

**AGENDA OF THE
SPECIAL HAILEY CITY COUNCIL MEETING
Wednesday October 07, 2020 * 6:00 PM
Hailey City Hall Meeting Room**

ACTION ITEM = a vote may occur but is not required to be taken

ACTION ITEM.....

Please join our meeting from your computer, tablet or smartphone.

Via teleconference: +1 (872) 240-3311, **Access Code:** 543-667-133

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6:00 p.m. CALL TO ORDER - Open Session for Public Concerns

MAYOR'S REMARKS:

MR 000

PUBLIC HEARING:

- [PH 419](#) Consideration of proposed City of Hailey Public Health Order 2020-07 amending the terms of Hailey Emergency Public Health Order 2020-06, to remove or amend some exemptions to the required wearing of face coverings. **ACTION ITEM**.....1
- [PH 420](#) Discussion of group size limitations, with consideration of enacting limitations to the size of indoor and outdoor groups within the City of Hailey during HIGH (Orange) or CRITICAL (Red) Risk Level Periods, as shown in the Harvard Global Plan adopted for guidance by the City of Hailey effective September 1, 2020. **ACTION ITEM**.....6

Next Ordinance Number - 1268 Next Resolution Number- 2020-121

AGENDA ITEM SUMMARY

DATE: 10/07/2020

DEPARTMENT: Admin

DEPT. HEAD SIGNATURE: HD/CS

SUBJECT:

PH 419 - 1st Agenda Item

Consideration of proposed City of Hailey Public Health Order 2020-07 amending the terms of Hailey Emergency Public Health Order 2020-06, to remove or amend some exemptions to the required wearing of face coverings.

PH 420 - 2nd Agenda Item

Discussion of group size limitations, with consideration of enacting limitations to the size of indoor and outdoor groups within the City of Hailey during HIGH (Orange) or CRITICAL (Red) Risk Level Periods, as shown in the Harvard Global Plan adopted for guidance by the City of Hailey effective September 1, 2020.

AUTHORITY: x ID Code _____ IAR _____ City Ordinance No. 1266

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Last Thursday the Covid-19 cases and trends posted on Blaine County’s website placed our area in the Orange, or High Risk category. The purpose of this meeting is to discuss the trends and the guiding plan implemented by the Hailey City Council in late August, which was put into effect county-wide on September 1, 2020. The elements of the plan are optional, not obligatory.

We know that case trends have risen sharply since mid-September. We know that recent case numbers within the City of Hailey are larger than in any of the other cities within Blaine County. We know that protection against this infectious disease is gained through safe distance, face coverings and proper quarantine by infected, probably infected, or those who have had significant contact with infected individuals.

We’ve attached an Order which gives some examples and a structure by which to strengthen the face-covering Order previously adopted by the City Council. We are not proposing these changes; but simply providing the elected officials with examples of methods and structure by which changes could be implemented.

Structure: new rules would be adopted through a new Order 2020-07

Methods: Several methods could be employed, including the following examples. The council discussion may bring more examples to light:

Change the exemption age from 5 to 2 years (or less) of age;

Change the exemptions to alter the medical and hearing exemptions so that individuals medically intolerant of wearing cloth face coverings are not required to do so, but must wear, or be positioned behind, a face shield.

A Do-Nothing option would leave the existing Order 2020-06 in place.

The second agenda item is intended to launch a discussion about the tenants of the Harvard Guidance. One such area of discussion surrounds group sizes recommended in the guidance.

The City Council is given authority in this health emergency by Hailey Ordinance No. 1266, which is attached for information only. Hailey’s authority is not intended to supersede the authorities of other jurisdictions.

