

Heather Dawson

Subject: FW: Brown comments: 2020-07 Public Emergency Health Order

From: Lisa Horowitz <lisa.horowitz@haileycityhall.org>

Sent: Monday, November 23, 2020 2:10 PM

To: Heather Dawson <heather.dawson@haileycityhall.org>

Subject: FW: Brown comments: 2020-07 Public Emergency Health Order

Begin forwarded message:

From: Carol Brown <brownwetdog@gmail.com>

Date: November 23, 2020 at 1:03:54 PM MST

To: Martha Burke <martha.burke@haileycityhall.org>, kaz.thea@haileycityhall.org,
heidi.husbands@haileycityhall.org, sam.linnett@haileycityhall.org, juan.martinez@haileycityhall.org,
Lisa Horowitz

Subject: Brown comments: 2020-07 Public Emergency Health Order

Dear Mayor and City Council Members,

Thank-you so much for continuing to put the health, safety, and welfare of Hailey residents at the forefront with your actions to date. These truly are unprecedented times and I am grateful for your leadership. I have reviewed the proposed amendment to Hailey's 2020-07 Public Emergency Health Order and these are my thoughts.

To quote the 'Sun Valley Economic Development' (SVED) group: *"...framing the debate in terms of "Public Health" versus "The Economy" is a false dichotomy. Our observations of areas already affected by the virus and what we know about how COVID-19 is transmitted demonstrates that **the faster we can contain the spread of the virus, the faster we can return to regular economic activity.**"* [emphasis added]

I agree completely with this sentiment from SVED. We need a healthy economy and public health. We have been at an 11% positivity rate for two weeks (and at 13% three weeks ago). Our local hospital is almost at capacity. More importantly, every other hospital around us is at capacity. St Luke's Chief Medical Officer Dr. Souza currently wrote about having to make terrible decisions on which patients get access to certain types of care, like ICU care. The full spectrum of care will not be available to everyone if we are resource-constrained. He anticipates we will reach this horrific stage in December. Simply put, there is nowhere to put sick or injured people because covid patients are filling our hospitals. That alone warrants a rapid response – this is a crisis.

Because of that, I do not support approving any Public Emergency Health Order that has less restrictions than what is currently in place.

In principle, I am in favor of Options 3 or 4 – Significant Action as outlined in the staff report. I think your deliberation will help decide whether Option 3 or 4, or some hybrid of those two, is best for Hailey.

If Council does not adopt a new order, although I would be disappointed, I would urge you to instruct strict enforcement of the current order.

Carol Brown

830 Silver Star Drive

Hailey, Idaho

Heather Dawson

From: Martha Burke
Sent: Monday, November 23, 2020 4:35 PM
To: Kaz Thea; Juan Martinez; Heidi Husbands; Sam Linnet; Christopher Simms; Heather Dawson; Mary Cone
Subject: Fwd:

Begin forwarded message:

From: AMBER CHESLIK <sahtira@yahoo.com>
Date: November 22, 2020 at 4:51:22 PM MST
To: Martha Burke <martha.burke@haileycityhall.org>

This is so ducking stupid!!!! Your going to let church gather but no birthday party's that stupid as hell

[Sent from Yahoo Mail for iPhone](#)

Heather Dawson

From: Rob Cronin <RobCronin@rixonandcronin.com>
Sent: Monday, November 23, 2020 12:02 PM
To: Martha Burke; Heather Dawson; Kaz Thea; sam.linnett@haileycityhall.org; Juan Martinez; Heidi Husbands
Subject: Further Restrictions

Dear Hailey City Council,

I'm wishing you the best in these most trying times especially as we go into the holidays. I'm writing you implore you NOT to increase the restrictions in our business community. This year has been a devastating one for so many in the valley and quite frankly our tanks are on empty. Not only do we not have the same emotional fortitude we had at the first shut down but the MONEY IS GONE!! Limiting restaurants further as we near the holidays will not only wipe the owners out, it will put many many employees out of work or at the very least devastate them even further financially. We have all complied to the absolute best of our abilities and just don't have the staying power left to weather having our bottom lines hit any harder.

At Zou 75 we are nearing the end of our PPP monies. After paying mortgage on the building for 20 years and never missing a payment nor a payroll we can honestly tell you we're already on the edge. We are in a stronger position than most because we own the building but continuing to take out survival lines of credit will only put us into debt so far that we won't be able to comeback. We have complied to the letter and best of our ability but the end is in sight. By forcing us to go to take-out only you take away our beer, wine and liquor sales. Those sales account for nearly 40% of our revenue which has already been severely decreased by the capacity restrictions. We are in the process of upgrading to the ultraviolet air intakes and have already installed heppa filters.

There are no other options for us and I can tell you our employees, our businesses and our valley will be damaged beyond repair with any further shutdowns.

If you know anything about business you have to appreciate that none of our models are built for having government take our revenue. Please reconsider these restrictions. This should be an individuals choice based on their assessed risk.

Thank you for your time and consideration and we'll see you tonight.

Kindest regards

Rob

Rob Cronin
Keller Williams Sun Valley Southern ID
Investor/Agent
208-720-2211
robcronin@rixonandcronin.com

City council member and whom it may concern

My name is Brendan Dennehy; I am the co- owner/manager of Zou 75. As I am sure you are familiar, we are a full service restaurant located at 416 N Main Street in Hailey. We have been in business for 19 years and currently employ 24 people of which 12 would be considered full time. On an average monthly basis we collect \$8000 in state and local taxes. As employees we pay on average \$8500 monthly in federal payroll taxes. Compound those numbers over our 19 years in business and I would argue we are essential.

I have remained relatively silent during the last 8 months as I have found the implemented regulations and mandates along with the federal PPP grants reasonable for the situation. However with the current proposals I would be doing my employees a grave disservice by not speaking out.

In the spring when we were forced to close our dining room and turn to a To-Go only model, we saw a 60% drop in sales overnight and sent 18 of our 24 employees to the unemployment line. The minimal to go sales along with the federal PPP grant we received buoyed our business until we could get our doors back open. With the PPP money and our doors open we were able to hire back all our employees and get back to business.

Staring down another shutdown by our local government with no compensation or a financial backstop would be nothing short of devastating to my business and more importantly my employees. With a decision to shut restaurant dining rooms you will force me to lay off 16 employees of which 6 are full time one month before Christmas. These are not faceless individuals; they are mothers, fathers and care givers who rely on Zou to provide them the ability to provide for their families. By closing dining rooms you are conveying that we are non-essential, I can assure you myself and my employees wholeheartedly disagree. We are essential to our families, and we are essential to this community.

Zou 75 is fortunate to have 3 independent hvac systems. Those three systems along with a 95 square foot commercial hood and fresh air return provide us with the ability to replace the inside air dozens of times and hour. We have been working with a local heating and air condition company to investigate ways to upgrade our system to provide an even safer environment for our employees and patrons. We are open to ideas and suggestions. We would be more than happy to invest in solutions that would give us ability to safely remain open to the public.

This is not a time for regulation and sanctions; it's a time for solutions and ideas. It's a time to come together as a community and support our local businesses and workforce.

I Have more ideas and more opinions on this subject but understand your time is valuable. I would be happy to discuss this at any time. Feel free to contact me.

Brendan Dennehy

208-720-4903

Brendan@zou75.com

Edmund E. Dumke
Post Office Box 3118
Ketchum, ID 83340
208-726-8008

November 22, 2020

Dear Madame Mayor and City Council Members,

I am writing to urge you to reconsider any further restrictions under the "Hailey Emergency Powers Ordinance."

