

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL SESSION, THURSDAY, AUGUST 13, 2020

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, August 13, 2020, with eleven members present on line: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. The following officials were also in attendance: Doug Bach, County Administrator; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Gordon Criswell, Emerick Cross, Alan Howze and Melissa Sieben, Assistant County Administrator's; Juliann VanLiew, Director of the Health Department; Dr. Allen Greiner, Local Health Officer; and Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Alvey.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, August 13, 2020, at 5:00 p.m. by way of ZOOM for an update regarding COVID-19 and a new medical order regarding youth sports.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through ZOOM.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said tonight we have an update regarding COVID-19 and a new medical order regarding youth sports. I will turn it over to Mr. Bach to introduce staff.

Doug Bach, County Administrator, said with the events of this week a lot of communication was going on between our medical staff and the Health Department with the Superintendents of the Schools and other agencies in the community and are proceeding to move forward to issue the order today regarding sports. We felt it was important to call a Special Session to give an update on where we are with COVID-19 today in the community and then to talk through and give the commissioners an opportunity to ask questions about the new sports world. With that, I'm going to turn this over to our Director of the Health Department, Juliann VanLiew, and let her go through the COVID update with her staff.

Juliann VanLiew, Director of the Health Department, said as Doug mentioned, we'll give kind of a brief update on the data like we do every time and then we will focus this evening on the orders related to schools. I have with me Dr. Erin Corriveau, our Deputy Health Officer, and Dr. Alan Greiner.

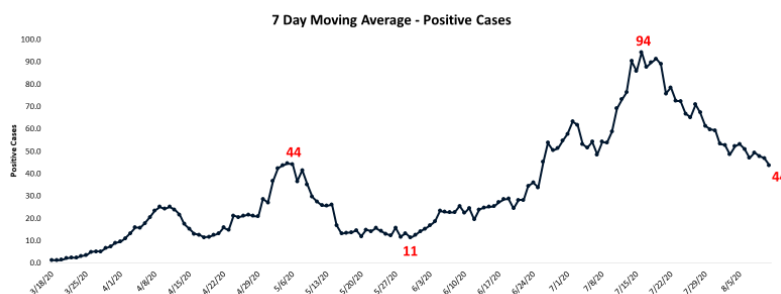
COVID-19 Update

INDICATOR	KANSAS	JOHNSON COUNTY	KANSAS CITY, MO	WYANDOTTE COUNTY
Positive cases	32,547	6,009	4,781	5,031
Deaths	395	106	80	102
Rate (per 100,000)	1,119	1,026	993	3,061



We will start with the data. As we've seen in past months our rate per 100,000 in Wyandotte County remains at least three times as high as our surrounding jurisdictions unfortunately.

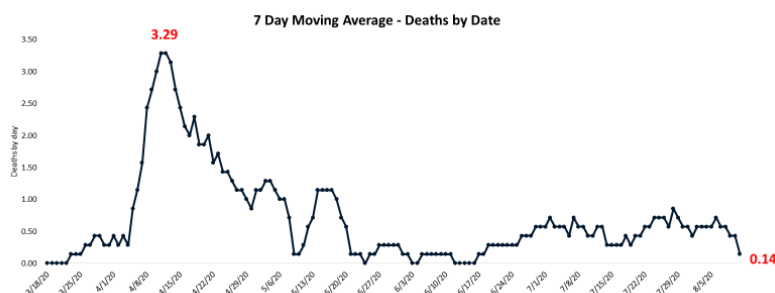
Rolling Averages: New Cases



Our rolling averages cases; however, is steadily coming down so you can see here on the right that our rolling average is now about 44 or 45 new cases a day. This is obviously much more manageable for our contract tracers than the 94 new cases a day we were getting just about a month ago. We are trying to watch this trend really carefully. It's certainly a very positive trend. We do not know to what extent some of this reduction in positive cases is due to a reduction in testing, so we are seeing decreased numbers of individuals coming to the Health Department for testing. We're now averaging 100-125 folks a day testing at the Health Department compared to about 350 four weeks ago when we see kind of that spike there. We are a little bit behind on that contract tracing meaning that fewer contacts of positive cases are being notified and coming to the Health Department for testing which then, obviously, plays out in reduced cases. We think this number is very positive, but we're also remaining cautious as we watch this trend.

