

**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 November 3, 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	Wendy Newton, Office Specialist
George Pretz, Commissioner	

News: Doug Carder, Miami Republic News

Visitors: Mike Martin, Brooke Bell, Jennifer Patterson, Matt Schulz, Josh Barnett, Mark Govea, Catelyn Amen, Brett Lafferty, Bret Glendening

CALL TO ORDER

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

PUBLIC COMMENTS

Josh Barnett, 33959 Cedar Niles Rd, Paola stated he is on the school board but not here representing it. He referred to the Quarantine Letter being sent home from the school when a child is considered a close contact and pointed out that it had the word Quarantine in it 13 times. He wanted to address that it reads as a quarantine order with minimal options and would like an appeal process if it is considered an order. He also stated that vaccinated and unvaccinated kids should be treated the same due to there are breakthrough cases.

CONSENT AGENDA

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

- Approval of minutes of the County Commission meeting on October 27, 2021
- Approval of AP payment vouchers
- Tri-Ko annual letter of support
- Add-on 1: Signature card changes due to the addition of a new County Treasurer - adding and removing employees for First Option Bank and Security Bank
- Add-on 2: Sitting as the Miami County Health Board

Commissioner Gallagher seconded; the vote was unanimous.

NEW BUSINESS

Chairman Roberts introduced the new County Treasurer, Tricia Lee. He also said he would like to challenge her on two items. The first would be to help the Commission find a different approach to the Motor Vehicle Process and second is to how we could more diversify the revenue the county has into multiple banking solutions for a better investment plan.

Steve Lyman, Financial Director, requested the Commissioners to consider approving the ARPA Grant Consulting Services Agreement with BKD, LLP and Work Order A-1. Mr. Lyman stated in May of this year the county was awarded \$6.6 million in ARPA (American Rescue Plan Act of 2021) grant funds. The Agreement is to bring on BKD, LLC to assist in a consulting role to develop a program for these grant funds. Chairman Roberts wanted to let the public know this firm was vetted by the State to be an appropriate firm to consult on these funds. He wanted to clarify the County Commissioners will be the individuals making the decision as to where the funds go and the amounts. Commissioner Pretz moved to approve BKD as the ARPA grant consulting service, Commissioner Gallagher seconded; the vote was unanimous. (A21-11-064)

Bret Glendening, Deputy City Manager of Osawatimie, requested the Commissioners to consider approving the interlocal Agreement for ARPA funds expenditures between the Board of County Commission and the City of Osawatimie, Kansas in regards to the waterline at Osawatimie Middle School. He stated they requested bidding from 7 different contractors but 0 responded as they could not meet the schedule. He went back to the bidders and said if they needed to make exceptions to respond with those exceptions and is expecting 1 back by the end of this week. They then solicited pricing for just materials and has 1 bid back with 2 more expected today. Hoping if they have the materials and a contractor to get it done, it can be completed by the end of the school year. Commissioner Gallagher

asked if this was a new issue and what was the problem? Mr. Glendening responded the pressure issue is new as of this year and the line is clogging with mineral deposits and the line needs to be replaced. He stated this line is critical due to the safety issue for the kids in the school. Chairman Roberts stated that this line is over 100 years old and is cast iron. He stated the County Administrator and the City Manager worked together to look over the cities finances to see how that could be taken care of and came back with Osawatomie needing an emergency request. Commissioner Vaughan wanted to clarify that this is not the normal procedure and he would not like this unique scenario to set a precedence; typically, they would be perusing a loan option to the city. Commissioner Gallagher stated the County had relieved the city of around \$200,000 a year on dispatching and is now having issues on not enough dispatchers. He said he would vote for it as it is an emergency but is torn. Shelley Woodard, County Attorney stated the agreement does have to go to the Kansas Attorney General for review and approval. Commissioner Pretz moved to approve using ARPA funds expenditures reserve up to \$200,000, Commissioner Dixon seconded; the vote was unanimous. (A21-11-065)

Chairman Roberts recognized the Mayor of the Year was in attendance; Mark Govea, Mayor of Osawatomie. Mr. Govea thanked the Commissioners for all the time spent in helping the city. He stated this would be his last when he would turn it over in January. He appreciates all of the time spent with the Commissioners and thanks them. Commissioner Pretz commented that Mark (Govea) was great to work with since District 3 covers Osawatomie. He stated Osawatomie has made some bold moves for the betterment of the community and wanted to thank everyone involved.

Tricia Lee, County Treasurer, requested the Commissioners to consider approving new signature card changes due to the addition of a new County Treasurer - adding and removing employees for First Option Bank and Security Bank. Commissioner Gallagher moved to approve as presented, Commissioner Vaughan seconded; the vote was unanimous.