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss and make motions on proposed Order 2020-07, which motions will flow from the discussion.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOR FLOW/UP mt./Order Originals: Record
Copies (all info.):
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

CITY OF HAILEY
PUBLIC HEALTH EMERGENCY ORDER No. 2020-07

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other through respiratory droplets; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, the CDC reports that people are most COVID-19 contagious when they are most symptomatic (the sickest) however spread is possible before people show symptoms, or by those that are asymptomatic; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on and after March 13, 2020, the Idaho Governor issued a series Orders addressing public health measures to slow the spread of COVID-19 including the current **Stay Healthy Order** signed May 30, 2020, and inclusive of the Idaho Rebounds Plan; and

WHEREAS, as of June 30, 2020, Idaho was reporting 5,752 total cases of COVID-19, including 209 new cases on June 29, 2020 and 91 deaths to date; and

WHEREAS, on March 20, 2020 the Mayor of the city of Hailey declared a local disaster emergency, and on March 23, 2020 the Hailey City Council consented and adopted the Declaration as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in the city of Hailey due to the threat that COVID-19 poses to the health and welfare of the residents of Hailey; and

WHEREAS, on March 24, 2020, the Council for the city of Hailey adopted Ordinance 1260 establishing emergency powers that provide the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

WHEREAS, the emergency services and local healthcare facilities have limited capacity to handle a significant increase in COVID-19 confirmed cases in Blaine County; and

WHEREAS, the CDC recommends that people wear cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain; and

WHEREAS, there is a continuing and urgent need to protect all residents, employees and visitors in the city of Hailey from the risks relating to the COVID-19 pandemic through the protection provided by wearing facial coverings; and

WHEREAS, the city of Hailey Mayor and City Council find it necessary to enact additional regulations to strengthen the regulations issued by the current Department of Health and Welfare Stay Healthy Order to slow the community spread and protect the health, safety, and welfare of individuals living, working and visiting the City of Hailey; and

WHEREAS, the Mayor of the City of Hailey, with approval of City Council, issued Public Health Emergency Order No. 2020-05, imposing legal requirement to upon every person to completely cover their faces in certain situations, and said order is set to expire 90 days from the effective date pursuant to the dictates of Ordinance 1260, but said order is subject to extension by City Council; and

WHEREAS, this Order was considered and approved by the City Council in accordance with provisions of Emergency Ordinances 1260 and 1266;

NOW, THEREFORE, the Mayor and City Council do hereby adopt the following regulations, which shall supersede all prior Public Health Emergency Orders issued by the City of Hailey, and which shall be in effect until rescinded, superseded or amended by the Mayor or City Council.

SECTION 1 FACE COVERINGS

Every person, shall, when in any indoor or outdoor public place, completely cover their nose and mouth, when members of the public are physically present for otherwise unprotected social interaction.

1. DEFINITIONS: For purposes of this Public Health Emergency Order “public place” shall mean any place open to all members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, educational, arts and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. “Members of the public” shall mean persons not therein employed, present without invitation.
2. EXEMPTIONS:
 - a. Children under the age of 5.
 - b. Persons who cannot medically tolerate wearing a cloth face covering must wear or position themselves behind a face shield. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a cloth face covering.

- c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication, must wear or position themselves behind a face shield.
- d. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- e. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
- f. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
- g. Outdoor public places where people can employ social distancing as recommended by CDC.

SECTION 2 PENALTIES

Any person who violates any provisions of this Order, shall be guilty of an infraction, punishable by a fine of \$100.

SECTION 3 EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect at 12:00 a.m., on ~~September 14~~October 7, 2020 and shall remain in effect until expiration, unless rescinded, superseded or amended by the Mayor or City Council.

APPROVED:

Mayor, Martha Burke

ATTEST

Mary Cone, City Clerk

Return to Agenda



COVID-19 BLAINE COUNTY RISK LEVEL PLAN

EFFECTIVE DATE: 9/1/2020

As Idaho's response to the COVID-19 pandemic transitions from a statewide response to a regional and local response, the following COVID-19 Blaine County Risk Level Plan was developed to help guide policy-making in Blaine County and the cities of Ketchum, Sun Valley, Hailey, Bellevue, and Carey. In addition, this Blaine County Risk Level Plan will help guide local businesses and organizations in their operational decisions during the pandemic. Blaine County aims to mitigate the rapid spread of COVID-19 in order to protect the health and economic wellbeing of residents and visitors, and to prevent overwhelming first responders, the healthcare system, and personal protective equipment (PPE) supplies in our region.

