

RANGELY

COLORADO

Budget Work Session 6pm – Conference Room

Town Council Packet
September 22, 2020 @ 7:00pm



1 – Agenda



GUIDELINES FOR PUBLIC INPUT

Public Input is a vital and important portion of every meeting and will be permitted throughout the meeting, but according to the following guidelines:

- a. Public input is allowed during the Agenda identified **Public Input** and **Public Hearing** portion of the meeting.
 - i. If you would like to address the meeting during the appropriate times, please raise your hand and when called upon you will be asked to come to the podium. ***Announce your name*** so that your statements can be adequately captured in the meeting minutes.
 - ii. ***Please keep your comments to 3-5 minutes*** as others may want to participate throughout the meeting and to insure that the subject does not drift.
- b. Throughout the meeting agenda calls for public input will be made, generally pertaining to specific action items. Please follow the same format as above.
- c. At the conclusion of the meeting, if the meeting chair believes additional public comment is necessary, the floor will be open.

We hope that this guideline will improve the effectiveness and order of the Town's Public Meetings. It is the intent of your publicly elected officials to stay open to your feelings on a variety of issues.

Thank you, Rangely Mayor



Budget Work Session 6pm – Conference Room

Town of Rangely

September 22, 2020 - 7:00pm

Agenda

Rangely Board of Trustees (Town Council)

ANDY SHAFFER, MAYOR

TREY ROBIE, MAYOR PROTEM

RICH GARNER, TRUSTEE

LUKE GEER, TRUSTEE

TYSON HACKING, TRUSTEE

ALISA GRANGER, TRUSTEE

KEELY ELLIS, TRUSTEE

-
1. Call to Order
 2. Roll Call
 3. Invocation
 4. Pledge of Allegiance
 5. Minutes of Meeting
 - a. Discussion and Action to approve the minutes of September 8, 2020
 6. Petitions and Public Input
 7. Changes to the Agenda
 8. Public Hearings - 7:10pm
 9. Committee/Board Meetings
 - a. Public Safety Committee Meeting Sept. 21, 2020 @ 6pm
 10. Council Reports
 11. Supervisor Reports – See Attached
 - a. Kelli Neiberger
 12. Reports from Officers – Town Manager Update
 13. Old Business
 14. New Business
 - a. Discussion and action to approve the August 2020 Financial Summary
 - b. Discussion and action to approve the appointment of McKenzie Webber to the vacant position on the RDA/RDC board
 15. Informational Items
 - a. Rio Blanco County awarded Protect our Neighbor Status
 - b. Colorado Safer at Home Dial

- c. *AGNC Legislative Review*

16. Board Vacancies

- a. *Planning and Zoning Board Vacancy*
- b. *RDA/RDC Board*

17. Scheduled Announcements

- a. *Community Outreach meeting is scheduled for Sept 7, 2020 at 6:00pm-Cancelled*
- b. *Giant Step Preschool Board meeting is scheduled for Sept 10, 2020 at 6:00pm*
- c. *Rangely District Library Board meeting is scheduled for Sept 14, 2020 at 5:00pm*
- d. *Western Rio Blanco Park & Recreation District Board meeting is scheduled for Sept 14, 2020 at 7:00pm*
- e. *Rangely Junior College District Board meeting is scheduled for Sept 15, 2020 at 12:00noon*
- f. *Rangely School District Board meeting has been scheduled for Sept 15, 2020 at 6:15pm*
- g. *RDA/RDC Board meeting scheduled for Sept 17, 2020 at 7:00am*
- h. *Rio Blanco County Commissioners Board meeting is scheduled for Sept 21, 2020 at 11:00am*
- i. *Rural Fire Protection District Board meeting is scheduled for Sept 21, 2020 at 7:00pm*
- j. *Rangely Chamber of Commerce Board meeting is scheduled for Sept 17, 2020 at 12:00noon*
- k. *Rangely District Hospital board meeting is scheduled for Sept 24, 2020 at 6:00pm*
- l. *Rio Blanco Water Conservancy District Board meeting is scheduled for Sept 30, 2020 at 6:00pm*

18. Adjournment

5 – Minutes



Budget Work Session 5pm – Conference Room

Town of Rangely

September 8, 2020 - 7:00pm

Minutes

Rangely Board of Trustees (Town Council)

ANDY SHAFFER, MAYOR

TREY ROBIE, MAYOR PROTEM

RICH GARNER, TRUSTEE

LUKE GEER, TRUSTEE

TYSON HACKING, TRUSTEE

ALISA GRANGER, TRUSTEE

KEELY ELLIS, TRUSTEE

1. **Call to Order – 7:01pm**
2. **Roll Call** – Andy Shaffer, Trey Robie, Luke Geer, Tyson Hacking, Alisa Granger, and Keely Ellis all present. Rich Garner absent.
3. **Invocation** – Led by Tyson Hacking
4. **Pledge of Allegiance** – Led by Lisa Piering
5. **Minutes of Meeting**
 - a. *Discussion and Action to approve the minutes of August 25, 2020 – Motion made by Luke Geer to approve the minutes of August 25, 2020, second by Alisa Granger. Motion passed*
 - b. *Discussion and Action to approve the minutes of the Special Town Council meeting Sept 3, 2020 – Motion made by Trey Robie to approve the minutes of the Special Town Council meeting Sept 3, 2020, second by Keely Ellis. Tyson Hacking and Luke Geer abstain. Motion passed*
6. **Petitions and Public Input**
7. **Changes to the Agenda** – Add Item 14c, Discussion and action to approve Peace Officer Mental Health Grant application in the amount of \$10,000
8. **Public Hearings - 7:10pm**
 - a. *Public hearing for the First reading of Ordinance 692 an Ordinance of the Town of Rangely, Colorado repealing and reenacting section 10.14.030 of the Rangely Municipal Code, clarifying and amending applicable sections, providing for operator certification by the Chief of Police and providing new provisions requiring that protective helmets be worn by off-highway vehicle operators under the age of eighteen. After the first reading, the council asked about golf carts requiring helmets. The Ordinance will be reviewed again and re-advertised.*
9. **Committee/Board Meetings** - None
10. **Council Reports** - None
11. **Supervisor Reports – See Attached**
 - a. *Chief Hamblin* – The police department continues to be busy. The department has hired a part-time dispatcher and is currently training. Officer Block is still out on short term disability. We assisted in Road Rally last month. Chief Hamblin stated that he was able to get a speed trailer from

Pitkin county for free. It has been moved around and seems to be making a difference. Chief Hamblin also updated the council on the upgrade to radio's for dispatch. The current radio equipment is old, and they cannot find parts other than on eBay. The radios will need to be upgraded. The 911 board said they are willing to contribute to the upgrade.

12. Reports from Officers – Town Manager Update – Lisa reported to the Council that there will be a joint meeting with both 911 boards, both Towns, the Sheriff's Department, and Colorado State Patrol to discuss dispatch on September 22nd. The annual Mental Health meeting will be on September 15th. Business over Breakfast will be on September 10th at 7am at Elaine's Place discussing budget constraints. Main Street Program announced that the Town of Rangely has been accepted. This will allow the Town to receive grants to help make improvements around town. In this year's Hunting Guide, we have a two-page spread. Waterline connection at the corner of Hwy 139 & 64 is on hold due to the weather. Employees have been busy cleaning up trees around town due to the storm. Continue working on budget and will have another work session on September 22nd. Dollar General is tentatively set to open on September 20th. Dinosaur is looking into expanding into providing their residents with natural gas to their homes.

13. Old Business

14. New Business

- a. *Discussion and action to approve the August 2020 Check Register – Motion made by Tyson Hacking to approve the August 2020 Check Register, second by Alisa Granger. Motion passed*
- b. *Discussion and action to approve the Liquor License renewal for Nichols Store – Motion made by Luke Geer to approve the Liquor License renewal for Nichols Store, second by Trey Robie. Motion passed*
- c. *Discussion and action to approve Peace Officer Mental Health Grant application in the amount of \$10,000 Motion made by Luke Geer to approve Peace Officer Mental Health Grant application in the amount of \$10,000, second by Tyson Hacking. Motion passed*

15. Informational Items

- a. *Rangely Chamber of Commerce BOB 09-10-20*
- b. *Colorado Main Street Welcomes Rangely as official Main Street Community*
- c. *Rally Colorado emphasizes the "Super" in its ARA Regional Status*
- d. *Dinosaur National Monument Hunter Regulations*
- e. *Colorado River District Lunchtime Webinar 9-9-20 1:15pm*

16. Board Vacancies

- a. *Planning and Zoning Board Vacancy*
- b. *RDA/RDC Board*

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- g. RDA/RDC Board meeting scheduled for Sept 17, 2020 at 7:00am*
- h. Rio Blanco County Commissioners Board meeting is scheduled for Sept 21, 2020 at 11:00am*
- i. Rural Fire Protection District Board meeting is scheduled for Sept 21, 2020 at 7:00pm*
- j. Rangely Chamber of Commerce Board meeting is scheduled for Sept 17, 2020 at 12:00noon*
- k. Rangely District Hospital board meeting is scheduled for Sept 24, 2020 at 6:00pm*
- l. Rio Blanco Water Conservancy District Board meeting is scheduled for Sept 30, 2020 at 6:00pm*

18. Adjournment

ATTEST:

RANGELY TOWN COUNCIL

Marybel Cox, Clerk

Andrew Shaffer, Mayor

- 8 – Public Hearings
- 9 - Comittee Meeting
- 10 - Report from Council
- 11 - Reports from Supervisors

Notice of Public Safety Committee Meeting
(Shaffer, Garner, Granger)

RANGELY BOARD OF TRUSTEES (TOWN COUNCIL)
Meeting of September 21, 2020

*****6:00pm*****

Conference Room - Municipal Building
OHV Ordinance

12 – Reports from Officers

13 – Old Business

14 – New Business

Income Statement

Town of Rangely

Month Ending August 2020

GENERAL FUND Revenue	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Taxes	\$1,014,733	55%	\$1,661,800	61.06%
Licenses and Permits	\$17,158	1%	\$13,700	125.24%
Intergovernmental Revenue	\$505,126	28%	\$1,297,000	38.95%
Charges for Services	\$206,672	11%	\$310,000	66.67%
Miscellaneous Revenue	\$88,957	5%	\$153,600	57.91%
Total General Revenue	\$1,832,646	100%	\$3,436,100	53.34%
GENERAL FUND Operating Expenses	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Expenses	Budget 2020	% of Budget Expended
Town Council	\$26,424	1%	\$48,863	54.08%
Court	\$15,675	1%	\$24,479	64.03%
Administration	\$145,400	7%	\$236,193	61.56%
Finance	\$146,443	7%	\$217,487	67.33%
Building & Grounds	\$235,271	12%	\$313,092	75.14%
Economic Development	\$169,618	9%	\$329,540	51.47%
Police Department	\$720,658	37%	\$994,632	72.45%
Animal Shelter	\$28,357	1%	\$50,757	55.87%
Public Works	\$255,356	13%	\$438,547	58.23%
Foundation Trans. & Non Depart. Transfer	\$100,592	5%	\$260,000	38.69%
Total Capital Improvements	\$127,864	6%	\$521,200	24.53%
Total General expenses	\$1,971,657	100%	\$3,434,790	57.40%
Net Revenue over Expenditures	(\$139,011)	100%	\$1,310	-10611.54%
WATER FUND Revenue	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Water Revenue	\$684,810	100%	\$1,238,750	55.28%
WATER FUND Operating Expenses	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Water Supply	\$283,911	28%	\$417,271	68.04%
Water Supply Capital Expense	\$0	0%	\$0	#DIV/0!
Water Fund Dept. Transfers and Conting.	\$93,059	9%	\$192,956	48.23%
PW - Transportation & Distribution	\$60,825	6%	\$98,871	61.52%
PW - Transportation & Distrib. Capital Exp	\$522,635	52%	\$730,000	0.00%
Raw Water	\$33,155	3%	\$47,575	69.69%
Raw Water Capital Expense	\$5,174	1%	\$7,000	73.92%
Total Water expenses	\$998,760	100%	\$1,493,673	66.87%
Net Revenue over Expenditures	(\$313,950)	100%	(\$254,923)	123.15%
GAS FUND Revenue	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Gas Revenue	\$606,542	100%	\$1,039,133	58.37%
GAS FUND Operating Expenses	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Gas Expenses	\$443,727	79%	\$840,180	52.81%
Gas Capital Expense	\$0	0%	\$0	#DIV/0!
Total Transfers	\$120,000	21%	\$180,000	66.67%
Total Selling Expenses	\$563,727	100%	\$1,020,180	55.26%
Net Revenue over Expenditures	\$42,815	100%	\$18,953	225.90%
Wastewater FUND Revenue	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Wastewater Revenue	\$251,335	100%	\$665,150	37.79%
Wastewater FUND Oper Expenses	YTD ACTUAL		2020 BUDGET	
	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Wastewater Expenses	\$126,484	59%	\$232,880	54.31%
Wastewater Capital Expense	\$47,068	22%	\$587,300	8.01%
Total Transfers	\$40,000	19%	\$60,000	66.67%
General Fund Loan	\$0	0%	\$0	#DIV/0!
Total Selling Expenses	\$213,552	100%	\$880,180	24.26%
Net Revenue over Expenditures	\$37,782	100%	(\$215,030)	-17.57%

