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**FW: Mask Wearing****Shak Powers** <spowers@co.montezuma.co.us>

Wed, Jul 22, 2020 at 11:53 AM

To: "rayzel@ksjd.org" &lt;rayzel@ksjd.org&gt;

Cc: John Baxter &lt;JBaxter@co.montezuma.co.us&gt;, Kim Percell &lt;KPercell@co.montezuma.co.us&gt;

Daniel,

Here are all the responses and attachments.

Please let me know if you have further questions or comments.

Thank you,

Shak Powers  
County Administrator  
Montezuma County  
109 West Main Street  
Room # 260  
Cortez, CO 81321  
O: (970) 565-8317 C: (970) 739-6718 F: (970) 565-3420

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**From:** Will Furse <wfurse@co.montezuma.co.us>**Sent:** Monday, July 20, 2020 12:22 PM**To:** Shak Powers <spowers@co.montezuma.co.us>**Cc:** John Baxter <JBaxter@co.montezuma.co.us>**Subject:** Re: Mask Wearing

My concern is what the county's "official" position may be regarding government buildings. The county's leadership seems divided on the issue of compliance — with only a third of the BOCC speaking loudly on the topic via social media.

I readily admit that the governor's order is unenforceable and is purposed behind gaining voluntary compliance.

However, my office policies are at odds with your email on the topic and I'm asking the County to simply be silent on this issue rather than expressly telling employees that they can ignore the mask mandate. What good does that truly accomplish?

In our building, we have a number of high risk folks frequenting and working at the DHS and DA offices. It is patently unfair and unsafe to those folks to enter a public government building wherein its occupants are expressly permitted to flout the Constitutional and lawful orders of the governor.

I'm asking you, Shak, and the BOCC to steer clear of this political and social thicket and instead say nothing about mask use and rescind the email sent previously. Without this, I am unable to house my staff in this building and will be seeking rent elsewhere. Per CRS, the BOCC will then be responsible for the payment of this new office space as it is required to accommodate the reasonable and necessary expenses of the DA. While you may be able to use COVID funds to pay for this space, I find it to be an unnecessary point of contention between the DA and County — especially when we all acknowledge that the Governor's orders are inherently unenforceable.

Thanks.

-Will

On Jul 20, 2020, at 11:27 AM, Shak Powers <spowers@co.montezuma.co.us> wrote:

Will,

I sent the email without consulting the BOCC and after seeing the posts on Facebook and receiving several requests for guidance from department heads (both for and against).

I will not ask the County employees to wear a mask when the leadership refuses to do so.

This whole thing stopped being about a virus and was made political at the moment the attached video occurred. When the Governor decided that public health orders do not have to apply to those of a certain political persuasion, those same orders ceased to mean anything at all.

That is not to say that masks do not reduce the spreading of bacteria and viruses. Surgeons wear them to keep from contaminating their surgical field. I get that. When certain groups were given

leeway by the Governor to ignore public health orders, the orders ceased to mean anything at all.

Thank you,

Shak Powers  
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**From:** Will Furse <[wfurse@co.montezuma.co.us](mailto:wfurse@co.montezuma.co.us)>  
**Sent:** Monday, July 20, 2020 10:09 AM  
**To:** Shak Powers <[spowers@co.montezuma.co.us](mailto:spowers@co.montezuma.co.us)>  
**Cc:** John Baxter <[JBaxter@co.montezuma.co.us](mailto:JBaxter@co.montezuma.co.us)>  
**Subject:** Re: Mask Wearing

To shed some light on my request, I'm trying to narrow the focus of my presentation tomorrow with regards to this policy and the county buildings we all share. Any info regarding this decision is appreciated. I'm not trying to create controversy where there isn't any...just trying to acquire accurate background info.

Thanks again.

-Will

On Jul 20, 2020, at 10:04 AM, Will Furse - District Attorney <[wfurse@co.montezuma.co.us](mailto:wfurse@co.montezuma.co.us)> wrote:

Shak—

May I ask who authorized this email or made the decision to tell all Department Heads that violation of the Governor's order will not result in internal disciplinary action?

If there is correspondence between yourself and members of the BOCC regarding this decision, I'd appreciate seeing it. I'd rather not invoke an open records request on this topic if possible.

Thanks.

-Will

On Jul 17, 2020, at 1:02 PM, Shak Powers <[spowers@co.montezuma.co.us](mailto:spowers@co.montezuma.co.us)> wrote:

Department Heads:

As most of you already know, Governor Polis issued a mandatory mask wearing executive order, when inside and in public. The order went into effect at 12:01 a.m.

There will be no internal disciplinary actions taken against County employees (that work under the prevue of the BOCC) who choose not to wear a facial covering. There will also be zero tolerance of harassment towards employees or customers who choose to wear or not wear their facial coverings.


This email is not legal advice. If an employee wishes to seek legal advice regarding when to wear or not wear facial coverings, they should consult their attorney.

Thank you,

Shak Powers  
County Administrator  
Montezuma County  
109 West Main Street  
Room # 260  
Cortez, CO 81321

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