Chairman Roberts stated the County Commission will be sitting as the Miami County Health Board. Chairman Roberts stated there was a meeting within the last month and performed a review of the letter sent out by the Health Department anytime a student has been potentially exposed to COVID due to a classmate within the class or the school system who has actually tested positive for COVID. There is a protocol that each school district has approved, they have their own opening plan, the responsibility of the Health Department is to notify the parent/guardian that their child was potentially exposed to COVID. There has been some conversation as to is it called a quarantine, a modified quarantine, is it legally defensible, is it legally enforceable. So, we asked our County Counselor to meet with both the Health Department and the Medical Director and get some direction on what it is and maybe you can clear up some questions and give some recommendations.

Shelley Woodard, County Counselor stated they did have that meeting and talked about some possible options and after reviewing the letter and talking about the different options the consensus was essentially status quo; to maintain the letter as is at this time. If we were to recommend any changes it would be to change the heading, but the body of the letter would remain the same. Chairman Roberts asked what do we say in response to the question Quarantine. I know the title says modified quarantine, where did that come from? Ms. Woodard responded she thought the Modified Quarantine came from KDHE (Kansas Department of Health and Environment) but wasn't 100% sure. It's allowing for different types of quarantine such as masking if you have been in contact but meet certain criteria and all of that is based on the various safe to school plans each school district has adopted. That is one of the reasons going status quo was the decision; we do not want to hamstring the ability of the schools to implement their safe back to school plans. This seemed like the best way to do that. The modified quarantine allows for other possible options depending on the circumstances on how they might have been exposed, vaccination status, different things and depending on the risk factors.

Commissioner Gallagher stated that last time he asked about using the term notification instead of quarantine. Did the idea of not using the term notification come from Dr. Banks? Did he not feel comfortable with that? Or was it the fact that the schools define what path they go down and that is where the modified quarantine comes in and the notification could then blur that line? I am just trying to understand. I thought our job as the Miami County Board of Health was to notify. Ms. Woodard stated that is where we could possibly change the heading to notification but the reason, we want to keep the language the same is that the request to isolate and quarantine can come from the MCHD (Miami County Health Department) and so in order to enforce the back-to-school plans that language needs to be in there for them to fall back on. They have their own responsibilities to keep students that are contagious out of school and this allows them to do that. Each school district does have their own safe back-to-school plan. They are very similar with a few differences here and there but that is something the MCHD would know more intimately than I do. Commissioner Vaughan stated he just wanted to simplify this down to legality. Do we enforce the modified

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quarantine or does the school enforce it?

Ms. Woodard stated it is a joint effort; the MCHD does not know who is and is not in the school building at any given time. The modified quarantines are coming from the MCHD and is being sent through the school databases as the school has access to the contact information for the students. So, it's a joint effort of the two but the authority is with the Health Department and our Health Officer. Commissioner Vaughan asked if we were 100% liable to notify anybody who is exposed? Ms. Woodard stated we do have a legal requirement to do contact tracing for a handful of contagious diseases with COVID being one of those. Chairman Roberts asked if it was really necessary to have the word modified quarantine in there so many times? As one of the speakers said it is in there multiple times. Ms. Woodard stated there is not a requirement to the number of times it is in there but there is a requirement of some sort of language that would allow the schools to enforce their safe to school plan and we determined this was the best way to do that. She said that there are specific letters for each individual school district based on their safe to school plans and each letter is tailored based on the type of contact and the dates. Contact tracing is pretty extensive in Miami County and they know exactly how the students are exposed to COVID and each letter is tailored based on that exposure.

Chairman Roberts said he neither agrees nor disagrees with this but has heard the word "unenforceable mandate". Has anyone ever told anyone this is enforceable, have they? Ms. Woodard stated not to my knowledge. Of course, I can't speak to anything prior to my time here at Miami County, and unfortunately this has been going on for a lot longer than any of us wished, it is not an enforceable quarantine, official quarantine. It is our belief that the majority of the citizens of Miami County are people who want to do the right thing and want to keep themselves, their children, and other people's children safe. This is the way we are asking them to do that. If they choose not to follow it then if it is determined that it is necessary, we can go down the path of an official quarantine, which obviously we would like to avoid if at all possible. So that is why we have chosen the letter that we have. If need be, we can issue, and have issued a handful of official quarantines, but like I said a vast majority of the citizens of this county are wanting to do the right thing. Commissioner Vaughan stated he would agree with that. That as Commissioners and the Board of Health our goal has been clear from the beginning. We want to notify anybody and everybody who has been exposed. I think it is our ultimate responsibility to do that, we are trying to do that. Notifying is extremely important and the whole quarantine word in the letters is getting in the way for however many people, confusing them, if we are still achieving the same thing by removing the word quarantine. I'm all for it. I just want to make sure we get the letters out and notify people who have been exposed. This is what your school districts requires, let the school districts figure out what their individual plan is. Every Commissioner up here has said that we want to notify everybody that has been exposed and do whatever we can to do that. It feels like this has been the sticking point that some folks really stand up against. It's really not us changing a process at all. Commissioner Pretz stated he agreed a lot with what Tyler (Commissioner Vaughan) was saying. I think we are doing our job to make notice and I don't think you need the word quarantine. It is the school board and administrations shop to run. We are giving the school board, and everyone notice. Has KDHE sent down mandates that this is the way it's got to be done?

