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**Orange County Board of Commissioners
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AMENDMENT TO THE DECLARATION OF STATE OF EMERGENCY IN ORANGE COUNTY

Sec.1. The Chair of the Board of County Commissioners declared the existence of a state of emergency in Orange County pursuant to North Carolina General Statute 166A-22 on March 13, 2020 (“Original Declaration”) and revised the Original Declaration on March 25, 2020, April 23, 2020, May 6, 2020, May 21, 2020, June 10, 2020, June 26, 2020, July 9, 2020, July 17, 2020, August 18, 2020, September 4, 2020, October 2, 2020, November 13, 2020, December 1, 2020, March 19, 2021, June 21, 2021, and July 23, 2021.

Sec. 2. The undersigned, in consideration of changing circumstances related to COVID-19, previously adopted revised declarations of emergency incorporating the terms of various gubernatorial Executive Orders with some changes and exceptions deemed necessary and specific to Orange County. Despite improving COVID-19 trends over several months of Spring and early Summer 2021 the undersigned, in consultation with the Orange County Health Director, determines the following:

- a. COVID-19 Variants continue to spread throughout the nation and Orange County; and
- b. COVID-19 positive test rates are increasing both nationwide and in Orange County and have recently surpassed five percent (5%) positive in Orange County and continue in an upward trend; and
- c. Hospitalizations due to COVID-19 have increased substantially in Orange County and are similar to the nationwide and statewide upward trend for hospitalizations; and
- d. Even though vaccinations in Orange County are at or near the highest level in the state, vaccination rates have slowed considerably; and
- e. Vaccinated persons are far less likely to contract COVID-19, however the Delta variant has infected and continues to infect vaccinated persons and can be retransmitted to others by them as determined by the Centers for Disease Control and Prevention (CDC); and
- f. The CDC and the North Carolina Department of Health and Human Services have issued guidance calling for all people, including those who are vaccinated, to wear masks in indoor spaces when they are around people they do not live with in order to reduce the spread of COVID-19; and

- g. Many of those who contract the virus may be asymptomatic and may not be aware they carry the virus but can still transmit the disease; and
- h. Data shows the disease and the Delta variant in particular is easily spread and indoor gatherings can result in further transmissions of the virus; and
- i. It is essential to slow viral transmission and community spread as much as possible to protect the most vulnerable and children under twelve (12) years old, and to prevent the health care system from being overwhelmed; and
- j. Prompt action now together with cooperation from and vigilance by the public can reduce the transmission of COVID-19 and prevent the need for greater restrictions in the future.

Sec. 3. The undersigned, in consideration of changing circumstances related to COVID-19, previously adopted revised declarations of emergency incorporating the terms of various gubernatorial Executive Orders with some changes and exceptions deemed necessary and specific to Orange County. Despite improving COVID-19 trends over several months of Spring and early Summer 2021 the undersigned, in consultation with the Orange County Health Director, further determines the following:

- a. Executive Order No. 224, dated July 29, 2021 by Governor Roy Cooper implements measures to address COVID-19 and related variants. More specifically, Section 4.1 of Executive Order No. 224 defines measures to protect state employees at cabinet agencies by requiring vaccination or weekly COVID-19 testing for unvaccinated workers; and
- b. Orange County is committed to protecting the health and safety of County employees and the public by mitigating the Spread of COVID-19 and its related variants in the workplace; and
- c. In accordance with Orange County's duty to provide and maintain a safe and healthy workplace **Orange County employees will be required to demonstrate proof of vaccination against COVID-19 OR be tested once weekly for COVID-19 infection;**
- d. This shall apply to all permanent, temporary, and seasonal employees, paid and unpaid interns, and volunteers.
- e. The Orange County Manager is directed to adopt a policy to this effect and to implement such policy by September 1, 2021. The Orange County Manager is authorized to make changes to the policy as necessary to comply with guidance from the CDC and the Orange County Health Director as may be needed.

Sec. 4. In consideration of all available data related to the impacts of COVID-19 in Orange County the undersigned, in consultation with the Orange County Health Director, hereby determines it is in the best interest of the residents of Orange County to leave in place the declaration of emergency and to continue to follow the terms of Governor Roy Cooper's Executive Order 220 related to the COVID-19 Public Health Emergency and any other currently effective COVID-19 Executive Orders. Pursuant to factors set out above, the available data

related to the impacts of COVID-19 in Orange County, and the recommendation of the Orange County Health Director, the Orange County Declaration of Emergency related to COVID-19 is hereby amended as follows:

- a. The State of Emergency in Orange County is amended as stated herein and continues until such time as it is rescinded or terminated by the Chair of the Board of County Commissioners; and
- b. In addition to the terms of Executive Order 220, and all subsequent COVID-19 related Executive Orders, the following additional restrictions are mandatory in Orange County:
 - i. **Face Coverings are REQUIRED in all indoor public places including public transportation facilities and vehicles.** “Face Covering” means a complete covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person’s face. A Face Covering may be made of synthetic or natural material.
 - ii. Face Coverings need not be worn by anyone who
 - (a) has a diagnosed medical or behavioral condition or disability, including difficulty breathing,
 - (b) is a child under two (2) years of age,
 - (c) is a child under five (5) years of age and their parent, guardian, or responsible person has been unable to place and maintain a Face Covering safely on the child’s face,
 - (d) is actively eating or drinking,
 - (e) is seeking to communicate with someone who is hearing impaired in a way that requires the mouth to be visible,
 - (f) is giving a speech or performance for a broadcast or to an audience where they maintain a distance of at least twenty (20) feet from the audience,
 - (g) is working alone in an individual office setting (however, such person(s) shall apply a Face Covering when in common areas such as breakrooms, hallways, restrooms, or other areas where additional persons may be encountered),
 - (h) has determined the Face Covering is impeding their visibility in the operation of equipment or a vehicle,
 - iii. Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or other proof of a condition.
 - iv. Businesses may accommodate anyone who declines to wear a Face Covering for these reasons by choosing to offer outdoor service, curbside service, home delivery, or use some other reasonable measure to deliver goods or services.

Sec. 5. This amendment is adopted pursuant to the authority granted by Chapter 14 of the Orange County Code of General Ordinances and Chapter 166A of the North Carolina General Statutes. The imposition of a Face Covering requirement does not have the effect of restricting state or federal government operations and Section 4 of this amendment to the declaration is effective in all state and federal government offices operating in Orange County.

Sec. 6. A copy of this Amendment 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 Orange County. As soon as practicable, the full text of this Amendment shall be distributed to the mass communications media serving Orange County. A copy of this Amendment shall be posted conspicuously on the Orange County website at www.orangecountync.gov. Notice and a signed copy of this Amendment to the Declaration of a State of Emergency in Orange County shall be submitted to the Department of Public Safety WebEOC.

Sec. 7. This Amendment is effective at 5:00 pm on Wednesday August 11, 2021.



Renee Price, Chair

Orange County Board of Commissioners

August 10, 2021

Date