

THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF MIAMI COUNTY, KANSAS

The Board of Miami County Commissioners met in regular session, in the Commission Chambers, Miami County Administration Building, Paola, Kansas, on October 6, 2021. Those present were:

Rob Roberts, Chairman	Shane Krull, County Administrator
Tyler Vaughan, Pro-Tem	Shelley Woodard, County Counselor
Danny Gallagher, Commissioner	Janet White, County Clerk
Phil Dixon, Commissioner	Casey d'Augereau, Clerk Support Assistant
George Pretz, Commissioner	

News: Doug Carder, Miami Republic News

Visitors: Jennifer Williams, Debbie Mize, Bill Mize, Tiffany Ellison, Josh Barrett, Douglas Shane, Shay Hanyak

CALL TO ORDER

Chairman Roberts called the meeting to order at 1:00 p.m.

PUBLIC COMMENT

Douglas Shane, 6014 W 295th St, Louisburg, stated he was here on September 1st addressing the Commissioners not only as a school board member but also as a citizen. Chairman Roberts questioned if Mr. Shane is here as a school board member or a citizen? Mr. Shane stated he is here today as a citizen and is not representing the school board. Mr. Shane read a series of questions he would like the Commissioners to think about:

- Do you believe that the criminal standards of proof beyond reasonable doubt, right to due process, and right to appeal still apply in regard to public health?
- Do you believe that government authorities can and should issue required orders to citizens without the ability for a citizen to appeal the order?
- Do you believe that a public health office should decline phone calls requesting additional information regarding how a case investigation or close contact was determined?
- Do you believe that a public health office should turn away citizens who come to their office seeking to appeal their "informal" order, telling the citizen "we don't do that"?
- Do you believe inadequate resourcing is a suitable justification to deny citizens their right to have enforceable and lawful government orders issued to them?
- Is it your intention to deny citizens of Miami County their rights to appeal a government order restricting freedom of movement and behavior?
- Have you inquired about the number of individuals issued "informal but required" quarantines and how many of those have become cases themselves? How about the number of students?
- Have you discussed if the public health office is inadequately resourced or if the task, they are undertaking is ineffective and unreasonable?
- Do you believe citizens should face required quarantines due to "potential exposure" to a disease they are very likely to survive IF they become infected?
- Do you believe that citizens should face required quarantines for possible exposure to a disease for which there is no declared state of emergency?
- Do you believe citizens should face required quarantines for possible exposure to a disease that now has preventive and therapeutic options available to those at greatest risk for suffering adverse outcomes?
- Have you considered the negative impacts and undue burden health department policy has on school district policy and daily operations?
- Have you considered the negative effects of the continued required quarantines in regard to psychological health and the learning environment?
- Have you considered the lack of available resources for families whose children have been ordered to test daily for continued sports or school participation?

Commissioner Pretz requested a hard copy of the questions Mr. Shane just read to be submitted to the Clerk to share with the Commissioners. Mr. Shane stated he would email the document.

Josh Barnett, 33955 Cedar Niles Rd, Paola, stated he too is interested in the Miami County Health Board discussion on the agenda (item number 6), as a parent he is concerned about the data that is put out, and continues to watch the Miami County data that's put out regarding COVID cases. School Board puts out on a dashboard what's going on with USD 367 schools. We now have a mask mandate as of the last 4 weeks. Mr. Barnett continues to watch the

data and it doesn't really differentiate between the other schools in our county. Mr. Barnett stated the numbers continue to go up and down which is an indication of no true measure the masks are working. Continues to interact with other parents with these same concerns, asking "why are we doing this?". Why aren't we looking at the mental health aspect? Mr. Barnett stated when there are 2 different groups of kids, one vaccinated and one not there are 2 different standards to follow. That goes back to "School Boards passed it", Mr. Barnett stated he understands that's part of the process, but "we" are also being told "we" are following the guidelines from CDC and KDHE. If those are the guidelines, there are guidelines throughout history that weren't necessarily right. At what point do we say, "this isn't right?" and fight back. Chairman Roberts stated, as he asked the previous speaker; you are a school board member in the Osawatomie School District? Mr. Barnett replied yes. Chairman Roberts questioned if Mr. Barnett is here representing the school board? Mr. Barnett stated no. Chairman Roberts questioned if he was asked to come here as a school board member, Mr. Barnett replied no. Chairman Roberts verified Mr. Barnett is present today representing himself and his family. Mr. Barnett agreed.

Debbie Mize, 217 N 6th Ter, Louisburg, stated she is speaking on behalf of Kansans for Health Freedom. This organization is not an anti-group of any kind but is pro-freedom. Ms. Mize stated she believes the medical situation within each family, belongs in the family and with them and their doctor. Ms. Mize asked the following questions:

- Are you aware the COVID vaccine actually causes COVID?
- As you are quarantining people, are you aware people with the vaccine are running around with the virus?
- Is there any way possible to navigate our way back to protecting our constitution and our freedom?

Tiffany Ellison, 1206 N 1st St East, Louisburg, stated it really doesn't take much of just causal observing of our county to understand there's a central source. Ms. Ellison stated she spoke in front of the Commissioners in March about the school board's COVID policy and was informed she will need to take it up with the school board. Ms. Ellison stated one school board has set their policy that didn't include certain protocol. For instance daily testing of athletes under modified quarantine. Ms. Ellison stated she has submitted a Kansas Open Records Act (KORA) request for the communications with the schools regarding specifically a 2-week time period regarding the daily athlete testing. This is an undue burden for parents and absolutely not necessary in light of the fact that we don't have a State of Emergency. The daily testing requirement is not a part of KDHE or CDC's guidelines, that's actually going above and beyond. So why are we doing these things? Ms. Ellison stated this is the reason for her KORA request, she believes this should be addressed. Ms. Ellison stated her response back was there is a fee of \$175 for a very specific and narrow topic of daily testing. Ms. Ellison questioned if it will really take 5.50 hours for this KORA. Ms. Ellison stated it is very important that everyone understands that the school districts didn't have daily testing in place and all the sudden the mask mandates were removed. Now the Health Department is suggesting these things. Ms. Ellison questioned what leverage is being used to enforce these things. It is unrealistic to expect daily testing. No doctor's office will do a daily test, it is cruel to put a child through the daily testing. We are going above and beyond KDHE & CDC's guidelines.

CONSENT AGENDA

Commissioner Vaughan moved to approve the Consent Agenda, as follows:

- Approval of minutes of the County Commission meeting on September 29, 2021
- Approval of AP payment vouchers
- Lakemary Center's annual letter of support

Commissioner Gallagher seconded; the vote was unanimous.

PRESENTATION

Chairman Roberts presented a Service Award to Jennie Fyock for serving as Miami County's Treasurer for the past 5 years. Ms. Fyock stated it has been both a blessing and an honor to work for Miami County the last 5 years. It was not an easy decision to make, and she feels like she is leaving her family not co-workers. Ms. Fyock would like everyone to know her employees are important and work very hard.

