

# **Colorado 5 Star Certification Program**

## **City and County of Denver Application**

### **Submitted 12.31.20**

#### **Section I: Contact Information**

County name: City and County of Denver (Denver)

Your full name: Eric S. Hiraga

Title: Director of the Denver Office of Economic Development and Opportunity

Agency: Office of Economic Development and Opportunity

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I am an authorized representative of the Administrative Committee that is submitting this application.

#### **Section II: Acknowledgement of Eligibility, Suspension & Reporting Requirements**

##### **A: What counties are eligible for the 5 Star Certification Program?**

- Counties in Blue, Yellow and Orange levels are eligible to stand up a 5 Star Certification program as long as their incidence rate, percent positivity and hospitalizations meet the thresholds and criteria of their respective levels.
- Counties in Level Red must meet the following criteria:
  - A two-week sustained decline in incidence
  - A percent positivity under 10% or demonstrably improving over the past two weeks
  - Under 90% of ICU beds in use, and steady or declining regional hospitalizations
- Counties in Level Purple are not eligible for the program. Counties in Protect Our Neighbors are also not eligible for the program because they are already eligible for capacity increases through the Protect Our Neighbors framework.
- Any county that wants to apply must also have an LPHA director who meets the minimum qualifications as defined by the State Board of Health.

##### **B: When is the program suspended?**

- If a county sees a significant rise in cases or hospitalizations, then the program may be suspended.
- This automatically occurs if the region reaches more than 90% of their county's/RETAC ICU hospital capacity.

##### **C: Reporting Requirements**

The administrative committee must report weekly updates to their LPHA and to CDPHE about the new certifications granted, the businesses that receive warnings, and the businesses whose certifications are revoked. CDPHE may remove approval of the administrative committee at any time if they do not conduct effective compliance and enforcement. A business may only receive one warning. If non-compliance continues after a warning, the certification must be revoked. If a county does not enforce this, CDPHE will remove its approval of the administrative committee.

I have read and agreed to the 5 Star Certification eligibility, suspension and requirements outlined above.

### **Section III: Program Logistics**

#### **A: Determine how the program will be administered.**

Each county must set up an administrative committee responsible for implementing the program. The committee should include partners like the local Chamber of Commerce, nonprofits, local elected leaders, and industry association members. The committee must include the Local Public Health Agency (LPHA) because they are the agency that has jurisdiction over development, compliance, and enforcement of public health orders, but the LPHA should not be primarily responsible for the administration or coordination of the committee. In addition, members of the community at large should be a part of the administrative committee. Any of these entities may host, fund, or provide the day-to-day operations of the administrative committee, so long as the LPHA is a participating member.

- Who will your Administrative Committee (Committee) members be?

The Committee is an arm of Denver's Long-Term Recovery Committee (established earlier this year) and comprised of the following members:

Stacie Gilmore, City Council President  
Alan Salazar, Chief of Staff, Mayor's Office and Co-Chair of Denver's Long-Term Reopening and Recovery Committee  
Evan Dreyer, Deputy Chief of Staff, Mayor's Office  
Kim Desmond, Director of the Mayor's Office of Social Equity and Innovation  
Bob McDonald, Executive Director of Denver Department of Public Health & Environment  
Eric Hiraga, Executive Director of Office of Economic Development & Opportunity  
Ashley Kilroy, Executive Director of Excise and Licenses  
Albus Brooks, Co-Chair of Denver's Long-Term Reopening and Recovery Committee  
Tami Door, CEO, Downtown Denver Partnership  
Richard Scharf, CEO, Visit Denver  
Dwight Jones/Deborah Staten, Denver Public Schools  
Dr. Robin Wittenstein and Dr. Bill Burman, Denver Health and Hospital Authority

The Committee will also establish a stakeholder/outreach committee with invitations to the following individuals and groups. This Committee may be subject to addition and revision depending on the success of the program in Denver:

Janice Sinden, Visit Denver Board and CEO, Denver Center for the Performing Arts  
Sonia Riggs, Executive Director, Colorado Restaurant Association  
Katie Lazor, Executive Director, EatDenver  
Amie Mayhew, Executive Director, Colorado Hotel & Lodging Association  
Denise Burgess, Member of Denver's Emergency Relief and Recovery Council President & CEO, Burgess Services, Inc.  
Mike Ferrufino, Colorado Hispanic Chamber of Commerce  
Colorado Black Chamber of Commerce  
Fran Campbell, Asian Chamber of Commerce Colorado  
Denver Metro Chamber of Commerce

- What roles will the different entities within the committee play?

