



## Moscow City Council

### EMERGENCY MEETING

~Agenda~

[www.ci.moscow.id.us](http://www.ci.moscow.id.us)

Laurie M. Hopkins  
City Clerk

208.883.7015

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Friday, March 20, 2020

1:00 PM

Council Chambers  
206 E. Third St.

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### REGULAR AGENDA

#### 1. Ordinance Moscow City Code Title 1 Chapter 11 Emergency Powers - Gary J. Riedner

The City is continuing to mitigate the effects of the COVID-19 outbreak. Mayor Lambert issued a Local Emergency Proclamation on March 13, 2020, regulating City activities and limiting mass gatherings at City sponsored events, and advising the public and others to follow those guidelines. The City Council adopted Resolution 2020-05 on March 16, 2020, extending the Emergency Proclamation until May 5, 2020. Since that time, the COVID-19 outbreak continues to spread, with 23 confirmed cases in the state of Idaho as of March 19, 2020. Governor Little stated to local leaders on March 18, 2019 that he was leaving the decision to regulate businesses and closures to local leaders rather than make that mandate on a state level. In reviewing the City's ordinances, it is staff's recommendation that the City Council adopt the attached ordinance creating a new Moscow City Code Title 1, Chapter 11, creating Emergency Powers in the Mayor in times of emergency for a period of seven days (similar to the powers authorized by Idaho Code section 46-1011, and stating that the City Council may choose to extend the time of the Emergency Powers beyond seven days by Resolution.

Because of the timeliness and emergency nature of the COVID-19 outbreak, the City Council may cause an emergency Council meeting to be held pursuant to authorization of Idaho Code section 74-204(2). Further, if the City Council adopts the attached ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title, pursuant to the emergency provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law.

**PROPOSED ACTIONS:** Adopt the attached ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title. Pursuant to the emergency provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law. Or the Council may take such other actions deemed appropriate.

## **2. Emergency Order - Gary J. Riedner**

Mayor Lambert, pursuant to authority granted by Idaho Code section 46-1011 and other sections of the Idaho Code, and by authority of the Emergency Powers Ordinance, passed by the City Council earlier on March 20, 2020, creating Moscow City Code Title 1, Chapter 11, is issuing the attached Emergency Health Order 20-01 for a period of seven (7) days. The Emergency Health Order is being issued in order to protect the City and the community from the impending health impacts of the COVID-19 outbreak.

**PROPOSED ACTIONS:** No Council action required.

## **3. Resolution to Extend Emergency Order - Gary J. Riedner**

Pursuant to Moscow City Code Title 1, Chapter 11, Section 5(B), Mayor Lambert issued Emergency Order 20-01, restricting Mass Gatherings and closing all bars and restaurants except to certain take-out and delivery services within the City of Moscow for a period of seven (7) days. Pursuant to Idaho Code section 46-1011, and MCC 1-11-5(B). The attached Resolution extends Emergency Order 20-01 until May 5, 2020.

