

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

**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. 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.

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. 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., above, 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.

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.

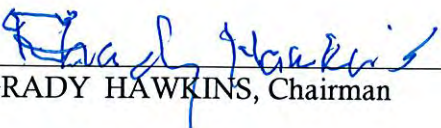
VI. Any person willfully and intentionally violating any prohibition or restriction imposed by this proclamation as authorized by the Joint Proclamation of State of Emergency shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

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.

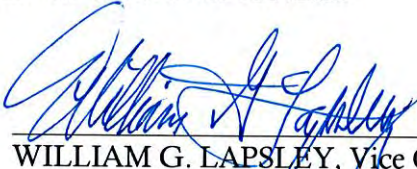
VIII. A copy of this Supplemental Proclamation and Order shall be provided to the Clerk to the Board of Commissioners. Reports of the substance, of its prohibitions and restrictions shall be sent immediately to the mass communications media serving Henderson County. As soon as practicable, the full text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

This Supplemental Proclamation is adopted this 27th day of March, 2020, by the Board of Commissioners of Henderson County and shall take effect at noon on March 28, 2020.


HENDERSON COUNTY BOARD OF COMMISSIONERS



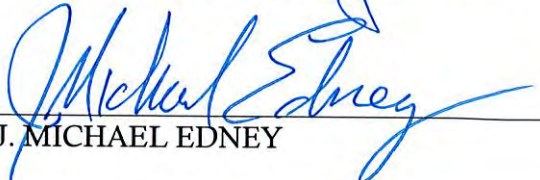
GRADY HAWKINS, Chairman



WILLIAM G. LAPSLEY, Vice Chairman



CHARLIE MESSER



J. MICHAEL EDNEY



REBECCA McCALL



CISA
CYBER+INFRASTRUCTURE

March 19, 2020

**MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL
INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE**

FROM: Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency (CISA)

As the Nation comes together to slow the spread of COVID-19, on March 16th, the President issued updated Coronavirus Guidance for America. This guidance states that:

“If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule.”

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security’s responsibilities as assigned under the Homeland Security Act of 2002 to provide strategic guidance, promote a national unity of effort, and coordinate the overall federal effort to ensure the security and resilience of the Nation’s critical infrastructure. CISA uses trusted partnerships with both the public and private sectors to deliver infrastructure resilience assistance and guidance to a broad range of partners.

In accordance with this mandate, and in collaboration with other federal agencies and the private sector, CISA developed an initial list of “Essential Critical Infrastructure Workers” to help State and local officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. The list can also inform critical infrastructure community decision-making to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations, appropriately modified to account for Centers for Disease Control (CDC) workforce and customer protection guidance.

The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works.

We recognize that State, local, tribal, and territorial governments are ultimately in charge of implementing and executing response activities in communities under their jurisdiction, while the Federal Government is in a supporting role. As State and local communities consider COVID-19-related restrictions, CISA is offering this list to assist prioritizing activities related to continuity of operations and incident response, including the appropriate movement of critical infrastructure workers within and between jurisdictions.

Accordingly, this list is advisory in nature. It is not, nor should it be considered to be, a federal directive or standard in and of itself.

In addition, these identified sectors and workers are not intended to be the authoritative or exhaustive list of critical infrastructure sectors and functions that should continue during the COVID-19 response. Instead, State and local officials should use their own judgment in using their authorities and issuing implementation directives and guidance. Similarly, critical infrastructure industry partners will use their own judgment, informed by this list, to ensure continued operations of critical infrastructure services and functions. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

CISA will continue to work with you and our partners in the critical infrastructure community to update this list as the Nation's response to COVID-19 evolves. We also encourage you to submit how you might use this list so that we can develop a repository of use cases for broad sharing across the country.

