact with customers or goods if gloves are provided to workers by the employer;

WHEREAS, on April 26, 2020, the Governor issued Executive Order D 2020 044, introducing the "Safer at Home" phase, which permits certain non-critical businesses to open in May and directs CDPHE to issue restrictions for such businesses similar to the requirements for Critical Retail, and which will include requiring customers to wear face coverings in personal service establishments;

WHEREAS, in the Governor's Safer at Home Order, Governor Polis provided that nothing in such order prevents a county or municipality from adopting more protective standards than those contained in the order, including but not limited to stay at home orders, mask wearing requirements in public, or additional protective measures;

WHEREAS, the Northglenn City Council issued a letter to the Tri-County Health Department on May 1, 2020 urging the Department, as the local public health authority, to require that people entering and shopping in critical businesses wear a face covering over their nose and mouth;

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) and CDPHE have recommended that members of the public, when they need to interact with others outside the home, and especially in settings where many people are present, should cover the mouth and nose to prevent inadvertently spreading COVID-19;

WHEREAS, the CDC has issued guidelines for cloth face coverings that include tutorials for both sewn cloth face coverings and making cloth face coverings out of common household textile items without sewing;

WHEREAS, one key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze;

WHEREAS, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious;

WHEREAS, people can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic;

WHEREAS, many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others;

WHEREAS, the City Council confirms that protecting the public’s health is the Council’s top priority;

WHEREAS, the City of Northglenn may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

WHEREAS, the City Council finds that the wearing of face coverings by employees, customers, and visitors of businesses and government facilities open to the public as set forth herein will best provide for the promotion of health and suppression of the disease within the City by slowing the spread of COVID-19;

WHEREAS, the City Council further finds that and determines that the adoption of this Resolution is proper pursuant to C.R.S. § 31-15-401(1)(b), 24-33.5-703(3), and 24-33.5-709, the City of Northglenn’s authority under Article XX of the Colorado Constitution, and other applicable law; and

WHEREAS, the City Council finds, determines, and declares that the adoption of this Resolution and the Directive herein are genuinely and urgently necessary for all the reasons set forth in the foregoing recitals, and because the protection and preservation of public property, health, safety, and welfare requires the City to take action to ensure the health and safety of all City residents, visitors, and workers, and to ensure such persons are protected to the greatest extent possible from the transmission of the COVID-19 virus while engaging in commercial and

governmental business in the City during the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Face Covering Directive. The City Council hereby issues the following directive:

A. Definitions. For purposes of this Directive, the following words and phrases have the following meanings:

Face covering or non-medical cloth face covering shall 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 coverings include, but are not limited to, bandanas, cloth masks, and gaiters.

Face coverings do not include any mask that incorporates a one-way valve (typically a raised plastic cylinder approximately the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order. Valves of that type permit droplet release from the mask and can put others nearby at risk.

B. Face coverings required. All persons ages 3 and above, who are medically able, when entering, or waiting in line to enter, businesses and government facilities within the City of Northglenn that are open to the general public are hereby ordered to wear non-medical cloth face coverings, such as to cover their nose and mouth.

C. All persons, ages 3 and above, who are medically able, who are unable to maintain social distancing from people outside of their household while outdoors are hereby ordered to wear non-medical cloth face coverings, such as to cover their nose and mouth.

D. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons within a public place or on the following properties:

1. Persons working in a public place who do not come into contact with the public and who do not share workspace with other persons not of their household; provided, however, that face coverings shall be worn while entering or exiting the building;
2. Persons for whom a face covering would cause impairment due to an existing health condition;
3. Persons who, because of a disability, are unable to wear a face covering;
4. Persons undergoing a medical or dental procedure that requires access to the person's mouth or nose;
5. Persons who are customers of banks, financial institutions, and pawn shops; however, employees of these places must still wear face coverings;
6. Persons in restaurants that are permitted by state and county regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking; provided, however, that face coverings must be worn while

entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed;

7. First responders when responding to an immediate threat, provided, however, that this exception does not preempt any provisions of Colorado Department of Public Health and Environment (CDPHE) Order 20-26 requiring first responders to wear face coverings.

E. This Directive is necessary to reduce community transmission of COVID-19 and protect the health of workers, residents, and visitors of the City from potentially infected members of the public.

F. The City Council strongly urges all residents, ages 3 and above and who are medically able, for your own health and safety, and for that of the brave individuals who are staffing the grocery stores, pharmacies, and other businesses that are so important to our daily needs, to comply with this Directive. It is only through our collective efforts that we can protect those persons, ourselves, and our families. The Council genuinely appreciates your voluntary cooperation.

G. Nothing in this Directive shall be deemed to permit any activity otherwise prohibited by any current state, county, or other public health order.

Section 2. Effective Date. This Directive shall be effective upon passage of this Resolution and shall remain in effect until terminated by resolution of City Council or until the City of Northglenn Declaration of Local Disaster Emergency is terminated, whichever occurs earlier.

DATED at Northglenn, Colorado, this ____ day of _____, 2020.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney