

Special Joint Information Meeting

TOWN COUNCIL & COUNTY COMMISSIONER MEETING

December 30, 2020

8:30 am

County Chambers, Virtual thru Zoom

Chair: Natalia Macker

I. ZOOM LINK FOR PUBLIC PARTICIPATION

To join, click the link or copy to your browser: <https://us02web.zoom.us/j/84459729773>

If the link does not work, join at [zoom.com](https://zoom.us) with Webinar ID **844 5972 9773**

or join by phone **1.669.900.6833** with Webinar ID **844 5972 9773**

II. CALL TO ORDER AND ROLL CALL

III. CONSIDERATION OF START BUS CAPACITY

A. Staff Report

IV. ADJOURN

Please note that at any point during the meeting, the Chairman or Mayor may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.



JOINT INFORMATION MEETING AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: START

PRESENTER: Darren Brugmann

MEETING DATE: Special Meeting December 30, 2020 8:30 am

SUBJECT: Capacity Level on Buses

STATEMENT/PURPOSE

The purpose of this item is for the Board of County Commissioners (“BCC”) and the Town Council (“Council”) to consider setting the passenger capacity limits on START buses. This request to consider this policy decision derives from yesterday’s interpretation made by the State Health Department stating START is considered a “government business entity” and is therefore exempt from the mandatory capacity limits set in the State’s *Eighteenth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More Than 10 (10) People* effective December 9, 2020.

The following options are presented for consideration:

A: Follow START Board recommendations of October 29th:

Limit vehicle seating capacity:				
<u>SEATED Capacity:</u>	100%	75%	50%	<u>Route</u>
40 Ft Buses:	40	30	20	Village Service & Commuter
30 Ft Buses:	30	22	15	Town Shuttle
MCI (2):	60	45	30	Commuter (White – 1 each for SV and TV)

B. Remain at current capacity levels

<u>Bus Type:</u>		<u>25% Capacity</u>
40 Ft. Buses (Village):	77 Max	= 19 (18 passengers, 1 Driver)
30 Ft. Buses (Town Shuttle):	40 Max	= 10 (9 passengers, 1 Driver)
40 Ft. Buses (Electric):	77 Max	= 19 (18 Passengers, 1 Driver)

C: Follow State Health Official direction (no capacity constraints)

BACKGROUND

Originally the State Health Order #2 was ruled that START was considered an “event” and must comply as follows:

The adjustment to group size will affect non-commuter START bus capacity, which must operate at 25% capacity. Commuter buses are exempt from the health orders and have been operating as such since the initial health orders were issued and would follow START Board recommendations recommended on October 29, 2020. The following capacity limits will be in place for Town Shuttles and buses taking people to and from

Teton Village starting on December 12 and will be enforced by drivers through January 8 (the current effective end date of the order).

<u>Bus Type:</u>		<u>25% Capacity</u>
40 Ft. Buses (Village):	77 Max	= 19 (18 passengers, 1 Driver)
30 Ft. Buses (Town Shuttle):	40 Max	= 10 (9 passengers, 1 Driver)
40 Ft. Buses (Electric):	77 Max	= 19 (18 Passengers, 1 Driver)

The following outlines dates and actions taken to this point:

October 5, 2022

At the October 5, 2020 JIM, the BCC and Council amended the START Budget and Operating Plan, increasing the level of service for the Teton Village routes to provide a similar level of service as the Winter 2019/20 Season. The Boards based this decision on concern that a decreased winter service level to Teton Village may lead to significant increased traffic congestion on Highways 22 and 390 and associated parking problems.

October 29, 2020

At the October 29th Special START Board Meeting, the Board, taking into consideration public safety, unanimously recommended the START Director to reduce capacity on buses to 75% of seated capacity. Thus, allowing only 30 persons on a bus traveling to/from the Village, and significantly reducing the number of passengers that START would be able to transport to Teton Village with its existing number of runs to/from the Village.

In addition, the START Board recommended START beginning its Winter Season on November 30th limiting capacity to 75% of seating capacity on the buses as follows:

Limit vehicle seating capacity:

<u>SEATED Capacity:</u>	<u>100%</u>	<u>75%</u>	<u>50%</u>	<u>Route</u>
40 Ft Buses:	40	30	20	Village Service & Commuter
30 Ft Buses:	30	22	15	Town Shuttle
MCI (2):	60	45	30	Commuter (White – 1 each for SV and TV)

November 2, 2020

Town Council approved location of a temporary START Transit/Transfer location at the south side of W Deloney between N Millward and N Jackson Streets. (This street location is being referred to as Miller Park, due to the proximity to Miller Park). This location is needed for partial implementation of the START Route Plan and for increased service levels for the Winter Season 2020/21 season approved by both elected bodies on October 5, 2020. This site will be evaluated for longer term need after the Winter Season concludes on April 8, 2021

November 12, 2020

At the START Board Meeting on November 12th, and in response to the reduced capacity direction provided at the October 29 meeting, the START Board unanimously directed the START Director to seek a budget amendment for an amount not to exceed \$281,000.00 to be used to lease buses for the Teton Village routes for the Winter 2020/21Season, thus offsetting the 75% per bus capacity limit.

