

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

SPECIAL MEETING, MONDAY, MAY 17, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Commission Meeting, Monday, May 17, 2021, with ten members present online. 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; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Walters, Commissioner Seventh District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, Interim Assistant County Administrator; Emerick Cross, Alan Howze and Melissa Sieben, Assistant County Administrators; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Legal Counsel; Juliann VanLiew, Director of the Health Department; Dr. Alan Greiner, Local Health Officer; Dr. Erin Corriveau, Deputy Health Officer; Alley Porter, Commission Liaison; Ashley Hand, Director of Strategic Communication; and Rocki Mayes, Program Supervisor in County Administrator's Office.

Mayor Alvey said first of all, thank all of you for this kind of late notice. I know it's a lot for people to change their plans this evening.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, individuals are attending remotely as well as on-site. 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 the public that is 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.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

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

NOTICE OF SPECIAL COMMISSION MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Monday, May 17, 2021, at 7:15 p.m. by way of Zoom for an update on COVID Health Orders and to take action, as necessary.

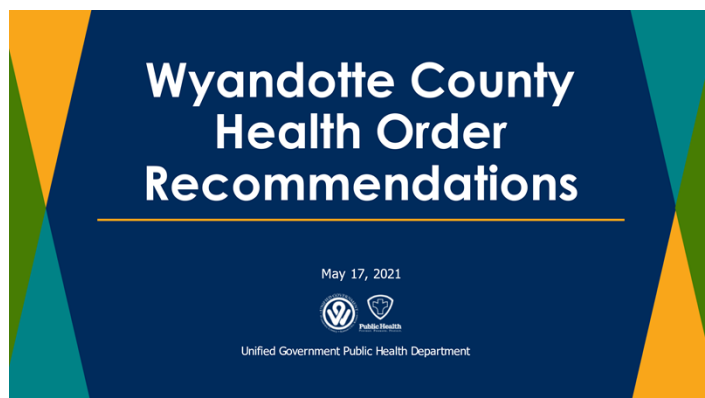
Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom.

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 I'll ask the Clerk if there are any revisions to tonight's special meeting? **Brett Deichler, Interim Unified Government Clerk**, said there are no revisions.

Mayor Alvey said our only item tonight is a discussion regarding the COVID Health Orders. I'll ask County Administrator Bach to make some opening remarks and to introduce staff.

Doug Bach, County Administrator, said tonight we're just going to do a quick run through by the Health Department as to our current ordinance of state of the vaccination and some activities that are going around with other jurisdictions. At the conclusion of the Health Department's presentation, I will summarize what I would see as some potential options for the Commission to consider and then turn it back to you Mayor. With that, I will introduce our Director of the Health Department, Juliann VanLiew.



Juliann VanLiew, Director of the Health Department, said I have with me tonight our Health Officers, Dr. Allen Greiner and Dr. Erin Corriveau. I will be primarily giving a brief presentation this evening.

By way of context before we jump in, currently we are averaging about 10 new COVID cases a day in Wyandotte County. Our percent positivity is hovering around 9-10% and also of note is the fact that the vast majority of our cases the last few days, or the last few weeks, excuse me; have been among younger folks many of whom are of school age, so we actually as of today have over 260 of our Wyandotte County students out on quarantine.

I wanted to provide a little bit of that context before we dive in here.

National & Local changes

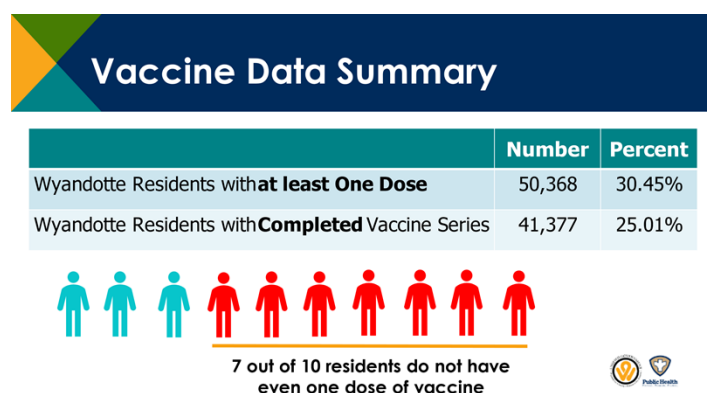
- CDC guidance change: May 13th
"Fully vaccinated people no longer need to wear a mask or physically distance in any setting, except where required by federal, state, local laws, rules, and regulations, including local business and workplace guidance"
- KCMO, Jackson County, Johnson County have dropped health orders requiring masks



The impetus and the reason we're here discussing this evening, of course, rather than a week from Thursday as previously scheduled is to discuss the change before us. The changes that happened last week at the national, state and local levels. The primary impetus, of course, being the CDC guidance change last week on May 13th which declared that fully vaccinated people no longer needed to wear a mask or physically distance in any setting, except where required by federal, state, local laws, rules and regulations, including business and workplace.

What I want to make clear, and what I hope everyone on this meeting tonight understands, is that the CDC has not modified its guidance for individuals who are not vaccinated. In fact, they continue to strongly encourage and recommend that individuals who are not fully vaccinated continue to wear a mask especially in public settings and especially indoors.

