

**AGENDA  
CARBONDALE BOARD OF TRUSTEES  
WORK SESSION  
DECEMBER 15, 2020  
6:00 P.M.**

**ATTENTION:** Due to the continuing threat of the spread of the COVID-19 Virus, all regular Carbondale Board of Trustee Meetings, Special Meetings, Executive Sessions and Work Sessions will be conducted virtually. If you have a comment concerning one or more of the Agenda items please email [cderby@carbondaleco.net](mailto:cderby@carbondaleco.net) by 5:00 pm on December 8 15, 2020.

If you would like to comment during the meeting please email [cderby@carbondaleco.net](mailto:cderby@carbondaleco.net) with your full name and address by 5:00 pm on December 15, 2020. You will receive instructions on joining the meeting on line prior to 6:00 p.m. Also, you may contact [cderby@carbondaleco.net](mailto:cderby@carbondaleco.net) to get a phone number to listen to the meeting, however, you will be unable to make comments.

You may also watch a live streaming of the meeting on You Tube. Search Town of Carbondale December 15, 2020 meeting. Please be aware that you will experience a 15-30 second delay.

You are invited to a Zoom webinar.

**When:** Dec 15, 2020 06:00 PM Mountain Time (US and Canada)

**Topic:** Town of Carbondale Board of Trustees 12-15-2020 Work Session

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87912650527?pwd=bWZBdTBEa2VDZlZDQVFCd0tBVExqdz09>

Passcode: 761761

Or iPhone one-tap :

US: +16699006833,,87912650527#,,,,,0#,,761761# or  
+12532158782,,87912650527#,,,,,0#,,761761#

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<b>TIME*</b>		<b>ITEM</b>	<b>DESIRED OUTCOME</b>
<b>6:00</b>	<b>1.</b>	<b>Tobacco Tax Revenue Projections</b>	<b>ATTACHMENT A Discussion</b>
<b>6:45</b>	<b>2.</b>	<b>COVID-19 Economic Issues</b>	<b>ATTACHMENT B Discussion</b>
<b>7:45</b>	<b>3.</b>	<b>Adjourn</b>	

\* Please Note Times Are Approximate

**Current State Cigarette Tax:**

The cigarette tax is levied on the sale of cigarettes by wholesalers and is assessed at a fixed amount on each single cigarette sold. The cigarette tax has two components. The first, enacted in 1964, is a tax of 1¢ per cigarette.<sup>1</sup> In 2004, voters approved an additional 3.2¢ tax per cigarette with the passage of Amendment 35. The Department of Revenue is responsible for administering both taxes, which are collected in practice as a single tax of 84¢ per pack of 20 cigarettes. Wholesalers are responsible for collection of the tax and must submit monthly payments to the Department of Revenue on or before the tenth day of the month following collections.

The original 1¢ tax is subject to the [TABOR Amendment's](#) limitations on state revenue and spending. Amendment 35 is a voter-approved tax increase, exempting the additional tax revenue from the TABOR limit.

Cigarettes are taxed at 4.2¢ per cigarette (84¢ per pack of 20 cigarettes). Cigarettes are also subject to the 2.9 percent state [sales tax](#). Local governments and special districts may also levy a cigarette tax. Since a change in statute in 2019, local governments may levy a cigarette tax and still be entitled to an allocation of state cigarette tax revenue. This has resulted in an increase in local measures to tax cigarettes. No tax exemptions or credits are available for cigarettes.

**Town Tobacco Tax July 1, 2020:**

Sales tax of twenty cents per cigarette or four dollars per pack of twenty cigarettes sold; beginning July 1, 2020, there shall be a new sales tax of 40 percent on the sales price of all other tobacco products

**State Tobacco Tax January 1, 2021:**

The current state cigarette tax is 84 cents per pack. It increases in 2021 to \$1.94 per pack and caps out at \$2.64 in 2027 for a total increase of \$1.80 per pack.

The tax on other tobacco products, which includes cigars, chew and other products made with the tobacco leaf, will increase from its current rate of 40% to 62% of price by 2027.

With the passage of Proposition EE, the new tax on vape products will start at 30% in 2021 and increase to 62% in 2027. Vaping products and devices that do not contain nicotine are not subject to the tax.

