AGENDA

# Independence City Commission Special Meeting

**May 1, 2020**

**Civic Center Memorial Hall 5:30 PM**

**The Independence City Commission will meet in a special session on Friday, May 1, 2020, in the Civic Center of the Memorial Hall, commencing at 5:30 p.m. Due to the Governor's Executive Order limiting the number of participants, please watch the meeting on Facebook Live or you can call +1 785-289-4727 and enter Conference ID: 937 553 335#.**
**The Agenda shall be as follows:**

## I. SPECIAL SESSION

*Documents:*

SPECIAL MEETING NOTICE - 04022020.PDF

### A. Call To Order

## II. DISCUSSION

### A. Discuss The Governor's Reopening Of Kansas Plan.

*Documents:*

REOPEN-KANSAS-EXEC-SUMMARY-43020.PDF
REOPEN-KANSAS-FRAMEWORK-043020.PDF
EO-20-28-REISSUING-AND-EXTENDING-CERTAIN-EOS.PDF
EO-20-29-IMPLEMENTING-PHASE-ONE-OF-AD-ASTRA-PLAN.PDF
MONTGOMERY COUNTY KS CORONAVIRUS PHASE 1 GUIDELINES - MAY 01, 2020.PDF

## III. ADJOURNMENT

**NOTICE OF SPECIAL MEETING TO THE BOARD OF COMMISSIONERS OF THE CITY OF INDEPENDENCE, KANSAS**

Notice is hereby given that a special meeting of the board of commissioners of the City of Independence, Kansas, will be held in the Civic Center of the Memorial Hall, Penn and Chestnut, Independence, Kansas, at 9:00 a.m., on April 2, 2020, for the following purpose (s):

**Items for Commission Action**

A. Consider authorizing an emergency grant program as recommended by the Economic Development Advisory Board.

PLEASE NOTE:

Most attendees and the public are encouraged to participate via conference call or on the City of Independence Kansas Facebook page: @IndependenceKS

Here is the call-in information by conference call:

+1 785-289-4727 United States, Topeka (Toll)
Conference ID: 286 669 130#

There is a limit of 10 people in the room, and any number exceeding that will be asked to step out per the Governor's Executive Order.

Date: April 2, 2020

David Schwenker, City Clerk

CERTIFICATE OF SERVICE OF NOTICE
I, David Schwenker, the duly appointed, qualified and acting City Clerk of the City of Independence, do hereby certify that on this 2nd day of April 2020, I served a true copy of the Notice of Special Meeting on each and every member of the Board of Commissioners of the City of Independence in the manner provided by law.

Date: April 2, 2020

David Schwenker, City Clerk

WAIVER OF REGULAR NOTICE OF AND CONSENT TO SPECIAL MEETING
We, the undersigned members of the Board of Commissioners of the City of Independence do hereby accept service of the notice of special meeting waiving any and all irregularities in such service and in such notice and consent and agree that the said members of said Board of Commissioners shall meet at the time and place named in such notice and for the purpose stated therein.

Mayor

Commissioner

Commissioner

# PHASE ONE

## BEGINS MAY 4, 2020 AS DIRECTED BY EXECUTIVE ORDER 20-29

### GATHERINGS

- Mass gatherings of no more than **10** individuals allowed.

### INDIVIDUALS

- Masks are strongly encouraged in public settings.
- Maintain 6 foot social distance.

### EMPLOYERS

- Telework is strongly encouraged when possible.
- Any employee exhibiting symptoms should be required to stay home.

### TRAVEL

- Minimize or avoid nonessential travel.
- Follow KDHE travel and quarantine guidelines for travel to high-risk areas.

### ✕ ACTIVITIES NOT ALLOWED TO OPEN

- Community centers
- Large entertainment venues with capacity of 2,000 +
- Fairs, festivals, parades, & graduations
- Public swimming pools
- Organized sports facilities
- Summer camps

### ✕ ESTABLISHMENTS NOT ALLOWED TO OPEN

- Bars and nightclubs excluding already operating curbside and carryout services
- Casinos (non-tribal)
- Indoor leisure spaces
- Fitness centers and gyms
- Personal service businesses where close contact cannot be avoided

### ✓ EDUCATION, ACTIVITIES, & VENUES ALLOWED TO OPERATE

- Childcare facilities
- Libraries

# PHASE TWO

## BEGINS NO EARLIER THAN MAY 18, 2020

At a date determined by the Governor based on the overall progress of the State on outlined health metrics. The Governor will issue an Executive Order to move the State into this phase.

### GATHERINGS

- Mass gatherings of no more than **30** individuals allowed.

### INDIVIDUALS

- Masks are strongly encouraged in public settings.
- Maintain 6 foot social distance.

### EMPLOYERS

- Telework is strongly encouraged when possible.
- Any employee exhibiting symptoms should be required to stay home.

### TRAVEL

- Minimize or avoid nonessential travel.
- Follow KDHE travel and quarantine guidelines for travel to high-risk areas.

### ✕ ACTIVITIES NOT ALLOWED TO OPEN

- Large entertainment venues with capacity of 2,000+
- Fairs, festivals, parades, and graduations
- Summer camps

### ✓ ESTABLISHMENTS ALLOWED TO OPEN

- Bars and nightclubs at 50% total occupancy
- Casinos (non-tribal) if compliant with guidelines approved by the KDHE.

### ✓ EDUCATION, ACTIVITIES, & VENUES ALLOWED TO OPERATE

- Childcare facilities
- Libraries
- Swimming pools
- Community centers
- Organized sports facilities and tournaments with some exceptions

# PHASE THREE

## BEGINS NO EARLIER THAN JUNE 1, 2020

At a date determined by the Governor based on the overall progress of the State on outlined health metrics. The Governor will issue an Executive Order to move the State into this phase.

### GATHERINGS

- Mass gatherings of no more than **90** individuals allowed.

### INDIVIDUALS

- Adhere to personal hygiene guidelines.
- Remain home if you feel sick.

### EMPLOYERS

- On-site staffing is unrestricted.

### TRAVEL

- Nonessential travel may resume.

### BUSINESS AND ACTIVITY RESTRICTIONS

All education, activities, venues and establishments may operate pursuant to mass gathering guidelines.

# PHASE OUT

## BEGINS NO EARLIER THAN JUNE 15, 2020

At a date determined by the Governor based on the overall progress of the State on outlined health metrics. The Governor will issue an Executive Order to move the State into this phase.

### GATHERINGS

- Maintain social distance where applicable.

### INDIVIDUALS

- Adhere to personal hygiene guidelines.
- Remain home if you feel sick.

### EMPLOYERS

- Follow any additional guidance for businesses and employees that is released.

### TRAVEL

- Unrestricted.

# AD ASTRA: A PLAN TO REOPEN KANSAS

April 30, 2020

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**My fellow Kansans,**

We have been through quite an ordeal these last two months. The breadth of change we've all been forced to accept in a matter of weeks has been drastic, disorienting, and utterly disruptive.

In some ways, this crisis has brought out the best in us as Kansans. It has reminded us what truly matters in life, and how much we need each other, despite what this polarized world would have us believe. It has redefined everyday heroism and humanity and taught us to notice these acts, and give thanks for them, more intentionally.

In other ways, the coronavirus pandemic has placed a glaring spotlight on the fractures of our society, on our public health infrastructure, and on our politics. It has expedited numerous crises that were in the making long before COVID-19 turned our world upside down. And it will force us to confront those vulnerabilities and pressure points before this emergency subsides.

I want to thank you all for the tremendous sacrifices you have made to embrace these painful changes.

As we prepare for the future, everyone has a responsibility to do their part in protecting their fellow Kansans. This framework is not a return to the life we knew just a few short months ago. Until a vaccine is developed, we must continue to adhere to the fundamental mitigation practices that have kept us alive up to this point.

Moving forward, we will measure our progress by monitoring our testing rates, COVID-19 hospitalizations, ability to contact trace, and availability of personal protective equipment. Our testing rate needs to increase, and we will work diligently to improve it. We will do all we can to avoid setbacks in our reopening process and here are some things you can do to help:

- **Follow your county's restrictions. Not all counties may choose to open at the same time.**
- **Stay home if you're sick.**
- **Wear masks in public settings.**
- **Maximize physical distance (6 ft or more) in public settings.**
- **Avoid socializing with large groups.**
- **High-risk individuals should only leave the house for essential needs.**
- **Minimize non-essential travel.**
- **Check in (via phone/letter/text/email) with friends and family who are isolated.**
- **Wash your hands frequently.**

I have faith in Kansans, and it is because of that faith that I can promise you, our state will return to a "new normal." After all, in Kansas we don't just say they'll be brighter days ahead, we create them.