NEW BUSINESS

Matt Oehlert, Road & Bridge Project Manager, requested the Commissioners to consider approving a revised Project Budget for Bridge FAS 250 Slope Repair, Miami County Project #20-03-SB(672)/KDOT Project #61 C-5047-01. Bridge FAS250 is located on Hedge Lane 077 mile north of 383rd Street. A revised project budget is requested for Miami County's portion of construction and construction engineering costs. Original budget was \$85,344.12, the requested increase is \$104,234.41 for a total revised amount of \$189,578.53. Commissioner Pretz moved to approve

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an increase in the amount of \$104,234.41, Commissioner Vaughan seconded; the vote was seconded.

Matt Oehlert, Road & Bridge Project Manager, requested the Commissioners to consider executing Award Contract and Commitment of County Funds, administered through KDOT, to the apparent low bidder Killough Construction, Inc, for Bridge FAS 250 located on Hedge Lane 0.77 mile north of 383rd Street. The budget impact is \$123,000; Budget Authority is \$189,578.53; leaving \$66,578.53 in the budget. Commissioner Pretz moved to approve as presented, Commissioner Dixon seconded; the vote was seconded. (C21-10-019)

David Ediger, EMS Chief, requested the Commissioners to consider approving American Rescue Plan Act (ARPA) Funds to purchase 5 Stryker Power-Load System for the ambulances. The Power-LOAD system loads patients using hydraulics, eliminating the need for lifting patients reducing the potential patient injury, back injury, and exposure to infectious disease due to close contact with the patient during the ambulance loading process. The loading capacity is 700 lbs. Commissioner Pretz moved to approve using ARPA Funds to purchase 5 Stryker Power-LOAD Systems for the ambulances, Commissioner Dixon seconded; the vote was unanimous. (A21-10-057)

Frank Burrow, EMS Deputy Chief, requested the Commissioners to consider approving American Rescue Plan Act (ARPA) Funds to purchase a new ambulance to be used as a back-up unit. Currently have 6 ambulances, if one goes in the shop for repairs or is down for any reason there is no back-up unit available. The purchase of an ambulance will allow for a back-unit allowing Miami County EMS to continue to provide the level of service to Miami County residents they are accustomed to. Two quotes were received: Rocky Mountain Emergency Vehicles at \$258,775 and Pinnacle Emergency Vehicles at \$273,276. Deputy Chief Burrow recommends purchasing the ambulance from Rocky Mountain Emergency Vehicles. Commissioner Vaughan moved to approve the use of ARPA Funds to purchase the new ambulance as presented, Commissioner Gallagher seconded. Chairman Roberts stated the purchase amount approved is \$258,775, the vote was unanimous. (A21-10-058)

Mark Whelan, Emergency Management Coordinator, requested the Commissioners to consider tabling Fire District 1 burn permits discussion for 3 weeks to allow him time to gather more information before presenting to the Commissioners. Commissioner Vaughan moved to table for 3 weeks, Commissioner Gallagher seconded; the vote was unanimous.

Teresa Reeves, Planning Director, stated this item was continued from the Board of County Commissioners meeting held on September 29, 2021. Ms. Reeves is now requesting the Commissioners to consider approving a resolution denying the expansion of Conditional Use Permit (CUP) #17005-CUP Living Proof Church. Chairman Roberts questioned if the Miami County Counselor has had a chance to review the resolution. Shelley Woodard, County Counselor, stated she has reviewed the document. Commissioner Dixon moved to approve the resolution denying the expansion of CUP #17005-CUP Living Proof Church, Commissioner Gallagher seconded. Commissioner Gallagher stated he believes the whole Commission is for the expansion of the church, the church just needs to do it correctly. Commissioner Gallagher asked if it is just the site plan that has a problem. Ms. Reeves stated yes and the original site plan expansion from 2017 had alterations made by a secondary architect without the previous author's permission. The author of the original site plan requested Miami County Planning to discard the site plan as it was considered an illegal document. The vote was unanimous. (R21-10-040)

Chairman Roberts stated after consultation with Commissioner Vaughan and County Attorney thought it best to convene a Miami County Health Board meeting, the Commissioners are the Miami County Health Board. The Commissioners will be discussing various topics, this is not a time for public comments. Dr. Banks had appointments already scheduled for today and did not have the opportunity to attend today's meeting. We have both our Health Director and Assistant Health Director here today to help the Commissioners to better understand the process. Chairman Roberts invited Rita McKoon, MCHD Director, and Christena Beer, MCHD Assistant Director, to the podium. Ms. Beer asked permission to give some context as to why we are here and how we got to this point. Chairman Roberts agreed. Ms. Beer made the following statement specific to contact tracing:

- Many states have pulled back on their contact tracing efforts. In the early days of the pandemic, KDHE assembled a team of more than 400 volunteers to contact trace until they could supplement with a full-time staff. In the spring and summer months when COVID-19 cases fell, State volunteers and temporary full-time staff were laid off. Almost every local health department in Kansas has acknowledged that it is not feasible to trace every single case of COVID-19. Texas, for example, banned State funding for contact-tracing purposes; Alabama and Oklahoma are still contact tracing but focusing more efforts toward vulnerable populations and larger outbreaks with all other cases being expected to notify their own contacts; Iowa's

Department of Health has instructed counties to stop investigating routine individual COVID-19 cases and tracks COVID-19 similarly to influenza while some counties within the State are voluntarily continuing to investigate cases on their own accord; and Nebraska has moved away from contact tracing in most settings outside of those with individuals at higher-risk for complications and/or mortality. In Kansas, the State is theoretically aiming to investigate and trace every single case and that hasn't always been possible.

