



ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: July 8, 2020
To: Board of County Commissioners
From: Michelle Halstead, director of communication and administrative services
Subject: Arapahoe County Variance Request to the State of Colorado's Current Public Health Order

Request and Recommendation

Approve a resolution submitting a variance request to the Colorado Department of Public Health and Environment (CDPHE)'s Public Health Order 20-28.

Background

Counties may seek a variance from the state's Safer-at-Home Public Health Order (PHO), consistent with Governor Polis' Executive Order D 2020 044. Variances are generally less strict than the state's order but must meet the intent of the Safer at Home Order. To get a variance from the state's orders, counties must submit a written application to CDPHE that must certify:

- That the county has low case counts and/or
- That the county has a downward trajectory of cases within a 14-day period OR a downward trajectory of positive tests as a percent or total tests within a 14-day period.
- The application must include a COVID-19 suppression plan approved by:
 - the local public health agency,
 - all hospitals within the county (unless no hospitals are located in the county),
 - a majority of county commissioners (or other county-level governing body), and
 - If a sovereign nation is present in the county, support from the sovereign nation for the variance request.

CDPHE shall review and approve variance requests that meet the department's public health standards. Counties that implement measures that are less restrictive than state orders without first obtaining a variance from CDPHE may be subject to having preparedness dollars withheld.

Arapahoe County submitted a variance request June 11, 2020 for the following industries:

1. Gyms (PHO I.H.2.d and III.F)
2. Houses of Worship (PHO II.M)
3. Restaurants (PHO II.C.1)

4. Indoor Malls (PHO Appendix A, Section III)

Generally, Arapahoe County's variance request alters occupancy restrictions within the current Public Health Order, seeking a percentage-based capacity restriction based on building occupancy established within fire code and the implementation of social distancing requirements, instead of a specific person limitation.

On June 29, 2020, the CDPHE granted Arapahoe County a variance, noting submitted data placed the county in the "low" category and amended the request to include maximum capacity restrictions in indoor and outdoor settings requested.

As a result of continued feedback received by the community, businesses, and municipalities, staff has prepared two additional variance requests for the following industries:

1. Indoor and Outdoor Events (PHO H.4)
2. Theaters and Indoor Entertainment Venues (PHO H.4)

In partnership with the Sheriff's Office of Emergency Management, the county has drafted a written application, which includes a suppression plan that meets the variance criteria outlined in Public Health Order 20-28 V and Appendix G. In order to submit the application, the Board of County Commissioners must vote affirmatively to adopt the alternative plan in place of the State Safer-at-Home Order, which is why the resolution is included for consideration.

Staff believes the variance request is consistent with direction received by the Board of County Commissioners, allowing Arapahoe County to implement its own reopening plans in the timeframe that best meets the needs of our communities.

Fiscal Impact

There is no direct fiscal impact to the County's budget with this decision.

Reviewed By

John Christofferson, Deputy County Attorney