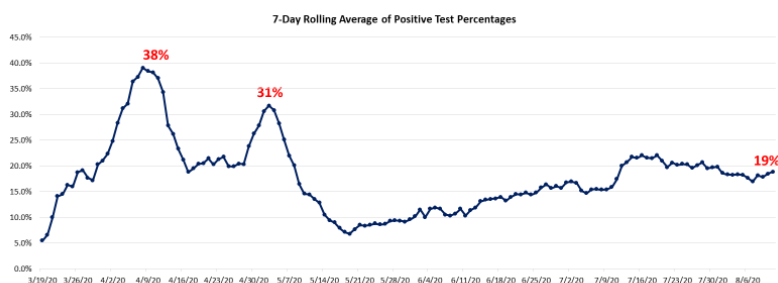
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Rolling Averages: Deaths



Our 7-day moving averages of deaths remain quite low. We did, unfortunately, go past the 100 death threshold just recently this week, so we now have 102 deaths in Wyandotte County. Of the last five or so deaths that we've had, unfortunately, those have all been among 50-year old's, so a little bit younger than what we were seeing in our previous death spikes in Wyandotte County which is obviously concerning. A number of those individuals did have comorbidities, but again, we're keeping our eye on that trend especially as we're seeing the deaths among the younger population.

Percent Positivity: Wyandotte County

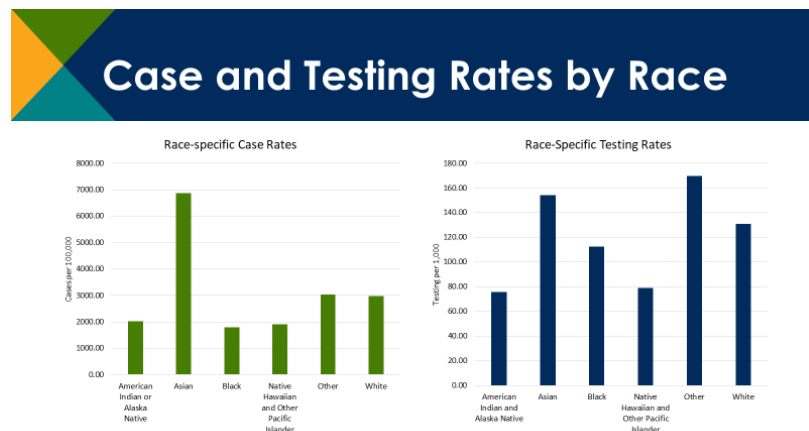


Our percent positivity, the number of tests that come back positive out of the entire number of tests conducted is our percent positivity and that 7-day rolling average is staying—it's really just hovered right around 20% for the last month or five or six weeks actually. It's one of the areas we're struggling with. Our number of cases are coming down, but our percent positivity is not, so we know the disease is still pretty prevalent in our community. It really again brings into like the question are we seeing reduced numbers because people aren't coming or because there's actually

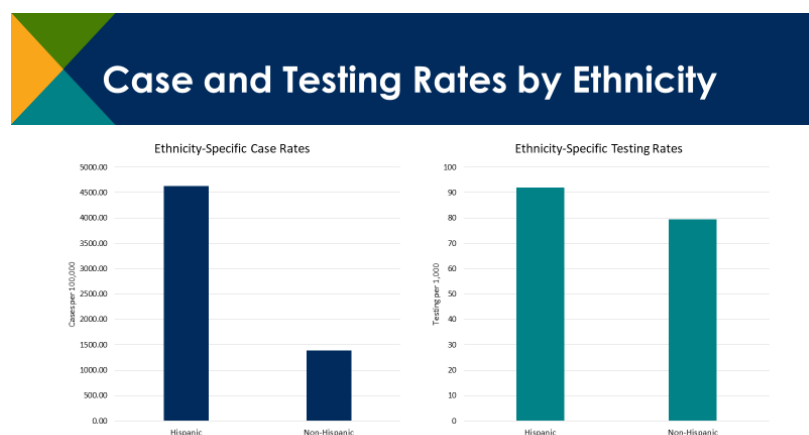
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reduced transition in our community and that's a difficult one to understand. Our percent positivity remains significantly higher than surrounding jurisdictions where they're seeing 10% and other areas even lower than that down to 3 and 5%. So, our percent positivity remains a concern.