**Ad Astra Per Aspera.**

Laura Kelly

Laura Kelly,
Governor of Kansas

# OVERVIEW

On May 4, 2020, Governor Laura Kelly will lift the statewide "Safer at Home" order and allow Kansas communities to begin phased reopening by issuing a statewide executive order (EO) to begin Phase One of the "Ad Astra: A Plan to Reopen Kansas".

The State will set the regulatory baseline in each phase of this framework, with Kansas local governments retaining authority to impose additional restrictions that are in the best interest of the health of their respective residents, consistent with the de-centralized public health system outlined in Kansas law. For example, if a county decides to impose a local "Safer at Home" order beyond May 4th or impose additional restrictions not outlined in the EO, they are permitted to do so under certain conditions. Local governments do not have to apply or submit requests to the state to institute any equal or more restrictive standards. Local governments that choose not to impose any additional restrictions are required to operate within the regulatory baseline of the Governor's EO for each phase.

The Governor will evaluate the state's disease spread, testing rates, death rates, hospitalizations, ability of state and local public health authorities to contain outbreaks and conduct contact tracing, and availability of personal protective equipment when determining if the state should move to the next "Phase." Regardless of phase, the State Health Officer retains the authority to impose additional public health interventions in any area that contains an emergent and significant public health risk as determined by the Officer. Specific business and activity restrictions in each phase were determined by assessing the contact intensity of the service provided, the number of contacts generally possible, and the ability to modify the risk of activities and services.

Throughout all these phases, Kansans should maintain social distancing, practice good hygiene, remain home when sick, follow isolation and quarantine orders issued by state or local health officers, use cloth face masks when leaving their homes, and continue to clean and disinfect surfaces. These are basic public health guidelines that will slow the spread of this disease as we slowly re-open Kansas. Individuals are strongly encouraged to resume seeking medical services while following safety guidelines issued by each respective medical facility.

Mass gathering limits for each phase were determined by considering the growing capacity of our public health infrastructure and a measured, gradual approach for loosening restrictions. The Governor reserves the right to loosen or strengthen these restrictions in subsequent phases based on the state's health progress.

# PLAN TIMELINE

## PHASE 1

Throughout *Phase One* the Governor will continue evaluating the state's progress and, if appropriate, issue a new executive order moving the statewide baseline to *Phase Two*. This will occur no sooner than May 4, 2020.

## PHASE 2

Throughout *Phase Two* the Governor will continue evaluating the state's progress and, if appropriate, issue a new executive order moving the statewide baseline to *Phase Three*. This will occur no sooner than May 18, 2020.

## PHASE 3

Throughout *Phase Three* the Governor will continue evaluating the state's progress and, if appropriate, issue a new executive order moving the statewide baseline to *Phase Out*. This will occur no sooner than June 1, 2020.

## PHASE OUT

Once the state is in *Phase Out*, the Governor will issue additional guidelines to explain the health metrics that will trigger an elimination of all statewide restrictions. This will occur no sooner than June 15, 2020.

## RESPONSIBILITIES OF THE STATE OF KANSAS AND LOCAL GOVERNMENTS

As stated previously, the State will set the regulatory baseline for Kansas local governments in each phase of this framework, allowing local governments to retain the ability to impose additional restrictions that are in the best interest of the health of their residents. Any specific guidelines not outlined in this document are the jurisdiction of each local government. The State will not force communities to reopen. However, the Kansas Department of Health and Environment recommends that local governments monitor the following health criteria when determining if they should continue respective "stay-at-home" mandates or impose any additional restrictions:

| DISEASE SPREAD | HOSPITALS | DEATHS |
|---|---|---|
| **Stable or declining over a 14-day period.** Rate of COVID-19 cases per 100,000 population. | **Decreasing number of new COVID-19 admissions.** Stable (flat) or a downward trajectory of the COVID-19 in-patient counts within a 14-day period. | **Decreasing number of deaths.** Downward trajectory of COVID-19 deaths within a 14-day period. |

KDHE will publish routine data on these metrics by county.

## THE KANSAS ESSENTIAL FUNCTIONS FRAMEWORK (KEFF)

While local governments may implement more restrictive orders regarding businesses, mass gatherings, or stay-home requirements, throughout each reopening phase local governments must continue to allow the performance of essential functions identified in the Kansas Essential Functions Framework (see Executive Order 20-16). However, such local orders may affect or regulate essential functions so long as they do not significantly disrupt performance of the essential function. Local governments may decide whether an individual or organization performs an essential function under the Kansas Essential Function Framework (KEFF), but any individual or business with confirmation of its KEFF status from the State is to remain deemed essential.

## THE GOVERNOR'S CONTINUING COMMITMENT TO KANSAS COMMUNITIES

The Governor continues to make the following commitments to Kansas communities in order to aid the reopening efforts:

- Secure testing capabilities to ensure the State can continue to effectively monitor its progress.
- Work with private industry, local, and county governments to provide adequate personal protective equipment for frontline workers fulfilling critical functions necessary to protect Kansans from COVID-19.
- Provide the state and local public health infrastructure with the resources needed to effectively track outbreaks, isolate infected individuals, and conduct contact-tracing to mitigate virus spread.
- Conduct ongoing analysis and evaluation of the plan outlined within this document, while making assessments available to the public and taking necessary steps to reconfigure as lessons are learned, new trends emerge, or as unforeseen circumstances arise.

# PHASE ONE

## BEGINS MAY 4, 2020 AS DIRECTED BY EXECUTIVE ORDER 20-29

### GATHERINGS

- Mass gatherings of no more than **10** individuals allowed.

### INDIVIDUALS

- Masks are strongly encouraged in public settings.
- Maintain 6 foot social distance.

### EMPLOYERS

- Telework is strongly encouraged when possible.
- Any employee exhibiting symptoms should be required to stay home.

### TRAVEL

- Minimize or avoid nonessential travel.
- Follow KDHE travel and quarantine guidelines for travel to high-risk areas.

### ✕ ACTIVITIES NOT ALLOWED TO OPEN

- Community centers
- Large entertainment venues with capacity of 2,000 +
- Fairs, festivals, parades, & graduations
- Public swimming pools
- Organized sports facilities
- Summer camps

### ✕ ESTABLISHMENTS NOT ALLOWED TO OPEN

- Bars and nightclubs excluding already operating curbside and carryout services
- Casinos (non-tribal)
- Indoor leisure spaces
- Fitness centers and gyms
- Personal service businesses where close contact cannot be avoided

### ✓ EDUCATION, ACTIVITIES, & VENUES ALLOWED TO OPERATE

- Childcare facilities
- Libraries

## GENERAL PROVISIONS

- The previous statewide Stay-at-Home and mass gatherings orders are lifted and mass gatherings of more than 10 individuals are prohibited. Mass gatherings are defined as instances in which individuals are in one location and are unable to maintain 6 feet of distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
- Industries or functions that are already in operation pursuant to KEFF may continue to function while, if possible, avoiding gatherings of more than 10 individuals where social distancing measures are difficult to maintain.
- Any local government that decides to impose equal or more stringent restrictions during this phase is permitted to do so, except with regards to essential functions in KEFF.
- Any federal restrictions imposed and still in effect must be followed.

## GUIDANCE FOR INDIVIDUALS

- **Masks:** Individuals are strongly encouraged to wear cloth masks in public settings as appropriate.
- **Outdoor Activities:** When in public (e.g., parks, outdoor recreation areas, shopping areas), individuals and family units should consistently maintain 6 feet of distance from others with only infrequent or incidental moments of closer proximity.
- **Social Gatherings:** Avoid socializing in person with groups of 10 or more individuals in both indoor and outdoor settings, especially in circumstances that do not allow for a physical distance of 6 feet or more between individuals or groups with only infrequent or incidental moments of closer proximity. (e.g., receptions, trade shows).
- **High-Risk Individuals*:** High risk individuals are advised to continue to stay home except when conducting essential functions.
- **Travel:** Minimize or eliminate non-essential travel and follow KDHE travel and quarantine guidelines for travel to high-risk areas. Essential travel includes travel for urgent family, medical, and business-related needs as determined by the individual or business.

*High-risk individuals include those with underlying medical conditions, including, chronic lung disease, asthma, heart conditions, severe obesity, chronic kidney disease, liver disease, or otherwise immunocompromised.

## GUIDANCE FOR EMPLOYERS

- **Telework:** Strongly encouraged for all employees when possible.
- **On-site Operations:** Avoid large gatherings of employees of 10 or more where social distancing protocols cannot be maintained except for infrequent or incidental moments of closer proximity and phase in employees on-site as possible while maintaining 6 feet of distance between employee workstations.
- **Potentially Sick Employees:** Any employees exhibiting symptoms should be required to stay at home and asked to call their health care provider.
- **Business Travel:** Minimize or eliminate non-essential travel and follow KDHE travel and quarantine guidelines for travel to high-risk areas. Essential travel includes travel for urgent and necessary family, medical, and business-related needs as determined by the individual or business.
- **Visits to Long-term Care Facilities or Correctional Facilities:** In-person visits to these facilities should be prohibited. Those who must interact with residents must adhere to strict protocols regarding hygiene and screening.

