

DRAFT

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
TUESDAY, MARCH 31, 2020

The Henderson County Board of Commissioners met for an Emergency meeting at 10:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville, NC.

Those present were: Commissioner Mike Edney, Chairman Grady Hawkins, Commissioner Rebecca McCall, Commissioner Charlie Messer, Vice-Chairman William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present via the AV Room and Community Room: IT Director Mark Seelenbacher, Public Health Director Steve Smith, Emergency Management/Rescue Coordinator Jimmy Brissie, Director of Business and Community Development John Mitchell, PIO Kathy Finotti – videotaping, Deputies Mike Marsteller and Freddie Westphal as security.

CALL TO ORDER/WELCOME

Chairman Hawkins called the meeting to order and stated this meeting is a follow up to the State of Emergency Proclamation.

He noted due to the statewide prohibition of public gatherings of more than ten people, no members of the public will be allowed into the meeting room. The public (up to nine members) may listen to the meeting in the Community Room of the Historic Courthouse, and may also view the meeting by video stream live on <http://www.hendersoncountync.gov>.

INVOCATION

The invocation was provided by County Manager Steve Wyatt.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Chairman Hawkins.

WEEKLY UPDATES DURING STATE OF EMERGENCY

County Manager Steve Wyatt suggested he, Steve Smith, Jimmy Brissie, administration from local hospitals, and other pertinent individuals, (with the option of one commissioner) provide a livestream update to citizens each Tuesday at 10:00 a.m. The number of people attending would be maintained below the ten people limit. Should citizens have questions, those questions must be received by noon Monday, the prior day.

It was consensus of the Board to allow County Manager Steve Wyatt provide livestream updates every Tuesday at 10:00 a.m. to the citizens of Henderson County.

Beginning Tuesday, April 7 at 10:00 a.m., Henderson County will stream a live update to our citizens. The live stream will be available through our website www.hendersoncountync.gov, with a replay link shared to our Facebook (Henderson County, NC Government) and YouTube (hendersoncountync) pages. The update will include general information regarding the COVID-19 situation within Henderson County, along with a Q&A segment. As many email questions as possible will be addressed during the Q&A segment. Please send your questions to covid19@hendersoncountync.gov, by noon on the Monday prior to the Tuesday live stream.

DATE APPROVED:

CONSIDERATION OF ADOPTION OF SPECIAL RULES OF PROCEDURE FOR ELECTRONIC MEETINGS

Russ Burrell stated in order for the Board to meet by means electronically, the Board will need to adopt the Resolution provided. The Special Rules of Procedure would provide necessary latitude for meetings now and in the future, only during a State of Emergency.

BOARD OF COMMISSIONERS ENACTMENT 2020-32

A. The Board of Commissioners of Henderson County recognizes that Article 33C of Chapter 143 of the North Carolina General Statutes contemplates that official meetings of public bodies, including the Henderson County Board of Commissioners, may take place by electronic means.

B. Under N.C. Gen. Stat. §143-318.10(d), an official meeting

means . . . a meeting, assembly, or gathering together at any time or place *or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body . . .*

for the normal purposes of an official meeting transacting public business.

NOW, THEREFORE, the Board of Commissioners hereby resolves to adopt these Rules of Procedure for Electronic Meetings as a guide for how the Board will, when necessary, conduct meetings featuring electronic participation.

1. Meetings to Which These Rules Apply

These Rules of Procedure for Electronic Meetings ("*Electronic Rules*") shall apply only to meetings of the Board of Commissioners of Henderson County (the "*Board*"). These *Electronic Rules* do not apply, without the express consent of the Board, to any other public bodies existing under the authority of Henderson County. The *Electronic Rules* are intended to supplement the Rules of Procedure approved by the Board for its meetings. Electronic Meetings can take place for any regular, special, or emergency meeting of the Board, subject to the conditions governing the use of Electronic Meetings.

2. Conditions Necessary for Electronic Meetings

Electronic meetings will only be permitted either:

A. When a state of emergency or a disaster has been declared or proclaimed and exists in an area including Henderson County: the federal government of the United States of America; the Government of the State of North Carolina through the Governor of the State of North Carolina or other method permitted by Chapter 166A of the North Carolina General Statutes; Henderson County, North Carolina, through the County Manager or other methods permitted by Article II of Chapter 76 of the Henderson County Code. The state of emergency declaration or disaster declaration must be related to a distinct event that reasonable persons can agree directly affects Henderson County. If no state of emergency or disaster exists, then these Supplemental Rules do not apply.

B. When adopted at a specific meeting, for the duration of that meeting only, by a majority of the Board, where a quorum of the Board is attending in person.

3. Definition of an *Electronic Meeting*

An *Electronic Meeting* is any meeting where one or more members of the Board participates through telephonic communication, or a telecommunications application which allows simultaneous communication by multiple parties, or other similar means that allows the members of the Board to hold a meeting without all members being physically present in the same room.

4. Notice of *Electronic Meeting*

If an *Electronic Meeting* is necessary, a public notice of the *Electronic Meeting* shall be sent as part of any notice required by North Carolina General Statutes §143-318.12. The public notice, in addition to the information required by North Carolina General Statutes §143-318.12, shall provide:

- a. The location of the physical meeting (which is where any members of the *Board* and Henderson County staff able to attend the meeting in person shall gather); and
- b. The location of where a member of the public, member of the media, or others, may watch or listen to the *Electronic Meeting* in accordance with §143-318.13 of the North Carolina General Statutes.
- c. Whether or not the *Board* will receive public input at the *Electronic Meeting*, and whether or not the public input, if any, will be taken live.

