



## Loudoun County, Virginia

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Loudoun County Board of Supervisors

1 Harrison Street, S.E., MSC #01, 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

May 13, 2020

The Honorable Ralph S. Northam  
Governor of Virginia  
P.O. Box 1475  
Richmond, VA 23218

Dear Governor Northam,

My colleagues and I are writing to you as individual members of the Loudoun County Board of Supervisors. As a bipartisan request – one of us is a Democrat, two are Republicans – we ask you to amend your Executive Order 62, which currently prevents Loudoun County from beginning Phase One of your Forward Virginia plan until May 28, to allow the westernmost districts of Loudoun County to start reopening as soon as possible prior to that date. Although we desired to have the entire County reopen under Phase One, our specific districts merit a different solution for the reasons discussed below.

The Leesburg, Catoctin, and Blue Ridge Districts are west of Route 15 and north of Goose Creek. The Catoctin and Blue Ridge Districts are largely rural and the Leesburg District has a high percentage of lower- and middle-income workers who have been without any income for two months and desperately need and want to go back to work.

These districts are distinct from Eastern Loudoun, and represent all of Loudoun's incorporated towns. The number of COVID-19 cases in our districts, which comprise the majority of the land mass of Loudoun County (see attached map), is minimal. The Virginia Department of Health currently reports that the Catoctin, Blue Ridge, and Leesburg Districts have only 378 total COVID-19 cases among the entirety of our districts. That means that these three districts account for less than 30% of the County's total COVID-19 cases.

The letter you recently received, which asked you to delay reopening Loudoun County, confusingly aggregated Loudoun's data with that of Fairfax, Prince William, Arlington, and the City of Alexandria. Loudoun County is in a stronger position to weather the COVID-19 pandemic than much of Northern Virginia. Our residents have been diligently abiding by the quarantine rules. During March 21 – May 2, Google's COVID-19 Community Mobility Report for Loudoun showed substantial declines in travel to work, retail, recreation, and transit locations. We also have a smaller, more dispersed population. As a result, out of a population of around 400,000, we have 1,283 cases, 129 hospitalizations, and a per capita COVID-19 death rate of 9.2 per 100,000 people. As previously stated, of these Countywide totals for Loudoun, only 378 cases have occurred in the areas west of Route 15 and North of Goose Creek. This number simply does not justify inclusion of western Loudoun with the much denser and more heavily impacted counties such as Fairfax and Arlington.

What our residents need most right now is to be allowed to restart their jobs and their small businesses. Last night, Loudoun's Executive Director of Economic Development reported that 25% of our small businesses may be lost. That number will increase each day we are closed. Our local and rural businesses, most of which have fewer than three employees, form the backbone of Loudoun's economy. They have already weathered severe disruptions, and now they are dangerously close to collapsing. And too many of our residents are ineligible to work from home, have insufficient broadband connectivity, and no resources to pay their bills.

Loudoun is in a strong position medically, and a dangerously fragile position economically. Please let us start Phase One now. It is time for us to start taking small, careful steps toward restarting our economy. We need to give our residents and local businesses a fighting chance to rescue their livelihoods.

We look forward to your response.

Sincerely,

Caleb Kershner, Catoctin District Supervisor  
Tony Buffington, Blue Ridge District Supervisor  
Kristen Umstattd, Leesburg District Supervisor



*Commonwealth of Virginia*  
*Office of the Governor*

## *Executive Order*

**NUMBER SIXTY-TWO (2020)**

**AND**

**ORDER OF PUBLIC HEALTH EMERGENCY FOUR**

**JURISDICTIONS TEMPORARILY DELAYED FROM ENTERING PHASE ONE IN  
EXECUTIVE ORDER 61 AND PERMITTED TO REMAIN IN PHASE ZERO  
NORTHERN VIRGINIA REGION**

### **Importance of the Issue**

Executive Order 61, issued on May 8, 2020, and effective at 12:00 a.m., May 15, 2020, eased certain restrictions imposed under Second Amended Executive Order 53 and Executive Order 55 (both Orders are collectively referred to as Phase Zero). Executive Order 61 sets out the Commonwealth of Virginia's path into Phase One. The easing of the Phase Zero restrictions was premised, in part, on the Commonwealth's achievement of certain metrics in responding to the novel coronavirus (COVID-19). The easing of those restrictions is meant to be a floor, and not a ceiling. As previously acknowledged, some regions may need to move into Phase One more slowly than the rest of the Commonwealth. Prior to issuing Executive Order 61, I advised that any locality unready to move into Phase One, upon my review and approval of their request to remain in Phase Zero, could do so.

