

June 30, 2020  
Reno County Courthouse  
Hutchinson, Kansas

The Board of Reno County Commissioners held the agenda session with, Chairman Ron Sellers, Commissioner Ron Hirst and Commissioner Bob Bush, County Administrator Randy Partington, County Counselor Joe O'Sullivan, and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance and a short sectarian prayer led by Pastor Darryl Peterson, Grace Christian Church.

Valerie Hansen, Assistant District Attorney met with the Board giving a brief history of her schooling and job description.

Christopher Noone, District Attorney's Office, stated he had just started June 1<sup>st</sup>, 2020 and had a temporary 7/10 license from graduating this last May. He said he hopes to take his test for the bar on September 9<sup>th</sup> and 10<sup>th</sup>.

There were two additions to the agenda; item 8c a resolution for the CARES Act money from the Spark Group with the State of Kansas for \$12.6 million sent to Reno County, executive session for 15 minutes on non-elected personnel with County Counselor Joe O'Sullivan and County Administrator Randy Partington to attend. **Mr. Hirst moved, seconded by Mr. Bush,** to approve the additions to the agenda as presented by Mr. Partington. The motion was approved by a roll call vote of 3-0.

**Mr. Bush moved, seconded by Mr. Hirst,** to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on July 3<sup>rd</sup>, 2020 of \$291,135.65 as submitted. The motion was approved by a roll call vote of 3-0.

Bruce Fuerbringer 5 Bugles Training and Consulting Wisconsin, met with the Board giving explanation of a fire system evaluation that began last week when he met with all the Fire Chiefs and Emergency Management personnel. He described Reno County as a patchwork quilt sewn together to eventually get the job done. He found a lot of wide diversity with different levels of training, equipment, procedures, and management expertise. Some knew more about fire management and the business end, then others just would do their own thing and

still others did not know enough but wanted to learn. There was a consensus of fiscal oversight on the districts. He received good feedback stating the foundation was out there. He asked for guidance and commitment from the Commission and County management for what needs to be done so Reno County does not have one or two fire chiefs doing what they want and stated that it needs to be uniform for all. Mr. Fuerbringer stated his plan was to go back with the information gathered and return with a drafted report. He said when he returns with a final report, his goal was to implement a strategic plan in 2021.

The Board was in favor of Mr. Fuerbringer moving ahead in a timely manner working with Mr. Weishaar and Mr. Strain.

Commissioner Hirst questioned when would be convenient for the Board to attend a fire department meeting. Mr. Fuerbringer suggested he meet with Fire Chief's first then with the Commission.

Health Department Director Nick Baldetti briefly went over statistics for the Country, Kansas, and Reno County noting 63 positive cases with 9 active cases and 54 totally recovered. There is an update on the website with a new section on the COVID landing page called "scientific literature" and will be provided on this page from academic summary information. Governor Kelly announced in her press conference that she will be mandating wearing masks in the state of Kansas. Mr. Baldetti commented on health education for safety to the public on wearing masks. He spoke about how masks can create a protection barrier for people around you, not to protect you. Masks, social distancing, and personal hygiene make every person be accountable to themselves and people around them to mitigate the spread of COVID-19. He clarified about outdoor events being less risk than indoor events. There is a State Fair Board meeting this afternoon with Mr. Baldetti, community, and state leaders along with KDHE (Kansas Department of Health and Environment) on whether to hold the state fair this year. Schools are creating their reopening plans and waiting for the KDHE's July 10<sup>th</sup> 500-page document for reopening for school districts. Kansas Department of Aging and Disabilities (KDAD) recommendations levied to schools through the Reno County Health Officer, myself, he said, "so I will be reading for a while".

District Attorney Tom Stanton explained to the Board the changes to the Governor's Order #20-16 and how Health Orders are enforced. The Legislature was concerned about criminal charges and have removed the criminal aspect in response to the

Governors orders. It is now civil lawsuits not a classic misdemeanor. His understanding of the specifics of the Governors order, "Any violation of an order issued by the Governor, or by local Health Department, or the Board of Commissioners as the Health Board, has the ability to incur a civil penalty up to \$2,500. He stated the Attorney General, District Attorney's office or County office in which the violation took place, will collect the monies, and would be paid into the General Fund of that county. The DA could also put a restraining order on the person who violated the order. The District Attorney's Office did not have the resources to file a civil suit for everyone who did not wear a mask as per the order. He did not have the staff to enforce the order and it would be problematic and extremely costly to the county. Businesses following the Governor's Oder requiring the public to wear masks could post it. Violators could be told to leave and if they do not comply, law enforcement could be called in for trespassing. He then read Section 33 sub section H, of the new statute that modifies K.S.A. 48-925, allowing this Board, acting as Board of Health to issue an order that is less restrictive then the Governor's Order. Mr. Stanton discussed more on the order.

County Counselor Joe O'Sullivan stated the legislators could have, since this is a Civil case, included the County Counselor as someone with the authority to pursue the enforcement of the order. However, they limited it to the County and District Attorney, which is the prosecuting office.

Commissioner Bush gave a scenario of a person not wearing a required mask and are asked to leave. That person refused to leave or put on a mask because it violates their constitutional rights and the police are called. The police would write a report and that goes to the DA's office, would you prosecute? Mr. Stanton explained about businesses having the right to refuse service, stating that if required masks were posted that person could be criminally trespassing. Depending on the circumstance, he would review the case and decide to prosecute or not if someone was in danger.