The notice shall be provided in the manner required by Article 33C of Chapter 143 of the North Carolina General Statutes. If the *Electronic Meeting* is being used for any part of a regular meeting that is on the meeting schedule adopted by the *Board*, then the information required above shall be provided in a separate notice to be provided in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes. Any notice provided may also be posted on Henderson County's bulletin *Board*, website and social media accounts, if possible.

5. Quorum

Members of the *Board* present in person or electronically, shall be included in the calculation for determining if a quorum exists of the *Board*. If a member of the *Board* who participates electronically withdraws from the meeting, the rest of the meeting may be completed provided there is still a quorum of the *Board* present either in person or electronically. Any member of the *Board* withdrawing from the meeting shall no longer be included for purposes of the quorum calculation.

6. Process of Opening Meeting

Immediately prior to opening the meeting, the Chairman of the *Board*, the Vice Chairman, or other presiding officer shall communicate with the members of the *Board* who is (are) participating electronically and ensure that he/she is prepared to go forward. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the presiding official shall state which members of the *Board* are participating electronically, and shall state whether live public input will be allowed at the meeting, and under what circumstances.

7. Voting and Discussion

Members of the *Board* present for the meeting through electronic means are eligible to vote for all items considered by the *Board* during the meeting. Also, a member voting must indicate verbally with a "yes," "no," "yea," "nay," such that the Clerk to the *Board* may record the vote after polling the members of the *Board*. Prior to taking a vote on any issue, the presiding officer shall inquire of the members of the *Board* participating electronically if such members have been able to adequately monitor the discussion, including comments from the public, if any, and shall allow those members to make any comments he or she desires, if they chose to not avail himself or herself of the opportunity to discuss the matter before the vote. However, it is the responsibility of the member to gain the attention of the presiding officer in order to be recognized for discussion. A member attending through electronic means that withdraws from the meeting without being excused from further attendance shall not be considered an affirmative vote on items before the *Board*. If a member of the *Board* attending through electronic means becomes disconnected from the meeting, the member will not be counted as an affirmative or negative vote.

8. Minutes

The minutes of the meeting shall designate the name of each member of the *Board* who participated electronically, the nature of the electronic communication, and the duration of the member's participation if different from the entire meeting of the *Board*.

9. Public Participation

Live public participation at meetings of the *Board* may take place in the *Board's* meeting room, or in other facilities by electronic means, or not at all, depending on the circumstances. Written public opinion may be addressed to the *Board* by U.S. Mail, or be email addressed to input@hendersoncountync.gov, and will, subject to the time restrictions for public input applicable to the specific meeting, be read to the *Board* at the meeting. Postal mail input must specify the meeting of the *Board* to which it is addressed, and must be received by the end of the business day prior to that meeting. Electronic mail must have a subject line of "[DATE] public input", where "[DATE]" is the date of the meeting. All written input must be signed. Postal mail must be addressed to the following address:

Public Input
c/o Clerk to the Board of Commissioners
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

Enacted by the Henderson County Board of Commissioners March 31, 2020.

Commissioner Edney made the motion that the Board adopt the Special Rules of Procedure for Electronic Meetings. All voted in favor and the motion carried.

EXTEND (OR NOT) ELECTRONIC MEETINGS RULE TO OTHER BOARDS

Chairman Hawkins stated all meeting for other Boards/Committees will be delayed for at least 30 days unless it is a statutory requirement for them to meet.

Commissioner McCall had met, due to necessity, with a committee via Zoom, which had worked well. She suggested offering staff assistance for electronic meeting.

Chairman Hawkins left the decision to the County Manager.

RESCHEDULE REGULAR MEETINGS FOR APRIL AND MAY, AND DIRECT RENOTICE

Commissioner Lapsley made the motion to cancel the April 6, 2020 meeting. All voted in favor and the motion carried.

REVIEW EMERGENCY PROCLAMATION

Steve Wyatt noted that citizens appeal provision is to the N.C. Department of Revenue regarding the Governor's list of exempt businesses.

Chairman Hawkins made the motion that the Board modify the Supplemental Proclamation of Emergency for Henderson County and Order and substitute the Governor's 2C for out current 4E, 4G and 4I. All voted in favor and the motion carried.

Chairman Hawkins made the motion that the Board accepts the Supplement Proclamation of Emergency for Henderson County and Order as presented with exemption to Bed and Breakfast establishments, Hotels and Motels not accepting new reservations after today from "hot beds" while the Supplement remains in effect. All voted in favor and the motion carried.

Health Director Steve Smith was directed to provide explanation to all Bed and Breakfast establishments, Hotels and Motels within 24 hours.

County Manager Steve Wyatt stated he is receiving concern from the municipalities.

Russ Burrell responded the municipalities will receive the document today and will be asked if they wish to be included in the Supplement.

Open Air Markets

Chairman Hawkins had received many complaints regarding Smiley's Flea Market. Owner Ben Campen was invited into the meeting to respond.

Mr. Campen stated he had sent letter to all vendors regarding Smiley's Operation Plan. All businesses that were non-essential were asked to cease business through April 6, 2020 to comply with the Henderson County order. Approximately 17 vendors of 600-700 opened business at outside tables Saturday and Sunday with 200+- people attending on Saturday, and 100+- attending Sunday. People were not congregating and were following the social distancing rule.

