

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
PROPOSED AGENDA

5:00 PM, Tuesday, January 12, 2021

Training Center

3131 O Street

Lincoln, NE 68510

AGENDA ITEM	DESCRIPTION	SUPPORTING DOCUMENTS
<b><u>CALL TO ORDER</u></b>	Roll Call	
<b><u>APPROVAL OF AGENDA</u></b>		<b>Pages 3-4</b>
<b><u>APPROVAL OF MINUTES</u></b>	Regular Meeting – December 8, 2020	<b>Pages 5-7</b>
<b><u>PUBLIC SESSION</u></b>	Any person wishing to address the Board of Health on a matter not on this Agenda may do so at this time.	
<b><u>DEPARTMENT REPORTS</u></b>	A.Health Director Update – Lopez	<b>Pages 8-15</b>
<b><u>CURRENT BUSINESS</u></b> Action Items	A. Board of Health Approval for Lincoln Municipal Code Chapter 8.20 Amendment  B. Ordinance to Temporarily Extend the LLCHD Child Care Center Certificate of Compliance	<b>Pages 16-32</b>  <b>Page 33</b>
<b><u>CURRENT BUSINESS</u></b> Information Items	A. COVID-19 Update – Data Testing Vaccine Update	
<b><u>FUTURE BUSINESS</u></b>	Request for Information / Topics for Future Agendas	

AGENDA ITEM	DESCRIPTION	SUPPORTING DOCUMENTS
<b><u>ANNOUNCEMENTS</u></b>	Next Regular Meeting – February 9, 2021 - 5:00 PM	
<b><u>ADJOURNMENT</u></b>		

Additional Information: Glossary of Abbreviations

This agenda will be kept continually current and will be available for public inspection within the Lincoln-Lancaster County Health Department during normal working hours. A copy of the Open Meetings Law is posted at the meeting site.

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the

Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln please contact Angel Edwards at the Lincoln-Lancaster County Health Department at 402-441-8093 as soon as possible before the scheduled meeting date in order to make your request.

TO: Board of Health Members, Media and  
Interested Parties

FROM: James Michael Bowers, President

SUBJECT: Meeting Notice and Tentative Agenda

DATE: December 29, 2020

5:00 PM, Tuesday, January 12, 2021  
Training Center  
3131 O Street  
Lincoln, NE 68510

The tentative agenda is as follows:

- I. CALL TO ORDER – Bowers
  - A. Roll Call
- II. APPROVAL OF AGENDA – Bowers
- III. APPROVAL OF MINUTES – Bowers
  - A. Regular Meeting – December 8, 2020
- IV. PUBLIC SESSION

Any person wishing to address the Board of Health on a matter not on this Agenda, may do so at this time.
- V. DEPARTMENT REPORTS
  - A. Health Director Update – Lopez
- VI. CURRENT BUSINESS – Action Items
  - A. Board of Health Approval for Lincoln Municipal Code Chapter 8.20 Amendment – Holmes

- B. Ordinance to Temporarily Extend the LLCHD Child Care Center Certificate of Compliance- Daniel

VII. CURRENT BUSINESS – Information Items

- A. COVID-19 Update – Data Testing Vaccine Update

VIII. FUTURE BUSINESS

- A. Request for Information/Topics for Future Agenda

IX. ANNOUNCEMENTS

Next Regular Meeting – February 9, 2021 - 5:00 PM

X. ADJOURNMENT

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## LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

Board of Health  
December 8, 2020

### I. ROLL CALL

The meeting of the Board of Health was called to order at 5:19 PM by Katie Garcia at the Lincoln-Lancaster County Health Department. Members Present: Katie Garcia, Dustin Loy, Stacie Bleicher, Sean Flowerday, Jasmine Kingsley, Rick Tast (ex-officio), and Adelle Burke (ex-officio).

Members Absent: James Michael Bowers, Jacqueline Miller, Tom Randa, Stephanie Jarrett, and Jenifer Holloway (ex-officio).

Staff Present: Pat Lopez, Charlotte Burke, Scott Holmes, Justin Daniel, David Humm, Christina Hitz, Bernice Afuh, Steve Beal, Kathy Cook and Angel Edwards

### II. APPROVAL OF AGENDA

Dr. Garcia asked if there were any corrections to the Agenda. Pat Lopez requested to removed item “VI-D Board of Health Approval for Lincoln Municipal Code Chapter 8.20 Amendment” from the agenda.

Motion: Moved by Dr. Loy to approve the correction of the agenda. Second by Mr. Flowerday. Motion carried by a 5-0 roll call vote.

### III. APPROVAL OF MINUTES

Dr. Garcia asked if there were any corrections to the Minutes. No corrections were requested.

Motion: Moved by Mr. Flowerday that the November 10, 2020 Minutes be approved as printed. Second by Dr. Loy. Motion carried by a 5-0 roll call vote.

### IV. PUBLIC SESSION

Pastor Tom presented a “Thank You City of Lincoln” award to Pat Lopez on behalf of the People’s City Mission for “keeping the homeless safe during the corona virus pandemic” in 2020. The Mission has been able to keep COVID out by masking and social distancing. Anyone wanting to stay at The Mission must get tested for COVID-19 before coming in. The People’s City Mission has worked closely with the Health Department since the beginning of the pandemic to put safety and sanitation protocols in place to prevent the spread of COVID-19 to the residents.

## V. DEPARTMENT REPORTS

### A. Health Director Update

Community Health Services Manager, Bernice Afuh, said the Lincoln Lancaster County Health Department has hosted 8 influenza clinic events around the City to provide flu shots to the public. The most recent was on Wednesday December 2<sup>nd</sup> from 4:00 pm to 6:30 pm at the Health Department. This was an appointment only clinic and was very successful with the new drive up system. A variety of promotional venues were used to reach the public.

Health Director, Pat Lopez, reported that as of today there have been 19,023 cases in Lancaster County and another 5 deaths were reported today. There have been recent outbreaks in assisted living & long-term care centers. The positivity rate remains at 33.9% which indicates wide-spread community transmission. The Health Department is working closely with hospitals to control any surge in cases that may happen after the Thanksgiving weekend.

## VI. CURRENT BUSINESS (Action Items)

### A. Food Advisory Committee Appointment of Suzanne Schneider

Environmental Health Supervisor, Justin Daniel, proposed the appointment of Suzanne Schneider. Ms. Schneider is the Associate Director of “Lincoln Littles” which assists in gaining access to quality care and education. Ms. Schneider was previously the Director at Westminster Preschool and brings close to 30 years of experience with early childhood programs.

Motion: Moved by Dr. Bleicher to appoint Ms. Schneider to the Food Advisory Committee. Second by Dr. Loy. Motion carried by a 5-0 roll call vote.

### B. Food Advisory Committee Appointment of Ansley Fellers

Environmental Health Supervisor, Justin Daniel, proposed the appointment of Ansley Fellers. Ms. Fellers is the Executive Director of the Nebraska Grocery Industry Association which holds a permanent position on the Food Advisory Committee. Ms. Ansley previously handled the agriculture/natural resources, food, energy, and international trade portfolio for Congressman Adrian Smith in Washington DC.

Motion: Moved by Ms. Kingsley to appoint Ms. Fellers to the Food Advisory Committee. Second by Dr. Loy. Motion carried by a 5-0 roll call vote.

