



May 29, 2020

Chris Richardson, Commissioner District I
Rick Pettitt, Commissioner District II
Grant Thayer, Commissioner District III
Elbert County Board of Commissioners
215 Comanche Street
Kiowa, CO 80117

Dwayne Smith, Director
Elbert County Department of Health and Human Services

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

Dear Commissioners and Director Smith:

Thank you very much for the additional information that you provide to support your original variance application to the Colorado Department of Public Health and Environment (CDPHE). Your application seeks a variance for gatherings, gyms and fitness centers, and restaurants. I have had an opportunity to review your request for these three variances and am approving it with a few modifications as described below; in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order remain in effect for Elbert County.

As stated in Appendix G to PHO 20-28, when reviewing a variance request, we evaluate the current prevalence of COVID-19 in the jurisdiction, including whether cases are increasing, stable, or decreasing. In reviewing Elbert County's current status with respect to the COVID-19 pandemic, we note that the county has had 51 cases to date, with 10 in the last 2 weeks for a two week incidence of 38 per 100,000. Your application describes testing capabilities and also available health care resources in nearby Parker Adventist.

Your variance requests for restaurants, fitness centers and gyms, and gatherings are generally approved, with some additional conditions as follows:

- In order to achieve 6 feet distancing the limit is 50% of the posted occupancy code limit ensuring a minimum 28 square feet per person not to exceed more than 100 people gathered in a confined indoor space at any given time.
- Employers in these settings must monitor employees for one of the following symptoms:
 - Cough
 - Shortness of breath/difficulty breathing

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- Or two or more of the following symptoms:
 - Fever
 - Chills
 - Repeated shaking with Chills
 - Muscle Pain
 - Headache
 - Sore throat
 - New loss of taste or smell
- Symptomatic employees MUST be excluded from the workplace
- Group gatherings of up to fifty individuals as contemplated in the eastern portions of Elbert County where no COVID-19 cases have been found must maintain 6 foot distancing between participants.

This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the county were to exceed 100 cases per 100,000 population in a two week period (27 cases in two weeks), the 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 may be extended in some capacity beyond the current expiration date next week.

I appreciate your thoughtful approach to these challenging issues and wish you all the best in your continuing efforts to ensure that Elbert County residents are safe and healthy as we deal with this global pandemic. Elbert 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,



Jill Hunsaker Ryan, MPH
Executive Director