



WAHOO BOARD OF HEALTH

CITY OF WAHOO, NEBRASKA

ORDER 20-01

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, Wahoo Municipal Code Section 94.04 requires that the board of health work closely with the County Health Board in protecting the health and welfare of the residents of the city; and

WHEREAS, the Board of Health has had discussions with the representatives of the County Health Board whom have indicated general support for the Board of Health to take actions necessary to protect residents of the city from exposure to community spread of COVID-19; and

WHEREAS, pursuant to the Wahoo Municipal Code, the Board of Health has authority to issue such orders, regulations and instructions as may, in their judgment, limit the threat of an epidemic or contagious disease; and

WHEREAS, Neb. Rev. Stat. § 71-1631.01 provides that any individual violating a rule or regulation of the Board of Health shall be guilty of a Class III misdemeanor and each day's violation shall be considered a separate offense; and

WHEREAS, Wahoo Municipal Code Section 94.03 together with Neb. Rev. Stat. § 17-121(3) provides that the Chief of Police shall serve as the enforcement agent and quarantine officer for the City of Wahoo; and

WHEREAS, on March 19, 2020, Governor Pete Ricketts issued an executive order to provide that neighboring counties such as Cass, Douglas, Sarpy and Washington counties shall close their dining / seating areas and move to takeout, carry-out, or delivery only; and

WHEREAS, on March 19, 2020, Governor Pete Ricketts issued its first Directed Health Measure for COVID-19 to the communities in Educational Service Units #3 and #19. That the City of Wahoo is in bordering Educational Service Unit #2; and

WHEREAS, on March 20, 2020, the City of Lincoln reported that they had their first confirmed case of an individual with COVID-19; and

WHEREAS, on March 20, 2020, Governor Pete Ricketts office reported that there are limited tests available within local health care facilities in the state to perform testing on suspected cases of COVID-19; and

WHEREAS, the rules and regulations concerning public health and the prevention of communicable diseases as promulgated by the United States Department of Health and Human Services Centers for Disease Control and Prevention (hereinafter "CDC") have been adopted previously by the Board of Health pursuant to Wahoo Municipal Code Section 9.02; and

WHEREAS, on March 16, 2020, the CDC issued Interim Guidance for COVID-19, specifically warning against gatherings of more than ten (10) people; and

WHEREAS, the Board of Health makes the following findings:

1. The Board has received information from the World Health Organization, CDC and local health care providers that the general public may have been exposed to a communicable disease.
2. The Board finds that Directed Health Measures exist to effectively prevent, limit or slow the spread of communicable disease.
3. 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.
4. That in assessing the nature of the risk presented, the Board further finds that the threat is from a novel infectious agent.
5. 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.

WHEREAS, the Board of Health orders:

1. All public gatherings within the city limits of the City of Wahoo with an expected presence of more than 10 individuals taking place between March 20, 2020 and April 30, 2020 are hereby prohibited. If a venue is subdivided into multiple spaces separated by physical walls or sufficient airspace, the limit per subdivision of space is 10.
2. It is further ordered that even for gatherings below this size, if a minimum social distance of six feet between attendees cannot be maintained in the venue or a subdivision thereof, the gathering is prohibited.
3. Daycare and childcare facilities must operate under the following mandatory conditions: A. Childcare must be carried out in stable groups of 10 or fewer children; "stable" means that the same 10 or fewer children are in the same group each day. B. Children shall not change from one group to the other. C. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other. D. Childcare providers shall remain solely with one group of children.
4. It is further ordered that restaurants and bars in the City of Wahoo shall be closed to their dining/seating areas and move to takeout, carry-out, or delivery only between March 20, 2020 and April 30, 2020.
5. This Order does not apply to courts of law, medical providers, pharmacies, auto repair shops, banks, public utilities, critical county, city and natural resource district operations, nursing and assisted living facilities, manufacturing facilities, school staff working in school buildings, fuel stations, construction jobs, convenience stores, grocery stores, or to family residences housing ten or more people. However, these settings are instructed to observe all applicable state and federal guidelines for infection control.

6. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected at least 244,000 individuals worldwide and is implicated in over 10,000 worldwide deaths. In Nebraska there have been at least 29 confirmed cases.
7. This Order is issued based on evidence of increasing transmission of COVID-19 both within the State of Nebraska and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
8. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially, increasing the likelihood that such gatherings will impair efforts at mitigating the spread of the illness.
9. 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.
10. 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.
11. This Order is effective immediately.

Dated this 20th day of March, 2020.



Gerald Johnson, Mayor and Board Chairman

Dated this 20th day of March, 2020.

Motion to adopt the Order regarding Coronavirus (COVID-19) limit of 10 for gatherings and restriction on restaurants and bars by Krejci, seconded by Harrell.

ADOPTED: March 20, 2020.

YEAS: Johnson, Harrell, Krejci, Ferrell, Newburn

ABSENT: None



Chief Bruce Ferrell, Recording Secretary