C. Board of Health Approval for Lincoln Municipal Code 9.28 Amendment

Health Promotion and Outreach Manager, David Humm, requested the Amendment to the Lincoln Municipal Code 9.28 in order to match the language of the Nebraska State Law which went into effect on October 1, 2020. The new law reflects the age change from 19 to 21 to purchase and use tobacco products. This amendment will also go in front of the City Council for a vote.

Motion: Moved by Mr. Flowerday to approve the Amendment. Second by Dr. Loy. Motion carried by a 5-0 roll call vote.

VII. CURRENT BUSINESS (Information Item)

A. Vaccine Plan Update

The Health Department has assembled a Vaccine Advisory Group to assist with the logistics of distribution. There will be several phases to prioritize populations. There are multiple challenges to face in the upcoming days ranging from storage, distribution and doses. The POD's (Points of Distribution) are not being shared with the public for safety reasons. Lancaster County has confirmed 3,925 single doses at this time. The Department will encourage the public to get the vaccine.

VIII. FUTURE BUSINESS

A request to keep the Vaccine Plan Update a standing item.

IX. ANNOUNCEMENTS

Next Meeting – January 12, 2021 at 5:00 PM.

X. ADJOURNMENT

Motion: Moved by Mr. Flowerday that the meeting adjourn. Second by Dr. Bleicher. Motion carried by a 0-0 roll call vote. The meeting was adjourned at 6:26 PM.

Angel Edwards  
Recording Secretary

Katie Garcia, DDS  
Vice President

# LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT REPORT

## TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH

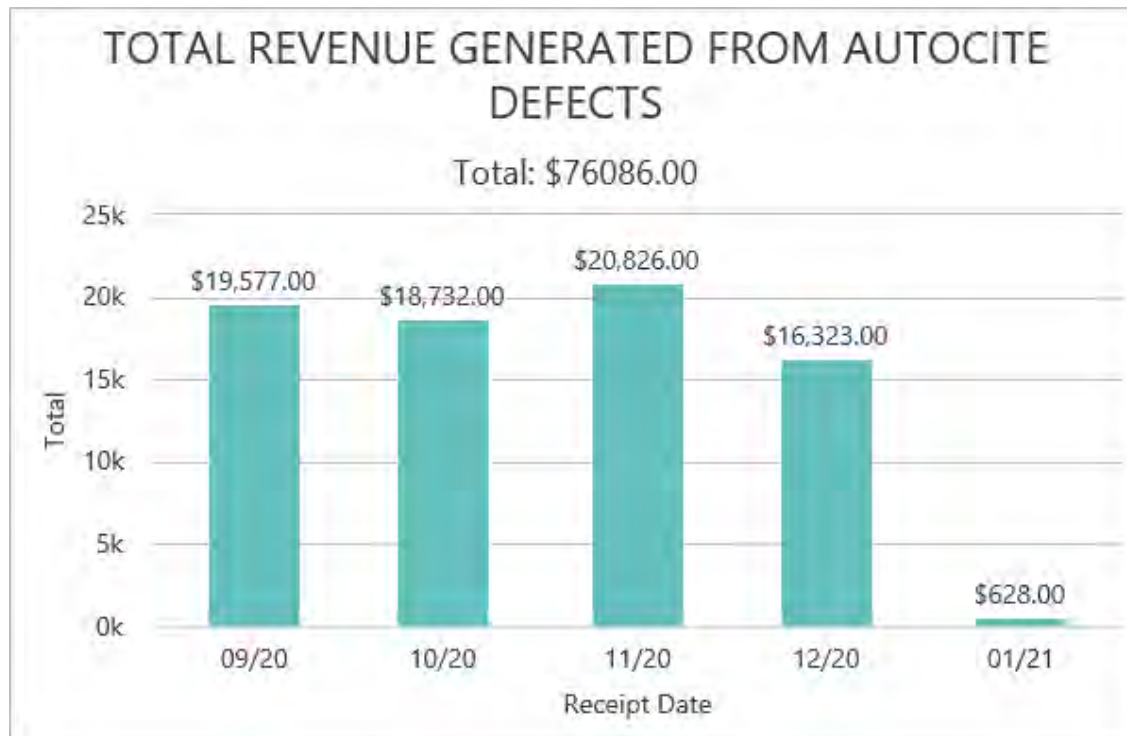
DECEMBER 2020

### ANIMAL CONTROL

Animal Control now has a new incident report form. It will simplify the work Officers have to do and greatly minimize a lot of the supplemental paperwork by capturing narrative and other vital information electronically.

Animal Control implemented a new shift schedule on January 7<sup>th</sup>. The new shift schedule has many changes from the previous schedule. There will now be two shifts to better serve the public during the busy months of May through October. During those months there will be a night officer that works from 11:00 PM to 7:00 AM 5 days a week. This should help reduce overtime and allow for a much quicker response to after hour calls. Animal Control will also add an extra hour and half to each day M-F allowing regular duty officers to stay on duty until 11:30 PM vs 10:00 PM. This is all being done without the addition of new personnel. **A special thanks to all the Animal Control staff for working together to make these changes and provide better service to the Lincoln residents.**

Over \$76,000.00 was collected September 1, 2020 through December 31, 2020 from our automated electronic defect mailings.





## COMMUNITY HEALTH SERVICES

Healthy Families Home Visiting (HFHV) had a very productive 2020, despite the transition to virtual visits due to COVID. At the end of March home visitors made a shift to providing visits via FaceTime/Zoom/Skype. Families remained engaged and continued services. In the past year the program provided over 5200 visits to 326 unique families in Lincoln/Lancaster County. Referrals remained high and over 100 new families joined the program as others graduated from services. Over the recent holiday season, home visitors in HFHV provided gifts to over 300 children through programs like Operation Santa Claus and Toys for Tots. This endeavor was done in partnership with CEDARS.

Our evidence-based model, Healthy Families America (HFA), is designed to work with overburdened families who are at-risk for adverse childhood experiences, including child maltreatment. Free, voluntary services are offered prenatally until the child turns 3-5 years of age. Our program helps families build resiliency through nurturing relationships, social connections, basic needs, learning about parenting and how children grow, and building social and emotional skills. Home visitors help with family goal planning, establishing medical homes for healthy pregnancy and infant care, and provide screening and referral for developmental delays, substance abuse, mental health, and family violence. Some of the many community benefits include reduced child maltreatment, increased access to medical care and immunization, and improved school readiness.

