

# Barton County Board of Health Agenda Meeting Minutes

Recorded audio is available on compact disk upon KORA request to the Barton County Clerk's Office, 1400 Main – Room 202, Great Bend, Kansas 67530.

Phone (620) 793-1835 \ Fax (620) 793-1990 \ Email [clerk@bartoncounty.org](mailto:clerk@bartoncounty.org)

Meetings Live Streamed through **Microsoft Teams®**

November 24, 2020

The Board of Barton County Commissioners convened this 24th day of November 2020, at the Barton County Courthouse.

## *Members present:*

Kenny Schremmer, Commissioner, 1st District, Chairman  
Homer Kruckenberg, Commissioner, 2nd District  
James R. Daily, Commissioner, 4th District  
Jennifer Schartz, Commissioner, 5th District (Chairman Pro-Tem)  
Donna Zimmerman, County Clerk  
Phil Hathcock, County Administrator  
Patrick Hoffman, County Counselor  
Karen Winkelman, Public Health Director

## *Members attending via Teams®:*

Don Davis, Commissioner, 3rd District

## **I. OPENING BUSINESS:**

Commissioner Schremmer called the meeting to order at 9:00 A.M.

Commissioner Schartz moved to approve the agenda.

Commissioner Daily seconded the motion.

All voted aye. Motion passed.

Commissioner Daily moved to approve the minutes of October 26, 2020, Board of Health Meeting.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

## **II. OLD BUSINESS:**

There was no old business.

## **III. NEW BUSINESS:**

### **A. COVID 19 Mask Mandate:**

-On November 18, 2020, Governor Laura Kelly issued Executive Order No. 20-68, Establishing a face coverings protocol. The order goes into effect at 12:01 a.m., Wednesday, November 25, 2020, unless local action is taken. Phil Hathcock, County Administrator, will detail the options available to the Board of Health at this time.

Phil Hathcock, County Administrator, said Governor Kelly issued Executive Order No. 20-68 on November 18, 2020 and noted if no action is taken, the order will go into effect at midnight. Hathcock said the Board of Health has essentially three options: opt out of the executive order per HB 2016, take no action which means Governor Kelly's order would take effect, or adopt a resolution for a local mask mandate. Hathcock said a resolution has been provided and explained the board could adopt a resolution that governs the other cities or adopt a resolution that excludes the other cities and allow them to govern themselves. The resolution is slightly less restrictive than the Governor's Order. The Governor's Order dictates as mask must be worn even if the public is not present. The resolution states if no one is in your office, a mask would not be required and also includes verbiage when employees are behind a protective plexiglass sneeze guard, they would not have to wear a face covering.

Commissioner Schartz asked if those are the only exceptions from the Governor's mandate. Hathcock said correct.

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Commissioner Daily asked if the resolution mandated for the cities. Hathcock said it does mandate the cities. Hathcock said the prepared resolution includes the cities, but they can easily modify it to not include incorporated cities.

Commissioner Schartz said she feels it is ridiculous to not include the cities. That is where people live, where we shop, that is where she is getting requests for a mask mandate. We should support our local Health Department who is working tirelessly during this pandemic.

Commissioner Daily said not unlike the other commissioners, we have all gotten phone calls for months regarding this. Expressed yesterday his reasoning for not wanting a mask mandate but will agree that we do have an obligation to do everything we can possibly do to make our community safe. Karen (Winkelman) and her staff are working tirelessly and have become victim to this virus because of their constant contact. We have even had our county clerk fall victim and has a son in Texas who has had COVID. Has absolutely no issue with a mask being worn by people. No issue restricting where you can be, the distancing and so on. Daily said he has basically changed his mind although he thinks mandates are generally not good and creates problems with unforeseen problems at the time. I think I have to go along with Jennifer and absolutely have to do what we believe is necessary to make the citizens of Barton County safe. At this point it has become more necessary than before. Daily stated we have the ability to revisit this issue and change it at any time. The kids in schools need to be kept safe.

Commissioner Schremmer said he had followed Commissioner Daily, but there is no reason to say it again. Most of the people have now said they guess they can do it and follow along. Schremmer said the only one he does not know where he is at on this is the Hoisington Chamber chairman and noted he had said they were not going to be a part of it. Schremmer said he guessed we might as well go ahead. Schremmer also noted their hospital is full.

Commissioner Kruckenberg said he had only one call last night and noted Jennifer stated it very well.

Commissioner Davis said he feels it is the way to go.

Commissioner Schartz moved to adopt Resolution 2020-05, Mandating Face Covering Protocol in Barton County, Kansas and the does include the incorporated cities.

Commissioner Kruckenberg seconded the motion.

All voted aye. Motion passed.

## IV. OTHER BUSINESS:

There was no other business.