On May 9, 2020, local officials from the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, as well as the Towns of Dumfries, Herndon, Leesburg, and Vienna (Northern Virginia Region) requested to remain in Phase Zero. Data provided in connection with that request reveals that with respect to hospitalizations, percent positivity, and case numbers, the Northern Virginia Region faces unique challenges when compared to the rest of the Commonwealth. The Northern Virginia Region is substantially higher than the rest of the Commonwealth in percentage of positive tests for COVID-19. The Northern Virginia Region has about a 25% positivity rate, while the rest of the Commonwealth is closer to 10%. Further, in the last 24 hours, the Northern Virginia Region reported over 700 cases, while the rest of the Commonwealth reported approximately 270. On any given day, 70% of the Commonwealth's positive cases are attributable to the Northern Virginia Region.

In addition, while personal protective equipment (PPE) for hospitals appears to be adequate at this time, the Northern Virginia Region asserts PPE for outpatient facilities continues to be a challenge. Similarly, although the number of deaths in the Northern Virginia Region appear to be trending downward, COVID-19 patients in the Northern Virginia Region make up a significantly larger portion of the region's hospital bed capacity, when compared to COVID hospitalizations in the rest of the Commonwealth. Consequently, after considering the Northern Virginia Region's request and the relevant data, I find the request to delay entering Phase One and to remain in Phase Zero appropriate.

### **Directive**

Therefore, by virtue of the authority vested in me by Article V of the Constitution of Virginia, by § 44-146.17 of the *Code of Virginia*, by any other applicable law, and in furtherance of Executive Order 51, and by virtue of the authority vested in the State Health Commissioner pursuant to §§ 32.1-13, 32.1-20, and 35.1-10 of the *Code of Virginia*, I grant the Northern Virginia Region's request to remain in Phase Zero. Accordingly, as to the Northern Virginia Region, the following measures are extended effective 12:00 a.m. Friday, May 15, 2020:

1. Continued closure of all dining and congregation areas in restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets. Restaurants, dining establishments, food courts, breweries, microbreweries, distilleries, wineries, tasting rooms, and farmers markets may continue to offer delivery and take-out services.
2. Continued closure of all public access to recreational and entertainment businesses, as set forth below:
  - a. Theaters, performing arts centers, concert venues, museums, and other indoor entertainment centers;
  - b. Fitness centers, gymnasiums, recreation centers, indoor sports facilities, and indoor exercise facilities;
  - c. Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with physical distancing guidelines to remain six feet apart;
  - d. Racetracks and historic horse racing facilities; and
  - e. Bowling alleys, skating rinks, arcades, amusement parks, trampoline parks, fairs, arts and craft facilities, aquariums, zoos, escape rooms, indoor shooting ranges, public and private social clubs, and all other places of indoor public amusement.

3. Essential retail businesses may remain open during their normal business hours. Such businesses are:

- a. Grocery stores, pharmacies, and other retailers that sell food and beverage products or pharmacy products, including dollar stores, and department stores with grocery or pharmacy operations;
- b. Medical, laboratory, and vision supply retailers;
- c. Electronic retailers that sell or service cell phones, computers, tablets, and other communications technology;
- d. Automotive parts, accessories, and tire retailers as well as automotive repair facilities;
- e. Home improvement, hardware, building material, and building supply retailers;
- f. Lawn and garden equipment retailers;
- g. Beer, wine, and liquor stores;
- h. Retail functions of gas stations and convenience stores;
- i. Retail located within healthcare facilities;
- j. Banks and other financial institutions with retail functions;
- k. Pet and feed stores;
- l. Printing and office supply stores; and
- m. Laundromats and dry cleaners.