The COVID-19 Blaine County Risk Level Plan is based on the Harvard Global Health Institute's recommendations and is more stringent than the South Central Public Health District's (SCPHD) COVID-19 Regional Risk Level Plan. Due to the fact that Blaine County cases are lower than the rest of the Health District, we have the opportunity to have a more pro-active plan and keep our cases low. Further, we recognize that Blaine County is unique from the rest of the Health District because we are a tourist destination and have a highly transient population. Therefore, Blaine County is not insular and needs a distinct plan that takes the nature of our community into consideration.

The Blaine County Risk Level Plan establishes the criteria Blaine County and cities of Ketchum, Sun Valley, Hailey, Bellevue, and Carey, and local businesses and organizations can use to monitor COVID-19 disease trends, resources, and risk level, and make appropriate decisions. The established criteria and related outputs are similar to those in the SCPHD Regional Risk Level Plan with some modifications.

Blaine County and the cities of Ketchum, Sun Valley, Hailey, Bellevue, and Carey, and local businesses and organizations will consult the South Central Public Health District for its expertise and guidance during the pandemic and will work closely with SCPHD as the local jurisdictions, businesses, and organizations implement the COVID-19 Blaine County Risk Level Plan and SCPHD implements the COVID-19 Regional Risk Level Plan. Local elected officials in Blaine County and cities have the authority to implement their own local plan and preventative measures, which may be more restrictive than those included in the SCPHD Regional Risk Level Plan to do what they deem necessary to protect the health of the residents they serve.

THIS PLAN IS SUBJECT TO CHANGE AS MORE INFORMATION BECOMES AVAILABLE

This plan will not be in effect indefinitely; however, it is not possible to determine an end date at this time. The risk assessment and mitigation strategies included in this plan will be in effect until a COVID-19 vaccine becomes available, treatment options for COVID-19 are readily available, other mitigating factors currently not known are identified, OR until the plan is modified.

WHAT TO KNOW ABOUT BLAINE COUNTY'S COVID-19 RISK LEVELS:

- The risk levels are applied to the entire county
- Risk levels can increase or decrease
- In ALL risk levels, the preventive measures outlined in the Minimal Risk Level should be followed. ***Always prepare for the next risk level.***
- In addition to metrics determining exposure risk, local officials will closely monitor and may take into consideration for movement to a different risk level the following:
 - Input from hospital partners, South Central Public Health District, and Idaho Department of Health and Welfare
 - Trends in COVID-19 testing, including turn-around time of test results
 - Epidemiological investigation capacity
 - COVID-related hospitalizations and deaths
 - Syndromic surveillance of emergency department visits with COVID-like symptoms