- Chairman Roberts questioned who issues the orders?
- Ms. Beer stated from the Governor and the State Health Officer, Dr. Norman.
- Chairman Roberts questioned if a County Health Board could stop contact tracing?
- Ms. Beer stated that would come with some legal consequences because the Health Department is obligated by statutory regulations to conduct case investigations and contact tracing to the best of their ability.
- Chairman Roberts questioned if that is for any infectious disease?
- Ms. Beer stated any reportable disease in Kansas.
- Chairman Roberts questioned what about measles or any other infectious disease?
- Ms. Beer stated correct, they are to report it.
- Ms. Beer continued with her statement: As time goes on, that goal has been harder and harder for our staff to reach, particularly when the Delta variant emerged and became the most prevalent strain, and as students returned to the school setting; as such, additional cases, clusters/outbreaks and all close-contacts were expected to be investigated and notified in a timely manner all while increasing our testing and vaccination capacity and coverage throughout the county. This volume of work is not sustainable at a local health department level. All local Health Departments across the State have acknowledged that. Although we do have the ability to send some cases and close-contacts to KDHE for investigation and follow-up, the feedback hasn't always been positive and there are limitations that have been identified through the process. A few examples of limitations that have been recognized: KDHE has been capping the number of cases they can take per day from counties based on their own limited staffing, it can be difficult to reach case investigators/contact tracers with follow-up questions which requires us to step in and handle any questions, letters, correspondence to employers, daycares, schools, etc., if someone needs assistance with resources or has specific questions, the case is routed back to the local health department, if someone expresses the refusal of isolation/quarantine, it is routed back to the local health department. It has been a struggle throughout this State to request for assistance and then having to back track all the cases and do a short case investigation just to get the patients what they need in a timely manner. Complicating things further, is the fact that many local health departments in Kansas are being asked to play a key role in the investigation, contact tracing and regular follow-up regarding mitigation measures within all congregate settings and vulnerable populations. In Miami County that includes but not limited to all long-term-care facilities, assisted-living facilities, Osawatomie State Hospital, Lakemary Center, Tri-Ko, businesses with a large number of employees, and schools. This school year has been quite complex to plan for, and to respond to, given the various factors that influence our response. Some factors include political/legislature involvement and new bills at a State-level (BH 2016, SB 40, SB 159, just to name a few), volatility of emotionally-charged situations, individual Boards of Educations having the power to create and implement the Safe Return to School policy which can include quarantine options that have been approved by the board, testing options applied for and approved by the board, mitigation measures, among other important details. Policies and procedures differ from school to school and according to our Kansas Association of Local Health Departments Director, as well as a lobbyist from the Kansas Association of School Boards, the typical procedures across the State of Kansas is for schools to be proactive, prepared and involved in the identification of positives, notification of close-contacts, and mitigation measures to slow the further transmission of the virus within the school setting. In most cases, the school liaisons will share information with the Local Health Officer or his/her designee, and they will give the family notice of exposure with specific options listed out for parents to choose from regarding follow-up, symptoms to watch for, and in what time frame to monitor for symptoms as a direct result of that potential exposure. The Centers for Disease Control and Prevention, The Kansas State Governor's Office, The Kansas State Board of Education, The Kansas Department of Health and Environment, The National Federation of State High School Associations, Sports Medicine Advisory Committee, The Kansas COVID Workgroup for Kids which includes the endorsement from the Kansas Chapter of American Academy of Pediatrics, Kansas Academy of Family Physicians, and The University of Kansas Wichita Pediatrics, and Children's Mercy Hospital all came out with guidance this summer, prior to

the start of school with specific recommendations pertaining to schools and school-related activities. The objectives of said documents were to highlight the concepts of COVID-19 control measures within a school that each district leader and subsequent Boards of Education should consider as they prepared for the 2021-2022 school year with a clear outline of how to work harmoniously with local and State health departments to keep students and staff safe, healthy, and in the classroom environment where learning is most optimal.

- Chairman Roberts held up a document and questioned if it is the document Ms. Beer is referring to that all school boards received.
- Ms. Beer confirmed it is the document.
- Chairman Roberts read the header of the document "Updated Guidance for COVID-19 Prevention in K-12 Schools", dated July 30th, issued by The Kansas Department of Health and Environment (KDHE), updated by CDC Guidance for COVID-19 Prevention in K-12 Schools. Chairman Roberts stated he has emailed a copy to several individuals that have requested it, it is a public document, it defines in there what they recommend for the schools to open. Under this opening plan, did any of the schools adopt this plan?
- Ms. Beer stated the schools adopted bits and pieces.
- Chairman Roberts stated they piecemealed it?
- Ms. Beer agreed.
- Chairman Roberts stated he was just wanting to clarify because we heard earlier that KDHE didn't recommend testing but this document clearly goes through a pretty extensive process of how to test and what testing is acceptable by KDHE. Each school district had the opportunity to submit for funding, get authorization, and get the equipment to implement it if they chose to. If they didn't choose to it was their choice.
- Ms. Beer agreed.
- Chairman Roberts stated this document was supposedly submitted to the superintendents of the school boards. Chairman Roberts stated he said supposedly because he had not been to the school meetings to confirm the document was passed out.
- Ms. Beer continued with her statement: Prior to the school year starting, school superintendents and administration called upon MCHD staff to partake in an in-person discussion regarding back-to-school policies and procedures. MCHD staff invited the school nurses and other administration, the County Administrator, County Emergency Manager/Sheriff, County Emergency Management Coordinators, and our Board of County Commissioners Chairman to also be included, just the same as in meetings prior. The Health Department was not silo, it was a committee, as it has always been in the past when making decisions based on everyone coming together for the discussions.
- Chairman Roberts stated he was a part of the discussion Ms. Beer just referenced. He held up the KDHE document and stated the discussion was about this document. There was no secret, there was no nefarious silos being built, nothing illegal or inappropriate, it was just good information being shared between entities who have both parallel responsibilities. That is the care and treatment health of our community. Whether it is in a school sitting, hospital, or wherever it is this Health Board has a responsibility of the health of the entire community. To have those individuals in the same room talking about the same concerns "how do we protect children" & "how do we protect the greater community".
- Commissioner Vaughan questioned if the Health Department views schools any differently than any other large group facility or business in the county?
- Ms. Beer stated the mitigation strategies and the way that we conduct case in contact investigations are the same throughout. The bits and pieces of information that come from specific guidance documents from KDHE, Children's Mercy, CDC if they are specific to that entity, for instance take a CMS they have specific recommendations for a long-term care facility that we also have to take into consideration. Chairman Roberts stated for the record CMS is Medicare. Ms. Beer stated Centers for Medicare & Medicaid Services.
- Ms. Beer continued with her statement: This meeting was to brainstorm mitigation measures for school superintendents to take back to their respective boards, to provide up-to-date recommendations from KDHE and with all resources and recommendations vetted with input of regional pediatric and family medicine physicians, child psychologists, school nurses, and other child advocates as expert recommendation for the upcoming school year. School superintendents and boards of education then took action on such policies and procedures for the school year and have since taken further action on various items of their policies with

addendums to include and to omit specific recommendations from parents, community leaders, the Local Health Officer and from the Local Health Department. The schools were notified prior to local health departments in Kansas regarding the KDHE federal cooperative agreement which was awarded to KDHE on April 9, 2021. Of the \$87 million awarded to KDHE, it was outlined that approximately \$74 million of these funds was going directly to school districts to increase COVID-19 testing in pre-K through 12 schools and school-affiliated summer programs and camps. KDHE provided project specialists to provide each school district resources in creating a budget and to implement the chosen plan. The purpose of this funding is to provide another strategy and layer of prevention to protect students, teachers, and staff to slow the spread of COVID-19. It was also outlined that schools could choose any or all of the 3 testing plans and 1 vaccine plan to consider and to also review with the local health departments and/or the Local Health Officer. All individual applications, plans, resources, and funding support were requested by two schools within the county, directly to KDHE after board support and vote to implement the specific plans chosen. MCHD staff were made aware after the budgets were approved and when the testing supplies came in to assist in the logistical aspect of testing and to help brainstorm ways of streamlining information sharing and follow-up with cases and contacts.

