

August 11, 2020
Reno County Courthouse
Hutchinson, Kansas

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

The meeting began with the Pledge of Allegiance.

Health Department Director Nick Baldetti briefly went over statistics for the United States, surrounding states, Kansas, and Reno County. He stated that Reno County had 53 active cases and one death with 3 active clusters, Tyson, a long care facility, and state facility Hutchinson Correctional Facility. Thirty new cases came over the weekend which impacted our trending line and he noted that these are still being investigated.

Hutchinson Clinic Lead Physician Dr. Scott Pauly met with the Board handing out two charts with regional information on them. The medical community can handle 12 to 14 percent increase but higher we may not be able to handle. When schools open up we could have a large cluster, so masks are important along with social distancing. He recommended wearing masks at schools. He said rapid testing, means to intervene more quickly, is on the near horizon. Our only weapons for not spreading the virus are social distancing and wearing masks.

Mr. Sellers asked why more people are in the hospital then before. Dr. Pauly spoke second hand but said there has been an increase of COVID and other diseases. Our number of patients will go up in the coming months due to fall and winter illnesses.

Mr. Hirst asked about the numbers when mentioning age groups, why are the under 20 in those numbers? Dr. Pauly replied that under 20 do not have as severe of symptoms, stating that their symptoms would probably be like a viral symptom harder to follow, runny nose or GI upset. Gold standard testing takes two to three days versus rapid testing. He briefly discussed false/negative and false/positive.

Mr. Sellers appreciated Mr. Baldetti's outstanding job on at the Health Department and most recently the work with the COVID pandemic and wished the best in his future employment, Mr. Hirst also agreed.

Emergency Management Director Adam Weishaar met with the Board and gave an overview of the 164-day timeline since the beginning of COVID-19. He said Reno County has a declaration in place until December 31, 2020. He noted from the state standpoint there are a few changes and stated that the resource process will also change. The state is monitoring 119 active clusters, 2,950 cases, 152 hospitalizations and 36 deaths. Travel exposure and quarantine guidelines have not changed, Florida is the only state on the no travel list. Cruise ships or river cruises and international travel are also on the list.

Public comments:

John Whitesel, 1707 E. Blanchard Lot 102, Hutchinson, Republican House District #102 candidate, gathered a 740-signature petition to stop making wearing masks mandatory and let the people make decisions for ourselves. He had a chart from Dr. Norman regarding masks/no masks. He thought if masks are not working, they might be unhealthy for people and may cause harm. He did not recommend the mask mandate and would like the BOCC to resend the August 18th, 2020 mandate. He stated that there is no scientific data for masks.

Dawn Drisel, 34 E. 24th, Hutchinson stated that she has asthma, and is a retired medical professional and co-author. She has concerns about wearing masks and manipulated graphs by the Dr. Norman, Secretary of the Kansas Department of Health and Environment. She thinks there is misleading in politics on masks and she did not recommend wearing masks.

Benjamin Garrett, 18519 W. Blanchard, Abbyville, is a student at Sterling College and is involved with activities and work as well. He and others struggled with breathing with masks on. He did not recommend masks and asked the Board to rely on solid facts that were tried and true. He reminded them that their decisions will affect our future.

Dennis Hershberger, 8812 S. Halstead Street, is concerned with mandates that create social distancing and how it affects even people's spiritual lives in Church. He thinks masks can be a petri dish for viruses. He asked the Board to look at the

recent South Dakota motorcycle rally, where they have no COVID. He is curious to see data after Sturgis and recommended no masks and to get back to normal lives again in Kansas.

John Garrett, 18519 W. Blanchard, Abbyville, was not against mask wearing only the mandate to have to wear them. He was on board to slow the spread with 15 days, 30 days, even 45 days but now we are losing site of the goal to prevent the virus. In the long term, it is having an economic impact, speaking about United States debt. He suggested to try and boost our immune system.

Connie Newcome, lives in McPherson County but owns land in Reno County. She spoke about exposure to germs for decades and centuries. She stated that risk was part of life. We have had 100 years of the State Fair with no problems and now we all cower in fear. We do not shut down for the flu and we are depressing children/people since the COVID-19 issue. She did not recommend being muzzled with masks but to give people the option to wear them if they wanted to. Some people would not sign a petition to stop the mandated for fear of losing their jobs.

There was one addition to the consent agenda: resolution #2020-26 for a stop sign on Carly Lane and was put on the agenda as item 7g.