RISK LEVEL	METRICS MONITORED	MITIGATION STRATEGIES
<p style="text-align: center;">MINIMAL RISK</p>	<ol style="list-style-type: none"> 1. NEW DAILY CASES < 1 PER 100,000 POPULATION (SEVEN DAY ROLLING AVERAGE) AND 2. COVID-19 TESTING POSITIVE RATE < 1% AND 3. REGIONAL HOSPITAL CAPACITY FOR CARE IS NORMAL 	<p>AT THE GREEN LEVEL, COMMUNITIES ARE ON TRACK FOR CONTAINMENT AS LONG AS THEY MAINTAIN ROUTINE LEVELS OF VIRAL TESTING (I.E., THIS IS NOT A REFERENCE TO ANTIBODY TESTING) AND CONTACT TRACING SUFFICIENT TO CONTROL SPIKES AND OUTBREAKS.</p> <p>BLAINE COUNTY IN PARTNERSHIP WITH SCPHD, LOCAL GOVERNMENTS, AND HEALTHCARE PARTNERS WILL EDUCATE, INFORM, AND SHARE COORDINATED MESSAGES WITH STAKEHOLDERS AND THE PUBLIC THROUGHOUT ALL LEVELS.</p> <p>REGARDLESS OF THE RISK LEVEL THROUGHOUT THE REMAINDER OF THE PANDEMIC, EVERYONE IS ENCOURAGED TO DO THE FOLLOWING:</p> <ul style="list-style-type: none"> • Carefully monitor your health • Stay home if you are sick • Maintain physical distance of at least 6 feet from others (outside of immediate family) whenever possible • Wash hands frequently for at least 20 seconds or use hand sanitizer • Vulnerable populations (older adults, individuals with underlying health conditions) take extra precautions • Maintain a healthy life-style and take extra measures to increase overall health <p>REGARDLESS OF THE RISK LEVEL THROUGHOUT THE REMAINDER OF THE PANDEMIC, EVERYONE IS REQUIRED TO DO THE FOLLOWING:</p> <ul style="list-style-type: none"> • Wear face coverings in public that fully cover the nose and mouth
<p style="text-align: center;">MODERATE RISK</p>	<ol style="list-style-type: none"> 1. NEW DAILY CASES IS BETWEEN 1 to 10 PER 100,000 POPULATION (SEVEN DAY ROLLING AVERAGE) AND/OR 2. COVID-19 TESTING POSITIVE RATE IS BETWEEN 1% to 5% AND/OR 3. REGIONAL HOSPITAL CAPACITY FOR CARE IS IMPACTED (MEDICAL SURGE CAPACITY STILL AVAILABLE) <ul style="list-style-type: none"> • BED CAPACITY REACHES 80% • STAFFING AND RESOURCE SHORTAGES 	<p>AT THE YELLOW LEVEL, THERE MAY BE SPORADIC IMPORTED CASES, AN UPTICK IN CLOSE CONTACT TRANSMISSION, OR ISOLATED CLUSTER OUTBREAKS. SCPHD <u>OR</u> COMMUNITIES MAY INSTITUTE SOME OR ALL OF THE FOLLOWING:</p> <ul style="list-style-type: none"> • Increase education, information sharing, and messaging • Limit indoor mass gatherings (recommend 1 person per 64 sq. ft. of space) to 50 people if appropriate physical distancing can be maintained. Limit outdoor mass gatherings to 150 people. • Require face coverings in public settings • Extra precautions for vulnerable populations (older adults, individuals with underlying health conditions) • Teleworking where possible and feasible with business operations • Minimize non-essential travel • Strict policies for staff and visitors to avoid potential outbreaks in congregate living facilities (long-term care, nursing homes, correctional facilities, etc.)

