

**UNOFFICIAL MINUTES OF THE JEFFERSON COUNTY BOARD OF COMMISSIONERS**

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March 26, 2020

The Jefferson County Board of Commissioners convened in emergency session on Thursday, March 26 at 1:00 p.m. Present were Commissioners Wayne Ledbetter and Richard Malm. Lynn Luck joined by phone for the meeting. Also present was County Clerk Linda M. Buttron and Counselor Josh Ney.

Richard moved that the Board recess into executive session to discuss matters of attorney client privilege related to ongoing policies with Crystal VanHoutan and James Tweed present to facilitate the discussion and as part of the corporate collective client until 2:15 p.m. Wayne seconded. All voted in favor of the motion. The Board recessed at 2:01 p.m. Present during the session were Josh, James, Crystal and the Board. At 2:15 p.m. the Board extended their meeting 15 minutes with the same parties present. The Board reconvened at 2:35 p.m. The chair announced that no binding action was taken during executive session.

At 2:35 p.m. the Board took a 10-minute break.

At 2:45 p.m. the meeting was reconvened.

Crystal announced that as the local health officer she is amending the previous directive issued March 23 to include the following:

**EMERGENCY ORDER AND ADVISORY OF LOCAL HEALTH OFFICER**

An Emergency Public Health Order issued on this 26th day of March 2020 to mitigate the spread of the Coronavirus (COVID-19) in Jefferson County, Kansas, pursuant to the authority provided in K.S.A. 65-119 and K.S.A. 65-202.



WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 and K.S.A. 65-202 to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation , quarantine and disinfection are duly enforced;

WHEREAS, the Local Health Officer has been appointed by the Board of County Commissioners of Jefferson County, Kansas, and is authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to K.S. A. 65-119;

WHEREAS on the 18th day of March 2020, the Board of County Commissioners of Jefferson County found that an ongoing disaster had occurred, or the threat thereof was imminent within Jefferson County, Kansas (hereinafter "Jefferson County") as a result of

the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in multiple counties surrounding Jefferson County, in the state of Kansas, and in the United States;

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; the disease has been confirmed in Jefferson County; and the disease has resulted in several cases serious illness and at least one death to date in Kansas;

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

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE), and the Jefferson County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancelling large gatherings and practicing social distancing in smaller gatherings;

WHEREAS, the worldwide pandemic of COVID-19 and the resulting outbreak in Kansas, and counties surrounding Jefferson County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace;

WHEREAS, it is estimated that each COVID-19 positive patient could infect between 2.6 to 4 other people;

WHEREAS, there is emerging evidence in counties around Jefferson County of transmission by pre-symptomatic and asymptomatic people which is making routine case-finding and exposure tracing

strategies insufficient;

WHEREAS, despite recent enactment of public health orders in Jefferson County (schools, bars and restaurants,) there is a lack of available metrics to determine the risk of person-to-person spread of COVID-19 in Jefferson County, the counties surrounding Jefferson County, the state of Kansas, and the United States;

WHEREAS, there is difficulty accessing laboratory tests in order to obtain timely test results to effectively monitor the effect of previous public health orders and local health measures;

WHEREAS, such delays have led local public health and elected officials to conclude that further delay could lead to excess mortality and potential dire consequences; and

WHEREAS, this public health order directing individuals to stay at home is being issued to slow the rate of community spread of COVID-19 through intensified social distancing;

NOW THEREFORE, this proactive emergency public health order and advisory are hereby issued to minimize the impact of COVID-19 on the Jefferson County community.

### **Section One: Definitions**

As used in this order and advisory:

- a. "Essential Activities" shall include the following activities, provided

individuals engaged in such activities comply with Social Distancing Requirements, as defined in this section, and the advisory as provided in Section Five:

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family, household members, and pets, including but not limited to, obtaining medical supplies or medication, visiting a health care professional, and obtaining veterinary services;
- ii. To obtain necessary services or supplies for themselves and their family or household members, to obtain supplies they need to work from home, or to deliver those services or supplies to others, including but not limited to, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household and personal consumer product, and products necessary to maintain the safety, sanitation, and essential operation of residences;
- iii. To engage in outdoor activity, including but not limited to, walking, hiking, running, use of parks, and other public areas, provided that playground and public exercise equipment are not used;
- iv. To perform work providing products and services at an Essential Business;
- v. To care for a family member or pet in another household, or to transport the family member or pet to provide for such care;
- vi. To comply with valid court or administrative orders;
- vii. To work for or obtain services at any healthcare or veterinary operations, including but limited to, hospitals, clinics, dentists, pharmacies, pharmaceutical

and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, pastoral care or other counselors, intellectual/developmental disability providers, any related and/or ancillary healthcare services, veterinary care, and healthcare services provided to animals.

