

**RESOLUTION NO. 2020-9**

**A RESOLUTION OF THE CITY OF WISNER, NEBRASKA, ESTABLISHING RULES AND REGULATIONS GOVERNING THE USE OF MUNICIPAL PROPERTY FOR CERTAIN SPORTS AND GROUP RECREATIONAL ACTIVITIES DURING THE COVID-19 PANDEMIC AND THE RISKS RELATED THERETO; 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 all organized team sports, youth and adult, would be relaxed by the State of Nebraska beginning June 1, 2020, in order to permit the planned reopening of certain adult and/or youth team sports;

**WHEREAS**, a copy of the “June 1<sup>st</sup> Statewide Sports Reopening Guidelines,” announced May 22, 2020, is attached to this Resolution and incorporated herein by this reference as if fully set forth;

**WHEREAS**, it is anticipated that future guidance from the State of Nebraska may permit additional team sports and other recreational activities;

**WHEREAS**, players, coaches, officials, and others who participate in such games, practices, or other recreational activities, and spectators who attend such activities, 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 activities take place, by watching such activities, and by participating or authorizing the participation of a minor, in such games, practices, or other recreational activities; and

**WHEREAS**, it is the intent of the City of Wisner to permit the resumption of adult and/or youth team sports and other recreational 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, including, but not limited to, the “June 1<sup>st</sup> Statewide Sports Reopening Guidelines” and such further laws and guidance that may be issued in the future, provided that every individual, organization, or group sponsoring such activities, and all participants and spectators, fully 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 team sports or other recreational activities 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, organization or group sponsoring or organizing adult and/or youth team sports or other recreational activities that wishes to use the playing or practice fields, courts, grounds, and/or other facilities of the City for games, practices, or other recreational activities shall, as a prerequisite and condition of such use, be required to enter into the “COVID-19: License and Management Agreement for Use of Municipal Property for Sports or Other Recreational Activities,” which is attached hereto. Said Agreement shall be maintained by the City Clerk and shall constitute an addendum to any other contract, license agreement, lease, or agreement, if any, allowing the use of municipal property and/or facilities of the City of Wisner by the same individual, organization, or group.

**BE IT FURTHER RESOLVED** that, as a prerequisite and condition of entering the playing or practice fields, courts, grounds, and/or other facilities of the City of Wisner to participate in games, practices, or other recreational activities, all players, coaches, officials and other participants must sign the agreement titled “COVID-19: Participants Agreement for Sports or Other Recreational Activities” in substantially the same form as attached hereto. Each team wishing to participate on or use the municipal property and/or facilities of the City of Wisner must, as a prerequisite and condition of such participation and entry, provide legible copies of said signed Agreements for all participants affiliated with the team, together with a roster containing a complete list of the names of all players, coaches, officials, and others affiliated with the team. A designated representative of each team shall provide said copies of the Agreements and roster to the City Clerk no later than twenty-four (24) hours in advance, and during the City Clerk’s regular business hours, of that team’s participation on and entry to municipal property; the City Clerk shall maintain the documents.

**BE IT FURTHER RESOLVED** that, for the avoidance of doubt as to the risk assumed by participants and spectators, in order to encourage compliance with directed health measures and guidelines, and in order to promote public safety, the applicable provisions of the “June 1<sup>st</sup> Statewide Sports Reopening Guidelines” shall be posted on all practice and playing fields, courts, grounds, and/or other facilities where adult and/or youth practices and/or games or other recreational activities occur. If the “June 1<sup>st</sup> Statewide Sports Reopening Guidelines” are subsequently modified or updated, the applicable provisions of the modified or updated guidelines shall be posted in the same manner.

**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 playing or practice fields, courts, grounds, and/or other facilities to any non-complying participant or spectator, or to require a non-complying participant or spectator 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 1<sup>st</sup> day of June, 2020.

CITY OF WISNER, NEBRASKA

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Mayor

ATTEST:

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City Clerk/Treasurer