RISK LEVEL	METRICS MONITORED	MITIGATION STRATEGIES
HIGH RISK	<ol style="list-style-type: none"> 1. NEW CASES DAILY IS BETWEEN 10 to 25 PER 100,000 POPULATION (SEVEN DAY ROLLING AVERAGE) AND/OR 2. COVID-19 TESTING POSITIVE RATE IS BETWEEN 5 to 10% AND/OR 3. REGIONAL HOSPITAL CAPACITY FOR CARE IS IMPACTED (MEDICAL SURGE CAPACITY STILL AVAILABLE) <ul style="list-style-type: none"> • BED CAPACITY REACHES 85% • SIGNIFICANT STAFFING AND RESOURCE SHORTAGES AND/OR 4. SIGNIFICANT OUTBREAK(S) OCCURRING AT: <ul style="list-style-type: none"> • Hospitals/Healthcare Providers/EMS • Critical Infrastructure Services (fire, law enforcement, utilities, solid waste etc.) • Congregate Living Facilities (assisted living facilities, nursing homes, correctional facilities) • Schools/institutions of higher learning • Mass gatherings/events that limit public health's ability to conduct contact tracing 	<ul style="list-style-type: none"> • Schools should implement strategies in response to these guidelines and those of Idaho Back to School Framework 2020 <p>AT THE ORANGE LEVEL, COMMUNITY SPREAD HAS ACCELERATED. SCPHD OR COMMUNITIES MAY INSTITUTE SOME OR ALL OF THE FOLLOWING:</p> <ul style="list-style-type: none"> • Increase education, information sharing, and messaging • Require use of face coverings • Limit of indoor mass gatherings (recommend 1 person per 64 sq. ft. of space) to 10 people if appropriate physical distancing can be maintained). Limit outdoor mass gatherings to 50 people. • Limit travel/visitors to the region as well as travel within the state to areas with high rates of spread (encourage 14-day self-quarantine) • Self-isolation of vulnerable populations (older adults, individuals with underlying health conditions) • Teleworking for those who are able • Extra precautions for employees of congregate living facilities (long-term care, nursing homes, correctional facilities, etc.) and close facility to visitors • Delivery/curb-side service for businesses, including food establishments • Closures of bars and nightclubs • Reduced occupancy in places of business and public buildings • Virtual services for place of worship where possible • Discontinuation of youth and adult sports/activities in which physical distancing is not possible • Industry-specific measures/restrictions/closures • Schools should implement strategies in response to these guidelines and those of the Idaho Back to School Framework 2020
CRITICAL RISK	<ol style="list-style-type: none"> 1. NEW CASES DAILY > 25/100,000 POPULATION (SEVEN DAY ROLLING AVERAGE) AND/OR 2. COVID-19 TESTING POSITIVE RATE > 10% AND/OR 3. REGIONAL HOSPITAL CAPACITY FOR CARE IS SEVERLY IMPACTED (MEDICAL SURGE CAPACITY CANNOT BE MAINTAINED) <ul style="list-style-type: none"> • BED AND ICU CAPACITY REACHES 90% • MAJOR STAFFING AND RESOURCE SHORTAGES AND/OR 	<p>AT THE RED LEVEL, COMMUNITIES HAVE REACHED A TIPPING POINT FOR UNCONTROLLED SPREAD AND CITIES, COUNTIES, AND/OR SCPHD MAY INSTITUTE ALL OR SOME OF THE FOLLOWING:</p> <ul style="list-style-type: none"> • Stay-At-Home Order issued • Schools should implement strategies in response to these guidelines and those of Idaho Back to School Framework 2020 • Require use of face coverings • No social gatherings • Business closures, including food establishment dining rooms and industry-specific restrictions • Continued closure of bars and nightclubs • Continued industry-specific measures/restrictions/closures • Prohibit visitation to long-term care facilities • Travel advisories as needed • 14-day self-quarantine for people entering from an area inside or outside Idaho with widespread ongoing transmission

4. CRISIS STANDARDS OF CARE IMPLEMENTED

DEFINITIONS

CRISIS STANDARDS OF CARE:

Guidance to help guide ethical decision-making for how to triage medical care when it has to be rationed.

Plan can be found on the [Idaho Department of Health and Welfare's website](#).

MEDICAL SURGE CAPACITY:

Medical surge capacity refers to the ability to evaluate and care for a markedly increased volume of patients—one that challenges or exceeds normal operating capacity. The surge requirements may extend beyond direct patient care to include such tasks as extensive laboratory studies or epidemiological investigations.

[Source](#)

TIMELINE FOR MEASUREMENTS

Data to support the corresponding Health Risk Level and any related mitigation strategies will be posted each Thursday by 5 pm.

Health Risk Levels will be made on Thursdays based on the prior two weeks starting on a Sunday and ending on a Saturday. Movement from one risk level to a lesser risk level will occur at 14-day intervals (one incubation period for COVID-19), while advancement to a level of higher risk can occur at any time.

MOVEMENT BETWEEN RISK LEVELS

Determinations to move to a more restrictive risk level may be made mid-stage if any of the criteria below are met:

- Crisis standards of care are implemented
- Senior leadership at a local hospital indicates that further increases in cases in the community will overwhelm local hospital capacity
- Reported cases exceed **> 25 daily new cases** per 100,000 people in a defined population (e.g., town, city, or county) or if new case rate adversely impacts SCPHD's ability to respond.

REFERENCES

- [Key Metrics for COVID Suppression: A framework for policy makers and the public. July 1, 2020.](#)
- [Essential information for states and counties to publicly report](#)

Supporting Partners



HAILEY ORDINANCE NO. 1266

AN EMERGENCY ORDINANCE OF THE CITY OF HAILEY, BLAINE COUNTY IDAHO, ESTABLISHING EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE, INTENT, AND SCOPE; SETTING DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; ESTABLISHING PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR SUSPENSION OF CERTAIN SERVICES, ORDINANCES, AND POLICIES; ESTABLISHING PENALTIES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING FOR EMERGENCY POSTING, AN EFFECTIVE DATE, AND A SUNSET DATE.