Employers are required to provide face coverings to employees.

- 4. Any brick and mortar retail business not listed in paragraph 3 may continue to operate but must limit all in-person shopping to no more than 10 patrons per establishment. If any such business cannot adhere to the 10 patron limit with proper physical distancing requirements, it must close. Brick and mortar retail business not listed in paragraph 3 are encouraged to follow the Guidelines for All Business Sectors as best practices linked [here](#).
- 5. All businesses are encouraged to follow the Guidelines for All Business Sectors as best practices linked [here](#) and other appropriate workplace guidance from state and federal authorities while in operation.

6. Although business operations offering professional rather than retail services may remain open, they should utilize teleworking as much as possible. Where telework is not feasible, such business must adhere to physical distancing recommendations, enhanced sanitizing practices on common surfaces, and apply the relevant workplace guidance from state and federal authorities.
7. All individuals in Northern Virginia Region shall remain at their place of residence, except as provided below by this Order. To the extent individuals use shared or outdoor spaces, whether on land or on water, they must at all times maintain physical distancing of at least six feet from any other person, with the exception of family members, as defined below, or caretakers. Individuals may leave their residences for the purpose of:
  - a. Obtaining food, beverages, goods, or services as permitted in this Order;
  - b. Seeking medical attention, essential social services, governmental services, assistance from law enforcement, or emergency services;
  - c. Taking care of other individuals, animals, or visiting the home of a family member;
  - d. Traveling required by court order or to facilitate child custody, visitation, or child care;
  - e. Engaging in outdoor activity, including exercise, provided individuals comply with physical distancing requirements;
  - f. Traveling to and from one's residence, place of worship, or work;
  - g. Traveling to and from an educational institution;
  - h. Volunteering with organizations that provide charitable or social services; and
  - i. Leaving one's residence due to a reasonable fear for health or safety, at the direction of law enforcement, or at the direction of another government agency.
8. All public and private in-person gatherings of more than 10 individuals are prohibited. The presence of more than 10 individuals performing functions of their employment is not a "gathering." A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. This restriction does not apply to the gathering of family members living in the same residence. "Family members" include blood relations, adopted, step, and foster relations, as well as all individuals residing in the same household. Family members are not required to maintain physical distancing while in their homes.

9. Continued cessation of all in-person instruction at K-12 schools, public and private, for the remainder of the 2019-2020 school year. Facilities providing child care services may remain open.
10. Institutions of higher education shall continue to cease all in-person classes and instruction, and cancel all gatherings of more than ten individuals. For purposes of facilitating remote learning, performing critical research, or performing essential functions, institutions of higher education may continue to operate, provided that physical distancing requirements are maintained.
11. Continued cessation of all reservations for overnight stays of less than 14 nights at all privately-owned campgrounds, as defined in § 35.1-1 of the *Code of Virginia*.
12. Continued closure of all public beaches as defined in § 10.1-705 of the *Code of Virginia* for all activity, except exercising and fishing. Physical distancing requirements must be followed.
13. Nothing in this Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government.
14. The continued waiver of § 18.2-422 of the *Code of Virginia* 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 reflected in Executive Order 51 declaring a state of emergency in the Commonwealth. Executive Order 51 is so further amended. This waiver is effective as of March 12, 2020.

Violation of paragraphs 1, 2, 4, 8, 10, 11, 12 of this Order shall be a Class 1 misdemeanor pursuant to § 44-146.17 of the *Code of Virginia*.

The Northern Virginia Region's entrance into Phase One will be delayed and the restrictions above shall remain in place until 11:59 p.m., May 28, 2020.

**Effective Date of this Executive Order**

This Order shall be effective 12:00 a.m., Friday, May 15, 2020 and further amends Executive Order 55. Unless otherwise expressly provided herein, this Order shall remain in full force and effect until 11:59 p.m., Thursday, May 28, 2020, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia and the Seal of the Office of the State Health Commissioner of the Commonwealth of Virginia, this 12<sup>th</sup> day of May, 2020.



A handwritten signature in black ink that reads "M. Norman Oliver MD".

M. Norman Oliver, MD, MA  
State Health Commissioner

A handwritten signature in black ink that reads "Ralph S. Northam".

