

CITY OF OSAWATOMIE



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L. Mark Govea, Mayor

NOTICE OF SPECIAL MEETING

The Council, being the Governing Body of the City of Osawatomie, Kansas.

We, the undersigned Council members being of the Governing Body of the City of Osawatomie, Kansas, respectfully request that a special meeting of the Council of the City of Osawatomie, Kansas, be held virtually using GoToMeeting at **1:30 PM** on **FRIDAY, July 3rd, 2020** FOR THE FOLLOWING PURPOSE:

Discussion of Ordinance 3783 relating to Executive Order 52 of the Governor of Kansas and R20-07-002 a Resolution of the Miami County Commission rescinding the Governor's Executive Order.

DATED this 3rd day of July, 2020.



L. Mark Govea, Mayor
City of Osawatomie, Kansas

OSAWATOMIE CITY COUNCIL
AGENDA
SPECIAL CITY COUNCIL MEETING
July 3, 2020

GoToMeeing
1:30 p.m.

1. Call to Order (Mayor)
2. Roll Call (City Manager)
3. Consideration of Ordinance 3783
 - a. Presentation (City Manager - Mike Scanlon)
 - b. City Council Discussion
 - c. Action – ***Motion to take up the discussion on Thursday, July 9th at the next regularly scheduled City Council Meeting.***
4. Motion to adjourn.

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Members of the public wishing to listen to the proceedings should follow the instructions listed below. There will be no period for public comment during this session, but we welcome listeners through whatever medium they have at their disposal.

City Council Special Session

Fri, Jul 3, 2020 1:00 PM - 4:00 PM (CDT) ** Please note that the meeting begins at 1:30pm, but the virtual room will be open at 1:00pm to allow people time to access and get settled.**

Please join our meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityOfOsawatomie/city-council-special-session>

This meeting is locked with a password: #maskmandate2052#

You can also dial in using your phone.

United States: [+1 \(786\) 535-3211](tel:+17865353211)

Access Code: 468-903-341

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<https://global.gotomeeting.com/install/468903341>

Thank you!

MEMORANDUM

Date: July 3, 2020

To: Mayor and City Council

From: Mike Scanlon, City Manager

Subject: Executive Order 20-52 and Miami County Resolution R20-07-002

Background:

On Thursday morning Governor Kelly signed Executive Order 20-52 putting into place a mandated face mask requirement for the State of Kansas, which became effective at 12:01 a.m. July 3rd. On Thursday afternoon the Miami County Commissioners passed Resolution R20-07-002 that stated Miami County will be less restrictive than Executive Order No. 52 in the following respects:

1. Use of masks and/or facial coverings will not be legally mandated within Miami County.
2. Each business and public entity will decide whether or not mask/facial coverings will be required in such a business or public facility.
3. Each school district, public or private, within Miami County shall decide whether mask/facial coverings will be mandatory within the district's facilities.

Following these two actions and given that they were in conflict I asked if we should have a special City Council meeting to gain some understanding as to the direction we as a City should go. Up to this point we have been following the Governor's Executive Orders and the Ad Astra recommendations for reopening. The question I wanted to put forth to you today was this – **Which order do you want us to follow? If you want to follow Miami County no action is required. If you want to follow the Governor future action will be required.**

Observation:

I would like to request that we avoid the “ready shoot aim” approach that has arisen over the last months as we deal with COVID-19. In the beginning we as a country had a unified approach against this pandemic that started with a series of “stay at home orders” that most states implemented. That unified approach has since morphed into a “hyper-local” approach (with states and counties) over the last month -- with every state and counties coming up with their own reopening strategies. That approach doesn't appear effective given the rise in cases and hospitalizations nationwide over the last 14-21 days. Case numbers have gone up as we opened our economies and lessened state-wide control. Those states who opened the soonest are having the fastest increase in cases, and their governors are moving fast to institute state-wide mask requirements. Governor Abbot of Texas announced a state-wide mandate for most of Texas at the same time Miami County announced they weren't legally mandating masks. Here's a news article referencing the “about face” Texas has taken with COVID-19 in just the last day.

<https://www.texastribune.org/2020/07/02/texas-mask-order-greg-abbott-coronavirus/>

Most City Manager are members of the International City/County Managers Association. Our Code of Conduct prohibits us from taking political positions or promoting political candidates.

Our job as City Managers is to stay out of the political fray and present the best information we can to our elected officials so they can make the best-informed decision possible. ICMA managers aren't blue or red. Our code requires us to call balls and strikes – to call it as we see it -- with no partiality to one side of the debate or the other.

My summary observations are these;

1. A pandemic is borderless. Fighting COVID-19 at a local level is illusionary. Yes, we can prevent some outbreaks but if everyone around us isn't acting in the same way, our effectiveness at the local level is marginal at best. **Whatever we pass will have limited impact.**
2. As a society we are confusing the enemy. The enemy is COVID-19 not each other and certainly not the local elected officials trying to find their way. Governors, County Commissioners and City Councilmembers are trying their best to lead. **We need to give local elected officials a break.**
3. I see people daily confusing responsibility (wearing a mask) with liberty (not wearing a mask). That's not how our founders saw it. What they said and believed was Liberty=Responsibility. Trying to prevent the spread of COVID-19 is liberty. Fighting the spread of Germany during World War II or the Taliban in the early 21st Century is liberty. Asking people to sacrifice "a bit" of freedom (taking responsibility) to help a greater cause (limiting the impact of COVID-19) has always been at the heart of our democracy – at the heart of our LIBERTY. **Liberty has and always will require us to take responsibility – they are not mutually exclusive.**
4. I wish we weren't voting or trying to decide this. This issue is being debated and decided at the wrong level of government. Again, pandemics are borderless and require a coordinated national response. When that response eventually happens, we'll impact the spread of COVID-19, until then we are depending on each other to stop the spread.

Recommendations:

1. We don't pass anything today and we use our emergency powers (Resolution 777) to follow the Governor's Executive Order as best as we can until Thursday. The County Resolution conveys that right as well – we get to decide. **Let's decide Thursday night.**
2. On Thursday we can have a broader discussion during the City Council meeting that includes the public – **let the public participate** – but we need to do so in safe manner.
3. On Thursday the City Council can pick a direction, either follow the Governor or follow the County. I just need to know what the City Council desires and I'll implement what you want.
4. Instead of us continuing to take the "heat" for these decisions, which will have limited impact, we need to be demanding that our federal delegation in Kansas start pushing the federal government to coordinate a response. **The pandemic is borderless and until we have a coordinated national response this cycle of reducing/increasing the spread of COVID-19 will be ongoing until there is a vaccine available.** We can do better as a country and our national leaders need to step up. We need to ask them to step up.