## V. ADJOURN:

Commissioner Kruckenberg moved to adjourn at 9:17 A.M.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

ATTEST:

  
Donna Zimmerman  
Barton County Clerk

  
Kenny Schremmer, Chairman

## RESOLUTION 2020-05

### ORDER OF THE BOARD OF HEALTH OF BARTON COUNTY KANSAS REQUIRING MASKS OR OTHER FACE COVERINGS

**WHEREAS**, on the 13th day of March, 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. § 5121-5207 the "Stafford Act"); and

**WHEREAS**, on the 20<sup>th</sup> day of March, 2020, the Board of County Commissioners of Barton County, Kansas found that a disaster had occurred, or the threat thereof was imminent within Barton County, Kansas as a result of the Coronavirus (COVID-19) pandemic and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, Kansas, and counties adjoining Barton County; and

**WHEREAS**, on the 18<sup>th</sup> day of May, 2020, the declaration was extended by the Board of County Commissioners. It was extended again on the 13<sup>th</sup> day of July, 2020, to January 26, 2021; and

**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness and/or death, has been confirmed in Barton County, resulting in serious illness and death; and

**WHEREAS**, such conditions endanger the health, safety and welfare of persons and property within the border of Barton County, Kansas; and

**WHEREAS**, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Barton County Health Officer all recommend implementation of community mitigation strategies to increase containment of the virus; and

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

**NOW, THEREFORE,** the following procedures are hereby ordered regarding mask wearing within Barton County, Kansas:

## Section I. Wearing of Masks or Other Face Coverings

### Definitions:

"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.

1. This Order shall only apply throughout Barton County, Kansas.

### 2. General

a. Masks or other face coverings shall be required for all indoor property open to the public within Barton County, Kansas. This does not include private residential property or private offices or workspaces that are not open to customers or public visitors. Also exempt are persons in public spaces separated by a physical barrier designed to prevent the spread of infectious disease.

b. Masks or other face coverings shall be required for outdoor activities or events within Barton County, Kansas in which social distancing of a minimum of six (6) feet cannot be maintained between non-household members.

### 3. Exemptions:

a. Persons meeting the criteria for exemption found in Executive Order 20-52 issued by Governor Laura Kelly, effective July 3, 2020 are exempt from the requirement to wear a mask or other face covering. These exemptions are as follows:

1. Persons age five years or under. Children age two years and under in particular are warned not to wear a face covering because of the risk of suffocation;

2. 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;
3. 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;
4. 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;
5. 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;
6. 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 or are seated together) with only infrequent or incidental moments of closer proximity;
7. Athletes who are engaged in an organized sports activity through a school district, private school system, recreation district, or other governmental entity shall follow the rules prescribed by the entity organizing such sports activity.
8. 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;
9. Persons engaged in an activity or event held or managed by the Kansas Legislature;
10. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
11. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

Section II. Lawful Order. This Order is a lawfully issued order pursuant to K.S.A. 65-202 and K.S.A. 65-119(a), and is a "public health directive" as identified within Section 9 of 2020 Special Session House Bill No. 2016.

Section III. Review, Amendment, or Revocation. Pursuant to Sections 37 and 38 of 2020 Special Session House Bill No. 2016, which amended K.S.A. 65-201 and 65-202, the Board of County Commissioners may review, amend, or revoke this Order. The Board of Barton County Commissioners shall review this resolution as they deem necessary for any amendments and/or revocations.


Section IV. Severability. If any portion of this Order is found or determined to be invalid, such finding or determination shall only affect the portion of the Order that is at issue and shall not affect the validity of the remainder of the Order.

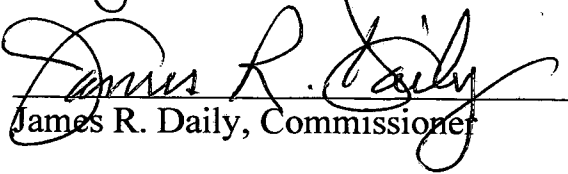
Section V. Nothing in this order shall restrict, limit or supersede the Secretary of Health and Environment, Kansas Department of Education, and/or local School Board's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.

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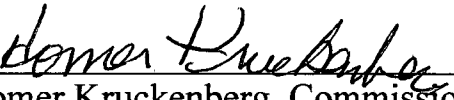
IT IS SO ORDERED this 24<sup>th</sup> day of November, 2020, effective as of 12:01 am on Wednesday November 25, 2020 and shall remain in effect until such time that this order is rescinded.

**BOARD OF COUNTY COMMISSIONERS  
OF BARTON COUNTY, KANSAS**

  
Kenny Schremmer, Chairman

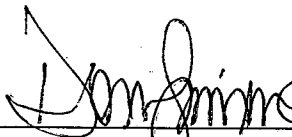
  
James R. Daily, Commissioner

APPROVED VIA TEAMS  
Don Davis, Commissioner via Teams

  
Homer Kruckenberg, Commissioner

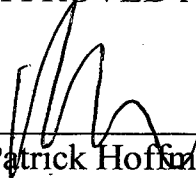
  
Jennifer Schartz, Commissioner

ATTEST:

  
Donna Zimmerman,  
County Clerk



APPROVED AS TO FORM:

  
Patrick Hoffman,  
County Counselor