

RESOLUTION 20-17

AN ORDER RELATING TO PUBLIC HEALTH THAT INCLUDES PROVISIONS LESS STRINGENT THAN THE PROVISION SET FORTH IN EXECUTIVE ORDER NO. 20-52 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, on Monday, June 29, 2020, the Governor announced an impending executive order to go into effect on Friday, July 3, 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 July 2, 2020 at approximately 9:00 A.M. the Governor approved and released Executive Order No. 20-52 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 set a public meeting for Thursday, July 2, 2020 at 6:00 P.M. at their normal meeting location to consider Executive Order No. 20-52;

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

- (1) The County Commission has consulted with the local health officer or other local health officials regarding the Governor’s Executive Order No. 20-52.
- (2) following such consultation, implementation of the full scope of the provisions in Governor’s Executive Order No. 20-52 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 and input from the public in regards to the Executive Order No. 20-52;

WHEREAS, the current count of positive cases in Butler County, Kansas is 64 individuals, as reported by the Butler County Health Department on July 2, 2020. This represents a caseload of 0.095% in Butler County, Kansas. Eight (8) individuals have been hospitalized in Butler County, Kansas and all eight (8) individuals have recovered and been released from the hospital;

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. 20-52 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. 20-52 mandating masking to be effective at 12:01 A.M. on July 3, 2020, with the exception of Section 8 testing reporting requirements which will remain in effect

This Resolution and Order shall take effect upon its passage on this said date of July 2, 2020 at 8:00 P.M.

Board of Butler County Commissioners
Butler County, Kansas


Chairman, Marc Murphy

ATTEST:


Tatum Stafford
Butler County Clerk