## DENTAL HEALTH

### WIC

#### Caseload (Participation)



<b>Total</b>	<b>3876 (-73 Nov 2019)</b>	<b>State: 34,643 (+1,098 Oct 2019)</b>
<b>Main</b>	2739 (-25 Oct 2020)	
<b>Cornhusker Clinic</b>	1137 (-21 Oct 2020)	
<b>%Enrolled with Benefits</b>	90.62%	

#### Participants by Category/Breastfeeding Information

	<b>LLCHD</b>	<b>State of Nebraska</b>
<b>Total Women</b>	848 (21.8%)	7,312 (21.1%)
<b>Total Children</b>	2,213 (57.1%)	19,621 (56.6%)
<b>Total Infants</b>	815 (21.0%)	7,710 (22.3%)
<b>Infants Receiving Breastmilk</b>	304 (7.8%)	2,643 (7.6%)
<b>Infants Exclusive Breastmilk</b>	117 (3.0%)	885 (2.6%)

#### Mentoring:

(Number and school)

##### **Students**

<b>Interns</b>	
<b>Volunteers</b>	
<b>LMEP Residents</b>	

### WIC QI—No Show Rates:

	FFY 20 Main Office	FFY 20 North Office	FFY 20 LLCHD Overall
<b>October</b>	13.6%	9.9%	12.4%
<b>November</b>	14%	14.1%	14.0%
<b>December</b>	%	%	%
<b>January</b>	%	%	%
<b>February</b>	%	%	%
<b>March</b>	%	%	%
<b>April</b>	%	%	%
<b>May</b>	%	%	%
<b>June</b>	%	%	%
<b>July</b>	%	%	%
<b>August</b>	%	%	%
<b>September</b>	%	%	%
<b>Average</b>	%	%	%

Nov caseload was 3,876 (-73 from Nov 2019 and -25 from Oct 2020). We had 18 working days in November. There was a slight increase in no-show rates compared to the previous month (+1.6%). Waivers have been extended through February 21. LLCHD WIC is completing all WIC visits via phone, while exploring the possibility of piloting use of video platform for pump clinic.



### DENTAL HEALTH

#### **Dental Clinic Services:**

- Total number of clients served (unduplicated count): 461
- Total number of patient encounters (duplicated client count): 556
- Total number of patient visits (duplicated provider appointments/visits): 773
- Total number of Racial/Ethnic and White non-English speaking patients: 394 (85%)
- Total number of children served: 319 (69%)
- Total number of clients enrolled in Medicaid: 388 (84%)
- Total number of all clients with language barriers: 273 (59%)

(Albanian, Arabic, Burmese, Chinese, Farsi, French, Karen, Kurdish, Russian, Spanish, Ukranian, Vietnamese)

There was a decrease of 253 provider visits when compared to November 2019 and a decrease of 298 provider visits when compared to October 2020. We had 18 work days in November with a loss of a dentist for 4 days and a slight increase in no-shows. Our failed appointment rate was 8.4% in November compared to 7% in October.

## **Community Outreach: 884**

Dental Screening and Fluoride Varnish Program: 19  
Cedars – 19

LPS Elementary School Screenings: 865

Huntington – 175

Randolph – 110

Norwood Park – 68

Everett – 154

Hill – 78

Morley – 75

Lakeview – 155

Beattie – 50

## **ENVIRONMENTAL PUBLIC HEALTH**

### **Child Care Health Program:**

**Goals:** Protect the health of children, child care providers and our community by reducing the risk of communicable disease outbreaks and injuries in child care.

#### **Methods/Strategies:**

- provide child care health and safety consultative services
- provide child care staff training
- conduct uniform inspections
- conduct new and remodeled facility plan review
- issue permits, collect fees
- provide compliance assistance
- investigate complaints and illness outbreaks
- take enforcement actions

**Indicator:** Inspect 95% of child care facilities within established intervals. This goal was met in FY19, but not due to COVID-19, not in FY20.

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
<b>Percent on time</b>	47%	56%	95%	90%	50%

Strategies to meet this indicator included:

- Meeting with staff to review the indicator.
- Identifying barriers that prevented staff from conducting inspections before the due date.
- Developing strategies to overcome the barriers.
- Developing an electronic dashboard graph showing the percent completed on time.
- Routinely tracking progress and reviewing with staff.

### **Description:**

#### **Inspection and Enforcement**

The Lincoln-Lancaster County Health Department (LLCHD) conducts annual inspections of Child Care Centers to verify the center is operating in compliance with the State of Nebraska and City of Lincoln Child Care regulations. **In FY20, 60 routine inspections were conducted prior to inspections being**

**suspended on March 20, 2020.** Child Care Inspections transitioned to COVID-19 Technical Assistance (*includes but is not limited to COVID-19 Non-Compliance Complaints, isolation, quarantine, and group size assistance, PPE distribution and weekly participation in communication to child cares*). Staff continued to conduct initial inspections, plan reviews, and investigate any health and safety complaints.

## Child Care Health Consultation Services

LLCHD's Child Care Health Consultation Services protect the health of children, their families and our community by preventing communicable disease outbreaks that originate in child care settings. Some child care centers lack adequate health and safety practices, especially those sites that serve low income or racial/ethnic minority families. Improving training for staff, updating policies, and obtaining input from skilled health professionals decreases the incidence of disease and improves health and safety in child care centers.

LLCHD Child Care Health Consultation Services educates the child care center community about health and safety, as required in Lincoln Municipal Code 8.14 Child Care Programs, which requires health and safety training for child care center staff every two years. **154 child care staff attended the Health and Safety Training in Jan – March and 382 attended via Zoom November and December** which includes: illness prevention and exclusion, diapering, hand washing, food safety, health laws, policies and regulations. The Training will continue via zoom twice a week until the end of January 2021 to adjust for the months the in-person classes were not offered due to staff vacancy and COVID-19.

Onsite assessments of child care environments and program operations are completed, in addition to assisting directors in the development and implementation of improvement plans. The child care center health and safety consultation visits incorporate policy and procedures needed by management with classroom evaluations of health and safety practices. **23 facilities received onsite consultation visits related to Body Fluid Clean Up Kit:** a communication tool about the illness reporting requirements and necessary information and tools to respond and prevent a potential Norovirus outbreak. **22 facilities also received "green" consultation visits in which 785 reusable water bottles were distributed.**

center

**Celebrate Halloween Safely!**  
Learn more at: [COVID19.lincoln.ne.gov](https://COVID19.lincoln.ne.gov)

**It's Halloween during COVID-19, we know what we need to do. Avoid crowds, wear a mask – the safety kind, wash your hands, maintain physical distance from others and stay away from indoor parties.**

If you are sick, stay home and don't prepare or hand out treats! Also consider not participating in activities if you are an older adult, have underlying health conditions, or at a higher risk for COVID-19.

**Trick-or-Treating**

- Keep trick-or-treat groups to 8 people or less.
- Avoid clustering at doorsteps or anywhere else.
- Remain 6 feet apart from people not in your group.
- Masks should be worn by anyone trick or treating.
- Use hand sanitizer while out.
- Wash your hands when you return home!
- Wait to eat candy once home.
- Focus on safety first. Only visit the neighbors that have safety measures in place!

**Trunk-or-Treat**

- Consider a drive thru Trunk-or-Treat event.
- Consider a timed ticketed event.
- Masks should be worn by anyone at the event.
- Avoid large groups or clustering anywhere—keep groups to no larger than 8.
- Don't eat candy during the event.
- Use hand sanitizer while trunking and wash your hands when you return home!

**Organized Neighborhood Halloween Activities**

- Homeowners toss candy from 6 feet away as costumed kids walk safely up and down sidewalks.
- Neighbors set-up curbside with treats as parents drive up with their trick-or-treaters.
- Trick-or-Treat in reverse, as kids in costumes stand in front of their houses and treat bags are provided.
- Neighborhood hosts a costume parade with a predetermined route marked to maintain safe distances between participants. Stay safe with sanitizing stations and 6ft sidewalk stickers/tape.

**Pumpkin Patch**

- Wear a mask.
- Sanitize hands before and after touching pumpkins.
- Skip the hayride with people outside of your household.
- Avoid screamers or keep your distance even more.
- If it becomes too crowded, visit a different time.

**Halloween Parties**

- Choose outdoor gatherings of 8 people or less.