**PROPOSED ACTIONS:** Adopt the Resolution extending Emergency Order 20-01 or take such other action deemed appropriate.

## **REPORTS**

City Supervisor Update

## **ADJOURN**

**NOTICE:** Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

# CITY COUNCIL STAFF REPORT

DATE: Friday, March 20, 2020



## RESPONSIBLE STAFF

Gary Riedner, City Supervisor

## REVIEWED BY

## ADDITIONAL PRESENTER(S)

## OTHER RESOURCES

## AGENDA ITEM TITLE

Ordinance Moscow City Code Title 1 Chapter 11 Emergency Powers - Gary J. Riedner

## DESCRIPTION

The City is continuing to mitigate the effects of the COVID-19 outbreak. Mayor Lambert issued a Local Emergency Proclamation on March 13, 2020, regulating City activities and limiting mass gatherings at City sponsored events, and advising the public and others to follow those guidelines. The City Council adopted Resolution 2020-05 on March 16, 2020, extending the Emergency Proclamation until May 5, 2020. Since that time, the COVID-19 outbreak continues to spread, with 23 confirmed cases in the state of Idaho as of March 19, 2020. Governor Little stated to local leaders on March 18, 2019 that he was leaving the decision to regulate businesses and closures to local leaders rather than make that mandate on a state level. In reviewing the City's ordinances, it is staff's recommendation that the City Council adopt the attached ordinance creating a new Moscow City Code Title 1, Chapter 11, creating Emergency Powers in the Mayor in times of emergency for a period of seven days (similar to the powers authorized by Idaho Code section 46-1011, and stating that the City Council may choose to extend the time of the Emergency Powers beyond seven days by Resolution.

Because of the timeliness and emergency nature of the COVID-19 outbreak, the City Council may cause an emergency Council meeting to be held pursuant to authorization of Idaho Code section 74-204(2). Further, if the City Council adopts the attached ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title, pursuant to the emergency provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law.

## STAFF RECOMMENDATION

Adopt the attached ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title. Pursuant to the emergency provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law.

## PROPOSED ACTIONS

**PROPOSED ACTIONS:** Adopt the attached ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title. Pursuant to the emergency

provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law. Or the Council may take such other actions deemed appropriate.

#### **FISCAL IMPACT**

#### **PERSONNEL IMPACT**

#### **ATTACHMENTS**

1. Proposed New Title 1 Chapter 11 Emergency Powers\_FINAL

## ORDINANCE NO. 2020 - 03

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO FOR REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE CITY OF MOSCOW; PROVIDING FOR THE ENACTMENT OF A NEW CHAPTER 11 TO TITLE 1, OF MOSCOW CITY CODE ENTITLED EMERGENCY POWERS; SETTING FORTH THE AUTHORITY; PURPOSE AND INTENT; DEFINITIONS; PUBLIC HEALTH EMERGENCY ORDERS; PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; SUSPENSION OF SERVICES; PENALTY; ADOPTING A SAVINGS CLAUSE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING AN EFFECTIVE DATE IMMEDIATELY UPON ITS PASSAGE.

WHEREAS, the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. 50-301); and

WHEREAS, the City is empowered to make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry (I.C. 50-302); and

WHEREAS, any person charged with or convicted of violation of a city ordinance and subject to imprisonment shall be confined in the City or the County jail (I.C. 50-302A); and

WHEREAS, under Moscow City Code section 2-1-7 and Idaho Code 50-304, the City may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city; and

WHEREAS, under Idaho Code 50-310, the City is empowered to regulate or prohibit the loading or storage of any material deemed hazardous, or transporting the same over the streets or waters in the city, or within three (3) miles of city limits thereof; and

WHEREAS, under Idaho Code section 50-606, the Mayor shall have such jurisdiction as may be vested in him/her 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 shall have jurisdiction in all matters vested in him/her by ordinance, except taxation, within one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without corporate limits; and

WHEREAS, under Idaho Code 50-607, the Mayor shall have and exercise such powers, prerogatives and authority as is conferred by the laws of the state of Idaho or as may be conferred upon him/her by City Council; and

WHEREAS, under Idaho Code 50-609, the Mayor is authorized to call on every resident in the city over twenty-one (21) years of age to aid in enforcing the laws; and

WHEREAS, under Idaho Code 50-901, in cases of riot, infections or contagious disease, or other impending danger requiring immediate enforcement, such ordinances 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, under Idaho Code 50-903, the City is empowered to revise and codify ordinances of a general and permanent nature and to make such changes, alterations, modifications, additions and substitutions therein as the City deems best; 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 MOSCOW, IDAHO, AS FOLLOWS:**

