



**COLORADO**  
Department of Public  
Health & Environment

May 20, 2020

Terry L. Hofmeister, Chairman  
Donald J. Lock, Commissioner  
Harlan E. Stern, Commissioner  
Phillips County Commissioners  
221 S. Interocean Avenue  
Holyoke, CO 80734

RE: Phillips County Variance Request from portions of **Executive Order D 20 044** and **Public Health Order 20-28**

Dear Commissioners:

Thank you for your application to the Colorado Department of Public Health and Environment (CDPHE) requesting a variance to portions of **Executive Order D 20 044 Safer at Home** and **Public Health Order 20-28 Safer at Home**. I have had an opportunity to review your request and consider the information provided, and determine that the variance request for Phases 1 and 2 for the specific functions identified below<sup>1</sup> is approved, with some amendments as detailed in this letter.

You asked for a variance related to specific functions, including Planned Public Gatherings (CDPHE Order, Sec. I.C) Restaurants (CDPHE Order, Sec. II.A.), Places of Worship (CDPHE Order, Sec. II.B. and Appendix F.5), Bars, and Gyms (CDPHE Order, Sec. II.A.4.). Your COVID-19 Suppression Plan addresses particular requirements that you propose as an alternative to the Safer at Home model for each of these areas. The data and information included in your request demonstrates that Phillips has only had one COVID-19 case, and has a disease prevention and response system that includes ongoing testing, public health nurses to perform contact tracing as needed, and sector-specific guidance and ongoing public education. Additionally, the critical access hospitals in Phillips County currently have the resources to treat a small number of cases, and also have transfer agreements in place if patient transfer becomes necessary.

---

<sup>1</sup> The documents included with the Phillips variance request included information pertaining to areas for which the county did not identify in its variance application that it sought a variance. This approval addresses only the five (5) areas identified in the application for variance, namely planned public gatherings, places of worship, restaurants, bars and gyms. Note that the variance process is not applicable to voluntary and elective surgeries and procedures; those items are addressed in **Executive Order D 2020 045** and **Public Health Order 20-29**, neither of which authorizes a variance process.

Phillips County Variance  
May 20, 2020

Your application states that the Northeast County Health Department (NCHD) will monitor the spread of disease through syndromic surveillance, testing, and hospitalizations. We reached out to NCHD Director Trish McClain to understand further what specific thresholds were proposed to enhance restrictions if conditions worsen, and she indicated that appropriate thresholds for triggering more restrictions would be more than 10 new cases per week.

Public Health Order 20-28 authorizes public gatherings of no more than ten (10) individuals, and you have proposed to increase the size to no more than (50) individuals and you recommend face masks. We view the risk of disease transmission to be lower in an outdoor environment when the activity is low contact and where ongoing, sustained contact by individuals outside of one's household can be avoided and social distancing can be maintained at all times. This outdoor environment, while not risk-free, coupled with the protections that you describe in your plan and the few additional requirements here, provide a reasonable basis for the approval of this portion of the variance application. Indoor, enclosed environments that are authorized for capacity above 10 people are either identified in the Safer at Home executive order and public health order, or are specifically authorized below as part of this variance approval. Any gatherings in indoor spaces shall follow the specific requirements set forth in the Safer at Home orders, or if approved through this variance process, shall follow these variance approval requirements. Any planned outdoor public gathering of more than (10) individuals needs to be submitted to the Northeast County Health Department for review and approval. The plans must include a minimum of 6 feet distancing between participants and require face coverings. This limitation of (50) also applies to the gatherings you identified in your application, such as the barrel racing clinic and the outdoor dirt track car race events planned for later this month. No statewide decisions have yet been made regarding county fairs, so you may wish to resubmit a request at a later date for that specific activity.

For all employment settings, the following requirements apply:

- Employees and contracted workers shall be monitored daily for symptoms, and symptomatic employees shall be excluded from the workplace and isolated until they are fever free for 72 hours, other symptoms have improved, and at least 10 days have passed since they became symptomatic.

