



Sent via email to bocc@rbc.us

May 8, 2020

Jeff Rector, Chair
Si Woodruff, Commissioner
Gary Moyer, Commissioner
Rio Blanco County Board of County Commissioners
Rio Blanco County Historic Courthouse
55 Main Street
P.O. Box 599
Meeker, CO 81641

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

Dear Commissioners:

Thank you for your April 29, 2020 letter 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 request is approved, with some amendments, as explained further below¹.

You asked for a variance related to four 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), 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 Rio Blanco 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 Rio Blanco County currently have the resources to treat a small number of cases, and also have transfer agreements in place if patient transfer becomes necessary.

¹ The documents included with the Rio Blanco 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 four (4) areas identified in the application for variance, namely planned public gatherings, places of worship, restaurants, 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.

Regarding surveillance, the Suppression Plan should be enhanced as follows:

- Given that Rio Blanco county has a small population and low case counts, an alternative to percent positivity should be used. Rio Blanco should develop criteria for case thresholds that would exceed public health capacity. For example, how many cases and contacts can county staff successfully manage weekly or daily? Would an outbreak in a LTCF or workplace exceed public health capacity? Those triggers should be incorporated into the county's decision making concerning when Rio Blanco would tighten its restrictions.
- Ensure inclusion of public health staff in the review team described in the Suppression Plan. It is unclear in the Suppression Plan whether public health staff from Rio Blanco are included in the review team described.
- Set county standards for an adequate volume of testing to ensure detection of COVID-19. The Suppression Plan indicates that there is widespread access to testing, but it is unclear how much testing is currently occurring. For example, is there a testing program in LTCFs or among patients admitted to the hospital who are asymptomatic that may support community surveillance?
- The Suppression Plan needs to define the Vulnerable Populations in Rio Blanco county and describe how the needs of those populations will be met.
- Identify larger employers and other organizations where outbreaks may be more likely to occur and work with them to create plans for managing any such outbreaks.

Public Health Order 20-28 authorizes public gatherings of no more than ten (10) individuals, which is what the Rio Blanco variance request also seeks. As these limits are the same, no variance is needed. The Rio Blanco COVID-19 Suppression Plan indicates a desire to reevaluate larger gatherings in June 2020; no such variance is currently granted, and any larger gathering beyond the authority granted in PHO 20-28 would require a future variance request.

Regarding the COVID-19 Suppression Plan for reopening restaurants, reopening at a thirty percent (30%) of fire code capacity is a reasonable proposal, but several modifications are needed to the list of additional requirements, as follows:

- Restaurant employees must be screened for symptoms each day before beginning work, and those who are symptomatic must be excluded from the workplace and required to isolate for 7-10 days, per CDC guidance. Information on symptom screening can be found [here](#).
- Restaurant employees must wear face coverings, covering the nose and mouth, at all times while working.
- 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.
- Customers must wear face coverings when entering the restaurant until seated at their tables.
- Restaurants cannot allow customers to wait in a lobby area for a table, rather customers should make reservations online or by phone, and every effort should be made to notify

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customers via text or phone call when their table is ready so no waiting in a lobby is necessary.

As noted in your suppression plan, this approval is only for restaurants, bars are not authorized to open.

Places of worship may allow participants up to thirty percent (30%) of building code occupancy, but require the following additional modifications:

- Participants must be asked whether they have COVID-19 symptoms at the door and excluded from the place of worship if symptomatic.
- Participants should be encouraged to wear a face covering both when entering and while present in the house of worship, except when specific participation in the service requires removal, such as to receive communion.
- Employees must be screened for symptoms each day before beginning work, and those who are symptomatic must be excluded from the place of worship and required to remain in isolation for 7-10 days, per CDC guidance.

Finally, for gyms may operate at thirty percent (30%) of fire code capacity, and in addition to the elements in the Suppression Plan, the following modifications must also be implemented:

- Employees must be screened for symptoms each day before beginning work, and those who are symptomatic must be excluded from the place of worship and required to remain in isolation for 7-10 days, per CDC guidance.
- Customers must be asked whether they have COVID-19 symptoms at the door and excluded from the fitness center if symptomatic.
- Customers should be encouraged to wear a face covering both when entering the facility and while in the facility, unless a face covering inhibits the participants ability to participate in the fitness activity.
- Given the many unknowns regarding how the SARS CoV-2 virus responsible for COVID-19 is spread, use of equipment in the gym must be limited to no closer than every other machine so that participants are not exercising right next to each other and smaller exercise rooms with poor ventilation should be discouraged from use.
- Employees must clean and disinfect shared equipment between customer uses.

This variance approval is granted based on the facts and circumstances today as you have described them in your request; however, should circumstances change such that, for example, surges in COVID-19 transmission occurs, cases exceed the capacity for Rio Blanco County to fully implement all effective disease control strategies as described in your request, or if resources or COVID-19 prevalence statewide in our opinion requires a different approach, CDPHE reserves the right to modify or rescind this variance approval. 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.

I appreciate your thoughtful approach to these challenging issues, and wish you all the best in your continuing efforts to ensure that Rio Blanco County residents are safe and healthy as we

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deal with this global pandemic. Rio Blanco 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