## BUSINESS RESTRICTIONS

All businesses not prohibited to the right **MAY OPEN IF**:

- ✓ They can maintain at least 6 feet of distance between consumers (individuals or groups). Restaurants or dining establishments may meet this requirement by using physical barriers sufficient to prevent virus spread between seated customers or groups of seated customers.
- ✓ AND fundamental cleaning and public health practices are followed. Businesses should follow industry-specific guidelines as provided on covid.ks.gov. Any additional best practices guidance from each business sector is strongly encouraged.
- ✓ AND businesses must avoid any instances in which groups of more than 10 individuals are in one location and are unable to consistently maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a business, but requires that businesses limit areas and instances in which consistent physical distancing cannot be maintained, such as tables, entrances, lobbies, break rooms, check-out areas, etc.

The following businesses **DO NOT OPEN** open in this phase:

- x Bars and night clubs, excluding already operating curbside and carryout services.
- x Casinos (non-tribal)
- x Theaters, museums, and other indoor leisure spaces (trampoline parks, arcades, etc.)
- x Fitness centers and gyms
- x Nail salons, barber shops, hair salons, tanning salons, tattoo parlors and other personal service businesses where close contact cannot be avoided.

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Local governments retain authority to impose equal or more stringent restrictions on businesses during this phase, except as to essential functions in KEFF.

## EDUCATIONAL FACILITIES

- K-12 facilities remain subject to the provisions of EO 20-07 regarding school closures, including the requirement that fewer than 10 students, instructors, or staff be present for normal operations. K-12 facilities should continue to follow the guidelines of the Continuous Learning Plan developed by the Kansas State Department of Education. Districts with facilities in more than one county or city should follow any applicable directives issued by the county and city in which their district office is located.
- Higher education facilities that are closed before May 4th should remain closed for in person learning or events involving groups of more than 10 individuals present at a time.
- Licensed childcare facilities may continue operations pursuant to state and local regulations.

## ACTIVITIES AND VENUES

All activities and venues not prohibited to the right **MAY OPEN IF:**

- ✓ They can maintain at least 6 feet of distance between individuals or groups.
- ✓ AND fundamental cleaning and public health practices are followed. Follow industry specific guidelines as provided on covid.ks.gov.
- ✓ AND avoid any instances in which more than 10 individuals are in one location and are unable to maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a facility, but requires that facilities limit mass gatherings in areas and instances in which physical distancing cannot be maintained such as in entrances, lobbies, locker rooms, etc.

The following activities and venues **DO NOT OPEN** in this phase:

- x Community centers
- x Outdoor and indoor large entertainment venues with capacity of 2,000 or more
- x Fairs, festivals, carnivals, parades, and graduations
- x Swimming pools (other than backyard pools)
- x Organized sports facilities and tournaments
- x Summer camps

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Local governments retain authority to impose any equal or additional restrictions on educational facilities, activities, and venues, except as to essential functions in KEFF.

# PHASE TWO

## BEGINS NO EARLIER THAN MAY 18, 2020

At a date determined by the Governor based on the overall progress of the State on outlined health metrics. The Governor will issue an Executive Order to move the State into this phase.

### GATHERINGS

- Mass gatherings of no more than **30** individuals allowed.

### INDIVIDUALS

- Masks are strongly encouraged in public settings.
- Maintain 6 foot social distance.

### EMPLOYERS

- Telework is strongly encouraged when possible.
- Any employee exhibiting symptoms should be required to stay home.

### TRAVEL

- Minimize or avoid nonessential travel.
- Follow KDHE travel and quarantine guidelines for travel to high-risk areas.

### ✕ ACTIVITIES NOT ALLOWED TO OPEN

- Large entertainment venues with capacity of 2,000+
- Fairs, festivals, parades, and graduations
- Summer camps

### ✓ ESTABLISHMENTS ALLOWED TO OPEN

- Bars and nightclubs at 50% total occupancy
- Casinos (non-tribal) if compliant with guidelines approved by the KDHE.

### ✓ EDUCATION, ACTIVITIES, & VENUES ALLOWED TO OPERATE

- Childcare facilities
- Libraries
- Swimming pools
- Community centers
- Organized sports facilities and tournaments with some exceptions

## GENERAL PROVISIONS

- Mass gatherings of more than 30 individuals are prohibited. Mass gatherings are defined as instances in which individuals are in one location and unable to maintain 6 feet of distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
- Businesses or functions that are already in operation pursuant to KEFF may continue to function while, if possible, avoiding gatherings of more than 30 individuals where social distancing measures are difficult to maintain.
- Local governments retain authority to impose equal or more stringent restrictions during this phase is permitted to do so, except with regards to essential functions in KEFF.
- Any federal restrictions imposed and still in effect must be followed.

## GUIDANCE FOR INDIVIDUALS

- **Masks:** Individuals are encouraged to wear cloth masks in public settings as appropriate.
- **Outdoor Activities:** When in public (e.g., parks, outdoor recreation areas, shopping areas), individuals (not including individuals who reside together) should maintain 6 feet of distance from others with only infrequent or incidental moments of closer proximity.
- **Social Gatherings:** Avoid socializing in person with groups of more than 30 individuals in both indoor and outdoor settings, especially in circumstances that do not allow for a physical distance of 6 feet or more between individuals or groups with only infrequent or incidental moments of closer proximity. (e.g., receptions, trade shows).
- **High-Risk Individuals*:** High risk individuals are advised to continue to stay home except for essential needs.
- **Travel:** Minimize non-essential travel and follow KDHE travel and quarantine guidelines for travel to high-risk areas. Essential travel includes travel for urgent and necessary family, medical, and business-related needs as determined by the individual or business.

*High-risk individuals include those with underlying medical conditions, including, chronic lung disease, asthma, heart conditions, severe obesity, chronic kidney disease, liver disease, or otherwise immunocompromised.

## GUIDANCE FOR EMPLOYERS

- **Telework:** Strongly encouraged for all employees when possible.
- **On-site Operations:** Avoid large gatherings of employees in groups of more than 30 where social distancing protocols cannot be maintained except for infrequent or incidental moments of closer proximity AND continue to phase in employees on-site as possible while maintaining 6 feet of distance between employee workstations.
- **Potentially Sick Employees:** Any employees exhibiting symptoms should be required to stay at home and asked to call their health care provider.
- **Business Travel:** Minimize nonessential travel and follow KDHE travel and quarantine guidelines for travel to high-risk areas. Essential travel includes travel for urgent and necessary family, medical, and business-related needs as determined by the individual or business.
- **Visits to Long-term Care Facilities or Correctional Facilities:** In-person visits to these facilities should be prohibited. Those who must interact with residents must adhere to strict protocols regarding hygiene.

## BUSINESS RESTRICTIONS

All businesses otherwise specified **MAY OPEN IF**:

- ✓ They can maintain at least 6 feet of distance between consumers (individuals or groups). Restaurants or dining establishments may meet this requirement by using physical barriers sufficient to prevent virus spread between seated customers or groups of seated customers.
- ✓ AND fundamental cleaning and public health practices are followed. Businesses should follow industry specific guidelines as provided on covid.ks.gov. Compliance with any additional best practices guidance from each business sector is strongly encouraged.
- ✓ AND businesses must avoid any instances in which groups of more than 30 individuals are in one location and are unable to maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a facility, but requires that facilities limit mass gatherings in areas and instances in which physical distancing cannot be maintained, such as in tables, entrances, lobbies, break rooms, checkout areas, etc.

The following businesses **MAY OPEN IF** they comply with the requirements to the left and **ONLY** to the extent described below:

- Bars and nightclubs may open at 50% total occupancy and can otherwise continue operating curbside and carryout services.
- Casinos (non-tribal), but only if they comply with uniform guidelines approved by the Kansas Department of Health and Environment.

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Local governments retain authority to impose equal or more stringent restrictions on businesses during this phase, except as to essential functions in KEFF.

## EDUCATIONAL FACILITIES

- K-12 facilities remain subject to the provisions EO 20-07 regarding school closures, except that up to 30 students, instructors, or staff may be present for normal operations. K-12 facilities should continue to follow the guidelines of the Continuous Learning Plan developed by the Kansas State Department of Education. Districts with facilities in more than one county or city should follow any applicable directives issued by the county or city in which their district office is located.
- Higher education facilities that are closed before May 4th should remain closed for in person learning or events involving groups of more than 30 individuals present at a time.
- Licensed childcare facilities may reopen or continue operations pursuant to state and local regulations.

