



City of Grand Island

Monday, November 23, 2020

Special Meeting

Item F-1

**#9803 – Consideration of Approving City Code Amendments to
Chapter 2 – Establishing a City Board of Health**

Staff Contact: Jerry Janulewicz

Council Agenda Memo

From: Jerry Janulewicz, City Administrator

Meeting: November 23, 2020

Subject: Adoption of Ordinance Establishing the City Board of Health.

Presenter(s): Jerry Janulewicz, City Administrator

Background

Nebraska Revised Statute §16-238 provides that a city of the first class may make regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases into the city. The statute further provides that in cities organized under a mayor-council form of government, “a board of health shall be created consisting of five members: The mayor, who shall be chairperson, a physician, who shall be medical adviser, the chief of police, who shall be secretary and quarantine officer, the president of the city council, and one other member. A majority of such board shall constitute a quorum and shall enact rules and regulations, having the force and effect of law, to safeguard the health of the people of such city and prevent nuisances and unsanitary conditions, enforce the same, and provide fines and punishments for the violation of such rules and regulations.”

It is unknown why the City of Grand Island did not previously establish a Board of Health. The City Code published in 1962 did not include provisions for a Board of Health. Instead, the code at that time provided for the appointment of a city physician with authority to enforce ordinances and laws relating to public health and the spread of disease.

Discussion

If approved and enacted by the City Council, the Ordinance would establish a City Board of Health. That Board would be able to meet and consider recommendations to be made to the City Council concerning health related matters, in particular, recommendations concerning the current Novel Coronavirus pandemic. Currently, rules to control the spread of this disease are issued by the Nebraska Department of Health and Human Services and the Central District Health Department, which can only issue directed health measures that are approved by the Nebraska Department of Health and Human Services. By establishing the City Board of Health, as mandated by statute, the City would have a

greater ability to evaluate and respond to the health related needs of the City independent from the control of a state agency.

Recommendation

Administration recommends that Council approve Ordinance #9803.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Sample Motion

Move to approve Ordinance #9803.

ORDINANCE NO. 9803

An emergency ordinance pursuant to the City of Grand Island's authority to pass ordinances and make regulations to serve the general health or the city, prescribe rules for the prevention, abatement, and removal of nuisances as well as the authority to make such regulations as to prevent the introduction and spread of contagious, infectious or malignant diseases in the City of Grand Island pursuant to Neb. Rev. Stat. §16-238, §16-240 AND §16-246; to amend Chapter 2 Article VII of the City Code to add Sections 2-60 thru 2-63; to clarify and/or make general corrections to various code sections, to repeal any ordinances and resolutions or parts thereof in conflict herewith; and to provide for publication and the effective date of the ordinance.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA.

SECTION 1. Article VII. Sections 2-60 thru 2-63 of the Grand Island City Code is hereby amended to read as follows:

Article VII. Community Development Division Board of Health.

§2-60. Board of Health; created; composition; appointment; jurisdiction; Clerk.

- (a) A Board of Health is hereby created in and for the City, which board shall consist of five (5) members as follows:

The Mayor, who shall be Chairman of the board; a physician who shall be appointed by the Mayor and who shall be Medical Adviser of the board; the Chief of Police who shall be Secretary and Quarantine Officer; the President of the Council; and one other member at large who shall be appointed by the Mayor.

- (b) The Board of Health may make regulations to prevent the introduction and spread of contagious, infectious, or malignant diseases into the city.
- (c) The Mayor shall see that all rules and regulations of the Board of Health, passed pursuant to Section 2-61 shall be enforced over all places within this City. The City Clerk shall be Clerk of such board but not a member thereof.

Approved as to Form	☐ _____
November 20, 2020	☐ City Attorney

ORDINANCE NO. 9803 (Cont.)

§2-61. - Quorum; rules and regulations.

A majority of such board shall constitute a quorum and shall enact rules and regulations, having the force and effect of law, to safeguard the health of the people of such city and prevent nuisances and unsanitary conditions, enforce the same, and provide fines and punishments for the violation of such rules and regulations.

§2-62. Records.

The Board of Health shall keep a record of all their transactions, orders, notices and of such other action taken by it, which records shall be filed with the City Clerk and are hereby made public records of the City and shall be accessible to the public for inspection in the office of the City Clerk at all reasonable hours.

§2-63. - Vacancies in office.

In the absence or disability of the Medical Advisor, the Mayor may appoint some other physician to act in the place of such Medical Adviser during such absence or disability; and to the end that the Board may at all times be in position to function and perform its duties, there shall be a substitute appointed for any member thereof when absent, unable or disqualified to act; and the substitute so appointed shall have the power to do each and every act as the regular member thereof while serving on the Board.

SECTION 2. Any ordinance or resolution or parts of ordinances or resolution in conflict herewith be, and hereby are, repealed.

SECTION 3. This emergency ordinance shall be in force and take effect on November 23, 2020, immediately upon proclamation of the Mayor and posting on the website of the City of Grand Island. Additional notice shall be given by publication in one issue of the Grand Island Independent.

Enacted: November 23, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk