

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION extending the County's current mask mandate order for the health and safety of its citizens until November 7, 2021.

RESOLUTION NO. 20781, October 4, 2021

INTRODUCED BY Jalen Anderson, Crystal Williams, Tony Miller, and Scott Burnett,
County Legislators

WHEREAS, Executive Order 21-07 issued by Governor Mike Parson, declaring a State of Emergency to Assist Continued COVID-19 Recovery, expired on August 31, 2021; and,

WHEREAS, on August 6, in response to the increased health risk posed to Jackson County citizens evidenced by the Report Supporting Order for Mask Wearing in Public Places provided by the Jackson County Health Department pursuant to section 67.625, RSMo, the County Executive, the Director of the Health Department, and the County's Emergency Management Coordinator issued a renewed mask mandate (hereinafter "Renewed Public Health Order") that will expire on October 7, 2021, a copy of which is attached hereto; and,

WHEREAS, the Renewed Public Health Order encourages vaccination and requires individuals five years of age and older to wear a face covering or mask in places of public accommodation; and,

WHEREAS, COVID-19 spreads among people who are in contact with one another or present in shared spaces and a gathering of individuals without necessary mitigation for the spread of infection will pose a risk of the spread of infectious disease; and

WHEREAS, the state of Missouri has continued to experience a sustained wave of new COVID-19 cases, fueled by low rates of full vaccination (currently 47.3% of residents), the spread of a more pervasive and virulent variant (Delta), and COVID-19 hot spots in Southeast Missouri (Region E); and,

WHEREAS, area hospitals serving the citizens of Jackson County are experiencing high levels of COVID-related admissions and associated staffing shortages, limiting the number of available ICU and non-ICU beds and forcing facilities to enter periods of diversion; and,

WHEREAS, as of September 28, 2021, the Jackson County Health Department reported 38,273 total cases of COVID-19 and 474 cases of COVID-19-related deaths in Eastern Jackson County (the area outside of Kansas City, Missouri, and Independence, Missouri); and,

WHEREAS, on September 24, 2021, the Jackson County Health Department reported approximately 47% of Eastern Jackson County residents were fully vaccinated for COVID-19 and that 53% have been administered at least one vaccine dose; and,

WHEREAS, on August 23, 2021, the U.S. Food and Drug Administration fully approved the Pfizer-BioNTech COVID-19 vaccine for prevention of COVID-19 disease, with additional vaccine options still available under a prior emergency use authorization; and,

WHEREAS, compelling data demonstrates that community mask wearing is an effective nonpharmacologic intervention to reduce the spread of COVID-19 infection, especially as source control to prevent spread from infected persons, but also as protection to reduce wearers' exposure to infection; and,

WHEREAS, on July 27, 2021, the U.S. Centers for Disease Control (CDC) issued new guidance, recommending all vaccinated individuals (in addition to its previous recommendation for unvaccinated individuals) in "substantial" or "high" transmission areas, with either more than fifty cases per 100,000 people in the area over a seven-day period, or with a COVID-19 test positivity rate higher than 5%, wear masks indoors; and,

WHEREAS, as of September 29, 2021, the CDC classifies Jackson County, and every county adjacent to Jackson County in both Missouri and Kansas as high transmission areas, with the exception of Platte County, which is classified as having substantial community transmission; and,

WHEREAS, medical professionals recommended a return to masks indoors in July 2021, based on the positivity rate for COVID-19 cases in Missouri and the increase in hospitalizations; and,

WHEREAS, on September 29, 2021, the Jackson County Health Department, pursuant to section 67.625, RSMo, submitted an updated report to the Legislature outlining the need for and recommending an extension of the mask mandate; now therefore,

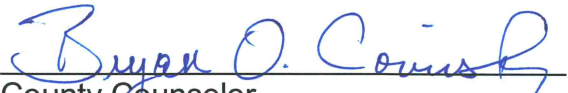
BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the Renewed Public Health Order be and hereby is extended until November 7, 2021.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 20781 of October 4, 2021, was duly passed on October 4, 2021 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6

Nays 2

Abstaining 0

Absent 1

10.4.2021

Date



Mary Jo Spino, Clerk of Legislature

JACKSON COUNTY, MISSOURI

OFFICE OF THE COUNTY EXECUTIVE
415 E. 12th St., Ste. 200, Kansas City, MO 64106
JACKSON COUNTY HEALTH DEPARTMENT
313 S. Liberty, Independence, MO 64050

RECEIVED

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8/6/2021

MARY JO SPINO
COUNTY CLERK

ORDER OF JACKSON COUNTY EXECUTIVE FRANK WHITE, JR., JACKSON COUNTY HEALTH DIRECTOR BRIDGETTE SHAFFER, AND INTERIM JACKSON COUNTY EMERGENCY MANAGEMENT COORDINATOR CALEB CLIFFORD DIRECTING ALL INDIVIDUALS LIVING IN, AND BUSINESSES OR ENTITIES OPERATING IN, JACKSON COUNTY, MISSOURI, EXCEPT KANSAS CITY, MISSOURI, AND INDEPENDENCE, MISSOURI, TO ADHERE TO THE PROVISIONS OUTLINED BELOW.