Town of Rangely

Month Ending August 2020

Rangely Housing Auth Revenue			2020 BUDGET	
	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Rangely Housing Auth Revenue	\$129,312	100%	\$260,000	49.74%
		+	2020 BUDGET	
Rangely Housing Auth Oper Expenses	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Rangely Housing Auth Expenses	\$114,661	94%	\$177,399	64.63%
Housing Authority Capital Expense	\$378	0%	\$10,700	3.53%
Debt Service and Transfers	\$6,672	5%	\$66,000	10.11%
Total Expense	\$121,710	100%	\$254,099	47.90%
Net Revenue over Expenditures	\$7,601	100%	\$5,901	128.82%
		YTD ACTUAL	2020 BUDGET	
Fund for Public Giving Revenue	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Fund for Public Giving Revenue	\$2,435	100%	\$2,000	121.77%
		YTD ACTUAL	2020 BUDGET	
Fund for Public Giving Oper Expenses	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Fund for Public Giving Expenses	\$10	100%	\$2,000	0.50%
Net Revenue over Expenditures	\$2,425	100%	\$0	0.00%
		YTD ACTUAL	2020 BUDGET	
Economic Development Revenue	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
RDA Revenues	\$46,941	100%	\$87,700	53.53%
		YTD ACTUAL	2020 BUDGET	
Economic Development Oper Expenses	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
RDA Expenses	\$31,246	100%	\$77,600	40.27%
RDA Capitol Expense	\$0	100%	\$0	0.00%
Total Expense	\$31,246	100%	\$77,600	40.27%
Net Revenue over Expenditures	\$15,695	100%	\$10,100	155.40%
		YTD ACTUAL	2020 BUDGET	
Conservation Trust Revenue	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Conservation Trust Revenue (Grant \$136K)	\$5,925	100%	\$952,225	0.62%
		YTD ACTUAL	2020 BUDGET	
Conservation Trust Oper Expenses	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Conservation Trust Expenses	\$0	100%	\$1,100,000	0.00%
Net Revenue over Expenditures	\$5,925	100%	(\$147,775)	-4.01%
		YTD ACTUAL	2020 BUDGET	
Housing Assistance Revenue	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Housing Assistance Revenue	\$1,467	100%	\$21,000	6.98%
		YTD ACTUAL	2020 BUDGET	
Housing Assistance Oper Expenses	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Housing Assistance Expenses	\$0	100%	\$2,000	0.00%
Net Revenue over Expenditures	\$1,467	100%	\$19,000	7.72%
		YTD ACTUAL	2020 BUDGET	
Rangely Develop Corp Revenue	YTD Amount	% of Revenue	Budget 2020	% of Budget Expended
Rangely Develop Corp Revenue	\$153	100%	\$20,500	0.74%
		YTD ACTUAL	2020 BUDGET	
Rangely Develop Corp Expenses	YTD Amount	% of Expense	Budget 2020	% of Budget Expended
Rangely Develop Corp Expenses	\$98	100%	\$18,500	0.53%
RDC Capitol Expense	\$0	100%	\$0	0.00%
Total Expense	\$98	100%	\$18,500	0.53%
Net Revenue over Expenditures	\$55	100%	\$2,000	0.00%

INCOME STATEMENT ROLL-UP	Actual YTD	Budget YTD	
Total Revenues	\$3,561,566	\$7,722,558	46.12%
Total Expenses	\$3,900,761	\$8,283,022	47.09%
Net Revenue over Expense	-\$339,195	-\$560,464	60.52%

McKenzie Webber
255 E Main Street
Rangely, CO 81648
rangelychamber@gmail.com

September 15, 2020

RDA / RDC Board
209 E Main Street
Rangely, CO 81648

Dear RDA / RDC Board:

I am submitting this letter of strong interest to serve on the board. I am a recent college graduate of a bachelor's degree in government with an emphasis in policy. I was recently hired as the Chamber director here in Rangely and would like to take an active role in business retention and development. I believe I would be an ideal fit for a position on the board.

I am skilled at communicating effectively with diverse people across various platforms. I grew up in Rangely, left went to college in phoenix for three years and within that time I was able to become a social media manager at an events center on my campus and also an Intern under the city manager in Gilbert, AZ.

I believe my experience, communication skills, and interpersonal abilities would make me a strong fit for a position the RDA / RDC board. I look forward to speaking with all of you and answering any questions you may have.

Sincerely,

McKenzie Webber
Rangely Area Chamber of Commerce

15 – Informational Items

Lisa Piering

From: Alice Harvey <alice.harvey@rbc.us>
Sent: Friday, September 11, 2020 1:22 PM
To: abbieurish@gmail.com; akrueger@pioneershospital.org; Beth Willey; dsmith@rdhosp.org; Anthony Mazzola; Barbara Bofinger; Chris Selle; Colleen Zufelt; Gary Moyer; Granger, Ronald; Holly Knowles; Jeff Rector; JoLyn Dolan; Karen Iacuone; Kelly Christian; Kristen Eskelson; Kyle Wren; Lisa Cook; Lisa Piering; Makala Barton; Margie Joy; Marnell Bradfield; Matthew Scoggins; Rhawnie McGruder; Si Woodruff; skinney@rdhosp.org; Todd Starr; Ty Gates; Vicky Edwards; Wanda Hughes; Sarah Coker
Subject: PON certification
Attachments: Rio Blanco County PON Certification Letter.pdf; Rio Blanco County PON Certification Letter.pdf

Community Partners,

We are pleased to inform the citizens of Rio Blanco County that we have achieved 'Protect Our Neighbor' certification, and were one of the first three counties in the state of Colorado to do so. Below is a summary of what this means for our community. We will also discuss this at our next pandemic response community meeting on Monday (please feel free to bring questions at that time, and see invite below).

PON certification requires the achievement of 8 metrics related to COVID-19 containment in our county. We have demonstrated compliance with all 8 metrics. These include maintaining low case counts, ensuring adequate hospital capacity, and ensuring adequate public health response capacity. PON status authorizes the county to open all sectors and activities at 50% capacity, with large gathering caps set at 500. Every 4 weeks, as long as metrics are met, this capacity will increase by 5%. While we have been operating successfully throughout the summer under Safer at Home, this certification will allow us to focus more on local efforts to prevent and respond to COVID-19 in our community.

Many of our businesses and public events will not be affected by these new parameters, due to our small size and the nature of our rural lifestyle. It is important symbolically, however, as this certification sets a baseline for us. Case counts are monitored on a 14 day rolling period. If we rise above 7 new cases (not including outbreaks in congregate living settings) within any 14 day period, we will move out of this phase until case counts return to baseline.

Most importantly, this certification represents our ability to contain COVID in Rio Blanco County *locally*. It is not designed to release us from any containment efforts, and we will need to remain vigilant and strong as we move forward and look towards a vaccine (hopefully by spring 2021). We must continue working together to not only keep our case counts low, but to support our hospitals and healthcare system in maintaining capacity to care for the ill. My hope is that we can continue to support one another, the public's health, and our economy in the months to come in our own unique Rio Blanco way.

Please see the attached letter that we received from the governor's office. Thank you for your support- we could not have achieved this without all of you!

<https://meet.google.com/mbe-ewij-hwk>

--

Alice C. Harvey, MSN BSN RN
Rio Blanco County Director of Public Health and Environment

Confidentiality Statement

This message and any attachments are confidential and intended solely for the use of the individual or entity to which it is addressed. The information contained herein may include protected or otherwise privileged



COLORADO
Department of Public
Health & Environment

September 8, 2020

Jeff Rector, Commissioner
Si Woodruff, Commissioner
Gary Moyer, Commissioner
Rio Blanco County Board of Commissioners
via email

Alice Harvey
Public Health Director
Rio Blanco County Department of Public Health and Environment
via email

RE: Rio Blanco County Protect Our Neighbors Certification Approval

Dear Commissioners and Director Harvey:

Thank you for applying to the Colorado Department of Public Health and Environment (CDPHE) to certify Rio Blanco County to move into Protect Our Neighbors (PON) status in accordance with the Governor's **Executive Order D 2020 127**, as amended and extended, and **Public Health Order (PHO) 20-32**, as amended and extended. Certification of PON status is approved for Rio Blanco County effective today, September 8, 2020. Below is some additional information concerning the county's PON responsibilities.

PON certification requires the achievement of 8 metrics as outlined in **PHO 20-32**. Rio Blanco has demonstrated compliance with all 8 metrics; thus, certification of PON status is warranted. PON status authorizes the county to open all sectors and activities at 50% capacity, with the person caps set at 500; as such, no previously issued variances remain in effect. Rio Blanco will remain in PON status for so long as compliance with these metrics is maintained. If the county falls out of compliance with one or more of the metrics, that triggers a three week period during which time the county must implement mitigation strategies to bring the metric(s) back into compliance. If at the end of the 3 week period one or more of the metrics remain out of compliance, county consultation with CDPHE is required to determine whether ongoing certification in PON should continue with the current or new mitigation activities, or if a reduction to the Safer at Home standards should occur. If the county moves out of PON status, reattainment of this status will require 3 continuous weeks of meeting the 8 metrics, a request from the county to move back to the PON level, and approval by CDPHE.

Additionally, the county has an ongoing responsibility to educate its residents, businesses and visitors within the county's jurisdiction concerning the requirements of the executive and public health orders. Counties are expected to implement enforcement activities to maintain

Rio Blanco County PON Certification
September 8, 2020

compliance with these orders, as well as take the lead on conducting timely case and outbreak investigations, which may include issuing isolation and quarantine orders. If the county is unable to conduct these investigation and enforcement activities, the county's PON certification may be rescinded.

Congratulations on attaining PON status for Rio Blanco County and protecting the health of your community by effectively managing COVID-19 cases and minimizing the spread of disease. We wish you continued success in this important work, and stand ready to partner with you in our collective efforts to flatten the COVID-19 curve.

Sincerely,

A handwritten signature in black ink, reading "Jill Hunsaker Ryan". The signature is written in a cursive, flowing style.

Jill Hunsaker Ryan, MPH
Executive Director



COLORADO

Department of Public
Health & Environment

PUBLIC HEALTH ORDER 20-35

SAFER AT HOME DIAL

September 15, 2020

PURPOSE OF THE ORDER

I issue this Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 091** as amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170** in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. This Order implements levels of restrictions for individuals, businesses and activities to prevent the spread of COVID-19 further in Colorado.

FINDINGS

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; defining the terms of the Governor's **Stay at Home** and later **Safer at Home** requirements and **Critical Business** designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of September 14, 2020, there have been 61,699 known cases of COVID-19 in Colorado, 7,240 Coloradans have been hospitalized and 1,894 Coloradans have died from COVID-19. Multiple sources of data show that COVID-19 transmission and the use of

healthcare due to COVID-19 have leveled off in Colorado. Our work to “flatten the curve” appears to be succeeding, and the Governor has ordered some lessening of the current Safer at Home restrictions as a result.

4. **Executive Order D 2020 091 Safer at Home and in the Vast, Great Outdoors**, as amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170**, still strongly encourages that people at risk of severe illness from COVID-19 remain at home or in the great outdoors as much as possible, but allows levels of business and activities based upon disease prevalence and other metrics in each county. Additionally, individuals are encouraged to remain at least 6 feet away from non-household contacts to reduce the likelihood of disease transmission, but certain activities, such as gathering in groups of no more than 10 or 25, depending on the level for which the county is approved, are permitted. As we continue to combat COVID-19 in our communities, continuing restrictions to mitigate disease spread remain appropriate.

INTENT

This Order sets forth the requirements for implementation of **Safer at Home** dial. Individual restrictions remain in place concerning limitations on activities, travel, and public gatherings. Workplace restrictions remain necessary to implement standard **Distancing Requirements**, cleaning standards, and other items necessary to reduce the possibility of disease spread. Additionally, certain businesses and activities require specific guidance based on their business practices, and those are included in the appendices to this Order.

ORDER

This Order supersedes and replaces Public Health Orders 20-22, 20-24, and 20-28, as amended.

I. **Safer at Home and in the Vast, Great Outdoors - Individual Requirements**

- A. All individuals currently living within the State of Colorado are encouraged to stay at home or in the vast, great outdoors and avoid unnecessary interactions whenever possible in order to reduce the spread of disease. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with **Distancing Requirements**, defined in Section IV below, and are encouraged to leave their residences only to perform or utilize **Necessary Activities**, defined in Section III below.
- B. Individuals are urged to wear non-medical cloth face coverings that cover the nose and mouth whenever in public as required by **Executive Order D 2020 091** as

amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170**. Additionally, pursuant to **Executive Order D 2020 138** as amended and extended by **Executive Order D 2020 164**, all individuals must wear face coverings in public indoor spaces, as that term is defined in the **Executive Order 2020 138**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

- C. **Individuals at Risk of Severe Illness from COVID-19** are urged to stay in their residence at all times except as necessary to seek medical care. **Individuals at Risk of Severe Illness from COVID-19** cannot be compelled to work for any business or government function, including a **Critical Business** or **Critical Government Function**, during the pendency of this pandemic emergency. People who are sick must stay in their residence at all times except as necessary to seek medical care, and must not go to work, even for a **Critical Business**, identified in **Appendix A** of this Order.
- D. Individuals who are sick or are experiencing flu-like symptoms should get tested for COVID-19. If an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19, including early or mild symptoms (such as cough and shortness of breath), they should be in isolation (staying away from others) until they are released by public health. In most cases, individuals are released from isolation when they are fever-free, without medication, for twenty-four (24) hours, other symptoms have improved, and at least ten (10) days have passed since symptoms first appeared. A limited number of people with severe illness may require longer isolation. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.
- E. Governmental and other entities are strongly urged to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable, and are authorized to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the public in their jurisdiction as necessary to protect all members of the community. People experiencing homelessness are urged to protect their health and safety by complying with **Distancing Requirements** at all times.

