

OFFICE OF  
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**Kevin D. Buchanan**  
Eleventh Judicial District  
State of Oklahoma

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.

A handwritten signature in black ink, appearing to read "Will D. Drake".

Will D. Drake  
1<sup>st</sup> Assistant District Attorney  
District 11