STATE OF VERMONT

EXECUTIVE DEPARTMENT

ADDENDUM 5 TO AMENDED AND RESTATED EXECUTIVE ORDER 01-20

[Extension of State of Emergency Declared March 13, 2020]

WHEREAS, since December 2019, Vermont has been working in close collaboration with the National Centers for Disease Control and Prevention ("CDC") and with the United States Health and Human Services Agency to first monitor and plan for outbreaks of a respiratory illness due to a novel coronavirus ("COVID-19") and then to implement measures to keep Vermonters healthy and safe; and

WHEREAS, the Governor directed the Vermont Department of Health ("VDH") to activate the Health Operations Center in February 2020 when VDH began to monitor and later, test Vermonters who may have been exposed to COVID-19; and

WHEREAS, in March 2020, the Governor directed the Department of Public Safety, Division of Vermont Emergency Management ("DPS") to assemble an interagency taskforce, and later to activate the Vermont State Emergency Operations Center ("SEOC"), in accordance with the State Emergency Management Plan, to organize prevention, response and mitigation efforts and share information with local and state officials; and

WHEREAS, on March 7, 2020 and March 11, 2020, VDH detected the first two cases of COVID-19 in Vermont and as of September 9, 2020, the State has experienced 1,654 cases and 58 deaths which are COVID-19 related; and

WHEREAS, on March 11, 2020 the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 01-20, Declaration of State of Emergency in Response to COVID-19 and National Guard Call-Out ("Executive Order"), declaring a state of emergency for the State of Vermont in response to COVID-19; and

WHEREAS, on Friday, March 13, 2020, President Trump issued a national emergency declaration for the COVID-19 pandemic; and

WHEREAS, the Governor, in consultation with VDH, DPS and the Vermont Agency of Human Services, initiated aggressive and sustained efforts to protect property and public health, and to ensure public safety in this public health emergency including issuing the Executive Order, as supplemented and amended and Directives issued pursuant to the Executive Order, to limit in-person contact, such as limiting the size of gatherings, closure of schools and the institution of remote learning through the end of the 2019-2020 school year, directing the postponement of non-essential medical and surgical procedures, suspending the operation of close contact businesses, requiring telecommuting and work from home, requiring Vermonters to stay home and stay safe,

with exceptions for essential purposes, and suspending the operation of businesses which were not deemed critical to public health and safety and national and economic security; and

WHEREAS, modeling studies done for the State clearly show that, but for the mitigation measures taken to date, the number of COVID-19 cases and COVID-19 related deaths in the State would be having a much more devastating effect on Vermonters and would be threatening to overwhelm the capacity of the Vermont health care system; and

WHEREAS, the Governor has undertaken a cautious, measured and data-based approach to restarting Vermont's economy to minimize the risk to the public by limiting the spread of infection in our communities in order to protect the most vulnerable, while reopening our business, non-profit, government and recreation sectors in a safe and effective way; and

WHEREAS, numerous tools needed to address response efforts remain in place by virtue of the State of Emergency declaration, including protections for residents of long term and other medical care facilities, National Guard resources standing by to implement hospital surge capacity and for emergency food distribution, workplace health and safety requirements, a mandate for facial coverings, expanded housing and meal delivery systems, expanded eligibility for unemployment insurance, tools needed by certain businesses to maintain a minimum level of economic sustainability and federal emergency funding; and

WHEREAS, the General Assembly has passed a number of COVID-19-related measures dependent on the existence of a declared State of Emergency which provide flexibility regarding unemployment insurance, assist Vermonters with motor vehicle licensing and other matters, impose moratoria on evictions and water and sewer service disconnection, protect Vermonters in public meeting settings and provide municipalities flexibility with budgeting and municipal taxes; and

WHEREAS, the Governor has determined, in consultation with the Commissioner of VDH and DPS, based on the best science and data available, to extend the State of Emergency for the State of Vermont through Tuesday, September 15, 2020, clarify the use of facial coverings when engaged in strenuous activity and clarify the delegated authority of the Secretary of Administration for State agency and department return to the worksite.

NOW THEREFORE, I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws, hereby declare the State of Emergency for the State of Vermont shall be extended through midnight on Thursday, October 15, 2020.

IT IS FURTHER ORDERED:

1. Except as set forth herein, the Amended and Restated Executive Order issued June 5, 2020, and all Addenda and Directives issued thereunder, shall continue in full force and effect until midnight on October 15, 2020, at which time the Governor, in consultation with the VDH and DPS shall assess the emergency and determine whether to amend or extend the State of Emergency.

2. Masks or Cloth Facial Coverings Required in Public Wherever Close Contact is Unavoidable. Section 7(f) of the Amended and Restated Executive Order regarding Mask Use is hereby amended in part to clarify mask use when engaged in strenuous activity, as follows:

   Nothing in this Order or any other State health and safety guidance shall require the use of a mask or cloth facial covering when someone is engaged in strenuous exercise or activity when physical distance of six (6) feet can be consistently maintained, for anyone under the age of 2, any child or adult with a medical or developmental issue or challenge that is complicated or irritated by a facial covering, anyone with difficulty breathing or as further set forth in guidance issued by VDH.

3. Authority of the Secretary of the Agency of Administration. For the sake of clarity, the Secretary of the Agency of Administration is delegated the authority, in consultation with the Commissioner of VDH and with the approval of the Governor, to issue guidance to State agencies, departments and employees on return to the worksite, with the exception of DMV which shall be responsible for implementing its Continuity of Operations Plan. The Secretary, in consultation with the Commissioner of VDH and the Secretary of the Agency of Commerce and Community Development, may update and modify the mitigation requirements and procedures regarding the return to the worksite of State government entity operations.

This Addendum 5 to the Amended and Restated Executive Order shall take effect upon signing and shall continue in full force and effect until midnight on October 15, 2020, at which time the Governor, in consultation with the Vermont Department of Health and the Department of Public Safety shall assess the emergency and determine whether to amend or extend this Addendum.

By the Governor:

Philip B. Scott
Governor

Brittney L. Wilson
Secretary of Civil and Military Affairs

Addendum 5 to Amended and Restated Executive Order No. 01-20

Dated: September 11, 2020