November 19, 2020

On November 19, 2020 Governor Gordon amended *State Public Safety Order #2 with the Seventeenth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More Than Twenty-Five (25) People*. This new *State Public Health Order* mandated the number of persons on START buses (excluding commuter routes) be limited to 25 (24 passengers + 1 driver). This order was effective **November 24 through December 15th**.

November 30, 2020

Both Town and County met on this date at different times. The purpose of this item was for the Board of County Commissioners (“BCC”) and the Town Council (“Council”) to consider increasing the number of buses on the Teton Village routes for the Winter Season 2020/21 by hiring an outside firm, Salt Lake Express, to provide this service and additional capacity.

Town Council took the following direction: A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to 1) direct staff to draft a contract with Salt Lake Express to provide this service; and 2) to direct staff to bring the contract with Salt Lake Express back to be reviewed and approved by Town Council at a future meeting. Mayor Muldoon called for the vote. The vote showed 4-1 in favor, with Stanford opposed. The motion carried.

County Commission unanimously approved moving toward a contract agreement with Salt Lake Express to provide additional service to/from Village.

December 9, 2020

State Health Order #2 directs START (an “event”) to reduce bus capacity pursuant to the State’s *Eighteenth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More Than 10 (10) People* was modified and made effective December 9, 2020 through January 8, 2021.

Attorney General's office on 12/11/20 confirmed that it finds START buses to be “events” under the order and are limited to 25% of the capacity of the bus. They were also clear that it is not seated capacity, it is the maximum capacity of the bus as stated by the manufacturer. Moreover, commuter buses are exempt under the order.

The following outlines the capacity constraints for service START began operating on 12/12/20:

<u>Bus Type:</u>		<u>25% Capacity</u>
40 Ft. Buses (Village):	77 Max	= 19 (18 passengers, 1 Driver)
30 Ft. Buses (Town Shuttle):	40 Max	= 10 (9 passengers, 1 Driver)
40 Ft. Buses (Electric):	77 Max	= 19 (18 Passengers, 1 Driver)

December 21, 2020

In response to the decreased capacity levels and follow-up from November 30th County and Town actions, Town Council approved a contract with Salt Lake Express to provide additional bus capacity during peak hours of 5-10AM and 2-7PM daily to Teton Village.

The Town motion was as follows: “I move to approve a contract with Salt Lake Express and authorize the Mayor to execute that contract for an amount not to exceed \$281,000 conditioned on the following:

- a) that Salt Lake Express only provide bus service to/from Teton Village for the Winter 2020-2021 Season; and
- b) that none of the \$281,000 be paid by the Town of Jackson; and
- c) that Teton County, Wyoming pass a motion prior to Mayoral execution obligating Teton County to reimburse the Town of Jackson for the full contract amount.”

Motion passed 4-1 with Councilman Stanford dissenting.

On December 22, 2020 County Commission unanimously approved motion made from Town Council on 12/21/20. County Commission also requested Local Health Officials request a variance from State with regards to the capacity levels for START pursuant to State Health Safety Order #2

December 21, 2020

County legal office received a new interpretation whereas The State is stating that public transportation is exempt from capacity limitations as it is a “government business” and as such a variance is not needed as requested by the County.

PROPOSED ACTION

Town and County should consider the following options:

- A: Follow START Board recommendations of October 29th:
- B: Remain at current capacity levels
- C: Follow State Health Official direction (no capacity constraints)

COMPREHENSIVE PLAN ALIGNMENT

Principle 7.1 and Policy 7.1.c explicitly speaks to the need of providing alternative modes of travel versus single occupancy vehicle (SOV) usage.

Principle 7.1—Meet future transportation demand using alternative modes. Our transportation goal is to increase the use of alternative modes of transportation within the community to meet our future transportation demand. To achieve this goal, a shift away from the single occupancy motor vehicle by increasing frequency will be required within financial constraints.

Policy 7.1.c: Increase the capacity for use of alternative transportation modes. Every day, residents and visitors in the valley consciously decide on their mode of travel. By increasing the level of service provided, the Town and County will make alternative modes of travel more convenient and efficient for residents and visitors by prioritizing capacity for alternate modes with the goal of increasing the share of trips made by alternative transportation modes rather than single occupancy vehicles. Additional capacity that is created for single occupancy motor vehicles always fills up with more single occupancy motor vehicles. Conversely, if increased capacity for alternative modes is provided there will be increased usage of alternative modes. Through increased use of alternative modes automobile capacity will be freed up on our existing roadway system.