1. This definition shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined, provided that such definition expressly does not include activities at fitness centers, exercise gyms, or similar facilities;
- viii. To provide any services or perform any work necessary to the (Operations and maintenance of Essential Businesses, Essential Infrastructure, or Essential Government Functions);
  - ix. To engage in religious services or other faith-based activities.

- b. "Essential Business" means any for-profit, non-profit, educational, or other legal entity, regardless its business entity structure, that performs one or more of the following functions, provided that such entities and participants carry out functions and services in compliance with Social Distancing Requirements, as defined in this section, and the advisory provided in Section Five:
  - i. Healthcare operations,
  - ii. Entities supporting Essential Infrastructure, as defined below;
  - iii. Entities supporting Essential Government Functions, as defined below;
  - iv. Grocery stores, certified farmers' markets (offering only fresh grown food items or canned items), farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products).
    - 1. This definition includes retail businesses that sell or distribute groceries and other non-grocery products, and products or services necessary to maintaining the safety, sanitation, and essential operation of residences;
  - v. Food cultivation, including farming, livestock, and fishing;
  - vi. Human and animal food processing facilities and facility workers;
  - vii. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise individuals in need;
  - viii. Newspapers, television, radio, and other media services;
  - ix. Gas stations and auto-supply, auto-repair and servicing, emergency road services, and related services and facilities;
  - x. Banks, credit unions, and other financial institutions, provided that all banks and credit unions shall have FDIC/NCUSIF designation and offer drive-through services only;
  - xi. Hardware stores;
  - xii. Plumbers, electricians, exterminators, construction, cleaning and janitorial staff, security staff, HVAC, painting, moving and relocation services, lawn care and landscaping and other trades and service providers who provide services that are necessary to maintaining the safety, sanitation, and operation of residences, Essential Activities, and other Essential Businesses;
  - xiii. Businesses providing mailing and shipping services, including post office boxes;
  - xiv. Educational institutions, which includes public and private K-12

schools, colleges, and universities, for purposes of facilitating distance learning or performing essential functions related to distance learning and support to other Essential Businesses (such as transportation and law enforcement), provided that social distancing of six-feet per person is maintained to the greatest extent possible, provided:

1. school buildings may be used if needed to house individuals, distribute food, provide medical care, distance learning or any other services deemed necessary to protect the life and property and other critical resources;
  2. Classroom and extracurricular activities are not allowed;
  3. Nothing in this definition supersedes or amends Paragraph 1 of the Emergency Order of Local Health Officer for Schools dated March 16, 2020;
- xv. Laundromats, dry cleaners, and laundry service providers;
- xvi. Restaurants and other facilities that prepare and serve food and/or beverages, provided:
1. Such facilities offer only delivery or carry out service and do not offer food or beverage for consumption on the premises;
  2. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this definition on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only and no food is permitted to be eaten at the site where it is provided;
- xvii. Businesses that supply products and services needed for people to work from home;
- xviii. Businesses that supply other Essential Businesses with the support, space, or supplies necessary to perform functions of such other Essential Business;
- xix. Businesses that ship or deliver groceries, food, beverages, goods or services directly to residences;
- xx. Taxis, aircraft, ride share commercial operations, commercial transportation and logistics providers and services and other transportation providers providing the transportation services necessary for Essential Activities;
- xxi. Home-based care for seniors, adults, or children;
- xxii. Residential facilities and shelters for seniors, adults, or children;
- xxiii. Essential professional services, such as professional legal services, accounting services, real estate services, and insurance services, provided:

1. Only those persons necessary for mission essential functions shall be allowed in the facility while maintaining all recommended guidance by the CDC, KDHE and the local health department in regard to social distancing and sanitation.
  2. All institutions shall conduct business remotely unless person to person transactions are absolutely required and if there is no alternative;
- xxiv. Childcare facilities providing services, provided, that childcare facilities shall operate under the following conditions:
1. Childcare must be carried out in groups of 10 or fewer children consisting of the same group of children each day;
  2. Children shall not change from one group to another;
  3. If more than one group of children is cared for at one facility, each group shall be in a separate room;
  4. Groups shall not mix with each other; and
  5. Childcare providers shall remain solely with one group of children.
- xxv. Mortuary, cremation, and burial services;
- xxvi. Hotels and motels, to the extent used only for lodging services;
- xxvii. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for residences and industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum, lubricants and fuel, mining, construction, national defense, communications, as well as products and services used by Essential Businesses.
- c. "Essential Governmental Functions" means all public services necessary to provide for the health, safety, and welfare of the public, including judicial functions, and shall include all activities and services necessary to the continuing operation of the government agencies.