Ralph S. Northam, Governor

Attest:

A handwritten signature in black ink that reads "Kelly Thomasson".

Kelly Thomasson, Secretary of the Commonwealth

**Mayors and Chairs of the Counties of Arlington, Fairfax, Loudoun and Prince William,  
and the City of Alexandria**

May 10, 2020

The Honorable Ralph S. Northam  
Governor of Virginia  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Dear Governor Northam:

Thank you for your leadership during this extraordinary time for our Commonwealth. We appreciate your partnership with local governments in addressing the public health crisis, the human crisis and the economic crisis that this outbreak has caused in our jurisdictions. This partnership will be critical as we address the decisions in the weeks and months ahead.

We appreciate that you took the time to speak with us this week and solicit our perspectives on the reopening decisions that you must make. As you know, together our jurisdictions represent half of the Commonwealth's COVID-19 cases, hospitalizations and deaths. As we make local decisions during this time, we understand that confidence in public health is a foundation for restoring commerce. We appreciate your thoughtful and data-driven approach to striking the correct balance.

As you make the decision as to when Phase 1 should commence, we offer the following input:

- 1) The threshold metrics that you provided in the *Forward Virginia* plan should guide any transition to Phase 1.
- 2) We believe the industry-specific guidelines that you provided for Phase 1 are appropriate and prudent.
- 3) The transition to Phase 1 in Northern Virginia should occur when our region has achieved the threshold metrics.

Two weeks ago, you released your *Forward Virginia* blueprint for the easing of the public health restrictions currently in place. You provided five threshold metrics for a transition to Phase 1:

- Downward trend of positive tests over a period of 14 days
- Downward trend of hospitalizations over a period of 14 days
- Enough hospital beds and intensive care capacity
- Increasing and sustainable supply of PPE
- Increased testing and tracing

On Friday, you provided additional detail as to what an easing of public health restrictions would look like in Phase 1. Sharing the specific industry guidelines greatly assists our small businesses in determining how they will operate during this important transitional phase.

While it is certainly useful to examine statewide metrics as we gauge the success of current public health policies, we feel strongly that any changes to current policies be guided by what is occurring in our region. We eagerly wish to rebuild our economy and help our residents recover. It is only through our regional achievement of these milestones that we will be positioned to avoid a more damaging return to business closures later in the summer.

We have attached a memo provided to the State Health Commissioner by our public health directors with their analysis of the region's achievement of the threshold metrics.

We thank you for your consideration of our views during this time.

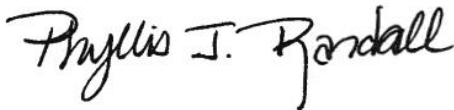
Sincerely,



Libby Garvey, Chair  
Arlington County Board



Jeff McKay, Chair  
Fairfax County Board of Supervisors



Phyllis Randall, Chair  
Loudoun County Board of Supervisors



Ann Wheeler, Chair  
Prince William County Board of  
Supervisors



Justin Wilson, Mayor  
Alexandria City Council

Enclosure: As Stated



May 9, 2020

To: Dr. M. Norman Oliver, State Health Commissioner, Virginia Department of Health  
 Mark Jinks, Alexandria City Manager  
 Mark Schwartz, Arlington County Manager  
 Bryan Hill, Fairfax County Executive  
 Tim Hemstreet, Loudoun County Administrator  
 Christopher Martino, Prince William County Executive

Dear Dr. Oliver and Chief Administrative Officers,

Governor Northam issued Executive Orders 53 and 55 that closed businesses in the Commonwealth to help maintain the public's health in the face of the COVID-19 pandemic. Various criteria have been provided for determining when entering into Phase 1 of re-opening could be safely accomplished. Executive Order 61 was issued on May 8, 2020, to provide for the Phase 1 easing of certain temporary restrictions due to COVID-19.

The Northern Virginia Health Directors were asked to assess the status of the Northern Virginia region against the metrics. **Based on our assessment, we do not believe that the Northern Virginia region has met the criteria for moving into Phase 1 at this time.** We recommend continuing current community mitigation strategies and reassessing this on a regular basis to determine when Northern Virginia can move into Phase 1 according to these criteria (and any additional agreed upon criteria).

