

RESOLUTION NO. 2020-061

**A RESOLUTION OPTING THE TOWN OF CASTLE ROCK OUT OF
THE PUBLIC HEALTH ORDER ISSUED BY THE TRI-COUNTY
HEALTH DEPARTMENT BOARD OF HEALTH MAKING THE
WEARING OF FACE COVERINGS MANDATORY IN PUBLIC PLACES**

WHEREAS, at an online meeting held July 8, 2020, the Tri-County Health Department (TCHD) Board of Health voted 5 to 4 in favor of a public health order requiring use of face coverings in public places in all three of the counties that it serves – Adams, Arapahoe, and Douglas; and

WHEREAS, the public health order goes into effect on July 24, 2020, and is set to expire 90 days thereafter unless and until it is earlier amended, extended, rescinded, or superseded by TCHD’s Executive Director; and

WHEREAS, each county and municipality within TCHD’s jurisdiction can opt-out of, and be excepted from the application of the order by providing written notification, through its governing body or duly authorized representative thereof, to TCHD by July 23, 2020; and

WHEREAS, on July 9, 2020, the Board of Commissioners for Douglas County (the “County”) directed the County Attorney to issue a formal statement to TCHD, activating the opt-out clause in the mandatory face covering order; and

WHEREAS, the County’s directive applies solely to the unincorporated areas of the County and not to the municipalities within its boundaries; and

WHEREAS, should the Town of Castle Rock (the “Town”) desire to opt out of TCHD’s face covering order, the Town Council must take the necessary action to do so at a public meeting before the order goes into effect; and

WHEREAS, on July 10, 2020, an emergency special meeting of the Town Council was called in accordance with the provisions of Section 2.02.060.A of the Castle Rock Municipal Code; and

WHEREAS, on July 14, 2020, the Town Council held an emergency special meeting to receive public comment on the mandatory face covering order and to determine whether to opt the Town of Castle Rock out of said order; and

WHEREAS, at the meeting, the Town Council considered, among other things, the Town’s remarkably favorable public health data, the current 75% mask-wearing voluntary compliance observed by TCHD, and the recommendation of TCHD’s own Executive Director that a mandatory face covering order was not necessary for Douglas County; and

WHEREAS, the Town Council finds and determines that trusting the Town’s citizens and business community to continue to do what is best for them, without a face covering mandate

issued by an unelected Board of Health, is the most prudent course of action.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. The Town Council hereby exercises its authority to opt the Town of Castle Rock out of the mandatory face covering order issued by the Tri-County Health Department.

Section 2. The Town Council further directs the Town Manager to issue formal written notification to the Tri-County Health Department that the Town is opting out of, and excepting itself from application of the mandatory face covering order.

Section 3. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 4. This Resolution shall take effect immediately upon adoption by the Town Council of the Town of Castle Rock.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2020, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

APPROVED AS TO FORM:

Michael J. Hyman, Town Attorney