STAKEHOLDER ANALYSIS

The proposed action would impact all riders of START.

FISCAL IMPACT

Increasing capacity levels may reduce the amount of usage required of recent Salt Lake Express Service. Usage will dictate the need to scale back level of service provided by Salt Lake Express.

STAFF IMPACT

START Staff and Town Manager have spent considerable time reviewing this request.

LEGAL REVIEW

Ongoing.

ATTACHMENTS

State Public Safety Order #2

RECOMMENDATION

Staff recommends following the START Board's recommendation

SUGGESTED MOTIONS

Town & County

I move that the START buses, excluding those on the commuter lines, operate with a maximum rider capacity equal to 75% of the seats on the bus.

**EIGHTEENTH CONTINUATION, AND MODIFICATION, OF STATEWIDE PUBLIC
HEALTH ORDER #2: REGARDING GATHERINGS
OF MORE THAN TEN (10) PEOPLE**

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by modifying and continuing certain restrictions as outlined in this Order. Additionally, this Order implements measures in line with the White House unveiling, on April 16, 2020, of certain guidelines for Opening Up America Again - a three-phased approach beginning with State or Regional Gating Criteria and continuing through three phases of removing restrictions when there is no evidence of resurgence of the virus.

The metrics measuring outbreak progress and healthcare system capacity support the Wyoming Department of Health continuing the previous statewide public health orders and entering a new statewide public health order, "Statewide Public Health Order #4: Requiring Face Coverings in Certain Places, with Exceptions", through a measured and data-based approach. As with previous statewide public health orders, this Order continues to authorize countywide variances to the restrictions within this Order, in the form of a Countywide Variance Order, if approved in writing by the County Health Officer and the State Health Officer. This Order also limits certain gatherings, described below, to ten (10) individuals, as compared to the twenty-five (25) person limit described in the previous statewide public health order (Seventeenth Continuation). Further, this Order specifies that participants in organized sporting events and artistic performances shall not congregate in groups larger than 12 individuals. Last, groups of attendees seated or standing together at an event are limited to 6 individuals (with an exception).

This Order is effective on December 9, 2020, and shall remain in effect through January 8, 2021 unless the Wyoming Department of Health revokes or extends this Order before January 8, 2021.

FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 31,561 confirmed cases of COVID-19 in Wyoming as of December 6, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed. There have been 257 deaths among Wyoming residents related to COVID-19.
2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions. New information about the implications of this virus is ongoing.
3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in “December 2019 a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States.”
5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.
6. Governor Gordon’s Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.
7. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.
8. A large number of persons with serious infections may compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.
9. Wyoming Statute § 35-1-240(a)(i), (ii), (iii), and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, MD, PhD, or under her directive through other employees of the Wyoming Department of Health, to control the causes of communicable disease; and to forbid gatherings of people when necessary to protect public health.
10. In addition to the above findings, stopping the spread of COVID-19 includes washing your hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, covering your cough or sneeze into your elbow or by using a tissue, and by wearing a face covering when in public.

ORDER

1. As used in this order “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face.

2. Gatherings of more than ten (10) people are prohibited in order to help stop the spread of COVID-19 and protect the health of the public.
3. "Gatherings" are any planned or spontaneous event, public or private, bringing together, or likely bringing together, more than ten (10) people in a single room or a single confined space (whether indoor or outdoor) at the same time.
4. If a business or other entity (child care facility, K-12 school, college, university, and trade school) is governed by statewide public health order #1 or #3, the restrictions in those orders govern those businesses or entities unless otherwise specifically noted herein.

5. Gatherings at the following are exempted from this Order:

- a. Hotels and motels for lodging purposes;
- b. Livestock auctions;
- c. Groups of workers being transported to a location for their jobs;
- d. **Government business**, military and National Guard facilities, law enforcement, jails, secure treatment centers, and correctional facilities, including any facility operated by the Wyoming Department of Corrections, and any facility used to respond to natural disasters or public health emergencies;
- e. Federal, State, and local government facilities, including government service centers;
- f. Relief facilities, including food pantries and shelter facilities;
- g. Residential buildings, excluding individual household residences;
- h. Grocery stores, markets, convenience stores, pharmacies, drug stores;
- i. Truck stops, gas stations, and auto-repair facilities;
- j. Retail or business establishments, where more than ten (10) people may be present but are generally not within six (6) feet of one another;
- k. Healthcare facilities, including hospitals, medical facilities, home health agencies, personal care agencies, hospices, adult family homes, mental health centers, and pharmacies;
- l. Alcohol and drug treatment centers;
- m. Long-term care and assisted living facilities, including nursing homes and assisted living facilities, as long as the facility complies with guidance and directives from the CDC, the Wyoming Department of Health, and appropriate licensing and regulatory agencies;
- n. Religious or faith based organizations and funeral homes; and

