



EL DORADO

THE FINE ART OF LIVING WELL

City of El Dorado, KS
220 E. First Avenue
El Dorado, KS 67402
Phone: (316) 321-9100
Fax: (316) 321-6282
www.eldoks.com

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Special Session Meeting Agenda
DATE: December 2, 2020

A Special Session is scheduled for December 2, 2020 at 5:00 pm in the Commission Chambers at City Hall, 220 E. First Avenue. The following items will be presented:

I. ITEMS FOR PRESENTATION AND DISCUSSION

- a. Bajillion Brand Presentation
- b. Mask Ordinance

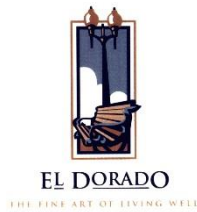
II. December 7, 2020 REGULAR AGENDA REVIEW (Subject to Change)

- a. Awards
 - i. Service Awards
- b. Consent Agenda
 - i. City Commission Minutes, Appropriation Ordinance and Cereal Malt Beverage Licenses
- c. Old Business
 - i. None
- d. New Business
 - i. Budget Amendment
- d. Items for Discussion
 - i. None

III. REPORTS

- a. City Commission Reports
- b. City Manager's Report

City Manager’s Office
David B. Dillner
City Manager
220 E. First Avenue
El Dorado, KS 67042



Phone: (316) 321-9100
Fax: (316) 321-6282
Email: ddillner@eldoks.com
Web: www.eldoks.com
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TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Proposed Mask/Face Covering Ordinance
DATE: November 24, 2020

Background: As of November 23, 2020, the State of Kansas has reported 142,059 positive cases of COVID-19 spread among 105 counties, including 1,456 deaths. Recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation. The City of El Dorado has seen positive COVID cases increase in recent weeks. School Districts struggle to keep staff and students healthy, and City offices have experienced cases that have put the municipal organization in a state of heightened caution.

On November 24, 2020, the Board of County Commissioners voted 4-1 to exercise its authority under K.S.A. 48-925(h) to “opt out” of participating in Governor Kelly’s Executive Order 20-68, requiring the wearing of facemasks or coverings to minimize the potential for the spreading of COVID-19. The County Commission instead adopted a resolution strongly encouraging the community to wear masks or face coverings to that end. Executive Order 20-68 was to go into effect at 12:01 am on November 25, 2020, although it will not be effective in El Dorado without action by the City Commission to adopt a local ordinance requiring masks or face coverings.

Policy Issue: Does the City Commission desire adopting a local mandate requiring the wearing of facemasks or coverings as a means to minimize the spread of COVID-19 throughout the community?

Alternatives:

Staff has determined the following options exist with respect to this issue (*listed in no particular order*):

- Take no action and informally encourage mask or face coverings.
- Follow the Board of County Commission’s example and adopt a resolution to strongly encourage mask or face coverings.
- Consider a local ordinance mandating the wearing of masks or face coverings with fines imposed for violations.

Fiscal Impact: The City does not anticipate any meaningful impact to the City’s budget as a result of adoption of any local ordinance requiring encourage mask or face coverings. Enforcement of an ordinance would use existing resources.

Legal Review: The City Attorney has yet to review the ordinance as drafted, although she will provide comments for the City Commission’s information prior to the work session scheduled for December 2, 2020.

Trade-offs: There is no clear evidence that a mask mandate will reduce the number of positive cases in El Dorado. Non-compliance will still occur because the City lacks the resources to meticulously enforce an ordinance. People who wear masks or face coverings are still susceptible to infection from the coronavirus. Even so, wearing masks or face coverings reduces the probability of infection and minimizes the potential for continued spread of COVID-19 throughout the community.

