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## INTEROFFICE MEMORANDUM

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**TO:** CITY COUNCIL  
**FROM:** ROGER TINKLENBERG, CITY MANAGER  
**SUBJECT:** COUNCIL MEETING COMPLIANCE WITH HEALTH ORDER  
**DATE:** 2021-12-13

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The most recent health order requires face coverings for all individuals two years of age and older in all public indoor spaces. Council directed staff to explore options for returning to in-person Council meetings with the public allowed to attend the meetings.

### **Options for Compliance with Health Order**

#### **1. Meet Outdoors**

The mask order applies to public indoor spaces. As a result, there can be public meetings outdoors where the wearing of masks is not required as long as people remain socially distanced. However, this will not work for City Council meetings because we do not have the broadcast and recording technology necessary to conduct such a meeting outdoors.

#### **2. Distanced Seating**

For the last two meetings we have used this method of keeping Council members, the public, and staff safe. By having the Council members seated 12 feet apart Council members could remove their masks to speak. However, this allowed very limited public seating within the Chambers.

#### **3. Wearing Masks at all Times**

The following is a quote from the mask order. “Individuals 2 years of age or older, regardless of vaccination status, must wear a Face Covering while entering or within any Public Indoor Space, unless exempt pursuant to Section 3 of this Order...”

- (a. Individuals under age 2 or
- b. Individuals who cannot medically tolerate a face covering)  
“or actively engaged in an activity described in Section 4 of this Order.”
- (f. Individuals who are giving a speech for broadcast or an audience, so long as they remain at least twelve (12) feet away from non-household members;)

#### **4. Become a Fully-Vaccinated Facility**

A Fully Vaccinated Facility or Event must:

- Have a written policy and process requiring proof of vaccination for all individuals entering the indoor public space (visitors, employees, staff, etc.).
- Policy must result in the facility or event verifying that at least 95% of all individuals within their indoor space are fully vaccinated at all times.
- Post a sign at all entrances to the facility or space indicating that they are a Fully Vaccinated Facility or event and that proof of vaccination is required to enter.
- Continue to implement its policy and verify proof of vaccination for all individuals entering its approved indoor space(s) for the duration of their participation in the program.  
Eligible Businesses, Facilities, & Events
- Any business, event, or organization operating in an indoor space may operate as a Fully Vaccinated Facility if they implement all of the requirements of the program as outlined above and submit a self-attestation to that affect.
- A Fully Vaccinated Facility can be:
  - o An entire building operating as a Fully Vaccinated Facility 24/7
  - o An entire building operating as a Fully Vaccinated Facility at specific times
  - o A room within a building operating Fully Vaccinated Facility 24/7 or at specific times
  - o A single event within a facility

#### **Recommendation**

Council has the choice of options 2, 3, and 4 above. Options 3 and 4 would enable the Council to return to sitting at the dais.

It appears that the most realistic way to comply with the health order and open the Council meetings to the public is to require everyone to wear masks at all times. Reportedly, this is how the Adams County Commissioners are operating their public meetings.

Unfortunately, that means everyone would need to wear their mask while speaking.

The only other way to comply with the health order is to become a fully-vaccinated facility.