

**Resolution No. 2020-26**

**A RESOLUTION AND ORDER OF THE SEWARD COUNTY, KANSAS  
BOARD OF COUNTY COMMISSIONERS OF SEWARD COUNTY, KANSAS RELATING  
TO PUBLIC HEALTH THAT INCLUDES PROVISIONS THAT ARE LESS  
STRINGENT THAN THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER  
NO. 20-68 CONCERNING WEARING MASKS**

This Resolution and Order is effective the 23<sup>rd</sup> day of November, 2020, pursuant to the authority in the Board of Seward County Commissioners as provided by K.S.A. 48-925, and other applicable laws or regulations.

**WHEREAS**, on the 18<sup>th</sup> day of November 2020, the Governor of the State of Kansas, Laura Kelly, issued Executive Order No. 20-68 requiring the public to wear masks under certain circumstances more fully set forth therein which becomes effective as of 12:01 a.m. November 25, 2020; and

**WHEREAS**, pursuant to K.S.A. 48-925(h) the board of county commissioners of any county 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; and

**WHEREAS**, K.S.A. 48-925(h) further provides that any board of county commissioners issuing such an order must make the following findings and include such findings in the order:

- (1) The board has consulted with the local health officer or other local health officials regarding the governor's executive order;
- (2) 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
- (3) all other relevant findings to support the board's decision;

**WHEREAS**, the Board of County Commissioners of Seward County, Kansas at a duly called meeting on the 23<sup>rd</sup> day of November, 2020 consulted with:

- (1) Seward County Health Department Administrator, Martha Brown, a local health official, who also reported the position of the Seward County Local Health Officer, Dennis Knudsen M.D. on the matter regarding the governor's executive order no. 20-68.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF SEWARD COUNTY, KANSAS BEING DULY ADVISED OF THE PREMISES FINDS AS FOLLOWS:**

- (1) The Board of County Commissioners of Seward County, Kansas is familiar with the provisions of Executive Order No. 20-68 and has fully considered its effects on Seward County, Kansas;
- (2) The Board has consulted with the local health officer or other local health officials regarding the governor's executive order;
- (3) 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
- (4) Enforcement of a mandatory order such as the governor's executive order no. 20-68 is problematic.

**NOW, THEREFORE, BE IT ORDERED and RESOLVED** by the Board of County Commissioners of Seward County Kansas that:

**Section 1. Resolution Constitutes an Order.**

This resolution shall constitute an order of the Board of County Commissioners of Seward County, Kansas under the authority of K.S.A. 48-925(h).

**Section 2. Incorporation of Findings.**

All findings set forth above are incorporated as part of this order.

**Section 3. Less Stringent Provisions than Governor's Executive Order no. 20-68.**

This Resolution and Order shall be less stringent than the governor's executive order no. 20-68 in the following ways:

- (a) While the Governor's Executive Order No. 20-68, requires in certain circumstances that persons cover their nose and mouth with a mask, The Board of County Commissioners of Seward County, Kansas hereby orders compliance with all provisions of Executive Order No. 20-68 in Seward County, Kansas **shall not be mandatory**. As such, individuals shall not be required to wear masks. However, individuals and businesses are **given the choice to voluntarily comply** with the Governor's Executive Order No. 20-68, should they wish. Notwithstanding the foregoing, individuals, businesses, religious institutions, public institutions, and all other entities of any type in Seward County, Kansas may require the use of masks on their respective properties as long as such a requirement is otherwise allowed by law.

**Section 4. Amendment of this Resolution.**

This Resolution and Order may be supplemented or modified as required for the effective and efficient management and control of the COVID-19 epidemic in Seward County by further order or directive of the Board of County Commissioners.

**Section 5. Effective Date and Termination.**

This Resolution and Order is effective immediately and shall remain in effect unless (i) sooner amended superseded, or rescinded (ii) or upon the date Executive Order No. 20-68 is no longer in force and effect.

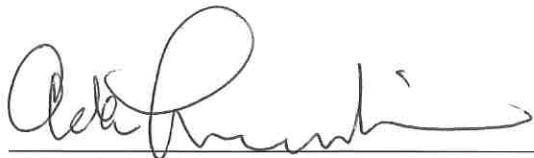
**Section 6. Publication.**

A copy of this resolution shall be published once in the official county newspaper.

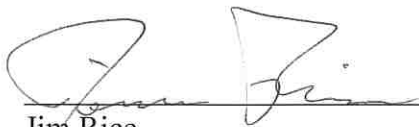
**WHEREUPON**, the Board of County Commissioners of Seward County, Kansas, passes and adopts this Resolution and Order in special session, at its chambers in Liberal, Seward County, Kansas this 23<sup>rd</sup> day of November 2020.

  
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Nathan A. McCaffrey, Chairman  
Seward County Board of Commissioners  
Opposes Motion to Approve Resolution 2020-26

  
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Randy Malin  
Seward County Board of Commissioners

  
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Ada Linenbroker  
Seward County Board of Commissioners  
Opposes Motion to Approve Resolution 2020-26

  
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C. J. Wettstein  
Seward County Board of Commissioners

  
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Jim Rice  
Seward County Board of Commissioners

ATTEST:

  
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Stacia D. Long, County Clerk

