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COLORADO
Department of Public Health & Environment

Application for Variance

Name of County: ELBERT

Name of Submitter: Christopher A. Richardson

Phone Number of Submitter: 303-621-3132

Email of Submitter: Chris.Richardson@ElbertCounty-CO.gov

Elbert County requests a variance from the following restrictions in Executive Order D 2020 044 and/or Public Health Order 20-28.

List the sections of Executive Order D 2020 044 and/or Public Health Order 20-28 that a variance is being sought for:

IN RESPONSE THE CDPHE RESPONSE OF MAY 23 TO COUNTY'S MAY 4 VARIANCE SUBMISSION
1. Public and Private Gathering Sizes - Part 1.C. of PHO 20-28
2. Operations of Gyms and Related Businesses - Sections II.G and II.I and Appendices A and D of Public Health Order 20-28 as amended on May 8, 2020
3. Determination of dining capacity for Restaurants where 50% allows fewer than 10 patrons. - COVID-19 GUIDANCE FOR RESTAURANTS AND FOOD SERVICES 052420 as it applies to the Governor's Executive Order D 2020-079

Summarize alternate restrictions being proposed to replace the above-referenced restrictions and indicate where in the Plan these alternate restrictions are addressed:

SEE PARAGRAPH 4 (A, B, and C) of ATTACHED SUPPLEMENT TO COUNTY SUPPRESSION PLAN
1. Gathering sizes to be increased to 25 county-side and 50 in regions of the county with no recorded COVID-19 Cases (Traditional Out Door Agricultural Events and Community Gatherings)
2. Allow Guided Excersize Classes of up to 10 persons and Individual Fitness/Exercise up to 50% of facility capacity.
3. Allow LPHA to determine seating configuration consistent with)%2420 Guidance

Upload your county COVID-19 Suppression Plan and documentation demonstrating approval by the county commissioners, and confirmation from all impacted local hospitals that they can serve all individuals needing their care. Provide a brief summary of each of the following elements contained in the county COVID-19 Suppression Plan and indicate where in the Plan more information can be found for each element.

1. Prevalence of COVID -19 within the county

SEE PARAGRAPH 3.a CURRENT COVID-19 INCIDENT TRENDS
Our population of >28K has experienced 52 cases of COVID in 75 days since first test. 0.693 Average per day with no discernable trending. Local positive test rate is 7.5% See Attached for additional details.

2. Hospital Capacity

SEE PARAGRAPH 3.c. IMPACTS ON MEDICAL CAPABILITIES
The number of Elbert County residents necessitating hospitalization for COVID-19 infection totals 8, has never exceeded two at any given time and has remained at just one since April 19, 2020. Served by Parker Adventist.

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3. Local containment measures

SEE ATTACHED DOCUMENT ITEM 3.b. FUTURE MONITORING OF LOCAL DATA AND TRENDS
Our baseline date is CEDRS, augmented by county-specific data obtaining in partnership with Tri-County Health, Individual Self Reporting through the state website, local contract tracing, and partnership w/local EMS providers

4. Conditions to determine the variance is not providing adequate COVID-19 protection and the triggers for tightening restrictions.

SEE ATTACHED DOCUMENT ITEM 3.d. TRIGGERS FOR REVIEW OF PROTECTIVE MEASURES
We will review upon report of any death, statistically significant increase in cases, any outbreak, every 14 day period, and on direction from the Board of Health

DS CAR Confirm that the variance requested does not lessen or eliminate the protections for Vulnerable Individuals in the Safer at Home Order and PHO 20-28.

DS CAR Confirm that the county will collect and monitor data to evaluate the impacts of the variance. and make such data available upon request by CDPHE.

Additional information relevant to the requested variance

Please direct any questions for clarification, requests for additional information, and/or response to this request to: Mr. Dwayne Smith, Public Health Administrator at:
Telephone: 303-621-3202
Email: dwayne.smith@EblertCounty-CO.gov

By signing below, I attest that I am authorized pursuant to the adoption of the COVID-19 Suppression Plan by the Board of County Commissioners to submit this variance request to CDPHE for consideration.

