



Briefing Sheet

To: Board of County Commissioners

From: Cynthia Dunham, Interim Chief Counsel

Date: September 17, 2020

Re: Kansas Governor Kelly's Executive Order No. 20-52 issued July 2, 2020 (extended to October 15, 2020) regarding the requirement to wear masks or other face coverings.

Issue: Consider Governor Kelly's Executive Order No. 20-52 issued July 2, 2020 (extended to October 15, 2020) requiring masks or other face coverings in public in Johnson County, Kansas.

Suggested Motion: None recommended.

Background: Governor Laura Kelly issued her Executive Order No. 20-52 ("EO-52") on July 2, 2020 implementing a statewide requirement to wear masks or other face coverings in public. In a special board meeting on July 2, 2020, a motion was made and seconded to affirm the Governor's Executive Order requiring the wearing of face masks, pending review of the Order for any additional concerns. The motion passed 4-2-1.

The Governor's EO 20-52 remains in force until rescinded or until the statewide State of Disaster Emergency expires, whichever is earlier. The statewide state of disaster has been extended by the State Finance Council, pursuant to House Bill 2016 ("HB 2016"), and now has an expiration date of October 15, 2020. No Board action is required for EO 20-52 to remain in effect in Johnson County.

Analysis: HB 2016 sets forth a process by which a board of county commissioners "may 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." Under this new process, a board that issues a less restrictive order must make certain statutory findings and include them in the board's order.

Funding Overview: N.A.

Alternatives:

1. Re-affirm the Governor's EO-52;
2. Take action that is less restrictive for Johnson County than EO 20-52 which requires:
 - a. The board has consulted with the local health officer or other local health officials regarding the governor's executive order;
 - b. following such consultation, 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 the county; and
 - c. all other relevant findings to support the board's decision.
3. Take no action, thus allowing EO-52 to remain applicable to Johnson County.

Recommendation: N.A.

Purchasing Review: N.A.

Budget Review: N.A.

Legal Review: The Legal Department reviewed the briefing sheet.