I'm going to swing this to Dr. Allen Greiner to talk about race-ethnicity, the variation we're seeing in our case and testing rates.



Dr. Allen Greiner, Local Health Officer, said we're really not seeing a lot of change in our race specific case rates or really our race specific testing rates. We continue to see large numbers of cases in Asian's. If anything, I think we've seen a reduction in the cases per 100,000 among African-Americans although, again, we're not sure how that relates to uptick of testing versus other issues.



As far as ethnicity-specific case rates, again, very similar to the last time we presented, that the case rates are much higher in Hispanic groups and the testing rates are pretty equal, maybe a little

bit higher among Hispanic's which is a good thing but may mean we need to target other groups going forward.

Health Order for Schools

- No in person educational activities until 9/8/20
- Mask use by all students and staff
- Cohort students/staff as much as possible
- 50% student density in buildings & facilities
- Districts must submit plans and have approved by Public Health Department



Continuing with the same issues around schools and I've been working this last week and this week to review individual plans from school districts and individual schools. Schools will be opening under those plans September 8th. Mask use will be part of that. We'll be having cohort of students and staff as much as possible, a 50% density idea is in those plans. Then, I think we're going to Dr. Corriveau.

Health Order for Sports

- Applies to public and private schools, higher educational institutions and all other non-professional sports organizations
- Football, soccer, volleyball, band **NOT** allowed
 - conditioning and non-contact practice allowed
- Debate, cross-country, golf, tennis, spirit team allowed
 - Must adhere to KSHSAA rules
 - Must adhere to mask wearing indoors, mask wearing outdoors when social distancing not possible, 45 person gathering limit



Dr. Erin Corriveau, KU Medical Center/Deputy Health Officer, said I just wanted to cover a little bit this new order which actually came out today and will be enacted first thing Friday. I guess this evening. This is our order for sports participation in Wyandotte County. This order is going to apply to both public and private schools and also higher education and non-professional sports organizations such as club teams and the like. We had a lot of discussions within our Health

Department, our Epidemiology team and also we have a really great working relationship with our Superintendents in the county. There was a lot of concern, of course, about coming back to school, but also about the issue of sports play this coming year.

In the end, we decided to exclude sports that we felt were contact sports this year and that includes—or for this fall. That includes football, soccer, volleyball and band. There's been a lot of issues with this band thing. You know, is band a contact sport and no, of course not, but there is a high risk for aerosolized particles and aerosolized virus we thought was a far greater risk than we would want our students to be exposed to.

We are; however, interested in seeing that our kids remain active of course. We're going to certainly encourage conditioning and exercising in non-contact way to continue and we even feel like within the teams, if they can do conditioning and activities like drills and such that would keep their skills up but could be done in a socially distanced way and in a non-contact way, that would be just fine.

Those sports that we've named as able to go forward in this order in the fall would include debate team, cross-country, golf, tennis, and spirit team. We've reviewed in detail the KSHSAA rules. They have some great mitigations strategies there that we thought were really excellent so we would love our students and club teams to adhere to those rules. Of course, we want to stay consistent with the other orders that we have put in place in Wyandotte County and so we're going to continue to ask that people playing sports will adhere to mask wearing rules when inside and then when outdoors. If they can't socially distance, then they must be masked as well. We're also stating, again, as in Phase 3 order which we're still in, that we will only be allowing gatherings of 45 people or less.

I think that's where we're going to end, and we can take questions. Juliann, I'll send it back to you.

Ms. VanLiew said that's correct. That's the end for us.

