



COLORADO
Department of Public
Health & Environment

June 7, 2020

Marc Dettenrieder, Chairman
Bob Campbell, Vice Chairman
Norm Steen, Commissioner
Teller County Board of County Commissioners
P.O. Box 959
Cripple Creek, CO 80813

RE: Teller County Variance Request from portions of **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 **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 below.

You asked for a variance related to the following specific functions, Public Gatherings, Restaurants, Bars, Gyms, Movie Theaters, and Places of Worship, and Casinos. Additionally, you requested that workplace temperature monitoring for employees be optional rather than mandatory. 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 Teller County has had 33 COVID-19 cases to date including 1 case in the last two weeks for a two week cumulative incidence of 4 per 100,000 (low level), and has a disease prevention and response system that includes ongoing testing, disease investigation and contact tracing as needed, and ongoing public education. Additionally, while no hospital facility in Teller County has ICU beds, patients are routinely transferred to Colorado Springs hospitals for necessary care.

Public Health Order 20-28 authorizes public gatherings of no more than ten (10) individuals, and you have proposed to have any planned large public gathering submitted to the Teller County Board of Health for review and approval. The plans must include a minimum of 6 feet distancing between participants as described further below and require face coverings. Note that this does not authorize gatherings with higher risk of exposure such as festivals, fairs, and concerts, as the state will issue more guidance on when and how those types of events may open in the future.

For all settings, the following requirements apply:

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- In order to achieve 6 ft social distancing, the limit is 50% of the posted occupancy code limit ensuring a minimum 28 square feet per person not to exceed more than 175 people at any given time in a confined indoor space, and 250 people in any outdoor setting.
- 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.
- Require employees to wear face coverings at all times while working.
- Provide accommodations for vulnerable individuals who remain encouraged to follow the Stay at Home requirements.
- Require signage on doors telling guests that are experiencing COVID-like symptoms not to enter, and recommend that the sign posted at the door is the CDC sign (also available in Spanish)
https://www.cdc.gov/coronavirus/2019-ncov/downloads/316129-B-StayHomeFromWork_Poster.pdf

In addition to the requirements in the Suppression Plan, **movie theaters** must also meet the following requirements:

- 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.

Bars that ensure access to food from a licensed retail food establishment for on-premise consumption may also operate pursuant to the public health order as amended.

Finally, you proposed to open casinos. Upon further inquiry, you submitted a revision to your variance proposal that only opens the slot machines in the casino. Opening of the slot machines only is approved at this time, with the following additions to what you propose in your application:

- Clarify how many people can ride in an elevator to comply with 6 feet distancing requirements.

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- Any closing of the slot machines cannot be done in such a manner to intentionally improve the odds in favor of the house when it comes to payouts.
- The Ramblin Express bus system that transports people to the casinos must be thoroughly cleaned and disinfected on a daily basis and cleaned between each transport.

Gaming tables are not approved at this time, but will be considered again in three weeks.

This variance approval is granted based on the facts and circumstances today as you have described them in your request, and is subject to adjustment if conditions worsen as described [here](#). If the County observes that a threshold of 7 cases in a two week period occurs (exceeds “low” level), notify CDPHE and implement a mitigation plan for 2 weeks to try and restore virus transmission levels to the baseline under which the variance was approved. If after 2 weeks the levels are not restored, then the capacity limits are automatically adjusted to the maximum of the new level. If the county started in the “high” level for the variance, and after the 2 weeks of mitigation the baseline has not been restored, then the variance is 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 will be extended in some capacity beyond the current expiration date of June 30, 2020.

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