## ACTIVITIES AND VENUES

All activities and venues not prohibited to the right **MAY OPEN IF:**

- ✓ They can maintain at least 6 feet of distance between individuals or groups.
- ✓ AND fundamental cleaning and public health practices are followed. Compliance with any additional sector specific best practices guidance is strongly encouraged.
- ✓ AND avoid any instances in which more than 30 individuals are in one location and are unable to maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a facility, but requires that facilities limit mass gatherings in areas and instances in which physical distancing cannot be maintained, such as in entrances, lobbies, locker rooms, etc.

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The following activities and venues **MAY OPEN IF** they comply with the requirements to the above and **ONLY** to the extent described below:

- Organized sports facilities and tournaments, except that concessions must not include self-service food or beverages

The following activities and venues **DO NOT OPEN** in this phase:

- x Outdoor and indoor large entertainment venues with capacity of 2,000 or more
- x Fairs, festivals, carnivals, parades, and graduations
- x Summer camps

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Local governments retain authority to impose any equal or additional restrictions on educational facilities, activities, and venues, except as to essential functions in KEFF.

# PHASE THREE

## BEGINS NO EARLIER THAN JUNE 1, 2020

At a date determined by the Governor based on the overall progress of the State on outlined health metrics. The Governor will issue an Executive Order to move the State into this phase.

### GATHERINGS

- Mass gatherings of no more than **90** individuals allowed.

### INDIVIDUALS

- Adhere to personal hygiene guidelines.
- Remain home if you feel sick.

### EMPLOYERS

- On-site staffing is unrestricted

### TRAVEL

- Nonessential travel may resume.

### BUSINESS AND ACTIVITY RESTRICTIONS

All education, activities, venues and establishments may operate pursuant to mass gathering guidelines.

## GENERAL PROVISIONS

- Mass gatherings of more than 90 individuals are prohibited. Mass gatherings are defined as instances in which individuals are in one location and are unable to maintain 6 feet of distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
- Businesses or functions that are already in operation pursuant to the Kansas Essential Functions Framework (KEFF) may continue to function while, if possible, avoiding gatherings of more than 90 individuals where social distancing measures are difficult to maintain.
- Local governments retain authority to impose equal or more stringent restrictions during this phase, except as to essential functions in KEFF.
- Any federal restrictions imposed and still in effect must be followed.

## GUIDANCE FOR INDIVIDUALS

- **Masks:** Individuals may choose to wear cloth masks in public settings as appropriate.
- **Outdoor Activities:** When in public (e.g., parks, outdoor recreation areas, shopping areas), individuals (not including individuals who reside together) should maintain 6 feet of distance from others with only infrequent or incidental moments of closer proximity.
- **Social Gatherings:** Avoid socializing in person with groups of more than 90 individuals in both indoor and outdoor settings, especially in circumstances that do not allow for a physical distance of 6 feet or more between individuals or groups with only infrequent or incidental moments of closer proximity (e.g. , receptions, trade shows).
- **High-Risk Individuals*:** High risk individuals may resume public interactions but should practice physical distancing and minimize exposure to large social settings when precautionary measures may be difficult.
- **Travel:** Engage in nonessential travel but follow KDHE travel and quarantine guidelines for travel to high-risk areas.

*High-risk individuals include those with underlying medical conditions, including, chronic lung disease, asthma, heart conditions, severe obesity, chronic kidney disease, liver disease, or otherwise immunocompromised.

## GUIDANCE FOR EMPLOYERS

- **Telework:** Employers may begin reducing telework and start bringing employees back to work in an office setting.
- **On-site Operations:** Avoid large gatherings of employees in groups of more than 90 where social distancing protocols cannot be maintained except for infrequent or incidental moments of closer proximity AND phase in employees on-site as possible while maintaining 6 feet of distance between employee workstations.
- **Potentially Sick Employees:** Any employees exhibiting symptoms should be required to stay at home and asked to call their health care provider.
- **Business Travel:** Engage in nonessential travel but follow KDHE travel and quarantine guidelines for travel to high-risk areas.
- **Visits to Long-term Care Facilities or Correctional Facilities:** In person visits to these facilities may be gradually reinstated. Screening measures for all visitors can be continued. Those who must interact with residents must adhere to strict protocols regarding hygiene and screening.

## BUSINESS RESTRICTIONS

All businesses may open if:

- ✓ They can can maintain at least 6 feet of distance between consumers (individuals or groups). Restaurants or dining establishments may meet this requirement by using physical barriers sufficient to prevent virus spread between seated customers or groups of seated customers.
- ✓ AND fundamental cleaning and public health practices are followed as designated by KDHE. Businesses should follow industry specific guidelines as outlined on covid.ks.gov. Following additional best practices guidance from each business sector are strongly encouraged.
- ✓ AND avoid any instances in which groups of more than 90 individuals are in one location and are unable to maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a business, but requires that businesses limit mass gatherings in areas and instances in which physical distancing cannot be maintained such as in tables, entrances, lobbies, break rooms, checkout areas, etc.

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Local governments retain authority to impose equal or more stringent restrictions on businesses during this phase, except as to essential functions in KEFF.

## EDUCATIONAL FACILITIES

- K-12 facilities remain subject to the provisions EO 20-07 regarding school closures, except that up to 90 students, instructors, or staff may be present for normal operations. K-12 facilities should continue to follow the guidelines of the Continuous Learning Plan developed by the Kansas State Department of Education. Districts with facilities in more than one county or city should follow any applicable directives issued by the county or city in which their district office is located.
- Higher education facilities that are closed before May 4th should remain closed for in-person learning or events involving groups of more than 90 individuals present at a time.
- Licensed childcare facilities may reopen or continue operations pursuant to state and local regulations.

## ACTIVITIES AND VENUES

All activities and venues **MAY OPEN IF:**

✓ They can maintain at least 6 feet of distance between individuals or groups.

✓ AND fundamental cleaning and public health practices are followed. Any additional sector specific best practices guidance from each are strongly encouraged.

✓ AND avoid any instances in which more than 30 individuals are in one location and are unable to maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a facility, but requires that facilities limit mass gatherings in areas and instances in which physical distancing cannot be maintained, such as in entrances, lobbies, locker rooms, etc.

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Local governments retain authority to impose any equal or additional restrictions on activities and venues, except as to essential functions in KEFF.

# PHASE OUT

## BEGINS NO EARLIER THAN JUNE 15, 2020

At a date determined by the Governor based on the overall progress of the State on outlined health metrics. The Governor will issue an Executive Order to move the State into this phase.

### GATHERINGS

- Maintain social distance where applicable.

### INDIVIDUALS

- Adhere to personal hygiene guidelines.
- Remain home if you feel sick.

### EMPLOYERS

- Follow any additional guidance for businesses and employees that is released.

### TRAVEL

- Unrestricted.

## GENERAL PROVISIONS

- Stay-At-Home orders are lifted and mass gathering limits are significantly relaxed. Mass gatherings are defined as instances in which individuals are in one location and are unable to maintain 6 feet of distance between individuals (not including individuals who reside together) with only infrequent incidental moments of closer proximity.
- Once the state is in *Phase Out* the Governor will issue additional guidelines to explain what health metrics will trigger an elimination of all statewide restrictions.
- Local governments retain authority to impose equal or more stringent restrictions during this phase, except as to essential functions in KEFF.
- All businesses and activities should follow mass gatherings guidelines and institute appropriate public health measures.
- Individuals should continue hygiene protocols and practice social distancing when applicable. High-risk individuals should still exercise additional caution.
- Any federal restrictions imposed and still in effect must be followed.

*High-risk individuals include those of all ages with underlying medical conditions, including, chronic lung disease, asthma, heart conditions, severe obesity, chronic kidney disease, liver disease, or otherwise immunocompromised.

# FUNDAMENTAL PUBLIC HEALTH GUIDELINES

These recommendations are a broad outline of public health measures that need to be taken during steps of the reopening process. More specific guidelines for individual industries have been compiled by the Department of Commerce and the Governor's Office based on discussions with industry leaders and can be found at covid.ks.gov.

## INDIVIDUALS

- Stay home as much as possible.
- Wash hands frequently with soap and water for at least 20 seconds. If soap and water is not available, use hand sanitizer with at least 60% alcohol.
- Avoid touching your eyes, nose and mouth.
- Distance yourself from others when in public, especially if you have a medical condition that puts you in a high-risk category.
- Cover your mouth and nose with a cloth mask when in public. Learn more about children and masks.
- Cover coughs and sneezes into an elbow or tissue. Throw the used tissue away and immediately wash your hands.
- Clean and disinfect frequently touched surfaces daily, including phones, keyboards, doorknobs, handles and light switches.