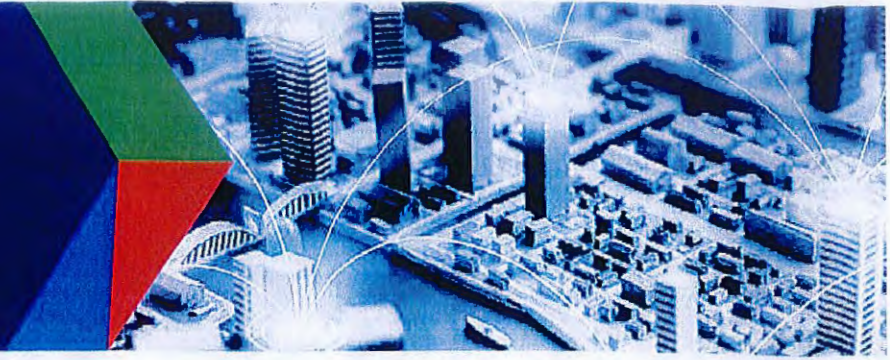
Should you have questions about this list, please contact CISA at CISA.CAT@cisa.dhs.gov.

Attachment: "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response"



CISA
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 1.1 (March 23, 2020)

THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This guidance and accompanying list are intended to support State, Local, and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives guidance to State, local, tribal, and territorial jurisdictions and the private sector on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, State managed, and federally supported
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.

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Essential Critical Infrastructure Workforce

5. All organizations should implement their business continuity and pandemic plans, or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the employees.
6. In the modern economy, reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.
7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.
8. When government and businesses engage in discussions about critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.
9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of sectors and identified essential critical infrastructure workers are an initial recommended set and are intended to be overly inclusive reflecting the diversity of industries across the United States. CISA will continually solicit and accept feedback on the list (both sectors/sub sectors and identified essential workers) and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. We ask that you share your feedback, both positive and negative on this list so we can provide the most useful guidance to our critical infrastructure partners. Feedback can be sent to CISA.CAT@CISA.DHS.GOV.




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HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers)
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals (including materials used in radioactive drugs), blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident

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LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, air medical, and corrections, including front line and management
- Emergency Medical Service Technicians
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors – who maintain, manufacture, or supply digital systems infrastructure supporting law enforcement emergency service, and response operations.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail that sells human food, animal/pet food, a beverage products
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants, renderers, and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

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ENERGY

Electricity industry:

- Workers who maintain, ensure, or restore, or are involved in the development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers

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- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-jurisdiction travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers and maintenance personnel, ramp workers, aviation and aerospace safety, security, and operations personnel and accident investigations
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

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PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations (including cable marine depots and submarine cable ship operators), Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as

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manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure

- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Customs workers who are critical to facilitating trade in support of the national emergency response supply chain
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains.

HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

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FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities

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STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

**PROCLAMATION OF STATE OF EMERGENCY
FOR HENDERSON COUNTY**

Pursuant to the 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 following findings and proclamation is hereby made:

Findings:

- A. COVID-19 is a serious communicable disease that can result in serious illness or death; and,
- B. COVID-19 has been found in North Carolina, and the Centers for Disease Control has warned of the high public health threat caused by COVID-19; and,
- C. A national state of emergency has been proclaimed by the President of the United States; and,
- D. The Governor of North Carolina has proclaimed a statewide state of emergency, and has banned mass gatherings involving more than one hundred persons.
- E. Consultation has been made with the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, the Town of Mills River and the Village of Flat Rock.

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, the undersigned hereby proclaims a state of emergency now exists in Henderson County. In accordance with this proclamation:

1. A State of Emergency is hereby declared within Henderson County, North Carolina. This declaration, and the directives included within it, includes 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, and Town of Mills River and the Village of Flat Rock, in the incorporated areas of those municipalities.

2. I hereby order 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 Declaration, all applicable local ordinances, state and federal laws, and the Henderson County Emergency Operations Plan.

3. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the Henderson County Board of Commissioners; and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

4. This declaration shall take effect on March 14, 2020, at 6:00 p.m., and shall remain in effect until modified or rescinded.

PROCLAIMED the date and time set forth above.



STEVE WYATT

County Manager of Henderson County on behalf of
Grady Hawkins, Chairman of the Board of Commissioners, and
The Board of Commissioners of Henderson County