

RESOLUTION NO. 2020-8

A RESOLUTION OF THE CITY OF WISNER, NEBRASKA, REQUIRING THE EXECUTION OF A WRITTEN RELEASE OF LIABILITY FROM COVID-19-RELATED CLAIMS OF ANY KIND AND ESTABLISHING OTHER RULES, REGULATIONS, AND RESTRICTIONS AS A CONDITION OF ADMISSION TO THE CITY'S SWIMMING FACILITIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization, is extremely contagious, and is believed to spread mainly from person-to-person contact;

WHEREAS, on March 13, 2020, the Governor of the State of Nebraska declared a state of emergency related to COVID-19 within the entire State of Nebraska, and this state of emergency remains in effect;

WHEREAS, directed health measures, in some form, are in effect for every County in the State of Nebraska;

WHEREAS, on May 21, 2020, the Governor announced that the directed health measure prohibiting gatherings of no more than ten (10) persons would be revised to permit gatherings of the greater of twenty-five (25) persons (excluding staff) or twenty-five percent (25%) of a facility's rated occupancy, including swimming pools, effective June 1, 2020;

WHEREAS, persons who swim or otherwise gather at the City's public swimming facilities risk the dangers of illness, disease, medical complications, injury or death, caused by or related to COVID-19, by voluntarily entering the municipal property and/or facilities on which such swimming activities take place, by watching such activities, and by participating or authorizing the participation of a minor, in such swimming activities; and

WHEREAS, it is the intent of the City of Wisner to open its public swimming facilities and permit the resumption of adult and/or youth swimming activities on municipal property and/or facilities, in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska and such further laws and guidance that may be issued in the future, provided that all swimmers and spectators fully follow all applicable laws and guidance and assume the health risks associated with these activities, including the inherent risk now present in any such activities as a result of the presence of COVID-19 in the State of Nebraska, and provided that participants in such activities sign an agreement that releases the City, its elected and appointed officials and employees, and all other participants in adult and/or youth swimming from liability associated with exposure to COVID-19 in the course of such activities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wisner, Nebraska, that any individual who wishes to use the City's public swimming facilities shall, as a prerequisite and condition of such use and admission to the facilities, be required to sign the agreements titled "COVID-19: Participant Agreement for Swimming," and "Wisner Pool 2020 Rules, Regulations, and Restrictions," in substantially the same forms as attached hereto. The executed agreements shall be maintained at the City's swimming facility or the City Clerk's office.

BE IT FURTHER RESOLVED that all participants and spectators shall comply with all federal, state and local laws and regulations, all directed health measures and guidelines, and all security policies or procedures established by the City of Wisner relating to COVID-19 or other safety or hygiene precautions while present on municipal property and/or facilities, understanding that the City of Wisner may elect to deny entrance to its swimming facilities to any non-complying person, or to require a non-complying person to leave the premises at any time.

BE IT FURTHER RESOLVED that officials and employees of the City of Wisner are authorized to execute the directives set forth in this Resolution.

BE IT FURTHER RESOLVED this Resolution shall become effective upon its passage and approval.

PASSED and ADOPTED this 1st day of June, 2020.

CITY OF WISNER, NEBRASKA

Mayor

ATTEST:

City Clerk/Treasurer