DATE OF ORDER: AUGUST 6, 2021

Please read this Order carefully. Pursuant to §192.300 R.S.Mo. and §192.320 R.S.Mo., violation of or failure to comply with this Order is a class A misdemeanor punishable by fine, imprisonment, or both. Pursuant to sections 4001 and 4052, Jackson County Code, 1984, violation of or failure to comply with this order is also a county ordinance violation, punishable by fine, imprisonment, or both.

UNDER THE AUTHORITY GRANTED INDIVIDUALLY AND COLLECTIVELY BY THE RELEVANT PROVISIONS OF THE MISSOURI STATE CONSTITUTION, STATUTES, REGULATIONS, AS WELL AS BY RELEVANT PROVISIONS OF THE HOME RULE CHARTER OF JACKSON COUNTY AND COUNTY CODE PROVISIONS, INCLUDING, BUT NOT LIMITED TO: THE MISSOURI CODE OF STATE REGULATIONS, RULES OF DEPARTMENT OF HEALTH AND SENIOR SERVICES (19 CSR 20-20.020; 19 CSR 20-20.030; 19 CSR 20-20.040; 19 CSR 20-20.050) AND JACKSON COUNTY CODE CHAPTER 40, THE JACKSON COUNTY EXECUTIVE, JACKSON COUNTY HEALTH DIRECTOR, AND JACKSON COUNTY EMERGENCY MANAGEMENT COORDINATOR DO HEREBY ORDER:

1. This Order re-imposes restrictions in Jackson County, excluding the corporate limits of the cities of Kansas City, Missouri, and Independence, Missouri, due, in part, to the following:
 - On March 12, 2020, a proclamation of a state of emergency was issued to allow Jackson County, Missouri to take measures to reduce the possibility of exposure to COVID-19 and promote the health of Jackson County residents; and
 - On March 26, 2021, the Governor of the State of Missouri issued Executive Order 21-07 authorizing the Jackson County Executive to, among other things, issue orders protecting Jackson County residents from the contraction and spread of COVID-19; and
 - COVID-19 primarily spreads when an infected person breathes out droplets and very small particles that contain the virus. These droplets and particles can be breathed in by other people or land on their eyes, noses, or mouth; and

- Missouri is experiencing another wave of new COVID-19 cases, fueled by low rates of full vaccination (under 50%), the spread of a new strain of COVID-19 variant (the Delta variant), and hot spots in southwest Missouri and northcentral Missouri, locations frequented by Jackson County residents; and
- as of August 4, 2021, there were 31,660 total cases and 388 deaths of COVID-19 reported in Eastern Jackson County. The Centers for Disease Control (CDC) reported approximately 3.4 million total cases and approximately 613,000 deaths nation-wide; and
- as of August 3, 2021, approximately 40.5% of all Eastern Jackson County residents were fully vaccinated against COVID-19 and 46.2% have received one vaccine dose; and
- the number of COVID-19 cases and hospitalizations in Jackson County has increased steadily, with the weekly average for new COVID-19 cases the highest in almost six months, and local hospitals are at or near patient-capacity; and
- on July 27, 2021, the CDC issued new guidance, recommending all vaccinated individuals (in addition to their previous recommendation for only unvaccinated individuals) in “substantial” or “high” transmission areas, with either more than 50 cases per 100,000 people in the area over a seven-day period, or with COVID-19 test positivity rate higher than 5%, wear masks indoors; and
- for the 2021/2022 school year, the CDC published guidance for the return to in-person learning, recognizing many schools will have vaccinated and unvaccinated student-populations, stating consistent and correct mask use as one of the COVID-transmission prevention strategies crucial to protect students, teachers and staff. CDC recommends universal indoor masking for all teachers, staff, students, and visitors to K-12 schools, regardless of vaccination status; and
- on August 1, 2021, the CDC classified Jackson County, as well as every county adjacent to Jackson County in Missouri and Kansas, as high transmission areas; and
- since late July 2021, the chief medical officers (CMOs) in Jackson County and surrounding areas strongly advocated for the use of universal masking to bend the curve of surging COVID-19 cases and hospitalizations. Hospital CMOs indicated that hospitals were experiencing dangerously high capacity limitations.; and
- pursuant to § 67.265 R.S.Mo., the Jackson County Health Department, prior to the issuance of this Order, having considered and presented less restrictive alternatives to redress COVID-19-related transmission, infections, hospitalizations and deaths, submitted a report to the Jackson County Legislature outlining and recommending a need for this Order;