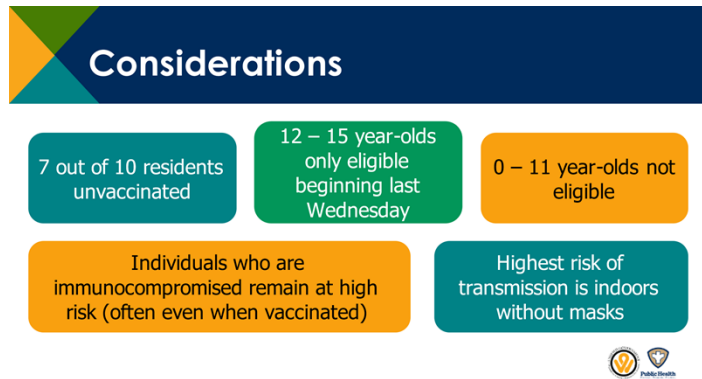
Following the CDC shift in their guidance, Johnson County, of course, had already previously removed their health orders, the city of Kansas City, MO and Jackson County, MO removed their orders as well. That, of course, leaves us kind of the lone Core4 member in the metro area with health orders in place at this time.



We are here this evening as your local Public Health Department and we appreciate the opportunity to provide our recommendations. Our recommendation will be to continue to maintain our current health order.

The primary reason we are going to make this recommendation tonight is because 7 out of 10 of Wyandotte County residents do not have even one dose of the COVID-19 vaccine. If after our meeting this evening you walk into a grocery store, odds are 7 out of 10 people will not have received a single COVID-19 vaccine. Only 25% of our residents are fully vaccinated.

If we repeal our mask order this evening, and it goes into effect tomorrow, when you walk into that same grocery store and no one is wearing a mask, odds are that 7 out of 10 people of those maskless individuals will not have received a single dose of the COVID-19 vaccine putting themselves and their neighbors at substantial risk.



Beyond that, additional consideration for this recommendation includes the fact that our 12-15 year-olds only became eligible last Wednesday evening for the vaccine. A few youth came out to K-Mart last Wednesday evening, the very first night it became available and received the vaccine and even those first kids that jumped at the chance won't have full immunity or the full benefits of vaccination for weeks to come. Additionally, our 0-11 year-olds continue to be ineligible for the vaccine and will likely not be eligible for months to come.

The other piece of the puzzle that continues to get ignored, unfortunately, is the fact that these individuals who are immunocompromised remain at a substantially high risk often even when vaccinated. These are our neighbors who have received kidney transplants or undergoing chemotherapy or who are experiencing a host of other illnesses that are compromising their immune system so when we talk about this being a public health issue and not just a personal health and safety issue, this is what we're talking about.

Our personal decisions impact the health and well-being of those around us. Our last primary consideration for this recommendation is what we have known for many, many months and that is the highest risk of transmission of COVID-19 is indoors in public settings without masks on.

We came to you just over two weeks ago and made the recommendation to make substantial rollbacks of our existing health orders. We recommended that you remove the mask wearing requirement outdoors, we recommended that you remove the requirement for social distancing and we felt comfortable making these recommendations because we were holding tight to what we believe is the most important primary health order that needs to remain in effect and that is the wearing of the masks indoor public settings.

Recommendation

Maintain existing health order:

Requires mask wearing in indoor public places
Provides exemption when everyone in the room is vaccinated



Tonight our recommendation to you all as our—not only our commissioners but as our Board of Health, is that you maintain our existing health order. Our existing health order has one singular purpose. That is to require mask wearing indoors in public places, so spaces that are most high-risk for the unvaccinated among us. This health order already provides an exemption when everyone in the room is vaccinated.

Please understand we know the social and political stressors and pressure that you are experiencing. We have worked diligently over the last 15 months as your local Health Department under these exact same social and political pressures and in doing so we have kept as our primary focus the following of data and the promotion of the public health at-large even among that tremendous pressure.

Tonight, we only ask one thing, that is that you do the same.



Thank you

That is all we have for you this evening.

Mr. Bach said in reviewing this with the Legal Department, I think there are really three practical options for the Commission to consider which we are prepared to move forward with the ordinance

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or commissioners could come up with some other option, I guess, that could come into play, would be your call. One would be to stay with the recommendation of the Health Department and let our current ordinance, which runs through May 28th, stay in place. To do this, that requires no action of the governing body. We could have the hearing and conclude and we would stay in place until the end of next week with our mask requirement indoors.

Another option would be to go with the CDC guidelines and adopt an ordinance that formally adopts this that requires that all non-vaccinated people continue to wear their mask indoors. That change would just allow those people that are vaccinated to remove their mask when they are around an unvaccinated person.

A third option would be to repeal all the orders altogether and then just move forward with a—or have a recommendation for the public to follow the CDC guidelines. That's just a quick summary, Mayor, as how I see would be potential options that Commission could consider that's really out there and consistent with either what's happening in the other metro areas or to stay where we're at.

Mayor Alvey said I will open it up for questions or comments from the Commission. I do have a question, Ms. VanLiew. If it says that if you are fully vaccinated, you can remove the mask, but if you are not vaccinated, CDC guidelines says continue to wear your mask, right? That's our recommendation and that's what our requirement is. What difference does it make if I'm fully vaccinated, what danger is there in allowing me, as fully vaccinated, to remove the mask when indoors, what's the risk there, what does the evidence show? **Ms. VanLiew** said the epidemiological risk is very low. The true risk is that when you walk into a public setting, you have no idea who is vaccinated and who is not, so the social risk is that individuals who are unvaccinated will feel inclined to remove their masks as well. It is those individuals that we are worried about.