The Committee will rely upon several participating partners to administer the program. A third-party contractor with experience in this area will provide program compliance and enforcement services through

a contract with Visit Denver, a trusted external partner and key community stakeholder of the city. Those services will include reviewing and approving business applications for the program and providing, training, deploying and overseeing volunteers to conduct on-site inspections before applicants can be certified in the Denver 5 Star Program. Once a business application and on-site inspection has been completed and approved by the contractor, and the Committee has been informed and considered that business's standing, the Committee will notify applicants of their certification status. The contractor will also assist in preparing regular reports for CDPHE regarding the status of the program. In addition, other partners in the Denver business community will assist in recruiting volunteers to conduct the inspections. Visit Denver, who will hold the contract with the third- party contractor, will administer the financial aspects of the services provided under the 5 Star Services contract.

The Committee will administer and provide general oversight of Denver's 5 Star Program. The Committee will: (1) monitor business applications and approve certifications for the program; (2) review complaints of noncompliance and make determinations regarding whether the issuance of a warning or removal from the program is warranted on a case-by-case basis; and (3) ensure compliance with CDPHE's 5 Star Program reporting requirements.

DDPHE will also provide periodic guidance and advice on training and inspection protocols, as well as continuing its core public health functions without hindrance. Of note, a business will not be eligible for 5 Star Certification if it is not in compliance with existing public health orders.

- How often will the committee meet?

The Committee will initially meet on a weekly basis and may adjust the cadence as needed and when permitted by CDPHE. Certain designated Denver government officials may assist in running the Committee meetings, such as providing agendas and materials beforehand and moderating meetings and discussions.

## **B: Determine what resources a city or county will be able to devote to this program.**

Due to the demanding nature of the pandemic, and critical existing public health responsibilities like vaccine distribution and contact tracing, Local Public Health dollars should not be diverted to fund this program. The administrative committee will need to identify resources it may need to ensure the successful implementation of the program. Be prepared to answer the following questions:

- How will you ensure that this program does not detract from a public health authority's ability to conduct core public health functions such as contact tracing and vaccine distribution?

Through Denver Department of Public Health & Environment's (DDPHE) Executive Director, DDPHE will provide continuing guidance in developing and maintaining Denver's 5 Star Program. DDPHE may conduct periodic "spot checks" of certified businesses. However, DDPHE's staff will continue to primarily focus on COVID-19 response efforts, which include enforcement of public health orders, contact tracing, testing and vaccine distribution. The Executive Director of DDPHE will serve on the Committee, as outlined above.

Denver will continually assess the need to reassign staff outside DDPHE to undertake administration, compliance and enforcement responsibilities for the Denver 5 Star Program, including but not limited to employees who are experienced with conducting safety and compliance inspections and employees who are multi-lingual and experienced in community outreach, especially as it may pertain to small businesses in vulnerable neighborhoods. These employees' contributions will not impact DDPHE's core functions.

- Will administering this program require new staff?

No. Denver will utilize existing city staff to lead and manage the Denver 5 Star Program.

- Will setting up the program require contracting with other organizations to help conduct compliance and enforcement checks?

Yes. As described above, Visit Denver will be contracting with a third-party contractor to meet program compliance and enforcement requirements.

- What is the Administrative Committee budget and what sources of funding will be used to appropriately resource program needs?

Denver is actively working in partnership with the private sector on its 5 Star program and does not envision expending city funds at this time.

- Who will administer the financial portions of this program?

Visit Denver will administer the financial portions of this program.

Please upload your draft budget for the 5 Star Program

Denver does not envision expending its own funds at this time and, accordingly, it does not have a draft budget.

### **C: Determine how you will ensure compliance and enforcement.**

At this point in time “self-certification” of individual businesses is not allowed. It is required that all businesses receive a live third-party inspection. The entity doing the inspection must be trained and follow an inspection procedure developed and approved by the administrative committee. Be prepared to answer the following questions:

- How will the Committee assure that live inspections are completed by a third party prior to a business being certified?

