

## **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.

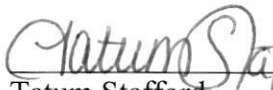
With full community cooperation, this proactive resolution will minimize the impact of COVID-19 on Butler County communities and local/regional hospitals.

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