## INDIVIDUALS FEELING SICK

- If you are experiencing any of the following symptoms, seek medical care: fever (>100 F or 38 C), headache, cough, sore throat, rash, shortness of breath, chest pain, joint or muscle aches, weakness, vomiting, diarrhea, stomach or abdominal pain, and lack of appetite.
- Stay home except to get medical care.
- Separate yourself from other people in your home.
- Wash your hands often & avoid touching your face.
- Designate someone to routinely clean high-touch surfaces.

## HOUSEHOLDS WITH SICK FAMILY MEMBERS

- Give sick members their own room if possible and keep interactions limited.
- Consider providing additional protections or more intensive care for high-risk household members.
- Have only one family member care for them.

## EMPLOYERS

- Develop and implement appropriate policies in accordance with federal, state, and local regulations and guidance and share with employees.
- Continue to use telework if possible and consider use of variable work schedules.
- Use nonmedical cloth masks.
- Frequent handwashing of employees and/or use of gloves. *Use of gloves does not take the place of good handwashing, and gloves must be changed frequently to be effective.*
- Incorporate engineering controls such as physical barriers where possible.
- Reconfigure space to enable people to be located at least 6 feet apart.
- Support and enable employees to remain at home if they are unwell or have been in close contact with someone who is sick.
- Establish strict routine cleanings by sanitizing frequently touched surfaces in between customer exchanges.
- Provide signage at public entrances to inform all employees and customers of social distancing guidelines mandated within your business.
- Create a plan for a potential outbreak or exposure in your community. If an employee tests positive for the virus, immediately contact your local health department and follow their instructions

## HIGH-RISK POPULATION

*High-risk individuals* include those with underlying medical conditions, including chronic lung disease, asthma, heart conditions, severe obesity, chronic kidney disease, liver disease, or who are otherwise immunocompromised.

- Wear face masks when traveling outside of your household or interacting with other individuals.
- Monitor health and potential symptoms closely and report any signs of COVID-19.
- Limit all travel; telework if possible.
- Limit attending gatherings of any number of people outside of your household or residence.
- Do not visit nursing homes or other residential care facilities if possible.
- Those who are, or work with, high-risk populations should undergo daily screenings/symptom monitoring and should be tested if they develop symptoms.
- Households with high-risk individuals should consider providing more intensive precautions and should conduct themselves as if they are a significant risk to the high-risk individual, including wearing a face covering and washing hands frequenting.

# STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

## GOVERNOR LAURA KELLY

## EXECUTIVE ORDER NO. 20-28

Reissuing and extending certain Executive Orders relating to the COVID-19 pandemic

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 1,005,000 cases of the illness and more than 57,000 deaths as a result of the illness across the United States;

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

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 50 1 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act");

**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 Kansas there have been 4,238 reported positive cases of COVID-19 spread among 80 counties, including 129 deaths;

**WHEREAS**, since March 12, 2020, I have issued emergency executive orders to address or combat the COVID-19 pandemic and its effects on Kansans;

**WHEREAS**, those orders each expire no later than when the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires;

**WHEREAS**, the Legislature, by House Concurrent Resolution 5025, has extended the State of Disaster Emergency through May 1, 2020, but under the Kansas Emergency Management Act there is currently no effective mechanism for additional extensions of the State of Disaster Emergency other than passage of another concurrent resolution through each legislative chamber;

**WHEREAS**, when the Legislature adjourned in March, Senate Concurrent Resolution 1615 stated that the Legislature would reconvene on April 27, 2020, or on another date determined by the Legislative Coordinating Council ("LCC");

**WHEREAS**, on April 22, 2020, the LCC voted to not reconvene the Legislature on April 27, 2020, and delayed the decision on when or if to reconvene the Legislature to no later than May 6, 2020;

**WHEREAS**, as of this date, there is no indication that the LCC intends to reconvene the Legislature on or before May 1, 2020, and practically there is no possibility that the Legislature can reconvene to extend the State of Disaster Declaration by concurrent resolution before it expires;

**WHEREAS**, the clearest available mechanism to ensure the continued effectiveness and validity of emergency measures taken to respond to the COVID-19 pandemic—including emergency executive orders and essential federal support—is to issue a new State of Disaster Declaration under the Kansas Emergency Management Act;

**WHEREAS**, accordingly, I have issued a new State of Disaster Declaration in order to avoid the serious threats to public health, safety, and welfare that would otherwise ensue;

**WHEREAS**, the expiration of the previous State of Disaster Declaration requires that previous executive orders be re-issued under the authority triggered by the new State of Disaster Declaration; and

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925, to continue the emergency response efforts and other measures dealing with the COVID-19 pandemic I hereby direct and order the following:

1. Each executive order listed below is incorporated herein by reference and is hereby re-issued and remains in effect through May 31, 2020, or until the statewide State of Disaster Emergency proclaimed on April 30, 2020, relating to COVID-19 expires, whichever is earlier, unless a separate expiration date is noted below.

    a. 20-03 – Extending states of local disaster emergency

    b. 20-05 – Temporarily prohibiting utility disconnects

c. 20-07 – Temporarily closing K-12 schools to slow the spread of COVID-19

d. 20-08 – Temporarily expanding telemedicine and addressing certain licensing requirements to combat the effects of COVID-19

e. 20-10 – Temporarily prohibiting certain foreclosures and evictions

f. 20-11 – Temporarily requiring continuation of waste removal and recycling services

g. 20-12 – Drivers' license and vehicle registration and regulation during public health emergency

h. 20-13 – Allowing certain deferred tax deadlines and payments during the COVID-19 pandemic

i. 20-16 – Establishing a statewide "stay home" order in conjunction with the KEFF for COVID-19 response efforts

    i. EO 20-16 shall expire—in conjunction with EO 20-24—at 11:59 p.m. on May 3, 2020.

j. 20-17 – Temporary relief from certain unemployment insurance requirements in response to the COVID-19 pandemic

k. 20-19 – Extending professional and occupational licenses during the COVID-19 pandemic

l. 20-20 – Temporarily allowing notaries and witnesses to act via audio-video communication technology

m. 20-21 – Suspending the issuance of general nonresident spring 2020 turkey permits

n. 20-22 – Extending conditional and temporary relief from certain motor carrier rules and regulations in response to the COVID-19 pandemic

    i. EO 20-22 shall expire at 11:59 p.m. on May 15, 2020, unless extended by further order.

o. 20-23 – Licensure, Certification, and Registration for persons and Licensure of "Adult Care Homes" during public health emergency

p. 20-24 – Extending Executive Order 20-16 to May 3, 2020

    i. EO 20-24 shall expire at 11:59 p.m. on May 3, 2020.

q. 20-25 – Temporarily prohibiting mass gatherings of more than 10 people to limit the spread of COVID-19

i. EO 20-25 shall expire at 11:59 p.m. on May 3, 2020

r. 20-26 – Temporary relief from certain restrictions and requirements governing the provision of medical services

s. 20-27 – Temporarily suspending certain rules relating to sale of alcoholic beverages

2. This order supersedes and amends the expiration dates noted in each executive order listed in paragraph 1 above.

This document shall be filed with the Secretary of State as Executive Order No. 20-28. It shall become effective immediately and remain in force until rescinded, until May 31, 2020, or until the statewide State of Disaster Emergency proclaimed on April 30, 2020, relating to COVID-19 expires, whichever is earlier.

THE GOVERNOR'S OFFICE BY THE GOVERNOR Laura Kelly

DATED 4.30.2020

Scott J. Schwab
Secretary of State

Assistant Secretary of State

RECEIVED
APR 30 2020
SCOTT SCHWAB
SECRETARY OF STATE

# STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

## GOVERNOR LAURA KELLY

## EXECUTIVE ORDER NO. 20-29

Implementing Phase One of "Ad Astra: A Plan to Reopen KANSAS"

**WHEREAS,** securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS,** Kansas is facing a crisis-the pandemic and public health emergency of COVID-19-resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS,** the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 1,005,000 cases of the illness and more than 57,000 deaths as a result of the illness across the United States;

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

**WHEREAS,** a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

**WHEREAS,** on March 13, 2020, the President of the United States declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 50 1 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act");

**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 Kansas there have been 4,238 reported positive cases of COVID-19 spread among 80 counties, including 129 deaths;

**WHEREAS,** in order to mitigate the spread of COVID-19, Executive Order 20-15 established the Kansas Essential Function Framework (KEFF).