- Chairman Roberts stated for clarification purposes, Miami County Health Board and Miami County Health Department did not demand, require, request any school district to do any testing.
- Ms. Beer said that is correct.
- Chairman Roberts questioned we did not insist they do any testing?
- Ms. Beer said that is correct.
- Chairman Roberts stated that was an opportunity for the school board through KDHE and utilizing federal funds. Those federal funds "I believe" could be used for testing supplies, testing equipment, certification, and staffing. Now what and any of that they choose to participate in was totally up to them. No health department and certainly not this board demanded, insisted, or required the schools to do testing.
- Commissioner Vaughan questioned if there is knowledge of the amount of funding the schools received.
- Ms. Beer stated the health department isn't privileged to that information. That is kept between KDHE and the school.
- Commissioner Pretz stated football teams, or any athletics tend to have a quandary at this, does KDHE recommend this testing for any other group than athletes?
- Ms. Beer stated the way the testing was outlined by KDHE it gives the school the option of who to test and for what situation to test for. Ms. Beer stated it is her understanding the 2 schools that applied for this funding only chose one portion of the testing strategy to include test to participate. Participate meaning school athletes or student athletes.
- Commissioner Pretz asked how often for the testing.
- Ms. Beer stated it was all outlined within the plan they chose. So for a modified quarantine if someone is exposed versus someone who's not exposed there was a different strategy in there to do regular surveillance testing so they could do twice a week, twice a month, whatever they chose based on community transmission and other factors. Because they chose a specific plan that was outlined how often to test and why.
- Commissioner Vaughan questioned if one of our larger companies in town has a cluster what's our advice to them? What's the recommendation, and is it their choice? Remove schools out of it for a second.
- Ms. Beer stated we've had several clusters and outbreaks within private businesses, within governmental organizations, departments, etc. Ms. Beer stated she will outline what the Health Department's basic process is. We will go out for specific guidance that KDHE has on their website as well as CDC specific guidance that they have on their website that pertains to that specific entity. They have guidance for religious entities, they have guidance for schools, they have guidance for almost every entity that's specific to that entity. We will go through our case investigation and contact tracing and use those mitigation measures outlined in those documents to form our recommendations to that business. Our Local Health Office has the authority to shut the business down if it was necessary. We've never required that, we've never ordered a business to shut down, most businesses are very happy to receive and to implement the recommendations because they want to keep their continuity of operations in their business.
- Commissioner Vaughan stated but the term modified quarantine is never used by us to an individual business. That's really been a function of the school direction from KDHE?

- Ms. Beer stated prior to school starting this year, it depended on what orders were in place. Last year it was a mandate for masks, modified quarantine wasn't an option. Given KDHE guidance, testing availability, vaccine availability, etc.; this year a modified quarantine is a new function in the schools. Our Local Health Officer chose to make that an option for essential employees and the Health Department was able to give appropriate recommendations that outlined what a modified quarantine was, why it was important, and the employer and the patient worked to agree to those requirements in order to not be subject to the full standard quarantine.
- Commissioner Vaughan stated to be clear on the full standard quarantine was 6 in 2 years?
- Ms. Beer stated that's the formal order, yes.
- Commissioner Vaughan stated formal full quarantine.
- Ms. Beer agreed.
- Commissioner Gallagher questioned some of the schools are doing the daily testing, is that for athletes only? For the close-contact kids?
- Ms. Beer stated that is correct.
- Commissioner Gallagher questioned the daily testing is because of the plan the school board adopted?
- Ms. Beer stated that is correct.
- Commissioner Pretz questioned does it just pertain to athletes? Or to students in class?
- Ms. Beer stated there was an option within the testing strategies to allow modified quarantine in lieu of a mask and the schools chose not to do that. From Ms. Beer's understanding, not to test those that are not student athletes, because of the limitations as far as staffing goes. Outlined within the K-12 COVID-19 Testing and vaccine option that KDHE provided to all school districts, there are different testing plan options for the schools to pick from. The schools chose what was best for them.
- Commissioner Pretz questioned regardless of funds.
- Ms. Beer stated she has no idea of the agreement between KDHE and the schools.
- Chairman Roberts stated just to be clear, that is guidance give to the school district from KDHE?
- Ms. Beer stated that is correct.
- Chairman Roberts stated there are individuals in our community that believe whole heartily that the staff at the Health Department has communicated to the schools and the superintendents that the schools have to do this?
- Ms. Beer stated if the school has agreed to a testing plan and it is something, they applied for with KDHE, if they have written it in their policy then on MCHD's end when they do contact-tracing and investigation they expect the school to uphold to the agreement they made with KDHE. If the school isn't upholding to the agreement, then what other option does the Health Department have?
- Chairman Roberts questioned then you're not providing something other than what KDHE provides you as guidance. There are individuals that believe the direction is coming from MCHD.
- Ms. Beer continued with her statement: The following is the process MCHD uses to conduct a case investigation/identification of a close-contact in regard to schools. All processes are guided by formal guidelines and published documents and are dependent on factors such as, but not limited to currently available resources, clusters/outbreaks, compliance with case-investigation and contact-tracing, community partnerships, and subject experts from KDHE epidemiology program staff and subject to change at any time, given new guidance and practice recommendations from KDHE and/or the CDC. What this means is that may all look different today compared to December of 2020 when our community transmission was so high, and our workload looks different. We do the best we can in trying to investigate and contact-trace to the fullest of our abilities but sometimes we focus on our priorities and we have to really make it known that although there is more that we need to be doing we have to prioritize based on our resources. We receive a report from a performing laboratory, ordering provider, infectious disease reporter, etc. as required by State Statute. We determine whether the case meets "confirmed", "probable", or "suspect" case definition as defined by KDHE Disease Investigation Guideline (DIG) for COVID-19; does this person meet the clinical and/or laboratory criteria and do they have vital records criteria met with evidence on a death certificate verified by the Office of Vital Statistics. We make sure what we are investigating is an appropriate case to investigate.
- Chairman Roberts questioned who provides the case?