- F.** Individuals are encouraged to limit travel to **Necessary Travel**, defined in Section IV below, including but not limited to, travel by automobile or public transit. People must use public transit only for purposes of performing **Necessary Activities** or to travel to and from work to operate **Businesses** or maintain **Critical Governmental Functions** as authorized in Section III of this Order. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.

II. Safer at Home Levels.

- A.** Effective September 15, 2020, **Safer at Home** consists of three levels that counties qualify for based on meeting three specific metrics. Counties will begin in the level that most closely fits what they have already been approved for in the preceding Safer at Home framework, and if the county falls out of compliance with one or more of the metrics associated with that level, they will have two weeks to develop and implement mitigation strategies to get back into compliance with the metric. If after two weeks one or more of the metrics remains out of compliance, the county must participate in a consultation with the Colorado Department of Public Health and Environment (CDPHE) to determine whether additional mitigation time and/or mitigation strategies are warranted, or if the county must move down to the next level. Counties that meet all three metrics for the next level up for a two week period may submit a request to CDPHE through their local public health agency to move up a level, which must include supporting documentation from local officials, including the local public health agency, local elected officials, and local hospitals. Counties that meet the eight metrics for **Protect Our Neighbors** contained in **Public Health Order PHO 20-32** must follow the certification process required by **PHO 20-32** to move to this status.

B. Level 1.

1. The metrics for Level 1 are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 75 per 100,000 in a two week period;
 - b. The percent of positive test results over a rolling 14 day average is no greater than 5%; and
 - c. Hospitalization rates are stable or declining in the preceding 14 day period.
2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in Level One are as follows:

- a. **Public and private gatherings** are limited to no more than 25 individuals when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence.
- b. **Office-based Businesses** may allow up to 50% of their employees to conduct in-person work that takes place outside a private residence.
- c. **Non-critical Retail** may operate at 50% of the posted occupancy limit.
- d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit up to 175 employees per room.
- e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements, including capacity limits.
- f. **Personal Services** may operate at 50% of the posted occupancy limit, not to exceed 50 people, per room.
- g. **Limited Healthcare Settings** may operate at 50% of the posted occupancy limit, not to exceed 50 people, per room.
- h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 175 people, whichever is less, per room. **Restaurants** may also use any existing, licensed outdoor space for in-person dining with the same group limit of 10 and minimum spacing of 6 feet apart. **Restaurants** must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use.
- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 25 people.
- j. **Houses of worship and Life Rites** may operate at 50% of the posted occupancy limit indoors not to exceed 175 people, whichever is less, per room. For outdoor worship services, a house of worship must maintain 6 feet distance between non-household members and work with the appropriate local authority to obtain approval for the maximum number of individuals who may attend in the designated outdoor space.
- k. **Indoor Events** may be conducted at 50% of the posted occupancy limit not to exceed 175 people per room.
- l. **Outdoor Events** may occur with up to 250 people per designated activity or area.
- m. **Recreation**, including **Gyms, recreation centers and indoor pools** and outdoor recreation facilities, may open at 25% capacity, not to exceed 75 patrons, whichever is less, per room indoors or per activity or area outdoors.

- n. **Organized recreational youth or adult league sports** may resume activities with no more than 50 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 25 people.
- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 25 participants indoors and 50 participants outdoors.

C. Level 2.

- 1. The metrics for Level 2 are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 175 per 100,000 in a two week period;
 - b. The percent of positive test results over a rolling 14 day average is no greater than 10%; and
 - c. Hospitalization rates are stable or improving in the preceding 14 day period.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in Level Two are as follows:
 - a. **Public and private gatherings** are limited to no more than 10 individuals when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence.
 - b. **Office-based businesses** may operate the same as Level 1.
 - c. **Non-critical Retail** may operate the same as Level 1.
 - d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room. Extra large establishments may expand to no more than 100 patrons indoors per room within their usable space calculated using the [Distancing Space Calculator](#)
 - e. **Field Services** may operate the same as Level 1.
 - f. **Personal Services** may operate the same as Level 1.
 - g. **Limited Healthcare Settings** may operate the same as Level 1.
 - h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 50 people, whichever is less, per room. Extra large establishments may expand to no more than 100 patrons indoors per room within their usable space calculated using the [Distancing Space Calculator](#). Outdoor dining operates the same as Level 1.

- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 10 people.
- j. **Houses of worship and Life Rites** may operate at 50% of the posted occupancy limit indoors not to exceed 50 people, whichever is less, per room. Extra large establishments may expand to no more than 100 patrons indoors per room within their usable space calculated using the [Distancing Space Calculator](#). Outdoor worship services operate the same as Level 1.
- k. **Indoor Events** may allow up to 100 people within their usable space calculated using the [Distancing Space Calculator](#), excluding staff, per room, unless the event is a seated event as described in **Appendix I**, in which case the calculator is not required and 6 feet distancing between non-household contacts is the standard measure.
- l. **Outdoor Events** may allow up to 175 people within their usable space calculated using the [Distancing Space Calculator](#), excluding staff, per designated activity or area, unless the event is a seated event as described in **Appendix I**, in which case the calculator is not required and 6 feet distancing between non-household contacts is the standard measure.
- m. **Recreation**, including **Gyms, recreation centers and indoor pools** and outdoor recreation facilities and activities, may operate at 25% capacity, not to exceed 50 patrons, whichever is less, per room indoors or per activity or area outdoors.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 25 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 10 people.
- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants indoors and 25 participants outdoors.

D. Level 3.

- 1. The metrics for Level 3 are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 350 per 100,000 in a two week period;
 - b. The percent of positive results over a rolling 14 day average is no greater than 15%; and
 - c. Hospitalization rates are increasing in the preceding 14 day period.

2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in Level 3 are as follows:
 - a. **Public and private gatherings** are limited to no more than 10 individuals when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence.
 - b. **Office-based businesses** may allow up to 25% of their employees to conduct in-person work that takes place outside a private residence.
 - c. **Non-critical Retail** may operate at 25% of the posted occupancy limit.
 - d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
 - e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements.
 - f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room.
 - g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room.
 - h. **Restaurants** may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, whichever is less, per room. Restaurants may also use any existing, licensed outdoor space for in-person dining with the same group limit of 10 and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use.
 - i. **Smoking Lounges** may operate at 25% of the posted occupancy limit, not to exceed 10 people.
 - j. **Houses of worship and Life Rites** may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, whichever is less, per room. For outdoor worship services, a house of worship must maintain 6 feet distance between non-household members and work with the appropriate local authority to obtain approval for the maximum number of individuals who may attend in the designated outdoor space.
 - k. **Indoor Events** may allow up to 25 people within their usable space calculated using the [Distancing Space Calculator](#) per room, unless the event is a seated event as described in **Appendix I**, in which case the calculator is not required and 6 feet distancing between non-household contacts is required.
 - l. **Outdoor Events** may allow up to 75 people within their usable space calculated using the [Distancing Space Calculator](#), excluding staff, per

designated activity or area, unless the event is a seated event as described in **Appendix I**, in which case the calculator is not required and 6 feet distancing between non-household contacts is required.

m. **Recreation**

1. **Gyms, recreation centers and indoor pools** are not authorized to open for in-person services; virtual services may be provided.
2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.

n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.

o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people.

p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants outdoors only.

III. Business and Activity Requirements in Safer at Home

A. Any business or activity not addressed in **Executive Order D 2020 091** as amended by **Executive Orders 2020 123, D 2020 142, D 2020 144, and D 2020 170**, this Order or corresponding interpretive guidance found [here](#) may operate with 10 or fewer individuals per room in accordance with the requirements in Section III.C of this Order.

1. The following establishments remain closed in Safer at Home:
 - a. **Bars** that do not serve food; and
 - b. Casinos, amusement parks, and the use of bounce houses and ball pits in any public or commercial venue.
2. The following businesses or activities are subject to the requirements of other public health orders:
 - a. Nursing facilities, assisted living residences and intermediate care facilities are subject to PHO 20-20; and
 - B. Voluntary and elective surgeries and procedures are subject to PHO 20-29.

B. All **Critical Businesses and Critical Government Functions**, as defined in **Appendix A** and Section IV.C of this Order, may continue to operate, and must comply with **Distancing Requirements**, adopt work from home or tele-work policies for any

operations that can be done remotely, and implement other strategies, such as staggered schedules or re-designing workplaces, to create more distance between workers unless doing so would make it impossible to carry out critical functions.

C. All Business and Government Functions. All Businesses and Government Functions shall follow the protocols below:

1. **Face Coverings.** Face coverings are required pursuant to **Executive Order D 2020 138**, as amended and extended, for all individuals in public indoor settings unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities described in Section II.M of **Executive Order D 2020 138**, as amended and extended.
2. **Work Accommodations.** Employers must provide reasonable work accommodations for **Individuals At Risk of Severe Illness from COVID-19** who are still under the **Stay at Home** advisement, such as telecommuting. Employers are encouraged to provide reasonable work accommodations for individuals who reside with or are caring for **Individuals at Risk of Severe Illness from COVID-19**, or facing child care needs while schools remain closed.
3. **Disease Prevention Measures for the Workplace.** Employers and sole proprietors shall take all of the following measures within the workplace to minimize disease transmission, in accord with the [CDPHE Guidance](#):
 - a. deputize a workplace coordinator(s) charged with addressing COVID-19 issues;
 - b. maintain 6 foot separation between employees and discourage shared spaces;
 - c. [clean and disinfect](#) all high touch areas;
 - d. post signage for employees and customers on good hygiene;
 - e. ensure proper ventilation;
 - f. avoid gatherings (meetings, waiting rooms, etc) of more than 10 people or provide sufficient spaces where **Distancing Requirements** can be maintained if larger gatherings are required by law, such as for some government functions like trials;
 - g. implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite to the greatest extent possible, or if not practicable, through employee self-assessment at home prior to coming to the worksite. A sample form can be found [here](#). If an employee reports any symptoms, refer symptomatic employees to the [CDPHE Symptom Tracker](#) and take all of the following steps:

1. send employee home immediately;
 2. increase cleaning in your facility and mandate 6 feet **Distancing Requirements** of staff from one another;
 3. exclude employee until they are released from isolation by public health. In most cases, someone is released from isolation when they are fever-free, without medication, for 24 hours, other symptoms have improved and 10 days have passed since their first symptom. A limited number of people with severe illness may require longer isolation; and
 4. if two or more employees have these symptoms, consult [CDPHE's outbreak guidance](#), contact your local health department and cooperate in any disease outbreak investigations; and
- h. eliminate or regularly [clean and disinfect](#) any items in common spaces, such as break rooms, that are shared between individuals, such as condiments, coffee makers, vending machines.
4. **Disease Prevention Measures for Employees.** Employers shall take all of the following measures regarding employees to minimize disease transmission:
- a. require employees to stay home when showing any symptoms or signs of sickness, which include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea and connect employees to company or state benefits providers;
 - b. provide work accommodations for **Individuals at Risk of Severe Illness from COVID-19** who remain subject to **Stay at Home** advisement, prioritizing telecommuting, as **Individuals at Risk of Severe Illness from COVID-19** shall not be compelled to go to work during the pendency of this pandemic emergency;
 - c. provide to the greatest extent possible flexible or remote scheduling for employees who may have child or elder care obligations, or who live with a person who still needs to observe **Stay at Home** due to underlying condition, age, or other factor;
 - d. encourage and enable remote work whenever possible;
 - e. encourage breaks to wash hands or use hand sanitizer;
 - f. phase shift and breaks to reduce density; and
 - g. provide appropriate protective gear like [gloves, masks, and face coverings](#) as defined by [OSHA industry standards](#) and require face coverings for all employees in public indoor spaces pursuant to **Executive Order D 2020**

138, as amended and extended.

5. **Disease Prevention Measures for Customers.** Employers and sole proprietors shall implement the following measures regarding customers to minimize disease transmission:
 - a. create whenever possible special hours for **Individuals at Risk of Severe Illness from COVID-19** only;
 - b. encourage 6 foot **Distancing Requirements** inside of the business for all patrons;
 - c. encourage customer use of protection like gloves and face coverings, and require face coverings for all customers in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended;
 - d. provide hand sanitizer at the entrances to the greatest extent possible; and
 - e. use contactless payment solutions, no touch trash cans, etc. whenever possible.
 6. **Large Employers.** Employers with over fifty (50) employees in any one location shall, in addition to the above requirements, implement the following protocols:
 - a. implement employee screening systems that follow the requirements of Section II.C.3.g above in one of the following ways:
 - i. Set up stations at the worksite for symptom screening and temperature checks; or
 - ii. Create a business policy that requires at-home employee self-screening each work day and reporting of the results to the employer prior to entering the worksite;
 - b. close common areas to disallow gatherings of employees;
 - c. implement mandatory cleaning and disinfection protocols; and
 - d. require mandatory adherence to **Distancing Requirements**.
- D. Non-Critical Office-Based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix B** of this Order.
- E. All Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix C** of this Order.

- F. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix D** of this Order.
- G. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix E** of this Order.
- H. Personal Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix F** of this Order.
- I. Limited Healthcare Settings** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix G** of this Order.
- J. Restaurants** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix H**. Additionally, only **Bars** that offer food from a licensed retail food establishment for on-premise consumption and follow the Restaurant requirements in **Appendix H** of this Order may operate. All other **Bars** are closed to ingress, egress, use, and occupancy by members of the public, but may offer alcoholic beverages with food service offered through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in that PHO and in accordance with mandatory **Distancing Requirements**.

