

**Thomas County's Modification to Kansas Executive Order 20-68**  
**Resolution #2020-19**

**WHEREAS**, securing the health, safety, and economic well-being of our residents is this Thomas County Board of County Commissioner's top priority;

**WHEREAS**, Thomas County is facing both a public health, academic, and economic crisis – the pandemic and public health emergency of COVID-19 – which has resulted in illness, quarantines, previous school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 12, 2020 the Governor of Kansas signed a State of Disaster Emergency Proclamation, pursuant to K.S.A. 48-924, and the powers and effects of this proclamation are continuing. Governor Laura Kelly directed activation of the Kansas Response Plan and the utilization of all available resources of the state government and each political subdivision as reasonably necessary to cope with the disaster; and to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of all populations;

**WHEREAS**, on March 13, 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. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, as of this date, in Thomas County there has been 92 active cases, 5 current hospitalizations, 6 deaths, 622 cumulative cases, a 14-day average percent positive of 31.1%;

**WHEREAS**, Thomas County must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safely and strategically facilitating economic recovery and revitalization;

**WHEREAS**, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of the Thomas County, Thomas County has determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to maintain the health, safety, security, and welfare of the people of the Thomas County that will need to be reassessed as additional information is learned about COVID-19;

**WHEREAS**, in these challenging times, Thomas County will work to avoid immediate dangers to the health, safety, and welfare of our constituents and prepare for future waves of COVID-19, including providing medical guidance and for entities who are making difficult and important decisions to protect the health and safety of their populations all while facing

significant economic challenges;

**WHEREAS**, the Thomas County Board of County Commissioners, in consultation with the local health officer and other local health officials, are better suited to make Thomas County specific and flexible provisions to protect the citizens and businesses of Thomas County against the quickly changing threats of COVID-19;

**BE IT RESOVLED THAT**, pursuant to the authority vested in Thomas County Board of County Commissioners, pursuant to K.S.A. 48-925(h), as it now exists, the Thomas County Board of County Commissioners make the following findings:

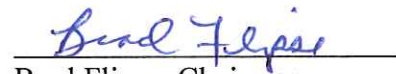
1. After consultation with the local health officer regarding the Governor's Executive Order 20-68; and
2. Following such consultations with the local health officer regarding the Governor's Executive Order 20-68, implementation of the full scope of the provisions in the governor's executive order are not necessary to protect the public health and safety of Thomas County due to its unique infrastructure; and
3. The Thomas County Board of County Commissioners find that with 92 active cases, 5 current hospitalizations, 6 deaths, 622 cumulative cases, a 14-day average percent positive of 31.1% a modification to the Governor's Executive Order 20-68 is necessary to keep the schools, businesses, and other entities open in Thomas County; and
4. The Thomas County Board of County Commissioners find the following are appropriate measures that can be taken by the citizens and visitors of Thomas County:
  - a. All persons should be respectful and compliant of each individual business or entities mask restrictions.
  - b. A person should wear a mask when a person for a period of 10 minutes or longer is unable to maintain a 6-foot distance from other non-household individuals.
  - c. This shall not alter Thomas County Resolution 20-17 Modified Quarantine Requirements Thomas County.
  - d. Exemptions to wearing a mask or other face covering:
    - i. Persons age five years or under;
    - ii. 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;

- iii. 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;
- iv. 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;
- v. 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;
- vi. 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;
- vii. 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;
- viii. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary (regulations shall come from the Judicial Branch); and
- ix. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.


**ADOPTED & APPROVED**, by the Thomas County Board of County Commissioners, Thomas County, Kansas this 23rd day of November, 2020. This document shall be filed with the Thomas County Clerk's Office. It shall become effective as of November 23, 2020.

  
Mike Baughn, Chairman

  
Francis Britton, Member

  
Brad Flipse, Chairman

Attested to by:

  
Shelly A. Harms, County Clerk

