

**WAHOO BOARD OF HEALTH
CITY OF WAHOO, NEBRASKA**

ORDER 2020-03

WHEREAS, the Novel Coronavirus (hereinafter "COVID-19") has dramatically impacted the citizens of the City of Wahoo, a second class city in the State of Nebraska; and

WHEREAS, pursuant to Neb. Rev. Stat. §§ 17-121 et. seq. and Wahoo Municipal Code, Sections 94.01 through 94.03, the City of Wahoo Board of Health (hereinafter "Board of Health") is authorized to promulgate rules and regulations concerning contagious, infectious, and malignant diseases within the city under its jurisdiction; and

WHEREAS, on March 20, 2020, the City of Wahoo Board of Health adopted Order No. 20-01 in response to the COVID-19 pandemic; and

WHEREAS, on March 24, 2020, the Douglas County Health Director provided clarification to its prior Directed Health Measure stating that venues that cannot perform their function without a 6-foot distance between individuals must cease their operations.

WHEREAS, on March 25, 2020, Governor Pete Ricketts issued an executive order extending the existing Directed Health Measure to Lancaster, Dodge and Saunders County, Nebraska through May 6, 2020; and

WHEREAS, on September 4, 2020, the City of Omaha passed Ordinance No. 42310 requiring masks through October 20, 2020; and

WHEREAS, on October 6, 2020, the City of Omaha passed Ordinance No. 42337 extending the mask mandate through November 24, 2020; and

WHEREAS, on November 10, 2020, the City of Omaha passed a second extension to the mask mandate which requires face coverings through February 23, 2021; and

WHEREAS, on November 13, 2020, Governor Pete Ricketts issued an executive order enacting phased public health restrictions tied to increased COVID-19 hospitalizations; and

WHEREAS, on November 16, 2020, the Lincoln-Lancaster County Board of Health adopted Directed Health Measure 2020-12 aimed at restricting gatherings to 25% of capacity, limiting sports contact, requiring restrictions on bars and restaurants, requiring masks, etc.; and

WHEREAS, the Board of Health makes the following findings:

1. The Board finds that Directed Health Measures exist to effectively prevent, limit or slow the spread of communicable disease.
2. The Board finds that the disease presents a risk of death to any person; and that the exposure is wide spread and poses a significant risk of harm to people in the greater population; and that there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk.
3. That the Board does hereby further find that a delay in the imposition of Directed Health Measures and evaluation would significantly jeopardize the ability to prevent or limit the

transmission of a communicable disease and pose unacceptable risks to any person or persons.

4. The Director of the United States Centers for Disease Control and Prevention (CDC), doctors and disease experts from the University of Nebraska Medical Center and Nebraska Medicine, as well as doctors from the Saunders Medical Center, have concluded that the wearing of face coverings by every individual while in public is one of the best methods to slow and stop the spread of COVID-19.
5. The wearing of face coverings by every individual while indoors in public places within the City of Wahoo will reduce community transmissions of COVID-19, resulting in fewer deaths, serious health complications, and will ease the strain on hospitals and other medical offices and facilities.
6. The wearing of face coverings by every individual while indoors in public places in the City of Wahoo will help keep businesses open and operating, encouraging economic growth and preventing prolonged economic harm.

WHEREAS, the Board of Health orders:

1. Definitions: For purposes of this Order, the following terms are defined as follows:
 - a. Face Coverings – a face covering is defined as a covering which, when worn properly, must cover the nose and mouth completely and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, a neck gaiter, or a religious face covering.
 - b. Premises Open to the Public – premises that are open to the public are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, regular commercial or business establishments, private clubs, religious centers or buildings, public transportation, and any place which is generally open to the public, including educational institutions and daycare facilities.
2. All individuals age five (5) and older shall wear a face covering over their mouth and nose while indoors in a premises open to the public, unless the individual maintains a minimum of six (6) feet of separation or social distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:
 - a. Is seeking state, county, or city governmental services;
 - b. Is seated at a bar or restaurant to eat or drink, or while immediately consuming food or beverages;
 - c. Is engaged in an occupation preventing the wearing of a face covering;
 - d. Is obtaining a service or purchasing a good that requires the temporary removal of the face covering;
 - e. Is asked to remove a face covering to verify an identity for lawful purposes;
 - f. Is providing a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained; or
 - g. Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this section shall prohibit the owner or person in charge of a premises open to the

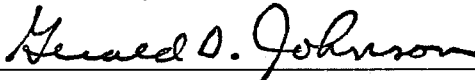
public from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

3. Exceptions: The provisions of this Order shall not apply to:
 - a. Courts of law, medical providers, congregate living centers, residential dwelling units, or city/county/state/federal facilities.
 - b. Children under the age of five (5).
 - c. Individuals who are alone in an office, room, a vehicle, or an enclosed work area.
 - d. Individuals officiating a religious service.
 - e. Individuals who are exercising in an indoor business or indoor space such as a gym or fitness center, while the level of exertion makes it difficult to wear a face covering. This necessarily shall include the NSAA regulations.
 - f. Individuals who are playing a musical instrument that cannot be played with a face covering.
 - g. Individuals actively participating in a team sports activity, while the level of exertion makes it difficult to wear a face covering.
 - h. Public safety workers actively engaged in a public safety role.