- Ms. Beer stated it comes from either a performing laboratory who provides the test, ordering provider who orders the test, or infectious disease reporter as required by State Statute which includes certain school personnel.
- Chairman Roberts questioned if the certain school personnel include school superintendents and school nurses?
- Ms. Beer stated for infectious disease, yes.
- Chairman Roberts questioned if they are required under law to report a case?
- Ms. Beer stated yes.
- Chairman Roberts questioned what happens if they don't report it?
- Ms. Beer directed the question to Shelley Woodard, County Counselor.
- Chairman Roberts stated they can be criminally charged for not fulfilling their obligation. Regardless of what a school board tells them not to do, if the superintendent of a school district follows an irresponsible action by a school board, they would be what? Question is directed to Shelley Woodard.
- Ms. Woodard stated she is unable to speak specifically about the superintendent, but most of the cases including the Health Officer in the County there is a misdemeanor Statute that if they're not doing, their required duties that they can be charged with a misdemeanor. That can be done either through the County Attorney's office or the Attorney General's Office at the State level.
- Chairman Roberts stated this Health Board has a statutory requirement to protect the health of our community. Chairman Roberts is asking if anyone learns of a mandatory reporting individual that is purposely not defying their statutory responsibilities that it be handed to the County Attorney and let the County Attorney make the decision on how to handle it. Chairman Roberts stated they have a responsibility to make moms and dads aware that a student may have an infectious disease. That is not damaging someone's freedom, that is providing them with information. What that mom or dad does with it, is between them and their medical staff. But if that reporter has chosen to ignore his legal responsibility, I think that's problematic.
- Ms. Beer continued her statement: From there we identify whether or not the case meets the definition by characteristics of molecular and antigen tests for COVID-19 such as PCR (polymerase chain reaction), NAAT (nucleic acid amplification test) respiratory or saliva specimen. From there we would conduct a case investigation for a laboratory and probable confirm cases within a school setting. For a case investigation we would collect and report on specific information as required by KDHE and CDC. Once we are notified of a positive-result we will call the person and conduct an investigation. There are specific questions that are in a software system that KDHE uses, it is called EpiTrax. It is a very labor-intensive process; requesting information from the health care provider if necessary, going through the appropriate records, reviewing, and abstracting the records into the system, interviewing, then we need to determine if it meets definition of reinfection or breakthrough as defined by KDHE and try to find the source of exposure. If unable to locate the source, we then backdate 14 days prior to the onset date/test date of the symptoms. Infectious period is usually 2 days prior to the symptom onset date of 2 days prior to the test date if clear date of exposure can't be determined or if multiple exposures occur. Next is to prioritize our investigation epi-links among cases (households, co-workers, clusters, etc.) and interview for any other identified close-contacts throughout the infectious period.
- Commissioner Vaughan questioned if a breakthrough case is treated differently than a non-breakthrough case. Or is it still an infection of COVID-19?
- Ms. Beer stated they are all treated the same as far as what questions are asked. KDHE recently revised the interview questions for a breakthrough case. If it's older than 90 days then it is counted as a new case, prior there was a limited number of questions, now we have to go through all the questions.
- Commissioner Vaughan questioned as far as Miami County is concerned, a case is a case.
- Ms. Beer stated yes, a case is a case as long as it meets the appropriate definition.
- Ms. Beer continued her statement: Information exchange occurs with delegated school officials to request and obtain appropriate course schedules, seating charts, activities etc. during the case's infectious period. Verify exposure details of identified close-contacts, date of first and last exposure, if the person meets definition of close contact, what activities (if any) the case may have participated in throughout exposure, what mitigation measures were in place (if any) throughout the infectious period. Case conference with

KDHE/Epi Supervisor for case-by-case questions and/or situations that arise. Further interview with coaches, teachers, parents, students, athletes, etc. can occur at any time if additional information is requested to determine close contacts. Create a line list of individuals identified as a close contact. Note any symptoms, provide testing resources if necessary. Prioritize the monitoring/follow-up of contacts living within the household. Contacts outside the home may not require active monitoring by public health but should always self-monitor and notify school officials and/or public health and/or healthcare provider if symptoms occur throughout quarantine period. Ensure adequate quarantine measures are in place, notification has occurred, proper care and resources available to those in quarantine, and explore if formal order is required. With one of our grants we were able to hire a new nurse to take any cases who may need assistance with food, transportation to a provider, or any other resources we could identify through the case and close-contact. Even when people are isolated or quarantine, we try to provide resources to the best of our ability.

- Commissioner Vaughan stated he goes back to the fact that Miami County has done 6 formal full quarantines, is it a fair request that we simply change the verbiage on the letter and stop using the term quarantine unless we are doing a full quarantine? Commissioner Vaughan stated our role and responsibility is to notify the community. It seems like we can avoid some of the political train wreck we are in by changing the verbiage on the notification. MCHD continues their process, and we notify the cases out there, but we remove the term quarantine if it is not a formal full standard quarantine. Commissioner Vaughan would like the cases to either be fully quarantined or notified.
- Ms. Beer stated right now with conferencing with Dr. Banks and knowing what our capacity is within our own department, our number 1 goal is to reduce the risk of transmission, reduce the risk of mortality, and morbidity and keep our community as safe and healthy as possible. I think we would be open to a discussion as far as how we notify families, students, or even staff of a close-contact exposure. I think no matter what the statutes are, keeping people notified and our community safe is our goal.
- Commissioner Vaughan would like to look into it.
- Chairman Roberts stated the lightning rod is the modified quarantine. People think it should be stricter or a full-blown quarantine. Our goal, and you can tell I'm passionate about it, "I want Mom & Dad to know their child was potentially exposed". I want the parents to have the control over their children. If we don't do our part in just telling them, call it notification, I don't care how we do it. In addition to that, it is imperative that we have every school district be our partners and provide that notification. Chairman Roberts stated he is getting emails from parents in one school district wondering why they aren't getting told. Chairman Roberts stated he is kind of confused because he knows MCHD provided the notification letters to the school district. Chairman Roberts would like to create some sort of health guidance policy in cooperation with Dr. Banks and MCHD as well as our school boards. All we need to tell the parents is we have a potential case. Chairman Roberts stated no one here wants to put out 4,000 quarantines. It wouldn't be doable by our Sheriff, it wouldn't be doable by our MCHD staff, and it would cause chaos within our community. If we can capitalize on the Commissioner Vaughan's proposal, then we need to do it.
- Commissioner Pretz questioned by State Statute is it the school's responsibility or the county's responsibility to notify the parents?
- Ms. Beer stated as far as State Statute goes, it is the Local Health Officer's responsibility to identify the close-contacts and to notify them to the best of their ability.
- Commissioner Pretz questioned if MCHD is doing the notifications.
- Ms. Beer stated to the best of their ability.
- Commissioner Pretz questioned how it is being done by the best of their ability?
- Ms. Beer stated either they are calling them directly or we are utilizing the schools' communication platform to reach a large number of individuals who have been identified as a close-contact.
- Chairman Roberts questioned that is a cooperation with the school districts?
- Ms. Beer stated that is correct.
- Chairman Roberts questioned if MCHD is drafting the communication.
- Ms. Beer stated all communication is written by the MCHD's nurses and distributed through their emails.
- Commissioner Pretz gave an example of: MCHD sent 40 letters to a school district and sending through email throwing the responsibility on the school to notify the parents of the child?