The following table is our assessment against the metrics issued on April 24:

Metric	Met or Unmet	Health Directors' Comments
Moving downward: Percentage of positive tests over 14 days	<u>Unable to assess</u>	<p>As of May 4 the data shows that Northern Virginia (NOVA) is higher than the rest of Virginia: 27% for NOVA and 18% for all of Virginia (the latter is inclusive of NOVA)</p> <p>Without additional information, we cannot assess whether it has gone down over the past 14 days</p> <p>We have asked Virginia Department of Health for this data (including past data)</p>

Moving downward: Hospitalizations over 14 days	<u><b>Unmet</b></u>	* See chart below: “Hospitalizations over the 14 day period for NoVa, Outside of NoVA and All of VA”  (See suggestion below)
Increased testing	<u><b>Unable to assess</b></u>	Currently only have baseline  We have asked Virginia Department of Health for this data (including past data)
Increased (contact) tracing (capacity)	<u><b>Unmet</b></u>	Infrastructure is not yet in place to respond to every new case, trace and actively monitor their close contacts, and coordinate testing for symptomatic contacts
Enough hospital beds and intensive care capacity	<u><b>Unable to assess</b></u>	Available critical care beds continue to decrease but still fall within normal operating capacity  Note: there is 20% surge capacity that is not yet utilized  (See suggestion below)
Increasing and sustainable supply of PPE	<u><b>Unmet</b></u>	<u><b>Met</b></u> : PPE for hospitals appears to be adequate at this time  <u><b>Unmet</b></u> : PPE for outpatient facilities (private practices, long-term care facilities and first responders) continues to be a challenge

\* COVID-19 Hospitalizations over the past 14 Days - Northern Virginia, Outside of Northern Virginia and All of Virginia

INPATIENT		Northern Virginia		Outside Northern Virginia		ALL Virginia	
14-Day Period	Date	Inpatient	Ratio Inpatient to Prev Day	Inpatient	Ratio Inpatient to Prev Day	Inpatient	Ratio Inpatient to Prev Day
1	7-May	670	0.99	943	1.03	1613	1.01
2	6-May	676	1.03	918	1.09	1594	1.07
3	5-May	654	1.09	842	0.97	1496	1.02
4	4-May	598	1.03	865	1.04	1463	1.04
5	3-May	580	1.03	833	0.96	1413	0.99
6	2-May	561	0.94	865	1.04	1426	1.00
7	1-May	596	1.01	835	0.87	1431	0.92
8	30-Apr	589	1.03	961	0.97	1550	0.99
9	29-Apr	571	1.00	995	1.06	1566	1.04
10	28-Apr	569	1.03	939	1.04	1508	1.04
11	27-Apr	553	1.03	902	1.00	1455	1.01
12	26-Apr	538	0.99	898	1.04	1436	1.02
13	25-Apr	543	0.99	862	1.02	1405	1.00
14	24-Apr	551	1.05	848	0.99	1399	1.01

### **Suggestions Regarding Metrics**

- 1) Regarding Hospital Beds and ICU Capacity: should indicate whether hospitals are able to double the number of patients treated in ICUs from current census (including staffing)
- 2) Regarding Increasing and Sustainable Supply of PPE: clarification needed about the meaning of “sustainable” (e.g. “assured resupplies available from vendors within 2 weeks”?)
- 3) Additional Metrics: need to be considered for Phase 2 and Phase 3, including Contact Tracing indicators, Availability of Facilities for Non-hospitalized Persons Needing Isolation and/or Quarantine, Long-Term Care Facility metrics, etc.

**Note: all metrics need to be measured using an equity perspective**

Sincerely,

Stephen A. Haering, MD, MPH, FACPM  
Director, Alexandria Health Department

Reuben K. Varghese, MD, MPH  
Director, Arlington Health District

Gloria Addo-Ayensu, MD, MPH  
Director of Health, Fairfax County Health Department

David Goodfriend, MD, MPH  
Director, Loudoun County Health Department

Alison Ansher, MD, MPH  
Director Prince William County Health District