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MEETING DATE: March 09, 2021

STAFF PERSON RESPONSIBLE: Lance Ingalls, County Attorney

DESCRIPTION: Board of County Commissioners of Douglas County Petitioning the State to Safely and Fully Reopen Our County and Economy Without Delay Thus Allowing our Residents and Business Community to Exercise Personal Responsibility to Determine How Best to Protect Their Health and Financial Interests.

SUMMARY: The Board is hereby petitioning the Governor of the State of Colorado to immediately adopt a plan that will allow the the economy of the State and Douglas County to reopen. As a result of the drastic decreasing numbers in the COVID infection and hospitalization rates, there is no longer a need to impose measures to restrict the economy and to prohibit citizens of the State and the County to exercise their own personal responsibility to determine how best to protect their health and financial interest.

RECOMMENDED ACTION: Motion approving Resolution of the Board of County Commissioners of Douglas County Petitioning the State to Safely and Fully Reopen Our County and Economy Without Delay Thus Allowing our Residents and Business Community to Exercise Personal Responsibility to Determine How Best to Protect Their Health and Financial Interests

REVIEW:

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| Lance Ingalls | Completed | 03/08/2021 3:09 PM |
| Legal Department | Completed | 03/08/2021 3:09 PM |
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| Board of County Commissioners | Pending | 03/09/2021 1:31 PM |

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY PETITIONING
THE STATE TO SAFELY AND FULLY REOPEN OUR COUNTY AND ECONOMY
WITHOUT DELAY THUS ALLOWING OUR RESIDENTS AND BUSINESS
COMMUNITY TO EXERCISE PERSONAL RESPONSIBILITY TO DETERMINE
HOW BEST TO PROTECT THEIR HEALTH AND FINANCIAL INTERESTS.**

WHEREAS, , the Board of County Commissioners (the “Board”) remains concerned about ongoing business restrictions and closures, personal liberty restrictions, and harm to individual mental health and the general public welfare as a result of long-term and overly broad State government action; and

WHEREAS, the Board has repeatedly requested that data-driven public health recommendations from scientific experts to preserve public health remain intact, excessively broad and inconsistently applied State-mandated restrictions should be fully lifted and rescinded by the State; and

WHEREAS, what started as a stated need to severely restrict businesses and personal liberties for a short period of time to “flatten the curve” and provide the hospital system time to ramp up, grew into a series of more than 350 Executive Orders, during a full calendar year, and numerous, and often inconsistent related public health orders that controlled and continue to control numerous aspects of the daily lives of all Coloradoans, including all Douglas County residents and businesses; and

WHEREAS, the Hospital system and public have responded heroically, and according to CDPHE, as of March 3, 2021 only 341 people in Colorado were hospitalized for COVID-19, well down from a peak of 2000 on December 2, 2020; and

WHEREAS, in Douglas County alone, there were 12,667 private establishments at the close of 2019, all of which remain restricted as of March 9; and

WHEREAS, according to the U.S. Bureau of Economic Analysis, Colorado lost \$7.12 billion in real GDP between the 4th quarter of 2019 and 3rd quarter of 2020 and Douglas County lost an estimated \$373 million over that same period; and

WHEREAS, Colorado began 2020 with the nation’s fifth *lowest* unemployment rate and today has our country’s fourth *highest* unemployment rate having lost nearly 270,000 jobs over the course of 2020; and

WHEREAS, per capita income declined \$2,813 in Colorado and \$3,609 in Douglas County from 2019 to 2020; and

WHEREAS, there is no guarantee that these job and income losses will ever be fully restored; and

WHEREAS, the negative impacts to the mental health of our citizens, young and old, from indefinite closures has greatly increased, and according to a recent Colorado Health Foundation study, more than half of Coloradans have experienced increased mental health strain during the pandemic; and

WHEREAS, according to a recent Associated Press report, drug overdose deaths have increased in Colorado amid the COVID-19 pandemic; and

WHEREAS, the number of people with some level of immunity to COVID-19, either through contraction of the disease and/or receiving a COVID-19 vaccine has increased dramatically and Colorado is approaching herd immunity, especially amongst the most vulnerable; and

WHEREAS, 57,716 residents of Douglas County have received one dose of the COVID-19 vaccine as of March 3, as well as 223,369 residents in Tri-County Health's jurisdiction have received one dose as of March 4, as well as 965,945 Coloradans have received one dose as of March 3, and 73.6% of those aged 70+ in Douglas County have received the vaccine since March 1, and

WHEREAS, the State has not issued any guidance or criteria to indicate what reopening looks like or requires for any citizen or business; and

WHEREAS, the Commissioners have taken Oaths of Office to uphold the Federal and State Constitution and believe that in the current state of recovery and prolonged lack of severity of the ongoing pandemic, the restrictions can no longer be considered reasonable or rationally related to the risk most individuals face; and

WHEREAS, although some Federal and State subsidies have been provided, they have fallen well short of the harm caused by the ongoing State government restrictions; and

WHEREAS, the Board's repeated attempts to engage the State in a dialogue of ideas, proposals, and pilots to rebalance and alleviate the impact on citizens of State imposed COVID-19 driven lock downs have received limited and even then, delayed response or engagement from the State; and

WHEREAS, the State has failed to demonstrate the use of county specific data and severity metrics such as in county deaths and hospitalizations in the development of COVID-19 restrictions dictated by the Dial and the continuation of broad restrictions still being imposed by the State do not match the low severity of the COVID-19 pandemic at this time as measured by incidence and test positivity rates, and hospitalizations; and

WHEREAS, the Board believes that the State's mandated restrictions continue to unreasonably infringe on the Constitutional First Amendment rights as well as life, liberty, and property interests of Douglas County businesses and citizens; and

WHEREAS, the County has been repeatedly asked and expected to use Douglas County resources and personnel to enforce these overly broad State restrictions against Douglas County citizens and businesses; and

WHEREAS, Douglas County citizens continue to express concerns to the Board, in ever increasing numbers, that the County should not be involved in such unconstitutional enforcement efforts and should instead do everything within its power to allow people the various constitutionally- guaranteed freedoms they have been deprived of by their State government; now, therefore,

BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas, State of Colorado that the County will uphold their oaths of office, support the Constitution of the United States and the State of Colorado, and hereby petitions the state to immediately, fully, and safely reopen our County; and

BE IT FURTHER RESOLVED, that the Board does not wish to mislead any person or business that Douglas County has the authority to allow reopening without potentially severe repercussions to any such business from other entities such as the State or Tri-County Health Department, but can only assure such individuals and businesses that no retribution should come from the County; and

BE IT FURTHER RESOLVED, that Douglas County is requesting that the State immediately issue a full reopening plan so that the public is fully aware of when and how normal activity can occur without further Government restrictions, and

BE IT FINALLY RESOLVED, the Board believes that Douglas County citizens are capable of exercising personal responsibility and making meaningful and safe decisions with respect to their personal health circumstances, jobs, businesses and personal lives and will do so far better than government.

PASSED AND ADOPTED this 9th day of March 2021, in Castle Rock, Douglas County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

BY:

LORA L. THOMAS, Chair

ATTEST:

KRISTIN RANDLETT, Clerk to the Board