**WHEREAS,** in order to mitigate the spread of COVID-19, Executive Order 20-16 established a statewide "stay home" order in conjunction with the Kansas Essential Function Framework;

**WHEREAS,** in order to mitigate the spread of COVID-19, Executive Order 20-25 prohibited mass

gatherings of more than 10 individuals subject to certain exceptions;

**WHEREAS,** the State of Kansas 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, strategically, and incrementally reopening business and facilitating economic recovery and revitalization;

**WHEREAS,** for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of Kansas, I have determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to both incrementally re-opening businesses and activities while still mitigating the further spread of COVID-19;

**WHEREAS,** I have announced that Kansas will follow "Ad Astra: A Plan to Reopen KANSAS" to re-open businesses and activities in phases as appropriate after considering key health metrics and other data regarding readiness, risk of resurgence, and threats to the most vulnerable; and

**WHEREAS,** in these challenging times, this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans, including providing guidance and support for local authorities who are making difficult and important decisions to protect the health and safety of their populations.

**NOW, THEREFORE,** pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925, in order to begin the process of safely, strategically, and incrementally reopening businesses and facilitating the economic recovery of Kansas while still mitigating the spread of COVID-19, I hereby direct and order the following during Phase One of "Ad Astra: A Plan to Reopen KANSAS":

1. Executive Orders 20-16 (statewide stay-home order), 20-24 (extending statewide stay-home order), and 20-25 (mass gatherings) are no longer in effect.

2. <u>Mass Gatherings</u>:

    a. Mass gatherings of more than 10 individuals are prohibited.

        i. Mass gatherings are defined as instances in which individuals are in one location and are unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

3. <u>Guidance for Individuals</u>: Individuals are strongly encouraged to follow guidance attached to this order.

4. <u>Guidance for Employers/Businesses</u>: Employers and businesses are strongly encouraged to follow guidance attached to this order.

5. Business Restrictions:

   a. All businesses not prohibited below can open if they comply with the following:

      i. Maintain at least 6 feet of distance between customers or groups of customers;

         1. Restaurants or dining establishments may meet this requirement by using physical barriers sufficient to prevent virus spread between seated customers or groups of seated customers;

      ii. Follow fundamental cleaning and public health practices detailed on covid.ks.gov; and

      iii. Avoid any instances in which groups of more than 10 individuals are in one location and unable to maintain a 6-foot distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a business, but requires that businesses limit mass gatherings in areas and instances in which physical distancing cannot be maintained, such as at tables or in entrances, lobbies, break rooms, check-out areas, etc.

   b. All businesses in operation should follow industry-specific guidelines as provided on covid.ks.gov. Following any additional best practices guidance from each business sector is strongly encouraged.

   c. The following, unless they are repurposed for use in an essential function under the KEFF as determined under the provisions of paragraph 7 below, shall be closed to the public:

      i. Bars and night clubs, excluding already operating curbside and carryout services;

      ii. Casinos (non-tribal)

      iii. Theaters, museums, and other indoor leisure spaces (trampoline parks, arcades, etc.)

      iv. Fitness centers and gyms;

      v. Nail salons, barber shops, hair salons, tanning salons, tattoo parlors and other personal service businesses where close contact cannot be avoided;

6. Education, Activities, and Venue Restrictions:

   a. Educational Facilities:

      i. K-12 facilities remain subject to the provisions of EO 20-07 regarding school closures, including the requirement that fewer than 10 students,

instructors, or staff be present for normal operations. K-12 facilities should continue to follow the guidelines of the Continuous Learning Plan developed by the Kansas State Department of Education. Districts with facilities in more than one county or city should follow any applicable directives issued by the county and city in which their district office is located.

ii. Higher education facilities that are closed before May 4th should remain closed for in-person learning or events involving groups of more than 10 individuals present at a time.

iii. Licensed childcare facilities may continue operations pursuant to state and local regulations.

b. All activities and venues not prohibited in subparagraph 6.c below can open if they comply with the following:

i. Maintain at least 6 feet of distance between individuals or groups (not including individuals who reside together);

ii. Follow fundamental cleaning and public health practices (compliance with any additional sector-specific best practices guidance is strongly encouraged); and

iii. Avoid any instances in which groups of more than 10 individuals are in one location and are unable to maintain a 6-foot distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a facility, but requires that facilities limit mass gatherings in areas and instances in which physical distancing cannot be maintained such as in entrances, lobbies, locker rooms, etc.

c. The following, unless they are repurposed for use in an essential function under the KEFF as determined under the provisions of paragraph 7 below, shall remain closed to the public:

i. Community centers;

ii. Outdoor and indoor large entertainment venues with capacity of 2,000 or more;

iii. Fairs, festivals, carnivals, parades, commencements, and graduations;

iv. Swimming pools (other than backyard pools);

v. Organized sports facilities and tournaments; and

vi. Summer camps.

7. Essential Functions:

    a. While local governments may implement more restrictive orders or provisions regarding businesses, mass gatherings, or stay-home requirements, local governments must continue to allow the performance of essential functions identified in the Kansas Essential Functions Framework. However, such local orders or provisions may affect or regulate essential functions only so long as they do not significantly disrupt performance of the essential function. The applicable list of essential functions was outlined in Executive Order 20-16 prior to its expiration; while the substantive provisions of that order no longer apply, the KEFF functions listed in Executive Order 20-16 are the essential functions local governments must continue to allow.

    b. During the re-opening phases, whether an individual or organization performs an essential function under the KEFF is a decision left to local governments, but any individual or business with previous confirmation from the State that it performs essential functions under Executive Order 20-16 (prior to its expiration) will continue to have those functions deemed essential.

8. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.

9. Local governments retain authority to issue and enforce equally or more restrictive orders or provisions and retain any authority to issue or enforce isolation or quarantine orders or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.

10. As currently permitted pursuant to state law, law enforcement officers enforcing this order should use their discretion, consult with their legal counsel, and consider the totality of the circumstances as they determine appropriate enforcement actions.

11. In order to more accurately track and assess statewide status of COVID-19 cases, private labs conducting testing for COVID-19 shall report both positive and negative tests to the Kansas Department of Health and Environment.

12. The Four Tribes of Kansas (Iowa Tribe, Kickapoo Nation, Prairie Band Potawatomie Nation, and Sac & Fox Nation) retain any authority to regulate through their respective tribal councils for the health and welfare of their population.

13. This order should be read in conjunction with other executive orders responding to the COVID-19 pandemic that are still in effect and supersedes any contrary provisions of previous orders.

This document shall be filed with the Secretary of State as Executive Order No. 20-29. It shall become effective as of 12:00 a.m. on May 4, 2020, and remain in force until rescinded or until the statewide State of Disaster Emergency proclaimed on April 30, 2020, relating to COVID-19 expires, whichever is earlier. This order may be extended or modified as circumstances dictate.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR Laura Kelly

DATED 4.30.2020

Scott Schwab
Secretary of State

Assistant Secretary of State

RECEIVED
APR 30 2020
SCOTT SCHWAB
SECRETARY OF STATE

## Guidance for Individuals and Employers/Businesses

1. Guidance for Individuals:

    a. Individuals are strongly encouraged to wear cloth masks in public settings as appropriate and especially when using mass transit. Employees should follow industry-specific guidance on mask use in workplaces.

    b. When in public (e.g. parks, outdoor recreation areas, shopping areas) all individuals (not including individuals who reside together) should maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity.

    c. Avoid socializing in person with groups of more than 10 individuals in both indoor and outdoor settings, especially in circumstances that do not allow for a physical distance of 6-feet or more between individuals or groups with only infrequent or incidental moments of closer proximity (e.g., receptions, trade shows).

    d. All high-risk or vulnerable individuals should continue to stay home except for essential needs.

    e. Minimize or eliminate non-essential travel and adhere to CDC and KDHE guidelines regarding isolation or quarantine following travel to high-risk areas. Essential travel includes travel for urgent family, medical, and business-related needs as determined by the individual or business.

2. Guidance for Employers/Businesses:

    a. Continue to strongly encourage telework for all employees when possible.

    b. Avoid gatherings of employees in groups of more than 10 individuals where 6-foot distances between individuals cannot be maintained except for infrequent or incidental moments of closer proximity.

    c. Gradually phase in employees on-site as possible while maintaining 6 feet between employee workstations.

    d. Any employees exhibiting symptoms should be required to stay at home and asked to call their health care provider.

    e. Minimize or eliminate non-essential travel and adhere to CDC and KDHE guidelines regarding isolation or quarantine following travel to high-risk areas. Essential travel includes travel for urgent family, medical, and business-related needs as determined by the individual or business.

    f. Strongly consider special accommodations for personnel who are members of a vulnerable population.

Montgomery County

**Public Health**
Prevent. Promote. Protect.
Health Department
604 S Union
Coffeyville, KS 67337
620-251-4210

Office of Emergency Management
300 East Main St
Independence, KS 67301
620-330-1260

# Coronavirus (COVID-19) Phase 1

On May 4, 2020, Governor Laura Kelly will lift the statewide "Safer at Home" order and allow Kansas communities to begin phased reopening by issuing a statewide executive order (EO) to begin Phase One of the "Ad Astra: A Plan to Reopen Kansas".