**Haunted Houses**

- This is extra risky with screaming and being indoors. Wear a mask at all times!!
- Keep 6 feet distance—even when waiting in line.

**HANDING OUT TREATS?**

- Wear a mask.
- Wash your hands before touching treats
- Use hand sanitizer throughout the activity.
- Put the treats in prepackaged bags.
- Hand out treats. Don't allow kids to reach into treat bowl.
- Get creative with physical distancing... stay on porch and use a PVC chute
- Mark 6-foot lines in front of home leading to treat spot to prevent bunching of kids.

**Resources**

- <https://www.healthychildren.org/english/health-issues/conditions/COVID-19/Pages/Halloween-2020-Safety-Tips.aspx>
- <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/holidays.html>
- <https://dearapandemic.org/how-to-have-a-smart-halloween/>
- <https://yourlocalendemicologist.com/halloween/>
- <https://www.halloween2020.org/>

Early in the Pandemic the Child Care Health Team connected with the child care industry



via Zoom and maintained weekly calls in a partnership with Lincoln Littles to allow open communication related to the DHM's, prevention tools and planning related to COVID-19. LLCHD has provided frequent emails and COVID-19 resources and updates. In response to COVID-19 1000's of emails and calls have occurred to assist the early childhood community (In-Home and Centers) on ensuring their facilities are safe and to prevent the further spread of COVID-19. Child Care Health Team continued to provide services throughout the COVID-19 pandemic. In addition, Directed Health Measures required significant amount of staff time to provide consultation to child care center and in-home providers. Since March 2020 staff responded to an estimate of +8,700 emails and +3,200 calls. Also, local ordinance requires child care centers to report specific illnesses within 24 hours through the online illness reporting system, which is reviewed daily by LLCHD and followed up with consultation.

## Sick children or child care staff?

✓ Stay home.  
 ✓ Do not attend child care.  
 ✓ Contact doctor.

Be aware that allergies, common cold, flu and strep throat have symptoms similar to COVID-19.

COVID SYMPTOMS	ALLERGIES	COMMON COLD	FLU	STREP THROAT
Fever/chills			✓	✓
Cough	✓	✓	✓	✓
Mild or moderate difficulty breathing			✓	✓
Sore throat	✓	✓	✓	✓
Muscle/body aches		✓	✓	✓
New loss of taste/smell			✓	✓
Diarrhea/vomiting			✓	✓
Congestion/runny nose	✓	✓	✓	✓
Fatigue	✓	✓	✓	✓
Headache	✓	✓	✓	✓

**What should be done if staff or children have symptoms listed above?**

- ✓ Notify the child care.
- ✓ Stay home except to get medical care.
- ✓ Do not go to work, school, or public areas including grocery stores, pharmacies, or restaurants. Consider delivery options for food and medicine. Do not use public transportation or ride sharing.
- ✓ Contact the health care provider.
- ✓ Seek COVID-19 testing. For more information, visit [covid19.lincoln.ne.gov](https://covid19.lincoln.ne.gov).

**Child care centers and in-home child care must exclude children and staff who have symptoms consistent with COVID-19 including:**

- ✓ ONE of the following: fever, new onset of dry cough, onset of shortness of breath or difficulty breathing, new onset of loss of taste or smell
- ✓ TWO of the following: chills longer than two hours, congestion and/or runny nose, muscle pain, headache, sore throat, nausea, diarrhea or vomiting

**FLU SHOT REMINDER**

The Lincoln-Lancaster County Health Department offers FREE flu vaccinations for residents age 6 months and older. An appointment is required by calling 402-441-8065, 8 a.m. to 4:30 p.m., Monday through Friday.

For more information about COVID-19 visit [covid19.lincoln.ne.gov](https://covid19.lincoln.ne.gov) or call the COVID-19 Hotline at 402-441-8006

## Child Care Illness Prevention and Reporting

Child care centers are required to report within 24 hours when three or more children and/or staff in a classroom or group are ill with a reportable

communicable disease, diarrhea, or vomiting; or one child or staff has bloody diarrhea. The reporting system is intended to assist in the prevention of the spread of communicable diseases into the community which potentially start in child care. One way to report is through an online illness reporting system, results from calendar year 2020 include:

- 410 reports from child care centers

## COVID-19 Child Care Exclusion Guidance

Symptomatic Child/Staff has seen a Health Care Provider OR Completed a COVID-19 Test		Symptomatic Child/Staff has NOT seen a Health Care Provider or NOT been COVID-19 Tested		Child/Staff is a Close Contact
COVID-19 Test Results	Alternative Diagnosis (NO COVID-19 Test)	COVID-19 Symptoms	NO COVID-19 Symptoms	Exposed to Person Positive for COVID-19
<p><b>Individual must stay home from the time the test is done until results are received.</b></p> <p><b>Positive Test:</b> Individual must isolate, meaning stay home at least 10 days AND fever free for 24 hours without fever reducing medication AND improvement of symptoms.</p> <p><small>*Health Department Staff will determine how long ALL Household Members will need to quarantine.</small></p> <p><b>Negative Test:</b> Stay home until fever free for 24 hours without fever reducing medication AND improvement of symptoms.</p>	<p><b>Alternative Diagnosis with a Positive Test Result (example: Flu, Strep, etc.) rules out COVID-19.</b> Individual must follow child care illness exclusion policy.</p> <p><b>Alternative Diagnosis without a TEST:</b> Individual must follow child care illness exclusion policy. <b>When Risk Dial is in Orange or Red the most cautious guidance is to exclude at least 10 days from symptom onset AND fever free for 24 hours without fever reducing medication AND improvement of symptoms.</b></p>	<p><b>Immediately exclude.</b> Individual must exclude at least 10 days from symptom onset AND fever free for 24 hours without fever reducing medication AND improvement of symptoms. Individual may refer to Health Department "Sick children or child care staff" document.</p>	<p><b>Individual must follow child care illness exclusion policy.</b></p>	<p><b>Individual must stay home at least 14 days from the last time exposed to a person with COVID-19</b></p> <p>If Individual receives a Negative COVID-19 Test Result they still must quarantine. Health Department Staff will provide guidance on when allowed to return to child care.</p>

**Additional Guidance**

- **Close Contact:** Individual that has had contact for more than 15 minutes closer than 6 feet with the Case and where either one or both were not wearing a mask. This includes when the Case is either symptomatic or is asymptomatic and has had a positive test within the past 48 hours. These 15 minutes are cumulative, meaning people may have had repeated close contact with the positive individual, unmasked, throughout the day.
- **Isolation:** Separate ill individual from other people in home. Stay in a specific room and away from other people. Use separate bathroom if possible.
- **Quarantine:** Separates and restricts the movement of people who are exposed to an contagious disease to see if they become sick.

visit [covid19.lincoln.ne.gov](https://covid19.lincoln.ne.gov)  
COVID-19 Hotline at 402-441-8006

indicating they had 3 or more children and/or staff that were excluded due to vomiting/diarrhea illnesses

- 364 reports of children or staff excluded with fever (100 Degrees or higher)
- All reports (100%) of vomiting/diarrhea and reporting illness reports were responded to on the same day the report was made. All programs that reported illnesses had follow up contact with the Child Care Health Team during the illness incubation period or until the number of illnesses were reduced. This quick response approach has the greatest potential to not only keep more children from becoming ill, but also to reduce spread of illness throughout our community.
- Two (2) programs that reported significant illness outbreaks received on-site consultation visits from our Child Care Health Consultant and/or our lead Environmental Health Specialist for Child Care outbreaks. In collaboration with LLCHD Communicable Disease, laboratory testing was completed and confirmed that 1 center had both and Norovirus, Adenovirus, and Astro and 1 center had no organism identified.
- 26 influenza, 10 RSV, 1 Varicella, 1 Shiga Toxin producing E. coli and 1 C. Diff. resulting in resource and epi consultation with the child care centers
- 210+ letters to assist Child Care with notification to staff and families related to potential contact with COVID-19.