Mr. Hirst moved, seconded by Mr. Bush, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on August 14th, 2020 of \$374,181.61 as submitted and also consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2020-377. Next item on the consent agenda was to appoint Joseph O'Sullivan and Bill Hermes as members of the canvassing board joining Commissioner Hirst for the Thursday, August 13, 2020 canvass of the August 4th, 2020 Primary Election at 9:00 a.m. in the Annex Conference Room. **Resolution #2020-24; A RESOLUTION DESIGNATING DEPOSITORIES FOR RENO COUNTY FUNDS. Resolution #2020-25; A RESOLUTION DESIGNATING THE OFFICIAL COUNTY NEWSPAPER AS THE HUTCHINSON NEWS.** Next, was to declare certain Public Works property as surplus to be sold on Purple Wave Auction. Last item on the consent agenda was a **resolution 2020-26; A RESOLUTION DECLARING AND ESTABLISHING CERTAIN REGULATION OF THE STREETS AND HIGHWAYS PURSUANT TO K.S.A. 8-2002 (Broadacres Road and Carly Lane)** for westbound traffic at the intersection. Carly Lane is in Reno Township between Highway 50 and Blanchard Avenue going east off

Broadacres Road (NW $\frac{1}{4}$ Section 27-23-6) as submitted by staff. The motion was approved by a roll call vote of 3-0.

Mr. Hirst moved, seconded by Mr. Bush, to open the public hearing for objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax for the Reno County Special Districts 2021 Budget. The motion was approved by a roll call vote of 3-0.

County Administrator Randy Partington addressed the Board regarding the special districts in Reno County, including the fire, water, and sewer districts. He stated all but one of the districts that have a tax levy saw a decrease in their tax rate. The only district with an increase was Fire District #9 bond and interest fund that increased by .003 mills. Fire District #9 had a net decrease allowing residents to see an overall decrease in their tax rate. He had a summary of changes on a certificate page for mill levies on the districts. Emergency Management Director Adam Weishaar reviewed the budgets with no changes.

Mr. Bush moved, seconded by Mr. Hirst, to close the public meeting. The motion was approved by a roll call vote of 3-0.

Mr. Bush moved, seconded by Mr. Hirst, to adopt Reno County Special Districts 2021 Budgets. Mr. Partington stated the 2021 Budget total estimated tax rate for all districts combined was \$146,955. The motion was approved by a roll call vote of 3-0.

Commissioner Hirst requested County Counselor Joe O'Sullivan clarify the resolution for an order of the Board of County Commissioners relating to public health that includes provisions less stringent than the provisions of the Governor's Executive Order #20-59. Mr. O'Sullivan said two weeks ago school staff asked what to do with Executive Order #20-59 that imposed certain requirements on public and private school openings. The county's authority under House Bill 20-16 is for less restrictive requirements than the Governor had ordered. He understood from Mr. Baldetti that USD 308 Hutchinson, USD 313 Buhler, and USD 312 Haven, all were going to comply with the Governor's order. Mr. O'Sullivan reviewed two reopening plans submitted by Pretty Prairie and Fairfield stating for the most part they followed the order, except for Fairfield K-4th grade, they will lessen restrictions on wearing masks and the Pretty Prairie plan would follow wearing masks. They had received no word from Nickerson at this time.

Mr. O'Sullivan pointed out this order before the Commission today did not require children to wear masks. Governor's order 20-59 is directed at school districts, administrators, and Boards of Education ordering them to require students, facility, staff, vendors, and other visitors to public and private K-12 attendance centers to wear masks and the Commission desires an order to that effect. This order in itself states that Reno County will exercise its local authority over this subject matter and will be less restrictive than required by the provisions of Executive Order No. 20-59 in the following respect: requiring students in grades K through 6th to cover their mouths and noses with a mask or face covering at all times while at school attendance centers shall not be required of public and private school governing bodies or administrators within Reno County. It places the authority to decide the K-6th mask issues, with the local school boards. The Governor's order covers 7th through 12th grade and does not relieve that requirement, just a partial lessing of the restriction that pertains to the children's ages. People wanted the Board to not order masks be worn or to order the masks be worn. If the order adopted is indicating the wearing of masks for children of that age is not mandated, it will leave that authority up to the local elected school districts.

District Attorney Tom Stanton addressed the Board stating he was not there to discuss the policy but noted his office is in charge of enforcement on any orders. He had not received any complaints of mask wearing for action in his office since the July 2nd Executive Order 20-52 came out up until the present. House Bill 20-16 gave the Board of County Commissioners authority to lessen stringent any order by the Governor. This is the same as 20-52 and 20-59 and both are subject to your restrictions. He asked, "Does this Commission want to give authority for local school boards to make this decision". He said we will enforce whatever order the Commission presents, however they do not have resources to send staff to check for masks.