Commissioner Ramirez said thank you Juliann, Dr. Corriveau and Dr. Greiner for everything you do and continue to do in the Health Department. This is, in my opinion, I think Wyandotte County has responded to this virus and crisis the best that it can and the best in the state. Just because with

your leadership you don't base it on politics, it's based on data and compassion for our county, so thank you very much for all that you and your department does.

My question, because the school district also voted to suspend all fall sports, which of the orders take precedence, ours or the school districts vote on suspending, because in theirs they say cross-country is suspended, but then in our order it allows cross-country. I want to make sure that people understand which order takes precedent. **Dr. Corriveau** said it's our understanding that USD 500 can issue more stringent rules and so I believe, and we have asked for legal guidance on this, but I believe the school district will take precedent. **Commissioner Ramirez** said that's what I kind of figured since they are the ultimate governing body for the school system and so I just wanted to have that clarification.

Mr. Bach said may I just clarify a little bit more. Dr. Corriveau, you said theirs takes precedent to be more stringent, but it does not take precedent if they were less stringent. It's the more stringent policy is what takes over in this case, so if the school district were to take it and not follow this and said we're going to allow soccer and volleyball, our policy would be the one that would override. **Dr. Corriveau** said I believe that's true Doug. That's a great question. We have our legal team reviewing the communication out of the Attorney General's Office and so I believe we will hear more on that, but that is our understanding at this time.

Ken Moore, Chief Legal Counsel, said we've looked over the statutes governing—that gives power to school boards and also the statutes that gives power to the local health officer. The statute that gives power to the school boards makes them subject to all other laws and also is limits to operations of schools whereas the health officers—both the health officers powers come from statutes that are more broadly based. Our opinion is that would control, but the school boards can enact more stringent measures should they so desire.

Commissioner Ramirez said so our order is like the baseline. **Mr. Moore** said correct. **Commissioner Ramirez** said the school district can get more stringent if they so choose. **Mr. Moore** said correct.

Commissioner Bynum said I would like to ask several questions. I would like to understand clearly the level of communication that we have had with the Wyandotte County Superintendent's

and all of the education leaders, KCKCC, Donnelly, whoever is putting teams on the field this fall and at what point did those education leaders understand that this order was going to be put in place. I'm getting communication from other districts, not KCK obviously, since they announced their decision several days ago, but within other districts it strikes me that the communication is that they found out today. I want to clearly understand what communication we've had. I was under the impression that all the way through this entire COVID time we've been in constant and regular communication with all of our education professionals in Wyandotte County. That's the question that I have.

The only comment I want to make is that I would like to understand better why the decision was made, based on the data that's been presented to us tonight, which appears to show improvement because it makes me so incredibly sad for all of these, particularly senior athletes. Sad in general for all of our students because they're already forced into online school and have had so many activities and opportunities taken away from them and now to take away these sports, it's just so, so much to ask of these students and their families. If I could just have more information on all of that please.

Dr. Greiner said others from the Health Department, please jump in if I leave things out. I think many of you are aware that Dr. Corriveau assembled an Education Task Force two or three months ago that involved all levels of educational institutions in our county. That split out into several working groups that then put together detailed plans for our educational programs and all the institutions in the county. There were regular meetings, lots of back and forth work on those plans. I think everybody felt like there was strong consensus out of that activity.

During that work we didn't get into the specifics of addressing sports although I personally feel like there was a lot of understanding of our concerns related to all sorts of student interaction and that everybody knew we would be coming forward with an opinion at some point on the issue of sports. Those were task force specific meetings we went into. The last few weeks we had several meetings and a lot of online conversation with the school district superintendent's in the district and the archdiocese representative for the Catholic school system.

We had a meeting last Wednesday or Thursday, I can't remember which day it was, with that group and basically outlined exactly (inaudible)—somebody's not on mute. We actually announced to them at that meeting that—was it last week or the week before? I can't remember

when it was, but long before. We finished the order today, but those superintendents were on a call with us. Actually, the one group—Dr. Faust wasn't there and actually he announced he was moving to North Carolina. In that meeting nobody specifically stated opposition to these ideas, and I think they felt they had a clear understanding of where we were coming from and why we were moving this direction. The Community College was not on that call, but again, I think they knew our concerns about this because of all the other meetings we had and the work we had done collaboratively together in the prior days.