It was consensus of the Board that Mr. Campen was following rules within his establishment.

First Supplement Proclamation of Emergency for Henderson County and Order excerpt as referred to by Chairman Hawkins.

IV. North Carolina General Statute 166A-19.31 and Chapter 76 of the Henderson County Code allows the County of Henderson to enact a variety of restrictions and prohibitions as this evolving situation warrants. In accordance therewith, we order the following in addition to the restrictions in Executive Order 120 signed by Governor Cooper on March 23, 2020, which is incorporated by reference herein:

E. Healthcare and Public Health Operations: For purposes of this Supplemental Proclamation, individuals may leave their residence to work for or obtain services through Healthcare and Public Health Operations, as defined herein.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics when medical/dental care cannot be provided virtually; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; reproductive health care providers; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains. Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products. Healthcare and Public Health Operations also includes veterinary care and all urgent healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. However, Healthcare and Public Health Operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities or activities which normally take place in such facilities which by their nature would not allow for compliance with Social Distancing Requirements.

G. Human Services Operations: For purposes of this Supplemental Proclamation, individuals may leave their residence to work for or obtain services that are not available via online or mail-in applications, and telephone interviews at any Human Services Operations, or Medicaid providers that are providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public. Human Services Operations include, but is not limited to: long-term care facilities; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption and pregnancy counselling agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals. Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

Limitations on Business Activities: All businesses and operations in Henderson County, except the activities listed above in paragraphs IV.F., IV.G. and IV.H., and except Essential Businesses and Operations as defined below, are to cease all activities. This requirement applies irrespective of the nature of the service or function performed by the business or organization and without regard to the organization's corporate or entity structure. Businesses and Operations that are not deemed Essential will be allowed to conduct "Minimum Basic Operations," as defined below.

1. Working from Home. Businesses may continue any operations consisting exclusively of employees or contractors performing activities at their own residences.

2. Essential Businesses and Operations. The following businesses, activities, and functions are not prohibited from operating and are encouraged to operate and remain open to the public, provided that they enforce, to the extent reasonably possible, Social Distancing Requirements and meet any other requirements in this Order:

a. The "Essential Critical Infrastructure Workforce" described in the March 19, 2020, "Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response" from the U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency.

b. Businesses that sell, produce, or distribute groceries, medicine, or essential household goods: Grocery stores, farms, farmers' markets, farm and produce stands, food banks, convenience stores, and other businesses, whether retail or wholesale, engaged in the sale, production, or distribution of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other essential household consumer product or food necessary to maintaining the safety, sanitation, and essential operation of residences or businesses permitted to operate and ordered herein.

c. Human Services Operations. For purposes of this Order, individuals may leave their residence to work for a Human Services Operation or to obtain the services of a Human Services Operation that cannot be accessed by remotely. Before leaving home to obtain such Human Services, individuals in need should first seek to access these services by telephone or through digital or other online access, and all Human Services Operations are strongly urged to make such services available by telephone, online, and/or digital access as a first option for clients.

Human Services Operations include, but is not limited to: long-term care facilities; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities,

intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

d. Healthcare and public health operations. Hospitals, medical clinics, dental and eye care clinics, urgent care facilities, and other healthcare providers, to the extent their services cannot be provided virtually, which is the strongly preferred alternative. Before leaving home to obtain access to healthcare and public health services, individuals in need should first seek to access these services by telephone or through digital or other online access, and all Healthcare and Public Health Operations are strongly urged to make such services available by telephone, online, and/or digital access as a first option for clients.

To avoid any impact on delivery of healthcare, this term shall be broadly defined, but shall not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities, and further it shall not include any prohibited business or activity covered by any order of the Governor.

e. Media and first amendment protected speech. Newspapers, television, radio, and other media services. Also expressly permitted are religious services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community where such services or activities are made available by telephone, online, and/or digital access.

f. Gas stations and businesses needed for transportation. Gas stations and auto-supply, automotive, farm equipment, and construction equipment repair and related facilities. Bicycle sales and repair shops and related facilities are, likewise, deemed essential and are encouraged to remain operational for curbside pick-up and drop-off and delivery services only.

g. Financial and insurance institutions. Banks, insurance companies, and financial institutions, where such services cannot be provided online or digitally, which is the preferred alternative, and provided said institutions observe and implement social distancing practices in the provision of in-person services. Individuals should only leave their homes for financial or insurance services if the need to access such services is of a critical or emergency nature. Financial service providers are strongly urged to make web-based or digital services available as a first option for clients.

h. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating and cooling equipment and material.

i. Critical trades. Building and Construction Trades, and other related trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations. Any of the aforesaid Critical Trades services provided in person shall observe Social Distancing Requirements.

j. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other

businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, goods, vehicles or services to end users or through commercial channels.

k. Laundry services. Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

l. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This is consistent with and does not amend or supersede other Orders regarding the closure of restaurants.

m. Services and supplies for Essential Businesses, Essential Government Services, or Minimal Basic Operations. Businesses that sell, manufacture, or supply support or materials needed to enable Essential Businesses, Essential Government Services, or Minimum Basic Operations, as such terms are defined herein.

n. Transportation. Airlines, taxis, transportation network providers, vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order.

o. Home-based care and services. For adults, seniors, children, and/or people with disabilities, substance abuse, and/or mental illness, including caregivers and service providers, who may travel to a home to provide care and other in-home services, such as meal delivery.

p. Residential facilities or shelters. For adults, seniors, children, pets, disabled persons, substance abuse, and/or mental illness.

q. Professional services. Professional services, such as legal services, accounting services, insurance services, real estate services (restricted to appraisal and title services), notary services, payroll and employee benefit services, when necessary to assist in compliance with legally mandated activities, for the functioning and operation of critical infrastructure sector services, or where failure to provide such services during the time of this Order would result in significant prejudice. Any of the aforesaid professional services provided in person shall observe Social Distancing Requirements.

r. Childcare facilities. For specific employees exempted by this Order, as well as Childcare facilities providing services that enable first responders, healthcare workers, public health, HHS staff and others responding to COVID-19.

s. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery of carry-out food services.

t. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services.