Mayor Alvey said so, if I've been vaccinated, is it possible for me if I go into a space and others who have been vaccinated, is it still possible for me to contract the virus or is it possible for me to have the virus and then transmit it to others who are not wearing a mask? **Ms. VanLiew** said at this point yes, we do believe so, but again, that risk is very small. We're not concerned about folks who are vaccinated removing their masks. We're concerned about what the message is that gets sent to those folks who are unvaccinated. Dr. Corriveau and Dr. Greiner, please feel free to chime in. I do not want to speak for you.

Mayor Alvey said so, the question is really what the change in order, if there were to be a change in order, would signal. What the CDC basically did is signal more laxity and from what I gather, since we're only three in ten having just the first dose, there is still not sufficient herd immunity to prevent the spread. **Ms. VanLiew** said correct and it makes it incredibly difficult for our business places and other public spaces to enforce it. We can't expect our businesses to be asking every patron who walks in the door their vaccination status. Because that's not possible, we believe the requirements should stand for everyone to wear a mask for a while longer. **Mayor Alvey** said thank you. That helps me.

Commissioner Kane said I watched yesterday when the head of the CDC was on TV and said that we should be happy about the changes that they're implementing. Last week the CDC provided new guidance that says fully vaccinated people no longer need to wear masks indoors. I want everyone to be safe and I encourage everyone to get vaccinated, social distance, stay at home when you're sick, and generally follow the CDC recommendations. The vaccine has been made available to anyone that wanted it. The surrounding communities have lifted their masks ban and it's time Wyandotte County lifts its mask ban too.

Action: Commissioner Kane made a motion that we remove the mask mandate, rescind the Local Order 6-27-2020, Local Order 3-25-2021, Local Health Order 4-29-21 and that we issue recommendations that are consistent with the CDC guidelines.

Mayor Alvey said we have a motion. I'll entertain a second.

Bridgette Cobbins, Interim Assistant County Administrator, said, Mayor, you have several other commissioners with their hands up. **Mayor Alvey** said yes, we do have a motion and I want to see if there is a second before we—**Commissioner Burroughs** seconded the motion.

Commissioner Ramirez said as always, Juliann, Dr. Corriveau and Dr. Greiner, thank you for all that you have done, that you continue to do. As I said in the beginning and as I've said multiple times, every decision you've made, every document, every information you've brought forward, wasn't based on political gain or political points. It was because you care and love this community

as we do. As I said last week, when we make decisions on this board, it's not because we're right, left, blue or red; it's because we're all Wyandotte countians. We love this community. This is our home and we have been given the job to make sure it is safe, healthy, and prospering economically.

I don't think—I always appreciate my fellow colleague, Commissioner Kane, always but I don't agree with us lifting the mask mandate unless our vaccination rates were to increase. It is our job, it is our Health Department's job to make sure our county and our people are safe, healthy, and prospering. That is all we want. We're not here to gain political points in any way, shape or form. I don't gain anything from keeping a mask mandate, and personally, I don't gain anything from it, but what we gain as a community is that we continue to be healthy and safe from COVID-19.

Our community was hit the hardest out of the state. We see a light at the end of the tunnel, but it's still a long dark tunnel we have to get through. So, that's why I do not personally support us lifting the ban on the mask mandate.

Commissioner Bynum said I have a number of questions. I think I'll rattle through them and you can answer them. The first one is if you could clarify for us what the other nearby jurisdictions have done. In other words, I believe they took their action prior to the new CDC guidance and completely lifted their mask mandates, if I'm not mistaken, and I'm curious what the results are from those communities over the last few weeks that they've done that, so that's question one.

Question two is what have our school districts chosen with regard to masks? I'm only aware of seeing today that Kansas City, Kansas will continue. I don't know what the other districts have chosen.

My third question is, 8 to 10 cases daily, can you give me a sense of how that compares to the flu, for example, I suppose during flu season?

My last question is this, I had two different people email this afternoon urging us to remove the mask mandate and one of the points that they each made individually was that the PCR tests we use are unreliable and, therefore, are producing a large quantity of false positives. I would appreciate you addressing that. Those are my four questions for you if you wouldn't mind handling those.

Ms. VanLiew said I will take the first and then throw it to Dr. Corriveau for the school update. In regards to the other CORE4 jurisdictions, Johnson County was the only one that had

removed their orders prior to the CDC recommendation. I'm not aware of any significant changes in their case rate since doing so, but I would note, and I would have to check to be sure, but it's my understanding that their vaccination rate is over 50% so they are substantially further along in vaccinating their community than we are. So, I will point out that significant difference and we don't have enough data to know how the KCMO and Jackson County removal of orders has impacted their rates yet.

Dr. Corriveau, do you mind speaking to the school situation.

Dr. Erin Corriveau, Deputy Health Officer, said I'll be happy to and I appreciate the questions Commissioner. I do want to also add, Juliann, as you have been speaking I checked the Johnson County dashboard just very quickly here and it is interesting. About every three to four days they put an update of their cases. On May 10th it looks like 68 cases. On May 13th, 47, and on May 17th we've popped up to 163, so it does seem to be a trend of quite an impressive uptick. There's some noise in the data, but if you look at the trend line, it is trending up.

Regarding the schools, my understanding is that all of our districts are still masking and as you heard earlier in the presentation there are, unfortunately, a few cases in KCK school districts that have been identified one of which was spread within the school, unfortunately, but that's carefully being taken care of through our Epidemiologist and we're staying in touch with the school there. The kids, unfortunately, still need to quarantine though. Hopefully, that will decrease with some more vaccines.