Covid-19 is obviously serious, but let's face it – Covid is not nearly as serious as what we had all feared at the first part of the year. Survival rates are far, far higher than the panic driven levels we all believed back in March. Indeed, for most of the population, this is no deadlier than a flu. Current hospital utilization rates, both regionally and locally, appear no more critical than in previous years. For the young, Covid is *less* dangerous than the flu, for those at risk (old age, comorbidities), it remains quite serious.

I believe the restrictions proposed by the City would be the most aggressive use of the "Police Powers" in the history of the State of Idaho. Many of these restrictions tread on our First Amendment rights to peaceably assemble, freedom of religion, and also infringe the sanctity and privacy of our homes. Although the City has been invested with formidable powers under the State Constitution, those formidable powers require formidable restraint to avoid outright abuse.

There has already been substantial damage to our schools, businesses, and employment for the poorest in our community under the existing restrictions. Any further restrictions could be catastrophic.

I urge the City Council to refrain from any further restrictions.

"Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." Benjamin Franklin

Sincerely,



Edmund E. Dumke

Heather Dawson

From: Susan/Jim <susangjimk@gmail.com>
Sent: Monday, November 23, 2020 11:16 AM
To: Heather Dawson; Lisa Horowitz; Robyn Davis
Subject: Comment: amendments to Hailey's Public Emergency Health Order 11/23/20 hearing

I have reviewed the proposed amendment to Hailey's 2020-07 Public Emergency Health Order. Yes, according to all sources the covid-19 crisis has worsened. Most concerning to me is the issue of hospital capacity affecting not just covid patients but the skier who breaks his leg or the child with a head injury from sledding. I believe the health care professionals who say we are in crisis. I have applauded the tough decisions you have made that we know have adverse effects but that are intended to keep people safe AND businesses afloat. Of course, the businesses in our community are affected but they are going to be affected even if there were no health care orders. Most of us, in this educated community, can read the news and listen to the experts about actions that reduce the transmission of covid and those that do not.

We elected you to represent us, to investigate, as it appears you have, strategies to address this unprecedented crisis. I do not support anything less restrictive than the order we have. I urge more overt enforcement and I think improved consistency with the State Order, for communication's sake, would be good (I think you speak to this in item #2).

I struggle with writing comments on increased restrictions. The issue is inside spaces and aerosol transmission. We are not dining in at restaurants, we only dine outside or get takeout. This is true for all the people we know. We can't wait to get back to "normal" and go out to eat with friends. I do go to a gym that has distancing and protocols in place. I can't imagine losing this. But. Are these the areas of transmission? Science says probably these are the most risky areas.

I just typed about a page of deliberation, and deleted it. I do not have clear position I think you folks need to pay attention to the science and the medical experts as well as those who are considering the economic issues. I do not think you should listen only, as our neighbors to the south have, to those who yell the loudest. You have been elected to lead and I ask you to do that. And thank you for your service.

Susan

Susan Giannettino
Box 4914
1040 CD Olena
Hailey

Please excuse the typos including the unintended auto corrections.
Sent from my iPad

Heather Dawson

From: Allison Goodwin <allisongoodwin1@gmail.com>
Sent: Monday, November 23, 2020 3:01 PM
To: James Hungelmann
Cc: Martha Burke; Kaz Thea; Heidi Husbands; Juan Martinez; sam.linnett@haileycityhall.org; Heather Dawson; Alejandra Buitrago
Subject: Re: PUBLIC COMMENT/ PH Order 2020-07 / 23 Nov 2020

Hello Hailey City Council,

Thank You All For Serving The Public, your efforts are not going unnoticed and your Integrity, Honesty and Fact-Based Research is Very Much Appreciated by those with whom you serve, thank you again.

I was alerted to James Hungelmann's comments today (Thanks Jim) and wanted to add my brief thoughts for Your Consideration as I too do business with multiple Hailey Small Businesses and want to be supportive to Our communities - I currently live in Ketchum.

I am an Avid Researcher and have discovered (to my surprise) a Plethora of Evidence Available Proving the Following: If any of you would like me to put together a page of footnotes citing research, please email me and I will gladly supply you with Evidence. My "experts" include the Doctor who invented the PCR Test, Dr. Judy Mikovits, Robert F. Kennedy Jr., Del Bigtree, Dr. Andrew Wakefield, Dr. Jim Humble, and more

1. Symptomatic Free Individuals CANNOT Spread Viruses Period. so Why Mandatory Masks?

2. Mandatory Mask Wearing Laws Weaken the Immune Systems of Healthy People (and many compromised folks) therefore Compromising Overall Immune Systems. Also, limiting OUR Natural Herd Immunity (especially with Kids in Schools) and Actually face coverings (recycle bacterias, particulates, CO2 & such) Creates More Illnesses (Mouth & Lung Infections on the rise). Sweden (No Masks, No Lockdowns throughout 2020 and the have the Lowest Infection Rates on the planet) has Proven this, as have many other Available Studies online - and Not those studies Sponsored by Special Interests who are pushing for the destruction of small businesses and for Humanity to become desperate and dependent upon Government.

3. Overreaching Control of Individuals and Businesses is not only Unconstitutional it's Pure Evil and tactics that Hitler Used in Nazi Germany. Do you Comply with Nazi Tactics? I know some folks (sad souls) who do in this town - yep, sad lost souls.

4. Lockdowns, Masking and Overreaching Control of Citizens is Not "Organic" and Extremely Unhealthy Overall for Communities and as a result of these Draconian Laws, increases in Depression and unfortunately Suicides - are off the charts in America in 2020. I know I wouldn't want that on my "Karma" do You?

So I ask you All to Consider your Personal "Karma" and know "What Goes Around, Comes Around." Infiltration from NGO's with Deep Pockets \$\$\$ has happened all over "Small Town USA" and these Paper \$ Trails are currently being Investigated and slowly being Exposed. I'm not saying any of you have participated in receiving benefits from such NGO's however they are being Exposed Nationwide and Yes, will come home to Roost for many, hopefully not Our Local Public Servants.

Thank you for making the Right Choices to OPEN up businesses and start Promoting Individual Responsibility and Freedom for All Rather than What you, and the Mountain Express have been Promoting All Year - FEAR FEAR and More

FEAR, SICKNESS, MASK-UP, Etc. That in my opinion is criminal and Thank Goodness it does not affect me as I can think for myself and I take personal responsibility for myself and my actions.

I'm not attaching studies with this letter as several of my friends - more scientific than I am are doing such - My goal is that You All Look at Yourselves in the Mirror Tonight and know You will sleep in Peace & Tranquility as you Made the Right Choice that Will NOT Infringe upon your fellow citizens rights to Happiness, Health, Prosperity & Individual Freedom.

With this shared, I support James Hinglemann's points and Urge you all to Stop ALL forced Masking & Distancing Regulations, Thank you.

Respectfully,
Allison Goodwin

PS This article came out today (timely) FYI "When a Business Dies, A Dream Dies with it"
<https://dailytorch.com/2020/11/when-a-business-dies-a-dream-dies-with-it/>

On Mon, Nov 23, 2020 at 3:29 AM James Hungenmann <jim.hungenmann@gmail.com> wrote:

FOR THE RECORD –Hailey City Council meeting of November 23, 2020

RE: PH 491– Consideration of Amendments to Hailey PH Order 2020-07

Dear Mayor Burke and Council members:

As a Blaine County resident and frequent patron of businesses throughout Hailey, I respectfully offer these views opposing PH Order 2020-07 and all of the amendment options being considered, as contained in the attached. I advocate the immediate repeal of this Order.