Written information is periodically provided to all child care programs regarding illnesses present in the community and resources regarding illness prevention is provided...January 2020 centers were communicated with about and increase in illnesses such as influenza, RSV, and GI.

## HEALTH PROMOTION & OUTREACH

### TOBACCO

Staff coordinated a community wide Great American Smoke-Out virtual event #GASOLNK (images below). 19 businesses participated with over 8,600 collective employees. Businesses were provided weekly emails, social media posts, and educational flyers as well as access to virtual events like the pledge word cloud and links to share with the community why you choose to be tobacco free.



### INJURY PREVENTION

With the COVID-19 Risk Dial moving into the red, the Fitting Station and other in-person community car seat checks have been cancelled. The SKLLC Child Passenger Safety (CPS) Task Force has developed a process for scheduling and conducting virtual

checks. Staff implemented the first Safe Kids virtual car seat checks in December. Techs conducting the checks remarked that the initial virtual checks were very successful in large part due to the excellent work and communication with the families prior to the event, and having the technology, demo seats, and paperwork ready to go. Staff is planning to schedule additional virtual car seat checks in January.

## **EMPLOYEE WELLNESS**

HeartAware screenings were hosted three days in November and one day in December. This is a free, easy and confidential online heart screening to

find out your heart age and risk for heart disease. Then you have the opportunity to meet with a nurse to talk about your risks and general health. Locations served were Antelope Park House (1660 Memorial Drive), County Treasurer's Office (46<sup>th</sup> and R), Woods Park Place (3131 O Street) and County Extension (444 Cherry Creek), and 81 employees participated (53 City and 28 County). A yearly report with aggregate data will be provided by the Health Aware administrative team soon.



## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Sections 8.20.020, 8.20.030, 8.20.080, 8.20.090, 8.20.100, 8.20.110, 8.20.120, 8.20.135, 8.20.150, 8.20.160, 8.20.191, 8.20.260, 8.20.261, 8.20.264, 8.20.280, 8.20.320, and 8.20.330 to modify existing regulations for Cottage Foods Operations and Farmer's Market Vendors clarifying the registration process, registration requirements, and the inspection process for Cottage Foods Operations and Farmer's Market Vendors; by adding a new section numbered 8.20.085 entitled "Cottage Food Operation; Registration Required"; by adding a new section numbered 8.20.095 entitled "Cottage Food Operation Registration; Process"; and repealing Sections 8.20.020, 8.20.030, 8.20.080, 8.20.090, 8.20.100, 8.20.110, 8.20.120, 8.20.135, 8.20.150, 8.20.160, 8.20.191, 8.20.260, 8.20.261, 8.20.264, 8.20.280, 8.20.320, and 8.20.330 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 8.20.020 of the Lincoln Municipal Code be amended to read as follows:

**8.20.020 Purpose and Intent.**

(a) The purpose of the Lincoln Food Code is to safeguard the public from potential health hazards related to food.

(b) The City Council in adopting the Lincoln Food Code intends to:

- (1) Classify and define food establishments and cottage food operations;
- (2) Provide sanitation regulations for food, food equipment, and utensils;
- (3) Provide sanitation regulations for the transportation, protection, storage, processing, display, serving, and sale of food;
- (4) Require permits for the operation of food establishments and registration for cottage food operations;
- (5) Require employers to properly train employees in basic food sanitation;
- (6) Require certification or permits for food managers and employees;



(7) Require inspection of food establishments and cottage food operations as allowed  
by law;

(8) Provide for the examination and condemnation of food;

(9) Provide standards for enforcement; and

(10) Authorize the Health Director to administer, interpret, and enforce the Lincoln  
Food Code.

Section 2. That Section 8.20.030 of the Lincoln Municipal Code be amended to read as  
follows:

**8.20.030 Definitions.**

(a) Except § 1-201.10(B)(35), (36), (60), (76), (100), or as provided below, the definitions of  
words and phrases in the 2005 recommendations of the United States Public Health Service Food and Drug  
Administration “Food Code” shall apply to the same words and phrases in the Lincoln Food Code.

(b) For purposes of this chapter, the following definitions shall apply:

**Additional food preparation facility** shall mean a separate food preparation facility operated  
within or as an accessory to an approved food establishment owned and operated by the same person.

**City** shall mean the City of Lincoln, Nebraska and the area within three miles of the City of Lincoln,  
Nebraska.

**Cottage food operation** shall mean a person who produces cottage food products only in ~~the~~  
~~kitchen of that person's primary residence and only for sale directly to the local consumer, including~~  
~~delivery. A cottage food operation shall not operate as a food service establishment, retail food store, or~~  
~~wholesale food manufacturer.~~

~~**Cottage food operation permitted area** shall mean the portion of a residence housing a kitchen  
where the preparation, packaging, storage, or handling of cottage food products occurs.~~

**Cottage food products or farmers market food products** shall mean non-time/temperature  
control for safety food produced for sale by a cottage food operation or a farmers market vendor.

**Domestic activity** shall mean any activity not necessary for, or directly related to, the production, storage, or sale of a cottage food product or farmer's market food product which, if conducted during food production, could compromise the safety of the product(s).

**Food catering** shall mean an operation that transports ready to eat food to another location from an approved food establishment. Food catering includes both an operation that only delivers food and an operation that delivers and serves food.

**Food establishment** shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food establishment includes, but is not limited to:

- (1) Additional food preparation facility;
- (2) Temporary food establishment;
- (3) Farmers market;
- (4) Event market;
- (5) Food catering, food concession booth or stand, mobile food unit, and pushcart;
- (6) Restaurant, coffee shop, diner, cafeteria, commissary, buffet, smorgasbord, short order café, luncheonette, grill, tea room, sandwich shop, soda fountain, ice cream shop, popcorn stand, limited food service, delicatessen, bakery, and similar establishments;
- (7) Tavern, bar, cocktail lounge, bottle club, licensed beverage establishment, and nightclub;
- (8) Food service at a hospital, nursing home, institution, industry, or hotel;
- (9) Food service operated by a nonprofit organization; or
- (10) Manufacturer of food for sale or distribution to the public not otherwise approved.

The term **food establishment** shall not include:

- (1) An establishment which is not a commercial food establishment and which sells only commercially prepackaged foods that are not potentially hazardous;
- (2) A produce stand that only offers whole, uncut fresh fruits and vegetables;
- (3) A private home where food is prepared or served for personal use, a child care, or a lodging facility where no more than ten paying guests eat meals in the home;

(4) A location where food prepared by a caterer is served so long as the caterer only minimally handles the food at the serving location.

