

## Request for Legislative Action

Res. #20844  
Sponsors: Scott Burnett and  
Crystal Williams  
Date: December 13, 2021

<b>Completed by County Counselor's Office</b>			
Action Requested:	Resolution	Res.Ord No.:	20844
Sponsor(s):	Scott Burnett JACKSON COUNTY;Crystal J. Williams	Legislature Meeting Date:	12/13/2021

<b>Introduction</b>
<b>Action Items:</b> ['Authorize']
<b>Project/Title:</b>
Resolution reinstating the previously rescinded health order requiring indoor masking for individuals five years of age and older.

<b>Request Summary</b>
Due, in part, to the high prevalence of COVID-19 in our region, relatively low vaccination rates and the scientific evidence supporting the benefits of universal masking, the Jackson County Executive, Health Director, Emergency Management Coordinator are requesting County Legislative reinstate the prior Health Order, effective immediately, and expiring 30 days from approval.

<b>Contact Information</b>			
<b>Department:</b>	County Executive Office	<b>Submitted Date:</b>	12/8/2021
<b>Name:</b>	Caleb Clifford	<b>Email:</b>	Cclifford@jacksongov.org
<b>Title:</b>	Chief of Staff	<b>Phone:</b>	816-881-3333

<b>Budget Information</b>	
Amount authorized by this legislation this fiscal year:	\$ 0
Amount previously authorized this fiscal year:	\$ 0
Total amount authorized after this legislative action:	\$
Is it transferring fund?	No
<b>Single Source Funding:</b>	
Fund:	Department:
Line Item Account:	Amount:
	<b>!Unexpected End of Formula</b>

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<b>Prior Legislation</b>	
<b>Prior Ordinances</b>	
Ordinance:	Ordinance date:
<b>Prior Resolution</b>	
Resolution:	Resolution date:

<b>Purchasing</b>	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

<b>Compliance</b>	
<b>Certificate of Compliance</b>	
Not Applicable	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: Not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
<b>Prevailing Wage</b>	
Not Applicable	

<b>Fiscal Information</b>	
<ul style="list-style-type: none"> <li>This legislative action does not impact the County financially and does not require Finance/Budget approval.</li> </ul>	

## Request for Legislative Action

### History

Caleb Clifford at 12/8/2021 11:15:19 AM - [Submitted | Pursuant to state statute, the Health Department will provide an update report regarding this matter prior to the legislature's consideration of this resolution.]

Department Director: Sylvya Stevenson at 12/8/2021 12:48:08 PM - [ Approved | ]

Finance (Purchasing): Barbara J. Casamento at 12/8/2021 1:01:33 PM - [ Not applicable | ]

Compliance: Jaime Guillen at 12/8/2021 1:28:09 PM - [ Approved | ]

Finance (Budget): Mark Lang at 12/8/2021 2:11:58 PM - [ Not applicable | ]

Executive: Troy Schulte at 12/8/2021 4:58:14 PM - [ Approved | ]

Legal: Elizabeth Freeland at 12/9/2021 1:07:41 PM - [ Approved | ]

# JACKSON COUNTY, MISSOURI

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OFFICE OF THE COUNTY EXECUTIVE  
415 E. 12<sup>th</sup> St., Ste. 200, Kansas City, MO 64106

ORDER OF JACKSON COUNTY EXECUTIVE FRANK WHITE, JR. AND JACKSON COUNTY EMERGENCY MANAGEMENT COORDINATOR TROY M. SCHULTE 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: December 9, 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 AND STATUTES, AS WELL AS BY RELEVANT PROVISIONS OF THE HOME RULE CHARTER OF JACKSON COUNTY AND COUNTY CODE PROVISIONS, INCLUDING, BUT NOT LIMITED TO: THE 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 imposes restrictions in Jackson County, excluding the corporate limits of the cities of Kansas City, Missouri, and Independence, Missouri, due 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
  - on August 6, 2021, the Jackson County, Missouri Executive Frank White, Jr. issued an Order mandating masks be worn in places of public accommodation, subject to certain exceptions, for Jackson County, Missouri, excluding Kansas City, Missouri, and Independence, Missouri; and
  - On August 27, 2021, the Governor of Missouri issued Executive Order 21-09 terminating the State of Emergency declared in Executive Order 20-02; and
  - On November 13, 2021, the Jackson County, Missouri Legislature terminated the August 6, 2021 Executive Order; and

- COVID-19 spreads between 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
- Missouri is experiencing another wave of new COVID-19 cases, fueled by low rates of full vaccination (51.7% as of December 7, 2021), the spread of new strains of COVID-19 variants (the Delta and Omicron variant), and hot spots across northern Missouri; and
- On December 9, 2021, there were 43,423 total cases and 554 deaths of COVID-19 in Jackson County, Missouri. The Centers for Disease Control (CDC) confirmed 49,198,746 total cases and 787,064 deaths nation-wide; and
- In early December 2021, the CDC reported approximately 51.8% of all Jackson County residents were fully vaccinated against COVID-19 and 63.1% have received one vaccine dose; and
- The number of COVID-19 cases, hospitalizations, and Intensive Care Unit Admissions in Jackson County has increased steadily since early November 2021, with the weekly average for new COVID-19 cases returning to August 2021 levels, and local hospitals are at or near patient-capacity; and
- As of December 9, 2021, the CDC published behavioral guidance that included advising everyone 5 years of age or older be vaccinated against COVID-19, COVID-19 vaccines are effective at helping protect against severe disease and death from the COVID-19 virus and its variants, and even individuals that are fully vaccinated should wear masks indoors in public if they are in an area of “high” or “substantial” transmission; and
- As of December 9, 2021, the CDC classified Jackson County, Missouri, as well as every county adjacent to Jackson County in Missouri and Kansas, as high transmission areas; and
- In November 2021, the CDC published guidance for the return to in-person learning for the K-12 setting, emphasizing the circulation of the highly contagious variants of COVID-19 viruses necessitating universal masking by all students (age 2 or older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status; and
- Regional health guidance from chief medical officers in the Jackson County area recommended a return to masks indoors in December 2021 due to the increase in hospitalizations and concerns about future capacity in all age groups of the population; and

Thus, as of the effective date and time of this Order set forth below, **December 13, 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 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 on DECEMBER 13, 2021**, and will continue to be in effect until it is extended, rescinded, superseded, amended or terminated by the Legislature pursuant to the provisions of R.S.Mo. § 67.265.
7. The County Legislature, through the Jackson County Health Department, 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](http://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 9th day of December, 2021

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Frank White, Jr.  
County Executive

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Troy Schulte  
Emergency Management Coordinator