I thank you for taking the time to give this your careful consideration before making any decision on these matters.

Sincerely,

/ JTH

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Allison Goodwin



## Heather Dawson

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**From:** James Hungelmann <jim.hungelmann@gmail.com>  
**Sent:** Monday, November 23, 2020 3:30 AM  
**To:** Martha Burke; Kaz Thea; Heidi Husbands; Juan Martinez; sam.linnett@haileycityhall.org  
**Cc:** Heather Dawson  
**Subject:** PUBLIC COMMENT/ PH Order 2020-07 / 23 Nov 2020  
**Attachments:** covid Hailey CC 23 Nov 2020 JTH.pdf

*FOR THE RECORD –Hailey City Council meeting of November 23, 2020*

**RE: PH 491– Consideration of Amendments to Hailey PH Order 2020-07**

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I thank you for taking the time to give this your careful consideration before making any decision on these matters.

Sincerely,

/ JTH

**PUBLIC COMMENT/ PH 491– Hailey PH Order 2020-07**  
**November 23, 2020**

*FOR THE RECORD –Hailey City Council meeting of November 23, 2020*

**RE: PH 491– Consideration of Amendments to Hailey PH Order 2020-07**

Dear Mayor Burke and Council members:

As a Blaine County resident and frequent patron of businesses throughout Hailey, I respectfully offer these views opposing PH Order 2020-07 and all of the amendment options being considered. I advocate the immediate repeal of this Order.

I thank you for taking the time to give this your careful consideration before making any decision on this proposal.

**The mandates of this Order on masking and social distancing inside business premises impose exceptionally difficult financial and enforcement burdens on local business that are impossible to live with and that will bring about, in the near-term, business failures, loss of jobs, and loss of economic and social vitality for the community. I support the right of businesses to operate within safety and health parameters as they see fit and without unwarranted government interference.**

**As explained in detail below, the Order itself and all the amendments being considered by this Council are illegal and unenforceable:**

- Wrongfully interferes with and sabotages the health and welfare authority of the SCHD;
- Completely lacks the statutory authority which it asserts;
- Runs wildly afoul of constitutionally protected civil liberties;
- Interferes with statutorily protected parental rights;
- Allows numerous face coverings Exemptions for which virtually everyone qualifies, making the Order pointless;
- Does not contain any actual social distancing mandate applicable to individuals or business;
- Rather than protecting, unnecessarily and recklessly endangers public health and safety with particular victimization of our most vulnerable, i.e., our youth, our workers, and our disabled and elderly.
- Imposes unfair burden on businesses to act a policing authority for which they are not trained or compensated, at the risk of business closure.
- Is likely to trigger unrest and confrontations between citizen groups; and,
- Creates massive financial exposure to the City connected with defending individual and/or class action litigation that inevitably will follow.

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As explained at the conclusion, I am convinced that what the ordinance seeks to accomplish can readily be achieved by the cooperation of the entire citizenry without need for mandate of law.

**1**

**Hailey City Council PH Order 2020-07 should be preempted by SCDH’s decision Nov 20<sup>th</sup> rejecting a similar face covering proposal.**

At the outset, I find it deplorable and excessively burdensome to the citizenry to be facing an ongoing onslaught from city councils, county commissioners, school district, and health authorities of covid compliance restrictions. Every week another governmental subdivision that seeks to impose its will, based on “changing conditions”.

One “option” not proposed by his Council in its consideration of Order 2020-07 is to keep the City of Hailey out of the business of making health care decisions and engineering people's free choices. Idaho law assigns matters of health guidance, policies and measures to the responsibility of the Department of Health and Welfare, which operates through seven regional offices. South Central Public Health is our local authority.

SCDH voted only one business day ago not to require face covering in any county within its jurisdiction, including Blaine County and Hailey City whose health conditions it fully examined before making the decision not to require masks. This city council is not a health expert and has no independent health care evidence that would refute what was evaluated by SCHD in their decision-making process. I find it illegal, insulting and a sabotage of SCHD and state H&W law for this City Council to consider doing so. Repeal of Order 2020-07 is the right thing to do now, in light of SCHD’s rejection of a face covering mandate.

**2**

**There is no healthcare emergency here in Hailey and all of Blaine County**

I dispute every material aspect of the prevalent Covid narrative by which the Idaho covid lockdown measures have been justified. Locally and nationwide, Covid casualty rates for Covid infected and Covid deaths have been wildly manipulated and overstated and have no connection with reality. Much of the medical testing, treatments and therapeutics employed for Covid symptoms has been seriously flawed. Covid and antibody testing is completely unreliable, wildly inflated, and not designed for the purposes being used. Innumerable “Covid” infections and deaths have been caused in persons who but for these measures would have maintained or fully recovered their good health. **To justify its re-consideration of PH Order 2020-07, this Council states, “According to all sources the Covid situation has worsened.”** I challenge the evidentiary basis for this statement. On November 14, 2020, the Governor unilaterally moved Idaho to “Stage 2”. There is no face covering requirement in that Order, except for visitors to nursing homes. This Council has no credible basis to justify restrictions beyond what is in Stage 2 for all Idaho.

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I maintain that all of the Orange Red Disaster! talk is nothing but Surrender of common sense and individual and community sovereignty to a Harvard Global Health Institute scheme absolutely disconnected with health reality here and laden with agendas being actively hidden. The testing, the metrics, the data, all things covid are in my view ‘scam shambled’. And hiding evidence of the disaster that is being inflicted on the public by implementing these measures, including trapping and poisoning breathing - of course people will suffer, badly, especially over the winter months. It takes little investigation to understand the role HGHI plays as a front-line organization facilitating those invested heavily in developing and commercializing vaccines, drugs, and diagnostics purportedly to prevent high-risk infectious diseases, for their massive financial gain. As with the WHO and CDC, the HGHI has no legal authority, jurisdictional basis or accountability to the citizenry in the State of Idaho and so must be looked upon very skeptically.

I dispute that in this past year Hailey, Blaine County or anywhere in Idaho is experiencing illness and death from colds, influenza and viruses including covid-19 that is significantly worse than historical norms. Statistics on deaths from all causes shows there is any no significant excess total mortality. Even the CDC recognizes that of the total covid reported deaths, 94% are attributable to other causes including age, diabetes, heart disease and the like. I expect that very soon we will see “The Great Flip Forward” where the degree of scam racketeering is fully exposed, where terms like “New Normal” and “Great Reset” are recognized as key messaging around multi-pronged high-stakes criminal ventures designed to take down the USA and our rule of law and our system of health care.

**Any assessment of emergency conditions and compelling need must take into account “the other side of the equation”, i.e., the consequences of taking the “covid cure”.** Here locally and in most places, there has been no such assessment. Without it, all of these covid restrictions and certainly something so exceptionally intrusive as this face covering mandate are legally defective.