Ms. Woodard stated that KDHE has provided recommendations and such. Commissioner Pretz said recommendations is the key word there. Ms. Woodard continued obviously as the Health Board you have the ability to override what the Health Officer wants to do. The current letter we are sending is at the recommendation of your Health Officer. Schools cannot issue quarantines. Commissioner Vaughan said that was my question. It is Dr. Banks who wishes to keep the word quarantine in the letter. Ms. Woodard stated this letter is approved by Dr. Banks. When I met with Dr. Banks and the MCHD and we talked about all the different options this is what was finally decided on. This is the recommended letter from your health officer. Chairman Roberts asked who has the ultimate authority? The Medical Director or the Health Department? Ms. Woodard stated that Dr. Banks is the ultimate authority and then as a Board of County Health you have the authority to accept, modify, or reject your Health Officers recommendation. Commissioner Pretz wanted to verify that there is no mandate through KDHE. Ms. Woodard stated I believe anything that they had has currently expired but would have to do some research to answer that definitively.

Commissioner Gallagher stated this one letter but then you said the school districts send out their own letter. So, who's getting this letter? It says to parent/guardian? Ms. Woodard stated it's not each school district that is sending out their own letter, they are sending out the letter coming from the MCHD. So, they are all going to look very similar. Like I said there is a form letter they are using, and they are tailored to each school's safe-to-school plan and then further tailored based on the specific contact. They are designed to follow each school districts plans. Commissioner Gallagher asked if the schools plan states quarantine many times? Ms. Woodard said she would have to go back and review the plans but thought that they did have masking requirements, staying home requirements and things like that. She did not know the specifics language that they use at this time. Commissioner Vaughan stated that

he believes we could simplify the process. We have however many school districts and each one has a form letter and a plan when they come into contact and that is the form letter we send out. We remove quarantine, we satisfy our notification, and we let the school districts decide their plan.

Chairman Roberts stated he believed that there was a question by one of the superintendents after the last meeting that if the County Health Board did that that they would have to change their plan. Within their plan their school has these back-to-school expectations. Let's remind each other that KDHE wrote those. Those documents came from KDHE. The school board had to adopt any and all of that and the testing to play, the testing to stay, testing to learn, is a document that was created by KDHE. Handed off to every superintendent in the state and they could or could not adopt. If you are testing to stay/play, then there is funding available for you as a school district to accept and administer the testing part. Those are not our rules, those are the state rules. We were told by the Health Department those are not state rules those are recommendations, let me clarify and the school district had to adopt it in order to A- get the funding and B- do the task. The school district then advised the MCHD and the Medical Director that this is our plan. Now the MCHD has only the responsibility, should you have an exposed student or one that is positive, here is the role we play which is why we have these trusted relationships. I think what got confused is, there were some, questioning the word quarantine. Quarantine is a pretty negative word. So, the School Superintendents agreed to a modified quarantine concept and the MCHD would work through that. I think the amount of times you have to tell people in the letter could be changed. I would think if you had a notification process that said this is a modified quarantine, comma it is not an official enforced quarantine, we are advising you what we would like to have you do. In that kind of concept, you want to fulfill the opening plan the school district adopted. You don't want them to come back and have to change their plan. Now, what happens if I actually have a student who has taken the COVID shot. As like an adult who has taken the shot you do have a different set of rules. You don't have the issue, supposedly, there are some breakthrough cases tragically, but if you had the vaccine you probably wear a mask and go back to school. If you never had the vaccine or are not eligible yet, then certainly the testing process if available for you through your school system if so offered. I believe there is one that does not. So, there is some requirement that the word "modified quarantine" needs to be in the letter. Am I right?

Ms. Woodard answered yes. She stated that she did not have an executive session set up for today but if you like we could do that. The current letter is the letter that your Health Officer has approved. I would be happy to have an executive session to discuss the legalities and the responsibilities that you as the Board of County Commissioners/County Health have. It sounds like something we might have to do. Chairman Roberts agreed and said he didn't think we needed that term in there 10 plus times. Commissioner Pretz stated there is some improvement that could be made. Chairman Roberts said we have to support our trusted members of the school system and Commissioner Pretz added we have to respect our legal counsel and our doctor. It's more than just us 5. Chairman Roberts stated that they would not have a decision on this today. Needs to get legal counsel and continue to work on this. We will see if we can get some direction with this in the weeks to come. In the meantime, the same letter is going out and the school administration is processing them to the children that have been exposed to COVID.