- o. Parades.
6. Events not specifically identified by name or type within this Order may allow indoor gatherings of more than 10 people but no more than 25% of venue capacity with a maximum of 100 people. Events not specifically identified by name or type within this Order may allow outdoor gatherings of more than 10 people but no more than 50% of venue capacity with a maximum of 250 people. Events allowed under this paragraph are subject to the following conditions, to be enforced by the host or organizer of the event. These events include by way of example but are not limited to rodeos, speedway motor races, concerts, organized sporting events, fairs, track and field races, farmer's markets, fireworks shows, weddings, and any other event of a similar nature.
- a. Groups of attendees seated or standing together must be limited to 6, however, an event may make exceptions for groups greater than 6 if the group is solely comprised of members from the same household;
 - b. A 6-foot distance must be maintained between individual groups at all times, including but not limited to entrances, exits, concessions, ticket booths, and restrooms;
 - c. Prior to the event, staff, hosts/organizers of the event, and event participants (not event attendees) must be screened for symptoms of COVID-19, or exposure to a person with COVID-19 during the previous 14 days. Staff, hosts, organizers, or event participants with symptoms of illness, or known exposure to a person with COVID-19 infection within the previous 14 days, shall not participate in the event; logs of the screening activity shall be kept and made available for inspection by the local health officer;
 - d. The entire event facility, to the extent there are facilities, shall be cleaned thoroughly, including all high touch areas before and after each event, according to CDC guidelines for cleaning;
 - e. Staff who come within 6 feet of event attendees or other staff must wear a Face Covering;
 - f. In the event the required 6 feet of distance between individual groups cannot be maintained, Face Coverings must be worn during the event, to the greatest extent possible, unless wearing a Face Covering is specifically required by Statewide Public Health Order #4: Requiring Face Coverings in Certain Places, with Exceptions;
 - g. The event shall not take place without appropriate protective equipment for staff (Face Coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies;
 - h. The event shall encourage contactless and non-signature payment, as applicable; if not possible for the attendee, card and payment stations must be sanitized after each use; staff shall sanitize hands between handling payment options;

- i. Signage must remind attendees not to enter if they have symptoms of COVID-19, and the signage must be displayed at the entrance of the event; signage must also be positioned on event premises reminding separate parties to stand at least 6 feet apart;
 - j. Food and beverage service shall follow the provisions for restaurants in the Eighteenth Continuation, and Modification, of Statewide Public Health Order Regarding Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools;
 - k. Participants in organized sporting events and artistic performances shall not congregate in groups larger than 12 individuals;
 - l. The event should follow the public health recommendations of the Centers for Disease Control and the Wyoming Department of Health, including washing hands often with soap and water, practicing social distancing by avoiding close contact with others, avoiding touching your face, eyes, nose and mouth, covering your cough or sneeze into your elbow or by using a tissue, and wearing a Face Covering when in public; and
 - m. For clarity, the person limit in paragraph 6 (page 4) is not calculated by adding participants and spectators/attendees together.
7. Additional specific gathering exceptions to the restrictions in this Order may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if demonstrated, in writing, to the County Health Officer that people at the gathering will maintain at least six (6) feet of space between one another, and that effective sanitation will be performed before and after the gathering. Any specific exception under this paragraph must be approved in writing by the State Health Officer, and may be modified or revoked by the County Health Officer under the supervision and direction of the State Health Officer.
 8. Countywide variances to the prohibitions mandated in this Order may be granted in the form of a Countywide Variance Order if approved and signed by both the County Health Officer and the State Health Officer. Countywide Variance Orders may be less restrictive (or more restrictive) than the measures imposed in this Order.
 9. This Order is entered in conjunction with the statewide public health orders titled "Eighteenth Continuation, and Modification, of Statewide Public Health Order Regarding Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools", entered December 7, 2020, "Eighteenth Continuation, and Modification, of Statewide Public Health Order #3 Regarding Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services", entered December 7, 2020, and "Statewide Public Health Order #4: Requiring Face Coverings in Certain Places, with Exceptions", entered December 7, 2020.
 10. This Order does not alter but supplements the requirements outlined in the three other statewide public health orders.

As the State Health Officer, I specifically deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(i), (ii), (iii), and (iv). I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 7 DAY OF December, 2020.



Alexia Harrist
Wyoming State Health Officer