3

**Shockingly, the legal authority claimed by this City Council as the basis for its power to mandate face coverings and space limitations simply does not exist.**

**Hailey Public Health Order 2020-07 founds its authority on Hailey Ordinance 1266, dated September 14, 2020, which permits this Council, in the exercise of defined emergency powers relative to covid-19, to exercise powers only in four categories:** Advisory (not mandatory) orders; safe distancing orders; isolation orders; and quarantine orders. Each of those categories is well defined in this ordinance and none of the mandatory categories allows Masking, either by express terms or fair implication. *No reasonable construction of any of those any of those categories can be deemed to include mandatory masking of the respiratory tract.*

Importantly, as a matter of statutory construction, the law will not impute restrictions on constitutionally protected civil liberties that are more restrictive than what the express language

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of an order provides. Anything that would constitute such a grave intrusion as to interfere with the most fundamental of our Inalienable Rights, the right to breathe unobstructed, cannot be deemed to fall into the ordinance’s safe distancing, isolation or quarantine categories. **Since it is nowhere authorized by its enabling ordinance, the Face Covering mandate of Order 2020-07 has no legal effect and can be entirely disregarded, without legal repercussion.**

Also, recently, in considering a face covering ordinance which it ultimately rejected, the Twin Falls city council provided the public with the precise legal guidance upon which it relied to justify its mandating masking then being considered. Despite requests, the Hailey city council has denied public access to that advice for which the Hailey public is paying and based on which it is being locked down. This legal advice is property of the public and until provided, any meeting or decision including this Order 2020-07 of this Council is null and void.

4

**There is no competent evidence masking does anything ‘to preserve the public health’ or ‘to prevent the introduction of contagious diseases’.** The scientific evidence is overwhelming, that these masks are ineffective at filtering out so-called contagious viruses. Instead, they serve only to breed and trap toxicity which in a very short time of use creates a health crisis for every wearer, including triggering the onset of covid symptoms and other conditions far worse, like potentially fatal bacterial lung infections in children. This reality is being ignored, locally and nationally. Any “surge” in ‘covid cases’ of late and going forward must be suspected as primarily attributable to sue of face coverings.

Assertions of medical doctors and other health officials justifying masking must not be relied upon by this Council without the opportunity for public challenge to them, as a matter of sound lawmaking and as a matter of constitutional due process (see below).

5

**Mandating Face Coverings constitutes grave constitutional interferences and is therefore illegal and null and void.**

By its nature, mandated face covering involves a grave interference with the most fundamental of our Inalienable Rights, the right to breathe unobstructed, protected by state and US constitutions. Humans can live for extended times when deprived of food, water, shelter and companionship, but deprivation of breath for more than a few minutes always leads to death. Masking cuts oxygen supply and traps CO2 and related toxic exhalation, poisoning the wearer and gravely endangering life and health. Masking also interferes, in obvious ways, with constitutionally protected rights of free speech and assembly.

For such such grave deprivations of civil liberties, US and Idaho Constitutional Due Process demands, at a minimum,

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- a. Formal notice to all those sought to be “deprived” and full evidentiary hearing afforded to them, with full opportunity to cross-examine witnesses and to present independent competing evidence, *before* restrictive measures are put in place;
- b. In such proceeding, the state (of this Council) has the burden of proving by overwhelmingly convincing evidence the existence of ‘grave imminent danger’ that warrants the deprivations sought to be imposed; and the harsher the measures sought to be imposed, the stricter is the required burden of proof;
- c. The emergency measures to address the threat must be ‘least restrictive’ in terms of impact on civil liberties and of the shortest duration possible commensurate with the threat.

As our past and current local prosecutors as well as the state AG’s office surely would confirm, no such Due Process has been provided anyone in Idaho in connection with any of the covid restrictions that have been imposed, including face covering mandates and space size limitations as contained in Order 2020-07. So far this Council in the course of its consideration of face coverings also has not accorded any due process to any of the public sought to be masked. This requirement is not a “nicety”; without it, Order 2020-07 is null and void and of no legal consequence.

**6**

**Mandated masking gravely interferes with parental rights protected by Idaho law**

Idaho law strongly protects parents’ rights to the care, custody and control of their children as “implicit in the concept of ordered liberty and deeply rooted in our nation’s history and tradition” and “among the unalienable rights retained by the people under the constitution”. Idaho Code Section 32-1010.

Governmental efforts that restrict or interfere with these fundamental rights are only permitted if that government “. . . demonstrates by clear and convincing evidence that the restriction or interference is both:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means available for the furthering of that compelling governmental interest.” Idaho Code Section 32-101.

Protection of a child’s free breathing is an essential aspect of parental care. No Idaho government can order masking without providing such statutorily specified “due process” accommodation. If it does, the City is liable under Idaho law to pay attorneys’ fees to all aggrieved parents who prevail in litigation asserting illegal interference. Idaho Code 32-1013(5). This liability exposure is potentially immense and is not something Hailey should take on.

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Because the statutorily mandated process has not been followed, Order 2020-07 is null and void, legally irrelevant and or no legal consequence, and risks serious financial liability to the City in event of individual or class litigation which in short time seems likely if not inevitable.

7

**Any business that is open to the public by some sort of “specific invitation” is not covered by this PH Order 2020-07:**

The Face Covering and Group Size Limitations apply only to any “public place” which is defined as “any place open to all members of the public without special invitation.” *Any private business where “special invitation” is required before entry is not subject to the Order’s face covering and space limitations mandates.* Many different types of business can be deemed to fall within this definition exemption, where public entry is allowed only on consent to certain rules and arrangements including the business’s own determinations as to safe and healthy conduct inside the premises and also under arrangements of payment for the right to enter and use the facilities. The requirement of “specific invitation” can be indicated a number of ways, such as by signage and/or by membership rules. In my view, any business that so qualifies can ignore Order 2020-07’s masking and space limitation mandates, without any legal repercussions.

8

**Masking Exemptions -**

**Even if the masking ordinance was somehow deemed legal, there are many allowed Exemptions in it, which most members of the public would be entitled to rely upon and without any need to provide any documentation or explanation.** To mention a few:

**Exemption a - Persons with a documented disability**

**Exemption b – The exemption for children but only for those age 5** and under is especially unwarranted. Children of any age are not at any credible risk of covid illness or death. There is no meaningful difference between 3 and 6, between 6 and 9, between 9 and 11, and between 11 and 17. The evidence is overwhelming that those at risk to covid represent a minority of our community, specifically those over 60 or 70 years old and/or with severe health complications such as respiratory disease, diabetes, heart disease and obesity. The ruination of the joy of youth caused by excessive covid measures has been immense so far and must be reversed before it is too late.

**Exemption c -** Probably the least understood and yet arguably most important is the “**medical intolerance**” exemption which, in *my view, virtually everyone is entitled to claim.* The Order purports to accommodate the recognized exemption of “Medically Intolerant” by requiring a “face shield” in place of masking: “Persons who cannot medically tolerate wearing a cloth face covering must wear a face shield.” However, this provision does nothing to accommodate all



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**November 23, 2020**

those members of the public who are “medically intolerant” of masking for psychological reasons, such as PTSD, life stress, abuse, claustrophobia, fear of entrapment and the like. For many of those so vulnerable, being forced to wear anything obstructing free movement and breathing amounts to psychological torture and could trigger catastrophic actions beyond the control of the victim. Compounding this predicament is the commonsense recognition on the part of any wearer that the face shield does nothing whatsoever to block an airborne virus. For even the most stable person, wearing a face shield can reasonably be experienced as an absurd and insane ritual which inevitably endangers mental health. *Consequently, in my view virtually everyone is entitled to claim this “medically intolerant” exemption without requirement of face shield.*

Also, because the term “face shield” is not defined in the Order, it could mean anything, including seeming that does not cover mouth and nose in any meaningful way. The absence of clear definition makes the term “face shield” legally void for vagueness and nullifies the face shield requirement.