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (aka coronavirus) a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho, which order has been extended and superseded by several intervening orders and now, the current Stage 4 Stay Healthy Order; and

WHEREAS, on March 20, 2020 the Mayor of Hailey signed a declaration of emergency in response to the COVID-19 threat; and

WHEREAS, under Idaho Code section 50-304, the City Council is authorized to pass all ordinances and make all regulations necessary to preserve the public health, prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose and enforce the same within five (5) miles of Hailey city limits, any health or quarantine ordinance and regulation thereof; and

WHEREAS, under Idaho Code section 50-606, the Mayor shall have such jurisdiction as may be vested by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof; and

WHEREAS, the City of Hailey adopted Ordinance 1260, as an emergency ordinance, commonly referred to and known as the Hailey Emergency Powers Ordinance, granting the Mayor and City Council certain powers and authority, having issued Emergency Public Health Orders pursuant thereto, which Emergency Powers Ordinance sunsets, expires and becomes a nullity one-hundred and eighty-two (182) days from its effective date, and

WHEREAS, Idaho Code Section 50-901 provides that in cases of riot, infections or contagious disease, or other impending danger, requiring its immediate enforcement, such shall

take effect upon the proclamation of the mayor or president of the council, posted in at least five (5) public places of the city, and

WHEREAS, the global pandemic caused by COVID-19 (coronavirus) continues unabated; and

WHEREAS, in order to effectively preserve the health and safety of the public, the Mayor is granted the emergency powers contained within this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAILEY, IDAHO:

SECTION 1. EMERGENCY POWERS.

This Ordinance shall be known and designated as the Hailey Emergency Powers Ordinance, and shall be considered as a temporary emergency ordinance.

SECTION 2: LEGAL AUTHORITY.

Idaho Code sections 50-304 and 50-606 authorize the City to pass ordinances granting certain powers to the Mayor and City Council related to public health emergencies.

SECTION 3 PURPOSE AND INTENT.

The City finds that the preservation of public health, safety, and welfare may require immediate action by the City in response to emergency situations. Therefore, the City hereby authorizes the Mayor and City Council certain powers for immediate response to foreseeable, imminent, or present public health emergencies.

SECTION 4 SCOPE.

This Ordinance sets forth the procedures for activating the emergency powers of the Mayor and City Council during a public health emergency.

SECTION 5 DEFINITIONS.

- A. PUBLIC HEALTH EMERGENCY: The foreseeable, imminent, or present threat of any pathogen, agent, vector, or environmental condition, including hazardous materials, which does or may cause illness or injury to humans.
- B. PUBLIC HEALTH EMERGENCY ORDER: An advisory, social distancing, isolation, or quarantine order enacted by the Mayor and/or City Council.
- C. ISOLATION: The separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent.

- D. **QUARANTINE:** The restriction placed on the entrance to and exit from the place of premises where an infectious agent or hazardous material exists.
- E. **SOCIAL DISTANCING:** Actions taken to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings.

SECTION 6 PUBLIC HEALTH EMERGENCY ORDERS.

The Mayor and City Council may issue the following orders, as deemed appropriate by the Mayor and/or City Council

- A. Advisory Order.** Where a public health emergency is foreseeable or imminent, the City may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.
- B. Social Distancing Order.** Where a public health emergency is imminent, the Mayor may, following approval by the City Council or summarily when necessary, enact a social distancing order, which order may establish any or all of the following:
 - 1. Appropriate restrictions regarding the operation or occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.
 - 2. Restrictions on travel through or visitation within the community.
 - 3. Postponement or cancellation of public meetings and hearings.
 - 4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.
 - 5. Suspension of businesses or visitor lodging accommodations.
 - 6. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
 - 7. A social distancing order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order.
- C. Isolation Order.** Where a public health emergency is present, and poses a clear threat of harm to the public health, the Mayor may, following approval by the City Council or summarily when necessary, enact an isolation order, which order may establish any or all of the following:
 - 1. A directive that infected and/or exposed individuals isolate themselves from other

persons.

