

**RESOLUTION NO. 002-22**

**A RESOLUTION ADOPTING THE USE OF VIRTUAL MEETINGS FOR  
JOHNSON COUNTY GOVERNMENT DURING THE RAPID RISE OF  
COVID-19 CASES IN JOHNSON COUNTY, KANSAS**

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At a regular meeting of the Board of County Commissioners of Johnson County, Kansas, held on Thursday, January 13, 2022, there came before the Board for consideration the matter of adopting the use of virtual meetings for Johnson County Government during the rapid rise of COVID-19 cases in Johnson County.

The Board, upon a motion duly made, seconded, and carried, adopted the following resolution, to-wit:

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**WHEREAS**, COVID-19 is a respiratory disease that spreads easily from person to person, and which results in serious illness or death among some who are infected; and

**WHEREAS**, the United States Department of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 56 million cases of the illness and more than 825,000 deaths as a result of the illness across the United States; and

**WHEREAS**, as of January 3, 2022, there have been over 534,000 positive cases of COVID-19 in Kansas, with over 7,000 deaths statewide; and

**WHEREAS**, as of January 10, 2022, COVID-19 infections in the community of with an incident rate of 1585/100,000 and a percent positivity of 30.3%; and

**WHEREAS**, on March 19, 2020, pursuant to K.S.A. 48-932, the Board of County Commissioners of Johnson County adopted Resolution No. 021-20 declaring a state of local disaster emergency as a result of the COVID-19 pandemic and its continuing impacts, which was

renewed and extended on May 28, 2020, by Resolution No. 028-20, and which remains in place at the time of this Resolution (“Emergency Declaration”); and

**WHEREAS**, the highly transmissible Delta and Omicron variants of COVID-19 are currently the dominant strains in Johnson County, resulting in a rapid increase in new cases and numerous outbreaks and hospitalizations, placing an immediate and urgent strain on our local health care systems; and

**WHEREAS**, the Johnson County Government workforce is currently experiencing higher COVID-19 infections than have been seen throughout the pandemic, with at least 251 County employees diagnosed with COVID-19 since January 1, 2022, and 276 or 8% of County employees currently in quarantine or isolation as of January 10, 2022; and

**WHEREAS**, the rapid rise of COVID-19 cases endangers the health, safety, and welfare of persons and property within Johnson County as well as the continued effective operation of the local economy within Johnson County; and

**WHEREAS**, the rapid rise spread of COVID-19 cases within the workforce of Johnson County Government presents a threat to the effective operation and timely provision of services of and by Johnson County Government; and

**WHEREAS**, Kansas Administrative Regulation 16-20-1 establishes procedures for compliance with the Kansas Open Meetings Act (“KOMA”) during an emergency declaration, which include the conduct of open meetings using a medium for interactive communication rather than by members of the public body gathering in-person at a physical location; and

**WHEREAS**, K.A.R. 16-20-1 applies during an “emergency declaration lawfully declared pursuant to applicable emergency-powers provisions of local, state, or federal law,” in the territory affected by such declaration, “to the extent that emergency responses required pursuant to any such declaration prevent or impede the ability of” the members of a public body to “conduct

meetings by physically attending the meetings” or “members of the public to attend or observe public meetings by physically attending the meetings,” or a combination of these conditions; and

**WHEREAS**, pursuant to the Emergency Declaration and the emergency plans activated thereunder, including the Johnson County Emergency Operations Plan, the County is responding to the impacts of the pandemic; and

**WHEREAS**, under the Johnson County Emergency Operations Plan, the Board may suspend or modify the provisions of any resolution if strict compliance with such resolution would in any way prevent, hinder, or delay necessary action in response to the declared emergency; and

**WHEREAS**, the Board of County Commissioners is the governing body of and for Johnson County Government and has the responsibility and authority to conduct the business affairs and governmental operations of the Johnson County Government; and

**WHEREAS**, the Board, pursuant to K.S.A. 19-218, may enact rules and regulations to govern its proceedings and the transaction of its business; and

