

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

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

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

A. 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 from 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.


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This Second Supplemental Proclamation is adopted this 31st day of March, 2020, at 11:15 o'clock a.m., by the Board of Commissioners of Henderson County.

HENDERSON COUNTY BOARD OF COMMISSIONERS


By: GRADY HAWKINS, Chairman

Attest:


TERESA WILSON, Clerk to the Board of Commissioners