Thus, as of the effective date and time of this Order set forth below, **12:01 a.m. on AUGUST 9, 2021**, all individuals, businesses, and government agencies in Jackson County, Missouri, excluding the portions of the County within the corporate limits of the cities of Kansas City, Missouri, and Independence, Missouri, are required to follow the provisions of this Order.

2. All persons are encouraged to be vaccinated for COVID-19. Vaccination prevents severe illness, hospitalizations, and deaths.
3. As used herein, the terms below shall have the following meanings:

- a) A "face covering or mask" means a uniform piece of cloth, fabric or other material that securely covers a person's nose and mouth. It is properly worn when it remains affixed in place without the use of one's hands. A face covering or mask may be:
 - A sewn mask secured with ties or straps around the head or behind the ears; or
 - Multiple layers of fabric tied around the head; or
 - Made from a variety of materials, such as fleece, cotton, or linen; or
 - Factory-made or made from household items.
 - b) A "place of public accommodation" means any place or business offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public. Public accommodation shall not include a private club or a place of public accommodation owned and operated on behalf of a religious corporation, association or society.
4. An individual in an indoor place of public accommodation must properly wear a face covering or mask. These spaces include, but are not limited to, grocery and retail stores, special events, and public transit, but do not include private dwellings or private transportation vehicles.
 - a) Exceptions to the face covering or mask requirement include the following:
 - Minors below the age of 5; and
 - Persons who have disabilities where face coverings or masks constitute a substantial impairment to their health and well-being based upon medical, behavioral or legal direction; and
 - Persons in a restaurant or tavern actively consuming food or drink; and
 - Persons obtaining a service involving the nose or face when temporary removal of the face covering or mask is necessary to perform the service; and
 - Persons who are alone in a separate room or office;

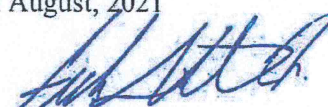
Places of public accommodation shall deny entry to and refuse to serve members of the public who refuse to wear face coverings or masks, unless a medical exemption applies or the individual is a child under the age of five. Places of public accommodation shall neither require the individual to produce medical documentation verifying a medical condition or disability, nor ask about the nature of a medical condition or disability and are encouraged to offer members of the public alternatives to in-person use of their premises.
5. Pursuant to §192.300 R.S.Mo. and §192.320 R.S.Mo., the Health Director requests that the Sheriff, all chiefs of police, Park Rangers in the County, and the Jackson County Environmental Health Department ensure compliance with and enforcement of this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. All remedies prescribed by this Order or otherwise available under applicable law,

shall be cumulative, and the use of one or more remedies by Jackson County shall not bar the use of any other remedy to enforce this Order.

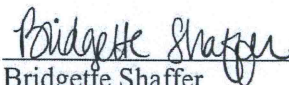
6. **This Order shall be effective at 12:01 a.m., on AUGUST 9, 2021,** and will continue to be in effect until it is extended, rescinded, superseded, amended or terminated in writing by the County Executive, Health Director, and Emergency Management Coordinator or pursuant to the provisions of R.S.Mo. § 67.265.
7. The County will consistently monitor data regarding COVID-19 rates in Jackson County and reserves the right to further amend this Order in accordance with infection rates, CDC guidelines, and any other relevant information which indicates the necessity to increase restrictions or which indicates cause to ease restrictions.
8. Copies of this Order shall promptly be: (1) made available outside the Jackson County Courthouses at 415 E. 12th St., Kansas City, MO 64106 (Downtown Location); (2) posted on the Jackson County Health Department website (www.jacohd.org); and (3) provided to any member of the public requesting a copy of this Order.
9. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

Authenticated as Adopted

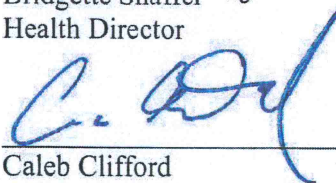
This 6th day of August, 2021



Frank White, Jr.
County Executive



Bridgette Shaffer
Health Director



Caleb Clifford
Chief of Staff & Interim Emergency Management
Coordinator