 - 1. Pursuant to **Executive Order D 2020 170**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption between 11:00 P.M. and 7:00 A.M. MDT each day. All licensees licensed pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under C.R.S. §§ 44-3-402(2), 44-3-402(7), 44-3-403(2)(e), or 44-3-407(1)(b), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for on-premises consumption. Nothing in **Executive Order D 2020 170**:

 - a. prohibits on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes who have delivery privileges from making alcohol beverage sales for delivery after 11:00 P.M. MDT but takeout alcohol beverage sales are not permitted after 11:00 P.M. MDT; or

- b. changes or amends the requirements of C.R.S. § 44-3-901(1)(a) that prohibit selling or serving alcohol beverages to visibly intoxicated people, and in accordance with Colorado law, over-service violations could result in administrative action by the Liquor Enforcement Division up to and including revocation of a liquor license.
- K. **Smoking Lounges** may operate at the level described in Section II of this Order for which the county in which they operate is approved. For **Smoking Lounges** with outdoor spaces, the establishment must follow local zoning requirements for such spaces. **Smoking Lounges** may provide retail sales, pick up, and delivery of their products.
- L. **Houses of Worship and Life Rites** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and should follow the [Colorado Department of Public Health and Environment Cleaning Guidance](#), as well as the [CDC guidelines for Cleaning and Disinfecting Your Facility](#) in preparing their buildings prior to, during, and following any gathering. Restrooms and the worship space, particularly any metal or plastic on chairs, and all high touch surfaces or shared objects must be cleaned and disinfected between services.
 - 1. **Houses of Worship** are encouraged to implement electronic platforms to conduct services whenever possible or to conduct more frequent services of 10 people or less to allow for compliance with **Distancing Requirements**.
 - 2. For **Life Rites**, only the ceremony or rite itself is included in this authorization, receptions or parties associated with life rites are not included in this authorization.
- M. **Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix I** of this Order.
- N. **Recreation**, including **Gyms and Fitness** and outdoor recreation facilities and activities may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the specific requirements of **Appendix J** of this Order.
- O. **Sports**.
 - 1. **Organized Recreational Youth or Adult League Sports** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix J**.

2. **Professional sports** may resume pre-season practices, training and league play after they submit a reopening plan that details their disease prevention and mitigation strategies to the CDPHE and receive approval, and visiting teams will also follow those approved plans when playing in Colorado. Many professional leagues have created their own reopening requirements and guidance, and professional teams are expected at a minimum to incorporate those requirements into their reopening plans. Colorado sporting events that include both a professional event and a recreational event must have their professional opening plan reviewed and approved by CDPHE. Any recreational sporting events must follow the recreation requirements contained in **Appendix J** and any guidance found [here](#).
 3. **High School Sports** that do not follow the personal recreation guidance in **Appendix J**, and are operating under the auspices of the Colorado High School Athletic Association (CHSAA), may resume practices and games after CHSAA submits plans to CDPHE that detail their disease prevention and mitigation strategies and receives approval.
- P. Outdoor Guided Activities** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix K** of this Order.
- Q. Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix L** of this Order.
- R. Postsecondary Institutions.** Programs and courses at public and private postsecondary institutions may resume in-person classes at the same capacity restrictions for **Indoor Events** at the level described in Section II of this Order for which the county in which they operate is approved.
1. Each institution should consult with the local public health agency for the county in which the institution resides concerning implementation of disease prevention measures in accordance with the [CDPHE Guidance for Higher Education](#), including following all **Distancing Requirements**, determining whether course content should be delivered remotely or in person based upon the prevalence of disease at the school and in the county, and managing any cases and outbreaks, including helping implement quarantine and isolation as needed, to minimize any further spread of disease.

2. Institutions that conduct COVID-19 sample collection for testing in a lab that they own, operate or manage must report all test results, whether positive or negative, to CDPHE. Institutions that contract out laboratory testing services for COVID-19 samples must include in their contracts with the laboratory service provider the requirement to submit all COVID-19 testing results to CDPHE.
 3. All possible outbreaks of COVID-19 must be reported to public health within 24 hours of detection in a manner specified by CDPHE. If an institution is unsure if the cases had contact with one another, report to public health for investigation.
 - a. An outbreak in a postsecondary institution is defined as two or more laboratory-confirmed COVID-19 cases among students or staff, from separate households, in contact with one another with either onset of symptoms of disease or a positive test date if asymptomatic, within a 14-day period.
 4. Institutions shall respond to CDPHE surveys collecting information concerning COVID-19 investigation and response activities, such as the use of quarantine and isolation, in a manner specified by CDPHE.
- S. Ski Resorts.** Prior to opening a ski resort, the resort must do all of the following:
1. Work with the local community to create an opening plan. The plan must:
 - a. Comply with any guidance issued by CDPHE for ski resorts,
 - b. Phase in operations in a way to ensure the ski resort can be fully compliant with all guidelines,
 - c. Factor in the overall capacity that a community can safely host and follow all **Distancing Requirements**, and
 - d. Describe how the ski resort will assist the community in dealing with the increased volume of tourists during winter;
 2. Receive local government approval of the opening plan, either the county or municipality as appropriate;
 3. Submit the opening plan to the local public health agency for their review to ensure alignment with state and local guidance; and
 4. If approved by the local public health agency, the agency will submit the opening plan to CDPHE for final review and approval.

IV. DEFINITIONS

- A. **Bar** means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages and, if serving food, only snacks and not kitchen-prepared meals.
- B. **Critical Business.** Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed in **Appendix A**, must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so. A list of **Critical Businesses** is contained in **Appendix A** of this Order.
- C. **Critical Government Functions.** The provision, operation and support of the following state and local government functions shall continue:
1. Public safety (police stations, fire and rescue stations, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
 2. Emergency response
 3. Judicial branch operations including state and municipal courts, including attorneys, experts, witnesses, parties, and any personnel necessary for trials, court appearances, or other court business. The Judicial branch is encouraged to make remote participation available to the greatest extent possible.
 4. The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions
 5. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions)
 6. Designated emergency shelters
 7. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits)
 8. Public utility plant facilities for generation and distribution (drinking water and wastewater infrastructure, hubs, treatment plants, substations and pumping stations for power and gas, but not including towers, poles, power lines, and oil and gas buried pipelines)
 9. Transportation. All public and private airports, airlines, taxis, transportation network companies (such as Uber and Lyft), vehicle rental services, paratransit,

and other private, public, and commercial transportation and logistics providers necessary for **Necessary Activities**

10. Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
11. Hazardous material safety
12. Services to at-risk populations and **Individuals at Risk of Severe Illness from COVID-19**
13. Activities related to federal, state, and local elections, including any required acts of a political party, provided **Distancing Requirements** are observed to the greatest extent possible
14. Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services
15. Election operations, including but not limited to election judges, signature gatherers/circulators, campaign workers and volunteers

D. Distancing Requirements. To reduce the risk of disease transmission, individuals shall maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.

E. Field Services means a service that is being provided out in the field as opposed to a company property, including third party private properties, such as a third party household.

F. Gym means a building or room used for indoor sports or exercise, such as fitness, dance, exercise or group classes, exercise studios and centers, recreation centers, bowling alleys, pools, and other indoor athletic facilities.

G. Horse track means a licensed race track, which is any premises licensed pursuant to this Article 32 of Title 44 of the Colorado Revised Statutes for the conduct of racing. Sections 44-32-102(2)(a), (2)(b), (3), (8) & (24), C.R.S.

H. Individual at Risk of Severe Illness from COVID-19 means:

1. Individuals who are 65 years and older;
2. Individuals who have cancer;

3. Individuals who have chronic kidney disease;
 4. Individuals who have chronic obstructive pulmonary disease;
 5. Individuals who are immunocompromised;
 6. Individual who have a body mass index of 30 or higher;
 7. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
 8. Individuals who have Sickle cell disease;;
 9. Individuals who have Type 2 diabetes mellitus; and
 10. Other individuals determined to be high risk by a licensed healthcare provider.
- I. Indoor Events** means activities like receptions, events, concerts, indoor markets, indoor malls, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other sectors listed in this Order.
- J. Limited Healthcare Settings** means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services. Services provided in **Limited Healthcare Settings** that are ordered by a medical, dental or veterinary practitioner, are subject to the requirements of Reference PHO 20-29; otherwise, the services are subject to the requirements of PHO 20-28.
- K. Minimum Basic Operations.** The minimum necessary activities to (1) maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or (2) facilitate employees of the business being able to continue to work remotely from their residences are allowable pursuant to this Order; continue filling online product orders and to process customer orders remotely. Any business supporting **Minimum Basic Operations** must comply at all times with **Distancing Requirements**.
- L. Necessary Activities.** For purposes of this PHO, individuals are encouraged to only leave their Residence to perform any of the following **Necessary Activities**, provided they comply at all times and to the greatest extent possible with **Distancing Requirements** below. **Individuals at Risk of Severe Illness from COVID-19** are urged not to leave

their residence except as necessary to receive medical care. People who are sick must not leave their residence except as necessary to receive medical care, and must not go to work, even for a **Critical Business**. **Necessary Activities** include:

1. Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members, including, but not limited to, pets and livestock, such as, by way of example only and without limitation, obtaining medical supplies, walking your dog, feeding barnyard animals, obtaining durable medical equipment, obtaining medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
2. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, food, pet supply, other household consumer products, and products or equipment necessary to maintain the safety, sanitation, and essential operation of a Residence.
3. Engaging in outdoor activity, such as, by way of example and without limitation, walking, hiking, nordic skiing, snowshoeing, biking or running. For purposes of outdoor activity, State parks will remain open to the public who live in the vicinity to engage in walking, hiking, biking, running, camping and similar outdoor activities, basketball and tennis courts may be open for use. For other parks, check with the local jurisdiction and follow any requirements for that jurisdiction. For ski resorts, the local public health agency must approve the ski resort's plan prior to opening. Additionally, the permitted outdoor activities in this PHO do not include activities that would violate the **Distancing Requirements** defined in this Section IV.
4. Performing work providing for businesses, government entities, and industries authorized Section II of this Order, or to otherwise carry out activities permitted in this Order.
5. Caring for a family member, a vulnerable person, or pet in another household, or to care for livestock kept at a location other than an individual's home.

M. Necessary Travel. For purposes of this Order, travel is Necessary for any of the following purposes: (1) providing or accessing **Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses**, and other businesses or industries authorized in Section II of this Order; (2) receiving materials for distance learning, for receiving meals, and any other related services from educational institutions; (3) returning to a place of residence from outside the jurisdiction; (4) travel required by law enforcement or court order; (5) travel to transport children between separate households pursuant to a parenting plan or other agreement governing parental responsibilities; (6) non-residents returning to their place of residence; (7) moving to a

new residence, including individuals whose Residence is unsafe due to domestic violence concerns.

- N. Non-Critical Office-Based Business** means any commercial business that is conducted in an office and not a production environment and is not included in the list of **Critical Businesses** in **Appendix A**.
- O. Non-Critical Retail** means any retail service that is not included in the list of critical retail services in **Appendix C**. Examples of **Non-Critical Retail** include retailers of clothing, home goods, cell phone stores, mattresses, appliances, thrift shops, apothecaries, vape and tobacco shops, craft, hobby and fabric stores, fishing tackle retailers, sporting goods, boutiques, etc.
- P. Outdoor Events** means events such as outdoor receptions, events, fairs, rodeos, non-critical auctions, concerts, outdoor markets, or other outdoor venues not covered in any other sector in this Order. This does not include activities covered under delineated sectors in this Order such as **Restaurants, Houses of Worship, or Outdoor Guided Tours**.
- Q. Personal Services** means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. **Personal Services** include, but are not limited to, pastoral services except as specified in **Appendix F**, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided. Massage therapy services ordered by a healthcare professional should consult **Executive Order D 2020 027**, as amended and extended.
- R. Recreation** means **Gyms** as defined in Section IV.F and outdoor recreation facilities and activities, such as playgrounds, tennis and pickleball courts, bike and motocross tracks, and outdoor swimming pools.
- S. Restaurant** means restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption or from a licensed retail food establishment.

- T. Safer at Home** means individuals stay in your place of residence as much as possible, and avoid unnecessary social interactions.
- U. Smoking Lounge** means any establishment authorized at the state or local level to provide space for patrons to smoke or vape, indoors or outdoors, while at the establishment.
- V. Stay at Home** means to stay in your place of residence, which includes hotels, motels, and shared rental facilities, and not leave unless necessary to provide, support, perform, or operate **Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses**.

V. VARIANCE REQUESTS.

Any Colorado county that meets the metrics for Level 1 or 2 in Safer at Home may request a site specific variance from CDPHE authorizing implementation of different restrictions for the requested site than what is required in this Order. The variance request must include the site requirements endorsed by the local public health agency and adopted by the county commissioners or other county-level governing body, in addition to verification from local hospitals that they have the capacity to serve all people needing their care. Further requirements concerning variance requests are contained in **Appendix M**.