**WHEREAS**, the conduct of in-person public meetings during this surge in COVID-19 cases exposes County staff and anyone presenting, speaking, or attending public meetings to an increased risk of contracting COVID-19, especially the highly transmissible Delta and Omicron variants; and

**WHEREAS**, on January 10, 2022, in response to this increased risk and the surge in COVID-19 cases, the Chairman of the Board of County Commissioners provided notice that the Board of County Commissioners’ meeting scheduled for Thursday, January 13, 2022, shall be conducted virtually pursuant to K.A.R. 16-20-1; and

**WHEREAS**, the increased risk of COVID-19 infection during the current surge of highly transmissible variants prevents or impedes the ability of members of the Board and the agencies, commissions, boards, and all other appointed bodies operating within the organization and

framework of Johnson County Government to conduct meetings by physically gathering in person and the public to attend or observe public meetings by physically attending such meetings; and

**WHEREAS**, in recognition and furtherance of the County's responsibility to respond to the impacts of the COVID-19 pandemic, to provide for and ensure the health, safety, security, and welfare of the people of Johnson County and the Johnson County workforce, and to ensure the effective operation and provision of County services, the timely transaction of County business, and the continuity of Johnson County Government during this rapid rise of COVID-19 cases, the Board has determined that it is necessary to conduct public meetings of the Board of County Commissioners and the agencies, commissions, boards and all other appointed bodies operating within the organization and framework of Johnson County Government virtually using a medium for interactive communication pursuant to and in compliance with K.A.R. 16-20-1 and KOMA; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Johnson County, Kansas, that:

1. During the effective period of this Resolution, all public meetings of the Board of County Commissioners and the agencies, commissions, boards, and all other appointed bodies operating within the organization and framework of Johnson County Government shall be conducted virtually and not by physically gathering in person, using a medium for interactive communication pursuant to and in compliance with the Kansas Open Meetings Act and K.A.R. 16-20-1.
2. This Resolution applies to public hearings of the Board of County Commissioners and the agencies, commissions, boards, and all other appointed bodies operating within the organization and framework of Johnson County Government. Public hearings shall be conducted pursuant to this Resolution unless such compliance will conflict with state law,

charter or county resolution, county regulation, or the Johnson County Code. Public hearings that have been called or for which notice has been provided prior to the effective date of this Resolution may deviate from this Resolution but only to the extent necessary to ensure compliance with all legal requirements applicable to such public hearing. In such event, reasonable efforts to mitigate the spread of COVID-19 shall be implemented during the public hearing.

3. Provisions pertaining to public comment at public meetings contained in the Rules of Order of the Board of County Commissioners, as adopted by Resolution No. 083-09, or in the bylaws, rules or other procedures adopted by the agencies, commissions, boards, and all other appointed bodies operating within the organization and framework of Johnson County Government, are suspended during the effective period of this Resolution. The Board of County Commissioners and the agencies, commissions, boards, and all other appointed bodies operating within the organization and framework of Johnson County Government may accept virtual public comments during public meetings and shall accept written public comments.

4. To the extent any provision for the conduct of public meetings or public hearings contained in the Rules of Order of the Board of County Commissioners, as adopted by Resolution No. 083-09, or in the bylaws, rules or other procedures adopted by the agencies, commissions, boards, and all other appointed bodies operating within the organization and framework of Johnson County Government, conflicts with this Resolution, then such provision is suspended during the effective period of this Resolution and such public meeting or public hearing shall be conducted in accordance with this Resolution.

5. The Chairman's notice to conduct today's Board of County Commissioners' meeting virtually, pursuant to K.A.R. 16-20-1, is hereby ratified.

6. This Resolution shall be effective immediately, and shall remain in effect through February 17, 2022, unless it is amended or terminated earlier or it is extended by the Board of County Commissioners.

**ADOPTED THIS 13th DAY OF JANUARY, 2022.**

BOARD OF COUNTY COMMISSIONERS  
OF JOHNSON COUNTY, KANSAS

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Ed Eilert, *Chairman*

ATTEST:

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Lynda Sader, Deputy County Clerk

APPROVED AS TO FORM:

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Peg Trent, Chief Counsel

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