

<p>DISTRICT COURT, CITY & COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80203</p>	<p>DATE FILED May 21, 2020</p>
<p>DANIEL RITCHIE, an individual, COLORADO CONCERN, a Colorado non-profit corporation, Plaintiffs, v. JARED POLIS, in his capacity as Governor of Colorado, and JENA GRISWOLD, in her capacity as Colorado Secretary of State, Defendants.</p>	<p>◆ COURT USE ONLY ◆</p>
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<p style="text-align: center;">POLIS EXHIBIT A</p> <p style="text-align: center;">accompanying</p> <p style="text-align: center;">GOVERNOR POLIS' RESPONSE TO FORTHWITH MOTION FOR TEMPORARY RESTRAINING ORDER</p>	

Polis Exhibit A

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D 2020 003

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the presence of coronavirus disease 2019 (COVID-19) in Colorado, and authorizing response activities associated with the disaster emergency to enable State agencies to coordinate response, recovery, and mitigation efforts.

Further, pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I hereby authorize employing the Colorado National Guard to support and provide planning resources to State and local authorities as they respond to the presence of COVID-19 in the State.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Act defines a disaster as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . epidemic.” C.R.S. § 24-33.5-703(3). The threat currently posed by COVID-19, a respiratory illness that can spread from person to person, constitutes a disaster for purposes of the Act.

Like many other states and countries around the world, Colorado identified numerous presumptive positive cases of COVID-19. The virus that causes COVID-19 is a novel coronavirus that was first identified during an investigation into an outbreak in Wuhan, China in December 2019. Transmission of the disease likely occurs in ways similar to other respiratory illnesses. To become sick, an individual must be exposed to the virus, either through prolonged, close (within six (6) feet) exposure to someone with COVID-19, transmission of respiratory droplets by an infected person coughing or sneezing, or touching a surface or object that has the virus on it and then touching your mouth, nose, or eyes. Symptoms include fever, coughing, and difficulty breathing.

In response to the growing global threat posed by COVID-19, the Colorado Department of Public Health and Environment (CDPHE) activated its Emergency Operations Center (Center) on February 26, 2020. CDPHE is coordinating its response to this emerging epidemic through the Center and collaborating with local public health agencies across the State to conduct disease surveillance and control activities. The Center is open seven (7) days per week, and State epidemiologists are on call twenty-four (24) hours per day. This work is further informed by guidance and assistance from the Centers for Disease Control and Prevention (CDC). CDPHE received approval from the CDC and began laboratory testing for COVID-19 on February 28, 2020. CDPHE currently has the capacity to run over 200 tests per day. On March 5, 2020, CDPHE's public health laboratory confirmed the first presumptive positive test result from Colorado.

On March 3, 2020, I verbally ordered the Office of Emergency Management to implement the State Emergency Operations Plan and to take all necessary and appropriate State actions to assist the affected jurisdictions with their response, recovery, and mitigation efforts (Incident CO-COEM-I070). At approximately 9:00 AM on March 10, 2020, I verbally declared a disaster emergency due to the presence of COVID-19 in Colorado. I also verbally authorized employing the Colorado National Guard to support and provide planning resources to State and local authorities as they respond to the presence of COVID-19 in the State.

As of March 11, 2020, CDPHE identified thirty-three (33) presumptive positive COVID-19 cases and one (1) indeterminate test result. Out of an abundance of caution, CDPHE treats an indeterminate test as a positive case until the State receives conclusive test results from the CDC. The State lab has run tests on hundreds of people in Colorado since testing started on February 28, 2020. In the coming days, the State anticipates there will be additional presumptive positive cases. Based on the course of the disease so far in the State, CDPHE has reason to suspect we are seeing limited community spread in Colorado.

Current guidance from CDPHE and CDC indicates that older adults and people who have serious chronic medical conditions such as heart disease, diabetes, and lung disease are most at risk of getting very sick from COVID-19.

The presence of COVID-19 in Colorado presents unique challenges and strains the resources of our emergency and medical facilities and personnel. The measures I am ordering through this Executive Order are designed to meet these challenges by limiting the spread and mitigating the harm caused by COVID-19, protecting our most vulnerable populations, and maximizing our chances of avoiding widespread disruptions to our economy and to the daily lives of Colorodans. I have consulted with public health officials and studied the responses of other nations. The State's approach is based on models that have proven effective, and we will modify it if necessary to respond to new information or changed circumstances.