VI. ENFORCEMENT

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

VII. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VIII. DURATION

This Order shall become effective on Tuesday, September 15, 2020 and will expire 30 days from September 15, 2020, unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

September 15, 2020

Date

Appendix A. Critical Businesses List

Appendix B. Non-Critical Office-Based Businesses

Appendix C: Critical and Non-Critical Retail Requirements

Appendix D: Non-Critical Manufacturing

Appendix E: Field Services

Appendix F: Personal Services

Appendix G: Limited Healthcare Settings

Appendix H: Restaurants

Appendix I: Indoor and Outdoor Events

Appendix J: Recreation

Appendix K: Outdoor Guided Services

Appendix L: Children's Day Camps, Residential Camps, Youth Sports Day Camps And Exempt Single Skill-Building Youth Camps

Appendix M: County Site Specific Variance Requests

APPENDIX A: CRITICAL BUSINESSES

Critical Business. Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed below, may continue to operate as normal. **Critical Businesses** must comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so.

“**Critical Business**” means:

1. Healthcare Operations, Including:

- Hospitals, clinics, and walk-in health facilities
- Medical and dental care, including ambulatory providers
- Research and laboratory services
- Medical wholesale and distribution
- Home health care companies, workers and aides
- Pharmacies
- Pharmaceutical and biotechnology companies
- Behavioral health care providers
- Veterinary care and livestock services
- Nursing homes, residential health care, or congregate care facilities
- Medical supplies and equipment manufacturers and providers, including durable medical equipment technicians and suppliers
- Blood banks

2. Critical Infrastructure, Including:

- Utilities and electricity, including generation, transmission, distribution and fuel supply
- Road and railways
- Oil and gas extraction, production, refining, storage, transport and distribution
- Public water and wastewater
- Telecommunications and data centers
- Transportation and infrastructure necessary to support critical businesses
- Hotels, and other places of accommodation
- Businesses and organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged, persons with access and functional needs, or otherwise needy individuals

- Food and plant cultivation, including farming crops, livestock, food processing and manufacturing, animal feed and feed products, rendering, commodity sales, and any other work critical to the operation of any component of the food supply chain
- Any business that produces products critical or incidental to the construction or operation of the categories of products included in this subsection
- Flight schools

3. Critical Manufacturing, Including:

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a **Critical Business**

4. Critical Retail, Including:

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores
- Restaurants as authorized in **Appendix H** of this Order
- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant to **Executive Order D 2020 011**)
- Liquor stores
- Firearms stores
- Hardware, farm supply, and building material stores
- Establishments engaged in the retail sale of food and any other household consumer products (such as cleaning and personal care products), excluding retailers of only health and nutrition-related products (vitamins, minerals, supplements, herbs, sports nutrition, diet and energy products)

- Establishments engaged in the sale of products that support working from home (this exclusion does not include businesses that primarily sell hobby craft supplies)

5. Critical Services, Including:

- Trash, compost, and recycling collection, processing and disposal
- Mail and shipping services, and locations that offer P.O. boxes
- Self-serve laundromats and garment and linen cleaning services for critical businesses
- Building cleaning and maintenance
- Child care services
- Automobile rental, automobile online sales with no touch delivery service, auto supply and repair (including retail dealerships that include repair and maintenance, but not in person retail sales)
- Warehouse/distribution and fulfillment, including freight distributors
- Funeral homes, crematoriums, and cemeteries, and may operate as authorized for **Life Rites** in Section III.K of this Order
- In-person pastoral services for individuals who are in crisis or in need of end of life services provided Distancing is observed to the greatest extent possible.
- **Houses of Worship** may operate as authorized in Section III.K of this Order
- Storage for **Critical Businesses**
- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, and other related facilities
- Moving services
- In person group counseling or recovery meetings for substance abuse or behavioral health following Distancing of 6 feet and no more than 10 participants

6. News Media

- Newspapers
- Television
- Radio
- Other media services

7. Financial and Professional Institutions, Including:

- Banks and credit unions
- Insurance and payroll
- Services related to financial markets
- Professional services, such as legal, title companies, or accounting services, real estate appraisals and transactions

8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:

- Homeless shelters and congregate care facilities
- Food banks
- Human services providers whose function includes the direct care of patients in State-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in State-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

9. Construction, Including but not Limited To:

- Housing and housing for low-income and vulnerable people
- Skilled trades such as electricians, plumbers
- Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions**, and other essential services

10. Defense

- Defense, security, and intelligence-related operations supporting the State of Colorado, local government, the U.S. Government or a contractor for any of the foregoing
- Aerospace operations
- Military operations and personnel
- Defense suppliers

11. Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences or Other Critical Businesses, Including:

- Law enforcement
- Fire prevention and response
- Building code enforcement
- Security
- Emergency management and response
- Building cleaners or janitors
- General maintenance whether employed by the entity directly or a vendor (including maintenance and repair of ordinary household and business appliances but not in-person retail sales of such products)
- Automotive and bicycle repair
- Disinfection

- Snow removal
- Bail bonds agents
- Pest control

12. Vendors that Provide Critical Services or Products, Including Logistics and Technology Support, Child Care and Services:

- Logistics
- Technology support for online and telephone services
- Child care programs and services
- Government owned or leased buildings
- **Critical Government Functions**

13. Educational Institutions that Provide Critical Services to Students and the General Public:

- P-12 public school and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and providing in person learning other essential services to students as determined by the school or school district in consultation with the local public health agency.
- Postsecondary institutions, including private and public colleges and universities, for the purpose of facilitating remote learning, providing in person classroom or laboratory education as authorized in Section III.R of this Order, or performing essential functions, provided that **Distancing Requirements** are observed, such as security, medical and mental health services, housing, food services, and critical research.

APPENDIX B: NON-CRITICAL OFFICE-BASED BUSINESSES

- I. Non-Critical Office-based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as the requirements contained in this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. ensure a minimum of 6 feet of space between all desks and workspaces;
 2. modify the flow of people traffic to minimize contacts, such as identifying doors for entry or exit only;
 3. conduct standard office cleaning with increased frequency and supplement with sanitization of high touch areas, in accord with [CDPHE guidelines](#);
 4. provide employees with cleaning and disinfecting products and guidance on daily workspace cleaning routines; and
 5. post signage for employees and customers on good hygiene and new office practices.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. maintain in-office occupancy at no more than 50% of total by maximizing use of telecommuting and developing in-office rotation schedules;
 2. minimize the number of in-person meetings and maintain 6 foot distancing in those meetings;
 3. provide guidance and encouragement on maintaining 6 foot distancing and taking breaks to wash hands;
 4. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all employees, volunteers, and vendors in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 5. require gloves and masks for any customer interactions; and
 6. allow telecommuting to the greatest extent possible.
- C.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. require 6 foot distancing measures wherever possible, such as marked space in check-out lines;

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2. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
3. provide hand sanitizer at entrances and other high-traffic locations; and
4. implement hours where service is only provided to **Individuals at Risk of Severe Illness from COVID-19** if possible.

APPENDIX C. CRITICAL AND NON-CRITICAL RETAIL REQUIREMENTS

- I. Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved. **Non-Critical Retailers** are encouraged to continue drive-through, curbside pick-up or delivery for longer term service wherever possible. **Critical** and **Non-Critical Retailers** must implement the requirements in Section III.C of this Order, in addition to the specific requirements in this **Appendix C**. Indoor malls are addressed separately in Section III of this **Appendix C**.

- A. Critical and Non-Critical Retail** must implement the following measures within the workplace to minimize disease transmission:
 - 1. Elevate and increase frequency of [cleaning practices](#), including cleaning and disinfection of high touch areas for both back-room and retail spaces.
 - 2. Restrict return policy to only items that can be properly sanitized prior to re-selling.
 - 3. Post signage for employees and customers on good hygiene and other sanitation practices.
 - 4. Maintain 6 foot distancing between patrons and employees;
 - 5. Effectively monitor employees' symptoms as listed in Section III.C;
 - 6. Require and provide face coverings for all employees, and gloves as necessary and appropriate;
 - 7. Provide dedicated, in-store hours for Individuals at **Risk for Severe Illness from COVID-19**.

- B. Critical and Non-Critical Retail** must implement the following measures regarding employees to minimize disease transmission:
 - 1. Provide guidance and encouragement on maintaining 6 foot distancing between both employees and employees and customers.
 - 2. Provide appropriate face coverings and gloves to all employees whenever possible, and also allow employees who can to provide their own appropriate face coverings and gloves for work activities. Pursuant to **Executive Order D 2020 138**, as amended and extended, face coverings are required in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - 3. Encourage frequent breaks to allow employees to wash or sanitize their hands.

4. Require employees to stay home when showing any symptoms or signs of sickness.
 5. Provide personal protective equipment (PPE) for employees who are managing deliveries, returns, etc.
- C. Employers must implement the following measures regarding customers to minimize disease transmission:
1. Require 6 foot distancing measures wherever possible, such as marked space in pick up lines;
 2. Require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 3. Limit the number of customers on the premises as needed to make 6 foot distancing between customers attainable;
 4. Provide decals and demarcation for waiting area in lines that meet **Distancing** criteria;
 5. Create signage encouraging **Individuals At Risk of Severe Illness from COVID-19** to refrain from shopping outside of dedicated hours set aside for them;
 6. Create signage to remind of the requirement for all individuals in public indoor spaces to wear a face covering, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, and to encourage the use of gloves by customers while on the premises; and
 7. Provide hand sanitizer and wipes at entrances and other high-traffic locations to the greatest extent possible.
- III. Retail Markets and Malls.** Indoor and outdoor market operators and indoor mall operators shall follow the **Indoor or Outdoor Event** requirements in **Appendix I**. Individual vendors operating within these venues must follow the **Retail** requirements.

APPENDIX D: NON-CRITICAL MANUFACTURING

- I. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. Create and implement policies or procedures for all of the following:
 - a. Limiting group interactions to keep any group less than ten (10) people by
 - i. staggering of shift changes, breaks, lunches, etc., and
 - ii. eliminating all-staff in-person meetings or lunches;
 - b. Modifying the flow of people traffic to minimize contacts, such as arranging one-way flow of work and people;
 - c. Implementing 6 foot distancing and impermeable barriers between employees whenever possible;
 - d. Limiting the sharing of tools, equipment, or other resources to the greatest extent possible, and if not feasible, implement cleaning and disinfection protocols as often as possible for any such shared tool, equipment and resources; and
 - e. Requiring hand washing upon arrival and before departure, establishing set hand washing time frames throughout shifts, and providing additional hand washing stations if possible.
 2. Conduct cleaning protocols as follows:
 - a. Daily deep cleaning and disinfecting and full cleaning in-between shifts in accordance with [CDPHE guidance](#); and
 - b. Establish protocols to increase the frequency of sanitization in work and common spaces, following OSHA requirements and CDPHE guidance, [found here](#);
 3. Provide contactless options, such as entry to the worksite, payments, etc., whenever applicable and possible;
 4. Use paperless, electronic options whenever possible to reduce the use of sharing paperwork;
 5. Ensure ventilation of work and break areas is in line with [OSHA guidance](#);
 6. Support transportation arrangements that discourage carpooling; and
 7. Develop a Preparedness and Response document in accordance with OSHA guidance.

B. Employers must implement the following measures for employees to minimize disease transmission:

1. Provide guidance about how to comply with 6 foot distancing;
2. Designate workers to monitor and facilitate distancing on processing floor lines;
3. Require employees to use masks or face coverings, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties;
4. Require employees to wash their hands upon arrival to and before departure from the facility, as well as frequently during workshifts, in accordance with the policy required in Section I.A.1.vi of this **Appendix**;
5. Disinfect work stations between shifts and/or at the end of the workday;
6. Group employees into teams or shifts that remain together;
7. Stagger employee lunch and break times;
8. Encourage all employees not critical to in-person operations to continue working from home or working remotely; and
9. Encourage the wearing of masks or other face coverings while carpooling, and individuals are required pursuant to Executive Order D 2020 138 to wear a face covering while taking public transportation, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.

C. Employers must implement the following measures regarding customers to minimize disease transmission:

1. Prohibit entry to the worksite of all non-essential external visitors;
2. Conduct symptom checks for any essential visitors who will interact with employees;
3. Require essential visitors to wear masks or face coverings, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
4. Encourage 6 foot distancing and implement procedures to limit person-to-person interaction in inbound/outbound shipping areas.

APPENDIX E: FIELD SERVICES

- I. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. adhere to all general rules or guidance on social gathering limitations when working out of the office;
 2. implement procedures for field-based employees to monitor for symptoms and report-in to management daily on health status.
 3. comply with the **Distancing Requirements** and maintain a 6 foot distance between employees and from their customers;
 4. provide gloves and masks for any customer interactions or work being done in third-party home, office spaces, or other public indoor spaces;
 5. When scheduling or conducting field services, either the employer or an employee must inquire whether third-party homes have individuals symptomatic for COVID-19 or have been in contact with known positive cases, and exercise caution when inside the home and interacting with anyone in the home if they do;
 6. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, and location of contact, as well as the contact's phone number and/or email address;
 7. require that all tools or equipment be sanitized after each customer visit;
 8. prioritize work accommodations for **Individuals at Risk of Severe Illness from COVID-19**, prioritizing telecommuting;
 9. provide guidance and encouragement on personal sanitation, including frequently washing hands. This guidance should include all of the following:
 - a. frequently and thoroughly wash your hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer with at least 60% alcohol;
 - b. cover coughs and sneezes with a tissue, then throw the tissue in the trash, or use your inner elbow or sleeve;
 - c. avoid touching your eyes, nose, and mouth with unwashed hands;
 - d. stay home if you're sick, and keep your children home if they are sick; and
 - e. clean high touch surfaces in your home, and personal items such as cell phones, using regular household products; and
 10. real estate open houses must follow the **Indoor Events** requirements in Section III.M. and Appendix I of this Order.