**Food handler permit** shall mean a serve/clean food handler and/or a prep/cook food handler permit.

**Food manager permit** shall mean a food protection manager and/or a restricted/shift food manager permit.

**Food permit holder** shall mean the person named as the permittee of an approved food establishment.

**Health Director** shall mean the Director of the Lincoln-Lancaster County Health Department or an authorized representative of the Director.

~~**Kitchen** shall mean an area used to produce cottage food products or farmers market food products.~~

**Lincoln Food Code** shall mean this chapter, including all applicable laws and standards adopted by reference and all standards and regulations adopted pursuant to this chapter.

**Nonprofit organization** shall mean:

(1) A nonprofit organization holding a certificate of federal tax exemption under Section 501 of the Internal Revenue Code;

(2) A corporation subject to the provisions of Sections 21-1901 to 21-1991 Nebraska Revised Statutes; or

(3) A nonprofit organization that conducts its major activities for charitable or community betterment purposes.

**Occasional** shall mean no more than twenty-four times during any twelve-month period.

**Person** shall mean an individual, firm, partnership, company, corporation, trustee, association, organization or other public or private entity. Person includes a nonprofit organization as defined in the Lincoln Food Code.

**Person In Charge** shall mean the individual who is responsible for the operation of the food establishment and who is present at the food establishment or is readily accessible to communicate with employees and the Health Director.

1           **Regulatory authority** shall mean the Lincoln-Lancaster County Health Department when referring  
2 to an agency and the Health Director when referring to a person.

3           ~~**Residence** shall mean a single family dwelling or an area within a two family or multiple dwelling~~  
4 ~~where a single person or family resides. A residence does not include any group or communal residential~~  
5 ~~setting within any type of structure, or outbuilding, shed, barn, or other similar structure.~~

6           **Temporary food establishment** shall mean a food establishment that:

- 7                   (1)     Complies with the permit conditions for an event market; or  
8                   (2)     Complies with the permit conditions for a farmers market; or  
9                   (3)     Complies with the permit conditions for a single-event.

10           **Vendor** shall mean a retail food establishment selling food to an end use consumer such as a food  
11 concessions booth or stand, mobile food unit, or pushcart.

12                   Section 3. That Section 8.20.080 of the Lincoln Municipal Code be amended to read as  
13 follows:

14           **8.20.080     Food Establishment and Cottage Food Operation; Permits Required.**

15           It shall be unlawful for any person to operate a food establishment ~~or a cottage food operation~~  
16 without first obtaining a permit from the Health Director. The operation of a food establishment ~~or a cottage~~  
17 ~~food operation~~ without the required permit is hereby declared a nuisance which may be abated as provided  
18 by law. The permit holder shall conspicuously post or display the permit so that it is readily open to view  
19 by any person patronizing such establishment.

20                   Section 4. That Chapter 8.20 of the Lincoln Municipal Code be amended by adding a new  
21 section numbered 8.20.085 to read as follows:

22           **8.20.085     Cottage Food Operation; Registration Required.**

23           It shall be unlawful for any person to operate a Cottage food operation without first registering  
24 with the Health Director. The operation of a Cottage food operation without the required registration is  
25 hereby declared a nuisance which may be abated as provided by law.

26                   Section 5. That Section 8.20.090 of the Lincoln Municipal Code be amended to read as  
27 follows:

1     **8.20.090         Food Establishment and Cottage Food Operation Permits; Application.**

2             (a)     An application for a permit to operate a food establishment ~~or a cottage food operation~~  
3 shall be submitted to the Health Director on forms provided by the Health Director.

4             (b)     Each application shall include:

5                     (1)     The applicant's full name, mailing address, and a statement identifying the  
6 applicant as an individual, partnership, firm, or corporation;

7                     (2)     If the applicant is a partnership, the name and mailing address of each partner;

8                     (3)     The name, location, and type of proposed food establishment;

9                     (4)     The signature of the applicant or applicants; and

10                    (5)     Such other pertinent information as requested on such forms.

11             Section 6. That Chapter 8.20 of the Lincoln Municipal Code be amended by adding a new  
12 section numbered 8.20.095 to read as follows:

13     **8.20.095         Cottage Food Operation Registration; Process.**

14             a.     Every cottage food operation shall register with the State of Nebraska Department of Agriculture.

15             b.     The Registration of a cottage food operation with the State of Nebraska Department of Agriculture  
16 shall be filed with the Health Director prior to operation, and annually thereafter as prescribed by  
17 this ordinance.

18             c.     Upon receipt of the Registration and the applicable fee for a cottage food operation, the Health  
19 Director shall provide a consultative visit to convey information related to the safe production of  
20 cottage food products to the registrant.

21             d.     A cottage food preparation registration under the Lincoln Food Code is limited to the person and  
22 premises specified in the Registration.

23             e.     A cottage food operation under the Lincoln Food Code shall comply with all applicable city  
24 ordinances and/or state law relating to premises design and construction.

25             f.     A cottage food operation which has a private water supply shall have the supply tested prior to  
26 Registration and at least annually thereafter. The water shall be considered acceptable if the  
27 Nitrate-Nitrogen results are less than 10 mg/ml and no coliform bacteria are identified. Results of

1        the testing shall be maintained for a period of five years by the registrant. If the water supply is  
2        determined to be unacceptable, the Health Director may approve an alternate source of water for  
3        the cottage food operation.

4                Section 7. That Section 8.20.100 of the Lincoln Municipal Code be amended to read as  
5 follows:

6        **8.20.100        Food Establishment and ~~Cottage Food Operation~~ Permits; Issuance.**

7                (a)        Upon receipt of an application and the applicable permit fee for a food establishment-~~or~~  
8 ~~cottage food operation~~ permit, the Health Director shall make an inspection to determine compliance with  
9 the Lincoln Food Code.

10               (b)        The Health Director shall complete the inspection and issue or deny the food establishment  
11 ~~or cottage food operation~~ permit within a reasonable time not to exceed thirty days.

12               (c)        The Health Director shall issue a food establishment-~~or a cottage food operation~~ permit if  
13 the Health Director determines that the applicant complies with the Lincoln Food Code.

14               (d)        A food establishment ~~or a cottage food operation~~ permit issued under the Lincoln Food  
15 Code is strictly limited to the person and premises or facility specified in the food establishment-~~or cottage~~  
16 ~~food operation~~ permit application.

17               (e)        A food establishment-~~or a cottage food operation~~ permit is not transferable from one person  
18 to another person or from one premises or facility to another premises or facility.

19               (f)        The Health Director shall require separate permits as follows:

20                        (1)        If several food establishments are located at the same address but are owned by  
21 different persons, each person shall obtain a separate food establishment permit.

22                        (2)        If one person operates several food establishments at different addresses, that  
23 person shall obtain a separate food establishment permit for each address.

24               (g)        A food establishment-~~or a cottage food operation~~ regulated under the Lincoln Food Code  
25 shall comply with all other applicable city ordinances relating to facility design, construction, and operation.

26               ~~(h)        A cottage food operation which has a private water supply must have the supply tested~~  
27 ~~prior to permitting and at least annually thereafter. The water shall be considered acceptable if the Nitrate-~~

~~Nitrogen results are less than 10 mg/ml and no coliform bacteria are identified. Results of the testing shall be maintained for a period of five years. If the water supply is determined to be unacceptable, the Health Director may approve an alternate source of water for food preparation, sanitizing utensils and food preparation surfaces, and handwashing. The Health Director may require more frequent testing as deemed necessary or require additional testing for other water contaminants.~~

Section 8. That Section 8.20.110 of the Lincoln Municipal Code be amended to read as follows:

**8.20.110 Food Establishment Permits and Cottage Food Operation Registration ~~Permits~~; Term and Expiration.**

(a) All food establishment permits and cottage food operation registrations~~permits~~, except those issued for temporary food establishments, shall expire on the thirty-first day of May each year.