DocuSigned by:
Christopher A. Richardson
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Signature

2020-05-26

Date

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ounty Colorado
Department of Public Health
Post Office Box 924, Kiowa CO 80117

May 26, 2020

Colorado Department of Public Health & Environment
Attn: Jill Hunsaker Ryan, Executive Director
4300 Cherry Creek Drive South
Denver, CO 80246

Dear Ms. Ryan,

The Board of County Commissioners as Board of Health for Elbert County Colorado, through the Elbert County Department of Public Health & Environment submits the attached Supplement to the previously submitted county suppression plan to augment the requested partial relief from the provisions of Governor Polis's **Executive Order D 2020 044 Safer at Home** and implementing **Public Health Order 20-28 Safer at Home** and such subsequent orders that may be issued (the "State Orders") in accordance with Appendix G: County Variance Requests of PHO 20-28. This county requests explicit exemptions from the statewide application of requirements regarding specific gathering size limits, and restrictions placed on operating of gymnasiums/related fitness businesses and restaurants. Relief from these provisions with the controls detailed in the document attached and articulated in the original suppression plan, will allow Elbert County to ensure adequate protections to reduce spread of COVID-19 in our small and widespread communities. Approval will promote the health, safety, and welfare of our County citizens, address growing mental and behavior health concerns, and support the recovery of our local economy and individual financial wellbeing of our citizens.

As the state enters the fourth week of the state's "safer at home" period, local data regarding the spread of the COVID-19 virus indicates that many portions of our largely rural county can already safely transition to measures more appropriate in the projected follow-on "protect your neighbor" or even near normal activities. Reports of confirmed cases within our County have averaged much less than one per day over the past 75 days, are too few to support statistically valid trend analysis, and are generally limited to well defined areas. With near real time data based on medical calls for service by our servicing fire-districts, County Coroner, Sheriff's Office and the police departments in our small municipalities, and monitoring for signs of outbreak at our county jail and two small long-term care facilities, augmented by a local testing capability, and support from Centura Health/Parker Adventist, we are well positioned to adjust protective measures if a localized increase in cases is observed. Based on these factors, I have determined that the residents of Elbert County will receive greater health benefits from incremental and geographical-based loosening of restrictions. With testing increasing and a 7.4% positive rate based on 65% PCR/35% Serology tests completed, two deaths currently attributed to COVID-19 and no outbreaks amongst our over 28,000 citizens, it is clear that reducing restrictions in the measured, rational, and localized manner requested here will not be burdensome to regional or state-wide medical capabilities or increase risks to public health.

Approval of the attached Supplement 1 to The Elbert County Plan for suppression of COVID-19, supports localized application of the appropriate array of best practices for individuals and businesses that are articulated in the state orders. Our situation and the supplemented plan meet requirements for a waiver from your office. Therefore, I am respectfully requesting that you grant Elbert County's request for relief from the above identified restrictions in the state orders in accordance with the measures articulated in the supplement.

Respectfully,

Dwayne A. Smith

Dwayne Smith, MEd, MCHES®, CPST
Public Health Administrator
Elbert County, Colorado

Enclosure: Supplement 1 to the *Elbert County Plan for Phased Reopening – Localized Suppression of COVID-19 in our Communities*

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COUNTY OF ELBERT

PO Box 7, 215 Comanche St, Kiowa, CO, 80117, 303-621-2341

Chris Richardson, Commissioner District 1
Rick Pettitt, Commissioner District 2
Grant Thayer, Commissioner District 3

May 26, 2020

Colorado Department of Public Health & Environment
Attn: Jill Hunsaker Ryan, Executive Director
4300 Cherry Creek Drive South
Denver, CO 80246
/via DocuSign/

Dear Ms. Ryan,

In response to your May 23, 2020 request for additional information regarding our variance request, The Board of County Commissioners as Board of Health for Elbert County asks that you review and grant the attached request for waiver of state orders pertaining to public gathering sizes, gymnasium operations, and restaurant dining services.

This submission is provided as a supplement to the *Elbert County Plan for Phased Reopening – Localized Suppression of COVID-19 in our Communities,* previously submitted on May 4, 2020 (with May 11, 2020 letter of support from Centura Health/Parker Adventist) seeking relief from certain provisions of Governor Polis's Executive Order D 2020 044 *Safer at Home* and implementing Public Health Order 20-28 *Safer at Home*. We recognize the great effort of your staff to develop baseline guidance that meets state-wide needs. Approval of this request will promote the health, safety, and welfare of our county's citizens by allowing more localized actions to simultaneously address the spread of COVID-19, growing mental and behavior health concerns, and support the recovery of our local economy and individual financial wellbeing of our citizens.

We support the comprehensive, local, and phased suppression plan developed by our Public Health Department with input from local stakeholders and the county's COVID-19 Response Team and ask for approval of this supplement to the plan previously submitted. As the situation evolves and additional capabilities are developed, we anticipate submission of additional supplements to our county suppression plan.