II. Declarations and Directives

- A. The presence of COVID-19 in Colorado constitutes a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of March 10, 2020, declaring a disaster emergency, pursuant to C.R.S. § 24-33.5-704(4), is hereby memorialized by this Executive Order and shall have the full force and effect of law as if it were contained within this Executive Order.
- B. Pursuant to C.R.S. § 28-3-104, my verbal orders of March 10, 2020, activating the National Guard, and authorizing the use of National Guard assets to support and provide planning, logistics, personnel and facilities to State and local authorities as they respond to the presence of COVID-19 in the State are hereby memorialized by this Executive Order and shall have the full force and effect of law as if they were contained within this Executive Order.
- C. Pursuant to C.R.S. § 24-33.5-706(4), I order that four million dollars (\$4,000,000) from the Disaster Emergency Fund be encumbered for response activities related to the COVID-19 response efforts. This amount is an estimate of the immediate funding needed for COVID-19 response efforts and may be adjusted in subsequent Executive Orders if necessary. These funds shall remain available for this purpose until twelve (12) months from the date of this Executive Order and any unexpended funds shall remain in the Disaster Emergency Fund.
- D. Pursuant to C.R.S. § 24-33.5-704.5, the Governor's Expert Emergency Epidemic Response Committee (Committee) has convened to consider evidence presented by CDPHE's State Epidemiologist that there is an occurrence or imminent threat of an emergency epidemic based on the COVID-19 cases present in Colorado. The Committee will continue to convene regularly to advise me regarding reasonable and appropriate measures to reduce or prevent spread of COVID-19 and to protect public health.
- E. Pursuant to C.R.S. § 24-33.5-704(5), I hereby activate the disaster response and recovery aspects of applicable State, local, and interjurisdictional disaster emergency plans. Furthermore, I authorize the employment and use of any forces to which such plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available under the Act or other applicable law.
- F. I direct CDPHE to issue all public health orders necessary to protect individuals who reside or are cared for in a Colorado licensed or certified skilled nursing facility, intermediate care facility, assisted living facility, or similar entity.
- G. I direct the Colorado Department of Labor and Employment (CDLE) to engage in emergency rulemaking to ensure workers in the following industries get paid sick

leave if they exhibit flu-like symptoms and have to miss work while they await testing results for COVID-19: leisure and hospitality, food services, child care, education at all levels (including but not limited to cafeterias and transportation to, from, and on campuses), home health care (working with elderly, disabled, ill, or otherwise high-risk individuals), operating a nursing home, or operating a community living facility. I make this order not only to prevent the spread of the virus, but also to assure both Coloradans and visitors to our State that we are minimizing risks. For those workers who test positive and lack access to paid leave, I have asked CDLE to identify additional supports and wage replacement such as access to emergency unemployment assistance.

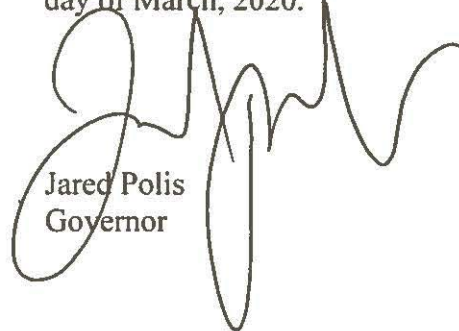
- H. I direct the Department of Revenue (DOR) to temporarily allow Coloradans over the age of 65, a vulnerable population, to renew their driver's licenses online to avoid having to congregate at a Department of Motor Vehicles office.
- I. I direct the Department of Personnel and Administration (DPA) to promulgate emergency rules relating to leave policies to ensure that state workers who are subject to mandatory or voluntary quarantine or isolation and who cannot work from home have access to paid leave. I also hereby suspend those provisions of C.R.S. § 24-50-603(7) that exclude temporary employees from the definition of "employee" for the purposes of leave benefits eligibility, and direct the State Personnel Director to determine what, if any, state leave benefits may be provided to temporary employees.
- J. I hereby suspend the requirement that state employees who are absent from work due to COVID-19-like symptoms for three or more consecutive days provide a medical certificate form from a health care provider, set forth at C.R.S. § 24-50-104(7)(a). I also direct the State Personnel Director to create and promulgate an Employee Self-Certification Form that shall be used by employees in lieu of a medical certificate form from a health care provider. The suspension of the medical certificate requirement as set forth in this Executive Order does not suspend any documentation requirements that pertain to serious health conditions or injuries, as defined in the State Personnel Administrative Procedures, Rule 1-69, that may qualify for job-protection under the Family Medical Leave Act.

