

**THE MINUTES OF THE REGULAR MEETING
OF THE BOARD OF COMMISSIONERS
OF MIAMI COUNTY, KANSAS**

The Board of Miami County Commissioners met for a special session, in the Commissioners' Meeting Room, Miami County Administration Building, Paola, Kansas, on July 2nd, 2020. Those present were:

Rob Roberts, Chairman	Shane Krull, County Administrator
Danny Gallagher, Pro-Tem	David Heger, County Counselor
Phil Dixon, Commissioner	Janet White, County Clerk
George Pretz, Commissioner	Casey d'Augereau, Executive Secretary
Tyler Vaughan, Commissioner	

Members of the press: Brian McCauley, Republican News

Visitors: David Baldrige, Lorranda Baldrige, Dave Smail, Tammy Harris, Michelle Kaiser, Ariana Gallagher, Artie Stuteville, Josh Barnett

CALL TO ORDER

Chairman Roberts called the meeting to order at 2:00 p.m.

PUBLIC COMMENTS

Dave Smail, Paola, KS, stated he had the opportunity to listen to Johnson County's hearing earlier today on this same subject. Mr. Smail asked that everyone fact check before making decisions as he believes Johnson County did. Mr. Smail believes wearing masks when out in the public is protecting our citizens until such time as the COVID-19 is under control.

Josh Barnett, Paola, KS, stated he has a daughter that is asthmatic and her breathing is restricted when wearing a mask. They are frowned upon for going without mask, but his daughter's health is at a higher risk when wearing the mask than when she goes without the mask. He asked the Commissioners not to back Governor Kelly's Executive Order.

Lorranda Baldrige, Paola, KS, stated she would like the right to choose for her and her children to wear masks or not. She would like to know how enforceable the order will be if she and her family choose not to wear the mask.

Michelle Kaiser, Paola, KS, as a resident of Miami County and business owner is concerned about the public being required to wear the masks. Her business is an event center and typically has 65 – 75 weddings a year and to date has only had 2. Her business is already struggling due to COVID-19 and worries about losing more of her clientele by asking them to wear masks. She ask that we not be forced to wear a mask while in the public.

Artie Stuteville, Mayor of Paola, KS, stated she owns the taxi service and the laundromat and considers herself very fortunate. The virus doesn't know politics, it doesn't know anything. Mayor Stuteville stresses to her customers the importance of wearing a mask, the importance of only being out in the public once a week and not to being out any other time. The virus needs to be controlled. Mayor Stuteville understands the business owners with struggling businesses. Mayor Stuteville stated she understands the importance of choices.

NEW BUSINESS

Shane Krull, County Administrator, gave an update on the COVID-19 based on the information he received from Rita McKoon, Miami County Health Director. The State of Kansas only makes updates on Mondays and Wednesdays. As of today Miami County has 7 new cases. None of the new cases are from the State Hospital. The State Hospital had 3 more employees identified with the virus, they are not Miami County residents. Mr. Krull stated Miami County Health Department is still receiving updates on the tests from the people tested on June 27th, 2020 and June 28th, 2020 at the State Hospital. Currently there are only 7 staff members and 1 resident of the State Hospital that have tested positive.

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David Heger, County Counselor, gave a briefing on Governor Kelly's Executive Order. Mr. Heger stated the Governor's Executive Order allows the local governments to retain authority to issue and enforce orders as necessary for their jurisdiction. Mr. Heger listed some exemptions to the order for wearing masks:

- Persons under the age of five
- Persons with medical condition, mental health condition or disability that prevents wearing a face covering
- Persons who are deaf or hard of hearing or communicating with a person who is deaf or hard of hearing
- Persons for whom wearing a face covering would create a risk to the person related to their work.

These are just a few of the exemptions provided in the Governor's Executive Order. Chairman Roberts read from Governor Kelly's Executive Order item number 6: 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. Commissioner Vaughan asked Mr. Krull how Miami County would enforce individuals to wear masks in public. Mr. Krull stated there is not currently a law on the books to enforce the wearing of masks. It would be a matter for the District Attorney.

Chairman Roberts said there is a resolution drafted and stated no matter the vote by the Commissioners for the resolution; if a school, church, or business makes a more restrictive order the Commissioners will support their decision.

Commissioner Vaughan stated he believes the citizens have the right to choose if they need to wear a mask in public or not.

Commissioner Gallagher said he has received over 100 emails from the residents of his district and although a couple of them wish for the Commissioners to support Governor Kelly's Executive Order the majority do not want him to support the Governor's order.

Commissioner Dixon stated 98% of the residents he has heard from through phone calls and emails do not want him to support Governor Kelly's Executive Order. He stated there are already businesses within Miami County struggling from the COVID-19 and he believes enforcing the wearing of masks will cripple them worse or force them to close their doors for good.

Commissioner Pretz stated people don't care about how much you know, they want to see that you care. None of the Commissioners know everything & believes the individuals should make their own decisions.

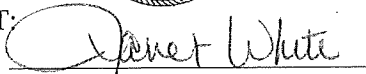
Commissioner Gallagher moved to approve a resolution rescinding Governor Kelly's Executive Order No. 20-52, requiring individuals to wear masks or other face coverings in public. Commissioner Vaughan seconded, the vote was unanimous. **(R20-07-002)**


ADJOURNMENT

The meeting was adjourned at 2:45 p.m.



ATTEST:


Janet White, County Clerk


Rob Roberts, Chairman