After a discussion of information and opinions, Health Department Director Nick Baldetti said he would not recommend this resolution be adopted. The Board questioned Mr. Baldetti's change in his decision from last week's plans. Mr. Baldetti replied that each plan was good, but his concern was about adhering to 20-59 regarding mask use. Mr. Sellers brought up the question on change from K-6th not wearing masks to now and Mr. Baldetti's switch to having them wear them. Mr. Baldetti stated with the new information regarding saturation, which was

10 to 100 times more likely by children five and under, increasing by the next age group 5 to 12 and 13 to adults, and creating concerns about sharing at home. This has changed his opinion on reopening schools with lesser restrictions and having a large cluster outbreak that would force a smaller school to close. He just wanted children to remain in school as long as they could and returning to some normalcy. Mr. Baldetti advocated local control and stated the opportunity rests here with the Commission and this resolution would pass the authority to local school districts. As Health Officer, he wanted to have the authority rest with the Board and not the six different school districts and did reiterated he is an advocate of local control.

Elizabeth Koon, 11304 E. 82nd, Nickerson, KS, is a Nickerson 8th grade teacher and she is very concerned about not only students but staff. Her goal was to keep kids in school. If masks can help keep us in school, then we need to be safe by wearing them.

Marcie Sharon, 25 E. 15th, Hutchinson, KS, said she has been an educator for thirty years, an administrator and now a science teacher. Her concern was with using reliable resources and wanting friends and family to be safe. She recommended wearing masks.

Scott Wedelman, 2906 Tartan Trail, Hutchinson, KS, is a middle school teacher for Nickerson. He did not want to experiment with children. His concern was with younger children, co-workers and staff, and their points of contact and he recommended wearing masks for safety.

Jeff Welker, 415 E. Collins, Pretty Prairie, KS, is a member of the Pretty Prairie Board, but noted that he is not speaking for the Board but speaking as a citizen. He wanted to let local school districts decide along with parents what was best for their children on the issue of wearing masks, not the Commissioners. He wanted to change the mind set on people stating they wanted to keep kids in school. Why are we saying this, admitting defeat before the schools even open? When can we get back to normal, in our plans there is a Tier 1, 2, 3 but not Tier 0. His concern was with the mental health of kids.

Starla Neal, 206 Cochise Trail, Hutchinson, KS, stated she was a retired teacher and liked the idea that we can live in a place that discusses choices. Her concern was that all children needed to wear masks for protection.

Susan Chaney, 12 Ensign Drive, South Hutchinson, KS, was concerned about special ed and troubled children not being able to see your smile with masks. She stated that they really needed that smile. She is a teacher at Hutchinson High School and wanted the Board to know that science did not support masks sighting a report by Duke University. She supported having the local school districts make the mask decision.

John Whitesel, 107 E. Blanchard Avenue, Lot 102, Hutchinson, KS, is a member of the Haven School Board however he is not representing them. He advocated local school board control to decide for their children on the issue of wearing masks.

The Board asked about the July 2nd order. Mr. Hirst requested Mr. Baldetti to come talk about data timelines and not enough data yet to see if mask wearing helped or not. Mr. Baldetti replied that he hoped to see the data show wearing a mask lowers the number of cases.

Mr. Hirst moved, seconded by Mr. Bush, for the purpose of discussion to consider a resolution; an order of the Board of County Commissioners relating to public health that includes provisions less stringent than the provisions of the Governor's Executive Order #20-59 as presented by County Counselor Joe O'Sullivan. The motion was approved by a roll call vote of 3-0.

Mr. Sellers stated that a week ago he would have voted for the resolution. He has been listening to people and teacher's safety and believes children could spread the virus to elder relations and was concerned about keeping children in school and open. So, he will take Mr. Baldetti's recommendation and not vote for the resolution.

Mr. Bush was called by a school board member who said it was not his job to make health issues. Mr. Bush said he makes his decisions on science and data and by listening to Mr. Baldetti and Dr. Pauly. He would like to keep the local control for this issue at the Department of Health and within the Reno County government. He would not support this resolution.

Mr. Hirst had received emails and phone calls from people. Mr. Hirst said he respects the Health Department, but we are assuming this is going to spread. He believed the local areas could decide what is best for teachers, parents, health departments and school districts. He believes the School Board

members could decide on health issues for students and noted that the teacher's safety is a concern of his.