Regarding the COVID-19 Suppression Plan for reopening **restaurants and bars**, here are the requirements to implement for any such reopening:

- Limit the number of customers to 50% of seating capacity indoors, with a total of no more than 50 customers indoors, whichever is less.
- Require signage on doors telling guests that are experiencing COVID-like symptoms not to enter
- Customers must wear face coverings when entering the restaurant until seated at their tables
- Customers must be asked prior to entering a restaurant whether they have any symptoms of COVID-19, and any customers reporting symptoms must be excluded
- Try to make accommodations for high-risk individuals (e.g. early opening, Senior

hour)

- Group parties should be limited to six, ideally to members of the same household
- Place markings on the floor to maintain at least six feet distance in customer lines
- In-room dining shall follow strict physical distancing (6 feet)
- Customers should make reservations online or by phone.
- Every effort should be made to notify customers via text or phone call when their table is ready so there is no waiting in a lobby or outside in line.
- Self-serving stations shall remain closed (e.g. drinking stations, bulk dry, etc.)
- No public sharing of utensils or condiments
- Buffets shall have an employee serving the food, no self-service allowed
- Employees and contracted workers must wear face coverings at all times.
- Implement and maintain barriers for high contact settings (e.g. cashiers) when possible
- Stagger shifts if feasible to decrease employees at the restaurant where possible
- Limit reusable items (e.g. menus, condiments)
- If possible, provide hand sanitizer at tables or in highly used locations
- Frequent cleaning and disinfecting of all surfaces and increased frequency of high touch items/areas

**Places of worship** must meet all of the following requirements:

- Limit the number of participants to 50% of seating capacity AND spread people out so there is at least six feet distance between individuals or families throughout.
- Require signage at doors telling guests that are experiencing COVID-like symptoms not to enter. Participants should be encouraged to wear a face covering both when entering and while present in the house of worship
- Participants must be asked whether they have COVID-19 symptoms at the door and excluded from the place of worship if symptomatic.
- Consider accommodations for high-risk individuals (e.g. online viewing).
- Place markings on floors to maintain at least six feet distance where lines form.
- Implement touchless offering and communion options as much as possible.
- Workforce (staff & volunteers) must wear face coverings at all times while working.
- Perform frequent cleaning and disinfection of bathrooms and high-touch surfaces.

**Gyms** must meet all of the following requirements:

- Limit the number of clients to 30% of capacity, with a total of no more than 50 customers, whichever is less.
- Customers must be asked whether they have COVID-19 symptoms at the door and excluded from the fitness center if symptomatic.
- Post signs at entrances encouraging the public to wear face coverings in order to enter the business and while in the facility, unless a face covering inhibits the participant's ability to participate in the fitness activity
- Consider accommodations for high-risk individuals (e.g. early opening, Senior hour)
- Spread people out so there is at least six feet distance between individuals throughout

Phillips County Variance  
May 20, 2020

- Use of equipment in the fitness center must be limited to no closer than every other machine so that participants are not exercising right next to each other.
- Smaller exercise rooms with poor ventilation should be discouraged from use
- Perform frequent environmental cleaning and disinfection of bathrooms and high-touch surfaces and between customer uses.
- Require employees to disinfect equipment after every use.
- Employees and contracted workers must wear face coverings covering the nose and mouth at all times while working.
- Group classes are not allowed.
- Sport courts shall remain closed.
- Locker rooms shall remain closed.
- Saunas, pools (indoor and outdoor) and shared spaces shall remain closed.
- Food/drink bars shall remain closed.

For **movie theaters**, the following requirements must be met:

- Employees must wear face coverings or masks covering the nose and mouth at all times while working.
- Customers should be encouraged to wear face coverings into and inside the movie theater.
- Customers must be asked whether they have COVID-19 symptoms at the door and excluded from the facility if symptomatic.
- The facility must track the number of individuals in a theater to create appropriate distancing as follows:
  - Capacity shall be limited by the number of seats per theater
  - Customers must be separated by a minimum of at least three seats to the side, and must alternate every other row
  - Individuals residing in the same household will be considered one customer
  - Six feet distance must be maintained between customers
- The theater must be cleaned and disinfected between movie showings.
- Mark concession lines for a minimum of six feet distancing
- Offer touchless payment options wherever possible.

Regarding **child care**, the Safer at Home order authorizes child care settings to be open. Guidance for those settings can be found [here](#). The Suppression Plan also includes that schools may be reopened; however, the variance application did not list schools as a requested variance. CDPHE does not approve the reopening of **schools** at this time.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the County's threshold of 10 more cases in a week occurs, then this variance is automatically rescinded. Additionally, CDPHE reserves the right to modify or rescind this variance approval as circumstances warrant. This approval is in effect until the final expiration of PHO 20-28, which currently is set to expire on May 26, 2020 but may be extended.

Phillips County Variance  
May 20, 2020

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Phillips County residents are safe and healthy as we deal with this global pandemic. Phillips County is a valued partner, and we are available to answer any questions and work with you on these matters. Please give me a call if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH  
Executive Director