

RANDY VERKAMP  
PRESIDING COMMISSIONER  
573-458-6120

## Phelps County Commission

LARRY J. STRATMAN  
COMMISSIONER DISTRICT I  
573-458-6121

PHELPS COUNTY COURTHOUSE  
200 NORTH MAIN STREET, SUITE 105  
ROLLA, MISSOURI 65401

PAMELA K. GROW  
COUNTY CLERK  
573-458-6101

GARY W. HICKS  
COMMISSIONER DISTRICT II  
573-458-6122

Phone: 573-458-6000  
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Commission Order No. 2020-3-19

### COMMISSION ORDER

STATE OF MISSOURI  
County of Phelps

Thursday, March 19, 2020  
Order

#### AN ORDER DECLARING A STATE OF EMERGENCY IN PHELPS COUNTY, MISSOURI,

WHEREAS, on March 19, 2020, a State of Emergency is declared in Phelps County, Missouri related to the immediate and significant risk posed to the health, safety, and wellbeing of the people of Phelps County that is presented by COVID-19; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention (the "CDC") in accordance with guidance for large events and mass gatherings, recommends private or public, planned or spontaneous gatherings be limited in size to 50 people or less and that events with fewer than 50 people be permitted only if the organizers adhere to guidelines for protecting vulnerable populations, hand hygiene, and social distancing; and

WHEREAS, on March 16, 2020, Presidential Coronavirus Guidelines further recommends to avoid social gatherings in groups of more than 10 people and to avoid eating or drinking at bars, restaurants, and food courts, but are encouraged to use drive-thru, pickup, or delivery options; and

WHEREAS, the CDC guidance dated March 15, 2020 "Is not intended to supersede the advice of local public health officials"; and

WHEREAS, the County Commission of the County of Phelps, Missouri has the authority pursuant to the provisions of state law including, but not limited to, Section 192.300 RSMo. to make and promulgate orders, rules, or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into the County of Phelps, Missouri; and

WHEREAS, the Health Official of the County of Phelps, Missouri has the authority pursuant to 19 CSR 20-20.040(2) (G) "Establish appropriate control measures which may include ...the creation and enforcement of adequate orders to prevent the spread of the disease and other measures considered by the department and/or local health authority as appropriate disease control measures based upon the disease...and any other available information related to the... disease or infection;" and (E) Establish and maintain quarantine, isolation or other measures as required;

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WHEREAS, the Phelps County Emergency Management Director acknowledges, recommends, and supports this Order as outlined below; and

WHEREAS, to limit the spread of COVID-19, to protect the public health, and to provide essential protections to the citizens of the County of Phelps, Missouri it is reasonable and necessary to impose limited and temporary restrictions on the use of certain places of public accommodation.

IT IS THEREFORE ORDERED, by the County Commission of the County of Phelps, Missouri that a State of Emergency exists in the County of Phelps, Missouri and the County Commission hereby invokes and declares in full force and effect all laws, statutes and regulations of the State of Missouri and the County of Phelps, Missouri, for the exercise of all necessary emergency authority for the protection of the lives and property of the people of the County of Phelps, Missouri, and the continuity of local government with a minimum of interruption. The County Commission of the County of Phelps, Missouri do hereby ORDER and DECLARE the following:

1. Beginning immediately, social gatherings whether private or public, planned or spontaneous, be restricted to no more than 50 people. All places of public accommodation shall institute appropriate health and safety protections including social distancing techniques (e.g., requiring people to be at least six (6) feet apart; reducing the number of employees, customers, or other people present; reducing face-to-face contact; using phone calls, virtual meetings, and drop-offs/curbside pickups rather than in-person contact).
2. Beginning at 12:01 A.M. on Saturday, March 21, 2020, the following places of public accommodation are to be closed to entering, exiting, use, and occupancy by members of the public as outlined below:
  - a. Restaurants, food establishments, food courts, cafes, coffeehouses, and other places of public accommodation offering food or beverage for on-premises consumption; and
  - b. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption.
3. Every place of public accommodation described in paragraph 2 is encouraged to offer food and beverage service to the public using delivery service, window service, walk-up service, drive-through service, or drive-up service, so long as every such person involved implements appropriate precautions to decrease the potential transmission of COVID-19, including social distancing techniques.
4. In offering food or beverage service, every place of public accommodation described in paragraph 2 or the subparagraphs contained therein, may permit up to ten (10) members of the

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public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, as long as any member of the public is at least six (6) feet apart from other people while on the premises. Phelps County shall not enforce any provision of an ordinance, permit, or other restriction that would, as applied to this specific circumstance, prohibit an existing restaurant or bar from providing delivery service, window service, walk-up service, drive-through service, or drive-up service during the state of emergency.

5. This Order shall NOT apply to any of the following:
  - a. places of public accommodation that offer food and beverage service that is not for on-premises consumption (e.g., the sale of food or beverages at grocery stores, markets, retail stores of wineries, convenience stores, pharmacies, drug stores, and food pantries), except that any portion of the premises that is available for on-premises consumption of food or beverages will comply.
  - b. health care facilities, mental health facilities, residential care facilities, congregate care facilities, adult detention facilities and juvenile justice facilities; and
  - c. Crisis shelters or similar institutions.
6. Nothing shall prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying a place of public accommodation in their professional capacity.
7. For the purpose of this order, a "place of public accommodation" means a business or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation includes the facilities of private clubs, including country clubs, golf clubs, sport clubs, athletic clubs, and dining clubs.
8. The Director of the Department of Public Health may promulgate such mandatory or advisory rules, orders, policies, and guidance as is necessary and appropriate to implement this Order or to define any of the terms used in this Order. Mandatory rules, orders, or policies so promulgated shall have the force of the law to the greatest extent permitted by federal, state, and county law.

Unless otherwise set forth herein, this Order shall be effective immediately upon execution hereof and reassessed on April 2, 2020 by the Phelps County Commission, Phelps County Health Official and Phelps County Emergency Management Director.



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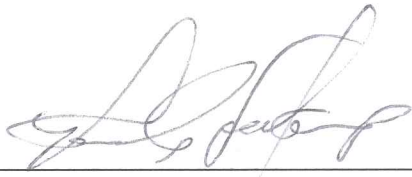
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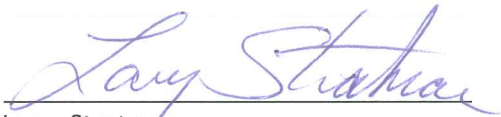
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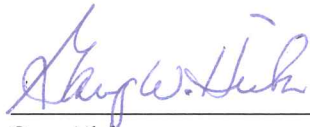
SO ORDERED, this nineteenth day of March 2020.



Randy Verkamp  
Presiding Commissioner



Larry Stratman  
Commissioner District 1



Gary Hicks  
Commissioners District 2



Pam Grow  
Phelps County Clerk



3/19/2020

Date