Commission Actions: The City Commission has the following options with respect to this issue (*listed in no particular order*):

- **Direct staff to schedule the draft ordinance for the December 7 regular meeting agenda for consideration by the City Commission.**
- **Direct staff to modify the draft ordinance presented by staff.** The City Commission will need to specify what elements staff should modify in the draft ordinance. The ordinance could be ready for consideration by the City Commission at the December 7 regular meeting.
- **Take no action on the draft ordinance.** Staff will not schedule the ordinance for further consideration by the City Commission.
- **Direct the city manager prepare a resolution to encourage the wearing of masks or face coverings in similar manner as the Board of County Commissioners.** The County's resolution has been included with this memorandum for the City Commission's information.
- **Request additional information from the city manager.** The city manager will collect such other information as may be necessary to assist the City Commission in making an informed decision on this matter. The City Commission will need to specify the information desired if this option is selected.

ORDINANCE NO. ____

**AN ORDINANCE REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS
IN PUBLIC SPACES IN EL DORADO, KANSAS**

WHEREAS, securing the health, safety, and economic well-being of residents of the City of El Dorado is the priority of the City Commission; and

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 12.4 million cases of the illness and more than 250,000 deaths as a result of the illness across the United States; and

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020; and

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020; and

WHEREAS, as of November 23, 2020, in Kansas there have been 142,059 reported positive cases of COVID-19 spread among 105 counties, including 1,456 deaths; and

WHEREAS, after a steady trend of decreasing metrics, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation; and

WHEREAS, in Butler County, there is a recent increase in cases as is reported; and

WHEREAS, this of increased COVID-19 spread is a danger to the health and safety of residents of El Dorado and also presents a serious threat to keeping the El Dorado economy open and thriving; and

WHEREAS, wearing a mask in public is the easiest and most effective way to protect each other and help keep our businesses open and our economy running; and

WHEREAS, the City of El Dorado must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization; and

WHEREAS, the Butler County Board of Commissioners on November 24, 2020, elected to exercise its authority under K.S.A. 48-925(h) to "opt out" of Governor Kelly's Executive Order 20-68; and

WHEREAS, the City Commission of the City of El Dorado deems it necessary and appropriate to adopt a local ordinance making effective Executive Order 20-68 within the corporate limits of the City of El Dorado; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of the City of El Dorado, requiring that masks or other face coverings be worn in public spaces is necessary to promote and secure the safety and protection of the civilian population,

SO NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of El Dorado, Kansas:

SECTION 1. Definitions. The following terms shall have the following meanings:

- a. "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.
- b. "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

SECTION 2. Requirements of persons. Effective 12:01 am on December 14, 2020, all persons in the City of El Dorado shall cover their mouths and noses with a mask or other face covering when they are in the following situations:

- a. Inside any indoor public space where distancing of six feet at all times is not possible;
- b. In line and waiting to enter an indoor public space;
- c. Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee or healthcare provider;
- d. Waiting for or riding on public transportation or while in a taxi, private car service, or ridesharing vehicle; or
- e. While outdoors in public spaces and unable to maintain a six-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

SECTION 3. Requirements of businesses, organizations, and non-profit associations. Effective 12:01 am on December 14, 2020, all businesses, organizations, and non-profit associations operating within the corporate limits of the City of El Dorado must require all employees, customers, visitors, members, and the public to wear a mask or other face covering when:

- a. Employees are working in any space visited by customers, members of the public or co-workers, who are present at the time;
- b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;

- c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
- d. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a six-foot distance except for infrequent or incidental moments of closer proximity.

SECTION 4. Exemptions. The following individuals are exempt from wearing masks or other face coverings in the situations described in Sections 2 and 3:

- a. Persons age five years or under; children age two years and under in particular should not wear a face covering because of the risk of suffocation;
- b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
- d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a six-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
- g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a six-foot distance from others with only infrequent or incidental moments of closer proximity;
- h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
- i. Persons engaged in an activity or event held or managed by the Kansas Legislature;
- j. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- k. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

SECTION 5. Enforcement, violations and penalties.

- a. Any person, business, organization, or non-profit association violating the provisions of this ordinance shall be guilty of misdemeanor, punishable by:
1. A fine of no less than twenty-five dollars (\$25.00) upon a first violation.
 2. A fine of no less than fifty dollars (\$50.00) upon a second violation.
 3. A fine of no less than one hundred dollars (\$100.00) upon a third or subsequent violation.
 4. Each occurrence of a violation of this ordinance shall be considered a separate and distinct violation.

