

Washington County Office
420 S Johnstone, #222
Bartlesville, OK 74003
(918) 337-2860
FAX (918) 337-2896

Victim Services Center
420 S Johnstone, #222
Bartlesville, OK 74003
(918) 337-2816

OFFICE OF
District Attorney



Nowata County Office
229 N. Maple
Nowata County Courthouse
Nowata, OK 74048
(918) 273-3167

Bogus Check Division
420 S Johnstone, #222
Bartlesville, OK 74003
(918) 337-2824

Kevin D. Buchanan
Eleventh Judicial District
State of Oklahoma

January 6, 2021
~~November 30, 2020~~

Washington County Commissioners
400 S. Johnstone Ave #201
Bartlesville, Oklahoma 74003

RE: Courthouse Mask Mandate/Enforcement


It is the legal opinion of the Washington County District Attorney's Office the order by the Washington County Commissioners to require masks be worn by the public is legal and can be enforced by the Washington County Sheriff's Office in the form of refusal to allow entry to the Courthouse. The Basis for this opinion is as follows:

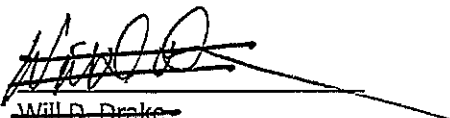
Governor Kevin Stitt has declared a public health emergency for all 77 counties of Oklahoma. The Governor is authorized to make such declaration under Title 63 O.S. §683.2. The emergency continues and was once again extended by executive order on November 16, 2020, with executive order 2020-20.

At the same time the Supreme Court of Oklahoma and the Oklahoma Court of Criminal Appeals on November 23, 2020 established a joint order regarding the COVID-19 state of disaster and under paragraph 4, gave local county officials the control over the extent to which county buildings are closed or have restricted access. SCAD 2020-107.

Further, Title 19 O.S. §1(5) – empowers the commissioners to “do all other acts in relation to property and concerns of the county necessary to the exercise of corporate or administrative power” and Title 19 O.S. §339, generally gives the county commissioners the power to make all orders respecting the real property of the county.

It is the opinion of the District Attorney's Office, the commissioners have the authority to create such an order as long as the order is reasonable and rationale as to the purpose of the order. In this case it appears from the Centers for Disease Control and recommendations from the Oklahoma Health Department that masks lower the risk for transmission of Covid-19 and requiring them in the Courthouse can lower the risk of transmission of Covid-19 to the employees of the Courthouse and other members of the public who visit the Courthouse.


Kevin D. Buchanan
District Attorney
District 11


Will D. Drake
1st Assistant District Attorney
District 11

RESOLUTION
Number 20-44

**A RESOLUTION RESULTING FROM THE COVID-19 EMERGENCY STATE OF
DISASTER, REQUIRING THAT MASKS BE WORN IN THE
WASHINGTON COUNTY COURTHOUSE**

WHEREAS, it is deemed necessary and advisable by the Board of County Commissioners of Washington County, Oklahoma, to respond to the Judge of the District Court's request for a temporary mask mandate in the Washington County Courthouse;

WHEREAS, the Office of the District Attorney, Eleventh Judicial District, State of Oklahoma, has provided a legal opinion, dated November 30, 2020, and attached hereto, stating that said mask mandate in the Washington County Courthouse is a legal means of lowering the risk of the transmission of Covid-19 and can be legally enforced by the Washington County's Sheriff's Office via refusal to allow the entry into the Courthouse of any violator of said mask mandate.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHINGTON, STATE OF OKLAHOMA:

A temporary mandate requiring that masks be worn in the Washington County Courthouse is hereby adopted.

Said temporary mandate shall expire on the 9th day of December, 2020 unless extended further by resolution of this Board.

Passed and approved this 7 day of December, 2020 by the Board of Washington County Commissioners.



Mike Dunlap, Chairman



Mike Bouvier, Vice-Chairman

Mitch Antle, Member



ATTEST Annette Smith
County Clerk

BY Rita Campbell
Deputy