(b) The Health Director may approve the renewal of food establishment permit or ~~and~~ cottage food operation registration~~permits~~, except those issued for temporary food establishments, without making a reinspection of the food establishment or a repeat consultative visit with a cottage food operation.

(c) A temporary food establishment permit shall be valid only for the time stated on the permit, and in no case longer than one year.

Section 9. That Section 8.20.120 of the Lincoln Municipal Code be amended to read as follows:

**8.20.120 Food Establishment; Exemptions.**

(a) The following food establishments which possess a valid permit from the State of Nebraska or an agency of the United States Government shall be exempt from obtaining a permit from the Health Director:

- (1) Salvage operation;
- (2) Food processing plant;
- (3) Food storage establishment;
- (4) Commercial food establishment;
- (5) Retail food store;

(6) Convenience store;

(7) Itinerant food vendor; and

(8) Vending machine operation;

(b) The following operations by a nonprofit organization shall not require a food establishment permit:

(1) Occasional bake sales of food that is not potentially hazardous.

(2) Sales of manufactured, prepackaged foods that are not potentially hazardous and which have been prepared in an approved food preparation facility.

(3) Service of food that is not potentially hazardous which is limited to the members and guests of the nonprofit organization.

(4) Occasional service of potentially hazardous food on the nonprofit organization's own premises or at a location where a permanent food service facility is located and used by the nonprofit organization. Permanent food service facility shall mean a kitchen facility located at a church, meeting hall, or other place of public assembly that is specifically equipped for food service to a large number of people. Except, when a nonprofit organization sells potentially hazardous food to the public at a location where there is no permanent food service facility, the nonprofit organization shall obtain a temporary food establishment permit.

(c) Any person that sells food exclusively at a permitted Farmers Market or Event Market shall be exempt from being registered as ~~holding a cottage food operation permit~~.

(d) A food establishment or cottage food operation exempted by this section shall not be relieved of any other obligations including, but not limited to, handling of food under safe and sanitary conditions.

Section 10. That Section 8.20.135 of the Lincoln Municipal Code be amended to read as follows:

**8.20.135 Cottage Food Operations and Farmers Market Vendors; Limitation; Labeling.**

Cottage food operations and farmers market vendors shall ensure:



(a) Food products must be sold directly to the consumer. Direct sales at farmers markets, craft fairs, charitable organization functions, and similar events are permitted. ~~Sales to grocery stores, restaurants, or wholesale are prohibited.~~

(b) Food products sold shall be limited to non-time/temperature control for safety food.

(c) The Health Director shall maintain and provide a list of commonly acceptable and unacceptable foods. Acidified foods and low acid canned foods shall not be allowed.

(d) Food products which are pre-packaged shall have a label affixed containing the following information (printed in English):

- The name and address of the cottage food operation or farmers market vendor;
- “Made by a Cottage Food Operation” or “Made by a Farmers Market Vendor”;
- The common name of the food; and
- ~~The ingredients of the food product;~~
- ~~The net weight or net volume of the food; and~~
- Allergen information or a statement that the food may contain allergens.

Section 11. That Section 8.20.150 of the Lincoln Municipal Code be amended to read as follows:

**8.20.150 Food Establishment Permit and Cottage Food Operation Registration; ~~Permit Fees.~~**

(a) The City Council may, by resolution, from time to time establish or revise fees to be paid by any person who secures a food establishment permit or registers a cottage food operation ~~permit~~ under the Lincoln Food Code for any of the following:

(1) Food Establishment:

Food establishment.

Additional food preparation facility.

(2) Mobile Food Unit.

(3) Food Catering Services operating as an additional food preparation facility to an approved food establishment.

(4) Temporary Food Establishment:

- (i) Operating for a single event not to exceed fourteen consecutive days.
- (ii) Operating annually for more than one single event not to exceed fourteen consecutive days.
- (iii) Operating as an additional food preparation facility to an approved food establishment.
- (iv) Event Market.
- (v) Farmers Market.
- (vi) Cottage Food Operation.

(b) Any person issued a new food establishment permit, other than a temporary food establishment permit, after November 30 and before April 15 of each year shall pay 67% of the new permit fee. Any person issued a new food establishment permit, other than a temporary food establishment permit, on or after April 15 and before June 1 shall pay the new permit fee and such permit shall be valid until May 31 of the following year.

(c) Fees shall be payable to the Health Director and the Health Director shall deposit the fees at the City Treasurer's Office. The City Treasurer shall credit the fees to the Health Fund.

Section 12. That Section 8.20.160 of the Lincoln Municipal Code be amended to read as follows:

**8.20.160 Late Fees.**

(a) A food establishment permit holder who fails to renew the permit before it expires, but within 30 days of the date of expiration shall pay a late fee of 33% of the annual fee in addition to the annual fee.

(b) A food establishment permit holder who fails to renew the permit before it expires and fails to renew the permit within thirty days from the date of expiration shall pay a late fee of 67% of the annual fee in addition to the annual fee.

(c) A cottage food operation ~~registrant~~ permit holder who fails to renew the ~~registration~~ permit before it expires, but within 30 days of the date of expiration, shall pay a late fee of ~~50~~40% of the annual fee in addition to the annual fee.

(d) A cottage food operation ~~registrant~~~~permit holder~~ who fails to renew the ~~registration~~~~permit~~ before it expires and fails to renew the ~~registration~~~~permit~~ within thirty days from the date of expiration shall be required to re-register their cottage food operation ~~pay a late fee of 200% of the annual fee in addition to the annual fee.~~

(e) A food establishment permit holder who fails to renew the permit before it expires is operating without a valid permit and shall be subject to appropriate enforcement action by the Health Director.

Section 13. That Section 8.20.191 of the Lincoln Municipal Code be amended to read as follows:

**8.20.191 Cottage Food Operation or Farmers Market Vendor; Food Handler Permit Requirements.**

(a) All persons involved in food preparation shall hold a valid food handler permit, food manager permit, or a certificate of attendance at a farmers market vendor training ~~or a cottage food operation training~~ issued by the Health Director. Completion of the University of Nebraska Cottage Food Producer Safety online training, or an equivalent training, shall satisfy this requirement.

Section 14. That Section 8.20.260 of the Lincoln Municipal Code be amended to read as follows:

**8.20.260 Enforcement; Inspections.**

(a) The Health Director shall inspect food establishments ~~and cottage food operations~~ as frequently as necessary to assure compliance with the Lincoln Food Code.

(b) The Health Director shall have the authority to inspect food establishments at any reasonable time for the purpose of determining compliance with the Lincoln Food Code.

(c) The Health Director shall have the authority to inspect and examine related business records for (1) employees, and (2) food and supplies purchased, received, or used at the food establishment ~~and cottage food operations.~~

(d) The Health Director shall record the inspection findings on an inspection report. The Health Director shall furnish the original inspection report to a permit holder or Person in Charge.