SECOND SUPPLEMENTAL PROCLAMATION OF EMERGENCY ORDER OF THE HENDERSON COUNTY BOARD OF COMMISSIONERS

BOARD OF COMMISSIONERS ENACTMENT 2020-33

The Board of Commissioners of Henderson County (the "Board") makes the following findings:

On March 14, 2020, Henderson County (the "County") issued a Proclamation of Emergency (the "March 14 Proclamation"). All findings contained in the March 14 Proclamation are incorporated herein by reference. On March 27, 2020, the County issued a Supplemental Proclamation of Emergency and Order

(the "March 27 Supplement"). All findings contained in the March 27 Supplement are incorporated herein by reference.

B. The Governor of North Carolina has issued a Declaration of Emergency (NC Executive Order 116) on March 10, 2020, subsequently supplemented by various Orders (NC Executive Orders 117 (prohibiting mass gatherings and closing schools), 118 (limiting operations of restaurants and bars), 120 (additional limits on mass gatherings, venue restrictions, long-term care facility restrictions, and extending school closing), and 121 ("stay at home")). All findings in the NC Executive Orders 116 117, 118, 120 and 121 are incorporated herein by reference.

C. Dr. Deborah Birx, the White House Coronavirus Response Coordinator, recently urged individuals who have traveled from the New York metropolitan area to self-quarantine for a period of fourteen (14) days, due to their potential exposure to COVID-19, to ensure that they do not facilitate the spread of COVID-19 to others.

D. Dr. Anthony Fauci, a member of the White House Coronavirus Task Force, has likewise called for individuals who have visited New York to self-quarantine for a period of fourteen (14) days so that the City of New York does not act as a "seeding point to the rest of the country".

E. The States of South Carolina, Florida and Texas have imposed quarantine periods on travelers from various "hot-beds" of COVID-19.

F. The United States Centers for Disease Control have issued a domestic travel advisory for New York, New Jersey and Connecticut, urging residents of those states not employed in critical infrastructure industries to refrain from non-essential travel.

G. N.C. Gen. Stat. §166A-19.31(b) empowers North Carolina counties which have adopted emergency management laws pursuant to Chapter 166A of the General Statutes to adopt "prohibitions and restrictions: . . . (5) [u]pon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency."

H. Chapter 76 of the Henderson County Code was adopted pursuant to Chapter 166A of the General Statutes.

I. Section 76-17(C) allows prohibitions or restrictions on "[o]ther activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency, within the area designated in the proclamation."

J. For the above reasons, and in recognition and furtherance of the Board's responsibility to provide for and ensure the health, safety, security, and welfare of the people of the County during a declared emergency, and pursuant to the cited authorities and other applicable law, the Board has determined that the evolving public health threat posed by COVID-19 requires additional proactive action by the County, and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the evolving public health threat posed by this emergency.

NOW THEREFORE the Board, by the authority vested in it by the State of North Carolina, hereby orders and directs as follows:

- 1. Required Self-Quarantine for Individuals Entering the County from High-Risk Areas**
To continue to prepare for and respond to the ongoing and potential impacts associated with COVID-

19, and the evolving public health threat posed by the same, and to maintain peace and good order during the State of Emergency, pursuant to the cited authorities and other applicable law, the Board hereby determines, orders, and directs as follows:

A. The Board hereby orders and directs that an individual who enters the County after the effective date hereof from an area with substantial community spread, initially including all of the “Tri-State Area” (the States of New York, New Jersey, and Connecticut) and the Cities and metropolitan areas of New Orleans, Louisiana, and Atlanta, Georgia, shall isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the County or the duration of the individual’s presence in the County, whichever period is shorter. This Order shall not apply to individuals employed by Essential Businesses and Operations (as defined by the March 27 Supplement as amended or employed as a part of the “Essential Critical Infrastructure Workforce” as updated in the March 28, 2020, “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response”, or performing or assisting with military, healthcare, or emergency response operations. Any individual required by this Order, or any directives issued in connection therewith, to isolate or self-quarantine shall be responsible for any and all costs associated with such isolation or self-quarantine, including transportation, lodging, food, and medical care.

B. The Board further orders and directs that no establishment subject to the Henderson County Occupancy Tax and no other person or entity that rents short-term residential space in the County shall take further reservations for lodging from any person self-identifying (or otherwise reasonably identified) as being either resident of or currently or recently present in an area with substantial community spread (as identified pursuant to paragraph 1.A., above) during the duration of the emergency previously declared by the County. This Order shall not apply to reservations made for individuals employed by Essential Businesses and Operations (as defined by the March 27 Supplement as amended or employed as a part of the “Essential Critical Infrastructure Workforce” as updated in the March 28, 2020, “Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response”, or performing or assisting with military, healthcare, or emergency response operations.