APPLICATIONS

Janet White, County Clerk stated per K.S.A. 25-3009 after January 1, 2019 we are required to do a post audit. In odd-numbered years there are two local races that will be randomly selected. We have you guys do the random selection of this, with the selection taking place after the election. Cammie Farnier, Deputy County Clerk of Elections has a bucket with every race that is eligible to be audited. Ms. White stated that we do not audit questions or uncontested races. Then a precinct gets drawn that goes along with the race and that is what is presented to the Audit Board. Ms. White explained there is a bi-partisan 5-member board that comes in and reviews ballot images on the wall of the audited race. They will go through and look at every ballot and determine who was voted on that card, tally the results, and should come back to the same results we have from election night. She also said that in addition if there were not more than 15 votes cast in a precinct, we excluded those from the precincts to be audited so that there would be no way we could end up with a privacy issue. Commissioner Gallagher drew the first race of Louisburg City Council Precinct 3 and Commissioner Pretz drew the second race of Osawatimie City Council Precinct 3. Ms. White stated there was only one precinct associated with the races drawn and asked if the Commissioners wanted to draw the single precincts from the envelopes or were, they comfortable with Precinct 3. Chairman Roberts stated they were comfortable with Precinct 3. Ms. White reminded everyone the Audit Board was open to the public and was on November 4, 2021 at 9:00 am.

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STAFF COMMENTS

Mark Whelan, Emergency Management Coordinator, gave updates on COVID-19:

- There are 46 new cases
- 6.47% positivity rate
- 2 new hospitalizations
- 51.5 % residents over 12 have received their first shot
- 47% residents over 12 have completed the shot series
- School District rates are dropping
- 30% ICU availability in the hospitals
- Sent out 253,000 PPE last month

COMMISSION COMMENTS

Commissioner Pretz stated there could be more than 2 County Commissioners at the Water Summit at 3:00 pm. He also stated Canvas will be next Wednesday (November 10th) at 9:30 am.

Commissioner Dixon asked Ms. White if there were many Provisionals. Ms. White answered there were not many, the largest group that came in was 14. Chairman Roberts stated those were from Louisburg.

Chairman Roberts stated he had the distinct pleasure of working the Louisburg Election Office. I don't get to come to Osawatimie and they definitely won't let me work in Paola, so she sends me to Louisburg. He stated he had some of the most fantastic citizens who volunteered to work at the election office. Sincerely dedicated to the process and the effort to really do it well and do it good for the citizens of Miami County. He stated in Louisburg there were 1199 citizens who came out and voted. He said that if you could spare a day of training and a day to work, Janet (White) will definitely take your application. She is short a number of individuals and as long as you are not on the ballot I would encourage you to be a part of this.

EXECUTIVE SESSION

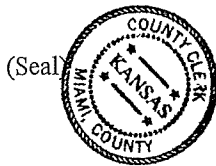
Commissioner Pretz moved to have a Land Acquisition Executive Session, subject to be discussed is potential property acquisition for 5 minutes beginning at 1:58 P.M., Commissioner Dixon seconded. Chairman Roberts stated the Executive Session is to include: Commissioners; Shane Krull, County Administrator; and Shelley Woodard, County Counselor. The vote was unanimous. Regular meeting reconvened at 2:03, no action to be taken.

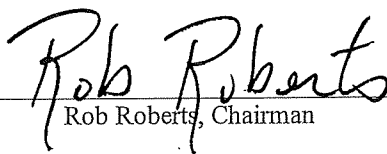
Commissioner Pretz moved to have an Attorney-Client Privilege Exception Executive Session, subject to be discussed is legal matter for 15 minutes beginning at 2:04 P.M., Commissioner Gallagher seconded. Chairman Roberts stated the Executive Session is to include: Commissioners; Shane Krull, County Administrator; and Shelley Woodard, County Counselor. The vote was unanimous. Regular meeting reconvened at 2:19, no action to be taken.

Commissioner Vaughan moved to extend the Attorney-Client Privilege Executive Session for 10 minutes beginning at 2:20 P.M., Commissioner Pretz seconded. The vote was unanimous. Regular meeting reconvened at 2:30, no action to be taken.

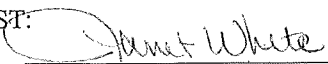
ADJOURNMENT

The meeting was adjourned at 2:30 p.m.




Rob Roberts, Chairman

ATTEST:


Janet White, County Clerk