In addition, this order, we've been kicking this around for almost 10 days and so the superintendents knew because we announced it in a call with them. I think we're surprised that it wasn't out there more widely known before now, but obviously, it wasn't.

I think we all agree with you that this is very sad. This is a horrible thing to have to do in regards to our educational programs, the way schools work, the way social interaction is a huge part of learning and growing, but even with the improvement in the cases we're seeing, we are extremely concerned that students will pass the virus back and forth if they're in close proximity and doing things such as yelling or even communicating the way they have to do in some of these sports. Having direct physical contact, of course, we think puts people at risk. Even if they're masked and wearing face shields and all that sort of stuff, we feel like there is more and more evidence that this virus gets in the air when people yell and that others inhale it and that's sometimes impossible to stop from happening.

As Juliann mentioned earlier, we are seeing relatively young people die from this virus. Our last four or five deaths have been 50-year old's and I think we feel like we can save lives with this and that just saying we can't stop everyone from dying, we just don't think that's a way to approach it and it's not something we would do with other infectious diseases either whether it was tuberculosis or hepatitis or HIV, I think we would try to find a way to stop the spread.

It's a horrible thing to do, it's really, really tough, but it's like many of the other decisions we've made previously in terms of shutting businesses down and requiring people to change the way they live life, so it's tough.

Ms. VanLiew said I would also make a note going back to the evidence, that currently in Kansas there are nine outbreaks related specifically to youth sports in our state and that has spread among those to almost 100 people now. This is a very real concern. Again, to echo Dr. Greiner, we do

not take this lightly. All three of us participated in high school athletes, we don't want to make this decision. We feel we have to make this decision because it follows the data and the evidence that we have in front of us.

Commissioner Kane said sorry about that. I was talking on the phone to one of the school board members. What is the Johnson County area doing? **Dr. Corriveau** said our understanding—we've spoken with Sanmi Areola, the Director of their Health Department. I do not believe that they will be issuing an order related to this. They haven't been issuing orders, rather recommendations. I do not know, and I don't think they are sure at this time if they will be making a recommendation regarding school sports. **Commissioner Kane** asked, do we know what Lansing or Leavenworth has done. **Dr. Corriveau** said I do not. We have spoken with Kansas City, Missouri and also with Jackson County in thinking about this. I think they're a bit further out from issuing orders themselves. I do know that the Mid-America Regional Council was very interested in us and our keeping in leadership on this, but I don't think they are at the point of issuing an order quite yet.

Commissioner Kane said if we go three, four weeks, a month; are we going to take another look at it and reconsider it? If the numbers go down, things start looking better, is there a possibility we can restart sports? **Dr. Greiner** said I think there's always that possibility with any of our orders. I think what we're seeing though in the United States versus what we're seeing in other countries is that the level of transmission can be driven down to an incredibly low level. Other countries in the world that have had thousands of cases have gotten it down to where they're getting trickles, you know, less than 50 new cases in the entire country. If we get to something like that, I think we can change a lot of things, but I think what we worry about is that with the lack of a unified sort of approach to this virus and the competing opinions about what makes the most sense, it will be hard for us.

Even though as I think Commissioner Ramirez pointed out correctly, we have in some ways led the metro with a lot of our efforts and I think it's showing in this data that Juliann showed. We're going to have trouble because of what the other counties do and what other states do, but we're going to absolutely keep looking at things and we would be happy to meet with this group and specifically talk about this again in a few weeks. That's absolutely a worthwhile thing to do.