House Representative District #104 Paul Waggoner, 600 E. 73<sup>rd</sup>, Hutchinson discussed the June Governor's Order 20-16 stating it passed the house removing certain powers from the Governor and placed them with local county offices. It passed the House with a 107 to 12 vote, passed the Senate and was signed by the Governor. He proceeded to give stats and percentages on COVID-19 cases for Kansas since March. He posted

about mask wearing on Facebook and stated that most people were opposed to being mandated to wear masks. He suggested as a private citizen not to follow the Governor's mandated order.

Commissioner Sellers noted that science backed up wearing masks. Mr. Baldetti said it depends on research that has been pre-published that have not been reviewed yet by scientific peers. Asymptomatic youth to 40 years old are shedding the virus faster, where Mr. Waggoner has a point that many symptoms, back up two days from symptom onset is the expected exposure window. A brief discussion with Mr. Baldetti went on to clarify numbers of COVID cases.

Mr. Waggoner went over the political issue of wearing masks stating it was a clear divide between Republicans and Democrats and could be a personal risk. He also went over the 2<sup>nd</sup> Amendment right along with the role of the government to use common sense.

The Commission discussed in length regarding the Governors Order on wearing masks starting this Friday. They decided to highly recommend the public wear masks but not mandate it. Thursday after reviewing the change details in the Governor's Order 20-16, Mr. Baldetti as Health Officer in consultation with County Counselor Joe O'Sullivan, can install a revised Health Order emailing the Board of Commissioners acting as Health Advisory Board and under clear guidance of that Board may draft a revised Health Order accordingly.

Mr. Partington gave a brief history of the five-year CIP Plan and stated previous commissioners approved a resolution to set the CIP fund. He went through the 2021 through 2025 Plan. He said for 2021 the number requests by department and funds matched what was in each department's requested budget that was discussed last week. There were no changes in 2021 and what this plan shows is 2022-2025 additional amounts. A quick overview showed \$6.6 million in 2021 and noted that there was a large difference in amounts from 2020 and 2021. He said some departments have large equipment and vehicle scheduled purchases. He requested any changes before state budget forms that are due by mid-July. If the Board wanted to cut something it could be cut from vehicles. There is \$300,000 plus in the budget that could be deferred to purchase one year or more.

Commissioner Bush asked about raises for employees. Mr. Partington replied \$400,000 or so would be needed. Commissioner Sellers asked to discuss it when the whole budget was available, looking at numbers.

Mr. Partington spoke about a required resolution to be adopted by the County Commission to receive the CARES Act money of \$12,622,084 for Reno County. The deadline for adoption and to be returned to the state was July 13<sup>th</sup>, 2020. Mr. Sellers stated we need to postpone item 8C until next week for action so all the commissioners have a chance to review. **Mr. Bush moved, seconded by Mr. Hirst**, to postpone the CARES Act Group \$12.6 million resolution until next week's agenda for action as reported by the Chairman. The motion was approved by a roll call vote of 3-0.

Mr. Partington also gave explanation for the CARES Act money. The resolution would be a quick process with all expenditures or plans for expenditures need to be spent or plan to spend the \$12.6 million by July 15<sup>th</sup>, 2020 which is to be shared with cities within Reno County, Reno County, the community college and school districts in Reno County. His recommendation was to create a task force to work with the County Counselor Joe O'Sullivan and himself to find a consultant agency to assist with the CARES Act funds and paperwork load because of the short timeframe. He said the cost of the consultant would be covered by the grant money.

After hearing the complications involved with the CARES Act funds and the obligations that could occur to Reno County, Commissioner Hirst understood that if Reno County approved spending money to an agency and the state rejects the plan, the county would be responsible for repayment and if they do not return the funds, the county would have to create a lawsuit.

Mr. Partington clarified the huge liability with spending money. He said they have a plan for money not spent. The task force would help with a plan from any city, and if approved by the county then gets submitted to the State of Kansas to the SPARK Task Force where they will approve or not. If SPARK approves the money is spent however the Federal Government could audit it and refuse the plan submitted, then Reno County would be responsible to collect it back.

Mr. Partington also gave a brief explanation of the eight applications submitted for the \$132,000 CDBG-CV grant funds of which \$120,000 is for grants and the balance would be for administration fees. Some of those applications are in the City of Hutchinson and would not be qualified. He was still looking for names for a task force asking Mr. Hirst as Commissioner to

be on the committee. He stated the deadline for applications was Thursday of this week.

County Administrator and Commissioners comments:

Commissioner Bush spoke about his medical history and gave a website that he posts to, Caringbridge.com then type in Bob Bush. COVID-19 tested by Kansas University Medical Center and was negative. He advised people to get the test done if it is professionally and correctly taken.

Commissioner Sellers thanked Mr. Bush for sharing his health issues. He encouraged the community to wear masks stating they have an obligation to each other in the community and to have respect for the others around especially since Reno County has not mandated wearing masks at this time. Commissioner Hirst added to please social distance along with the masks.

**Mr. Hirst moved, seconded by Mr. Bush,** to recess into executive session for the purpose of discussing matters related to non-elected personnel for a period of 20 minutes following which this commission will reconvene and proceed to adjourn for the day without a formal decision on the matters discussed. Requesting Mr. Partington and Mr. O'Sullivan remain in attendance during the executive session. The motion was approved by a roll call vote of 3-0.

At 11:20 the meeting returned to regular open session with no binding action to be taken as a result of the executive session and the meeting adjourned until 9:00 a.m. Tuesday, July 7, 2020.

Approved:

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Chair, Board of Reno County Commissioners

(ATTEST)

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Reno County Clerk  
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Date