



STAFF REPORT

MEETING DATE: April 24, 2024

PRESENTER: John Jansons, City Manager

SUBJECT: Consideration of MOU with County of Fresno City Ordinance Relating to Infectious Materials (JAJ)

RECOMMENDATION: That the Council take action as follows:

- (1) Adopt Resolution Approving Memorandum of Understanding (MOU) with County of Fresno to Authorize County to enforce Fresno County Infectious Materials Ordinance in the City of Kerman; and
- (2) Waive full reading and Introduce Ordinance Adding Chapter 8.44 to Title 8 of the Kerman Municipal Code Relating to Infectious Materials.

DISCUSSION:

The County of Fresno in collaboration with the City of Reedley managed a significant public health response in addressing issues with an unlicensed laboratory operating within the city limits of Reedley. The County has had significant communication and specific recommendations to Federal and State legislators on how to prevent this from happening in the future while improving our national oversight and surveillance of privately funded laboratories. Unfortunately, there is no national or state solution at this time. 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 an MOU with the County to enforce its Infectious Materials Ordinance 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. The Department would operationalize a team from its Hazardous Materials program and its Public Health Laboratory. This team would conduct annual onsite visits to confirm compliance with hazardous materials and laboratory operations.

ATTACHMENT:

A. Resolution

RESOLUTION NO. 24-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING
A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF FRESNO AND
THE CITY OF KERMAN TO ENFORCE FRESNO COUNTY INFECTIOUS MATERIALS
ORDINANCE IN THE CITY OF KERMAN**

WHEREAS, the Fresno 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); and

WHEREAS, the County ordinance applies only to the unincorporated area of Fresno County; however, the County has offered a Memorandum of Understanding (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; and

WHEREAS, the City wishes to have the County ordinance enforced in the City of Kerman.

NOW, THEREFORE, the City Council of the City of Kerman resolves as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The Council hereby approves the Memorandum of Understanding between the County of Fresno and the City of Kerman which is attached as Exhibit 'A' and incorporated by reference.

SECTION 3. The City Council Authorizes the City Manager to execute the MOU.

SECTION 4. This resolution is effective upon adoption.

[CERTIFICATION ON NEXT PAGE]

The foregoing resolution was adopted by the Kerman City Council at a regularly scheduled meeting held on this 24th day of April, 2024, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
Interim City Clerk