Commissioner Kane said here's what's going to happen. There's a Piper Soccer Club team, a couple hundred kids, and they play mostly in Johnson County anyway. I just want us to remember that and then I want us to maybe every two weeks take an evaluation to see if we're getting there yet, can we start letting the kids play sports. I know being able to practice is fine, but the game day is always the game day. I absolutely feel extremely bad for the seniors and the opportunity that they could or could not have, but at the same time, I also want all of Wyandotte County to be as safe as possible. I don't envy your job at all. I am currently getting a lot of pressure and some people absolutely don't like it and that's why I say I think we need to take a couple of stabs at the apple before we shut everything down.

Mayor Alvey said one of the things I—in terms of keeping this in perspective, when you look at how professional sports are able to move forward on this whether it's Sporting, Kansas City Chiefs, the Royals; the amount of money and resources that they can bring to bear to create bubbles of athletes to really help control their behavior outside, the amount of testing they're able to provide, they're finding—my understanding at the collegiate level, they're questioning whether they could be accomplished at the collegiate level which is why the Pac 12 and the Big 10 have cancelled the seasons for the year. Whether other, you know, the Top 5, the Big 5, also do the same, remains to be seen, but we've seen really in professional baseball, major league baseball how hard it is to even maintain those bubbles. So, the amount of resources it takes to prevent the spread through contact sport is just tremendous and schools simply don't have those resources.

I will also say I received calls, concerns, from teachers just in general about returning to classrooms because they're not always confident that it's going to be able to prevent the spread in the classrooms even with all the measures and there is always some calculated risk here. I just cannot emphasize enough more and more research is showing that children can be infected. They can transmit the disease at a very high level and that evidence is just starting to show up more and more.

Again, I think what Dr. Greiner and Dr. Corriveau and Juliann have done is try to get out in front of this. We only ever have one to two weeks look at this virus to see what it's going to do, and you have to anticipate that. Again, having worked in high schools for 31 years out of my professional life as an administrator and a short time as a coach, I understand and I appreciate deeply how important sports are to the educational experience of the student, what it means to their

families, to their friends, to a community. It's just so difficult. We just have to keep our focus on the virus. The sooner we stomp this thing down, the better we're all going to be and I'm going to say again, I haven't been able to see my mother in person except through a window for the past six months, five months and that is extremely painful for her, for all of us, and this is what we're living through.

Commissioner McKiernan said Commissioner Kane actually asked the question that was on my mind. I will follow-up just a little bit with that. The last bullet point on page 2 of the Health Order says this order remains in effect until conditions in Wyandotte County are such to warrant a change or modification. Do I read that that effectively leaves the door open, as Commissioner Kane wondered, that there could be a resumption of these activities in the fall? **Dr. Corriveau** said, Commissioner, yes, I believe that's the case. Again, this is a moving situation and target and every week seems to be very different and so I think that's absolutely the case.

Commissioner McKiernan said then this will go back to what Commissioner Bynum asked, then my ask of you would be stay in touch with the administrators of all the local high schools and all of the local people that are affected by this. If there is the possibility, remote as it may be that they could resume at some point, I think we need to constantly be talking to them, giving them status updates because there are a lot of logistical details that go into the staging of events. Anyway, I would just ask that we stay in touch with them, keep them up-to-date on where we are, what the current data is, what our current thought is, what we're planning in the short-term and in the long-term and if we can do that, then I think we will be okay. **Dr. Corriveau** said, Commissioner McKiernan, I think that's a great suggestion and we'll take that to heart and to action. We've had a really good and strong relationship I think with our educators in Wyandotte County and we will continue that relationship. We've also set up a really kind of like a hot line for the schools so they can call our Chief Epidemiologist at any time. I've made myself as available to them as I can and so we'll continue in that way. **Commissioner McKiernan** said perfect. Thank you.

Commissioner Ramirez said for continuing on the conversation of being maybe in the future, so it's out there for the people who are listening and watching, Dr. Corriveau and Dr. Greiner, what would be your—the statistics of the cases and everything going on, what would be the numbers

you would want to see to start maybe the possibility of resuming these sports? **Dr. Greiner** said I think as most of you are aware, we have tried to some extent through this pandemic to not pin ourselves down with specific numbers and I will get into some here in a minute. The reason for that is because we're really looking at a constellation of variables that you can really only understand those with what's called a multivariable analysis equation where you're taking new cases on a 7-day rolling average, you're taking hospitalization numbers, you're taking ICU beds used and ventilators in use. You're taking the death rate into account and you're looking at clusters and how many clusters there are and how big those clusters are, and all those things go into this equation that comes out on the other side as a thumbs up or a thumbs down regarding some ordinance.