Please contact our Public Health Department if you have any questions regarding this request modifying the previously submitted *Elbert County Plan for Phased Reopening – Localized Suppression of COVID-19 in our Communities.*

Very Respectfully,

Christopher Richardson
Commissioner, District 1

Rick Pettitt
Commissioner, District 2

Grant Thayer
Commissioner, District 3

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Supplement 1 - General Gathering Sizes, Gymnasium/Related Businesses, and Restaurants to Elbert County Plan for Phased Reopening - Localized Suppression of COVID-19 in Our Communities

Date of Publication: May 26, 2020
Effective Date: TBD (May 26 or as soon thereafter as approved by CDPHE)

1. Purpose: This document supplements the county COVID-19 Suppression Plan published May 4, 2020. It supports data-driven implementation of protective measures related to local gathering sizes, operations of gyms and related business and restaurants in such a way as to prevent localized outbreaks of the disease in our communities, and allows our county to accelerate the transition over time to full social and economic recovery.

2. Key Elements of Suppression: Successful implementation of the measures included in this supplement are supported by:

a. Continuous monitoring of the local situation.
b. Established local contact tracing capacity.
c. Data-driven and localized implementation of protective measures.
d. Established in-county testing capability.
e. Well-defined triggers for review and adjustment of implementation.
f. Robust communication plan, including website, social media, and direct county-wide mailings to ensure understanding and increase voluntary compliance.
g. Deliberate and regular collaboration with municipalities, school, fire, and other special districts within the county.
h. Established relationship with Centura Health/Parker Adventist Hospital

3. Background:

As the state enters the fourth week of the state's "safer at home" period, local data regarding the spread of the COVID-19 virus indicates that many portions of our largely rural county, and specific business classes can already safely transition to less restrictive measures while still providing adequate protections to public health. Reports of confirmed cases remain low, are too few to support statistically valid trend analysis, and have been generally limited to the northwest portion of the county. We have suffered no outbreaks and ratio of positive tests to number tested is much less than the state average.

With near real time data based on medical calls for service by our servicing fire-districts, County Coroner, Sheriff's Office and the police departments in our small municipalities, monitoring for signs of outbreak at our county jail and two small long-term care facilities, and increased testing, we are well positioned to adjust protective measures if a localized increase in cases is observed.

With a cumulative positive rate of under two-tenths of one percent and two local deaths currently attributed to COVID-19, reducing restrictions in a measured, rational, and localized manner will not be burdensome to regional or state-wide medical capabilities.

a. Current COVID-19 Incident Trends:

As of the date of publication, the county has recorded a total of 52 cases based on Colorado's Electronic Disease Reporting System (CEDRS) reporting over a period of 75 days since our first positive

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case was identified, resulting in an average daily accumulation rate of 0.693. Local testing continues to increase and positive results continue to fall. Approximately 65% of our tests are PCR and 35% serology. Our local positive test rate is 7.5% as compared to the current statewide rate of 16%. We have had no observed outbreaks in any public or private facilities or business. The only clearly identifiable spread of virus is between members of our community who reside in the same household. Even with ever increasing social contact and travel, the rate of propagation within the county appears to have remained extremely low and stable for months. The reported number of positive cases from all sources is statistically insignificant with no clear trending.

The county has experienced two deaths reported as COVID-19 related. The first was in mid-March, a male in his 70's with at least two known complicating conditions who was self-isolating. The second, more recent was an attended death in the hospital environment and no record of a COVID test pre- or post-mortem is available. As noted above, we have had no outbreaks in our county jail or the two group/resident "nursing" homes in the county. A single identified case of a county jail inmate was confirmed after the individual briefly detained and then released on bond and no jail staff or other inmates were impacted.

Geographically, it remains consistent that our cases have concentrated in the northwest portion of the county which is nearly 100% residential, single family dwellings on large acreage. This area has both the highest population density and is home to our largest number of residents who commute regularly to the Denver Metro area for work prior to the issue of the state "Stay at Home" order and have for a large part resumed commuting during the four weeks of the "Safer at Home" order with no readily apparent impact on our case number accumulation. The county has an overall population density of approximately 15 people per square mile. Approximately two-thirds of the entire population are concentrated in the westernmost part of the county. The easternmost 1200 square miles of the county has a population density of well under 10 people per square mile and were exercising "social distancing" long before the term was conceived.

b. Future Monitoring of Local Data and Trends:

The county actively and continuously monitors all available sources of information related to the presence of COVID-19 in our county. CEDRS reporting is our primary base of information. This baseline is enhanced by follow up interviews and contact tracing by public health department staff, medical calls for service data provided by our fire district partners, county-specific data shared by Tri-County Health and citizen use of the online self-reporting tools provided by the state. As of May 22, 2020, our cumulative case rate (per 1,000 residents is just 2.06. Our weekly rate of infection (per 1,000 residents) is 0.4196 for May 10-16, 2020, the most recent week available.