SECTION 6. Effective. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary, and until otherwise rescinded:

Ordinance No. _____ Summary

On December 7, 2020, the City Commission passed Ordinance No. _____. The Ordinance requires the wearing of masks or other face coverings in public spaces; addresses the requirements of persons, businesses, organizations, and non-profit associations; outlines specific exemptions from the requirement of wearing masks or other face coverings; and addresses the penalties for a first, second, and any subsequent violations of the Ordinance. A complete copy of the Ordinance may be found at www.eldoks.com or in the office of the City Clerk, 220 W. First Avenue, El Dorado, KS 67042, free of charge. This summary is certified by the City's legal counsel.

Introduced: December 7, 2020

Passed: December 7, 2020

Bill Young, Mayor

[SEAL]

ATTEST:

Tabitha Sharp, City Clerk

The publication summary set forth above is certified this ____ day of December, 2020.

Ashlyn Lindskog, City Attorney

STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612



PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 20-68

Establishing a face coverings protocol

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, death, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 11,136,000 cases of the illness and more than 246,000 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act");

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, as of this date, in Kansas there have been 128,594 reported positive cases of COVID-19 spread among all 105 Kansas counties, including 1,326 deaths;

WHEREAS, in the late spring and early summer 2020, Kansas experienced a steady trend of decreasing COVID-19 cases, hospitalizations, and deaths, but by mid-summer that downward trend gave way to a worrying spike in COVID-19 cases, hospitalizations, and deaths in Kansas and across the nation;

WHEREAS, as a result of that worrying spike, on July 2, 2020, I issued Executive Order 20-52 ("Requiring masks or other face coverings in public"), but in spite of the deadly and urgent public

health threat presented by the spike in COVID-19 cases, many counties exercised their temporary authority under K.S.A. 48-925(h) to “opt out” of statewide public health executive orders to opt out of Executive Order 20-52;

WHEREAS, recent weeks have again seen a worrying spike in COVID-19 cases, hospitalizations, and deaths, except that this “spike” has seen the 7-day average of cases and hospitalizations first double and then triple, stretching the healthcare system’s ability to handle the unprecedented influx of patients;

WHEREAS, if the healthcare system is overrun with COVID-19 patients, as it will be soon if current trends continue, communities will be forced to close schools and businesses, and non-COVID-19 healthcare services will be postponed due to lack of staffing, space, and supplies in hospitals and doctor’s offices; at worst, Kansans battling COVID-19 or other serious illnesses could suffer and die from the lack of available healthcare services;

WHEREAS, wearing a face covering in public is the easiest and most effective way to protect each other, ease the burden on our overburdened healthcare system, and help keep our businesses open and our economy running;

WHEREAS, the Centers for Disease Control has determined that even “increasing universal masking by 15% could prevent the need” for restrictions on businesses and gatherings and could avoid severe economic losses;

WHEREAS, wearing a face covering in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing businesses, schools, organized youth sports, and other important activities;

WHEREAS, the State of Kansas must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously safely and strategically operating businesses and facilitating economic recovery and revitalization;

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of Kansas, increasing the wearing of face coverings is necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, in these challenging times, this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925(b) and (c)(11), in order to ensure that Kansans can help keep each other safe, relieve unsustainable burdens on our healthcare system, and keep our businesses open as we restore our economy, I hereby direct and order the following:

1. The provisions of paragraphs 2 through 5 below do not apply in counties or municipalities that meet either of the following criteria:
 - a. counties in which Executive Order 20-52 is in effect, meaning that the county commission has not exercised its authority under K.S.A. 48-925(h) to “opt out” of Executive Order 20-52; or
 - b. counties or municipalities in which a local ordinance or order requires that face coverings be worn in public places and in businesses.
2. Effective at 12:01 a.m. on Wednesday, November 25, 2020, any person in Kansas shall wear a face covering when they are in the following situations:
 - a. Inside, or in line to enter, any indoor public space;
 - b. Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;¹
 - c. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;
 - d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
3. Also effective at 12:01 a.m. on Wednesday, November 25, 2020, all businesses or organizations in Kansas must require all employees, customers, visitors, members, or members of the public to wear a face covering when:
 - a. Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
 - b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
 - c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
 - d. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.
4. The following are exempt from wearing face coverings pursuant to the provisions of this order:

¹ Unless directed otherwise by an employee or healthcare provider.