- Ms. Beer replied, yes.
- Commissioner Pretz stated he thought it was MCHD's responsibility. How can you trust the schools?
- Ms. Beer stated it's an underlining agreement that MCHD has with the schools to work together on this. We've had that cooperation up to this point.
- Commissioner Pretz questioned if you don't think a school is cooperating what are you doing?
- Ms. Beer replied, if we think a school is not cooperating then we have tried to send the letter out to see if it reaches that family and if the family is not reachable then we have to physically input all of those close-contacts into EpiTrax which takes hours. Then we either contact the patient's family individually or route it to the State for follow-up.
- Commissioner Pretz questioned how are you finding out who's got Delta COVID?
- Ms. Beer stated it goes back to item, we receive a report from a performing laboratory, ordering provider or infectious disease reporter as required by State Statute.
- Commissioner Pretz questioned who's the laboratory?
- Rita McKoon, MCHD Director, stated any licensed laboratory in the State of Kansas.
- Commissioner Pretz questioned if Mom takes Little Johnny for a test, who notifies MCHD.
- Ms. Beer stated the report can come from the parent, the performing laboratory, ordering provider and/or the school nurse that Johnny is attending school at. Sometimes we receive multiple reports because everyone is wanting to make sure they are doing their job.
- Commissioner Pretz stated just to review; MCHD is sending 40 emails to a school district to please notify their parents.
- Ms. Beer stated once we have identified the case and have done the investigation, then we do the contact-tracing throughout the contact-tracing process we identify who Johnny was around during each class period. What was the spacing between the desks; what activities did they participate in PE; what did the PE teacher say they did in the activities; were all others listed on the roster present that day; do any of the individuals that were present have a record of COVID-19 vaccine? We go through that whole thing for one case. Once we identify the whole list of people who were identified, we create a letter specific to those exposures. If Johnny attends a school doing block schedules and he only attends school on Monday, Tuesday, Wednesday Thursday, and Friday, during their infectious period they're symptomatic they go to school, we take that last day as the potential exposure and we go from that date. It could be different depending on the age group, whether or not the students are cohorted within a classroom, and how many classes they have in one day. So it can be very labor intensive and without the cooperation of the schools these patients and their families would not be notified in a timely manner.
- Commissioner Pretz questioned if a child has been vaccinated is there different ways that child is treated?
- Ms. Beer stated with any communicable disease not just COVID-19 the State Health Officer makes specific requirements for children within a school setting to be vaccinated with specific vaccines.
- Commissioner Pretz stated he is just talking COVID.
- Ms. Beer stated if you're just talking COVID, it's no different than any other communicable disease. There is a set of standards that require someone to quarantine if they've been exposed and they're not vaccinated. And if they're not vaccinated and don't have proof of immunity, then they have a different set of guidelines they have to follow.
- Commissioner Pretz questioned if they've been vaccinated?
- Ms. Beer stated or un-vaccinated.
- Commissioner Pretz stated, so you're treating an un-vaccinated child different than a vaccinated child?
- Ms. Beer stated each person...
- Commissioner Pretz requested a yes or no answer.
- Ms. McKoon stated yes because it is listed in the CDC and KDHE guidelines of what we need to follow.
- Chairman Roberts stated that is a good clarification. It is nothing the Miami County Health Board or Miami County Health Director created out of thin air.
- Ms. McKoon agreed.
- Chairman Roberts stated these are standard Federal and State expectations and guidelines. And clarification for you, you said clearly it doesn't matter what infectious disease it is, we happen to be talking about COVID-19 in today's world.

- Commissioner Pretz stated he would like to get back to his original question. Are the school's responsible or is the county responsible?
- Ms. Beer stated they both share a responsibility because there are statutory requirements to a school not to admit an infectious or potential infectious person.
- Chairman Roberts requested the question be directed to the County Counselor.
- Ms. Woodard stated Ms. Beer is correct. The schools have a responsibility to run a healthy safe school environment which includes reporting infectious diseases. They have specific requirements, the County Health Officer has a legal requirement as well to notify people. Particularly in the school districts situation they are very specific. It states right in there "It shall not relieve any other unit of government of their duties and responsibilities". KDHE also has their own responsibilities to do contact-tracing and such. Basically you have three parallel jurisdictions here that kind of have the same responsibilities. It's the same statutes and this goes back decades. Example, a school cannot let a child in with measles, and on top of that they have to identify which children have and have not been vaccinated for measles. Then there's going to be protocols. So, COVID is exactly the same. But the schools absolutely have a responsibility to know who has an infectious communicable disease. The County Health Officer absolutely has a responsibility to know who the cases are and to make notifications. And the State has that same responsibility.
- Chairman Roberts stated Commissioner Pretz's question is a very important one and we need to make sure we clearly understand it. The Health Department, Health Director, Health Board, and school boards have parallel responsibilities. Is that correct?
- Ms. Woodard stated it is and I believe that is one of the reasons the Health Department has tried so hard to work closely with the school districts to make sure everybody is doing their part to meet the requirements.
- Commissioner Pretz questioned if we tend to have breakthrough cases with chicken pox and measles?
- Ms. Beer replied yes, shingles. We do have breakthrough cases of all communicable diseases. A lot of them are eradicated.
- Commissioner Vaughan questioned if there is a threshold in a percent of community or area of vaccinated that we say ok now things have changed? Because this time last year we didn't have a vaccine, we've made every effort to make it available for everybody. What's the threshold?
- Ms. Beer stated prior to the Delta-Variant and other variants in our community that we were all very hopeful of obtaining immunity. With the emergence of the variants, which is to be expected, viruses mutate all the time, but it becomes a more complex answer. I'm not sure that there's a specific percentage that would protect our community from current variants as well as future variants.
- Commissioner Vaughan stated this discussion was well overdue and appreciates MCHD out today, talking through this and bringing the Commissioners up to speed. Commissioner Vaughan stated for him it really comes down to doing the best we can and us understanding what our responsibilities are. Commissioner Vaughan stated notification to the best of our abilities. From a County's standpoint we need to understand how we can best support notification, how can we make any treatment available, provide more testing, how can we make sure MCHD has the adequate equipment needed; but the whole arguing with and between the school boards is tiring and it's actually a distraction. Commissioner Vaughan believes we need to focus on notification as much as possible.
- Chairman Roberts stated the document he referred to earlier will be left with the County Clerk, anyone wishing to get a copy may send an email to the Clerk's office requesting a copy of it. This Commission does not have a mask mandate and I don't believe we have any intention to create one. This Board has not adopted or considered a vaccine mandate, nor do I believe we will consider it. This Commission, now speaking to two individuals present that happen to be elected officials on school boards, we need your help. We just want Mom & Dad to know that their child has possibly been exposed. If we need to change the term and document, we'll do it, but please us by getting the information to the parents.
- Commissioner Pretz questioned if the two people Chairman Roberts was just talking about would be allowed to re-address the board?
- Chairman Roberts stated that should be fine once MCHD is finished.
- Ms. McKoon stated to be clear MCHD does not take any verbal positive reports. All reports must be in written form.
- Chairman Roberts stated Miami County has received a number of KORA requests and we are working

through them.

- Ms. Woodard stated she understands people are frustrated at the timeline but there is a process to get through to assure no information gets out that shouldn't, such as a child's name. Ms. Woodard stated she has submitted a request to our IT vendor to pull the data being requested. Then she will comb through the information to make sure the information is public information only. At which time someone in at MCHD will go through with a second review. We don't want to release a child's information by mistake. Once completed we will be happy to release the information, it's just a time intensive process. My goal is to get the KORA requests out as quickly as possible; in as short amount of time as possible; and as least expensive as possible. I am trying to give everyone realistic time and costs involved to be as fair and upfront with everyone, hopefully, I can exceed that and do better.
- Chairman Roberts questioned if Ms. Beer and Ms. McKoon have anything else to add.
- Ms. Beer stated they really appreciate the partnership and collaboration with our schools and Board of Health. Ms. Beer thanked the Commissioners for taking the time for this meeting today.

Chairman Roberts called for a break at 3:00 p.m. The regular meeting reconvened at 3:09 p.m.