The Peak Vista Community Health Center location in the county seat of Kiowa is engaged in testing on behalf of the county, augmenting our public health capability.

c. Impacts on Local, Regional, and State Medical Capabilities:

There are no urgent care, emergent care, or hospital facilities in Elbert County. However, nearby Parker Adventist Hospital has been designated by Centura Health to support our care and they have attested (May 11, 2020) to their ability to support our suppression plan. Approximately 70% of the EMS transports in our county are to Parker Adventist. The number of Elbert County residents necessitating hospitalization for COVID-19 infection (at start of case investigation) has never exceeded two since the inception of tracking, and has remained at just one since April 19, 2020. Though a small county with 0.5% of the states total population, we benefit greatly for the care available in bordering counties (that together comprise over 30% of the state's total population).

Though the county has two small private medical practices and two small in store clinics that are associated with pharmacies and primarily provide vaccinations, the public medical capability we

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specifically rely on consists of the EMT and transport capability provided by our seven fire protection district partners. Medical calls for service have remained relatively stable throughout the entire period of this declared emergency and their capacity has not been impacted negatively by COVID-19 exposures.

d. Triggers for Review of Protective Measures: The following events will trigger a review of impacts that may be related to the reduction of measures as described in this supplement to the county suppression plan. If review indicates measures should be made more restrictive, the public and/or impacted businesses and CDHPE will be notified.

(a) Any additional confirmed death from COVID-19 within the county.
(b) A statistically significant increase in the presumed active cases vs. presumed recoveries.
(c) Outbreak (two or more cases) in county jail or assisted living facilities in county.
(d) Passage of 14 days from implementing adjusted measures or previous review.
(e) Elbert County Board of Health formally directs review of measures in place.

d. Public Health Concerns Negatively Impacted by Current Restrictions: Prior to the inception of COVID-19's presence in Elbert County, behavioral health challenges were identified by county residents as one of the most pressing health concerns. The restrictions on daily activities necessitated by state public health orders and other stresses related to the COVID-19 pandemic has noticeably exacerbated the mental health and well-being of our citizens. Law enforcement reports a 13% increase in Domestic Violence/Suicide Calls for Service and though we have not seen the increase in Child/Adult Protection cases that the state reports, our Human Service Department has recorded an upward trend in the severity of local cases.

4. Measures To Be Adjusted: The following measures will be adjusted based on the local situation as articulated in paragraph 3 above. The County Public Health department and/or the Elbert County Board of Health may direct return to the state "Safer at Home" baseline if review of conditions requires.

a. Local Gathering Sizes: Based on an analysis of the data above and observations of citizen behaviors over the past several weeks, gathering sizes may be safely increased from 10 to a maximum of 25 in all areas of the county. In the eastern portions of the county where no COVID-19 incidents have been identified, gatherings of maximum of 50 people engaged in traditional outdoor agricultural and other community events is allowed. Where possible a 6' (six foot) separation of individuals not residing in the same household should be maintained, those identified as Vulnerable Individuals or are known to be ill will not participate, and those who may be non-symptomatic are highly encouraged to take reasonable precautions to protect their fellow community members.

b. Operations of Gymnasiums and Related Businesses: The county is home to several small private gyms, gymnastic centers, and dance studios with low class participation sizes that operate in large facilities with appropriate space to allow generous social distancing while operating. Private lessons, with personal trainers have been conducted in accordance with the measures required by the state "Safer at Home" orders with no observed impacts on the suppression of COVID within the county. Therefore, it determined to be safe to allow the following:

(1) Personal training and instructor-led classes for indoor exercise; fitness; dance; exercise or group classes in any setting, limited to all members of a single household or a mixed groups of up to ten (10) individuals (e.g. 1 instructor and 9 clients, 2 instructors and 8 clients, etc.) or 50% occupancy, whichever is fewer are allowed on an appointment-only basis subject to the following restrictions.

