

**At a special meeting of the Middlesex County Board of Supervisors held on April 30, 2020 at 5:00 p.m., by electronic means, due to the communicable nature of COVID-19, on a motion duly made by Supervisor Mansfield and seconded by Supervisor Koontz, the following Resolution was adopted by the following vote:**

John B. Koontz, Jr.	aye
Wayne H. Jessie, Sr.	nay
Reginald A. Williams, Sr.	nay
Lud H. Kimbrough, III	aye
Peter W. Mansfield	aye

**An Emergency Resolution Recommending Regulations to Prevent the Spread of the Contagious Disease of COVID-19 in Middlesex County During the Pandemic of the Coronavirus**

**WHEREAS**, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency in response to the spread of the novel coronavirus (COVID-19); and

**WHEREAS**, on March 12, 2020, Governor Ralph Northam, in Executive Order 51, declared a state of emergency in the Commonwealth of Virginia, acknowledging the spread of COVID-19 as a disaster as defined in Virginia Code § 44-146.16; and

**WHEREAS**, on March 13, 2020, the President of the United States found and declared the outbreak of COVID-19 to constitute a national emergency, beginning March 1, 2020; and

**WHEREAS**, the members of the Middlesex County Board of Supervisors have been duly elected and qualified and vested with the authority through its police powers to pass and enforce any law that is reasonably necessary to protect the public health; and

**WHEREAS**, on March 16, 2020, in accordance with Virginia Code § 44-146.21, the County of Middlesex Director of Emergency Management, Wayne Jessie, declared a local state of emergency in the County of Middlesex and that said COVID-19 constituted a “disaster” as contemplated in section 15.2-1413 of the Code of Virginia of 1950, as amended; and

**WHEREAS**, on March 17 and March 23, Governor Northam requested and then directed Virginians to avoid non-essential gatherings of more than 10 people; and

**WHEREAS**, the Middlesex County Board of Supervisors at a Special Meeting held on March 31, 2020 confirmed, pursuant to Virginia Code § 44-146.21, the declaration of a local emergency in Middlesex County; and

**WHEREAS**, the Middlesex County Board of Supervisors has determined that COVID-19

constitutes a communicable disease of public health threat which has caused a disaster as those terms are defined in Virginia Code § 44-146.16; and

**WHEREAS**, Virginia Code § 15.2-1200 provides the County with authority to adopt necessary regulations to prevent the spread of contagious diseases among its residents; and

**WHEREAS**, this Emergency Resolution, in response to the disaster caused by the COVID-19 pandemic, promotes the public health, safety, and welfare, and its adoption is consistent with the law of the Commonwealth of Virginia, the Virginia Constitution and the United States Constitution; and

**WHEREAS**, on March 26, 2020, data reported by the World Health Organization indicated that COVID-19 spreads when a person coughs or exhales thereby producing droplets that reach the nose, mouth or eyes of another person, and that other persons become infected by touching these contaminated objects or surfaces, then touching their eyes, nose or mouth; and

**WHEREAS**, on March 31, 2020, the Director for Center for Disease Control and Prevention (“CDC”), Dr. Robert Redfield, admitted that COVID-19 continues to spread rapidly across the country, because of asymptomatic transmitters and individuals who are transmitting 48 hours before they become symptomatic; and

**WHEREAS**, since the first U.S. case of COVID-19 was identified in Washington State on January 21, 2020, health officials to date have identified more than 995,288 cases, resulting in more than 56,139 deaths, across the United States; and

**WHEREAS**, on March 29, 2020, the Director of John Hopkins Center for Health Security, Dr. Tom Ingelsby, stated that “members of the general public should wear non-medical fabric masks when going out in public in one additional societal effort to slow the spread of the virus down,” and Dr. Scott Gottlieb, former Commissioner of the US Food and Drug Administration, also reported that a recommendation from the CDC “for consumers to wear cotton masks would improve safety, reduce spread, and not strain the hospital supply chain;” and

**WHEREAS**, on March 31, 2020, the Director of the National Institute of Allergy and Infectious Diseases (NIAID) and as a member of the White House Coronavirus Task Force, Dr. Anthony Fauci, also recommended wearing facial coverings to prevent individuals from infecting others, and reported that the CDC is in the process of reviewing mask recommendations based on growing evidence that people experiencing no symptoms can spread the disease more widely than previously thought; and

**WHEREAS**, on April 1, 2020, the United States Surgeon General, Dr. Jerome Adams, admitted that the CDC has been asked to review their guidelines on the benefits of having more people wear masks to prevent transmission of COVID-19 based on new available science regarding the asymptomatic spread of the novel coronavirus disease; and

**WHEREAS**, on April 3, 2020, in light of growing evidence to include studies from the New England Journal of Medicine, about how COVID-19 spreads, along with evidence of widespread COVID-19 illness in communities across the country, the CDC recommended that all individuals wear cloth face coverings in public settings, especially where other social distancing measures are difficult to maintain and in areas of significant community-based transmission; and

**WHEREAS**, the Executive Director of Three Rivers Health District advised the County that, in addition to practicing social distancing and staying home, additional control measures are necessary to prevent asymptomatic individuals with COVID-19 from unknowingly spreading the disease to the public; and

**WHEREAS**, on April 15, 2020, Governor Northam issued Amended Number Fifty-Three (2020) Executive Order authorizing the waiver of Virginia Code Section 18.2-422 so as to allow the wearing of a medical mask, respirator, or any other protective face covering for the purpose of facilitating the protection of one's personal health in response to the COVID-19 public health emergency declared by the State Health Commissioner on February 7, 2020; and

**WHEREAS**, one-third of the residents of Middlesex County are 65 years of age or older, and these citizens are highly vulnerable to the COVID-19 virus and will experience a high mortality rate if infected.

**THEREFORE, BE IT RESOLVED**, that the County should take all measures necessary at this time to discourage and limit the spread of COVID-19.

**NOW, THEREFORE, BE IT RESOLVED** by the Middlesex County Board of Supervisors this 30th day of April, 2020:

1. All persons are strongly encouraged to wear some form of covering over their nose and mouth (such as a scarf, bandana, handkerchief, or homemade mask from cloth or similar material)("face mask") at all times when out in the public with other people and social distancing cannot be assured (e.g. retail stores), with the following exceptions:
  - a. If an individual has a verified health reason that they cannot wear a face covering, such individual is exempted from the requirement to wear face coverings;
  - b. When driving/riding in a personal vehicle;
  - c. When necessary for consumption purposes;
  - d. When said person has trouble breathing, is unconscious, is incapacitated, or is otherwise unable to remove the cover without assistance;
  - e. Infants under the age of two or children who may have trouble breathing
2. All businesses located within Middlesex County where social distancing cannot be assured are encouraged to post signage requesting patrons and employees to wear some form of face mask.

3. All County employees should represent these guidelines in an exemplary fashion.
4. Middlesex County shall have signage encouraging the wearing of face masks displayed along major traffic routes and other prominent locations.

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Wayne H. Jessie, Chairman,  
Middlesex County, Virginia Board of Supervisors

ATTEST:

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Matt Walker, County Administrator