Dr. Allen Greiner, Local Health Officer, said in regards to a couple of the other questions, you know, 10 cases a day, of course, we're way down from where we were. At one point we were up to about 200 cases a day coming in on a 7-day rolling average. We have to remember as compared to the flu we get about 20% of cases hospitalized across the full spectrum and about a 1-2% death rate which is way, way higher than flu death rate which is .01%ish.

I imagine people are under political circumstances when they're making decisions, but our job is to save lives and you guys have helped us save probably thousands, maybe tens of thousands of lives over the past 14-15 months and we appreciate that because in medicine and health care and public health, we don't want tragedies and there have been tragedies. I think, unfortunately, those sad, sad stories of young people dying aren't really at the top of people's mind when they're

talking about things like the accuracy of PCR tests which are clearly very accurate. They don't produce false positives, Commissioner Bynum. That's been shown very, very clearly. They produce false negatives, so they actually produce those at much higher rates than the false positives. We are going to see tragedies and the sad thing is we're not getting our vaccine rate up there where we need it to prevent those sad young hospitalizations and deaths. We understand this is a balance, but I think our job is to not see bad things happen and we know the science is on the side of mask preventing deaths. So, it's out there and the decision is yours.

Commissioner Philbrook said I was just having a conversation today with my office help for the two offices I go into and we will not be relaxing any of our requirements. You will not be coming in without a mask. The doctor, herself, has had all kinds of shots and that means that I'm supposed to be 5-10% chance of not getting it or spreading it, but if you're sitting in my chair and I give you something from that 5-10%, that doesn't make me feel very good to say the least. I get to see enough people that—and I care about my patients, I'm just not going to take that chance of doing that.

I spent some time away from Kansas City this weekend and I will tell you people are definitely mask weary and there were times when my friend and I were the only ones that had masks on, but I don't care. That's just one of those things. We were out in public and we were around a bunch of people and some people were wearing and some were not, but we were and I don't want to bring things back to our community. We have enough issues as it is.

I have had patients sharing with me about losses of young folks in their families dying from COVID and/or having severe heart problems and now lung problems. It's really sad and none of us are—I would say none of us are really totally safe. I think that's right, Dr. Corriveau, none of us are absolutely safe. We have percentages we play with, but I'm not relaxing anything in my office and at this point with the low amount of numbers we have as far as vaccinated in our community, I would have a problem doing that because then I'm putting my whole community at-risk. Now, people can be mad at me if they want to, but I'm just not going to put folks at-risk.

Commissioner Markley said first I just wanted to say for clarity, sort of police our terminology we're using this term of getting rid of a mask mandate, but Commissioner Kane's motion was that we adopt the CDC guidance so that's a different—there's a difference there, right, because the

CDC guidelines do still require masks if you are unvaccinated so this would not be an entirely we're getting rid of the mask mandate if we adopt Commissioner Kane's motion. I just want to comment, that would also impact our schools. We were having some discussion about that because most of our students obviously are not vaccinated so under the CDC guidelines they would still be required to wear masks. So, just points of clarity there as we're having the discussion.

Also, Commissioner Philbrook said what I was thinking in terms of making it clear that our businesses can still adopt whatever guidelines they think are fitting for their business or their type of business and that can be more strict than what we adopt regardless of what happens here tonight so that is still something that's on the table. Of course, we've been hearing throughout the country about different big box stores and things like that and what requirements they are putting in place. Our offices in this county can also make those decisions based on what they think is right for their business.

My family is still wearing masks and I think the other part of this is regardless of what happens here tonight we need to be good residents, good citizens, good neighbors and people will still wear masks because they have children who are unvaccinated. They may be unvaccinated; they may just feel like that's the best thing for their family and nobody should have concerns about how their neighbors are behaving. They should take it upon themselves to make choices for their own family based on their vaccination status and the guidelines and based on how they feel out in the community. We want to be careful to just be good neighbors as we have been throughout COVID in letting people behave as is appropriate to their situation.

Misty Brown, Chief Legal Counsel, said I wanted to clarify what I heard in Commissioner Kane's motion. I heard him move to revoke all of our local health orders that are in place but then issue recommendations to the public that they comply with CDC guidelines. If I'm mistaken, Commissioner Kane can correct me, but I saw it as more as a removing of any mask requirement and then encouraging the public to comply with CDC guidelines. **Commissioner Kane** said that is correct.

Mayor Alvey said but to be clear, as Commissioner Markley stated, it doesn't remove every mask requirement. It just says that those who are not vaccinated. Those who are vaccinated can remove the masks, right? **Ms. Brown** said no Mayor. Commissioner Kane's motion would remove all

mask requirements but encourage the public to comply with the CDC recommendations to get vaccinated, socially distance, etc. **Commissioner Kane** said that's what the head of the CDC said yesterday morning.

Commissioner Markley said I'm confused now. So, are we going to try to incorporate the CDC guidelines into an ordinance from us or an order from us or are we just making a recommendation because those are two pretty different things? **Commissioner Kane** said what I'm asking is that we follow the CDC guidelines. The CDC provided new guidance and said fully vaccinated people no longer need to wear a mask indoors and each business, you know, the dentists, the doctors, all of them, your beauticians, they're all going to say wear masks which is great if that's what they choose to do. The surrounding municipalities have done this, the CDC said it's okay and I cannot explain how my grandkid who's playing ball 5 miles here in Leavenworth County, I go 10 miles to the north, 10 miles to the south, 18 miles to the east, and they don't have to wear masks. I think we're overstretching our responsibility and I think it's time to remove the mask.

