



STAFF REPORT

MEETING DATE: May 8, 2024

PRESENTER: John Jansons, City Manager

SUBJECT: Second Reading and Adoption of Ordinance Relating to Infectious Materials (JAJ)

RECOMMENDATION: Council by motion waive second reading and adopt ordinance adding Chapter 8.44 to Title 8 of the Kerman Municipal Code relating to Infectious Materials.

DISCUSSION:

At the April 24, 2024 meeting, staff presented to Council the proposed ordinance. The proposed Ordinance will add Chapter 8.44 to Title 8 of the Kerman Municipal Code to address Infectious Materials. The proposed Ordinance was approved and advanced to Second Reading.

The County Board of Supervisors adopted the Fresno County Infectious Materials Ordinance, a local ordinance that will provide some local oversight and authority to oversee privately funded laboratories that do not fall under the Clinical Laboratory Improvement Amendments (42 USC 263a).

The County ordinance applies only to the unincorporated area of Fresno County. The County has offered an MOU to incorporated cities that will allow the County to enforce the ordinance within cities if executed and if the City delegates authority to County to enforce. The MOU is drafted to reflect that cities maintain their local control, entities are only liable for costs they incur and thus the County would not charge their costs to a city, and County' communication with the City will be key on a joint response.

Approval of the recommended action will approve and adopt an Ordinance relating to Infectious Materials. The Ordinance, if adopted, will incorporate by reference the recent County's ordinance which will provide the authority for the County to conduct onsite visits on private property and evaluate if laboratories that are not regulated by CLIA, 42 USC 263a and 42 CFR 493 are in compliance with Hazardous Materials laws and general applicable clinical laboratory safety requirements (e.g. medical waste, environmental controls, policy, and procedures). This Ordinance will not apply to CLIA operated laboratories which include commercial laboratories (e.g. Quest, Lab Corp), doctors' offices that obtain a CLIA license or waiver from CLIA, and/or clinics operating under a CLIA license or waiver from CLIA.

ATTACHMENT:

A. Ordinance 24-XX

ORDINANCE NO. 24-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN ADDING CHAPTER 8.44 TO TITLE 8 OF THE KERMAN MUNICIPAL CODE RELATING TO INFECTIOUS MATERIALS

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 8.44 is added to Title 8 of the Kerman Municipal Code to read as follows:

8.44.010 This chapter shall be known as the Kerman Infectious Disease Ordinance.

8.44.020 The City of Kerman hereby adopts Fresno County Ordinance Section 1 Chapter 8.52 and delegates enforcement authority to the County of Fresno under said ordinance (Fresno County Ordinance Code Section 8.52.070).

SECTION 2. CEQA. A preliminary environmental assessment has been performed for this project pursuant the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

SECTION 3. Publication. The City Clerk is authorized to cause this ordinance or a summary of this ordinance in accordance with Government Code Section 36933 to be published in a newspaper of general circulation in the City of Kerman, within fifteen days after its adoption. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

SECTION 4. Effective Date. This ordinance shall become effective thirty (30) days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on April 24, 2024, and was passed and adopted at a regular meeting of the City Council held on May 8, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Maria Pacheco
Mayor

Attest:

Josie Camacho
Interim City Clerk