Teller County

(719) 689-2988 www.co.teller.co.us Fax (719) 686-7900

September 11, 2020

Colorado Department of Public Health and Environment
Attention: Jill Hunsaker Ryan, Executive Director
4300 Cherry Creek Dr. South
Denver, Colorado 80246

Re: Teller County Request for Amendment to Variance from Tenth Amended PHO 20-28, August 21, 2020, Section II. A, subsection 2 for Casinos in Cripple Creek, CO

Dear Director Ryan,

On June 7, 2020, you approved Teller County's variance request for casinos in Cripple Creek to operate on a limited capacity with slot machines only. The casinos reopened on June 15, 2020 and have been operating in full compliance with that variance. The casino operators have done an excellent job taking steps to protect their employees and customers from virus transmission and spread.

After a modest spike in COVID-19 cases in late July, cases in Teller County have been trending down in a positive direction for the past month. We are now in the "moderate" category with 7 new cases in the last 14 days. Since the start of the COVID-19 pandemic, we have seen 166 total cases, with 15 hospitalizations and 4 related deaths. Our community testing continues to expand and our positivity rate is now below 5%.

When you granted the casino variance, you did not approve gaming tables, but specifically stated you would consider them again in three weeks. It has now been three months, and we believe it is the appropriate time to allow table games for casinos in Cripple Creek.

We also request that you amend the existing variance to allow expanded hours for alcohol service.

These two requested amendments are independent of each other, so we ask that you review each request on its own merits and grant each of them. The attached suppression plan details the reasons for both requests.

In addition to these two specific amendments, Teller County seeks clarification from CDPHE on how casinos are treated for tracking potential cases. Since each casino is a separate business in

separate buildings, we believe each casino should be treated as a separate entity for purposes of managing COVID, rather than aggregating all casinos in Cripple Creek together. Thus, if any cases are traced to a casino, Teller County Public Health and the OEM will be able to pinpoint a mitigation plan to that specific casino to curb any further risk to the community. This will allow Teller County to respond quickly and efficiently. Please confirm that CDPHE agrees with this approach.

Finally, our local hospital, the Teller County Board of Health, and the Board of County Commissioners all support this amendment to the existing casino variance.

We continue to share confidence in the suppression plan the County and casino industry have developed and executed to combat COVID-19.

Thank you for your consideration. Please contact us with any questions about this request.

Sincerely,

Commissioner Marc Dettenrieder, Chairman

Commissioner Bob Campbell, Vice Chair

Commissioner Norm Steen

Teller County

Board of Health

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September 11, 2020

Re: Approval of Teller County's Request for Amendment to Variance from Tenth Amended PHO 20-28, August 21, 2020, Section II. A, subsection 2 for Casinos in Cripple Creek, CO

On September 10, 2020 in a public meeting held virtually, via Zoom, the Teller County Board of Health considered and unanimously approved of Teller County's request for an amendment to the current Variance from the Tenth Amended PHO 20-28, August 21, 2020, Section II. A, subsection 2 for Casinos in Cripple Creek, CO.

TELLER COUNTY BOARD OF HEALTH

Marc Dettenrieder, Chairman

uchealth

Pikes Peak Regional Hospital
Administration

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Woodland Park, CO 80863

O 719.374.6067
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uchealth.org

September 11, 2020

Teller County Board of County Commissioners
P.O. Box 959
Cripple Creek, CO 80813

Dear Commissioners Dettenrieder, Campbell, and Steen:

On April 26, 2020, Governor Jared Polis issued Executive Order, D 2020 044, Safer at Home (the "**Executive Order**"). Section II.M. of the Executive Order, provides for application for variances for the Executive Order as follows:

"Any county wishing to apply for a local variance from part or all of this Executive Order must submit a written application to CDPHE certifying that the county has low case counts of COVID-19 cases or can document fourteen (14) consecutive days of decline in COVID-19 cases reported in the county. The application must include a written COVID-19 suppression plan approved by the appropriate local public health authority, all hospitals within the county (unless no hospitals are located in the county), and a majority of 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."

Pursuant to the Executive Order, UCHealth Pikes Peak Regional Hospital ("**Hospital**") has been asked by Teller County ("**Government**") to review Government's COVID-19 Suppression Plan with respect to Government's request for a Variance (the "**Variance Request**"), dated May 6, 2020, from the Executive Order. In reviewing Government's COVID-19 Suppression Plan, Hospital assumes the accuracy of the data for current and estimated rates of infection and hospitalization provided to it by Government and the Colorado Department of Public Health and Environment ("**CDPHE**") and provides no opinion with respect to the accuracy of such data. Hospital also assumes the accuracy of information provided by other hospitals serving the Government primary service area. Except as expressly set forth below, Hospital further assumes the accuracy of all facts and assumptions set forth in the Variance Request. Finally, Hospital does not opine on the secondary effect of people traveling to or from the Government's primary service area to other locations in the State.

Based on the foregoing assumptions:

1. Hospital currently has zero (0) ICU beds available as none exist within the Hospital's licensed patient accommodations. However, Teller County relies on the resources of hospitals in Colorado Springs for ICU backup and as such, UCHealth Memorial Health System which operates two hospitals in Colorado Springs maintains 58 ICU beds sufficient for Hospital to provide its usual and customary care for COVID-19 patients based on the current infection data;

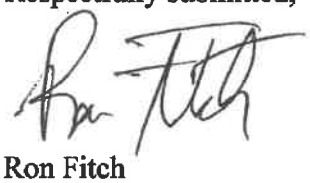
2. Hospital currently has up to three (3) ventilators available and such ventilators are sufficient for Hospital to provide its usual and customary care for COVID-19 patients based on current infection data;

3. Hospital has adequate personal protective equipment ("**PPE**") to provide its usual and customary care for COVID-19 patients based on current infection data; and

4. Hospital has adequate levels of hospital staff to provide its usual and customary care for COVID-19 patients based on current infection data.