Mayor Alvey said, Misty, if you would clarify what the motion is. **Ms. Brown** said the motion was to revoke our health orders that are in place that would have the mask mandate in there and then to recommend that the public follow the CDC guidelines, but there is no requirement that they follow it. It's a recommendation so there would be no mask mandate in place. Now, if there was a choice to amend our current health order to state that unvaccinated people would need to wear a mask, I see that as a difference in the motion that's currently on the floor.

Mayor Alvey asked, Commissioner Kane, are you understanding that even unvaccinated people would not need—under your motion would not need to wear a mask indoors? **Commissioner Kane** said we would encourage them to wear a mask which is exactly what the CDC said. **Mayor Alvey** said but not require unvaccinated people to wear a mask. **Commissioner Kane** said well, how would you police that in the first place? **Mayor Alvey** said I'm just clarifying—I'm just clarifying—**Commissioner Kane** said I get it, but I watched this gal yesterday for an hour, did a really good job of explaining what was going on and then the surrounding municipalities have a good understanding of the same thing, they already did it. These are the CORE4 people that we

originally tied ourselves to and said we're all going to do this the same and now we're not doing it the same and I want to make it where we're all doing it the same.

Commissioner Johnson said the question I have is our current health order is in place until May 25th, is that correct? **Several people at the same time** said the 28th. **Commissioner Johnson** said then what happens after the 28th? **Mayor Alvey** said I believe we would have to take action to extend it if we were extending or not take action and it would expire. **Commissioner Johnson** said if it expires, would we be under the CDC recommendations or what would then be our action at that point? **Mayor Alvey** said I don't know. It would seem to me that as recommendations we're not really under the recommendations. They really are just out to the public in general and to businesses but there is no legal requirement based from the CDC. They have no authority to bring any requirements to any jurisdiction is my understanding.

Commissioner Johnson said I guess my question then to Juliann and to our fellow doctors is, do you see any furtherance of the current health orders beyond the 28th? What do you think—I mean I suppose by the 28th our vaccination rate hopefully will improve, but I don't believe they will have improved substantially. What do you see beyond the 28th? **Ms. VanLiew** said the plan was that Commission would meet on Thursday evening the 27th and had we continued on this trajectory without CDC changes in guidance and the changes in jurisdictions around us it is most likely that we would have recommended a further continuation of the mask order for a while longer. Again, because to your point, we're not going to see substantial vaccination rate changes in the next two weeks.

Commissioner McKiernan said I think the first thing I want to say is that I certainly appreciate the tremendous work that our Health Department, all of the staff, our doctors, have done throughout this. I do believe that all of our health professionals and health staff have guided us through these very trying months and we are better and we are safer as a result of all of your efforts over these many months. Having said that, I do now support following the CDC recommendation that relaxes mask wearing indoors for those who are vaccinated while still strongly encouraging that everyone continue to wear masks in indoor settings knowing full well that businesses and school districts and other organizations may still elect to impose stricter regulations within their own walls.

I think we need to be as aligned as possible within the metro area and this is something that you all have heard me say from the very beginning, I think we are weaker as a metro if we are fractured and I think right now if we were to follow Kansas City, Missouri and Jackson County, although we would be less unrestrictive than Johnson County, that would put three of the Core4 on the same page with the same guidelines within the majority of the metro area. My understanding is that in Kansas City, Missouri private businesses still have the right to enforce their own safety protocols and that unvaccinated people are still required to have masks indoors. Mayor Lucas also urged respect for individuals and businesses that still prefer to remain masked.

I think we would be in a better place because rather than delaying adoption of the CDC guidelines, I think that we should really redouble our efforts into trying to get people encouraged to be vaccinated and I don't mean to say that you haven't done yeoman's work in terms of the vaccination levels that we are at already. I know that there are a lot of factors including personal reluctance on the part of some people to do this, but I think that we would be stronger if we were to align with Kansas City, Missouri and Jackson County effectively following the CDC guidelines.

Commissioner Ramirez said I have two questions Juliann. The first one, if we were to revoke everything and put recommendation for the CDC and let's say a month, month and a half, from now cases spike up and go up, what actions will we have then? Will we have to go back to square one and reinstitute a mask order? **Ms. VanLiew** said if you're asking for my opinion, I don't believe there is any putting pandora back in the box. I can't imagine the time or scenario when we would fully remove workers and then move back to them barring a catastrophic outbreak. **Commissioner Ramirez** said so once this happens and if we do it, there's no turning back and has the world health organization, are they still categorizing this as a pandemic? **Ms. VanLiew** said yes, absolutely. **Commissioner Ramirez** said so they haven't downgraded it. We're still in a pandemic.

I still stand by all that I said. We're still in the pandemic. There's no place for us to turn back if we revoke all our orders. We could do it, but at what price, and so I still standby that we maintain the orders that we do until we know for sure that once we revoke the order we're in a good place.

Commissioner Bynum said, Juliann, can you give a sense of on average how many vaccines we're giving per week within the last month say? In addition to that, do you have a sense now that we can vaccine younger adults or young people, do you have a sense of how much that will uptick?

Ms. VanLiew said the last few weeks we've only vaccinated about 500 first doses per week and that's a substantial drop-off, of course, from where we were. I think we're not going to get to that 70% herd immunity for a really long time, if ever. We're hopeful that we're going to see an uptick by virtue of 12-15 years old's being eligible. We have yet to see anything substantial just in the first few days of eligibility. I would be very surprised if we saw some sort of major rush to be honest with you.