- B.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. provide estimates, invoices, receipts, and other documentation electronically to negate the need for paper;
 2. provide contactless payment options in the field whenever possible;
 3. encourage customers to maintain 6 foot distancing from field service employees; and
 4. encourage customers to use facial coverings when field services are being conducted and pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings if the services are provided in a public indoor space unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.

APPENDIX F: PERSONAL SERVICES

I. Personal Services may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

- A.** Employers and sole proprietors must implement the following measures within the workplace to minimize disease transmission:
1. Employ strict hygiene guidelines and cleaning and disinfection procedures for all contact surfaces and tools, in accordance with [CDPHE Worker and Customer Protection Guidelines for Non-Healthcare Industries](#);
 2. Ensure a minimum of 6 feet of separation between clients and customers, including services for pets, when not directly performing service;
 3. Post signage for employees and customers on good hygiene and safety measures being taken;
 4. Minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings; and
 5. Implement the capacity restrictions in Section II of this Order on a per room basis. All businesses offering services through employees or lessees in individual rooms must comply with the requirements of this Order for each room.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. Services with close personal contact, such as beauty professionals, massage, etc., must implement the following:
 - a. wear a face covering and gloves at all times, or, if wearing gloves is not feasible or appropriate, meticulous hand washing;
 - b. change gloves and wash hands between every individual or pet served;
 - c. clean and disinfect all shared equipment and tools between every individual or pet served; and
 - d. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number and/or email address.
 - e. for services where the client cannot wear a mask (facials, beard trims, etc.), the employee or practitioner is strongly encouraged to wear a medical-grade mask whenever possible, and must wear a face shield in addition to their mask.

2. Personal services with low personal contact, such as movers or repair services, must implement the following:
 - a. maintain a minimum of 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
- C. Personal Services** must implement the following measures regarding customers to minimize disease transmission:
1. provide customer services by appointment only, do not allow walk-ins or waiting for an appointment, and follow **Distancing Requirements**;
 2. require customers to wear face coverings, except
 - a. for personal training in a pool,
 - b. if the service being performed requires the removal of a mask (e.g. a facial, lip waxing or beard trim), or
 - c. where the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
 - d. if a customer does not have a mask, a "disposable mask" could be provided;
 3. conduct symptoms check for all customers of services with close personal contact and decline to provide services to anyone who has symptoms. A sample form can be found [here](#); and
 4. provide contactless payment options whenever possible.

APPENDIX G: LIMITED HEALTHCARE SETTINGS

I. Limited Healthcare Settings may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

Limited Healthcare Settings may conduct voluntary and elective surgeries and procedures in limited healthcare facilities and offices with required personal protective equipment (PPE) in accord with the priorities, requirements, and specific criteria below.

- A.** Employers and sole proprietors of **Limited Healthcare Settings** must implement the following measures within the overall workplace, including administrative and front office operations, to minimize disease transmission:
1. The practice must have access to adequate PPE in order to sustain recommended PPE use for its workforce for two weeks without the need for emergency PPE-conserving measures. If a practice proposes to extend the use of or reuse PPE, it must follow CDC guidance.¹
 2. The practice must implement strict infection control policies as recommended by the CDC.²
 3. The practice must ensure a minimum of 6 feet of separation between clients and patients, when not directly performing service, and all settings offering services in individuals rooms must comply with the requirements of this Order for each room.
 4. The practice must post signage for employees and patients on good hygiene and safety measures being taken.
 5. The practice must minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings.
 6. Practices must maintain a plan to reduce or stop voluntary and elective surgeries and procedures should a surge/resurgence of COVID-19 cases occur in their region.
- B.** Employers of **Limited Healthcare Settings** must implement the following measures regarding employees to minimize disease transmission:
1. Services with close, direct personal contact must implement the following:
 - a. wear medical grade mask and gloves at all times; however, acupuncturists may substitute good hand hygiene by thoroughly washing hands before and after seeing each patient for the gloves if their licensing requirements and standards so allow;
 - b. change gloves and wash hands between every patient;
 - c. clean and disinfect all shared equipment and tools between every patient; and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>

² <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html>

- d. maintain a detailed log of patient interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number
 - e. for services where the client cannot wear a mask, the employee or practitioner must wear a face shield in addition to their mask.
 2. Services with low personal contact must implement the following:
 - a. maintain a minimum of six 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
 3. The practice must require all administrative personnel to wear a facemask, that can be cloth if necessary, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. In order to ensure staff can take off their masks for meals and breaks, scheduling and location for meals and breaks should ensure that at least a 6-foot distance can be maintained between staff when staff needs to remove their mask. It is important for healthcare settings to emphasize that hand hygiene is essential to maintaining employee safety, even if staff are wearing masks. If the facemask is touched, adjusted or removed, hand hygiene should be performed.

C. Limited Healthcare Settings must implement the following measures regarding customers to minimize disease transmission:

1. The practice must provide services by appointment only, do not allow walk-ins or waiting for an appointment;
2. The practice must require patients to wear face coverings; if a patient does not have a mask, a "disposable medical mask" could be provided;
3. The practice must conduct symptom checks for all patients, decline to provide services to anyone who has symptoms, and refer them to their primary care physician. A sample form can be found [here](#); and
4. The practice must provide contactless payment options whenever possible;
5. The practice must follow **Distancing** protocols of maintaining at least a 6-foot distance between individuals wherever possible such as in waiting rooms and other small spaces, and should use physical barriers within patient care areas when possible.
6. The practice must appropriately schedule patients, so that providers have sufficient time to change PPE and ensure rooms and equipment can be cleaned and disinfected between each patient.
7. The practice should continue to maximize the use of telehealth and virtual office or clinic visits.

8. The practice should use virtual waiting rooms when possible, with patients who are able to wait in their cars not entering the office until they can be moved immediately to an exam room.
 9. The practice should implement source control for everyone entering the office or clinic, including requiring all patients and visitors to wear a cloth mask when entering any healthcare building, and if they arrive without a mask, one should be provided.
- D.** As best practice, it is recommended that if performing voluntary and elective surgeries and procedures, **Limited Healthcare Settings** reassess their operations every two weeks, in order to ensure:
1. All of the above approaches and criteria are being met;
 2. Procedures are prioritized based on whether their continued delay will have an adverse health outcome.
 - a. Voluntary and elective surgeries and procedures should be prioritized based on indication and urgency³;
 3. Strong consideration is given to the balance of risks versus benefits for patients in higher-risk groups such as those over age 65 and those with compromised immune systems or lung and heart function;
 4. All patients are pre-screened for COVID-19 risk factors and symptoms prior to delivering care, via telehealth when applicable; and
 5. Compliance with the guidance and directives for maintaining a clean and safe work environment issued by the CDPHE and any applicable local health department for critical businesses is maintained, including compliance with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible.

³ Urgent and emergent care should continue in accordance with OHA and CMS guidance.

APPENDIX H: RESTAURANTS

- I. **Restaurants, and Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix. Restaurants** remain encouraged to continue curbside pick up and delivery, including alcohol pick up and delivery.
- A. Employers must implement the following measures within the workplace to minimize disease transmission:
 1. Indoor and outdoor in-person services
 - a. Post signage notifying patrons and employees of hygiene and sanitation expectations, including not entering if they are experiencing any symptoms.
 - b. Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables should be a minimum of 6 feet to ensure proper distancing.
 - c. Limit party size to 10 people or less.
 - d. All employees must wear facial coverings that cover the nose and mouth, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - e. Employees may utilize disposable gloves as normally required by their governing regulations. Employees that are directly involved with disinfecting equipment and surfaces within critical business and/or have direct contact with customers shall wear gloves when involved in these activities.
 - f. Cleaning and disinfection of all shared surfaces must be done between seatings.
 - g. Ensure proper ventilation per [OSHA guidance](#).
 3. **Restaurants, and Bars** that serve food from a retail food licensee with tables at least 6 feet apart and set seating for on-premise consumption, must make every effort to maintain physical distancing at all times, both inside and outside the establishment, including:
 - a. Using a reservation system, exclusively if possible;
 - b. Disallowing close proximity to others outside the patron's group by:
 - i. eliminating communal and seat yourself options
 - ii. providing a hostess seating option or staffing the dining area to ensure cleaning and disinfection between prior to the next seating
 - iii. allowing bar seating options only if the bar is not being used for bar service or if there is a clearly designated and separated section

- of the bar that is not being used for bar service;
 - c. Eliminating customer service buffets;
 - d. Provide appropriate signs or markings within the **Restaurant** or **Bar** to space lines, indicate which tables are unavailable, prohibit games and dance floors that encourage gatherings, and direct foot traffic; and
 - e. Performers in a restaurant or bar whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, must maintain a minimum of 25 feet of distance from the patrons.
4. **Restaurants, and Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, must implement measures to maintain the cleanliness and sanitation of the restaurant, including:
- a. Minimize or eliminate high touch surfaces and multi-use objects, such as games, table cloths if used for multiple seatings, permanent menus, and condiments, and clean and disinfect any shared objects between uses;
 - b. Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
 - i. Clean and disinfect restrooms and high touch areas every hour, and
 - ii. Block off stalls and urinals with proper signage to adhere to 6 feet distance between patrons; and
 - c. Use disposable items wherever possible, such as single-use menus and condiments.
 - d. Eliminate multi-use utensils (such as hot dog roller tongs, bulk food bins and coffee urns) at self-service stations that have and implement touchless self-service wherever practicable.
- B.** Employers must implement the following measures for employees to minimize disease transmission:
- 1. Establish a minimum of 6 foot physical distancing standards and train employees on maintaining distancing between employees to the greatest extent possible
 - a. Consider implementing workflow requirements, dividers at pay counters and hostess areas, and modifying the menu to free up kitchen space.
 - b. Limit group interactions including staggering of shift changes, breaks, no consumption of family or shift meals onsite, etc.
 - c. Conduct virtual staff meetings whenever possible, any all staff meetings must meet 6 foot distancing requirements.
 - 2. Face coverings and gloves
 - a. Require employees to wear face coverings at all times, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, and encourage the use of gloves when in contact with customers or goods.
 - b. Require face coverings and encourage gloves for vendors, suppliers, and

contract workers entering the licensed establishment, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.

3. Employee sanitary requirements
 - a. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
 - b. Strict adherence to the hygienic practices listed in the *Colorado Retail Food Regulations* regarding hand washing and glove use.
- C. Employers should implement as many of the following measures as feasible regarding customers to minimize disease transmission and assist in any necessary outbreak investigations:
 1. To facilitate notifying customers if a disease exposure occurs, consider
 - a. providing an option for customers to "sign in", and
 - b. utilizing a reservation system;
 2. Implement as feasible the following low or no touch options:
 - a. Provide contactless payment options, and
 - b. Continue curbside pick up/delivery options and recommend for vulnerable individuals or those unable to adhere to hygienic and distancing requirements;
 3. Ensure 6 foot distancing at all times by implementing the following:
 - a. Block off lobbies or waiting areas completely, or establish customer waiting areas that maintain proper Distancing from other guests, and
 - b. Restrict standing or congregating in public spaces such as the bar area, entrance or exit; and
 4. Pursuant to **Executive Order D 2020 138**, as amended and extended, require facial coverings be worn by customers when not seated for dining, and consider refusing service to customers who refuse to adhere to hygiene and Distancing requirements.

APPENDIX I: INDOOR AND OUTDOOR EVENTS

- I. **Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
 - A. Venue size is determined based on usable space per room or designated activity. An indoor event or outdoor designated activity that includes spectators may include both the activity space and the spectator space, or these spaces may be separated, and the venue must apply the appropriate capacity limits to the size of each designated space. If participants in the designated activity may also at times move into the spectator space, those participants will count for purposes of the capacity limit for the spectator space if that space is separately defined from the designated activity space.
 1. For seated **Indoor and Outdoor Events**, where the attendees have minimal movement, such as purchasing concessions or using the restroom facilities, the calculation of the available space may be based on 6 feet distancing between non-household contacts and does not require the use of the **Distancing Space Calculator** in all levels of Safer at Home.
 2. If an **Indoor or Outdoor Event** has several different facets, some of which are seated with minimal movement, others of which include movement such as walking around fairgrounds or through exhibits in a museum, only the space for the seated events with minimal movement may be calculated using 6 feet distancing without the use of the **Distancing Space Calculator**.
 - B. Designated activities or areas must be separated by a minimum of 50 feet from each other, maintain separate entrances and exits, and must minimize the use of shared facilities like restrooms
 - C. Performers are not included in capacity limits as long as they do not join the spectator or patron areas at any time and, for performers whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, the performers must remain at least 25 feet from attendees. If performers join the patron spaces, they must be included in the capacity limit numbers. Performers should also use a separate entrance and exit from spectators or patrons.