The State will set the regulatory baseline in each phase of this framework, with Kansas local governments retaining authority to impose additional restrictions that are in the best interest of the health of their respective residents, consistent with the de-centralized public health system outlined in Kansas law. For example, if a county decides to impose a local "Safer at Home" order beyond May 4th or impose additional restrictions not outlined in the EO, they are permitted to do so under certain conditions. Local governments do not have to apply or submit requests to the state to institute any equal or more restrictive standards. Local governments that choose not to impose any additional restrictions are required to operate within the regulatory baseline of the Governor's EO for each phase.

The Governor will evaluate the state's disease spread, testing rates, death rates, hospitalizations, ability of state and local public health authorities to contain outbreaks and conduct contact tracing, and availability of personal protective equipment when determining if the state should move to the next "Phase." Regardless of phase, the State Health Officer retains the authority to impose additional public health interventions in any area that contains an emergent and significant public health risk as determined by the Officer. Specific business and activity restrictions in each phase were determined by assessing the contact intensity of the service provided, the number of contacts generally possible, and the ability to modify the risk of activities and services.

Throughout all these phases, Kansans should maintain social distancing, practice good hygiene, remain home when sick, follow isolation and quarantine orders issued by state or local health officers, use cloth face masks when leaving their homes, and continue to clean and disinfect surfaces. These are basic public health guidelines that will slow the spread of this disease as we slowly re-open Kansas. Individuals are strongly encouraged to resume seeking medical services while following safety guidelines issued by each respective medical facility.

Mass gathering limits for each phase were determined by considering the growing capacity of our public health infrastructure and a measured, gradual approach for loosening restrictions. The

**Public Health**
Prevent. Promote. Protect.
Health Department
604 S Union
Coffeyville, KS 67337
620-251-4210

Office of Emergency Management
300 East Main St
Independence, KS 67301
620-330-1260

Governor reserves the right to loosen or strengthen these restrictions in subsequent phases based on the state's health progress.

RESPONSIBILITIES OF THE STATE OF KANSAS AND LOCAL GOVERNMENTS

As stated previously, the State will set the regulatory baseline for Kansas local governments in each phase of this framework, allowing local governments to retain the ability to impose additional restrictions that are in the best interest of the health of their residents. Any specific guidelines not outlined in this document are the jurisdiction of each local government. The State will not force communities to reopen. However, the Kansas Department of Health and Environment recommends that local governments monitor the following health criteria when determining if they should continue respective "stay-at- home" mandates or impose any additional restrictions:

| DISEASE SPREAD | HOSPITALS | DEATHS |
|---|---|---|
| **Stable or declining over a 14-day period.** Rate of COVID-19 cases per 100,000 population. | **Decreasing number of new COVID-19 admissions.** Stable (flat) or a downward trajectory of the COVID-19 in- patient counts within a 14-day period. | **Decreasing number of deaths.** Downward trajectory of COVID-19 deaths within a 14-day period. |

KDHE will publish routine data on these metrics by county.

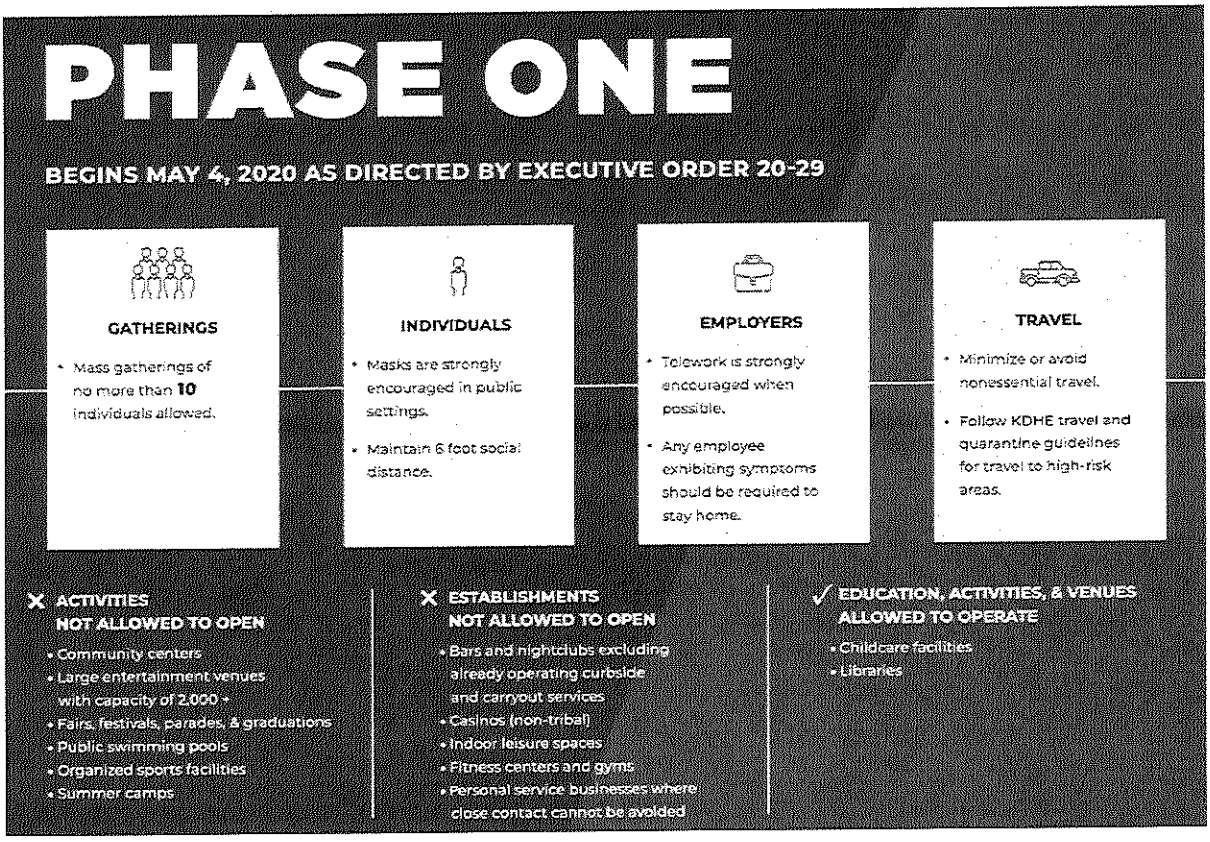
**THE KANSAS ESSENTIAL FUNCTIONS FRAMEWORK (KEFF)**

While local governments may implement more restrictive orders regarding businesses, mass gatherings, or stay-home requirements, throughout each reopening phase local governments must continue to allow the performance of essential functions identified in the Kansas Essential Functions Framework (see Executive Order 20-16). However, such local orders may affect or regulate essential functions so long as they do not significantly disrupt performance of the essential function. Local governments may decide whether an individual or organization performs an essential function under the Kansas Essential Function Framework (KEFF), but any individual or business with confirmation of its KEFF status from the State is to remain deemed essential.

Montgomery County

**Public Health**
Prevent. Promote. Protect.
Health Department
604 S Union
Coffeyville, KS 67337
620-251-4210

Office of Emergency Management
300 East Main St
Independence, KS 67301
620-330-1260




## GENERAL PROVISIONS

The previous statewide Stay-at-Home and mass gatherings orders are lifted and mass gatherings of more than 10 individuals are prohibited. Mass gatherings are defined as instances in which individuals are in one location and are unable to maintain 6 feet of distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

Industries or functions that are already in operation pursuant to KEFF may continue to function while, if possible, avoiding gatherings of more than 10 individuals where social distancing measures are difficult to maintain.

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Any local government that decides to impose equal or more stringent restrictions during this phase is permitted to do so, except with regards to essential functions in KEFF.

Any federal restrictions imposed and still in effect must be followed.

## GUIDANCE FOR INDIVIDUALS

**Masks:** Individuals are strongly encouraged to wear cloth masks in public settings as appropriate.

**Outdoor Activities:** When in public (e.g., parks, outdoor recreation areas, shopping areas), individuals and family units should consistently maintain 6 feet of distance from others with only infrequent or incidental moments of closer proximity.

**Social Gatherings:** Avoid socializing in person with groups of 10 or more individuals in both indoor and outdoor settings, especially in circumstances that do not allow for a physical distance of 6 feet or more between individuals or groups with only infrequent or incidental moments of closer proximity. (e.g., receptions, trade shows).

**High-Risk Individuals*:** High-risk individuals are advised to continue to stay home except when conducting essential functions.

**Travel:** Minimize or eliminate nonessential travel and follow KDHE travel and quarantine guidelines for travel to high-risk areas. Essential travel includes travel for urgent family, medical, and business-related needs as determined by the individual or business.

