

MINUTES
DIRECTORS' MEETING
Monday, March 1, 2021

Present: Sändra Washington, Roy Christensen, Tammy Ward, Bennie Shobe, Richard Meginnis, James Michael Bowers, and Jane Raybould

Others Present: Soulinnee Phan, City Clerk; Pat Lopez, Director, Lincoln-Lancaster County Health Department; Leirion Gaylor Baird, Mayor; Yohance Christie, City Attorney; James Davidsaver, Director, Lincoln-Lancaster County Emergency Management; and other City Staff present.

Chair, Richard Meginnis opened the meeting at 2:05 p.m. and announced the location of the Open Meetings Act

I. MINUTES

Minutes from February 8, 2021, approved and adopted

II. ADJUSTMENTS TO AGENDA

III. CITY CLERK

Under Public Hearing Liquor Resolutions – The following items will be called together; Items 4.a. & 4.b., Items 4.c. & 4.d., and Items 4.e. & 4.f.

Under Public Hearing Resolutions – Items 5.c. and 5.d. both have a Motion to Amend No. 1.

IV. MAYOR'S OFFICE

Mayor Gaylor Baird thanked Council members for their vote in passing the Micro-Purchasing Ordinance and the Conversion Therapy Ban.

Mayor Gaylor Baird advised Council members that James Davidsaver, Emergency Management Director and Yohance Christie, City Attorney were present today and available to answer any questions related to the Emergency Declaration.

Mayor Gaylor Baird briefed Council on the Police Chief search contact information is available online. For those that don't have online access to complete the survey can call in to 402-441-1877. The surveys are also available at Lincoln City Libraries. Constituents, community members, and stakeholders are encouraged to weigh in over the next month in the search of a new police chief.

Lastly, Mayor Gaylor Baird briefed Council that City crews are out repairing potholes. After the heavy snowfall and moisture we've received cracks and potholes are erupting. Over the past two weeks crews have repaired nearly 70,000 potholes. Crews are responding to requests received through UPLNK.

Christie briefed Council on the local State of Emergency/Emergency Declaration and the Directed Health Measures. Stating that the State of Emergency Declaration locally is spelled out in the code, that is has to be done by Executive Order by the Mayor, that declaration can last no more than 72 hours, unless extended by the City Council. The emergency powers afforded to the Mayor during the Emergency Declaration are set out in the code: 2.06.050; which state the Mayor, during an emergency, can prohibit or limit the number of persons who may gather or congregate upon public streets, alleys, or public places, or any outdoor place within the area affected by the emergency declaration; Establish a curfew; Require the closing of cocktail lounges, taverns, and bars and prohibit the sale or service of alcoholic beverages in any hotel, restaurant, club, or other establishment, or to require the closing of all other business

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establishments; Prohibit or restrict the sale of gasoline or other inflammable liquids; Prohibit the sale, carrying, or possession on the public streets or public sidewalks or in any public park or square of weapons including but not limited to firearms, bows and arrows, air rifles, slingshots, knives, razors, or missiles of any kind; To take all other such measures as are necessary to preserve the health, safety, and property of the citizens of this community.

Code 2.18.030 highlights some of the purchasing policies that are suspended that allow the Director of the affected department to make emergency purchases for supplies or other services related to the emergency. This relates to some of the decisions that were made by the Health Director during the pandemic.

Christie stated, it's important to understand the authority to issue Directed Health Measures exist independently of the State of Emergency. The authority to issue Directed Health Measures are also laid out in the Nebraska State Statute. Nebraska Revised State Statute 71-501 talks about contagious diseases and the authority afforded to Health Departments; which states, local public health departments shall make and enforce regulations to prevent the introduction and spread of contagious, infectious, and malignant diseases in the county or counties under its jurisdiction.

Nebraska State Statute 17-1630, sub section 4, which is specific to Lancaster County and has a provision that states; the Health Director shall investigate the existence of any contagious or infectious disease and adopt measures to arrest the progress of the disease.

Code 8.18 lays out enforcement related powers for the Health Director. Specifically 8.18.140 states; The Health Director may order the closure of, or restrict access to any business, office, healthcare facility, school or government agency or department for the purpose of controlling the spread of disease or for any activity related to controlling the spread of disease; The Health Director may allow any necessary or critical business, office, healthcare facility, school, or government agency or department to remain operational; The Health Director may adopt any other control measures which are consistent with applicable guidelines of a public sector partner, emergency management agency, and other applicable laws and regulations.

Nebraska State Statutes 71-501; 71-1630; and 17-1631 outline what Health Departments across the state are to do to in order to control infectious or contagious disease and to arrest the progress. Both the State Statute and the Code exist independently of the State of Emergency. All of the Directed Health Measures that have been issued, have been pursuant to the State Statutes referenced above and 8.18 of the City Code; Communicable Diseases.

Discussion followed.