- D. Operators, employees and attendees must wear face coverings unless the individual is age 10 or under, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. Individuals in public indoor settings, including performers, must follow the face covering requirements in **Executive Order D 2020 138**, as amended and extended.
- E. Operators, organizers or employers must implement employee screening protocols for all employees as described in Section III.C.3.g of this Order, and exclude ill or symptomatic individuals.
- F. Operators and organizers must manage the event or activity to comply with the capacity limits per activity at all times, and further manage traffic flow between designated activities to minimize or eliminate mixing of groups including the use of single direction traffic flow in and out of the venue and seating area.
- G. Food sold in these settings must follow the **Restaurant** requirements in Section III.J and **Appendix H** of this Order.
- H. Ventilation in an indoor venue must meet OSHA guidance.
- I. Indoor market and mall operators must follow the **Indoor Events** requirements in Section III.M and **Appendix I** of this Order, outdoor market operators must follow the **Outdoor Events** requirements in Section III.M and **Appendix I** of this Order. Individual vendors in these settings must follow the **Retail** requirements in Section III.E and **Appendix C** of this Order.
- J. Drive-in events such as theaters or fireworks displays are authorized to operate above the 10 person gathering limit so long as participants remain in their vehicles unless seeking minimal services, the vehicles remain a minimum of 6 feet apart, and only minimal common services are available such as concessions and restrooms.

APPENDIX J: RECREATION

- I.** Individuals may participate in personal recreation and operators may operate **Gyms**, outdoor recreational facilities and activities and **Organized Recreational Youth or Adult League Sports** at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Travel should occur within an individual's local community or as necessary to access outdoor recreation areas. If travelling outside their community, Coloradans are urged to honor all restrictions in place at their destination and avoid travel to counties or municipalities that issue travel restrictions. Local authorities have the discretion to close recreation as needed.
- A. Campgrounds.** Campgrounds may be open for use. Campground operators must regularly clean and disinfect all common areas, such as bathrooms, in accordance with the [CDPHE Cleaning Guidance](#). Group facilities, pavilions, cabins, and yurts remain closed. Campsites must be a minimum of 6 feet apart, and should only be available by reservation. Campground operators must post signs to remind guests of physical distancing requirements, and limit visitors in campground offices to maintain such distancing.
- B.** Outdoor recreation activities are permitted as follows:
1. Playgrounds and outdoor recreation facilities, such as tennis and pickleball courts, should clean and disinfect high touch areas frequently.
 2. Outdoor swimming pools capacities do not change with the Safer at Home levels; instead, they may operate at 50% capacity not to exceed 50 people in all levels. Frequently touched surfaces, shared objects, and bathrooms should be cleaned and disinfected every hour.
- C. Organized Recreational Youth or Adult League Sports**
1. Parents may attend youth sports activities but must remain 6 feet apart from non-household members. Spectators are authorized and must follow the **Indoor** and **Outdoor Events** requirements. Adjacent fields of play should be distanced to allow for at least 50 feet of distancing between two fields of play and their respective spectator sections.
 2. All individuals in public indoor spaces must wear a face covering unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

3. The sports leagues and teams must establish protocols for:
 - a. Screening both athletes and spectators for symptoms and COVID-19 exposures to ensure they are symptom-free before they are deemed able to attend or play;
 - b. Isolation and quarantine for ill or exposed individuals; and
 - c. Requiring athletes with confirmed or presumed COVID-19 infection to obtain clearance from their health care provider for return to sports participation
4. The sports league must retain records of who played in case later disease outbreak investigations become necessary.
5. The sports league must notify and cooperate with the local public health agency regarding any cases of COVID-19.

D. Gyms

1. Gyms must maintain 6 feet distancing between patrons, discourage the sharing of equipment, and clean and disinfected equipment between uses.
2. All individuals must wear face coverings in **Gyms**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

- E. Competitive Events.** Competitive events such as races and endurance events are permitted as long as 6 foot distancing and limitations on group size can be maintained. This includes implementing, including implementation of staggered start times and making efforts to prevent gatherings at starts and finishings, so that no more than 10 people are gathered at a time.

APPENDIX K: OUTDOOR GUIDED SERVICES

- I. **Outdoor Guided Services**, may, if authorized by the local jurisdiction, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Additionally, specific **Outdoor Guided Services** may operate in accordance with the following capacity requirements established per service type:
 - A. Non-guided equipment rentals, subject to compliance with the retail requirements in **Appendix C** of this Order;
 - B. Developed hot springs may operate in accordance with the outdoor pools requirements in **Appendix J** of this Order;
 - C. The following Outdoor Guided Services must have their plans approved by the local public health agency in their jurisdiction:
 1. Outdoor recreation activities at ski resorts (mountain biking, hiking, climbing walls, mountain coasters, ropes courses, adventure parks, zip lines, etc);
 2. Zip lines, ropes courses, outdoor artificial climbing walls, or outdoor sports adventure centers not affiliated with ski resorts; and
 3. Scenic trains must have every local public health agency in each jurisdiction through which the train operates has approved the train's plans.
- II. **Outdoor Guided Services** operators must meet any local policies in effect as well as all of the following requirements:
 - A. Distancing and Capacity Requirements
 1. Maintain a distance of 6 feet from patrons and fellow employees, except in cases where it is unsafe to maintain that distance.
 2. Follow **Retail** or **Restaurant** guidelines where applicable.
 3. For vehicles used to transport patrons, the following requirements apply:
 - a. No closed-air vehicles or tours are allowed, as windows must remain open during the transport or tour.
 - b. Limit smaller vehicles or crafts to two household units not including guides. Where a distance of 6 feet can be ensured between household units, more than two households per vehicle/craft are permitted.
 - c. Limit passenger buses and vans to no more than 50% capacity, or less if distancing requirements cannot be met between groups, and prohibit use of the seat behind the driver.
 4. Conduct staging operations such as customer check-ins and end-of-trip operations outdoors with parties from different households spaced 6 feet apart.

5. Maintain and promote physical distance during a tour or trip. Rafts or vehicles should not be full, and ensure distance between guide and patrons.

B. Hygiene, Cleaning and Disinfection Requirements

1. Post signs for employees and customers outlining good hand/respiratory hygiene and safety measures being taken. Signs should be in languages customers will understand. ([CDC examples](#))
2. Encourage hand hygiene by directing customers to where they can wash their hands with soap and water or use hand sanitizer.
3. Vehicles used to transport patrons must be cleaned and disinfected after each use.
4. Disinfect all equipment used by patrons as well as surfaces or items in common contact with patrons between each use.

C. Operators and Employees

1. Wear face coverings at all times in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended, and also during staging and disembarking operations, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties. Where safe, wear face coverings during trip operations.
2. Operators must conduct symptom and temperature checks for employees and refer symptomatic employees to the [CDPHE Symptom Tracker \(Additional Guidance\)](#). Employees who exhibit COVID-19 symptoms should not come to work. Employees who develop COVID-19 symptoms while at work should immediately notify their supervisor and be separated from others, sent home, and referred to state or company support services.

APPENDIX L: CHILDREN'S DAY CAMPS, RESIDENTIAL CAMPS, YOUTH SPORTS DAY CAMPS AND EXEMPT SINGLE SKILL-BUILDING YOUTH CAMPS

- I.** Summer camps, sports camps, and residential camps may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Prior to hosting a camp, the camp operators must create a plan that implements all of the following:
 1. All activities, including recreation, transportation, and food service must comply with the following restrictions:
 - a. Six feet physical distancing is required at all times, which may limit further the size of the group due to the size of the space. If the space is large enough to accommodate multiple groups and maintain 6 feet physical distancing, multiple groups are permitted.
 - b. Require face coverings during transportation in camp vehicles to and from the camp, unless the individual is 10 years of age or younger or cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 2. For staff and camper health and safety:
 - a. Provide adequate personal protective equipment (PPE) for staff who supervise and care for ill campers, staff, and volunteers, and require face coverings for all individuals in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - b. Determine the staffing needs, including the availability of substitute staff if staff or volunteers become ill or are exposed.
 - c. Ensure space is available to isolate ill staff and campers (cots, bedding, restrooms, and supervision).
 - d. Ensure the on-call availability of a nurse or health care professional.
 - e. Establish protocols for responding and reporting cases to health care staff, local public health authorities, and CDPHE.
 - f. Prepare procedures for closures following a case or outbreak of COVID-19.
 - g. Provide access to or sufficient supplies of all of the following:
 - i. public restrooms, drinkable water sources, and picnic or other eating areas during activities at outdoor locations;
 - ii. handwashing/hand sanitizing locations; and
 - iii. adequate cleaning and disinfecting supplies

- h. Train camp staff and volunteers on the requirements of this Order, as well as prevention, transmission, and care of COVID-19 illness.
- B. Camp operators must meet all of the following requirements while camps are in session:
 - 1. Staff, volunteer and camper health.
 - a. Screen staff, volunteers and campers for symptoms and close-contact exposures upon arrival. Exclude ill individuals from the camp, and encourage them to use the [CDPHE Symptom Tracker](#)
 - b. Staff or volunteers sent home must adhere to [isolation](#) and exclusion requirements.
 - c. Establish protocols for staff, volunteers and campers to alert health care staff of symptoms in themselves or campers.
 - d. Determine if any staff or volunteers are at a higher risk for COVID-19 and consider whether job duties that don't involve interaction with others are advisable.
 - 2. Require staff, volunteers and campers to do all of the following:
 - a. Remain with the same group of campers and maintain physical distancing of at least 6 feet whenever possible, including during meals and recreation;
 - b. Wash hands upon arrival, before eating, and at regular intervals throughout the day;
 - c. Stagger activities as much as possible to avoid any mixing of groups, and
 - d. Wear masks or face coverings in public indoor spaces and encourage the use outdoors, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 - 3. Post signs or mark spaces to ensure 6 foot minimum distancing, and limit any activities that are not conducive to maintaining this distance.
 - 4. Educate campers as needed on COVID-19 prevention, including respiratory etiquette and good hygiene, in accordance with public health guidance.
 - 5. Ensure sufficient cleaning and disinfecting of commonly touched surfaces, equipment, and vehicles throughout the camp.
 - 6. Provide frequent communication with all families of enrolled campers related to the occurrences of COVID-19 at the camp, the camp's responses, and all issues in the public health order.
 - 7. Prohibit family and buffet style food services, self service and counter food service, and other configurations that require campers to share utensils. Clean and disinfect dining areas and high touch surfaces between groups.
 - 8. For residential camps, disallow non-essential visitors to the camp and prohibit external community organizations from sharing the camp space during the camp session.

APPENDIX M: COUNTY SECTOR SPECIFIC VARIANCE REQUESTS

I. BACKGROUND

The restrictions contained in this Order may be subject to revision through a county variance process established by CDPHE. Any county meeting the Level 1 or Level 2 metrics as described in Section II of this Order that desires to apply for a site specific variance from part of the public health order may do so if they meet certain criteria established below. These variances allow very large indoor and outdoor venues that meet the criteria to operate in an alternate fashion after receiving approval from the county's local public health agency and other local officials, and then final approval from the CDPHE. The application must be submitted by the local public health agency directly to CDPHE.

II. VARIANCE APPLICATION REQUIREMENTS

A. Application Requirements

1. **Eligibility**
 - a. Counties that are in Level 1 on the dial may apply for **outdoor** and **indoor** site-specific variances.
 - b. Counties that are in Level 2 on the dial may only apply for **outdoor** site-specific variances.
 - c. Only venues that exceed 30,000 square feet will be considered for a variance.
2. **Application Submission.** Prior to submitting a variance application to CDPHE, counties that receive a request for a site specific variance must review and determine whether to support the request. If the county supports the site specific variance, the local public health agency may submit a variance application to CDPHE. The application form must include all of the following:
 - a. Identify the site and capacity limit(s) the county is requesting a variance from.
 - b. Describe the disease prevention measures the county will require of the site to meet the state's orders.
 - c. Use the [social distancing space calculator](#) to determine capacity.
 - d. Use the [outdoor](#) and [indoor](#) event guidance to create designated spaces within the site.
 - e. Documentation of approval of the variance request must be included in the variance application from all of the following:
 - i. The local public health agency;

- ii. Local hospitals verify that they have the capacity to serve all people needing their care;
- iii. The county commissioners or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council, vote affirmatively to adopt the alternative plan in place of the state Safer-At-Home order; and
- iv. Counties with sovereign tribal nations (Ute Mountain Ute and Southern Ute Indian tribes) must obtain a letter of support from tribes and include it with their variance application.

B. Application Review. Site specific variance requests will be evaluated based on a number of factors, including:

- 1. County is in Level 1 or Level 2 of the Safer at Home dial;
- 2. Square footage of venue;
- 3. Map of venue with occupied floor space;
- 4. Capacity request, including both the percent and total number of people;
- 5. Ventilation plan if an indoor site;
- 6. Sanitation plan, including handwashing stations, hand sanitizer and restrooms;
- 7. Mask wearing for all staff and participants;
- 8. Health exclusion considerations for staff and participants;
- 9. Distancing requirements;
- 10. Designated areas for participants and activities;
- 11. Signage for participants and traffic flow requirements;
- 12. Risk assessment analysis; and
- 13. Parking and transportation plan.

III. LIMITATIONS ON VARIANCES

A. A county in Level 1 or Level 2 of **Safer at Home** may apply to CDPHE for up to 10 variances per 100,000 people for indoor and outdoor venues that are 30,000 square feet or larger.

B. CDPHE will not grant a variance request for any of the following:

- 1. A higher capacity than 50%;
- 2. Removal from the requirements of the state's orders generally;
- 3. Reduction or elimination of protections for **Individuals at Risk of Severe Illness from COVID-19**, as defined in state's orders;
- 4. Modifications of the requirements of **Public Health Order 20-29: Voluntary and Elective Surgeries and Procedures**;

5. Modifications to the requirements for nursing facilities, assisted living residences or intermediate care facilities in **PHO 20-20**; or
6. Modification of the mask or face covering requirements.

