

Interlocal Agreement
Health Department

THIS AGREEMENT is entered into this 15th day of April, 1998, by and between the City of Lincoln, Nebraska, a municipal corporation ("City") and the County of Lancaster, Nebraska ("County").

WHEREAS, the City and County are authorized by the statutes of the State of Nebraska, including Neb. Rev. Stat. Chapter 71 Article 16 relating to local health services, as amended and Chapter 13 Article 8 (the Interlocal Cooperation Act) as amended, to establish a joint health department to function within the City of Lincoln and Lancaster County, Nebraska; and

WHEREAS, on May 12, 1947, the City and County entered into an agreement last amended November 2, 1987, establishing a joint City-County Department of Health, designated as the Lincoln-Lancaster County Department of Health; and

WHEREAS, conditions have changed since the existing agreement was executed; and

WHEREAS, the City and County desire to enter into a new agreement.

NOW, THEREFORE, it is mutually agreed between the City and County, subject to the approval of the Department of Health of the State of Nebraska, that the agreement entered into May 12, 1947, as last amended November 2, 1987, is terminated and a new agreement is entered into upon the following terms and conditions:

1. This agreement establishes a joint City-County Health Department which shall be known as the City of Lincoln-Lancaster County Department of Health (Health Department) which shall operate as a full-time public health service as defined in Neb. Rev. Stat. § 71-1626 (Reissue 1996).

2. The City and County hereby establish the City of Lincoln-Lancaster County Board of Health, to replace the hitherto existing Board of Health which shall be deemed superseded and replaced upon appointment of the successor Board under this agreement.

(a) The Board shall consist of the following members to be appointed by the Mayor with the consent of the City Council and County Board:

- (1) One representative of the County Board,
- (2) One representative from the City Council,
- (3) One physician,

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(4) One dentist, and

(5) Five public-spirited persons who are interested in the health of the community.

(b) Three of the members shall be appointed for terms of one year, three for terms of two years, and three for terms of three years. After the initial terms of office expire, each successor member shall be appointed for a term of three years.

(c) The physician and dentist members shall be appointed follows:

(1) The Mayor shall invite the local county association or society of dentists or physicians or its managing board to timely submit to the mayor a list of three persons of recognized ability in such profession. A list is timely submitted if it is submitted within 60 days after the Mayor's invitation.

(2) If the list is not timely submitted, the Mayor may consider the list timely submitted at any time prior to making an appointment, otherwise the Mayor shall appoint a person of respected ability in such profession.

(3) If the list is timely submitted, the Mayor shall consider the names on the list and shall either appoint one of the persons named or invite a list of three new names using the same process provided in this subdivision.

3. The Board of Health shall, immediately after appointment, meet and organize by the election of one of its own members as president, and one as vice-president. The Board members may elect such other officers as they deem necessary and may adopt and promulgate rules for the guidance of the Board which are not inconsistent with law or this agreement. If any Board member resigns or ceases to meet the requirements for eligibility on the Board, or if there is any other vacancy on the Board, the Mayor shall appoint another representative to serve for the member's unexpired term subject to consent by a majority vote of both the City Council and the County Board. Any appointment to fill a vacancy on the Board shall be for the unexpired term of the member whose vacancy is being filled.

4. The City Treasurer shall be the treasurer of the Board of Health. The City Attorney and County Attorney or their designated representatives shall provide legal services to the Board as may be required.

5. The Board shall have the following duties in the City of Lincoln and Lancaster County:

(a) Assessment of community health status and available resources for health matters, including collecting and analyzing relevant data and annually reporting and making recommendations on improving public health matters to the Mayor, City Council and the County Board.

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(b) Policy Development for proposals before the Board of Health, the City Council and the County Board to support and improve public health, including appointing, with approval of the Mayor, City Council and County Board, advisory committees to the Board of Health to facilitate community development functions and coalition building related to public health and adopting and approving official Health Department policies consistent with applicable law and approved by the affirmative vote of not less than five board members at a regular meeting of the Board in the following areas:

(1) Community health services and health promotion and outreach, specifically including policies related to the following:

- A. Client services and fees;
- B. Standing orders, supervision, screening, emergency and referral protocols and procedures;
- C. Monitoring and reporting; and
- D. Communicable disease investigation, immunization, vaccination, testing, and prevention measures, including measures to arrest the progress of communicable diseases;

(2) Environmental Health, specifically including policies related to the following:

- A. Permitting, inspection and enforcement;
- B. Monitoring, sampling, and reporting;
- C. Technical assistance and plan review; and
- D. Prevention measures.

(3) Investigating and controlling diseases and injury (Animal Control, STD's, Immunizations, Foodborne and Other Disease Outbreaks) specifically including policies related to the following:

- A. Permitting, inspection, and enforcement;
- B. Monitoring, sampling, and reporting;
- C. Technical assistance and plan review; and

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D. Prevention measures; and

(4) Other health matters as may be requested by the City Council or the County Board.

(c) Assurance that needed services are available through public or private sources in the community, including:

(1) Acting in an advisory capacity to review and recommend changes to ordinances, resolutions, and resource allocations before the City Council or County Board related to health matters.