Davidsaver briefed Council on Emergency Management at the local level. Stating his responsibility in the Declaration of an Emergency, the State makes it very easy, a very good working relationship between the locals and the state in order to do that. The needs at the local level include that signed authority from the Chief Elected Official. When dealing with the County that would be the Chair of the County Board, from the City of Lincoln it would be the Mayor. Essentially that signed authority says we have experienced a disaster and emergency at the local level and it has overwhelmed our ability to handle it with the resources that we have. So we are going to need resources from the State or potentially from the Federal level to address our needs. The State refers to this as an Emergency Declaration. The official letter or

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point of contact from the Chief Elected Official that says we have a problem in the City of Lincoln and we are going to need some additional resources to address the problem. The Mayor and her legal staff then determine what the Executive Order will look like which is then submitted to the State by the Director of the Lincoln-Lancaster County Emergency Management. The Governor has the authority to declare a State of Emergency for the State. In the world of Emergency Management; In terms of a response to an emergency, regardless of the scope, it's response and recovery. Response indicates; what do we need to do in that first three days, or 72-hours after an event that will hopefully stabilize the event as much as possible. Recovery indicates both short-term and long-term.

Daidsaver further stated if the Governor declares a state wide State of Emergency then the local Declaration may not be necessary because the situation is stabilized. The same thing occurs if it reaches the level of a Federal Presidential Disaster Declaration the initial local Declaration serves notice then the Federal Emergency Management Agency (FEMA) structure takes over. In Daidsaver's tenure as the Director of Lincoln-Lancaster County Emergency Management, the question of when do you need to terminate the local level emergency really hasn't ever come up because it has been clearly defined by the event itself. Further research may need to be done to determine what the best course of action from the local level when dealing with the scenario of COVID-19. Daidsaver also stated it is better to have the order in place rather than having to explain after the fact, why don't you. Having the order in place does maximize the ability and eligibility to seek any available financial reimbursement.

Discussion followed.

V. DIRECTORS CORRESPONDENCE
LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

1. Public Health Update provided by Pat Lopez, Director, Lincoln-Lancaster County Health Department (LLCHD).

Case Data:

The Total Number of Cases in Lancaster County to date is 28,183(32 additional cases Yesterday, 02/26). The total number of cases reported last week ending February 27th was 338 which is higher than week ending Feb 20th which is 325. We are having this weekly care rate of around 335 cases for past 3 weeks. Our previous highest weekly total was a week earlier at 2,112 cases in the week ending 12/5. We had an average of 1,370 cases per week in December compared to an average of 1,675 a week in November and 693 cases a week in October. In December, we had 5,833 cases, in November; we had 7,161 cases compared to 3,129 cases in October. In January, we had 4,064 cases or 917 cases a week. In February we have 1,435cases. A decline of 64% of cases month over month.

Last week ending Saturday, the Positivity rate was 22%. Which is lower than 24% reported a week earlier. Though we had a declining positivity rate in the previous four weeks, we saw a reduced number of overall testing in the past couple of weeks. Last week, we only had 1,539 tests, mostly due to the weather. In the past 4 weeks, we also had a significant decline in testing. In November and first 2 weeks of December, we had an average of 6,000 tests reported per week, but in the last 4 weeks we are seeing an average of 1,720 tests per week a significant decline.

In Lancaster County, we have 13,546 or 48% of all the positive cases are confirmed recovered.

We have 221 deaths due to COVID19 in Lancaster County. 74 Deaths were just in December or 45% of all our deaths and another 34 COVID19 deaths in November. 119 deaths or 57% of all deaths in

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Lancaster County are reported in last 2 months (December and January). In January, we had 45 deaths. In February, we have 23 deaths.

Vaccinations

As of yesterday, we administered 81,193 doses of vaccine to Lancaster County Residents. Of these doses, 52,368 individuals received 1 dose and 28,825 received 2nd doses. Last week on Wednesday we vaccinated 2500 people 71+ age group and ON Thursday and Friday, we vaccinated 5000, 2nd doses for 80+ Populations. This week, we are going to vaccinate the second doses for 75+ Populations and on Wednesday, another 2000 in 70+ population. We are beginning to vaccinate 1500 educators, who are 61+ age group and those who work with children who has mask exemptions.

Hospital Usage

In Lancaster County Hospitals as of midnight 02/28, 37 individuals are hospitalized due to COVID. 24 of these individuals are Lancaster County Residents and 13 are from out of the county. Hospitalization has been trending upwards in the past 10 days.

Discussion followed.

VI. COUNCIL DISCUSSION

1. Discussion on future meetings, public crowd size, and safety requirements for public participation

A brief discussion was had on opening the Council Chambers to the public; reference to the risk dial being in the yellow was made. Discussion also included continuing to limit the number of individuals in Council Chambers at one time in hopes to go back to full capacity in the future. Discussion also included continuing to be restrictive but having the ability to re-address this on week-by-week basis and maintaining consistency with what other City/County Boards are allowing. Reference was also made regarding applicants on specific agenda items and the duration they are allowed to remain in Council Chambers.

Discussion followed.

Washington Motioned to allow up to 12 individuals in the Chamber at a time.

Seconded by Raybould and carried by the following vote: AYES: Washington, Christensen, Ward, Shobe, Bowers, Raybould, Meginnis; NAYS: None.

Chair, Meginnis adjourned the meeting 2:55 p.m.