

Resolution No. R-021- 050

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

**RESOLUTION DECLARING THAT DOUGLAS COUNTY RESIDENTS ARE FREE TO
CHOOSE HOW TO PROTECT THEIR LIVES AND LIVELIHOODS FROM COVID-19.**

WHEREAS, the Governor of the State of Colorado on May 3, 2021 amended and extended a face covering Executive Order ("Mask Order"), Executive Order D 2021 095; and

WHEREAS, part of the amended Mask Order includes the following language:

"Notwithstanding any provision of this Executive Order, individuals are permitted to remove their medical or non-medical cloth face coverings in Public Indoor Spaces if 80% of the individuals in the Public Indoor Space have shown proof of vaccination;" and

WHEREAS, the above language has both concerned and confused Douglas County residents and business owners; and

WHEREAS, the Mask Order is not enforceable because it fails strict scrutiny analysis; i.e. depriving citizens of fundamental constitutional rights without being narrowly tailored to a compelling government interest based on current COVID-19 statistics;

WHEREAS, any expected local enforcement of the Mask Order is an unfunded mandate, leaving the obligation of enforcement to local jurisdictions and the business community, but denying any local control over the restriction itself; and

WHEREAS, the severity of remaining COVID-19 cases (hospitalizations and deaths) continues to decrease or remain manageable; and

WHEREAS, scientists, public health experts, and doctors now have a better understanding of COVID-19 and effective treatment options for those who will still acquire the virus; and

WHEREAS, all populations 16 and older are now eligible and have access to the COVID-19 vaccine; and

WHEREAS, Douglas County residents have successfully pursued numerous opportunities to receive the COVID-19 vaccine, and more than 60.6% of its eligible citizens have received at least one vaccination, which on its own is more than 92% effective; and

WHEREAS, 88.43% percent of Douglas County residents 70 and older, and 72.43% of Douglas County residents 60-69 are fully vaccinated against COVID-19 and these groups represent the most vulnerable populations for whom the original mask orders were intended to protect; and

WHEREAS, the citizen concerns around the Mask Order focuses mostly on the concept of vaccine "passports" where people will be treated less favorably based on their ability or willingness to show proof of vaccination; and

WHEREAS, the Mask Order could be used to disenfranchise citizens who are unwilling or unable to show proof of COVID-19 vaccination; and

WHEREAS, there are numerous legitimate reasons an individual may not be willing or able to show proof of vaccination, including religious objections, medical privacy, health and disability issues, and First Amendment concerns, amongst others that should not result in the deprivations of basic rights, and

WHEREAS, every medical intervention requires informed consent by the individual and the fundamental right to make personal health care decisions, including whether to receive the COVID-19 vaccine; and

WHEREAS, every citizen who wants a vaccine has the right to obtain one, but under current circumstances no vaccine should be mandated or required by law, nor should a vaccine be required for normal activity; and

WHEREAS, private health information on vaccine status should not be required by any government mandate or by any business operating places of public accommodation; and

WHEREAS, the scientific data unequivocally indicates it is time to allow people and businesses to use their full discretion when and if to wear masks and whether to require vaccine passports; and

WHEREAS, the Board of Commissioners ("the Board") is opposed to any ongoing Mask Order and expresses its support for the rights of individuals and families living in a community to direct their own health futures including whether or not to disclose their vaccination status; now, therefore

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, that the Board is opposed to any ongoing mask mandate, requiring proof of vaccination, and any other related restrictions that potentially disenfranchise local citizens of the right to make their own health care choices for themselves and move freely within society; and

BE IT FURTHER RESOLVED, that the Board shall not require masks or mandate proof of vaccination for the use of any Douglas County facility; and

BE IT FURTHER RESOLVED, that the Board does not wish to mislead any person or business with regard to how the state may wish to enforce or not enforce its Mask Order and that repercussions from the state could ensue; the Board can only assure such individuals and businesses that no retribution shall come from the County; and

BE IT FINALLY RESOLVED, that Douglas County residents are free to choose how to protect their lives and livelihoods regarding mask wearing, mask requirements, and vaccination passports, and such requirements shall not be mandatory in any Board controlled indoor space in Douglas County; nor shall any citizen or businesses be subject to fines or penalties by local government for failure to wear or require a mask or present a vaccination passport in any indoor space in Douglas County.

PASSED AND ADOPTED this 11th day of May, 2021, in Castle Rock, Douglas County, Colorado.

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

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Geo. P. Teal
BY: _____
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GEORGE TEAL, Chair

DocuSigned by:
Kristin Randlett
ATTEST: _____
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KRISTIN RANLETT, Clerk to the Board