(e) The report shall:

(1) Set forth the specific conditions found,

(2) Establish a specific and reasonable period of time for correction of the unsanitary conditions found, if any,

(3) State that failure to comply with the warning notice may result in immediate suspension of the permit and prosecution for violation of the Lincoln Food Code; and

(4) State that the permit holder or Person in Charge may request a hearing before the Health Director upon such inspection findings and warning by filing a written request with the Health Director.

(f) After the time period given for correction of the unsanitary conditions found, the Health Director shall reinspect the food establishment ~~and cottage food operations~~ to determine compliance with the warning notice.

Section 15. That Section 8.20.261 of the Lincoln Municipal Code be amended to read as follows:

**8.20.261 Cottage Food Operations and Farmers Market Vendors; Inspection.**

(1) The Health Director may inspect any area in which cottage food products or food for sale at farmers markets are prepared, held, packaged, or locally sold ~~a cottage food operation or farmers market vendor at any reasonable time for the purpose of determining compliance with regulatory requirements. The inspection may include any area in which food is cooked, held, packaged, prepared, stored, or sold. Inspections may be conducted~~ to investigate a complaint, inadequate labeling, ~~or~~ a report of foodborne illness, water not in compliance with, or any other violation of Lincoln Municipal Code Chapter 8.20 or NEB. REV. STAT. § 81-2.239 et seq. ~~Inspections may be conducted to gather information regarding persons with communicable diseases which can be transmitted through food.~~

(2) The Health Director may ask the cottage foods registrant or farmers market vendor ~~shall inspect for and ask the permittee~~ to verify the following:

(a) That only non-time/temperature control for safety food is produced and sold;

- (b) Ingredients used in the preparation of food products that require time/temperature control ~~are~~must be held at safe temperatures (i.e. eggs);
- (c) That no person other than the registrant or vendor~~permittee~~, or a person under the direct supervision of the registrant or vendor~~permittee~~ who is in compliance with Lincoln Municipal Code Section 8.20.191~~also holds a valid food handler permit, food manager permit, or certificate of attendance at a cottage food operation or farmers market vendor training issued by the Health Director~~, may be engaged in the processing, preparing, packaging, or handling of any food products;
- (d) That no preparation, packaging, or handling of food products is occurring ~~in the kitchen~~ concurrent with any other domestic activities ~~such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment~~;
- (e) That neither animals nor children who are not toilet trained are present ~~not allowed in the kitchen~~ during the preparation, packaging, or handling of any food products;
- (f) ~~That no pets are allowed in the kitchen at any time during the preparation, packaging, or handling of any food products;~~
- (g) That all ~~food contact surfaces~~, equipment, and utensils used for the preparation, packaging, or handling of any ~~cottage~~ food products are smooth, nonabsorbent, easily cleanable, and properly washed, rinsed, and sanitized before each use;
- (gh) That all areas where food products are prepared, packaged, handled, or stored ~~preparation and food equipment storage areas~~ are maintained free of rodents and insects;
- (i) ~~T~~ and that all persons involved in the preparation and packaging of food products:
- (i) Will not prepare food products when ill and must be symptom free for at least 48 hours after having vomiting or diarrhea before preparing food products;
  - (ii) Will wash their hands before any food preparation and food packaging activities; and
  - (iii) Will prevent bare hand contact with ready-to-eat foods through the use of single-service gloves, bakery papers, tongs, or other utensils.

(hj) That smoking or electronic cigarette use is not allowed ~~in the kitchen~~ at any time during the preparation, packaging, or handling of food products; and

(ik) That Health Director guidance will be followed on cleanup of vomiting and diarrheal events during the preparation, packaging, or handling of food products.

Section 16. That Section 8.20.264 of the Lincoln Municipal Code be amended to read as follows:

**8.20.264 Inspection Reporting Requirements.**

(a) The Health Director shall document on an inspection report form:

(1) Administrative information such as, but not limited to, the following: (i) name and address of food establishment ~~or cottage food operation~~; (ii) type of food establishment ~~or cottage food operation~~; (iii) inspection date; (iv) status of required food manager permit, or food handler permits, ~~or certificate of attendance at a farmers market vendor training or a cottage food operation training issued by the Health Director.~~

(2) Specific factual observations of violative conditions, omissions, or other deviations from the requirements of the Lincoln Food Code that require correction by the permit holder; and

(3) Whether the violations listed are critical or repeated.

(b) The Health Director shall specify on the inspection report form the time frame for correction of the violations.

(c) All procedures and requirements related to the inspection of food establishments ~~or cottage food operations~~ apply to salvage operations.

(d) The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

Section 17. That Section 8.20.280 of the Lincoln Municipal Code be amended to read as follows:

**8.20.280 Revocation or Suspension of Permit.**

Any permit granted under the Lincoln Food Code shall be subject to revocation or suspension in the following manner:

(a) The Health Director shall notify the permit holder as provided in the Lincoln Food Code.

(b) If the Health Director determines that the permit holder is in violation of the Lincoln Food Code, the Health Director may revoke or suspend the permit for an appropriate period of time not to exceed ninety days.

(c) The Health Director shall conduct the hearing in accordance with the Lincoln Food Code.

Section 18. That Section 8.20.320 of the Lincoln Municipal Code be amended to read as follows:

**8.20.320 Notice; Service.**

(a) The Health Director may serve notice authorized or required by the Lincoln Food Code as follows:

(1) By personal service to a permit holder, cottage food registrant, or Person in Charge wherever they may be found; or

(2) By certified mail, postage prepaid, return receipt requested to the permit holder's or cottage food registrant's last known address.

(b) The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

(c) If the service is to a person other than the permit holder or cottage food registrant, the Health Director shall send a copy of the notice to the permit holder or cottage food registrant by regular mail. The copy is not required as a part of the notice, and receipt of the copy does not affect the notice.

Section 19. That Section 8.20.330 of the Lincoln Municipal Code be amended to read as follows:

**8.20.330 Appeals.**

(a) If the Health Director denies or fails to issue a food establishment permit or accept a cottage food operation registration ~~any application or fails or refuses to issue a permit~~ under this chapter within

1 forty-five days from the date of complete application or registration, such decision may be appealed to the  
2 district court as provided for by ~~state~~ law.

3 (b) Any person aggrieved by any final decision of the Health Director in the administration or  
4 enforcement of this chapter may appeal such decision to the district court as provided by state law.

5 Section 20. That Sections 8.20.020, 8.20.030, 8.20.080, 8.20.090, 8.20.100, 8.20.110,  
6 8.20.120, 8.20.135, 8.20.150, 8.20.160, 8.20.191, 8.20.260, 8.20.261, 8.20.264, 8.20.280, 8.20.320, and  
7 8.20.330 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

8 Section 21. This ordinance shall be published, within fifteen days after the passage hereof,  
9 in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official  
10 bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10<sup>th</sup> Street, in  
11 lieu and in place of the foregoing newspaper publication with notice of passage and such posting to be given  
12 by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and  
13 be in force from and after its passage and publication or after its posting and notice of such posting given  
14 by publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020:

\_\_\_\_\_  
Mayor



The Child Care Programs Certificate of Compliance renewals are due at the end of January of each year. Due to the significant impact that COVID-19 has had on child care providers and early childhood education professionals, the LLCHD is proposing to temporarily delay the renewal date until June 30, 2021 for this year only. This is similar to an extension that was provided to food establishments and body art establishments in the spring of 2020.

Staff recommend approval.