These new tax rates also include a special rate for what are called “modified risk tobacco products,” which are federally designated as having lower health risks compared to existing commercial products. They would be taxed at 35% of the manufacturer’s list price.

The U.S. Food and Drug Administration authorized the marketing of Philip Morris Products S.A.'s "IQOS Tobacco Heating System" as modified risk tobacco products in July.

The new law also establishes a minimum tax for moist snuff products at \$1.48 per 1.2 ounce container, increasing to \$2.26 by 2027-28. Moist snuff is smokeless tobacco that can be loose or pouched and is intended to be placed in the mouth.

It also sets the minimum after-tax price of cigarettes for consumers at \$7 per pack beginning in January 2021, and \$7.50 per pack beginning in July 2024. Raising the price of tobacco products has been shown to reduce use.

	July	August	September	October	November	December	Total
<b>Tobacco Tax Totals</b>	<b>48,034.97</b>	<b>48,881.41</b>	<b>42,757.33</b>	<b>39,282.75</b>	<b>-</b>	<b>-</b>	<b>178,956.46</b>
		<b>1.76%</b>	<b>-12.53%</b>	<b>-8.13%</b>			

2020 Tobacco Tax	\$4 per pack town tax
	40% tax other nicotine products
	\$0.84 per pack for state
	2.9% state sales tax

projected in the 2021 budget \$450,000 for revenue on tobacco  
Do we want to reduce that due to the state tax beginning January 1?

2021 Tobacco Tax	\$4 per pack town tax
	40% tax other nicotine products
	\$1.94 per pack for state
	2.9% state sales tax
	30% tax other vaping products

Currently a pack of cigarettes costs anywhere from \$12.00 to \$16.50  
Estimated cost for a pack of cigarettes in January will be \$13.10 to \$17.53

Does the town want to modify tax amount?



**COLORADO**  
Department of Public  
Health & Environment

December 9, 2020

John Martin, Commissioner  
Mike Samson, Commissioner  
Tom Jankovsky, Commissioner  
Garfield County Board of Commissioners  
*via email*

Kevin Batchelder, County Manager  
Garfield County  
*via email*

Yvonne Long, Director  
Garfield County Public Health  
*via email*

RE: Garfield County COVID-19 Dial Level Change

Dear Commissioners, County Manager Batchelder, and Director Long:

On November 18, 2020, the Colorado Department of Public Health and Environment (CDPHE) notified Garfield County Public Health that the county's incidence rate had exceeded COVID-19 Dial Level thresholds of Yellow, and subsequently the county was moved to Level Orange to facilitate the additional implementation of restrictions. At that time, the county's COVID-19 metrics were as follows:

- Two-week cumulative incidence rate: 664.81/100,000 people
- Percent positivity: 12.5%
- 2-week COVID-19 case count (new cases): 400

As of today, the county's COVID-19 metrics are as follows:

- Two-week cumulative incidence rate: 1037.1/100,000 people
- Percent positivity: 13.37%
- 2-week COVID-19 case count (new cases): 624

Given the increase in incidence rate, case count and percent testing positivity, an implementation of additional restrictions is warranted at this time. As such, CDPHE is moving Garfield County to COVID-19 Dial Level Red.

Garfield County Dial Change - Level Orange to Level Red  
December 9, 2020

The change from Level Orange to Level Red is effective Thursday, December 10 at 5pm and the county should work to inform residents, businesses and other stakeholders to ensure the transition is completed by then. This process will require the county to implement restrictions across all sectors as described in Section II.F of Public Health Order 20-36, as amended.

Should the county restore metrics for a less restrictive level at any time, the county would need to maintain those metrics for two weeks and complete the request process described here in order to move to that level.

I appreciate the unique challenges facing Garfield County and commend you for your diligence. Preventing the spread of this persistent virus takes the cooperation of everyone consistently practicing good disease prevention strategies and your partnership is critical to this effort. Thank you.

Lastly, if the Department can be a resource for you in any capacity, please let us know.