Mr. Bush stated this is a health issue and he wanted to support the school boards, but he had to put his support with the Health Department by wearing masks, if masks could help slow the spread of the virus.

Mr. Sellers clarified the vote for the resolution. He stated a yes here is for the resolution as presented, and a no here would be to not have this resolution. A vote was taken with **Mr. Bush voting no, Mr. Hirst voted yes, Mr. Sellers voted no.** Mr. Sellers stated we will not be approving this resolution at this time. The motion by roll call vote was 2 to deny approval, 1 for approval.

At 11:10 the meeting recessed for five minutes.

The meeting reconvened with all Commissioners, County Administrator Randy Partington, County Counselor Joe O'Sullivan, and Minutes Clerk Cindy Martin, present.

Consultant Gary Meagher met with the Board explaining the first-round applications of the CARES Act funds that were to be in by Friday but were still coming in. The requests totaled \$13,451,961 with \$829,961.00 more than what was available to the county, \$12,622,000. He stated they were asked to go through the eight schools and eleven government agencies to make cuts reducing their requests to get down to the \$12,622,000. He and Mr. Deardoff worked last week with the organizations to reduce the amount by \$11,532,585.46 keeping \$1,089,498.00 which could be distributed to other organizations in the county. Non-profits and private schools have made requests for funds for the next round with some businesses also making requests.

Consultant John Deardoff explained to the Board the proposed grant program focused on the non-profits and possible private schools. They prepared an overview of who may qualify stating the use of funds was prioritized with expenses incurred, so anything from March 1st up until the current date for COVID related expenses would qualify. Priority two is what they need to do in the future to prepare for COVID issues. Priority three is revenue loss for cancellation of fundraisers. He asked the Board about a cap per organization, maybe \$25,000 per organization so everyone could get some funds. He also spoke about 501C3 non-profits and possible 501-6, stating that this is a sample for non-profit. This program is implemented with non-

profits and private schools and was submitted to the state by Mr. Deardoff with assistance from the Chamber. If all the funds are not allocated, then we can amend and give to other non-profits.

Mr. Bush asked about the amount of the cap being \$25,000. Mr. Deardoff said they could make changes to the program as long as they stay within the funds allotted. Mr. Bush requested the non-profits that are IRS organizations receive these dollars. They need some clarification today on private school fund requests that are under \$200,000. Mr. Hirst thought private schools should be before non-profits.

Mr. Meagher stated the thought was to distribute funds for private schools before non-profits, helping the schools with education of the children. Regarding the caps, we could put the program together requesting the whole amount of \$1,089,000 or whatever the number is. After looking at the non-profits they could look at caps changing. The program description would have to be submitted to the state by Friday, then we could work the fund details like a percentage, dollar amount or the set amount of \$25,000.

Hutchinson/Reno County Chamber of Commerce Debra Teufel, 117 N. Walnut, Hutchinson, KS, thanked them for working on this for non-profits and private schools. She reminded them that the Reno County Economic Recovery Task Force has been working since April on Economic Recovery issues so if you need guidance, they would be a great group to guide Mr. Deardoff and Mr. Meagher though allocations for non-profits. She said thanks for using them for support.

Mr. Sellers moved, seconded by Mr. Bush, to approve the allocation presented today by the consultants of city/county/school districts of \$11,532,585.46 carving out \$1,089,498.54 for private schools and non-profits. In a couple of weeks, The Commission would formulate how a committee should be formed to consider the non-profit monies and how they should apply and how that should be addressed. The motion was approved by a roll call vote of 3-0.

Mr. Sellers thanked Mr. Meagher and Mr. Deardoff for their hard work and quick process for the government entity with this task. Mr. Meagher thanked Randy Partington and Leslie Roederer.

Mr. Partington spoke about medical agencies that would help with information. Health Department Nurse Karen Hammersmith

would be considered for Interim Public Health Officer when Health Department Director Nick Baldetti leaves Reno County on Friday, August 14th, 2020. **Mr. Hirst moved, seconded by Mr. Bush,** per recommendation from County Administrator Randy Partington, to appoint, Karen Hammersmith to be Interim Public Health Officer using the consultation of doctors from the Hutchinson Regional Hospital, Prairie Star and Hutchinson Clinic effective August 15th, 2020. The motion was approved by roll call vote of 3-0.

Mr. Hirst wanted to look at mandatory masks as data becomes available in a couple of weeks to discuss the effects of wearing masks. He thanked Mr. Meagher and Mr. Deardoff for their efficient work.

At 11:40 the meeting adjourned until 9:00 a.m. Tuesday, August 18, 2020.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date