It's tough for us to prioritize honestly any one of those things at any one time, but I think one of the big things we're going to be looking at, and this is something we will be talking to the superintendents and the other leaders of institutions and sport entities in the county is clusters. If we're seeing outbreaks of cases in schools or we're seeing them—or continuing to see them relate to sports even in other counties, that's a problem sort of sign. If we're seeing outbreaks in clusters and case transmission from youth and teens to parents or grandparents that lead to hospitalizations, that's a really bad sign. If we see none of those things, that's a really good sign.

I think if we continue to see the case numbers get very, very low, which could happen, it would be great, but I think the clusters will be the big thing. We will be monitoring extremely closely, and we want to work with the schools closely on that anyway.

The other thing I think we want to do as we talk about these numbers, Commissioner Ramirez, we want to communicate with all these entities out there. You know help us, help us drive more people to testing sites, help us enforce the mask order and adherence and compliance with the mask order. Help us convince people to stay home when they're sick or symptomatic, help us convince people to stay home for 14 days when they've had a close contact and should quarantine. I think invoking cooperation now as people think about this, it might make a real big difference in the next few weeks and months and then the data is going to look better. That's a really roundabout answer to your question, but hopefully, it's helpful.

Commissioner Ramirez said it is and I understand that very many, many factors going to all your decisions and all of the equations you were speaking to but thank you for trying to give an answer the best as you can. Again, thank you for all that you guys do. Truly it shows in our

community and it is amazing to see how many people are abiding by the mask order and so I'm very happy to see that.

Commissioner Burroughs said, Dr. Greiner, I just want to say thank you to you and staff. I know the job that you have cannot be easy, the amount of information you must be working through, the emotional tug that you have, the pressure, the political pressure that you must be dealing with. I just want to say on behalf of those in our community that value your input and the hours and commitment of staff, thank you so very much for watching over us. We sincerely appreciate your work, your guidance and value your leadership. **Dr. Greiner** said thank you Commissioner. I think we are very blessed to have all of you I think and have the Mayor as a true leader in this too. We're talking with our colleagues around the state all the time and it's a tough world out there these days with balancing normal human society with this pandemic and so we appreciate all of you as well. Thank you.

Commissioner McKiernan said I just got actually a question that I didn't know how to answer. The question was, does this order prevent us from playing games outside of the county? I think they're looking for a little bit of—does this just apply to events that take place within Wyandotte County or the teams from Wyandotte County will not participate regardless of the location of the event? **Dr. Corriveau** said I guess it does not prevent games outside of the county. We can only issue orders that pertain to Wyandotte County although we would wish and hope that people who do reside here would follow the orders and not go out and play elsewhere, although I'm not sure that's realistic. That's what we would hope.

Certainly, for people who come into our county who want to play games or have competitions or whatnot, they would need to adhere to our local order, and it is the responsibility of the school that is located within Wyandotte County to get that message out to the other opposing team who would be coming into Wyandotte.

Commissioner Philbrook said just to piggyback on that comment, is that the school district itself, District 500, has basically shutdown those type of activities for their students, so anything (inaudible) you're not going to be participating in Wyandotte County or somewhere else, that's

my understanding. That's the school making those decisions and putting those guidelines on, not us. **Dr. Corriveau** said, Commissioner, I believe that is correct.

Mayor Alvey said seeing no more hands, I want to thank you Juliann, Dr. Greiner, Dr. Corriveau. Thank you for your time, thank you for bringing this information forward to us, thank you to the Commission for joining in and for all those who are watching.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 5:38 p.m.**

Bridgette D. Cobbins
Unified Government Clerk

dt

August 13, 2020