Sincerely,



Jill Hunsaker Ryan, MPH  
Executive Director  
Colorado Department of Public Health and Environment

# What are the capacity restrictions at each level?

Effective date: 11/20/20  
ATTACHMENT B

	LEVEL GREEN: PROTECT OUR NEIGHBORS	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
HIGH RISK POPULATIONS	Use caution  Eligible for worker benefits and mandatory prioritization for remote work	Use caution  Eligible for worker benefits and mandatory prioritization for remote work	Advised to Stay at Home  Eligible for worker benefits and mandatory prioritization for remote work	Strongly advised to Stay at Home  Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home  Eligible for worker benefits and mandatory prioritization for remote work	Stay at Home Ordered  Eligible for worker benefits and mandatory prioritization for remote work
VARIANCES	Eligible for both outdoor and indoor site-specific variances if approved by LPHA	Eligible for both outdoor and indoor site-specific variances if approved by LPHA	Eligible for outdoor site-specific variances if approved by LPHA	Not eligible	Not eligible - Current variances reevaluated	Not eligible - Current variances revoked unless specifically allowed
PERSONAL GATHERING SIZE	Per local guidance	Up to 10 from no more than 2 households	Up to 10 from no more than 2 households	Up to 10 from no more than 2 households	None	None
CHILDCARE	Open	Open	Open	Open	Open	Open
P-12 SCHOOLS	In-person	In-person	In-person suggested, hybrid, or remote as appropriate	In-person suggested, hybrid, or remote as appropriate	P-5 in-person suggested, or hybrid or remote as appropriate Middle school in-person, hybrid, or remote suggested, High school hybrid or remote suggested	In-person, hybrid, or remote as appropriate
HIGHER EDUCATION	In-person	In-person	In-person, hybrid, or remote as appropriate	In-person, hybrid, or remote as appropriate	Remote suggested, limited in-person when necessary	Remote suggested, very limited in-person when necessary
PLACES OF WORSHIP AND LIFE RITES - INDOOR UNSEATED FUNCTIONS	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 50 people no calculator, or up to 100 (with calculator) †	25% capacity or 50 people (with calculator) †	25% capacity or 50 people (with calculator)	Remote, virtual service, or outdoor are strongly encouraged; indoors up to 10
PLACES OF WORSHIP AND LIFE RITES - INDOOR SEATED FUNCTIONS	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 100 people †	25% capacity or 50 people †	25% capacity or 50 people †	Remote, virtual service, or outdoor are strongly encouraged; indoors up to 10
PLACES OF WORSHIP AND LIFE RITES - OUTDOORS	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning
RESTAURANTS - INDOORS	50%* capacity or 500 people †	50% capacity or 175 people indoors †	50% capacity or 50 people (or up to 100 with calculator) †	25% capacity or 50 people †	Indoor dining closed. Take out, curbside, delivery, or to go	Indoor dining closed. Take out, delivery, or to go is open
RESTAURANTS - OUTDOORS	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	6ft between parties outdoors, per local zoning	Open air with only groups of own household is open	Outdoor dining closed. Take out, delivery, or to go is open
LAST CALL	Per local	12am (on premises)	11pm (on premises)	10pm (on premises)	8pm (on premises)	No on premises service
NON-CRITICAL MANUFACTURING	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 50 people (or up to 100 with calculator) †	25% capacity or 50 people †	25% capacity or 50 people †	10% capacity or 25 people †
OFFICES	50%* capacity	50% capacity	50% capacity, remote work is strongly encouraged	25% capacity, remote work is strongly encouraged	10% capacity, remote work is strongly encouraged	Remote work or Closed
BARS	50%* capacity or 500 people †	Closed	Closed	Closed	Closed	Closed
GYMS/FITNESS	50%* capacity or 500 people †	25% capacity or 75 people †	25% capacity or 50 people †	25% capacity, 25 people indoors †, or outdoors in groups less than 10	10% capacity, 10 people indoors per room †, or outdoors in groups less than 10. Reservations required	Virtual, or outdoors in groups less than 10
GROUP SPORTS AND CAMPS	50%* capacity or 500 people †	50 person capacity per activity	25 person capacity per activity	Virtual, or outdoors in groups less than 10	Virtual, or outdoors in groups less than 10	Virtual, or outdoors in groups less than 10
CRITICAL AND NON CRITICAL RETAIL	50%* capacity	50% capacity	50% capacity	50% capacity with increased curbside pick up, and delivery. Dedicated senior and at-risk hours encouraged	50% capacity with increased curbside pick up, and delivery. Dedicated senior and at-risk hours encouraged	Non-critical retail closed. Curbside pick-up and delivery OK. Critical may operate at 50% capacity but should make significant efforts to reduce the number of people in-store as much as possible
PERSONAL SERVICES	50%* capacity or 500 people †	50% capacity or 50 people †	50% capacity or 50 people †	25% capacity or 25 people †	25% capacity or 25 people †	Closed
LIMITED HEALTH CARE SETTINGS	50%* capacity or 500 people †	50% capacity or 50 people †	50% capacity or 50 people †	25% capacity or 25 people †	25% capacity or 25 people †	10% capacity or 25 people †
INDOOR UNSEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 50 people no calculator, (or up to 100 with calculator) †	25% capacity or 50 person capacity (with calculator) †	Closed	Closed
INDOOR SEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 175 people †	50% capacity or 100 people †	25% capacity or 50 people †	Closed	Closed
OUTDOOR UNSEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 250 people †	50% capacity or 175 people †	25% capacity or 75 people	25% capacity or 75 people (with calculator) †, attended only with members of your own household and 6ft spacing between groups	Closed
OUTDOOR SEATED EVENTS AND ENTERTAINMENT	50%* capacity or 500 people †	50% capacity or 250 people †	50% capacity or 175 people †	25% capacity or 75 people †	25% capacity or 75 people (with calculator) †, attended only with members of your own household and 6ft spacing between groups	Closed
OUTDOOR GUIDED SERVICES	50%* capacity or 500 people †	50% capacity or 25 people †	50% capacity or 10 people †	25% capacity or 10 people †	25% capacity or 10 people †	25% capacity or up to 10 only in your own household †