Based solely on the foregoing, and subject to the qualifications and limitations set forth herein, Hospital believes that it can provide the services as set forth in the Government's COVID-19 Suppression Plan. Hospital believes that both Government and CDPHE should actively monitor the accuracy of, and any changes to, the assumptions and facts set forth in the Variance Request. Hospital shall update Government and CDPHE if the facts set forth in #1-4 above materially and adversely change.

Respectfully submitted,



Ron Fitch
Chief Administrative Officer
UCHealth Pikes Peak Regional Hospital

Joel P. Yuhas, FACHE
President & CEO
UCHealth Southern Colorado Region

Teller County Request to Amend Existing Variance for Casinos in Cripple Creek

As explained in our original variance request on May 29, 2020, casinos in Cripple Creek are not at all similar to Las Vegas style casinos. The casinos in Cripple Creek are much smaller, low key operations in a remote mountain town an hour drive from the closest large city. The casinos in Cripple Creek are more appropriately viewed as hotels and restaurants with a gaming floor. This is much more of a hospitality business than a gambling business. Over the past 3 months, Cripple Creek casinos have proven they are able to implement and follow the necessary precautions, operations and procedures to maintain the health and safety of their customers and employees.

For these reasons, Teller County requests the following amendments be approved to the existing variance for our Cripple Creek casino businesses:

1. Reopening of Table Games

- Casinos have successfully operated slot machines with effective health precautions, including social distancing, use of face masks, employee health screening, and cleaning protocols. Based on this experience over the past 3 months, the casinos are ready to implement these same protocols for table games.

- The gaming industry is the most regulated industry in the State of Colorado. Strictly complying with and enforcing state rules is second nature to the individually state-licensed owners, managers and staff.

- Extensive video surveillance permits security staff to know immediately if customers are violating social distancing or other requirements and to ensure compliance. Recordings of that video surveillance can also be highly effective in contact tracing. Under state rules, every casino must be able to follow a customer throughout the entire casino floor, and even common hotel areas and outside of the building are monitored.

    - Colorado Limited Gaming Rules and Regulations required elevated surveillance standards for all table games and surveillance personnel actively watch those areas while games are in operation.

- Extensive use of players club cards also permits casinos to know which customer played which game, for how long and when, further assisting contact tracing.

- Casinos are large commercial buildings that have modern ventilation and are continuously circulating outside air.

- Alcohol consumption is low and tightly controlled. It is against Colorado law to game at a casino while intoxicated. Cripple Creek casinos are currently following the variance approved policy of serving no more than one drink per ½ hour to any customer.

- Cripple Creek casinos do not have nightclubs or live indoor music.

Requested Table Games Operating Restrictions:

- Limit the number of players at a table game to maintain social distancing.
    - Black Jack – 3 players; 2 on the end and one in the middle
    - Roulette – 4 players
    - Craps – 3 players per side, 6 players total for a full table with both sides operating
    - Live Poker – 6 players (please note there are no live poker rooms planning to operate in Cripple Creek at this time, but this table game is included to avoid the need for a separate request in the future)

- No additional bystanders sitting at tables or group gatherings around the tables.

- Provide hand sanitizer and require each customer to use it immediately prior to beginning play.

- Players may also be provided a new pair of gloves to wear while playing.

- Require each dealer to use hand sanitizer prior to beginning dealing at each and every table during their rotation.

- All players must properly wear a face mask or covering while at the table. Players may briefly lower their mask to consume food or a beverage (as permitted by house rules) but must turn away from the table when doing so and replace the mask properly before turning back.

- Chips used during the course of business by players or staff are to be disinfected frequently, minimum of once per day.

- Disinfecting of commonly used table games equipment before use; including dice, card shoes, shufflers, roulette ball and dolly, tip boxes and pit podium equipment.

- The rail area on a table will be sanitized prior to a new player occupying that space.

- Cards will be changed out after no more than 2 hours of use if the game allows/requires touching of cards by the customer.

- Dice will be disinfected prior to them being offered to a different player on the table.

- Roulette Ball and Dolly will be disinfected prior to each new dealer.

- Signage in Table Games reminding players to wash hands or use disinfectant before and after playing table games and handling chips.

2. Return to 24/7 Alcohol Service

Prior to the "Last Call" Executive Order to stop serving alcohol at 10 p.m. (later revised to 11 p.m.) casinos in Cripple Creek were allowed to serve alcohol 24/7. Due to the strict alcohol guidelines in casinos do not have intoxicated guests hanging out at bars. This was true prior to COVID-19 and even more so now. In addition, casinos in Cripple Creek do not have a young (21-29 year-old) crowd in the casinos, so it is not a typical bar scene.

Casinos are already legally required to limit one alcoholic drink for each individual guest per every 30 minutes. This eliminates overserving and intoxication from alcohol served regardless of the time of the day, whether it is 9 p.m. or 4 a.m. Casinos are open for gaming 24/7 and can responsibly continue to serve alcohol 24/7 without jeopardizing the safety and health of our customers, employees or community.

For these reasons, Teller County requests that casinos in Cripple Creek be allowed to serve alcohol during their hours of operation, 24 hours a day, 7 days a week.

Our May 29, 2020 variance request included detailed Health and Safety Guidelines for casinos, which are incorporated herein by reference, except as noted above.