



DOUGLAS COUNTY BOARD OF HEALTH DOUGLAS COUNTY, NEBRASKA



March 20, 2020
AMENDED
ORDER

WHEREAS, The Novel Coronavirus (COVID-19, also known as severe acute respiratory syndrome coronavirus 2, or "SARS-Cov-2") has dramatically impacted the citizens of Douglas County, Nebraska; and

WHEREAS, Pursuant to Nebraska Revised Statute section 71-501 and Omaha Municipal Code, Article XII, section 12-23, the Douglas County Board of Health is authorized to promulgate rules and regulations concerning contagious, infectious, and malignant diseases in the county under its jurisdiction; and

WHEREAS, Pursuant to Nebraska Revised Statute section 71-1631(7), the Douglas County Board of Health has promulgated such regulations concerning public health and the prevention of communicable diseases within its jurisdiction as approved by the Nebraska Department of Health and Human Services and amended through March 18, 2020; and

WHEREAS, Pursuant to the Douglas County Rules and Regulations for the Prevention of Spread of Communicable Disease, Illness, or Poisoning, Section 4, the Director of the Douglas County Health Department ("the Director") has the authority to implement Directed Health Measures, including protocols or measures as identified as effective against public health threats by the United States Department of Health and Human Services Centers for Disease Control and Prevention ("the CDC"); and

WHEREAS, Pursuant to the Omaha Municipal Code, Article XII, the Director has authority to issue such orders, regulations and instructions as may, in her judgment, limit the threat of an epidemic or contagious disease;

WHEREAS, On March 16, 2020, the CDC issued Interim Guidance for COVID-19, specifically warning against gatherings of more than ten (10) people for the next fifteen (15) days;

WHEREAS, The Director makes the following findings:

1. I have received information from the WHO, CDC and treating health care providers that the general public may have been exposed to a communicable disease.
2. I find that Directed Health Measures exist to effectively prevent, limit or slow the spread of communicable disease.
3. I further find that the disease presents a risk of death to any person; and that the exposure is wide-spread and poses a significant risk of harm to people in the general population; and that there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk.

4. In assessing the nature of the risk presented, I further find that the threat is from a novel infectious agent.
5. I do hereby further find that a delay in the imposition of Directed Health Measures and evaluation would significantly jeopardize the ability to prevent or limit the transmission of a communicable disease and pose unacceptable risks to any person or persons.

WHEREAS, The Director issued a Directed Health Measure Order on March 18 concerning COVID-19,

WHEREAS, The Chief Medical Officer and Director of Public Health for the State of Nebraska, Gary Anthone, MD, issued a Directed Health Measure Order on March 19 concerning COVID-19, wherein that order expressly stated "this Order does not supersede the provisions of the March 18, 2020 Order issued by Douglas County Nebraska",

WHEREAS, In order to bring the March 18th Order into closer compliance with the State's March 19th Order, the Director hereby amends the March 18th Directed Health Measure Order as follows:

1. All public gatherings within the jurisdiction of the Douglas County Health Department with an expected presence of more than ten (10) patrons, customers or other invitees, excluding staff, taking place between March 18, 2020 and April 30, 2020 are hereby prohibited. If a venue is subdivided into multiple spaces separated by physical walls or sufficient airspace, the limit per subdivision of space is 10. This Order includes, but is not limited to, the following spaces, schools, gymnasiums, salons, fitness centers, auditoriums, stadiums, arenas, large event conference rooms, meeting halls, theaters, libraries, or any other confined indoor or outdoor spaces. This Order also includes, but is not limited to, the following events, weddings, funerals, parades, fairs, festivals, concerts and other indoor and outdoor events.

A gathering is defined as any event or convening that brings together more than ten (10) patrons, customers or other invitees, excluding staff.

Liquor, beer, and wine sales are restricted to carry-out sales and delivery only, to the extent permitted by law. No onsite consumption is permitted. This includes bars, taverns, and private clubs, regardless of name or characterization.

Food and beverage sales at restaurants, bars, taverns, private clubs, and any dine-in establishments are restricted to carry-out, drive-thru, and delivery only. This does not apply to and/or exempts food service in health care facilities.

Lines for carry-out and drive-thrus in the above-referenced establishments must have an environment where patrons and staff maintain social distancing (a distance of six feet away from other persons) whenever possible.

2. It is further ordered that even for gatherings below this size, if a minimum social distance of six feet between attendees cannot be maintained in the venue or a subdivision thereof, the gathering is prohibited.
3. This Order does not apply to courts of law; medical providers; public utilities; critical federal, state, county, and city operations; continuity of business operations; logistics/distribution centers; congregate living settings; shelters; public transportation; airport travel; necessary shopping at fuel stations; stores or malls; election offices; polling places on an election day; or to family residences housing ten or more people. However, these settings are instructed to observe all applicable state and federal guidelines for infection control.

4. Daycare and childcare facilities must operate under the following mandatory conditions: A. Childcare must be carried out in stable groups of 10 or fewer children; "stable" means that the same 10 or fewer children are in the same group each day. B. Children shall not change from one group to another. C. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other. D. Childcare providers shall remain solely with one group of children.
5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected at least 214,000 individuals worldwide and is implicated in over 8,700 worldwide deaths. Douglas County has twenty-six (26) cases.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the Douglas County, Nebraska and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially, increasing the likelihood that such gatherings will impair efforts at mitigating the spread of the illness.
8. To the extent necessary, the Director requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order. Pursuant to Nebraska Revised Statute sections 71-501 and 506 and Nebraska Administrative Code 173 sections 6-009 and 6-006, any person violating this order may be subject to a Class V Misdemeanor for each offense.
9. This order takes effect when it has been disseminated to the mass media.

This Order will remain in effect no longer than necessary to ensure that individuals or groups affected by COVID-19 no longer pose a public health threat.

Failure to comply with this Order will result in legal action for enforcement by civil and/or criminal remedies.

Upon request, the Douglas County Health Department ("Department") will schedule a hearing to be held as soon as reasonably possible under the circumstances. Unless requested otherwise, the hearing will be scheduled no sooner than three days after the request is received by the Department. The hearing will be conducted in accord with the Department's rules of practice and procedure adopted pursuant to the Administrative Procedure Act.

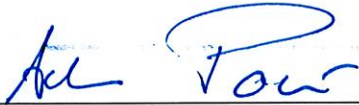
The parties to the hearing will be limited to the Department and requesting party unless one or more additional persons have requested contested case hearings on substantially identical issues; the interests of administrative economy require that the matters be consolidated; and no party would be prejudiced by consolidation, in which case notice of the consolidation will issue.

A party may be represented by counsel at the party's own expense, or may appear *pro se* if a natural person.

Reasonable prior notice of the time and place for hearing will be given. The hearing may be conducted in whole or in part by telephone.

The purpose of the hearing is to determine if the factual bases for the Order exist and the reasonableness of the ordered measures. The Director may affirm, reverse or modify the Order by a written Findings of Fact, Conclusions of Law, and Order to be issued as soon as reasonably possible after the hearing.

You have the right to present evidence to the Director of the Douglas County Health Department or her designee to show that the Order should be modified or terminated. Please contact the Director's office at 402-444-7471 to make the arrangements.



Douglas County Health Director or designee

Date 3/20/2020