(2) Annually reviewing and recommending changes in the proposed Health Department budget as follows:

A. The Board of Health may review and recommend changes to the proposed department budget to the Mayor of the City prior to submittal to the City Council and County Board.

B. In the event the Board of Health by the affirmative vote of not less than five Board members objects to the proposed department budget as submitted by the Mayor to the City Council and the County Board for the Health Department, the Board may submit a list of objections. The list must be approved by a not less than five Board members. The City Council and County Board shall consider the approved list as the official recommendation of the Board on the subject.

(3) Recommending revisions within the approved Health Department budget subject to the approval of the Mayor for the following:

A. Transfers of unencumbered appropriation balances or portions thereof between major expense categories; and

B. Transfers of unencumbered appropriation balances or portions thereof between sections or divisions of the Health Department.

(4) Monitoring and reviewing the enforcement of laws and regulations of the Board of Health, the City Council and the County Board related to public health in the community.

(d) Enforcement of City ordinances and resolutions.

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6. The Mayor shall have the following duties:

(a) Director. The Mayor of the City shall appoint, with the approval of the Board of Health, City Council, and County Board, the Health Director of the Health Department. The Health Director shall be a member of the unclassified service of the City under the direction and supervision of the Mayor. The Health Director shall be well-trained in public health work, but he or she need not be a graduate of an accredited medical school. If the Health Director is not a graduate of an accredited medical school, the Health Director shall be assisted at least part time by at least one medical consultant who is a licensed physician. The Mayor may terminate the Health Director with approval of a majority vote of the City Council, the County Board, and the Board of Health.

(b) Budget. The Mayor shall submit the Health Department budget to the City Council and County Board. The Mayor shall also provide budget information to the Board of Health with sufficient time to allow such Board to consider such information. The Mayor shall administer funds as may be budgeted to the Health Department by the City and County. The administration of budgeted funds shall include the right to make the following types of revisions within the approved budget:

(1) Transfers of unencumbered appropriation balances or portions thereof between major expense categories; and

(2) Transfers of unencumbered appropriation balances or portions thereof between sections or divisions of the Health Department.

The Mayor shall inform the City Council and County Board of all transfers by filing an appropriate written statement with the City and County clerk within seven (7) days. The County Board shall have ten (10) days from the receipt of the notification from the Mayor to respond to the proposed transfer of funds. If there is no response within ten (10) days the County is deemed to have approved of the transfer. The County may reject only that portion of the proposed transfer item which originally came from budgeted County funds. Any major expense category funded entirely by the City shall not be subject to County review.

(c) Contracts. The Mayor may enter into contracts and accept grants on behalf of the Health Department.

7. The Health Director shall:

(a) Provide administrative supervision of the Health Department;

(b) Make all necessary sanitary and health investigations and inspections;

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- (c) Investigate the existence of any contagious or infectious disease and adopt measures to arrest the progress of the disease;
- (d) Distribute free, as the local needs may require, all vaccines, drugs, serums, and other preparations obtained from the Department of Health and Human Services or otherwise provided for public health purposes;
- (e) Give professional advice and information to school authorities and other public agencies on all matters pertaining to sanitation and public health;
- (f) Inform the Board when the City Council or County Board is considering proposals related to health matters or has otherwise requested recommendations from the Board;
- (g) Inform the Board of developments in the field of public health and of any need for updating or adding to or deleting from the programs of the Health Department;
- (h) Keep minutes of all meetings of the Board;
- (i) Keep all records pertaining to expenses, income, complaints, work done, meetings, pamphlets printed and distributed, cases handled, and of any other matters pertaining to the work of the Health Department as provided by law; and
- (j) Perform those duties and functions as otherwise provided by law, including, specifically, enforcement of all health ordinances and resolutions of the City.

8. The Health Department budget shall be subject to the same rules, regulations and procedures for budgets of the City departments presented for the City Council. Any action requiring the expenditure of funds not permitted by an approved budget or the approved budget as revised according to this agreement, shall require the approval of the City Council and the County Board.

9. All employees of the Health Department shall serve as classified employees of the City and shall be subject to all the rules, regulations, and benefits applicable to City employees.

10. For each year that this agreement is in effect, the cost of equipping and operating the Health Department shall be determined by mutual agreement between the City and County, based upon the proportionate cost of services performed for the City and County.

11. All purchases of the Health Department shall be made in accordance with applicable law and the purchasing regulations of the City, and all funds of the department shall be handled by and through the City Treasurer. No funds shall be disbursed by the Health Department except as authorized by this

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agreement. Unencumbered balances remaining at the end of each year shall be returned to the City Treasurer to be applied to appropriations for the following year.

12. This agreement shall be and remain in full force and effect for one (1) year from the date of execution hereof and shall be automatically renewed every year thereafter unless terminated by either party giving one (1) year's written notice to the other party of an intention to terminate. In case of termination, the property, equipment, and funds of the department shall be returned to the parties in proportion to their contribution to the funding of the department, or as may be otherwise agreed, and disposition of all records of the department shall be made pursuant to law.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

(City Resolution No. A-78707, adopted April 6, 1998; Approved by County Board, April 7, 1998; Approved by Nebraska Dept. of Health & Human Services, Regulations and Licensure, April 15, 1998; prior City Resolutions A-71744, adopted November 9, 1987; A-66790 adopted April 7, 1980).