**Exemption h - “Outdoor public places where people can enjoy social distancing as recommended by the CDC”:** The Face Coverings requirement does not apply to any outdoor public place where people “can” [‘are able to’] practice social distancing. Whether people do in fact always practice social distancing or not in connection with the activity is legally irrelevant. *Even though they may not always maintain this CDC-specified distance, because it is possible to do so for the most part when outside in Hailey, Idaho, I maintain that virtually everyone when outdoors is exempt from masking.*

**9**

**Unfair and illegal requirement that businesses supervise and require customers use of face coverings.**

I reject the legality of provisions in the Orders that require businesses to monitor customers and require universal masking for them, as being without any legal authority, outside the capabilities of private business, and likely to lead to confrontations with customers suitable only for law enforcement. An individual “caught” insider a business without required face covering faces a maximum “infraction” (non-criminal) penalty of \$100, while the business faces threatened business closure. This dual standard is grossly unfair violates constitutional due process and equal protection, making Order 2020-07 null and void.

**10**

**PH Order 2020-07 does not specify any blanket Social Distancing requirement.**



**PUBLIC COMMENT/ PH 491– Hailey PH Order 2020-07**  
**November 23, 2020**

While Section II of this Order references a “Social Distancing Mandate”, nowhere in the body of this Order is there any such mandate, whether it be to maintain 6’ distance or otherwise. The only exceptions are found in the face covering Exemptions for restaurants and outdoor public places. In all other cases, under the express language of PH Order 2020-07, *in the City of Hailey, “safe distancing” remains a matter of individual and business judgment only.*

**11**

**PH Order 2020-07 violates Public Accommodation law** – Certain local governmental entities in Blaine County have shamefully glossed over and even tried to hide from public awareness the many Exemptions to masking allowed by their masking orders; and have even insisted that businesses require universal masking without respect to the many allowed Exemptions and to state and federal law. Under state and federal public accommodation, non-discrimination and privacy laws governing local businesses, including federal HIPAA and ADA and the Idaho Human Rights Act, no one can be denied access to places of “public accommodation” which includes most businesses and certainly providers of essential services and goods like grocery stores. Any customer who asserts face covering "medically intolerance" may not be denied access, as a matter of law.

If this Council does not immediately repeal Order 2020-07, then as a matter of law and ethics it must clearly communicate to the public the availability of the exemptions together with the requirement of equal public access for all including those with such conditions/disabilities. At the same time, the Council must be clear that self-deputized Mask Nazis hassling and harassing operating under mistaken notions of law will not be tolerated. With regard to the latter, **I continue to recommend that the Notice attached below is one that should be posted at the entrance to all local businesses, in English and Spanish, in full compliance with law.**

**12**

**Masking recklessly endangers workers and public safety which has never been properly considered by this Council.** It is grave legal and ethical error and Reckless Endangerment for the city to require universal masking of public and private workers without periodic testing to assure healthy respiration as measured by O2 intake and CO2 and other toxicity buildup. In establishments around Blaine County subject to masking mandates, I see many workers - friends and neighbors - experiencing fear and uncertainty and deteriorating health and morale. Surely, we all by now know the gravity of the cry, “I can’t breathe!”, and the morale and legal imperative it awakens. I urge this Council not to unnecessarily endanger its community workforce in such fashion. What also must be considered is the impairment on public health and safety following departure from work, on highways especially. We outlaw impaired driving attributable to “substances” – what about impairment attributable to masking mandates that choke out breathing, most gravely affecting those “under mask” for many hours on end? This is nonsensical high-risk danger to the public and liability exposure to the City which so far has been completely ignored.

**PUBLIC COMMENT/ PH 491– Hailey PH Order 2020-07**  
**November 23, 2020**

*For all the foregoing reasons, Order 2020-07 has no legal effect and can be entirely disregarded, without legal repercussion. Like many other “covid measures”, it represents a massive waste of time and resources inflicting immense misery to many, worsening daily, without any benefit.*

Considering all these very legitimate exemptions, what is the point of a law that would be non-criminal and hassle someone to pay \$100 while subjecting a business to closure and bankruptcy, with catastrophic loss of jobs and economic vitality? And cause further confusion and misery for law enforcement already subjected to a complicated covid enforcement climate? Surely we can do better.

### **Recommended Course**

I urge this council to defer to repeal PH Order 2020-07 and instead to pursue an independent course that recognizes that health care decisions including masking are a matter of individual and business responsibility.

This Council should foster cooperation amongst individuals and businesses in this community, and with the local press, to build public awareness of natural, safe and healthy ways to strengthen respiratory and immune system health as the most important protection against colds, influenza, and viruses including this particular coronavirus. Free and full, unrestricted breathing is fundamental and vital to good health and life itself.

At the same time, this community can support, in a cooperative, non-dictatorial fashion, those covid “high-risk” individuals who are in need of goods and services during self-imposed isolation or quarantine; for example, the elderly at home or in care facilities for whom the mere sight or touch of a grandchild brings unending joy, health - and hope. People can choose when to mask, for our own and others’ protection. This approach is the right thing to do, as a matter of law and ethics.

Local businesses can determine for themselves, with guidance not mandate from government health authorities, how best to assess and manage health risks in their employees and patrons. And “Breathe Free Idaho!” must always be our moral and constitutional imperative.

/ James Hungelmann

Ketchum

**WELCOME**

**NOTICE OF COVID MANDATE**

Recently, our local governments have adopted orders with respect to covid-19 that mandate facial covering and social distancing, with certain exceptions.

We ask our customers to familiarize themselves with all the provisions of those orders.

If you enter without wearing a face mask, we assume that you qualify for one of the allowed exemptions. *For privacy reasons and in accordance with law, we do not inquire into exemptions nor do we require any documentation.*

As always, we trust your good judgement.

Thank you for your support and understanding.

**BIENVENIDOS**

**AVISO DE MANDATO (COVID)**

Recientemente, nuestros gobiernos locales han adoptado órdenes con respecto al covid-19 que exigen el uso de máscaras faciales y al distanciamiento social, con algunas excepciones.

Pedimos a nuestros clientes que se familiaricen con todas las disposiciones de esas órdenes.

Si ingresa sin usar una mascarilla, asumimos que califica para una de las exenciones permitidas. *Por razones de privacidad y de conformidad con la ley, no investigamos las exenciones ni requerimos ninguna documentación.*

Como siempre, confiamos en su buen juicio.

Gracias por su apoyo y comprensión.

## Heather Dawson

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**From:** Jeff <jeff.kreyssig@gmail.com>  
**Sent:** Monday, November 23, 2020 4:00 PM  
**To:** Scott Shane  
**Cc:** Martha Burke; Kaz Thea; Heidi Husbands; sam.linnett@haileycityhall.org; Juan Martinez; Heather Dawson; Oliver Whitcomb; Larry Schwartz; Phillip Rainey  
**Subject:** Re: Wood River Mattress Statement

Hear, Hear!

Jeff Kreyssig



On Nov 23, 2020, at 10:51 AM, Scott Shane <[scoshane@yahoo.com](mailto:scoshane@yahoo.com)> wrote:

Dear Mayor and Council.