IV. SUSPENSION, RESCISSION OR TERMINATION OF VARIANCES

- A.** If a site that has an approved variance experiences two COVID-19 cases linked to the site, the county must work with the site to implement mitigation strategies to reduce or eliminate further spread of disease. CDPHE may suspend the variance at any time, as deemed necessary, to mitigate disease spread.
- B.** Approved site specific variances may also be suspended by the local public health agency. Local public health agencies may also choose to maintain approved site specific variances in the event that a state order becomes less restrictive than the approved variance. At no point may an approved variance request be altered to be less restrictive in any aspect than state orders without updated approval from CDPHE.
- C.** Suspension or rescission of a site specific variance will reinstitute the requirements of this Order at the level for which the county is approved at the time of suspension or rescission for that site.
- D.** All variances granted pursuant to this Order remain in effect until the sooner of:
 1. The county moves down to a level where the variance is no longer authorized, or up to a level where the variance is no longer necessary;
 2. The variance is rescinded pursuant to the terms of the variance approval by CDPHE, rescinded for other reasons by CDPHE, or rescinded by the county; or
 3. This Order expires without further extension or is terminated.
- E.** Counties that are unwilling or unable to implement mitigation strategies or take enforcement actions as warranted are subject to suspension or rescission of variances. Counties that choose to not comply with executive orders, public health orders, or an approved variance will be subject to the loss of emergency preparedness funds.



Associated Governments of Northwest Colorado (AGNC)

Legislative Update

September 15, 2020

The General Election is now only seven weeks away. That election will result in new legislators being sworn in January 13. At least twelve new House members will be seated (along with those who return) and perhaps additional new faces if incumbents are voted out. The Senate will see three new members (at a minimum). Eighteen Senate seats are up for re-election, with fifteen of those whose members are hoping to return. And potentially eleven new measures could be incorporated into Colorado law, either by statute or constitutional amendment (of course, rarely do all ballot measures pass).

The following ballot measures have previously been discussed, but information has been updated, including the Blue Book Fiscal Impact Statement which estimates the cost to the state (not to local governments or the private sector).

Proposition 113. National Popular Vote. If approved, this measure will allow Colorado to join other states in casting its electoral votes for the winner of the national popular vote rather than the winner of the state popular vote. Citizens led the effort to put this on the ballot to overturn a bill that was passed and signed in 2019. The measure will appear on the ballot. More than \$3.2 million has been spent by supporters (many from outside Colorado) while opponents report spending less than \$200. The Denver Post has editorialized in favor.

Proposition 114. Reintroduction of Gray Wolves. The measure amends Colorado statutes to require reintroduction of gray wolves into Colorado and requires Colorado Parks and Wildlife to develop a management plan. The measure will appear on the ballot. Opponents (there are two organized groups) have spent approximately \$200,000 to fight the measure, while supporters have spent \$1.5 million to pass it. The Denver Post endorses the measure while most counties oppose. The fiscal impact analysis which will be included in the Blue Book is attached.

Amendment B. Gallagher Amendment Repeal. The measure was referred to the ballot by the General Assembly (therefore no signature requirement to be met). It amends the Constitution by repealing the Gallagher Amendment which fixes the ratio of residential property tax to all other property tax revenue at 45-55%. If passed, a separate piece of legislation will freeze the current assessment ratio until changed by the legislature. Neither the issue committee formed to support (Colorado Coming Together) nor the opposition committee (Keep Property Taxes Low) report having spent any money on the measure. Descriptive language in the Blue Book (legislative booklet sent to all voter households) was amended prior to printing, leading to a lawsuit by opponents who argued that the description distorted the analysis to favor the repeal. Interestingly, the plaintiffs in that suit included a former Democrat Speaker of the House, her husband (a former Boulder assessor), and the author of the Gallagher amendment. A district court judge immediately dismissed the case. The fiscal impact analysis from the Blue Book is attached.

Proposition EE. Cigarette and Nicotine Taxes. This measure was referred to the ballot by the General Assembly following the passage of HB 20-1427 on the last day of the session. It was a compromise to head off a more radical proposal. It increases the tax on cigarettes and other tobacco products and adds a new tax on nicotine products such as vaping substances. A portion of the revenue raised would go to public schools. There do not appear to be issue committees formed concerning this specific measure, although several organizations worked on previous efforts.

Amendment 76. Citizenship Qualification of Electors. The Constitutional measure reiterates that only citizens may vote in elections (Current language says “Every citizen” can vote). Supporter organization Colorado Citizen Voter has spent \$20,000 to pass the measure. No opposition committee is currently registered.

Proposition 116. Reduction of State Income Tax. Initiative #306 qualified for the ballot August 17 via a petition submitted by Jon Caldara and Sen. Jerry Sonnenberg. It lowers the Colorado income tax for individuals from 4.63% of federal taxable income to 4.55%. Income tax for C corporations is also decreased from 4.63% to 4.55% of Colorado net income. The fiscal impact analysis from the Blue Book is attached.

Proposition 115. Prohibition of Late Term Abortions. The measure amends Colorado criminal statutes by prohibiting licensed physicians from performing an abortion if the gestational age is at least 22 weeks, as determined using best medical practices. The measure requires physicians to decide of the probable gestational age before performing any abortion. Under the measure, performing or attempting to perform an abortion after 22 weeks gestational age is a class 1 misdemeanor.

Amentment C. Bingo and Raffle Rules. The measure amends the Colorado Constitution to allow persons conducting bingo and raffle operations to be paid (no more than minimum wage) and changes the required period of existence of an organization sponsoring bingo or a raffle from five years to three. This measure was referred by the General Assembly pursuant to HCR 20-001.

Proposition 118. Paid Family and Medical Leave Insurance Program The measure creates a statewide paid family and medical leave insurance program and division as an enterprise in the Department of Labor and Employment (CDLE). The purpose of the Family and Medical Leave Insurance (FAMLI) program and division is to provide partial wage-replacement benefits for up to 12 weeks per year to eligible employees, and employment protections for employees that take that leave. Premium payments for the program are split between employers and employees. Opt-out provisions include local governments, employers of nine or fewer employees, self-employed, and employers that offer essentially the same benefits. Federal employees are not covered. The fiscal note analysis from the Blue Book is attached.

Amendment 77. Local Voter Approval of Gaming Limits in Black Hawk, Cripple Creek, and Central City. The Colorado Constitution currently limits gaming to slots, blackjack, poker, craps, and roulette, with a maximum bet of \$100 for any game. This measure would allow voters in Central City, Black Hawk, and Cripple Creek to expand bet amounts and the types of games allowed at casinos in the three cities. Additionally, the measure allows gaming revenue distributed to the state's public community colleges to be spent on programs that improve student retention and increase completion of credentialed programs.

Proposition 117. Voter Approval for Creation of Certain Fee Based Enterprises. The voter approval requirement applies if the program's projected or actual revenue from fees and surcharges exceeds

\$100 million over the first five years for which the program will operate as an enterprise. To make this determination, projected or actual revenue from enterprises created in the five preceding fiscal years and serving primarily the same purpose are added to the projected or actual revenue of the created or qualifying enterprise.

When Legislative Council staff reported on enterprises in 2019, there were 22 such funding mechanisms in place (another two were added since then). In FY 2017-18 enterprise revenue amounted to nearly \$18 billion. To put this in perspective, Colorado's General Fund for FY 20-21 was around \$11 billion.

Regulatory Activities

Oil and Gas. The OGCC continues to implement SB29-181. The past week has focused on set back requirements for wells and facilities, with commission members recommending a 2000 foot setback, like one rejected by Colorado voters just two years ago.

Air Quality/Climate. The AQCC's work on GHG reduction and decarbonization of Colorado's broad economy continues. Various potential strategies under discussion by the GHG Subcommittee are posted on the AQCC website <https://drive.google.com/drive/folders/1Ny7mfHM2zJIQySASfZc8Z1WN8fihyST6> Written public comments on the documents are being solicited. Strategies being recommended to the subcommittee and public comments submitted to date urge immediate aggressive action to restrict GHG's, including accelerated closure of coal plants, curtailing all fossil fuel use/emissions, and stopping issuance of new leases and permits. The GHG subcommittee will meet again on September 25 to consider

The spreadsheet of GHG reduction scenarios prepared by CDPHE
Western Resource Advocates contingency proposal
CPHE's proposed contingency plans as described in the PowerPoint
Any other potential contingency plans not yet discussed.

Among the public comments submitted to the Commission is a document submitted by the DU College of Law Environmental law program (at the request of Conservation Colorado). The 44 page document lays out policies for carbon reduction and environmental justice, including Just Transition for fossil fuel dependent communities. Specifically, it calls out Craig Colorado for directing new jobs and economic opportunity such as carbon farming. . Of course, the report does not say how this can be done without significant funding!

Legislative Issues for 2021

Budget and Taxation. On September 18 Legislative Council staff will present the quarterly economic forecast to give the JBC and colleagues a picture of how to plan the coming FY 21-22 budget. This is the time of year when Executive Branch agencies present their wants and needs to the Governor for use in preparing his budget which will be presented to the JBC on November 1. Unlike the June quarterly forecast, which was largely based on models, this week's forecast will have actual data from sales and income tax receipts so it may be a realistic picture of what to expect for the remainder of the year.

The Governor's Tax Study group has met at least once, Composed of unnamed legislators, and staffed by the Governor's Office of State Planning and Budget (OSPB), it received analyses of state tax expenditures (deductions, credits and exemptions) that could be modified or repealed to bring in more

revenue. The study documents were prepared by the Urban Tax Center of the Brookings Institute. Some of those credits and exemptions were already undergoing review by the Auditor's office and that input was included. It is likely that all deductions, credits, and exemptions under Colorado law will be attacked this year.

We continue to seek more information on the Study Group's activities. The meetings are held virtually, and we have been informed by the Governor's Office that they are not subject to the Open Meetings Law.

Water. A committee has been appointed by DNR director Dan Gibbs to discuss additional ways to discourage water speculation. The committee was formed pursuant to SB 20-048 and includes

Kevin Rein (Co-Chair), State Engineer, Division of Water Resources
Scott Steinbrecher (Co-Chair), Assistant Deputy Attorney General, Attorney General's Office
Tracy Kosloff, Deputy State Engineer, Division of Water Resources
Erin Light, Division 6 Engineer, Division of Water Resources
Lauren Ris, Deputy Director, Colorado Water Conservation Board
Amy Ostdiek, Deputy Section Chief, Colorado Water Conservation Board
Alex Funk, Agricultural Water Resource Specialist, Colorado Water Conservation Board
Justice Gregory Hobbs Jr., Colorado Supreme Court Justice (ret.)
Joe Bernal, Bernal Farms
Daris Jutten, Lazy K Bar Land and Cattle Co.
Joe Frank, General Manager, Lower South Platte Water Conservancy District
Larry Clever, General Manager, Ute Water Conservancy District
Alex Davis, Water Resources Division Manager, Aurora Water
Peggy Montañó, Trout Raley
Peter Fleming, General Counsel to the Colorado River District
Adam Reeves, Maynes, Bradford, Shipps and Sheftel LLP
Drew Peternell, Colorado Director, Trout Unlimited
Kate Ryan, Senior Attorney, Colorado Water Trust

Dredge and fill (Waters of the State). Following the Trump Administration's revision of the Waters of the U.S. regulation, Colorado successfully obtained a preliminary injunction that prevents the new rule from applying and allows the 2008 rule to continue to be applied here. No one knows at present whether the state's arguments will be successful on the merits of its complaint, or if a change in administration in Washington, D. C. might cause the federal rule to change yet again. If the Trump rule remains in place and the state's injunction is overturned, CDPHE will pursue its own dredge and fill program. Its rationale for the program is that prior to June 22 (when the Trump rule became effective) CDPHE had relied on the Army Corps of Engineers to protect state waters under its 404 permit program. That June 22 rule no longer covers ephemeral streams and certain wetlands as waters of the U.S., although they are designated "waters of the state" by Colorado law, and therefore must be protected by a CDPHE permit program, which does not currently exist. Draft legislation to establish a permit program was prepared at the end of the 2020 legislative session, and CDPHE continues to hold stakeholder meetings on the topic, although the department has stated that as long as the injunction remains in place they do not feel it is necessary to move forward with legislation. They are, however, laying the groundwork. CMA is working as a member of the Colorado Water Congress State Affairs Committee on the issue. CDPHE's next stakeholder meeting is scheduled for Sept. 29.

Environmental legislation. Based upon discussions at the AQCC, we expect a bill concerning a low carbon fuel standard and possible changes in building codes for energy efficiency. There may also be legislation to adopt a benchmark for heating/cooling efficiency for commercial buildings.

Follow-up legislation (speculation). When the legislature returned to the Capitol May 26 for three weeks, it passed several bills in great haste. As a result of that speed it can be anticipated that some of these bills will require “fixes”. Among those issues are: SB 20-205 (Employee Sick Leave). With the pandemic still active, if the ballot initiative providing family medical leave (Proposition 118) does not pass the issue will likely be back before the legislature to tweak existing law and amend SB 20-205. HB 20-1420 made changes in Colorado tax statutes concerning Net Operating Loss carry-forward, Further changes to this provision may reappear in 2021. And, with the current debate over how and under what circumstances to reopen schools, another lengthy debate on immunization will likely resurface. In the area of law enforcement, amendment to SB 20-217 (police reform) will be raised concerning the ability of a municipality to provide blanket “good faith” protection to its police, and to authorize insurance programs to cover personal liability for officers. These issues were all controversial when originally enacted and any amendment will also create controversy.