Commissioner McKiernan said just one other thing and I know you're tired of hearing me say this because I have said this at various points along our timeline as we have tried to align our rules with those of the rest of the metro area. But right now I think that those who don't want to wear masks have almost an unlimited opportunity to do so outside of Wyandotte County and then potentially bring things back home. I'm not sure that I'm fully grasping the benefit that we would gain by being the only county out of the metro area that has a stricter rule when it is possible to have relaxed rules all the way around if we were to follow the CDC guideline of fully vaccinated indoors without masks, everybody else still wears them and individual businesses and individual school districts can still make stricter rules within the confines of their authority.

Ms. VanLiew said, Commissioner, just to be clear, so you're advocating for a different motion than what Commissioner Kane brought forward, is that correct? **Commissioner McKiernan** said effectively I am because what I would like to do is, I would like to see us aligned with Jackson County and Kansas City, Missouri.

Commissioner Burroughs said first and foremost, I want to thank my colleagues for giving this issue such serious consideration. As we all know the health of our community and our constituents is of utmost importance; however, there's an economic health to our community that we must be mindful of too and that is the fact that these vaccines have been available for a period of time in our community. We have mobile units out, we have numerous areas in which we have identified that are in need of vaccine, we have put forth the opportunity for residents in those areas to be vaccinated and we are only seeing, I think, the latest data was the 500 per week.

I guess my comment would be, there are those of us that have chosen to have the mask wearing as well as the vaccine and we are being held hostage as a community by those who choose not to and not to abide by the health orders that are out there. But at the same time, when we initially voted as a body to support the CORE4, it was the consistency I think that was very important for the community to understand for our residents to grasp. Now here we are, we are the outlier when it comes to that consistency. Now we are inconsistent with the orders in the metropolitan area and it is starting to show within the community. There are those of us that continue to go out and wear our masks in public and those businesses that choose to have on their door that masks are required or highly recommended, though I believe there are people that will frequent those businesses and choose to be healthy. I believe that there are those businesses that others will avoid that choose not to have the mask whether their employees wear them or whether the owner advocates for mask wearing as a recommendation.

I believe we are at the point in time where we are seeing the state take action and we are seeing the CDC take action. Colleagues, I believe it's our time this evening to take action and I'm in support of the CDC requirement. I do appreciate Commissioner Kane bringing forward that motion. I believe it was a point of discussion. That's why I seconded it and with that, Mayor, I would strongly encourage us to give serious consideration to being consistent all across the community so that our residents, our constituents, our businesses and those outside of our community have the same understanding of what is required of them as far as public health.

Commissioner McKiernan said, Juliann, I just want to clarify and I have to confess, I've just gone to a local television news website here because I can't get into all the individual counties, but according to this it says, and I've been leaving Johnson County out of all of this, saying we will align with Jackson County and Kansas City, Missouri, but this particular story says that Johnson County Department of Health & Environment said it has adopted the CDC guidance. That people who are fully vaccinated for COVID-19 don't have to wear a mask or physically distance indoors or outdoors. I guess that is not so inconsistent with Kansas City, Missouri and Jackson County. I guess I may not be fully versed on the nuances of the separate ordinances. **Ms. VanLiew** said you are actually incorrect, Commissioner, on where Kansas City, MO and Jackson County lie, they don't have mask requirements indoors for the unvaccinated. All three lifted full mask requirements outdoors, indoors, regardless of vaccination status.

Commissioner Johnson said I agree with Commissioner Ramirez. We are still in a pandemic. I am not in favor of lifting our current health order particularly as it relates to Wyandotte County. We only have until the 28th and I believe on the 27th we can make any modifications, as necessary. Having said that, we have a motion and a second and I just assume, Mayor, that we can go ahead and see what happens and vote and see what happens.

Commissioner Philbrook said so, just for clarification, Misty, the difference between a recommendation and a requirement, okay, so CDC guidelines are strictly recommendations, not requirements, is that correct? I see heads nodding. **Ms. Brown** said that's correct, Commissioner. **Commissioner Philbrook** said if we were to say we like the CDC guidelines but we want to not call them guidelines, we want to call them rules, you know, make them into rules, then that's a whole different thing. **Ms. Brown** said, Commissioner, that would be a local health order at that point. **Commissioner Philbrook** said exactly. That's why I'm just kind of shaking my head going well we can recommend anything we want and that's like telling—handing your kid the keys to the car and saying we really don't want you to stay out too late or have too much fun, but here's the keys, go for it. I don't know guys. I have a lot of faith in people but then on the other hand I know a lot of us are sick and tired of wearing masks and I can understand that. I'm just afraid more people are going to be sick and tired if we let this go.

Commissioner McKiernan said I apologize for letting my confusion show through here. So, Juliann, to get back, what you're saying is that the CDC guideline is that those who are unvaccinated should still mask indoors. Is that correct? **Ms. VanLiew** said correct, but it's purely a recommendation. **Commissioner McKiernan** said okay, so it is a recommendation that those who are unvaccinated should mask indoors and what you're saying is that the rest of CORE4, Johnson County, Jackson County, and Kansas City, Missouri have all gone a step beyond that by saying we don't even recommend or have they adopted the CDC recommendation? I'm a little confused on how they align with CDC guidelines. **Ms. VanLiew** said they have adopted them as recommendations, not as orders, because they realize that there is no possible way to enforce that kind of an order.

Mayor Alvey said I see no more comments or questions from the Commission. We have a motion and a second.