C. The Board hereby requests the Henderson County Department of Public Health and other staff of the County to provide any necessary and appropriate supplemental guidance regarding the interpretation, application, or enforcement of this Order, including written guidance to be supplied to persons checking in to establishments whose occupants may be the subject of this Order.

D. The Board hereby authorizes the County Manager to add further regions, cities and states, as the evidence later received dictates, to the “area of substantial community spread” defined in paragraph 1.A., above. Upon such determination by the County Manager, a written statement of the same will be posted in like manner as a proclamation of emergency under Chapter 76 of the Henderson County Code, with copies distributed by electronic means to all media requesting the same, and by posting on the Henderson County government website.

2. Enforcement

The Board hereby orders all Henderson County law enforcement officers under the command of the Henderson County Sheriff, Lowell Griffin, and all county emergency service and public safety resources at the direction of the County’s Emergency Services Director, Jimmy Brissie, to cooperate in the enforcement and implementation of the provisions of this Proclamation, all applicable local ordinances, state and federal laws, and the Henderson County Emergency Operations Plan.

3. Duration

This Order is effective at noon on April 1, 2020, and shall remain in effect for the duration of the State of Emergency unless otherwise modified, amended, or rescinded by subsequent Order.

4. Geographical Area Affected

This Order is effective in the unincorporated areas of the County, and in such municipalities within the County as notify the County, the County Manager, and the Emergency Management Coordinator. Upon any notification from municipalities, the County shall notify the Office of the Henderson County Sheriff of such notification.

5. Further Orders

Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued at a public meeting by the Board and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

AMENDED SUPPLEMENTAL PROCLAMATION OF EMERGENCY FOR HENDERSON COUNTY AND ORDER

Pursuant to authority granted to North Carolina counties under the North Carolina Emergency Management Act (Article 1 of Chapter 166A of the North Carolina General Statutes), and also pursuant to authority granted by Article II of Chapter 76 of the Henderson County Code, the Henderson County Board of Commissioners (the "Board") makes the following findings:

A. The Board adopted a Supplemental Proclamation of Emergency for Henderson County and Order (the "Board's Order") on March 27, 2020, to be effective on March 28, 2020.

B. Subsequent to the Board's action, the Governor of North Carolina adopted Executive Order 121 ("EO121").

C. Both the Board's Order and EO121 are similar, in that require the citizens of Henderson County to "stay at home", subject to certain provisions.

D. It would ease the burden on the citizens of Henderson County to have certain provisions of the Board's Order identical to similar provisions of EO121.

NOW, THEREFORE, the Board hereby amends the Board's Order, which as amended now reads as follows:

SUPPLEMENTAL PROCLAMATION OF EMERGENCY FOR HENDERSON COUNTY AND ORDER

Pursuant to authority granted to North Carolina counties under the North Carolina Emergency Management Act (Article 1 of Chapter 166A of the North Carolina General Statutes), and also pursuant to authority granted by Article II of Chapter 76 of the Henderson County Code, and pursuant to and supplementing the Proclamation of State of Emergency for Henderson County declared March 14, 2020, at 6:00 p.m., the following findings are hereby made:

Findings:

A. The undersigned issued a Proclamation of State of Emergency for Henderson County (the "March 14 Proclamation"), covering all the unincorporated areas of Henderson County, and, with the consent of the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, the Town of Mills River and the Village of Flat Rock, the incorporated areas of those municipalities.

B. Since the March 14 Proclamation, the President of the United States and the Governor of North Carolina have issued new Orders with provisions including greater restrictions on mass gatherings and certain other activities.

C. Consultation has been made with the members of the Board of Commissioners of Henderson County, and with the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, and the Town of Mills River, and the Village of Flat Rock, with local public health officials and with leaders of Margaret R. Pardee Memorial Hospital and Advent Health Fletcher Hospital.

D. Since the March 14 Proclamation, many residents of the county have been tested for the COVID-19 virus. Initially, there was a connection and correlation between positive results and out of county travel or contact with someone known or believed to have been positive; however as of this date there is increasing evidence of cases in Henderson County and neighboring counties, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission to citizens of Henderson County.

E. In areas fighting COVID-19 there is a severe shortage of medical facilities, equipment, supplies and personnel, and there is an urgent need to act to prevent or alleviate such a shortage in Henderson County.

F. It is essential to slow viral transmission among our citizens as much as possible to protect the most vulnerable and to prevent the health care system of Henderson County from being overwhelmed, and thus unable to provide proper and adequate treatment.

G. Many individuals who contract the virus display no symptoms or have mild symptoms which means they may not be aware they carry the virus. People without symptoms can transmit the disease and because evidence shows the disease is easily spread, mass gatherings can result in further transmissions of the virus.

H. As a result of this ongoing public health emergency, after the consultations above, we have determined that if further action is not taken to slow the spread of COVID-19 within Henderson County, there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities may be unable to maintain public order or afford adequate protection for lives or property.

I. It is essential to slow viral transmission in Henderson County as much as possible to protect the most vulnerable, and to prevent the local health care system from being overwhelmed.

J. This Supplemental Proclamation and Order is necessary to slow the rate of spread, and to make the best use of finite medical resources so that their capacity for treatment is not exceeded by the need created by COVID-19. Further, it is the least restrictive action available to meet these necessities based on the evidence at present.