- a. Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;
- b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
- d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity;
- g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a face covering;
- i. Persons engaged in an activity or event held or managed by the Kansas Legislature;
- j. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- k. Persons engaged in any lawful activity during which wearing a face covering is prohibited by law.

5. Definitions:

- a. "Face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a face covering has two or more layers. A face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

- b. “Public space” means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.
- 6. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment’s authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.
- 7. Local governments retain authority to issue and enforce equally or more restrictive orders or provisions and retain any authority to issue or enforce isolation or quarantine orders or other orders as necessary to respond to escalating or worsening conditions in any local jurisdiction. Counties may also exercise authority granted by K.S.A. 48-925 as amended by 2020 Special Session House Bill 2016, Sec. 33.
- 8. As currently permitted pursuant to state law, the Attorney General, county attorneys, and district attorneys enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.
- 9. In order to more accurately track and assess statewide status of COVID-19 cases, private labs conducting testing for COVID-19 shall report both positive and negative tests to the Kansas Department of Health and Environment.
- 10. The Four Tribes of Kansas (Iowa Tribe, Kickapoo Nation, Prairie Band Potawatomi Nation, and Sac & Fox Nation) retain any authority to regulate through their respective tribal councils for the health and welfare of their population.
- 11. This order should be read in conjunction with other executive orders responding to the COVID-19 pandemic that are still in effect and supersedes any contrary provisions of previous orders; however, the provisions of Executive Order 20-59 continue to control COVID-19 mitigation procedures, including the wearing of masks or other face coverings, in K-12 public and private school buildings and facilities.

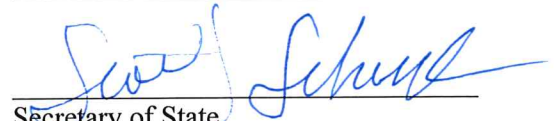
This document shall be filed with the Secretary of State as Executive Order No. 20-68. It shall become effective as of 12:01 a.m. on November 25, 2020, and remain in force until rescinded or until the statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 special session relating to COVID-19—and later extended by the State Finance Council—expires, whichever is earlier. This order may be extended or modified as circumstances dictate.

THE GOVERNOR'S OFFICE

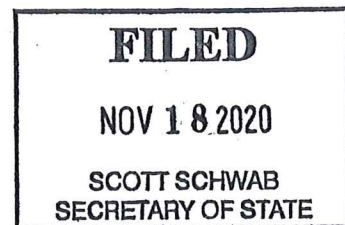
BY THE GOVERNOR


11.18.2020

DATED


Secretary of State

Assistant Secretary of State



RESOLUTION 20-41

AN ORDER RELATING TO PUBLIC HEALTH THAT INCLUDES PROVISIONS LESS STRINGENT THAN THE PROVISION SET FORTH IN EXECUTIVE ORDER NO. 20-68 ISSUED BY THE GOVERNOR OF THE STATE OF KANSAS TO BE EFFECTIVE STATEWIDE

WHEREAS, on March 12, 2020, Laura Kelly, the Governor of the State of Kansas (“Governor”), proclaimed that a State of Disaster Emergency had occurred or the threat thereof was imminent within the state of Kansas as a result of the Coronavirus pandemic (“COVID-19”) based on the confirmed outbreak and person-to-person spread of COVID-19;

WHEREAS, on March 28, 2020 the Governor issued Executive Order No. 20-16 “Stay Home” which went into effect Monday, March 30, 2020 and continued until Sunday, May 3, 2020 at midnight;

WHEREAS, the Kansas Legislature adopted House Bill 2016 on June 4, 2020 which was signed by the Governor on June 5, 2020, enacting into law a provision that allows the board of county commissioners of any county to issue an order relating to public health that is less stringent than the provisions of an executive order effective statewide issued by the governor; and