\*Counties that enter Protect Our Neighbors are eligible to increase the percentage caps by 5% every month they continually sustain those metrics.

† When capacity limits are expressed as both a percentage of posted capacity and a total number of people, use whichever number is fewer.

## SB20B-001: COVID Business Relief bill

**Notes:**

- Creates the Small Business Relief Program within the Department of Local Affairs (DOLA) and makes \$37 million available to certain restaurants, bars, gyms and movie theatres that are operating under severe capacity restrictions due to a local or state public health order and have suffered at least a 20% reduction in profits during the pandemic
- Counties, councils of governments (COGs) and economic development corporations may apply to DOLA for the funds (which will be allocated on a per capita basis for those counties enforcing severe capacity - **Red** - restrictions by December 10). Counties may use up to five percent of the funds to cover the administrative costs of creating a local program to accept applications from eligible businesses and awarding the relief funds. (Pitkin County estimated per capita Distribution = \$102,733)
- Would withhold direct-aid payments to small businesses and arts organizations in counties that refuse to comply with mandates issued by the state's health department to slow the spread of the coronavirus.

**Funding allocated as follows:**

- \$37 million in DOLA for eligible counties to distribute to eligible small local businesses. Ten percent 10% of this shall be held for an additional disbursement in "High Need" counties of less than 10,000 people. \$4 million to minority-owned businesses, administered by the Minority Business Office in OEDIT.
- \$7.5 million to arts and cultural organizations administered by Colorado Creative Industries.





# 5-Star Program Overview

# Proposed State 5 Star Certification Framework

## **What qualifies a business to be certified?**

1. The business has a written plan about how they are:
  - a. Implementing or exceeding state prevention guidelines.
  - b. Implementing or exceeding local prevention.
  - c. Have a clear compliance and enforcement plan.
2. 100% mask wearing amongst staff and customers with strong compliance and enforcement protocols.
3. All employees do daily symptom checks or screening either with CDPHE symptom tracker tool or other approved protocol.
4. Regular outreach to employees and customers to activate Exposure Notifications.
5. Businesses must record the name and contact number of customers to be used for contact tracing should a case be traced back to that business.
5. Business complies with industry specific requirements including:
  - a. Restaurants - table spacing is at least 10 feet, and reservations are required.
  - b. Gyms - reservations are required.
  - c. Personal services - reservations are required.
  - d. Further industry specific requirements will continue to be developed.
6. Any business that has been cited for noncompliance with a public health order is ineligible to be certified.

