May 14, 2020

Kelli Adamson  
Executive Director  
Cheyenne County Public Health  
560 West 6 North  
PO Box 38  
Cheyenne Wells, CO 80810

RE: Application for Variance from Public Health Order 20-28 Safer at Home

Dear Ms. Adamson:

Thank you for your recent application for a variance from Public Health Order (PHO) 20-28 Safer at Home to the Colorado Department of Public Health and Environment (CDPHE). Thank you for sharing Cheyenne County's story and particularly how the COVID-19 virus is creating economic hardship. We want to support counties’ ability to be less restrictive than the state, in geographic areas where it makes sense. 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.

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. Your application and recent data demonstrate that Cheyenne County has had several recent cases; however, you have managed those cases and do not anticipate seeing additional related cases. Additionally, you have set triggers for rolling back the variance authorization, such as 10 new positive cases in a week.

You asked for a variance related to three specific functions, including Restaurants, Places of Worship, and Public Gatherings. 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 Cheyenne has sufficient hospital capacity, ongoing testing, and ongoing public education.

The documents included with the Cheyenne 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 three (3) areas identified in the application for variance, namely planned public gatherings, places of worship, and restaurants. 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.
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For public gatherings, in Phase 1 you propose to limit to no more than 10 individuals, and no more than 30 in Phase 2. In addition to these number limitations, we also require the following restrictions:
- Require face coverings
- Require 6 feet distancing between individuals, other than those of the same household
- For planned public gatherings of more than 10 individuals, require submission of a plan for social distancing and other disease mitigation strategies to the Cheyenne County Health Department for review and approval

For Restaurants, in addition to the requirements outlined in your Plan, include the following requirements:
- 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 customers via text or phone call when their table is ready so no waiting in a lobby is necessary.
- Limit occupancy to 10 individuals as described in the Plan or fewer if necessary to maintain 6 feet distancing.

For Places of Worship, in addition to strict distancing as required in the Plan, include the following requirements:
- May allow participants up to thirty percent (30%) of building code occupancy
- 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.
- Maintain a minimum of 6 feet of distance between individuals who are not of the same household.
- Disallow gatherings in the lobby or church vestibule at all times.
- Implement touchless offerings and communion or sacrament options as much as possible.
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 10 days, per CDC guidance.

Employees must wear face coverings or masks covering the nose and mouth at all times while working.

Require cleaning and disinfection after any use of the worship space.

This variance approval is granted based on the facts and circumstances today as you have described them in your request, and is limited to the three specific variance requests made in the application; all other requirements of the state’s Safer at Home Executive Order and Public Health Order remain in effect for Cheyenne County.

Should circumstances change such that, for example, surges in COVID-19 transmission occurs, cases exceed the capacity for Cheyenne 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.

We appreciate the work that you are doing in these difficult times to prevent further spread of disease and we are here to provide technical assistance if you need it. We look forward to working with you as a valued partner in public health.

Sincerely,

Jill Hunsaker Ryan, MPH
Executive Director