**High-risk individuals include those with underlying medical conditions, including, chronic lung disease, asthma, heart conditions, severe obesity, chronic kidney disease, liver disease, or otherwise immunocompromised.*

## GUIDANCE FOR EMPLOYERS

**Telework:** Strongly encouraged for all employees when possible.

**On-site Operations:** Avoid large gatherings of employees of 10 or more where social distancing protocols cannot be maintained except for infrequent or incidental moments of closer proximity

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and phase in employees on-site as possible while maintaining 6 feet of distance between employee workstations.

**Potentially Sick Employees:** Any employees exhibiting symptoms should be required to stay at home and asked to call their health care provider.

**Business Travel:** Minimize or eliminate nonessential travel and follow KDHE travel and quarantine guidelines for travel to high-risk areas. Essential travel includes travel for urgent and necessary family, medical, and business-related needs as determined by the individual or business.

**Visits to Long-term Care Facilities or Correctional Facilities:** In-person visits to these facilities should be prohibited. Those who must interact with residents must adhere to strict protocols regarding hygiene and screening.

**BUSINESS RESTRICTIONS**

All businesses not prohibited to the right **MAY OPEN IF**:

✓ They can maintain at least 6 feet of distance between consumers (individuals or groups). Restaurants or dining establishments may meet this requirement by using physical barriers sufficient to prevent virus spread between seated customers or groups of seated customers.

✓ AND fundamental cleaning and public health practices are followed. Businesses should follow industry-specific guidelines as provided on covid.ks.gov. Any additional best practices guidance from each business sector is strongly encouraged.

✓ AND businesses must avoid any instances in which groups of more than 10 individuals are in one location and are unable to consistently maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a business, but requires that businesses limit areas and instances in which consistent physical distancing cannot be maintained, such as tables, entrances, lobbies, break rooms, check-out areas, etc.

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The following businesses **DO NOT OPEN** open in this phase:

x Bars and night clubs, excluding already operating curbside and carryout services.
x Casinos (non-tribal)
x Theaters, museums, and other indoor leisure spaces (trampoline parks, arcades, etc.)
x Fitness centers and gyms
x Nail salons, barber shops, hair salons, tanning salons, tattoo parlors and other personal service businesses where close contact cannot be avoided.

Local governments retain authority to impose equal or more stringent restrictions on businesses during this phase, except as to essential functions in KEFF.

## EDUCATIONAL FACILITIES

K-12 facilities remain subject to the provisions of EO 20-07 regarding school closures, including the requirement that fewer than 10 students, instructors, or staff be present for normal operations. K-12 facilities should continue to follow the guidelines of the Continuous Learning Plan developed by the Kansas State Department of Education. Districts with facilities in more than one county or city should follow any applicable directives issued by the county and city in which their district office is located.

Higher education facilities that are closed before May 4th should remain closed for in person learning or events involving groups of more than 10 individuals present at a time.

Licensed childcare facilities may continue operations pursuant to state and local regulations.

## ACTIVITIES AND VENUES

All activities and venues not prohibited to the right **MAY OPEN IF:**

✓ They can maintain at least 6 feet of distance between individuals or groups.
✓ AND fundamental cleaning and public health practices are followed. Follow industry specific guidelines as provided on covid.ks.gov.

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✓ AND avoid any instances in which more than 10 individuals are in one location and are unable to maintain 6 feet of distance with only infrequent or incidental moments of closer proximity. This does not limit the total occupancy of a facility, but requires that facilities limit mass gatherings in areas and instances in which physical distancing cannot be maintained such as in entrances, lobbies, locker rooms, etc.

The following activities and venues **DO NOT OPEN** in this phase:

x Community centers
x Outdoor and indoor large entertainment venues with capacity of 2,000 or more
x Fairs, festivals, carnivals, parades, and graduations x Swimming pools (other than backyard pools)
x Organized sports facilities and tournaments
x Summer camps

Local governments retain authority to impose any equal or additional restrictions on educational facilities, activities, and venues, except as to essential functions in KEFF.

# Montgomery County Guidelines for Phase 1

**Mass Gatherings** – Limited to ten people or less.

**Essential Businesses**

- Screen employees for fever and any symptoms for COVID-19 with a questionnaire at workplace entrance.
- All employees must wear masks unless prohibited by other safety equipment.
- Move workspaces six feet apart.
- Stagger work shifts and keep work cohorts consistent.
- Common areas, such as breakrooms and lobbies, should be closed.
- Telecommuting or Working from home should be maximized.

**Restaurants**

- All employees must wear masks and wash hands frequently.
- All customers must maintain six feet of social distancing.

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- Groups of ten may sit together if their table is separated by six feet of social distancing.
- Booths must have plexi-glass separating them.
- Restaurants that are also bars must close when food ceases to be served.
- No self-serve drinks.
- No buffets.

**Retail Businesses**

- Maintain social distancing of six feet.
- Provide shopping cart sanitation supplies.
- Employees must wear masks at all times.
- Plexi-glass or glass barriers are encouraged to be installed at checkout lanes.
- Enhanced cleaning should be done throughout the workday.

**Long-Term Care Facilities**

- Maintain social distancing as much as possible.
- Adjust layout of common areas including dining facilities to maintain six feet between residents.
- Perform enhanced cleanings daily.
- Screen workers for fevers and any symptoms of COVID-19.
- Staff are required to wear masks at all times.
- No outside visitors allowed.

**Childcare**

- Childcare facilities must adhere to KDHE guidelines.
- Outdoor activities are encouraged; use of commonly touched items such as playground equipment, toys, and sports equipment are discouraged.
- Perform enhanced cleanings daily.
- Children should be cared for in rooms of ten or less with the same caregiver each day, placed in cohorts so that the same children are in the same room each day.
- Parents and caregivers should not enter facility.

**Personal Services (Salons, Barber Shops, Nail Salons, Tanning Salons, and Tattoo Parlors)**

- Not allowed per state guidelines.

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**Religious Services**

Under the Governor's Executive Order 20-16, churches may continue services if they comply with the following provisions -

- Churches should use online, radio, and other telecommunications tools wherever possible to conduct services or other church operations without congregating in-person.
- If a church is unable to use online, radio, or other telecommunications tools, a church conducting in-person services or operations must comply with the following requirements, which by this guidance are hereby determined not to significantly disrupt church services:
    - Maintain a six-foot distance between individuals
    - Disinfect all doorknobs and other commonly touched surfaces both before and service begins and again before the service ends; and
    - Refrain from passing offering plates, communion trays, or other implements that may be repeatedly touched.
- Additionally, churches must comply with any local "mass gathering" prohibition that is more restrictive than Executive Order 20-14.
    - Executive Order 20-14 supersedes less restrictive local "mass gathering" executive orders but does not supersede more restrictive local "mass gathering" orders. The provisions of any local orders that impose more restrictive "mass gathering" prohibitions are still in effect and must be followed by churches unless the local order exempts churches from its prohibitions. Such more restrictive orders include any local "mass gathering" order or provision that prohibits gatherings of more than 10 individuals and does not exempt churches.
    - Additionally, Executive Order 20-14 itself requires individuals attending religious services to "engage in appropriate social distancing." The phrase "appropriate social distancing" includes following local "mass gathering" or other public health orders that are not superseded by a state executive order.
- Parking lot services should follow established guidelines. Attendees may not leave their vehicles. Members of the same household should stay within the same vehicle.

**Recreation Commission Activates**

- Not allowed per state guidelines.

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**Parks, Public Spaces, and Playground Equipment**

- Parks and public spaces are open, but use of playground equipment and picnic tables is prohibited.

**Gyms & Fitness Centers**

- Not allowed per state guidelines.

**Public Swimming Pools**

- Not allowed per state guidelines.

**Real Estate**

- Individual showings are allowed.
- No open houses.
- All persons should wear a mask in public.
- Maintain six foot social distancing from others at all times.

**Cruising**

- Organized community cruising events are allowed if all occupants of the vehicle reside in the same residence and vehicles do not stop and congregate.

**Community Events**

- Events must adhere to mass gathering and social distancing guidelines.
- The entity organizing the event is responsible for ensuring that all guidelines are being followed.
- Hand sanitizer should be readily available throughout the premises for the duration of the event.

**Education**

- Per KSDE and School District.

**Medical Procedures**

- Per Hospital / Clinic.

**Dental and Eye Clinics**

- Face Shields, N95 masks, and gloves are required.

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Adopted by Montgomery County Board of Commissioners

Date May 1, 2020

Larry McManus
Montgomery County Commissioner

Fred Brown
Montgomery County Commissioner

Robert Bever
Montgomery County Commissioner

Charlotte Scott Schmidt
Montgomery County Clerk