Commissioner McKiernan said I apologize. You're going to get so tired of this. Misty, would you read back to all of us what the motion is in its specifics so that we will be clear on what it is we're voting for? **Ms. Brown** said the motion I have is, I move that we remove the mask mandate and rescind local health order 6-27-2020, local health order 3-25-2021, and local health order 4-29-2021 and that we issue recommendations that are consistent with the CDC guidelines. So that was the exact verbiage that I got and in essence it would rescind all local health orders that we currently have in place including any mask mandates and that the Commission would then strongly encourage Wyandotte County residents to follow the CDC guidelines such as getting vaccinated, social distancing, wearing a mask inside if unvaccinated and such as that.

Mayor Alvey said roll call please.

Roll Call: Bynum, Burroughs, McKiernan, Kane, Markley; and four "no's," Townsend, Ramirez, Johnson, Philbrook. **Mr. Deichler** said the vote is five to four and, Misty, correct me if I'm wrong, the Mayor needs to vote on this. **Ms. Brown** said that is correct since his vote would be a deciding factor. Mayor Alvey, "no." **Mr. Deichler** said the vote is six to four. That motion fails. **Mayor Alvey** said no, that's not correct. I think it's five to five. **Commissioner Burroughs** said that would be correct, Mayor. **Mr. Deichler** said it is five to five, my fault.

Mayor Alvey asked, is there another motion to come forward?

Commissioner Burroughs asked, Mayor, would the motion die on a tie? **Mayor Alvey** said yes, I think so. **Ms. Brown** said yes, that's correct. You would need a majority to pass, so it failed.

Action: **Commissioner Burroughs made a motion that we follow the CDC guidelines date certain that would change the motion.** I believe Commissioner Kane didn't give a date certain. He just wanted it repealed and we assumed that it would be this evening.

I would make it date certain that that would expire tomorrow at 7:00 a.m. and that would be my motion, Mayor.

Mayor Alvey said to be clear, it was a five to four vote and, Misty, explain why five to four did not carry. **Ms. Brown** said, Mayor, you would need a majority of the Commission to pass this so it would take six. It was five to four and since your vote could have caused it to pass being the sixth one, you're allowed to vote. Does that answer the question? **Mayor Alvey** said yes.

Mr. Bach said can I clarify, Misty, when you're saying a majority, doesn't our Charter require six votes to cause action, not a majority? **Ms. Brown** said yes. I thank you for clarifying. I was thinking it would take six votes to take action here for a standing committee, so it would be a majority if everyone was present, that's six votes minimum.

Commissioner Kane said if it was five to four, was that the majority? **Ms. Brown** said it takes a minimum of six to pass so it would be a majority if all ten was present, so in order to take any action it takes six votes at standing—at full commission in order for the motion to pass.

Commissioner Ramirez said, Misty, can you please describe or explain Commissioner Burrough's motion. I was really not following. **Ms. Brown** said thank you Commissioner. I was going to ask Commissioner Burroughs to clarify a little bit on it. I believe what he is asking is that we're moving that we follow CDC guidelines starting tomorrow at 7:00 a.m., but I will need some clarification from Commissioner Burroughs if he means to revoke our current health orders or to amend our current health order to add the provision that non-vaccinated folks need to remain masked only.

Commissioner Burroughs said, Misty, my motion would be the same as Commissioner Kane's. I'm assuming that my colleagues—there was no date certain or time certain that Commissioner Kane made his motion to start—to become effective. My motion would make it effective tomorrow at 7:00 a.m. All it is, is the same motion except it's time and date certain so we don't wait three days, four days, we do it at a time certain. That is a new motion that basically carries Commissioner Kane's motion forward with a specific time and date in which it should occur so

that we can get back to this consistency of the CORE4 and that if we're not going to enforce the mask mandate, then we should give consideration to a strong recommendation as was suggested a few weeks back by a few commissioners and continue to work towards bringing Wyandotte County into the consistency of the bordering communities in addition to CORE4, so that was my motion.

Commissioner Bynum said for clarity, our current health order expires on May 28th, correct? **Ms. VanLiew** said correct. **Commissioner Bynum** said one action we could take, not tonight, but at a later date would simply be no action after that, leave our current health order in place and let it expire as an option. That's all.

Mayor Alvey said we do have a motion. Is there a second? **Commissioner Kane** seconded the motion. **Mayor Alvey** said we have a motion and a second. Any other discussion from the Commission? Roll call.

Roll Call: Bynum, Burroughs, McKiernan, Kane, Markley, and four "no's," Townsend, Ramirez, Johnson, Philbrook. **Mr. Deichler** said that is five to four again. Mayor Alvey, "no." **Mr. Deichler** said five to five again. That motion fails, correct Misty? **Ms. Brown** said that's correct.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, that we maintain the recommendation until May 28th or the 27th when we have a meeting and discuss it further then because it seems that we're not going to fine a consensus at the moment without the full commission present. We have Commissioner Walters not here, so that's my motion, that we maintain the recommendation of the Health Department until further notice.**

Commissioner Kane said I will be out-of-town next week and will not be able to have access to a computer or phone and that's why I was hoping we could get this done tonight.

Commissioner Burroughs said, Mayor, Colleagues, are we going to—now that we've had this debate and much discussion and I sincerely respect the votes that my fellow commissioners make

and the confusion within the community that we have had no enforcement that I'm aware of, of the present ordinance. Are we going to continue in that mode which really is nothing more than a strong recommendation that is not enforced. I would just pose that as a question to staff and before I go, I do want to thank our health officials for their due-diligence and all that they have faced and challenged during this pandemic for our community.