Chairman Roberts invited the visitors to speak. Douglas Shane reapproached the podium stating first and foremost I have no idea where the language comes from that any school district in our county has said that they will not fulfill their mandatory obligations for mandatory reporting of a positive case within a school district. To my knowledge no school board has made that motion. And I have no idea why it's been brought up here today, but it's troubling to me. In Louisburg what we said is that we would stop transmitting unenforceable government orders from the county. Which I believe your legal counsel just confirmed those are unenforceable. If we need to go back through the language of those, I will be happy to do so. I have sent recommendations to my superintendent and those have been transmitted to you at the county. I have pushed for a collaborative relationship both as a citizen and a school board member between the schools and the Health Department. I've also pushed that we need to do things the right way and the legal way and so I'm glad to hear that we want to go to the direction of either we give an enforceable government quarantine order, or we provide notification. In Louisburg we were told that it is a requirement to adopt the policy that we adopted if we wanted close-contacts to be able to come to school under a modified quarantine. Somethings not adding up somewhere, I will do my job to try and figure out where. We were told, in no uncertain terms, in an open meeting, that it was a requirement. No different than our board was also told that these "informal quarantine orders" were required though not formal. We have some work to do in our local school boards, there has been no clear communication to us as board members that there have been requirements and I would also note as school boards we do not dictate the terms of quarantine. Unenforceable notifications are a huge deal to me. Mr. Shane thanked the Commissioners for taking the time to talk about it. Chairman Roberts stated it is the school's responsibility to make a report of any potential case. Just to make it clear there are certain individuals being told not to make a report, it is their mandatory responsibility to report a case. Commissioner Dixon questioned when Mr. Shane's next school board meeting is. Mr. Shane stated next week. Commissioner Dixon questioned if it is possible to have a letter drafted and available that soon. Chairman Roberts stated the letter must be approved by this Commission and he will be working with the County Counselor to get a letter drafted but it will not be available next week. Chairman Roberts requested Mr. Shane to let the school superintendent and school know that Miami County is working on a letter. Mr. Shane requested the Commissioners inform the superintendent as Mr. Shane is not here today in the capacity of a school board member.

Josh Barnett stated he would like to reiterate what Mr. Shane just said. I brought a document in 2-weeks ago when I came to speak to the Commissioners. The document was created by the superintendents and my understanding the Health Department, that document was brought to our school board and was told this is what needs to be... This is the document we keep coming back to and that's what is frustrating to us. At the school board level we get told "this is what we have to pass" in order to have our kids in the classrooms. Ms. Beer stated that's KDHE's guidelines. Chairman Roberts stated to Mr. Barnett's point there is a communication gap. Mr. Shane stepped up to the podium stating one of the things Mr. Barnett is trying to hit on is in many ways practically the county didn't come in and say this will be your policy although in some cases we were told some things were required. Ms. Beer stated the disease investigation guidelines setout by KDHE is very explicit on whether or not you've been vaccinated, whether or not you're eligible for modified quarantine; those modified quarantined requirements have to be agreed upon by the school as well as the student and their families. If you choose not to do the modified quarantine requirements, such as the testing or the masking, then they would be subject to the full standard quarantine. That's not up to us (MCHD), that's up to KDHE and that's up to the local schools. If you choose not to implement those mitigation strategies

outlined in that document, then you are pretty much not allowing a student to partake in educational or athletic activities because you're not giving that option to the student or their family. Mr. Shane stated for clarification that still requires being an enforceable government order, unless as a school district want to simply set a school policy for attendance based off the notification from the Health Department. Mr. Barnett continued by stating how their process works, most of the time our parents are notifying our schools they have a positive case, because they go to the local pharmacy or wherever and get tested. Those tests have to get reported back, but it takes time. Once that parent calls the school, then the school does the contact-tracing, then Osawatomie schools decided which kids had to be quarantined. At that point the school was making recommendations and sending notifications to the parents. Commissioner Tyler stated out of fairness we allowed two visitors to reapproach the podium, do we want to allow the other two visitors that spoke a chance to reapproach the podium? Ms. Woodard requested additional information on modified quarantine. Ms. Woodard stated the Statute she works with deals with full quarantines not modified quarantines. Ms. Woodard stated she believes, and asked Ms. Beer to correct her if she is wrong, the modified quarantine is coming from KDHE in conjunction with the Board of Education? If this is correct, their legal authority is somewhat different then ours. Ms. Woodard stated she will need to explore this further. Ms. Woodard questioned how much the Commissioners want her to dig into this because it will require her reaching out to different State entities. Commissioner Vaughan stated they need as much detail as possible so that the Commissioners can provide clear directions. Ms. Woodard stated her concern is if she reaches out to the wrong State entity they might start questioning if MCHD is doing things correctly and KDHE might pay a visit to Miami County. Commissioner Vaughan stated the county does everything out in the open, if KDHE wants to visit Miami County let them visit. Ms. Beer stated the modified quarantine is just a term for those undergoing a quarantine who have the opportunity to still participate in work-related, school-related activities. The modified quarantine option that KDHE outlined this year was along the lines of the testing and the masking in order to still participate. If you don't comply or if you don't agree to those terms, then a modified quarantine is off the table. It's just not an option. Chairman Roberts stated it's a volunteer request and the next step is a full quarantine. Ms. Beer agreed. Chairman Roberts invited the other 2 visitors to reapproach the podium that spoke earlier. Debbie Mize questioned if the KDHE is an elected body, they do not make laws or statutes? Chairman Roberts stated they report to the Governor of the State of Kansas. Ms. Mize stated the Governor has not made a law on this, does the KDHE just make a recommendation. Ms. Mize stated to her this is where some of this is lost. Is KDHE trying to make a mandate or a law here that we follow these protocols? Ms. Woodard stated KDHE is setup via statute, and they answer to the Governor. They can only operate under the statutes given to them. Tiffany Ellison came back to the podium stating that we are literally doing this over a disease that has less than .004% risk to children. Our kids are not at risk, which is a fantastic thing, this should give hope to everybody. Then the argument of not wanting the kids to transport the germ home to the grandparents. As a parent I want to make that choice, the grandparents should get to make that choice. Here are some questions I have:

- Close contacts, are defined as? Ms. Beer stated the definition of close contact is outlined in the KDHE Disease Investigation Guidelines for COVID-19, last updated September 2021.
- One of the issues we are having is since nobody is masked then everybody is determined a potential close-contact? Ms. Beer stated that is not true. Ms. Ellison stated for clarification, not trying to trap you, if we can't determine when someone isn't a close contact then everybody is determined a close contact, that is not coming from your department? Commissioner Vaughan requested Ms. Ellison to address the Commissioners then the Commissioners will engage the Health Department. Chairman Roberts stated it is very unusual for the Commissioners to allow anyone to address the employees.
- Are we making determinations for informal potential close contact notification on a different level because a classroom is not masked? For instance since we can't determine that someone wasn't a close contact everyone, therefore, is considered a close contact. Chairman Roberts stated his understanding if they were in a classroom setting and were not 6 feet apart and in contact for 10 minutes or more, that would be close contact. Chairman Roberts asked Ms. Beer if he is correct. Ms. Beer stated in a classroom setting in elementary, middle school or high school you have a seating chart, and the students are expected to stay there, then yes. If you have a preschool setting then the question is, is that student really sitting in their seat for at least 10 minutes? It is a case-by-case situation, and we do not automatically assume that everyone is exposed. We always go to a granular level, to determine whether or not that seating chart is available whether or not they are participating in any moderate or high-risk activities. So it is a case-by-case basis and not a one-size fits all. The statement of "the whole class is a close contact" is not accurate. Chairman Roberts stated you can see why that is a complicated question and how every case may be different.