The Committee anticipates outsourcing the following responsibilities to a third party:

- a. Train auditors to administer the COVID Safety System and Certification program.
- b. Schedule the auditors to visit a facility, brief them on the critical information of the business and deploy them to the facility.
- c. Compile, test and process the findings/data and ensure acceptable input/data variance (the third-party contractor operates at less than a 0.05% variance in ratings among varying auditors of the third-party).
- d. Produce a scorecard and action plan to correct any infractions.
- e. Redeploy the auditors to the facility to ensure infractions have been corrected.
- f. Work with the Administrative Committee to certify and issue a certificate decal that can be displayed at the facility.
- g. Provide weekly reporting to the Administrative Committee containing the Scorecard, Action Plan, and certificate decals issued.

- How will you develop the training and procedures for inspections?

The third-party contractor will be responsible for this and has already developed a multi-step program for the training and procedures for inspections which was built with the input of local public health agencies. Moreover, DDPHE will review training and inspection procedures to ensure they are comprehensive and consistent with its standards.

- How will you conduct live inspections?

Auditors that have been trained by the third-party contractor will conduct the live inspections. Auditors who are eligible for training will be identified by the third-party contractor with input from Denver and its partners in the Denver business community, who will assist in the recruitment of auditors.

- How will you ensure all inspections are conducted with appropriate rigor and quality?

The third-party contractor is experienced in this area and has 6-months of testing its program, having administered it throughout the State in schools (from pre-school to high school), manufacturers, small businesses, places of worship, etc. Additionally, the third-party contractor developed its inspection protocols with the input and guidance of local public health agencies. Moreover, DDPHE will provide periodic quality assurance and “spot checks.”

- How will you ensure that every certified business has a publicly advertised way for a customer or consumer to file a compliance complaint with CDPHE?

Customers and consumers will be able to file a complaint with the City and County of Denver online and by telephone. Denver will also include complaint process information online, along with an updated list of certified businesses.

In addition, the business will be required to post a copy of their 5 Star certification decal at points of entry and where it is easily visible. The certification decal shall include a 5 Star certification number, certification date and contact information for making a complaint.

Also, auditors will be redeployed to businesses to ensure infractions have been corrected or revoke certifications as determined by the Administrative Committee.

- How will the Administrative Committee respond to these complaints?

The third-party contractor will investigate complaints, including conducting an in-person visit to the business, as required. The Committee will oversee complaints of certified businesses and provide direction to the third-party contractor as needed.

Additionally, DDPHE will continue its regular investigation and enforcement efforts to ensure businesses are complying with all existing public health orders.

- How will the Administrative Committee issue single warning citations, and then revoke certifications for non-compliant businesses?

In instances of noncompliance, the Committee will decide whether to issue a single warning citation or revoke 5 Star Program certifications.

If the Committee decides to issue a warning citation or a revocation of the business's certification, that business will be immediately notified by email, with a follow up postal delivered letter.

If a warning is issued, the notification will be made through email and letter and followed up with an in-person consultation by the third-party contractor on potential remedial actions.

If revoking the certification, the notification will be made by both telephone and email and followed up with a letter. The business will be instructed to return to the appropriate occupancy and public health guidelines in effect for the county. The business's name will be removed from the online certified list, and that business will be instructed to remove the certification decal. The third-party contractor will conduct a follow-up visit to ensure the business has complied.

Additionally, Denver may issue administrative citations or take other actions for violations of public health orders.

#### **D: Application for businesses wishing to receive a certification.**

Each county may tailor their own business application. In this section of the form, you will be prompted to include a link to the draft application and attach the application as a PDF.

Attached is a draft business application for Denver's 5 Star Program, as well as draft guidance materials for the required "Business Specific Written Implementation & Compliance Plans."

#### **E: Letters of Support.**

This variance requires a supportive letter from each of the following:

**LPHA, Mayor's Office and Department of Safety  
Area/local hospitals**

Denver will supplement its application with additional supportive letters from area/local hospitals as they are received.

You will be prompted to upload these documents in Word or PDF format.

#### **III.F: Additional Documentation.**

Any additional documents that should be considered in the review process should be uploaded in this section. This may include a complete application document or other relevant program planning and implementation details that were not covered within this application.

None. Denver reserves the right to supplement its application as may be necessary.

### **Section IV: Funding**

#### **IV.A: Interest in funding.**

Should funding be made available for this program through CDPHE, you will be able to indicate interest and provide the contact details for the administrative committee's fiduciary point of contact in this section of the form.

Would the committee be interested in applying for 5 Star funding?

- Yes, we are interested.
- No, we have no intention of applying for funding.
- Maybe at a later date.

Yes, Denver is interested in applying for 5 Star funding.