2. Geographical areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.
4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. An isolation order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. An isolation order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal an isolation order or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the isolation order, the Fire Chief or designee shall review such appeal and issue a written decision. The Fire Chief's decision shall be final.

D. Quarantine Order. Where a health emergency is present and poses a clear threat of harm to the public health, the Mayor may, following approval by the City Council or summarily when necessary, enact a quarantine order, which order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.
2. Geographical or other areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.
4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. Conditions of the quarantine.
7. A quarantine order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. A

quarantine order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal a quarantine order, or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the quarantine order, the Fire Chief or designee shall review such appeal and issue a written decision. The Fire Chief's decision shall be final.

SECTION 7 PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS.

- A. **Approval by City Council.** The Mayor shall present to the City Council, at a duly noticed public meeting, the proposed Public Health Emergency Order. Public input may be taken at such meeting at the discretion of the Council, but a public hearing shall not be required. Following approval by the City Council, the Mayor shall prepare and publish and/or publicly post a written order. Except as may be specifically stated in the Public Health Emergency Order, such order shall be effective upon posting at Hailey City Hall.
- B. **Summary Enactment.** When necessary to summarily enact a Public Health Emergency Order, the Mayor shall prepare and publish and/or publicly post a written order. Within seven (7) days of the issuance of such an order the Mayor shall present the order to the City Council for approval as outlined in section 7A.
- C. **Publication of Public Health Emergency Order.** As possible and prudent under the circumstances, the Mayor shall cause a Public Health Emergency Order to be published:
1. Posting the order in a prominent place at Hailey City Hall;
 2. Posting the order on the City's website;
 3. E-mailing the order to all persons subscribed to City e-mail notification services;
 4. Posting the order to all City social media accounts;
 5. Providing the order to local television and radio broadcast outlets; and
 6. Notifying other government agencies, including Blaine County School District, Blaine County.
- D. **Term of Order.** Every public health emergency order shall include an effective date and a termination date that shall be no more than ninety (90) days from the effective date, which may be extended upon approval of City Council.

SECTION 8 SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, AND POLICIES AND PROCEDURES.

During this Public Health Emergency and based upon the approval of a declaration of an emergency, the Mayor may suspend certain non-essential City government services and functions as deemed necessary and advisable given the specific public health emergency and in consideration of the health of employees and the general public. During such time, the Mayor may also suspend the regular meetings of City boards and commissions, including but not limited to the Planning & Zoning Commission. In order to facilitate such suspension of meetings, the ordinances providing for the regular meetings of these commissions shall be temporarily suspended. Those ordinances providing certain deadlines and the timelines for processing applications may also be suspended. The Mayor is also authorized to waive such internal rules, regulations, and procedures as deemed necessary to protect the health and welfare of City employees.

SECTION 9 PENALTY.

It shall be unlawful to violate any provision or directive of a duly enacted social distancing order, isolation order, or quarantine order while such order is in effect. The violation of any provision or directive of a social distancing order, isolation order, or quarantine order shall be an infraction under City Code.

SECTION 10 CONFLICTS.

All ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance, if any, are hereby revoked for the term of this Ordinance.

SECTION 11 SAVINGS AND SEVERABILITY CLAUSE.

It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 12 EMERGENCY POSTING, EFFECTIVE DATE, AND SUNSET.

Due to an imminent situation of contagious disease, a proclamation of this Ordinance shall be posted in at least five public locations in the City and this Ordinance shall take effect immediately upon such posting, in accordance with Idaho Code 50-901. This Ordinance shall be considered a temporary emergency ordinance and shall sunset and revoke as to effect one-hundred and eighty-two (182) days from its effective date.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR OF Hailey Idaho, on this ~~14th~~^{24th} day of ~~September~~^{March} 2020.

APPROVED BY the Mayor of the City of Hailey, Idaho this ~~12~~²⁴th day of ~~September~~^{March} 2020

Martha Burke, Mayor
City of Hailey

ATTEST:

Mary Cone
Hailey City Clerk

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