Nothing in this section shall prohibit the owner or person in charge of a premises open to the public from requiring an individual to wear a face covering during any of the circumstances.

4. Any individual or entity which maintains a premises that are open to the general public who fails to comply with the requirements of this Order is hereby declared to be a nuisance and a danger to the public health, safety, and welfare.
5. To the extent necessary, the Board of Health requests that the Wahoo Police Department ensure compliance with and enforcement of this Order. Pursuant to Neb. Rev. Stat. § 71-1631.01 any individual violating this Order shall be guilty of a Class III misdemeanor and each day's violation shall be considered a separate offense.
6. In the event there is a future mandate by either the county, state and/or federal government then the most restrictive mandates (whether they be city, county, state or federal) shall be controlling.
7. This Order shall become effective immediately provided, however, the city council shall have the authority to either reaffirm or void the Order through passage of an ordinance.
8. This Ordinance shall expire automatically at 11:59 p.m. on January 4, 2021, unless otherwise extended by ordinance of the city council.

Dated this 23rd day of November 2020.



Gerald Johnson, Mayor and Board Chairman

Motion to adopt the Order regarding Coronavirus (COVID-19) amendment to Order No. 20-03 by Krejci, seconded by Johnson. YEAS: Krejci, yes; Johnson, yes; Harrell, yes; and Ferrell, yes. ABSENT: Newburn

ADOPTED: November 23, 2020.



Chief Bruce Ferrell, Recording Secretary

CITY OF WAHOO BOARD OF HEALTH MEETING ON NOVEMBER 23, 2020

Meeting commenced on November 23, 2020 at 2:00 p.m. via Zoom meeting.

Present: Mayor Jerry Johnson (chairperson), Chief Ferrell (secretary and quarantine officer), Council President Stuart Krejci, City Administrator Melissa Harrell and Dr. Hank Newburn.

Absent: None

Guests: City Attorney Jovan Lausterer and EMS Director Grant Anderson.

Discussions:

Meeting minutes presented by the chairman of the prior April 30th meeting and shall stand as presented as there were no additions or corrections raised by the board.

On September 4, 2020, the City of Omaha passed an ordinance requiring masks which was later extended through February 23, 2021. On November 13, 2020, the governor issued an executive order enacting phased public health restrictions tied to increased COVID-19 hospitalizations. On November 16, 2020, the Lincoln-Lancaster County Board of Health adopted Directed Health Measure 2020-12 aimed at restricting gatherings to 25% of capacity, limiting sports contact, requiring restrictions on bars and restaurants and requiring masks. Last week the mayor of the City of David City passed an executive order imposing a mask mandate within the city limits. This is also in keeping with recent ordinances passed by communities such as Grand Island, Kearney, Beatrice, etc. The Nebraska State Board of Education further passed a resolution recommending a mask mandate state-wide.

Dr. Newburn strongly recommended the adoption of a mask mandate for the City of Wahoo and stated that research supports the use of masks in reducing the transmission of COVID-19 and saving lives.

The group was of the belief that a mandate should be in place into early next year so as to avoid the risks associated with Thanksgiving, Christmas and New Years Eve activities.

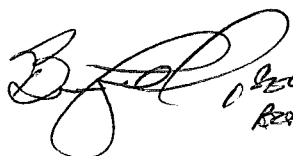
Chief Ferrell spoke that they would begin by requesting voluntary compliance and through the issuance of warnings. Everyone agreed that voluntary compliance should be urged before law enforcement would act by levying civil fines and misdemeanors.

The board of health agreed that daily active hospitalization rates are likely to be the biggest factor in the board's assessment of its needs for a mask mandate. The daily active hospitalization rate is currently in the "orange" category and the board would like to do what is necessary in order to avoid moving into the "red" zone which would require things like carry-out dining only, prohibit youth extracurricular activities, create a 10 person rule for indoor facilities, etc.

Dr. Newburn had to leave the meeting early.

Motion by Krejci, seconded by Johnson, followed by unanimous approval by all those in attendance (Newburn having been excused prior thereto) to pass Order 20-03.

Meeting convened at 2:49 p.m.


CHIEF
BOARD OF HEALTH