- Looking at the KDHE Test to Stay, Play and Participate; I am really curious to match it to the document Chairman Roberts has. How do we know what level of transmissibility we fall under? Ms. Beers stated the document she is referring to is a specific document that went straight from KDHE to the school districts. It says in there that they are able to determine which strategy and which level they want to participate in. I don't know the specifics of that document because local health departments were not involved. Ms. Ellison stated it lays out in the document low, moderate, substantial, and high transmissibility rate; you guys aren't aware of how that is determined. Chairman Roberts stated he doesn't have that information. Ms. Beer questioned if Ms. Ellison is referring to community transmission? Ms. Ellison stated it's just the colored system of transmissibility. Commissioner Vaughan stated it would be helpful if Ms. Ellison could email it to the Clerk. Ms. Ellison stated she would. Ms. Beer stated this would not be applicable to any of our school districts because the test to stay and learn to participate were not adopted by all of our districts, to the best of my knowledge. Chairman Roberts questioned Mark Whelan, Emergency Management Coordinator, if he has any knowledge to this. Mr. Whelan approached the podium and stated KDHE puts out a map every Monday, Wednesday and Friday showing the level of transmission, it is color coded from very low to very high transmission within the community. I have not looked at today's map as it comes out at 1:00 p.m., but on Monday around 90 counties were showing in red as high transmission. Commissioner Gallagher questioned if it was because of the number of cases. Mr. Whelan confirmed that is right. The map just started appearing within the last month or two. Chairman Roberts requested Mr. Whelan to get with Administration, find the map and document and post both on the County website under the COVID section.
- We have students with other communicable diseases such as influenza, RSV, and strep, notifications aren't going out for these things, why is that? Ms. Beer stated they are not reportable diseases under the State Statute that the State Health Officer has outlined for the State of Kansas. Those are not reportable diseases within Kansas, COVID-19 is.

Shelley Woodard, County Counselor, questioned if Ms. Ellison's KORA request questions were answered in today's meeting or would Ms. Ellison still like the KORA request responded to. Ms. Ellison stated she will go home and take another look at that and get back with Ms. Woodard.

Bill Mize, 217 N. 6th Ter, Louisburg, was granted permission to have the floor for 1 minute. Mr. Mize stated he is familiar with the quarantined statute, there is not a modified quarantine statute. The statute is KSA 65.129, the reason this comes up is because KSA 129c is a statute that says if you are subject to a quarantine you have a right to go across the street to the court, get a 72-hour hearing to challenge that, they'll have to appoint you an attorney and I think that's the reason the health people don't want to make it a full quarantine.

Chairman Roberts stated this ends the public hearing with the Miami County Health Board and thanked everyone for their participation. It is very unusual for the type of discussion that took place today, but the Commissioners really appreciated their input.

STAFF COMMENTS

Mark Whelan, Emergency Management Coordinator, gave an update on COVID-19 with the following:

- Total COVID cases is currently at 4,176; 130 new this week
- 1 new death
- No new hospitalizations
- 3 active outbreaks
- KDHE is now producing a school district case map with a 2-week average of anyone age 5 - 17
- 32 Personal Protective Equipment (PPE) pickup, and just over 475,000 pieces of PPE were sent out

Chairman Roberts has asked the County Clerk to educate all those present on the process to find a new County Treasurer. Janet White, County Clerk, stated she has a statutory obligation when a resignation has been tendered the Clerk is to receive a copy of the resignation and send a notice to the Party Committee for which that person was elected, in this case it is the Republican Party Committee. Notification was made to the Republican Party of the resignation effective on October 15th, it was confirmed the notification was received. At this point it will be up to the Party to hold a convention to come up with the person they will nominate to the Governor to appoint to then hold that position. Ms. White stated it is all done at the Party level, but she understands that they have 21 days from the date of the notification to have the convention and once the nomination goes to the Governor there is a 7-day process before the person is nominated then the information goes to the Secretary of State. Commissioner Pretz questioned the date

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of notification. Ms. White stated she received the resignation on September 30th and forwarded the notification on the same day. Ms. White stated the County Treasurer currently has 2 deputies that will be sworn in for the new term that is just starting, the deputies will act as the Treasurer until which time a new Treasurer is appointed. Shane Krull, Administrator, stated one of the requirements will be an audit; the auditor will be here on October 15th at the close of day to assure the cash balances. From that point forward will be a new slate. Since the resignation of the current Treasurer is at the beginning of the term, the County Treasurer position will be on the ballot in the 2022 election. Chairman Roberts questioned if the appointed person wants to maintain the position as Treasurer will the person have to run for the position. Ms. White stated yes as well as anyone else interested in running for the position of Treasurer. Anyone wishing to be on the ballot for the position of Treasurer will run in the Primary election and if elected moves onto the General election.

COMMISSION COMMENTS

Commissioner Pretz stated there will be 2 events that might have 2 or more Commissioners present:

1. Miami County K-68 Expansion meeting by KDOT, Thursday October 14th from 5:30 p.m. to 7:30 p.m. to be held at the Louisburg High School Auditorium in Louisburg, KS.
2. The Miami County Water Summit at 3:00 p.m. on November 3rd in the Commission Chambers of the Administration Building

Commissioner Dixon stated there was a lot accomplished in today's meeting with the help of Rita McKoon, Miami County Health Department (MCHD) Director, and Christena Beer, MCHD Assistant Director.

Commissioner Vaughan agreed with Commissioner Dixon.

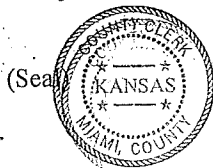
Commissioner Gallagher complimented Road & Bridge and all the work they have been getting done. Commissioner Gallagher highly recommends everyone to drive Lone Star Rd between new and old K-68. They have asphalted the road and it is one of the smoothest jobs Commissioner Gallagher has ever seen from Road & Bridge.

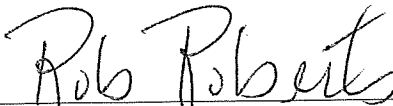
Chairman Roberts complimented the Miami County HR Director. Miami County has met the criteria for KCAMP Risk Management Award, this is a safety team our HR Director has lead over the last several years. As a result of the award the county received a check for \$7,650.55 representing a 3% refund of the KCAMP policy premium and is considered an excellence award. A great accomplishment by our HR Department and their efforts.

Chairman Roberts stated there is a modification to next weeks Study Session. It was planned to have a deliberation meeting from 9:30-12:00, there was a prior commitment and the deliberation for the Petition of the City of Golden will be moved to approximately 10:00. The results of the County's property & casualty insurance that will be here at 9:00, this was a prior commitment made by Shane Krull, Administrator, and due to the timeline, it cannot be changed. At which time the afternoon meeting will have an action item on the Agenda giving an opportunity for the Commissioners to make a decision about the Petition of Golden.

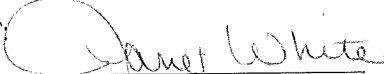
ADJOURNMENT

The meeting was adjourned at 3:56 p.m.




Rob Roberts, Chairman

ATTEST:


Janet White, County Clerk