NOW, THEREFORE, IN COMPLIANCE WITH THE PROCLAMATIONS OF THE PRESIDENT OF THE UNITED STATES AND THE GOVERNOR OF NORTH CAROLINA, AND AFTER CONSULTATION WITH PUBLIC HEALTH AUTHORITIES AND THE MUNICIPALITIES OF HENDERSON COUNTY, THE UNDERSIGNED HEREBY SUPPLEMENTS THE MARCH 14 PROCLAMATION AND ORDAINS AS FOLLOWS:

I. The effective area of this Supplemental Proclamation is all the unincorporated areas of Henderson County, and, with the consent of the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher,

the Town of Mills River, and the Village of Flat Rock, and the incorporated areas of those municipalities.

II. The purpose of this action is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform essential services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they shall at all times reasonably comply with CDC recommendations of Social Distancing Requirements of at least six (6) feet apart. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities. All provisions of this Proclamation should be interpreted to effectuate this intent.

III. The March 14 Proclamation remains in full force and effect.

IV. North Carolina General Statute 166A-19.31 and Chapter 76 of the Henderson County Code allows the County of Henderson to enact a variety of restrictions and prohibitions as this evolving situation warrants. In accordance therewith, we order the following in addition to the restrictions in Executive Order 120 signed by Governor Cooper on March 23, 2020, which is incorporated by reference herein:

A. Stay At Home: All individuals currently living within Henderson County and all the municipalities located there are restricted to their places of residence. Except as allowed in this order, all individuals in Henderson County are prohibited from (i) being or traveling upon any street, alley, or roadway or upon public property, or (ii) participating or carrying on any business activity, or keeping open places of business or entertainment and any other place of public assembly. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For the purposes of this Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

B. Prohibited Activities: The following activities are prohibited:

1. All public and private gatherings of more than ten (10) people are prohibited, except for the limited purposes permitted by this Order. Nothing herein prohibits the gathering of members of a single household or residence.

Individuals who choose to engage in public or private gatherings of up to ten (10) people shall at all times observe Social Distancing Requirements as defined below. Any group, contact sport, team sport, or other physical activity where social distancing cannot be maintained at all times is prohibited.

All businesses and operations in the emergency area of Henderson County, except "Essential Businesses and Operations" as defined below, are to cease all activities. This requirement applies irrespective of the nature of the service or function performed by the business or organization and without regard to the organization's corporate or entity structure. Businesses and Operations that are not deemed Essential will be allowed to conduct "Minimum Basic Operations," as defined below.

All places of public amusement where people may gather, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, public and private playgrounds, driving ranges, skate parks, recreation centers, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the members of the public.

C. Restrictions on nursing home, long-term care facilities and assisted living facilities operated in Henderson County pursuant to Article 6 of Chapter 131E of the North Carolina General Statutes (“Chapter 131E Facilities”):

1. Owners, administrators, operators, staff, contractors, and volunteers of Chapter 131E Facilities are prohibited from allowing residents, customers, clients, or visitors from assembly in spaces that do not permit appropriate social distancing which consists of separation of 6 or more feet between each individual.

2. Owners, administrators, operators, staff, contractors, and volunteers of Chapter 131E Facilities are prohibited from allowing a person to enter the facility and visit a resident unless each of the following criteria are met: (1) the visitor is an adult, (2) the resident has not already had a visitor that day; and (3) the visit takes place in the resident's room. This prohibition does not apply to end of life situations.

3. No person is allowed to visit a resident of Chapter 131E Facilities unless the visitor has been screened prior to entry for signs and symptoms of COVID-19 including but not limited to the following: fever of 100.4 or higher, cough, or difficulty breathing, contact in past 14 days with a person who has a confirmed diagnosis of COVID-19 or who is under investigation for COVID-19. All visitors may be required to take precautionary measures including, but not limited to, social distancing or wearing personal protective equipment. Any Chapter 131E Facility may deny visitation for the duration of this Emergency.

4. No person is allowed to visit a resident of Chapter 131E Facilities unless the visitor shows identification, signs into a visitor's log that includes the date and time in and time out, and provide their name and accurate contact information including phone number and email if available.

5. Operators and staff of Chapter 131E Facilities are prohibited from destroying each day's visitor log for a period of 60 days from that day.

6. Owners, administrators and operators of Chapter 131E Facilities shall ensure adequate staffing to manage all occupants of the facility to include lifting and moving uninjured occupants.

7. All Chapter 131E facilities will comply with any Orders issued under North Carolina public health laws.

D. Essential Activities: The following are deemed Essential Activities, and are excluded and exempted from the “Stay At Home” provisions of paragraph IV.A., above:

1. **Health and safety**: To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

2. **Necessary supplies and services**: To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.

3. **Outdoor activity.** To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined herein, such as, by way of example and without limitation, walking, hiking, golfing, running, cycling, or using the greenways. Individuals may go to public parks and open outdoor recreation areas. Note, however, playgrounds, including those within public parks, shall be and remain closed.

4. **Permitted business functions.** To perform work as permitted herein.

5. **Take Care of Others:** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed herein. This includes attending weddings and funerals, so long as such events comply with the other restrictions in this Order.

6. **Compliance with Court Orders:** Where required to comply with existing court orders where such orders have not been modified during the period of the emergency.

Notwithstanding any other provision in this document, nothing herein shall in any way be deemed to impede the Henderson County Public Health Director from issuing and enforcing quarantine and isolation orders issued under the appropriate General Statutes, or executing other duties as required.

