

RESOLUTION NO. 2020-27

**RESOLUTION AND ORDER REMOVING STATE FACE COVERING PROTOCOL IN
FINNEY COUNTY, KANSAS**

WHEREAS, securing the health, safety, and economic well-being of Finney County, Kansas residents is the County's priority, and;

WHEREAS, on November 18, 2020, Kansas Governor Laura Kelly issued executive order #20-68 "Establishing a face-covering protocol" beginning at 12:01 a.m. Wednesday, November 25, 2020, and;

WHEREAS, executive order #20-68 did not take into account current formal and informal efforts by local governments to combat COVID-19, and;

WHEREAS, pursuant to the passage of Kansas House Bill 2016 amending K.S.A. 48-925 provides authority for the Board of County Commission to alter the provision of said executive order, and;

WHEREAS, K.S.A. 48-925(h), allows the Board of County Commissioners of any county to 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, and;

WHEREAS, pursuant to K.S.A. 48-925(h), the Board makes the following findings:

1. The Board of County Commissioners sitting as the County Board of Health has consulted with the Local County Health Officer,
2. Following such consultation, implementation of the full scope of the provisions in the Governor's executive order #20-68 is not necessary to protect the public health and safety of Finney County.
3. The Board finds that recent action by the Garden City, City Commission to pass a face-covering requirement is a positive effort in combating COVID-19.
4. The Board also finds that a formal effort by Finney County Board of County Commissioners promoting a Local Face Covering Protocol is a prudent approach in combating COVID-19.

NOW THEREFORE BE IT HEREBY RESOLVED AND ORDERED that Finney County, Kansas formally opts out of the provisions of Governor Kelly's Executive order #20-68 Establishing a face-covering protocol, and,

BE IT FURTHER RESOLVED, that the Board of County Commissioners establishes the following County Wide face-covering protocol when in social gatherings where persons are unable to maintain social distancing that they wear a mask.

1. The provisions of paragraphs 2 through 5 below do not apply in municipalities within Finney County, Kansas, in which a local ordinance or order requires that face coverings be worn in public places and in businesses.
2. Effective at 12:01 a.m. on Wednesday, November 25, 2020, any person in Finney County, Kansas shall wear a face covering when they are in the following situations:
 - a. Inside any indoor public space where distancing of six (6) feet at all times is not possible;
 - b. Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;¹
 - c. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;
 - d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
3. Also effective at 12:01 a.m. on Wednesday, November 25, 2020, all businesses or organizations in Finney County, Kansas must require all employees, customers, visitors, members, or members of the public to wear a face-covering when:
 - a. Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
 - b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
 - c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
 - d. Employees are in any room or enclosed area where other

people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.

4. The following are exempt from wearing face coverings pursuant to the provisions of this order:

- a. Persons age five years or under-children age two years and under in particular should not wear a face-covering because of the risk of suffocation;
- b. 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;
- c. 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;
- d. 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;
- e. 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;
- f. 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) with only infrequent or incidental moments of closer proximity;
- g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- h. 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 face-covering;

- i. Persons engaged in religious activities protected by the First Amendment to the United States Constitution, including, but not limited to, worship services;
- j. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- k. Persons engaged in any lawful activity during which wearing a face covering is prohibited by law.

5. Definitions:

- a. "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 face covering can be made of a variety of synthetic and natural fabrics, including, but not limited to, cotton, silk, or linen. Ideally, a face covering has two or more layers. A face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarves, bandanas, t-shirts, sweatshirts, or towels.
- b. "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

- 6. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.
- 7. Local Municipalities retain authority to issue and enforce other formally adopted face covering orders to meet the needs of their community.
- 8. As currently permitted pursuant to state law, the Attorney General, county attorneys, and district attorneys enforcing this order should

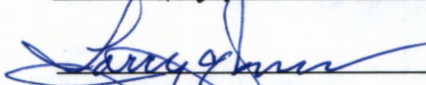
use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.

9. The provisions of this Resolution and Order does not apply to face coverings in K-12 public and private school buildings and facilities.

This Resolution shall become effective as of 12:01 a.m. on November 25, 2020, and remain in force through 12:00 p.m. on December 31, 2020, or earlier if rescinded formally by the Board of County Commissioners. This Resolution order may be extended or modified as circumstances dictate.

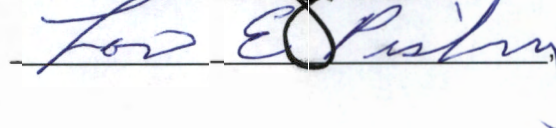
APPROVED this 24th day of November 2020.

, Chairman

, Member

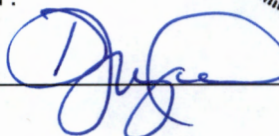
, Member

, Member

, Member



ATTEST:

, County Clerk