- d. "Essential Infrastructure" means all assets, systems, and networks, whether physical or virtual, that are considered so vital to Jefferson County, Kansas, and the United States, that their incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof, but not limited to, public works construction, construction or repair of housing (in particular affordable housing or housing for individuals experiencing homelessness), commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based and cyber-related services).
- e. "Large public gathering" means a gathering often (10) or more people in attendance or anticipated to attend, whether indoor and outdoor, provided that this definition shall not include:
  - i. Individuals incidentally collected when performing Essential Activities, or accessing Essential Businesses or Essential Government Functions;
  - ii. Normal operations at spaces where persons may be in transit or coming and going individually or in groups of less than ten (10) persons;
- f. "Social Distancing Requirements" means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible, using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, but not the hands), regularly cleaning high-touch surfaces, and not shaking or otherwise touching hands.

### **Section Three. Prohibitions; Directives; Penalties**

All large public gatherings of people in the County are prohibited unless otherwise ordered by the Public Health Board or by the Local Health Officer.

All restaurants, dining facilities, bars, taverns, other facilities that serves food or beverages for onsite consumption, are hereby ordered closed to the public, except that any such establishment may continue to provide carryout, drive-through, and delivery food and beverage services.

All health and fitness centers, recreational centers, gymnasiums, dance and gymnastics classes, barbers, beauty salons, cosmetology operations, and massage parlors, are hereby ordered closed to the public.

Pursuant to K.S.A. 65-119 and 65-127, any person found guilty of violating any of the provisions of this section shall be fined, upon conviction, not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.

Nothing in this section shall limit any other penalty or prohibition lawfully imposed by law or by the Kansas Department of Health and Environment, the Governor of the State of Kansas, or any other lawful authority.

## Section Four. Exemptions and Exclusions

Nothing in the order in Section Three shall prohibit any individual from performing or accessing "Essential Governmental Functions" provided that said individuals follow the guidance of the Local Health Officer or delegated public health personnel. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements, to the extent possible.

All first and emergency responders, public health, emergency management personnel, essential responders to Jefferson County's emergency operations center, emergency dispatchers, court personnel, and law enforcement personnel, corrections officers, and associated correctional facility are categorically exempt from the order in Section Three, when engaged in activities necessary to support Essential Governmental Functions.

## Section Five. Advisories

Notwithstanding all orders in Section Three, individuals are otherwise urged to stay at home and leave their residence only to engage in Essential Activities. People at high risk of severe illness from COVID-19 are urged to stay in their residence except as necessary to seek medical care.

Participants in Essential Activities are urged take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

- a. Designate six-foot distances. Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
- b. Use hand sanitizer and sanitizing products. Having anti-microbial soap and water or hand sanitizer and sanitizing products readily available for employees and customers;
- c. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers; and
- d. Engage in online and remote access. Offering internet-based services and online remote access as alternatives to in-person gatherings. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

For all gatherings of people not otherwise prohibited by Section Three, the Local Health Officer urges all individuals to follow the guidance provided by the Centers for Disease Control and Prevention (CDC), and federal, state and local public health officials and private medical providers.

Nothing in this section shall constitute a legal order of quarantine pursuant to K.S.A. 65-129b et seq. Recommendations in this section are provided solely to encourage effective social distancing during the period of public health emergency.

## Section Six. Supplements and Modifications

This Order may be supplemented or modified as required for the effective and efficient management and control of COVID-19 in the County by further order or direction of the Jefferson County Board of Public Health or by the Jefferson County Local Health Officer.



**Section Seven. Effective Date and Time; Effective Period**

This Order is effective at 12:01a.m. on Saturday, March 28, 2020 and shall remain in effect until 11:59 p.m. on Tuesday, April 14, 2020, unless sooner amended, superseded, or rescinded.

IT IS SO ORDERED THIS 26TH DAY OF MARCH 2020.

A handwritten signature in black ink, reading "Crystal Vauthour". The signature is written in a cursive style and is positioned above a horizontal line.

Public Health Officer Jefferson  
County, Kansas

James Tweed discussed that currently the courthouse is allowing the public by appointment only. The next step that may be considered is no longer allowing public access. The topic will be discussed at the Department Head meeting on Monday. Treasurer Lisa Buerman discussed how she might copy with a total shutdown. The State has extended deadline for tags and driver's licenses for 60 days. Delia Heston announced that Kansas Land Title has created a gap insurance for recordings that are delayed. Crystal announced that WIC services are continuing. She also stated that the first confirmed case of COVID-19 in Jefferson County was announced yesterday. She stated that due to HIPAA regulations the location of the case would not be disclosed.

There being no further business to come before the Board they adjourned to meet in regular session on Monday March 30, 2020.