

**LA VISTA BOARD OF HEALTH
EMERGENCY MEETING
November 24, 2020**

An emergency meeting of the Board of Health of the City of La Vista, Nebraska was convened in open and public session at 4:30 p.m. on November 24, 2020. Present were Board members Kindig, Thomas and Lausten. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez and City Clerk Buethe.

Board Chairman Kindig called the meeting to order and led the audience in the pledge of allegiance.

Chairman Kindig made an announcement regarding the location of the open meetings act and the agenda policy statement providing for an expanded opportunity for public comment on the agenda items

A. Statement of Nature of Emergency

Chairman Kindig stated the nature for the emergency is the unprecedented positivity levels of Novel Coronavirus (COVID-19) in La Vista and adjacent parts of the metropolitan area. Over the past four weeks, the positivity rate for the Sarpy/Cass Health Department jurisdiction has doubled from 15.25% (week ending 10/17/20) to 31.51% (week ending 11/14/20). Over the same four-week period, the seven-day rolling average of cases/day/100,000 residents has increased from 41.6 cases per day to 96.9. Currently, there are 1,032 active cases in Sarpy County, with 108 active cases in the 68128 zip code area and 65 in 68138 (La Vista's ETJ).

Board Member Thomas moved to hold the emergency meeting. Board Member Lausten seconded the motion. Board Members voting aye: Kindig, Thomas and Lausten. Nays: None. Abstain: None. Absent: None. Motion carried.

B. Approve Notice of Meeting and Agenda

Chairman Kindig stated a copy of the meeting notice was included in the packet for this meeting. The meeting notice and agenda were posted on the City's website and provided to the media, and the meeting notice was published in the November 19, 2020 edition of the Omaha World Herald.

Board Member Thomas moved to approve Notice of Meeting and Agenda. Board Member Lausten seconded the motion. Board Members voting aye: Kindig, Thomas and Lausten. Nays: None. Abstain: None. Absent: None. Motion carried.

C. Proposed Regulation Requiring face coverings in the City

Board Member Thomas introduced and moved for the adoption of Resolution No. 20-001 entitled A RESOLUTION OF THE BOARD OF HEALTH OF THE CITY OF LA VISTA, NEBRASKA MAKING DETERMINATIONS AND FINDINGS; AND APPROVING RULES AND REGULATIONS REQUIRING FACE COVERINGS IN INDOOR PUBLIC PLACES IN THE CITY, SUBJECT TO CITY COUNCIL APPROVAL.

NOW THEREFORE BE IT RESOLVED that the Board of Health of the City of La Vista ("Board") hereby makes and approves the following determinations, findings, and actions:

1. The Board, among other powers, is authorized by applicable law, including without limitation, Neb. Rev. Stat. Section 16-238, to enact rules and regulations to safeguard the health of the people of the City.
2. Rules and regulations requiring face coverings in indoor public places in the City are proposed in the Ordinance presented with and incorporated into this Resolution by reference ("Proposed Ordinance").
3. The Board, based on an increased number of confirmed COVID-19 cases within the City, continued community transmission, findings in the Proposed Ordinance, and information presented at this meeting and otherwise available from medical experts and professionals, determines that an emergency exists within the City of La Vista requiring immediate action and that rules and regulations requiring face coverings in indoor public places in the City as set forth in the Proposed Ordinance should be enacted in an attempt to safeguard the health of the people of the City.
4. The Proposed Ordinance is hereby approved, or modified and approved, subject to approval, or modification and approval, of the City Council of the City of La Vista.

Chairman Kindig stated that copies of communications were included in the packet from proponents, opponents and neutral on the proposed regulations. Board Member Lausten seconded the motion. Board Member Lausten made a statement for the record prior to voting on the motion stating that a police officer should not enact laws, but from the Law Enforcement Code of Ethics, it is among his duties to respect the Constitutional right of all men to liberty, equality and justice, and to safeguard lives and property. Lausten stated the final decision will be up to the City Council, and he feels confident in voting to approve the motion. Board Members voting aye: Kindig, Thomas and Lausten. Nays: None. Abstain: None. Absent: None. Motion carried.

At 4:48 p.m. Board Member Thomas made a motion to adjourn the meeting. Seconded by Board Member Lausten. Board Members voting aye: Kindig, Thomas and Lausten. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF DECEMBER 2020.

LA VISTA BOARD OF HEALTH

Douglas Kindig, Chairman

ATTEST:

Robert S. Lausten, Secretary