

**CITY OF WATHENA, KANSAS
RESOLUTION NO. 20-5**

A RESOLUTION RESCINDING CITY OF WATHENA RESOLUTION NO. 20-4 THAT TEMPORARILY CLOSED THE WATHENA MUNICIPAL COURT AND AUTHORIZING THE WATHENA MUNICIPAL JUDGE TO MAKE NECESSARY AND APPROPRIATE ORDERS TO CONDUCT COURT SESSIONS, ALL AS A RESULT OF THE COVID-19 PANDEMIC AND A STATE OF EMERGENCY IN THE STATE OF KANSAS

WHEREAS, securing the health and safety of residents and employees of the City of Wathena is the top priority of the City of Wathena governing body; and

WHEREAS, the Covid-19 pandemic has evolved over time and the “stay home” order issued by the governor of the State of Kansas has been revised to be recommended guidelines and individual counties have retained authority to issue mandatory provisions;

WHEREAS, Doniphan County will be moving to no mandatory restrictions under the *Ad Astra: A Plan to Reopen Kansas* as of June 15, 2020, if the local transmission rate continues to remain steady or declines; and

WHEREAS, the judge of the Wathena Municipal Court should be given full authority to take such steps as may be necessary or appropriate in conducting sessions of the court until such time as the pandemic is more fully eradicated and/or under control by the availability of a vaccine and/or effective treatment for those whom have been infected, subject only constitutional limitations and any contradictory orders of the Kansas Supreme Court.

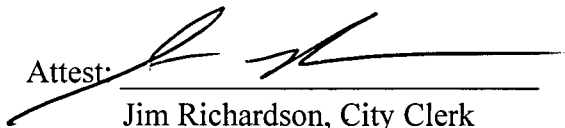
NOW, THEREFORE, in order to mitigate the spread of COVID-19 and to protect the health and safety of Wathena residents and municipal court employees, officers and participants, the Wathena City Council does hereby resolve and declare as follows:

- City of Wathena Resolution No. 20-4 is hereby rescinded effective as of July 1, 2020, including the temporary, indefinite closing of the Wathena Municipal Court.
- The judge of the Wathena Municipal Court shall have full and complete authority to take such steps, and impose such restrictions, as may be necessary and appropriate, in conducting sessions of the court during the ongoing pandemic, for the purpose of securing the health and safety of all participants of such court sessions, subject only to the applicable orders of the Kansas Supreme Court and provisions of the state and federal constitutions. Such authority shall include, but not be limited to, closing the court for an indefinite period of time, if circumstances so require, as well as imposing terms of social distancing, the wearing of masks, limitations upon the number of people allowed in the courtroom, holding hearings by electronic means, and such other terms and conditions as may be appropriate.


- The temporary closing the Wathena Municipal Court shall not preclude the Court from determining probable cause for persons arrested without a warrant; conducting first appearances; setting appearance bonds and conditions of release; issuing arrest warrants and undertaking such other business of the Court as is appropriate.

IN WITNESS WHEREOF, the Mayor of City of Wathena, Kansas has hereunto set his hand and caused to be affixed to this Resolution, the Seal of said city, this 15th day of June, 2020.

Attest:



Jim Richardson, City Clerk



John A. Cluck, Mayor