WHEREAS, the Governor announced an impending executive order to go into effect on Wednesday, November 25, 2020 at 12:01 A.M., which will mandate every Kansan to wear a mask when they are not able to social distance;

WHEREAS, on November 18, 2020 the Governor approved and released Executive Order No. 20-68 requiring the wearing of a mask by individuals in Kansas whenever inside any public space and outdoors in public spaces whenever they cannot maintain a 6-foot distance between individuals;

WHEREAS, the Butler County Board of County Commissioners (“County Commission”) directed staff to develop an order in conformance to House Bill No. 2016 that is less stringent than the executive order approved by the Governor;

WHEREAS, the County Commission discussed at a public meeting on Tuesday, November 24, 2020 at 9:00 A.M. at their normal meeting location to consider Executive Order No. 20-68;

WHEREAS, the County Commission considers and finds in this Order as follows:

- (1) The County Commission has received and reviewed information and recommendations from the local health officer or other local health officials regarding the Governor’s Executive Order No. 20-68.

(2) following such consultation, implementation of the full scope of the provisions in Governor's Executive Order No. 20-68 are not necessary to protect the public health and safety of Butler County, Kansas; and

(3) all other relevant findings to support the County Commission's decision.

WHEREAS, the County Commission has received input from the Butler County Health Department Director/Health Officer through written testimony and input from the public in the form of various emails and phone calls in regards to the Executive Order No. 20-68;

WHEREAS, the current count of positive cases in Butler County, Kansas is 1917 individuals, as reported by the Butler County Health Department on November 23, 2020. This represents a caseload of 2.86% in Butler County, Kansas. Sixty-two (62) individuals have been hospitalized in Butler County, Kansas and ten (10) deaths since the pandemic started;

WHEREAS, such mandate will likely include criminal and/or civil penalties for persons who do not wear face masks in public; and

WHEREAS, the County Commission finds the conditions in Butler County, Kansas do not warrant the mandatory masking of individuals in Butler County, Kansas and further Executive Order No. 20-68 does not provide a mechanism and resources to enforce such an order in Butler County, Kansas.

NOW THEREFORE, BE IT RESOLVED by the powers vested in the Butler County Board of County Commissioners in House Bill 2016, the County Commission hereby Orders the repeal of the Governors Public Health Executive Order No. 20-68 to be effective at 12:01 A.M. on Wednesday, November 25, 2020, pursuant to the provisions of Section 33 of HB 2016.

FURTHER, the following guidelines are recommended and encouraged, but not ordered, for individuals and businesses in Butler County, Kansas:

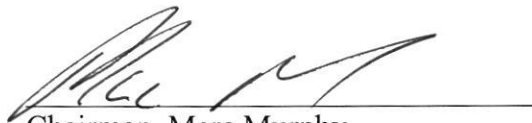
1. Individuals and business owners or employees of businesses are encouraged, but not ordered, to wear masks in those places and in those situations outlined in numbered paragraphs one (1) through five (5) of Executive Order 20-68. The effect hereof is that the wearing of masks is a recommendation only, and shall not be deemed an Order or enforceable as an Order.
2. The County further encourages, but does not order the following recommendations for individuals:
 - a. People at high risk of severe illness from COVID-19 or SICK are urged to STAY HOME except to seek medical care.
 - b. Practice social distancing greater than six (6) feet, when inside a building or outside.
 - c. Limit large social gatherings when possible.
 - d. Practice good hygiene such as frequent hand washing.

- e. Practice good personal health measures to boost one's immune system such as, but not limited to healthy eating, daily-recommended vitamin intake and exercise.

With full community cooperation, this proactive resolution will minimize the impact of COVID-19 on Butler County communities and local/regional hospitals.

This Resolution and Order shall take effect upon its passage on this said date of November 25, 2020 at 12:01 A.M. and remain in effect until repealed by the Board of County Commissioners.

Board of Butler County Commissioners
Butler County, Kansas


Chairman, Marc Murphy

ATTEST:


Tatum Stafford
Butler County Clerk