E. **Social Distancing:** Any person who needs to leave their place of residence, shall at all times maintain at least a six-foot distance between themselves and any other individual, except as reasonably necessary to perform Essential Activities. In addition, such persons shall practice washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

F. [Omitted and replaced by new Paragraph IV.I., below.]

G. [Omitted and replaced by new Paragraph IV.I., below.]

H. **Essential Governmental Functions:** For purposes of this Supplemental Proclamation, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel and attorneys representing them, adult protection services and attorneys representing them, housing and shelter personnel, military, and other governmental employees working for or to support Essential Governmental Functions are categorically exempt. Essential Government Functions means all services provided by the County or any municipality, township, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. Each County, City, Town or Village Manager or Administrator shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions. This Proclamation does not apply to the Federal government or the State of North Carolina. Nothing herein shall prohibit any individual from performing or accessing Essential Governmental Functions.

I. **COVID-19 Essential Businesses and Operations.** In order to slow the spread of COVID-19, it is necessary to reduce the instances where individuals interact with one another in a manner inconsistent with the Social Distancing Requirements set forth below. Many of those interactions occur at work. At the same time, it is necessary that certain businesses, essential to the response to COVID-19, to the infrastructure of the State and nation, and to the day-to-day life of North Carolinians, remain open.

a. In light of the above considerations, non-essential business and operations must cease. All businesses and operations in the State, except COVID-19 Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses, including home-based businesses, may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

b. All COVID-19 Essential Businesses and Operations are directed, to the maximum extent possible, to direct employees to work from home or telework.

c. For purposes of this Order, a COVID-19 Essential Business and Operation includes the following businesses, not-for-profit organizations and educational institutions.

1. Businesses that meet Social Distancing Requirements. Businesses, not-for-profit organizations or educational institutions that conduct operations while maintaining Social Distancing Requirements:

a. Between and among its employees; and,

b. Between and among employees and customers except at the point of sale or purchase.

2. Businesses operating in CISA identified sectors. Businesses, not-for-profit organizations or educational institutions operating in the federal critical infrastructure sectors as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> or any subsequent guidance issued by the U.S. Department of Homeland Security that amends or replaces said guidance.

3. Healthcare and Public Health Operations. Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; laboratories and laboratory service providers; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology and agricultural biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; dietary supplement retailers; naturopathic healthcare providers; home healthcare services providers; local management entities/managed care organizations (LME/MCO); mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, or public health operations broadly defined. Healthcare and

Public Health Operations does not include those businesses ordered to close by the Governor's Executive Order No. 120.

4. Human Services Operations. Human Services Operations includes, but is not limited to: long-term care facilities; child care centers, family child care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs, including food, cash assistance, medical coverage, child care, child support services, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, transportation and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

5. Essential Infrastructure Operations. Essential Infrastructure Operations includes, but is not limited to: food and beverage production, distribution, fulfillment centers, storage facilities; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long term care facilities, public works construction, school construction, and essential commercial and housing construction); building and grounds management and maintenance including landscaping; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video and telecommunications systems (including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

6. Essential Governmental Operations. Essential Governmental Operations means all services provided by the State or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Operations. Each government body shall determine its Essential Governmental Operations and identify employees and/or contractors necessary to the performance of those functions.

For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, legislators, judges, court personnel, jurors and grand jurors, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support COVID-19 Essential Businesses and Operations are categorically exempt from this Order.

This Order does not apply to the United States government or to the North Carolina government.

7. Stores that sell groceries and medicine. Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and nonalcoholic beverages, any other household consumer products (such as cleaning and personal care products), and specifically includes their supply chain and administrative support operations. This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other nongrocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations.

8. Food, beverage production and agriculture. Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, forestry, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, services and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.

9. Organizations that provide charitable and social services. Businesses as well as religious and secular not-for-profit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

10. Religious entities. Religious facilities, entities, groups, gatherings, including funerals. Also, services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community. All of these functions are subject to the limitations on events or convenings in Section 3 of this Order.

11. Media. Newspapers, television, radio, film, and other media services.

12. Gas stations and businesses needed for transportation. Gas stations and auto supply, sales, tire, auto-repair, roadside assistance and towing services, farm equipment, construction equipment, boat repair, and related facilities and bicycle shops and related facilities.

13. Financial and insurance institutions. Bank, currency exchanges, consumer lenders, including but not limited to, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

14. Home improvement, hardware and supply stores. Home improvement, building supply, hardware stores, and businesses that sell building materials and supplies, electrical, plumbing, and heating materials.

15. Critical trades. Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HV AC, painting, cleaning services, moving and relocation services, landscaping and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and COVID-19 Essential Businesses and Operations. This

includes organizations that represent employees.

16. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods, vehicles or services to end users or through commercial channels.

17. Educational institutions. Educational institutions including public and private pre-K-12 schools, colleges, and universities for purposes of facilitating remote learning, performing critical research, or performing essential functions, provided that the Social Distancing Requirements set forth below of this Order are maintained to the greatest extent possible. This Order is consistent with and does not in any way affect the Governor's Executive Orders regarding the closure of public schools.

18. Laundry services. Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

19. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that provide free food services to students or members of the public may continue to do so under this Order when the food is provided for carry-out, drive-through or delivery. This Order is consistent with and does not affect prior COVID-19 related Executive Orders of the Governor restricting the operations of restaurants and temporarily closing bars.

20. Supplies to work from home. Businesses that sell, manufacture, or supply office supply products or other products needed for people to work from home.

