

**BOARD OF COUNTY COMMISSIONERS
CHAUTAUQUA COUNTY, KANSAS**

RESOLUTION NO. 2020-11

**A RESOLUTION REGARDING THE WEARING OF MASKS OR OTHER FACE
COVERINGS IN CHAUTAUQUA COUNTY**

PREAMBLE

WHEREAS, the Governor of Kansas has issued an executive order requiring masks or other face coverings to be worn in public (“Executive Order 20-68”);

WHEREAS, pursuant to K.S.A. Supp. 48-925 as amended by House Bill 2016 “[t]he board of county commissioners of any county may issue an order relating to public health that includes provisions that are less stringent than the provisions of an executive order effective statewide issued by the governor...”;

WHEREAS, on November 23, 2020, the Chautauqua County Board of County Commissioners (“BOCC”) consulted with the local health officer regarding Executive Order 20-68;

WHEREAS, the BOCC has been advised that by the local health officer that:

- i. Chautauqua County (“County”) has had a total of approximately seventy-four (74) cases of COVID-19;
- ii. Fifty-one (51) of the people diagnosed with COVID-19 have recovered;
- iii. There are currently approximately twenty-three (23) active cases;
- iv. All persons with active infections have been ordered by the Chautauqua County Health Department (“Health Department”) to quarantine and have complied with that order;
- v. The Health Department has and continues to do robust contact tracing and monitoring;
- vi. The County has had one (1) death attributed to COVID-19;
- vii. The World Health Organization has advised that masks be worn by the general public as follows:

Within wider environments where the virus is spreading, masks should be worn by the general public in settings where it is not possible to maintain at least 1 meter¹ from others.

Coronavirus disease (COVID-19): Masks (who.int)

- viii. The Centers for Disease Control's website states that "Masks may not be necessary when you are outside by yourself away from others, or with other people who live in your household." COVID-19: Considerations for Wearing Masks | CDC

WHEREAS, pursuant to K.S.A. Supp. 48-925 as amended by House Bill 2016, the BOCC, following said consultation, finds that implementation of the full scope of Executive Order 20-68 is not necessary to protect the health and safety of the County;

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Preamble set forth above is incorporated into this resolution as if here fully set forth.
2. It is hereby ordered that wearing face masks or other face coverings in public is **not required** in the County.
3. This order **is not intended to and does not limit the right of individuals to wear masks or other face coverings** if an individual chooses to do so.
4. This order **is not intended to and does not limit the right of private businesses, churches and other religious organizations or gatherings, hospitals and other medical facilities, including the Health Department, nursing or elder care facilities, or charitable organizations to require the wearing of masks or other face coverings** as a condition of entry or service.
5. This order **is not applicable to municipal, state, or federal offices** in the County.
6. This order does not and shall not be read to in any way change or limit the statutory authority set for the K.S.A § 65-129, K.S.A § 65-129b, K.S.A § 65-129c or any other applicable state or federal law.

¹ 1 meter equals approximately 39 inches or about 3 feet.

7. Miscellaneous.

- a. Effective Date.** This resolution shall become effective as of November 23, 2020.
- b. Severability.** Should any section, clause, or provision of this resolution be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of this resolution as a whole, or any part thereof, other than the part declared to be invalid.

Commissioners present and voting were:

Rodney Shaw
Parker Massey
Jack Carpenter

YES
Yes
Yes

Dated this 23rd day of November, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF CHAUTAUQUA COUNTY, KANSAS**

Parker Massey

Parker Massey
Chairman

Rodney Shaw

Rodney Shaw

Jack Carpenter

Jack Carpenter

ATTEST:

Niki Collier

Niki Collier, Chautauqua County Clerk