There are many of us that do value the work that you've done and continue to be supportive of these endeavors; however, at this particular point in time it is the will of the constituents within my districts that we move forward and fall in consensus with the bordering communities. My small businesses are expressing their concerns, individuals are expressing their concerns and my comments to them are, if you choose to not have masks, that is your personal freedom; however, be mindful that there are many people in this community that should you choose not to respect the ordinance as it is and choose not to mask or give concern to the health of your fellow citizen, they may take their business elsewhere. I'm a strong supporter of the Dotte and our businesses and I truly value the constituents in this district and I do want us to move forward collectively and be part of a vibrant community. With that, Mayor, I appreciate the opportunity to make my comments.

Commissioner Townsend said just a point of clarification concerning Commissioner Ramirez's motion, even without the motion since the previous motions on which we voted did not pass, that leaves our current order in effect. So, I mean maybe Commissioner Ramirez if he cared to, could clarify for me why he believes such a motion was necessary. I know we're all kind of weary of some are wearing a mask (inaudible) and was the motion, but even without the motion the current health order would stand and would not—Counsel Brown, correct me if I'm wrong. **Ms. Brown** said yes, Commissioner, the health order would stay in place until the 28th. I believe Commissioner Ramirez was essentially asking to table the discussion, but Commissioner Ramirez, please correct me if I'm wrong. **Commissioner Ramirez** said yes, I misworded my motion. You worded it perfectly Misty. **Commissioner Townsend** said thank you for that clarity.

Action: Commissioner Ramirez changed his original motion to table the discussion until the 27th when we were originally supposed to reconvene and discuss it. **Ms. Brown** said

if I may, Commissioner Johnson, are you amenable to the change in Commissioner Ramirez's motion? **Commissioner Johnson** said I am, yes, thank you.

Commissioner McKiernan said I was just going to ask the same thing that Commissioner Townsend asked. If we fail to take action to change what is already in place, then what is already in place stands. I guess I fail to see why we need to take action to confirm a health order that is already in place and is already scheduled to be discussed on May 27th.

Commissioner Bynum said I'm just going to make a couple of comments. I'm going to continue to mask probably more indoors. I did mask outdoors over the weekend at a service project that I worked at. I did it as a matter of trying to show respect to the people who were driving up in their cars to take what we were handing out in my service club. So I respect the mask. I have spoken to small business owners here in Wyandotte County, some who are ready to give up the mask, and I understand that, and some who are not and certainly they have the right as small business owners to determine what's best for themselves and make the request of a mask for the customers who come into their stores.

I want to be clear that those who want to keep the mask and those who don't have my respect and I want to be clear with our Health Department folks and all of the people who have worked so hard over the last 14 months to do everything in their power and, we as a Commission, have done everything in our power to keep people safe and I have respect for all of that. At some point we need to ask people to step up and help themselves and I think that's the point that we're at in our community.

I do also recognize from a few individual stories of people and their specific difficulties or discomfort with receiving the vaccine and as an elected official I'm trying my best to encourage those who have a question or a concern about the vaccine to come to a more comfortable level so that they can release those fears or discomfort and receive the vaccine. As I've stated, we are 14 months into doing every single thing in our power to keep people in this community safe and we have to give some credit for folks to take that responsibility on themselves.

I'm more than willing to allow this health order to expire on May 28th.

Commissioner Kane said first of all I appreciate all the commissioners opinions and I know that everyone says we think we're doing the right thing. I've been here 16 years and we always say we want to do it the way KCMO is doing it, the way Johnson County is doing it, Jackson County and the surrounding community, so here we are tonight saying we want to be the CORE4, but we don't want to be the CORE4, that we're too good for that. That Johnson County and all those folks there in Jackson County, in Leavenworth County, and all those folks, they know more than we do and I don't think we do. I think we're overstepping our bounds. We should not even—we should do what the rest of them have already done. Obviously, that's not going to happen. I'm somewhat frustrated with the way that we did this. It seems quite orchestrated that I have more information than some others, which is good for me, but outside of Wyandotte County the CDC says this is what we want you to do. Who knows more about that than them. We don't know what they know and they've given us guidelines to go by and I cannot believe we are not following those guidelines.

Commissioner Ramirez said thank you to all my colleagues for tonight for us having this very tough, very hard discussion and that's why we're here. That's why we ran for these seats because we wanted to make changes, help our community, and part of that comes with these types of votes and these types of decisions and topics. Juliann, a question for you, a quick question, have—and I know you and the Health Department and Dr. Greiner and Dr. Corriveau have done anything and everything imaginable to get—to encourage people to get vaccinated. Have we reached out to maybe local small businesses or even big businesses around the county to create an incentive program where maybe if they brought in their vaccine card for their first or second dose they get discounted food, drinks, something so that we can incentivize them? I'm curious if that's something we have looked into. **Ms. VanLiew** said that program is in the works. We are currently soliciting support from businesses for that exact thing. So, any businesses out there that are interested, please get in touch with us. **Commissioner Ramirez** said great. I appreciate that. I'm sure that was something on your list. Like I said, you guys have done everything imaginable so I'm sure it was.

Mayor Alvey said so we have a motion to table discussion and a second. Any discussion on the motion? Roll call.

Roll Call was taken on the motion and there were seven “Ayes,” Bynum, Townsend, McKiernan, Ramirez, Johnson, Markley, Philbrook; and two “no’s” Burroughs, Kane. **Mr. Deichler** said the vote is seven to two, that motion carries.

Mayor Alvey said thank you for all your frank discussion.

**MAYOR ALVEY ADJOURNED
THE MEETING AT 8:33 p.m.**

Brett Deichler
Interim Unified Government Clerk

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May 17, 2021