

## No Regrets After County Officials Ditch COVID Rules, Get Infected

MICHAEL ROBERTS | MARCH 31, 2021 | 9:13AM



Custer County commissioners and Board of Health members Tom Flower, Bill Canda and Kevin Day all tested positive for COVID-19 after voting to lift virus restrictions without state permission. / Denver7 via YouTube

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After voting to lift [Colorado's COVID-19 restrictions](#) on March 3 and conducting a mask-free public meeting a week later, [Custer County commissioners](#) Tom Flower, Bill Canda and Kevin Day, who also double as the county's Board of Health members, tested positive for COVID-19. All three of them.

Proof that karma is a bitch? That's not how the officials see it. According to Reggie Foster, Custer County's public information officer, the commissioners, all of whom are recovering nicely, feel more certain than ever that they did the right thing, despite being infected by the novel coronavirus.

"They're not looking at reversing or changing anything," Foster says, "and there have been no comments of regret about their decision."

Prior to the March 3 vote, which was made without receiving prior authorization from the [Colorado Department of Public Health and Environment](#), Custer County was enjoying an excellent run in regard to the virus. "We had been 25 days in a row with zero cases," Foster notes.

That changed in the weeks that followed, though, owing in part to the commissioners' positive diagnoses. Custer County, located in the south-central part of the state, remains at Level Green on the [CDPHE's ultra-confusing Dial 3.0 dashboard](#). Under the previous metric, it would qualify for Level Yellow, two positions higher, owing to a two-week cumulative incidence rate of 158.1 per 100,000 residents as of today, March 31. Not that Custer County's population is anywhere near that number: The [U.S. Census Bureau put the count at 5,068](#) in 2019.

In addition, there's been one Custer County death related to the disease since the pandemic began – but Foster applies an asterisk. "It's classified as a COVID-19 death among cases," she says. "What that means is the individual did not die from COVID-19 symptoms or have COVID-19 symptoms at the time of death. But the coroner's report said there was COVID-19 present, so for that reason, the state records it as one death among cases."

As for the decision to move beyond the state regulations, Foster stresses that it wasn't an act of insurrection. "We weren't like, 'Hey, rebellion!'" she says. "We're not teenagers, thumbing our nose at the state. Our Board of Health was looking at the health of Custer County as a whole."

Indeed, during the three weeks-plus when no Custer County resident tested positive for COVID-19, "we realized the bigger impact it was having on the county was on the mental and social aspects, and in the economic theater," Foster continues. "We have restaurants that are barely hanging on, and one that had to close permanently. So the county commissioners and the Board of Health had to make the decision that they felt, and still feel, was in the best interest of Custer County and its citizens, taking into consideration the mental, social and fiscal aspects."

At the same time, Foster notes, "We didn't think we'd never have any more COVID-19 – that our cases would be zero. The commissioners were fully aware there could be cases, but they believed that with our local health agency interacting with the state health department, and knowing the community, we would be able to stay on top of it. And they didn't tell people, 'Don't wear masks anymore.' They simply said, 'You have the opportunity to make that decision for yourself, and businesses have the opportunity to do what's in their best interests.'"

**Governor Jared Polis was asked about Custer County's choice** to forgo the state's COVID-19 restrictions during his March 29 press conference. He said that all counties are required to follow state law, but directed the question to the CDPHE, which has reacted quietly thus far. "We haven't had any derogatory comments or threats coming from them or anything of that nature," Foster allows. "We feel our relationship with them is very good, and they have been very helpful to us."

Meanwhile, Foster says Custer County has energetically encouraged its residents to get vaccinated, and they're doing so in significant numbers. As of yesterday, she reveals, a total of 2,420 shots have been given: 1,544 first doses and 871 second doses. Additionally, two more vaccination clinics are scheduled in the coming days.

The first of the commissioners to test positive is already finished with his quarantine, Foster divulges, "and the other two are self-isolating, and they're not seriously ill. They're having many of the same symptoms most people have when they get COVID-19, but they're doing fine" – and so are locals in general. Right now, only one person in Custer County is hospitalized for the virus.

Most people in Custer County have reacted positively about the vote, Foster believes, and the commissioners are having no second thoughts. "They felt this decision was the best thing for Custer County, including the risks involved."

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