## Proposed State 5 Star Certification Framework

Level	Eligibility	Benefit for Certified Businesses
<b>Green - Protect Our Neighbor</b>	N/A -- auto-increase process already built into Protect Our Neighbors	Increases consumer confidence
<b>Blue - Caution</b>	Eligible	Certified businesses can operate with an additional 35 people added to their cap
<b>Yellow - Concern</b>	Eligible	Certified businesses can operate at Blue capacity levels
<b>Orange - High Risk</b>	Eligible	Certified businesses can operate at Yellow capacity levels
<b>Red - Severe Risk</b>	To be determined depending on results of Mesa pilot	To be determined depending on results of Mesa pilot
<b>Purple - Extreme Risk</b>	Not eligible	N/A

*\*Mesa County has a variance to operate its 5 Star program for 12 days while in Red. This pilot will provide needed data on if a 5 Star program is compatible with suppression goals of The Red Level. This data will inform the state framework for when 5 Star businesses can operate for other counties. Period ended last Friday.*



# Mesa County's 5 Star Program compared to Pitkin County's Consumer Protection Program

Note: There is no final 5-Star program yet, the following analysis is what we know about the Mesa County program as implemented to date.

# 1. Business Safety Plan

- The Five Star program requires businesses to submit a written plan for how they will meet or exceed both local and state requirements.
- Pitkin County feels this requirement will be met by the current Business Safety Plans that have been in place since May.

## 2. Mask Usage

The Five Star program requires businesses have 100% mask compliance for both employees and customers. Our current Business Safety Plans as well as local and state PH Order have required this level of mask adherence.

Recently added additional mask requirements for Pitkin County for the Orange Plus level -- masks are to be worn in restaurants while not eating or drinking and especially when interacting with staff.

### 3. Daily Employee Health Symptom Checks

This is a current requirement for all businesses operating in Pitkin County and is listed in the Business Safety Plan. Additionally, in Pitkin County these Symptom Checks must be logged.

## 4. Colorado Exposure Notification App

Businesses must regularly conduct outreach to their employees and customers to activate the Colorado Exposure Notifications App on their phones.

This not not currently a requirement for Pitkin County but is strongly encouraged.



## 5. Contact Tracing Support

Participating businesses must record the name and contact information of all customers for use in contact tracing efforts if required.

This was recently implemented as a requirement for restaurants and events under Orange Plus for those accepting reservations.

## 6. Specific Industry Requirements

**Restaurants** - Restaurants must implement a reservation system, tables must be spaced at least 10 feet from each other.

**Gyms** - Reservations are required

**Personal Services** - Reservations are required

Other industry guidance may be added as the program is developed.

## 7. Noncompliance and Enforcement

Any business cited for noncompliance with any portion of the Public Health Order will lose their eligibility to participate in the program.

## Mesa County 5 Star Business Operation Changes:

Participating businesses may operate at 1 level less strict than the county's current level. Additional local Public Health Order requirements are still in effect.

Restaurants - May operate at 50% capacity under Orange Levels with 10 feet between tables, required reservations, and tracking of customer contact information.

Gyms - May operate at 25% capacity, maximum 50 people under Orange Levels with required reservations and tracking of customer contact information.

Personal Services - May Operate at 50% capacity maximum 50 people under Orange Levels with required reservations and tracking of customer contact information.

## State's Proposed Next Steps and Timeline

December 11 - CDPHE to finalize parameters with LPHAs, Chambers, Restaurants, etc. based on results of Mesa County results

December 14 - CDPHE publishes final parameters of eligibility and operations

December 14 thru 18 - Conduct training with interested, eligible counties that want to stand up programs.

December 18 - Eligible counties can begin to launch program if they have completed other steps.

*Note: This appears to be an aggressive timeline for statewide implementation as most counties do not have a consumer protection or business safety plan requirement already in place.*