21. Supplies for COVID-19 Essential Businesses and Operations. Businesses that sell, manufacture, support, or supply other COVID-19 Essential Businesses and Operations with the service or materials necessary to operate, including computers, audio and video electronics, household appliances; payroll processing and related services; IT and telecommunication equipment; elections personnel and election-related equipment supplies; hardware, paint, flat glass, electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; and diagnostics, food and beverages, chemicals, soaps and detergent.

22. Transportation. Airlines, taxis, automobile dealers, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, trains, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers, and public transportation necessary to access COVID-19 Essential Businesses and Operations.

23. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

24. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, victims of domestic violence, people experiencing homelessness, substance use disorders, and/or mental illness.

25. Professional services. Professional services, such as legal services, accounting services, insurance services, professional engineering and architectural services, land surveying services, real estate services (including brokerage, appraisal and title services) and tax preparation services.

26. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, communications, as well as products used or commonly sold by other COVID-19 Essential Businesses and Operations.

27. Defense and military contractors. Defense and military contractors that develop products, processes, equipment, technology, and related services that serve the United States military, national defense, and national security interests.

28. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carryout food services.

29. Funeral Services. Funeral, mortuary, cremation, burial, cemetery, and related services. These services are subject to the limitations on events or convenings in Section IV.B. of this Order, except that the number of total persons attending such services is raised to fifty (50) person.

30. Additional COVID-19 Essential Retail Businesses. Additional COVID-19 Essential Retail Businesses are:

- Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
- Lawn and garden equipment retailers;
- Book stores that sell educational material;
- Beer, wine, and liquor stores;
- Retail functions of gas stations and convenience stores;
- Retail located within healthcare facilities;
- Pet and feed stores.

J. Outdoor Businesses or Services. Until otherwise ordered, those businesses that operate primarily outdoors or in structures under construction (e.g., construction related contractors, lawn maintenance, equipment repair or maintenance, etc.), and that consistently practice Social Distancing Requirements, are permitted to operate as if they were an Essential Business.

K. Alternate Offering of Non-Essential Goods and Services. Any business providing non-essential goods and services may continue to operate, provided they do so by delivery, mail order, or virtual/web service only, with no in-store customer traffic, and provided further they otherwise comply with this Order, any order from the President or federal government, and any order from the Governor or state government. This provision is to be read in harmony with any other applicable orders, and shall not permit any business to operate that is otherwise prohibited by another lawful order.

L. Minimum Basic Operations for All Businesses. Provided they comply with Social Distancing Requirements, any business may have staff present to perform the following Minimum Basic Operations, which includes performing:

- a. Minimum activity needed to maintain value of business inventory, ensure security, process payroll and benefits, or for related functions;
- b. Minimum activity to perform any function permitted by this Order; or
- c. Minimum activity needed to facilitate employees working from home.

M. Travel:

1. All travel, including, but not limited to, travel by automobile, motorcycle, scooter, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein or otherwise defined in this Order, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Order allows travel into or out of Henderson County to maintain Essential Businesses and Operations and Minimum Basic Operations.

2. Essential Travel. For purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, other vulnerable persons, or pets.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel to return to a place of residence from outside Henderson County.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside Henderson County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

N. Required measures: Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible all of the following:

1. Designate six-foot distances. Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance.
2. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers.
3. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers.

4. Online and remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

V. This Proclamation is issued in accordance with, and incorporates by reference, the March 14 Proclamation, and the State of Emergency issued by the Governor on March 10, 2020. It may be revised, amended, or supplemented by the Board of Commissioners at any subsequent meeting.

VI. Any person willfully and intentionally violating any prohibition or restriction imposed by this proclamation as authorized by the Joint Proclamation of State of Emergency shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

VII. If any section, subsection, sentence, clause, or phrase of this Proclamation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Proclamation.

VIII. A copy of this Supplemental Proclamation and Order shall be provided to the Clerk to the Board of Commissioners. Reports of the substance, of its prohibitions and restrictions shall be sent immediately to the mass communications media serving Henderson County. As soon as practicable, the full text of this Supplemental Proclamation and Order shall be distributed to the mass communications media serving Henderson County.

This Supplemental Proclamation was adopted this 27th day of March, 2020, by the Board of Commissioners of Henderson County and was amended with immediate effect on March 31, 2020.

STAFF UPDATES

Public Health Director Steve Smith informed the Board as of this morning, Henderson County has 18 cases of COVID 19 with one hospitalization, and none on a ventilator. Five of the individuals are in long term care facilities. At this time focus is on high risk groups. If an individual is suffering from one or more of the noted symptoms; breathing difficulty, fever, respiratory problems, loss of taste and smell, call your medical provider and they will guide you. Approximately 80% of the cases are mild, and people are asked to stay home and not visit medical facilities unless they are at high risk.

Chairman Hawkins made the motion that the Second Proclamation of Emergency and Order of the Henderson County Board of Commissioners be effective April 1, 2020 at noon. All voted in favor and the motion carried.

ADJOURN

Chairman Hawkins made the motion to adjourn at 11:20 a.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Grady H. Hawkins, Chairman

DURING THE MARCH 31, 2020 EMERGENCY MEETING, THE BOARD ENACTED THE FOLLOWING

2020.32 Resolution Adopting Special Rules of Procedure for Electronic Meetings

2020.33 Second Supplemental Proclamation of Emergency for Henderson County and Order of the Henderson County Board of Commissioners

2020.34 Amended Supplemental Proclamation of Emergency for Henderson County and Order