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Unless specifically modified below, Sections II.G and II.I and Appendices A and D of Public Health Order 20-28 as amended on May 8, 2020. Additionally, the following will be required:

- Signage at each entrance of the facility or location notifying customers and employees to stop if they are sick and ask them not to enter.
- Ask customers to exclude themselves from using the facility if they are experiencing symptoms of any illness.
- Prop entry doors open as much as possible to reduce touchpoints
- Social distance spacing between clients during classes shall be maintained through spacing of equipment and exercise positions.
- All staff are required to wear face coverings or masks at all times, unless a medical condition or emergency/safety reasons require.
- 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 participant's ability to participate in the fitness activity.
- Except for members of a single household, sharing equipment is prohibited.
- Employees shall disinfect equipment between clients' uses.
- Instructors shall record class attendance, including personal contact information for every client in attendance.
- Hand sanitization is required at all building entrances.
    - Provide additional hand sanitizer stations throughout facility
- Virtual lobby procedures shall be in place to prevent gathering in the physical lobby.
    - Implement mobile sign-in, reservation, and payment procedures
    - Remove furniture from, or close off, lobby or public gathering areas
- Sign showers and locker rooms as out-of-service; lavatories may be used.
- Post signs at entrances and throughout the facility as needed to remind customers of face coverings, social distancing, and proper hygiene guidelines.
- Make reasonable accommodations for vulnerable individuals who are still under the Stay at Home advisement. (e.g. assistance with equipment cleaning, special hours).
- Implement one-way entry/exit, and directional walkways as much as possible.
- Perform frequent environmental cleaning and disinfection of bathrooms and high-touch surfaces.
- Limit operating hours for additional deep cleaning.

(2) Gyms consisting of buildings or rooms used for indoor exercise and fitness; may open for activities in addition to personal training and instructor-led classes (as described above) and is limited to no more than 50% occupancy, subject to the following restrictions:

- Occupancy of the facility shall be limited to 1 person per 120 square feet.
- Signage at each entrance of the facility or location notifying customers and employees to stop if they are sick and ask them not to enter.
- Ask customers to exclude themselves from using the facility if they are experiencing symptoms of any illness.
- An employee at the entrance(s) to ensure that the maximum number of customers is not exceeded.
- Do not allow customers to gather in a lobby area or in groups outside the entrance.
    - Remove furniture from, or close off, lobby or public gathering areas.

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- Place tape or other markings at least six feet apart in customer line areas and on sidewalks to public entrances with signs directing customers to use the markings to maintain distance.
- Implement mobile sign-in, reservation, and payment procedures.
- All staff are required to wear face coverings or masks at all times, unless a medical condition or emergency/safety reasons require.
- 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 participant's ability to participate in the fitness activity.
- Signs shall be posted at entrances and throughout the facility as needed to remind customers of face coverings, social distancing, and proper hygiene guidelines.
- Make reasonable accommodations for vulnerable individuals who are still under the Stay at Home advisement (e.g. assistance with equipment cleaning, special hours).
- Implement one-way entry/exit, and directional walkways as much as possible.
- Prop entry doors open as much as possible to reduce touchpoints.
- Spread people out so there is at least 6 feet distance between individuals throughout.
- Close off a sufficient amount of equipment such that at least 6 feet of distance can be maintained between individuals.
- Deploy additional hand sanitizer stations throughout facility.
- Except for members of a single household, sharing equipment is prohibited.
- Require customers to disinfect equipment after every use or require employees to disinfect shared equipment between customers' uses.
- Perform frequent environmental cleaning and disinfection of lavatories and high-touch surfaces.
- Limit operating hours for additional deep cleaning.
- Sport courts shall remain closed.
- Saunas, steam rooms, pools (indoor and outdoor), locker rooms and shared spaces shall remain closed.

c. Restaurant Dining: Elbert County is home to approximately 20 dining establishments, five are of medium size with a seating capacity ranging from 50-100 and the majority of the remainder are very small. Most have continued takeout and curbside service during the state's "Safe at Home" and "Safer at Home" period and have successfully demonstrated their ability to service our communities safely. Discussions with restaurant owners indicate that the state guidance related to reopening on-premises dining is feasible and obtainable for all but the smallest of establishments. Unless specifically modified below, restaurants will follow the requirements of state orders pertaining to on-premises dining.

(1) In order to accommodate the safe social distancing of staff and diners, expanding outdoor seating is anticipated and encouraged. The serving of beer, wine, and spirituous liquors for which a business is already licensed will be permitted in these expanded outdoor areas."

(2) Restaurants for which a 50% capacity limit allows fewer than 10 diners, may seat more than 50% so long as tables remain no less than 6' apart, the county public health department has reviewed the table layout and made an onsite review, and all other aspects of the modified state emergency health orders are followed.