



DECLARATION OF STATE OF EMERGENCY IN THE CITY OF DURHAM AND
ORDER OF THE MAYOR OF DURHAM
CONSENTING TO APPLICATION WITHIN THE CITY OF DURHAM OF THE
*THE DECLARATION OF A STATE OF EMERGENCY IN DURHAM COUNTY, NC
TO COORDINATE PROTECTIVE ACTIONS TO PREVENT THE SPREAD OF COVID-19*
DATED AUGUST 5, 2021

WHEREAS, the novel coronavirus disease-2019 (COVID-19) is a disease which has spread across the globe causing flu-like symptoms, but with a significantly higher rate of death, particularly among those who are elderly or medically vulnerable; and,

WHEREAS, on 30 January 2020, the World Health Organization (WHO) determined the outbreak constitutes a Public Health Emergency of International Concern (PHEIC); and
WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar, II, declared COVID-19 to be a public health emergency in the United States; and,

WHEREAS, on March 10, 2020, in order to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, Governor Roy Cooper declared a state of emergency in North Carolina; and,

WHEREAS, on March 13, 2020, President Trump declared the COVID-19 pandemic to be a national emergency; and,

WHEREAS, on March 14, 2020, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19, Governor Roy Cooper issued Executive Order 117. Among the measures he directed were limiting mass gatherings to no more than 100 persons, temporarily closing public schools, and urging compliance with Center for Disease Control (“CDC”) recommendations on social distancing; and,

WHEREAS, from March 17-present, Governor Roy Cooper issued numerous Executive Orders, to address and mitigate the threat of COVID-19 to vulnerable populations and to slow the spread of COVID-19 in North Carolina, issued several dozen Executive Orders. The last state order requiring the wearing of masks expired on July 30, 2021; and,

WHEREAS, in response to the COVID-19 pandemic, I, Stephen M. Schewel, as the Mayor of the City of Durham, issued a Declaration of State of Emergency on March 13, 2021;

WHEREAS, the Chair of the Durham County Board of County Commissioners (“Chair”) issued a Declaration of State of Emergency (“Declaration”) on March 14, 2020, recommending conduct designed to protect the public health; and

WHEREAS, from March 28-December 10, 2020, in response to the changing understanding of the COVID-19 pandemic, and in order to better protect the health, safety, and welfare of Durham County residents, the Chair of Durham County issued fourteen amendments to that Declaration which were adopted within the corporate city limits of Durham. In the Fourteenth Amendment, issued December 10, 2020, the Chair concluded that the restrictions in place under the then current Executive Order of the Governor were sufficient to protect the public health, terminated the additional restrictions in the local order; and,

WHEREAS, on May 19, 2021, I, Stephen M. Schewel, while recognizing that the threat of COVID-19 was still present, but believing the statewide restrictions directed by the Governor in his then current Executive Order were adequate to protect the public health, terminated the local declaration of a state of emergency; and,

WHEREAS, the COVID-19 virus has developed a variant, the Delta variant, which is more contagious than others and is the dominant form of the disease in our State; and

WHEREAS, while vaccinated persons are far less likely to contract COVID-19, the Delta variant has infected vaccinated persons and can be retransmitted to others by them. Over the past month, the positive rate of infections in Durham County has doubled, from 2.3% to 4.6%, and the number of cases, to include those under the age of 18, is rising. The positive rate of infections in the State of North Carolina is 12.2%; and,

WHEREAS, the percentage of Durham County residents who are vaccinated is approximately 59% of the entire population, leaving over 40% who are not vaccinated. The percentage of North Carolinians who are fully vaccinated is 47%, leaving over half of the State's population unvaccinated. There is no currently approved vaccine for children under the age of 12, and thousands of people travel into Durham County on a daily basis to work, shop, recreate, and seek medical care: and,

WHEREAS, the Centers for Disease Control and the North Carolina Department of Health and Human Services have issued guidance calling for all people, to include those are vaccinated, to wear masks in indoor spaces when you are around people you do not live with, in order to reduce the spread of COVID-19; and,

WHEREAS, the undersigned has conferred with the Durham County Chair, Durham County's Public Health Director and operators of Duke Health, a major health care provider within Durham County, and confirmed that the rate of infections in Durham is at a level requiring prompt action to slow the spread of COVID-19 within Durham in order to preserve medical supplies and hospital capacity to treat those with COVID-19 and other serious illnesses and injuries; and,



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WHEREAS, many people 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; and

WHEREAS, it is essential to slow viral transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed; and

WHEREAS, prompt action now, and cooperation by the public in taking steps to reduce the transmission of COVID-19, can prevent the need for greater restrictions in the future; and

WHEREAS, said proclamation and the restrictions contained therein may be made applicable within the City of Durham's jurisdiction with the consent of the Mayor of Durham pursuant to N.C.G.S. 166A-19.22(b)(2); and,

WHEREAS, a portion of the City of Durham does not lie within the boundaries of Durham County.

NOW, THEREFORE, I, Stephen M. Schewel, Mayor of the City of Durham, do hereby proclaim the existence of a **STATE OF EMERGENCY** within the City of Durham pursuant to N.C. Gen. Stat. § 166A-19.22, and, pursuant to the authority granted to me by State law and City Ordinance pursuant to N.C. Gen. Stat. § 166A-19. 31 and Chapter 22 of the City Code adopt the restrictions and prohibitions declared by the County of Durham.

This Order shall take effect on Monday, August 9, 2021 at 5:00 p.m., and shall remain in effect until properly rescinded or modified by the undersigned, understanding that the Declaration of State of Emergency in the City of Durham will be regularly reviewed and evaluated by Durham County in consultation with the City of Durham, for its necessity and efficacy, and that it may be revised, amended, and/or extended based upon the impact of the COVID-19 pandemic, existing evidence, and recommendations by federal, state and local public health authorities.

Signed at this date and time: August 8, 20 21, at 8:00 PM o'clock.
(included AM or PM)

Stephen M. Schewel
Stephen M. Schewel, Mayor of the City of Durham

Note: Noon is 12:00 PM. Midnight is 12:00 AM