STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 21-05

Extending time for Kansas rural water districts to hold annual meetings during the COVID-19 pandemic

WHEREAS, securing the health, safety and economic well-being of residents of the State of Kansas is this Administration's top priority;

WHEREAS, Kansas is facing a crisis – the pandemic and public health emergency of COVID-19 – resulting in illness, quarantines, school closures and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 28,200,000 cases of the illness and more than 501,000 deaths as a result of the illness across the United States;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and that State of Disaster Emergency continues as a result of extensions approved by the Legislature and the State Finance Council;

WHEREAS, as of this date, there have been over 291,715 positive cases of COVID-19 in Kansas, spread among all 105 counties and 4,643 deaths as a result of the illness;

WHEREAS, Kansas rural water districts organized and operating pursuant to K.S.A. § 82a-612, *et seq.*, provide an important service to rural communities throughout the state in providing water to homes, farms, and businesses within the district's territory;

WHEREAS, state statutes and rural water district by-laws require that an annual meeting take place for the membership of the district on or before April 1st of each year for, among other things, the election of directors for the coming year; all members of the rural water district may attend and vote at these meetings, which can involve hundreds of individuals at a single meeting location;

WHEREAS, K.S.A. § 82a-648 provides for certain mail ballot elections for rural districts, however, this may require an amendment to the by-laws of the district, which in turn requires a special meeting of the entire membership of the district which cannot be easily and safely performed; and

WHEREAS, to protect Kansans, especially those who may be members of a vulnerable population, and to avoid a substantial gathering of people during the pandemic, it is necessary to extend annual meeting deadlines for rural water districts in order to allow districts the opportunity meet either through virtual or remote means or at a time when it may be safer to gather in person.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. § 48-924 and K.S.A. § 48-925(b), (c)(1), and (c)(11), in order to address the effects of the spread of COVID-19, I hereby direct and order the following:

1. The provisions of K.S.A. § 82a-626 are suspended so as to allow all rural water districts in the State of Kansas until October 1, 2021, to hold their annual meetings.

2. In order to comply with any applicable social distancing or mass gathering requirements set by law, the Board of a rural water district may limit in-person attendance at its meetings. However, any rural water district so limiting in-person attendance must provide for the use of remote meeting software, phone conferencing, or other online or virtual technology to provide a method of remote participation for those members who do not attend in person.

3. Rural water districts may meet through the use of remote meeting software, phone conferencing, or other online or virtual technology, regardless of any statutory, regulatory, or rural water district by-law provision that may be construed to prohibit holding or participating in a meeting remotely or virtually. If a rural water district holds a meeting with the assistance of remote meeting software, phone conferencing, or other online or virtual technology, the district is encouraged to review K.A.R. 16-20-1 regarding compliance with the Kansas Open Meetings Act during an emergency declaration.

This document shall be filed with the Secretary of State as Executive Order No. 21-05. It shall become effective immediately and remain in force until rescinded or until the expiration of the statewide State of Disaster Emergency extended by Section 3 of Senate Bill 14 enacted during the 2021 Legislative Session and as extended by any subsequent enactment or resolution.

THE GOVERNOR'S OFFICE BY THE GOVERNOR Laura Kelly

DATED 2.23.21

FILED
FEB 23 2021
SCOTT SCHWAB
SECRETARY OF STATE

Scott Schwab
Secretary of State

Assistant Secretary of State