I'm writing in lieu of speaking tonight to ask you to not enact further lock down's and restrictions upon Hailey businesses. The reason's are many and you've heard them all before and you're going to hear them all again so I won't bother to rehash them here. But I do have a point to make. California enacted some of the toughest lock down measures this Spring and continue to do so today. What we've learned is that when government restricts people they rarely comply and instead find other ways to compensate for the freedom's and liberties they've lost and the result in California was a mass exodus of tens of thousands of people moving out of the state. We need look no further than our own backyard to see that many came here and will continue to do so in this coming year and beyond. If you were to enforce those same types of restrictions here I can assure you that very few will comply and that they will simply make adjustments to preserve their freedom's. This means more trips out of the county to shop and eat in places like Twin Falls where less stringent measures are in place, which means more exposure to possible infection in these hot spots coming home to Blaine county at the end of the days shopping..

Shutting down and restricting business will change nothing and only increase more risk. What will change is that many business will go out of business and not come back, period, this has happened all over the world, and now once proud Owners/Employer's stand in food lines and barley subsist off fleeting government aid which is hardly a long term solution. You know that suicide rates and cases of depression have skyrocketed because of stringent government lock down policies, there comes a time where too much regulation becomes far more harmful than the disease it seeks to contain, in my opinion we are way over that line.

Finally, with the vaccine coming out and all the other measures people now use to keep themselves safe Covid is going away, much of Covid was hyped up this year for political reasons, this was obvious, but in 6 month's time this will most likely be back page news. But should you enact more stringent measures the damage done to our business community will domino all over town and many of us will go from proud economic contributors of our community to refugees at the Hunger Coalition, is this legacy you want to be remembered for? I can assure you when the next election comes voters won't remember if you did or didn't help them avoid the Flu but they will remember you took their livelihood away, or that their neighbor, son's and daughters lost their jobs as a result of your actions, so I would strongly caution you going all in on Covid, save some chips for a later game regarding your long term ambitions. I believe the measures you've put in place are working, not perfect but then again we're fighting Mother Nature, there comes a time where we have to drop the shovel stand back and say we've done all we can do, let's move forward a get on with things as best we can.

Thanks for your attention.

Sincerely,

Scott Shane

Wood River Mattress

## Heather Dawson

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**From:** Bill Olson <powerhouseidaho@gmail.com>  
**Sent:** Monday, November 23, 2020 3:56 PM  
**To:** Heather Dawson  
**Subject:** Consideration of more restrictions to Hailey's health order

to Hailey city council and mayor Martha Burke,

I write this letter with a lot to lose, 2020 has been a tough year for everyone already. I love Hailey and feel blessed to live in such a community-oriented small town.

To compare Hailey to Denver/Boulder is a faulty comparison and a mistake. Their community has a massive population of potential diners and the weather is way milder, today the high was 59 and the low is expected to be in the low to mid 40's compared to a high of 30 and a low in the teens. When we had the higher temperatures the bulk of our customers were happy to eat outside. With the lower temps outdoor dining has dropped off but many customers are willing to wear masks and adhere to social distancing guidelines. To require restaurants in Hailey to close their dining rooms when we are already on the ropes may be more than many businesses can handle, " Governor Little said the new order does not mean the economy is on lockdown. Idaho's economy will remain open." as a business owner, employer, and 20+ year resident of our wonderful town I urge the Hailey city council to maintain the current restrictions. and enhance enforcement if necessary.

Sincerely,

Billy Olson  
Power House  
502 Main Street north

## Heather Dawson

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**From:** Mary Cone  
**Sent:** Monday, November 23, 2020 1:59 PM  
**To:** Heidi Husbands; Juan Martinez; Kaz Thea; Martha Burke; Sam Linnet  
**Cc:** Heather Dawson; Christopher Simms; Christopher P Simms - City Attorney (cpslaw@gmail.com); Lisa Horowitz  
**Subject:** FW: Proposed Lock Downs

More public comments for tonight.

-----Original Message-----

**From:** Janet Pirtle <janetleepirtle@gmail.com>  
**Sent:** Monday, November 23, 2020 1:39 PM  
**To:** Mary Cone <mary.cone@haileycityhall.org>  
**Subject:** Proposed Lock Downs

Dear City Counsel Members,

I implore you to consider NOT imposing unconstitutional lockdowns. These proposed lockdowns will cause more harm to our community than a virus. People will lose their businesses, employees of small businesses will lose their livelihoods. The mental and emotional toll is already, and will become more horrendous.

Please do not contribute to this breakdown of society.

As a single woman with a sole income I could face losing everything that I've worked so hard for if I cannot work.

I am asking you as my neighbor, and fellow American to please keep our freedoms intact that has made our county and community so great.

Sincerely,  
Janet Pirtle  
Your Hailey Neighbor

Sent from my iPhone



## Heather Dawson

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**From:** Paul Ries <plries75@gmail.com>  
**Sent:** Thursday, November 19, 2020 5:07 PM  
**To:** Martha Burke; Kaz Thea; Heidi Husbands; sam.linnett@haileycityhall.org; Juan Martinez  
**Cc:** Heather Dawson  
**Subject:** Thank You

Hailey Mayor and City Council,

We are writing to thank you for taking extra steps to protect the citizens of Hailey and the Wood River Valley from the ravages of COVID.

Even though we try to take care of ourselves, we are considered 'high-risk' because of our ages. Friends our age in other places, like Twin Falls, say when their community leaders do not implement proven precautions as you have done, they get the message that they are expendable – their lives are not worth the minor inconvenience of even wearing a mask.

We look to our leaders to, first and foremost, keep us safe. Thank you for doing that, and for not abdicating that responsibility or listening to the conspiracy theories.

We know the decisions you have made have not come easily, and that you have suffered criticism, pushback and more. But we want you to know how much we appreciate, admire and support you and the difficult decisions you have had to make.

Thank You.

Paul and Linda Ries

## Heather Dawson

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**From:** Chris Roebuck <daddyroebuck@gmail.com>  
**Sent:** Monday, November 23, 2020 12:37 PM  
**To:** Heidi Husbands; Heather Dawson; Juan Martinez; Kaz Thea; Sam Linnet  
**Subject:** Council meeting / My vote

Dear City council members, city staff and Mayor Burke,

City council and Mayor Burke,

I strongly urge you all "Do Not to Vote to Close Hailey restaurants".

Hundreds of families are supported by these Hailey businesses. We have all been safe and playing by the new rules.

I'm not sure that Hailey City Council has the right to force the closure of privately owned businesses.

Please do not compromise our city financially or legally. Please follow the Idaho State Guidelines... Nothing more is needed.

Thank you all for NOT using your council vote to complicate lives and livelihoods.

Hailey lives matter!

Sincerely, Chris Roebuck owner Christopher & Co.

## Heather Dawson

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**Subject:** FW: Lockdown of our Valley

From: **Smart Property Systems** <[timmyerson@smartpropertysystems.com](mailto:timmyerson@smartpropertysystems.com)>

Date: Mon, Nov 23, 2020 at 12:54 PM

Subject: Lockdown of our Valley

To: Rick Ryerson <[rickryerson@gmail.com](mailto:rickryerson@gmail.com)>

I have lived in this valley for over 33 years. I have loved this place as do all of us, as we have an amazing lifestyle in the Wood River Valley. I hope that is not about to change. I have received a communication that describes what the City Council is considering relative to management of the covid outbreak, and was asked to give input as a business owner. My thoughts below go both toward suggesting safety measures but also against creating mandates issued by a small group to the general population.

