



COLORADO
Department of Public
Health & Environment

May 29, 2020

Chuck Netherton, Commissioner
Kim MacDonnell, Commissioner
Jean Sykes, Commissioner
Bent County Board of Commissioners
725 Bent Avenue
Las Animas, CO 81054

Blaine Arbuthnot, Chair
T. E. Allumbaugh, Vice-Chair
Roy Elliott, Commissioner
Crowley County Board of Commissioners
603 Main Street, Suite 2
Ordway, CO 81063

Keith Goodwin, Commissioner
John V. Hostetler, Commissioner
Jim Baldwin, Commissioner
Otero County Board of Commissioners
13 W. 3rd Street, Room 212
La Junta, CO 81050

Richard Ritter, Director
Otero-Crowley Health Department

Omer Tamir, Director
Bent County Public Health

RE: Bent, Crowley and Otero County Variance Request from portions of **Executive Order D 20 044** and **Public Health Order 20-28**

Dear Commissioners and Directors:

Thank you for your application to the Colorado Department of Public Health and Environment (CDPHE) of a variance request 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 for variances regarding restaurants, bars, houses of worship, fitness centers and gyms, movie theaters, dance studios, auctions, and motorsport race tracks. This variance approval is limited to restaurants, bars, houses of worship, fitness facilities and gyms, movie theaters, dance studios, auctions, and motorsport race tracks; in all other respects, the requirements of the Safer at Home Executive Order and Public Health Order remain in effect for all three counties.

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 current status for Bent, Crowley and Otero counties with respect to the COVID-19 pandemic, we believe that excluding cases in correctional settings, the combined two week incidence in these three counties is less than 25 per 100,000. The Otero County Health Department is conducting sentinel surveillance, there is testing being offered, and disease outbreak investigations are timely conducted. You noted that all but 13 of the cases in these counties are associated with a prison facility.

Regarding your proposed alternate restrictions for restaurants, houses of worship, fitness centers and gyms, movie theaters and dance studios, your request is approved with the following additional requirements:

- In each confined indoor space, 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.
- For restaurants, tables need to be configured such that the customers at one table are a minimum of 6 feet apart from the customers at any other table.
- Bars may only be open if they operate like a restaurant (e.g. seating all guests at a table or only seating a bar area if serving food) and adhere to the restaurant requirements
- For fitness centers and gyms as well as dance studios, require that employees clean and disinfect the equipment between uses.
- For movie theaters, implement all of the following:
 - 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
 - Implement or maintain physical barriers for high-contact settings (e.g. Cashiers).
 - Perform environmental cleaning and disinfection of bathrooms and high touch surfaces every 2 hours and maintain a cleaning log.
- The motorsports race track and auctions may open contingent upon review and approval by the local public health agency of the plan for reopening. The plan must include a limit of no more than 50% of the posted occupancy code limit for any indoor auction space ensuring a minimum 28 square feet per person not to exceed more than 175 people at any given time, and no more than 175 people in any outdoor auction space, mandatory 6 foot distancing between individuals who are not members of the same household, and require face coverings for all participants.

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This variance approval is granted based on the facts and circumstances today as you have described them in your request. If the counties combined were to exceed 30 new cases in a week, excluding cases among correctional facility inmates, but including correctional facility workers who are residents of Otero, Crowley, or Otero counties, 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 Bent, Crowley, and Otero County residents are safe and healthy as we deal with this global pandemic. Bent, Crowley, and Otero counties are valued partners, 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