III. Duration

This Executive Order shall expire thirty (30) days from March 11, 2020, unless extended further by Executive Order, except that the funds described in Section II(C) above shall remain available for the described purposes for twelve (12) months from the date of this Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this eleventh
day of March, 2020.



Jared Polis
Governor



D 2020 004

EXECUTIVE ORDER

Ordering Closure of Downhill Ski Resorts Due to the Presence of COVID-19 in the State of Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order requiring the closure of downhill ski resorts due to the presence of coronavirus disease 2019 (COVID-19) in mountain communities with limited care capacity.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result from Colorado. Since then, CDPHE confirmed more than one hundred (100) additional presumptive positive cases and concluded that we are now seeing community spread of the disease. I declared a disaster emergency on March 11, 2020, and issued Executive Order D 2020 003.

COVID-19 is a highly contagious viral disease that has spread throughout many of our communities. Public health officials have concluded that disease control measures aimed at specific individuals or groups are no longer sufficient to contain the further spread of the virus.

Summit, Eagle, Pitkin, and Gunnison Counties, where many of Colorado's premier ski resorts are located, have been particularly hard-hit by the emerging COVID-19 outbreak in the State. As of March 14, 2020, Summit County has two (2) cases, Eagle twenty (20) cases, Pitkin eleven (11) cases, and Gunnison six (6) cases. Medical centers in these areas have limited ability to meet the needs of individuals with COVID-19. Further strain on their resources creates a risk that medical personnel in the area will be unable to provide needed care to residents and visitors to our mountain communities.

On March 14, 2020, Vail Resorts announced that it would suspend operations in its North American resort and retail business for one week from March 15-22, 2020. Alterra Resorts, which operates Winter Park and Steamboat Springs ski areas, immediately followed suit. I applaud their leadership and willingness to prioritize public health and safety during these difficult times.

The challenges posed by COVID-19 are unique and place significant burdens on hospitals and medical personnel. We are aware of the great cost that mountain communities face

if our downhill ski resorts close, even temporarily. These costs will be borne by local residents and businesses, and by the individuals and families who come to Colorado to enjoy our beautiful mountains and world-renowned skiing. But in the face of this pandemic emergency we cannot hesitate to protect public health and safety.

By this Executive Order, I direct downhill ski resorts to suspend operations for one week to slow the spread of COVID-19 and conserve medical resources in our mountain communities. We will continue to monitor the course of the COVID-19 outbreak in the State and may amend this Executive Order accordingly.

II. Directives

- A. I direct all downhill ski resorts in the State of Colorado to suspend operations from March 15-22, 2020.
- B. I further direct CDPHE and all local public health agencies in the relevant counties to inform the public of this Executive Order through messages broadcast by electronic and print media, communication with affected private and public organizations, and any other means that will inform the public.

III. Duration

This Executive Order shall expire thirty (30) days from March 14, 2020, unless extended further by Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this fourteenth
day of March, 2020.

A handwritten signature in black ink, reading "Jared Polis".

Jared Polis
Governor



D 2020 009

EXECUTIVE ORDER

Ordering the Temporary Cessation of All Elective and Non-Essential Surgeries and Procedures and Preserving Personal Protective Equipment and Ventilators in Colorado Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring that, due to the presence of coronavirus disease 2019 (COVID-19) in Colorado, all hospitals, outpatient surgeries and procedure providers are directed to cease all elective and non-essential surgeries and procedures and to preserve personal protective equipment and ventilators and respirators from March 23, 2020 to April 14, 2020, with the exception of rural and critical access hospitals. Rural and critical access hospitals are strongly advised to follow this guidance but are not mandated to do so under this order.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result from Colorado. Since then, CDPHE confirmed more than two hundred and sixteen (216) presumptive positive cases and two (2) deaths, and concluded that the State is now experiencing community spread of the virus. I declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

As the number of cases of COVID-19 continues to rise nationally, internationally, and statewide, it is clear that Colorado is facing a historic public health challenge. The State is making every effort to ensure that all Coloradans are safe and receive the best possible care over the next weeks and months, which requires prioritizing essential health care services while this pandemic emergency remains in effect. Our health care personnel have limited access to necessary equipment and supplies, particularly personal protective equipment (PPE), and our hospitals must reserve beds, respirators and ventilators to manage and assist patients that become critically ill.

The American College of Surgeons, the Colorado Emergency Operations Center, the Colorado Hospital Association as well as medical professionals and epidemiological