The introduction of the corona virus is probably the most destructive event that any of us have seen in our lifetimes. Hopefully as I write this, there is light at the end of this tunnel for those who wish to be vaccinated against the disease. I heard today that distribution will begin tomorrow for the Pfizer vaccine. But many of us have watched how democrat cities and states, where lockdowns have been mandated, cause huge negative effects like loss of income and loss of businesses to those places. Our seasonal communities are dependent on our people and businesses to make our towns in the Valley good places to live. It is imperative that they are allowed to stay open. I am not advocating for encouragement of visitors to our Valley at this time. But mandating a lockdown would surely negatively affect all of your constituents. And there is no proof that lockdowns, mask wearing and other draconian moves have slowed the spread of the virus at all.

You have listed 10 situations/environments that would be singled out to be affected by limiting capacity or preventing them from operation altogether. None of these mentions grocery stores. Yet recent data shows that people are at least as likely to get exposed to this virus in a grocery store as at a school, gym or restaurant. But no one is talking about shutting down grocery stores.

The people of this Valley share a pride that is obvious everywhere. If you give them guidelines, I am confident that they will do their best to follow them. But if you mandate (akin to dictate as in dictator) they will not be likely to take kindly to what you do. We all know that restaurants are on the endangered list for democrat led cities. With no new stimulus to help restaurateurs pay their staff, to close them completely like this is certain death...not just for them but the repercussions which will be felt throughout our Valley. Very few of the restaurants were able to make it worth while to offer "pick up" only meals. My kids are deeply entrenched in the restaurant business in Ketchum and I hear from them often about their efforts to maintain patron safe environments and still provide best in class experiences. The danger is that a new lockdown of restaurants will be their death knell. Closing the restaurants AGAIN will force workers to leave the community to find work. Our community lives and dies on tourism. While tourism should not be encouraged during this pandemic, if we lose the restaurants we lose one of the main reasons for people to travel to our resort town.

My husband and I own a mixed use commercial building in Hailey. If you issue a mandate to close offices and make people work from home, we will lose needed rents, possibly leases that support the building and in turn the community. We are not alone. I have been in the real estate sector, property ownership and management for rentals for longer than I wish to admit. Tenants who cannot work are running out of

unemployment insurance. They will suffer greatly if they cannot pay rent and eventually lose their homes. Shutting down the economy will result in that kind of cause-effect disaster. People who are out of work cannot pay rent or buy food or pay for utilities, and this is the cold part of the year. Landlords and managers who cannot collect rents cannot pay taxes and insurance when they are due. Maintenance items are put off and the buildings start to deteriorate. The City and County depend on prompt payment of taxes to run smoothly. A mandatory shutdown could cause interruption of tax payments from being made in a timely way by property owners who have no rents with which to pay these taxes. Likewise, businesses which are shut down, offer no income on which to pay tax. So the situation with running the city and county is exacerbated. This could be devastating for our small Valley.

One more issue that I think deserves discussion is that there are wonderful cleaning agents that sterilize almost any environment. They are affordable and readily available locally. I would rather see your council address the use of these cleaning agents that kill bacteria and viruses on contact and continue to work over time, than limit our citizen's freedom to move about, earn a living, spend their money and make their own choices. We know that there are many more times the number of coronavirus tests being given now and that it is likely the main reason for the increase in cases. That is important because there are different levels of infection experienced by people. Those who are most susceptible, know who they are. Let them voluntarily limit contact with the environment. But let those who are much less likely to be affected, stay employed and support the normal functioning of our wonderful community.

Thank you for the opportunity to share my opinion and arguments for making recommendations, not mandates.

***Best Regards,***

***Timmi Ryerson***  
***CEO***  
***Smart Property Systems***

**P.O. Box 5436**  
**Ketchum, Idaho 83340**  
**Toll Free: 855 796 7771 X 4**  
**Fax: 855679 8811**

***Web: [smartpropertysystems.com](http://smartpropertysystems.com)***



<https://bit.ly/3aQTWmR>  
<https://bit.ly/2XgW8jr>  
<https://bit.ly/2xWVQ6G>



## Heather Dawson

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**From:** Scott Shane <scoshane@yahoo.com>  
**Sent:** Monday, November 23, 2020 10:52 AM  
**To:** Martha Burke; Kaz Thea; Heidi Husbands; sam.linnett@haileycityhall.org; Juan Martinez; Heather Dawson  
**Cc:** Oliver Whitcomb; Larry Schwartz; Phillip Rainey  
**Subject:** Wood River Mattress Statement

Dear Mayor and Council.

I'm writing in lieu of speaking tonight to ask you to not enact further lock down's and restrictions upon Hailey businesses. The reason's are many and you've heard them all before and you're going to hear them all again so I won't bother to rehash them here. But I do have a point to make.

California enacted some of the toughest lock down measures this Spring and continue to do so today. What we've learned is that when government restricts people they rarely comply and instead find other ways to compensate for the freedom's and liberties they've lost and the result in California was a mass exodus of tens of thousands of people moving out of the state. We need look no further than our own backyard to see that many came here and will continue to do so in this coming year and beyond. If you were to enforce those same types of restrictions here I can assure you that very few will comply and that they will simply make adjustments to preserve their freedom's. This means more trips out of the county to shop and eat in places like Twin Falls where less stringent measures are in place, which means more exposure to possible infection in these hot spots coming home to Blaine county at the end of the days shopping..

Shutting down and restricting business will change nothing and only increase more risk. What will change is that many business will go out of business and not come back, period, this has happened all over the world, and now once proud Owners/Employer's stand in food lines and barley subsist off fleeting government aid which is hardly a long term solution. You know that suicide rates and cases of depression have skyrocketed because of stringent government lock down policies, there

comes a time where too much regulation becomes far more harmful than the disease it seeks to contain, in my opinion we are way over that line.

Finally, with the vaccine coming out and all the other measures people now use to keep themselves safe Covid is going away, much of Covid was hyped up this year for political reasons, this was obvious, but in 6 month's time this will most likely be back page news. But should you enact more stringent measures the damage done to our business community will domino all over town and many of us will go from proud economic contributors of our community to refugees at the Hunger Coalition, is this legacy you want to be remembered for? I can assure you when the next election comes voters won't remember if you did or didn't help them avoid the Flu but they will remember you took their livelihood away, or that their neighbor, son's and daughters lost their jobs as a result of your actions, so I would strongly caution you going all in on Covid, save some chips for a later game regarding your long term ambitions. I believe the measures you've put in place are working, not perfect but then again we're fighting Mother Nature, there comes a time where we have to drop the shovel stand back and say we've done all we can do, let's move forward a get on with things as best we can.

Thanks for your attention.

Sincerely,

Scott Shane

Wood River Mattress

## Heather Dawson

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**From:** David Sundholm <davidsundholm@gmail.com>  
**Sent:** Sunday, November 22, 2020 5:47 PM  
**To:** sam.linnett@haileycityhall.org; Martha Burke; Heather Dawson; Heidi Husbands; Juan Martinez; Kaz Thea  
**Subject:** Comments to proposed ordinance

To the City of Hailey, Mayor Martha Burke, and city council,

Power is given to you by the people. The more power you ask for, the more you will be scrutinized and judged for your actions. Are you prepared to bankrupt the City of Hailey in lawsuits you can't win with decreasing tax revenue? Are you prepared to bankrupt the citizens of your town you are supposed to represent? The actions you propose will cause death and despair. Are you prepared to tell the loved ones of those that commit suicide, get divorced, enter depression, lose education, lose sobriety, lose safety through domestic violence, it was for the greater good? I will expect you to look those children in the eye when you do it. Tell them that the decisions you made, destroyed their business, destroyed their future, destroyed their family. Tell them you are qualified to make those decisions for their family. Tell them it was to save lives from a virus that is 99%+ survivable and getting better every day.

We are an educated populace, we do not need new laws to stop the spread of a virus that has not been stopped by all the laws you have already passed. We the people are doing the best we can, threatening us more, and in our own homes now, is not the answer. You need to trust the individual to preserve their own life and health. We have not had any deaths associated with COVID for several months in this valley. People will die this winter, and some may have COVID, but this is not something you can control. Nature will find a way. The fact is, nature is taking its natural course, and the virus is becoming less virulent and more contagious as expected. Therapeutics are more effective, we see this in the number of hospitalizations compared to case numbers, and the average stay at the hospital is decreasing. A vaccine is around the corner as well.

This will bankrupt our small local businesses, and fill the large corporations' coffers. The large Corporations like this, and give money to the political parties that make this happen for them. Are you working for your local constituents? I think not.

The measures you are proposing are not legal, and have been proven so across the country. The measures you are proposing are not needed according to science, and have been proven so across the world. The measures you are proposing are simply a grab for power and are shameful. History has shown, people that strive to control others with the point of a gun; and that is exactly what you are proposing, are not remembered well. Most people that have done this in history are eventually arrested and imprisoned. The crimes you propose are a violation of the civil rights of your constituents. You proudly write your proposed crimes down in an ordinance you plan to illegally enforce. You are proposing to remove the Civil Rights protected by the US Constitution in the name of emergency powers, you propose a police state with no privacy rights in your home, and no rights to individual businesses. How do you plan to enforce this? Is this a neighbor against neighbor event in a time when the community should come together. Do the snitches get to wear a uniform, maybe a brown shirt with a red arm band? Do you have a private police force in the works, willing to violate the public's civil rights, and enter people's private homes to arrest them and take them away in the middle of the night? You may be reading this and thinking this is absurd, but if you knew your history you would know this is how it starts, and how it's done. You are using COVID to increase your power, there is no other way to look at it. None of you are qualified to make these decisions that should be based on science, but we all know are based on politics.

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## Heather Dawson

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**From:** Lauren Svoma <svomal@aol.com>  
**Sent:** Monday, November 23, 2020 11:53 AM  
**To:** Heather Dawson  
**Subject:** City Council meeting

Sent from my iPhone

Dear Heather (and City Council members)

I'm am writing to implore you to rethink any further stringent shut down measures for our beautiful but declining town.

What sense does it make for more businesses to be shut down, more job loss? How can we live in a ghost town? The mask mandate is in order. There is no need to push people to more fear and anxiety with more stringent lockdowns.

More and more people are moving here to get away from the hell that they live in from big city's.

We need thrive and be happy. We don't want to have to drive to Twin Falls or elsewhere to do our shopping etc. How will that help us?

If businesses fail then those people move away. The vicious cycle is futile.

Thank you for your time,

Lauren Svoma

Dismayed citizen

## Heather Dawson

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**From:** Apex Care Taking <apexcaretaking@cox.net>  
**Sent:** Monday, November 23, 2020 3:04 PM  
**To:** Martha Burke; Heather Dawson; Kaz Thea; Heidi Husbands; Sam Linnet; Juan Martinez  
**Cc:** Pennythayer1@gmail.com  
**Subject:** City Council 11/23/20 Discussion of PH 491 IN FAVOR of Amendments to Health Order

Dear Mayor and City Council Members,

I am very much in support of you imposing stronger restrictions on our community to prevent more spread of COVID-19. I strongly believe that we must take decisive action and put limitations on our activities in order to get through this season. I'm sensitive to the needs of businesses to remain open, but we all must make sacrifices to protect our community.

Please take the bold step that other states have and enact stronger measures!

Thank you very much for all you do for our community.

Sincerely,

Penny Thayer  
Apex Vacation Home Services, LLC  
(208) 720-1927

## Heather Dawson

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**From:** Oliver Whitcomb <mundonim@gmail.com>  
**Sent:** Sunday, November 22, 2020 2:54 PM  
**To:** Heather Dawson  
**Subject:** Addressing IAQ through PHI Technology  
**Attachments:** Clean Air as a Solution.pdf

Heather,

Please share this with City of Hailey Council, Blaine County Commissioners, etc. as this addresses part of the solution.

Thanks for your time and listening.

Sincerely,

Oliver Whitcomb  
[mundonim@gmail.com](mailto:mundonim@gmail.com)  
(208) 720-6088



## Clean Air as a Solution, Especially in Places Where Lots of People Congregate

SARS COVID-19 is an airborne disease. People contract it (and other types of bacteria, molds, viruses, harmful VOC's, etc.) from the air. Surfaces pass on diseases from surfaces as well, but not to the same extent, and particularly in the case of SARS COVID-19. There are cost-effective, efficient ways of sanitizing indoor environments, to be as good or better than outdoor air quality.

The key to all of this is addressing IAQ (indoor air quality), by utilizing PHI (photo hydro ionization). That technology is explained below. We've used this technology at Gravity Fitness & Tennis, (Zenergy, the Valley Club, and other small commercial spaces have also implemented this technology), and done extensive testing on its efficacy since re-opening on June 1<sup>st</sup>. The most important testing we've done is to allow members to workout mask-free since day 1 of re-opening. We have implemented several other measures in conjunction with addressing IAQ, but we feel the PHI technology is the key. We've had thousands of check-ins a month since June 1, and no mention of anyone getting sick from working out at our facility. Additionally, we hired Summit Environmental to do air and surface testing in high-traffic areas throughout the facility. Our air quality was stellar. In some cases, six- times less bacteria count than outside air. There has also been extensive testing done for one of the distributors (Clean Science Solutions <https://cleansciencesolutions.co>). A 3<sup>rd</sup> party out of California did extensive testing (available through a signed MBA). The New York MTA is going to put this technology in every bus and subway. Philadelphia, Atlanta, and San Francisco are considering doing the same. Sooner or later, IAQ will have to be addressed. Are we going to do it now, or kick the can down the road?

### **Summary of PHI Technology**

Photohydroionization (PHI) is advanced oxidation technology that is proven to be over 99.94% effective at safely eliminating COVID-19 and other viruses, bacteria, VOCs, mold and odors within indoor environments.

PHI uses a broad-spectrum, high intensity UV light targeted on a proprietary quad-metallic surface to produce hydro-peroxides. Hydrogen Peroxide is considered the **safest oxidizer** available (after oxygen) and is widely used today in toothpaste, mouthwash, and household cleaners. Known as Mother Nature's natural, enviro-friendly cleaning agent, hydroperoxides are responsible for the air smelling so clean after a thunderstorm.

**PHI brings the outdoors in.....** We provide a proactive, aggressive method of indoor **air and surface sanitation** by killing microbes at the source, in the room before you come in contact with them. For over 17 years, PHI has been extensively and successfully employed across industries - healthcare, food processing, military, government, marine, hospitality, residential and commercial applications.

There are a range of solutions for different types of spaces, from free standing units for small spaces, to units that get installed within your HVAC system for spaces as big as skyscrapers. There is currently over 10 million sq. ft. with a number of different verticals all over the United States that have installed this technology.