**SECTION 1:** That a new chapter, Chapter 11, shall be added to Title 1, Moscow City Code, to read as follows:

**CHAPTER 1-11  
EMERGENCY POWERS**

**Sections:**

|                |                                                            |
|----------------|------------------------------------------------------------|
| <b>1-11-01</b> | <b>LEGAL AUTHORITY</b>                                     |
| <b>1-11-02</b> | <b>PURPOSE AND INTENT</b>                                  |
| <b>1-11-03</b> | <b>SCOPE</b>                                               |
| <b>1-11-04</b> | <b>DEFINITIONS</b>                                         |
| <b>1-11-05</b> | <b>PUBLIC HEALTH EMERGENCY ORDERS</b>                      |
| <b>1-11-06</b> | <b>PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS</b> |
| <b>1-11-07</b> | <b>EXCLUSIONS</b>                                          |
| <b>1-11-08</b> | <b>SUSPENSION OF SERVICES</b>                              |
| <b>1-11-09</b> | <b>FORCE MAJEURE</b>                                       |
| <b>1-11-10</b> | <b>PENALTY</b>                                             |
| <b>1-11-11</b> | <b>APPEAL</b>                                              |

**Sec. 1-11-01. LEGAL AUTHORITY**

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

**Sec. 1-11-02. 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 certain powers for immediate response to foreseeable, imminent, or present public health emergencies.

#### **Sec. 1-11-03. SCOPE**

This chapter sets forth the procedures for activating the emergency powers of the Mayor and the specific powers of the Mayor during a public health emergency.

#### **Sec. 1-11-04. DEFINITIONS**

For the purposes of this Chapter, the following terms, phrases, words, and derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this Chapter, but not defined herein, shall have their plain, ordinary and common meaning. Words in any gender shall apply to the feminine, masculine and neutral genders.

- 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.
- 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.

#### **Sec. 1-11-05. PUBLIC HEALTH EMERGENCY ORDERS**

The Mayor, being duly authorized by Idaho Code sections 50-304 and 50-606, may issue the following orders:

- A. **Advisory Order.** Where a public health emergency is foreseeable or imminent, the Mayor 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 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 cancelation of public meetings and hearings.
4. A limit on the number of persons who may gather in one location regardless of whether the location is an indoor or outdoor venue.
5. Measures to be taken in order to prevent, avoid, detect, address, and/or mitigate a foreseeable, imminent, or present public health hazard.
6. 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. A social distancing order shall apply within Moscow city limits, and continue contiguously to a distance of five (5) miles outside Moscow city limits.

**C. Isolation Order.** Where a public health emergency is present, and poses a clear threat of harm to the public health, the Mayor may 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. Conditions of the isolation order.
7. 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.

D. **Quarantine Order.** Where a health emergency is present, and poses a clear threat of harm to the public health, the Mayor may, 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.

#### **Sec. 1-11-06. PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS**

- A. **Enactment.** When summarily enacting a Public Health Emergency Order, the Mayor shall prepare a written order and publish it pursuant to this section.
- B. **Effective Date.** The Public Health Emergency Order shall become effective immediately upon publication, except as may be specifically stated in the Public Health Emergency Order, such order shall be effective upon posting at Moscow City Hall. The order shall not be continued or renewed for a period in excess of seven (7) days except by or with consent of the Council through a Resolution.
- C. **Publication of Public Health Emergency Order.** The Mayor shall cause a Public Health Emergency Order to be published as soon as possible and prudent under the circumstances by doing the following:
1. Posting the order in a prominent place at Moscow 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 Moscow School District, Latah County Highway District, Latah County and University of Idaho.

#### **Sec. 1-11-07. EXCLUSIONS.**

Unless otherwise specifically prohibited by a Public Health Emergency Order duly enacted by the Mayor, the following activities shall be exempt from the scope of such order:

1. Any and all expressive and associative activity that is protected by the United States and Idaho Constitutions, including speech, press, assembly, and/or religious activity.
2. Educational institutions, which shall follow the duly adopted policies of their respective governing bodies.
3. Activities necessary to operate critical infrastructure and utilities.
4. Activities necessary to operate and use medical facilities and services.
5. Activities necessary to buy, sell, or otherwise deliver food or necessities purchased in or at grocery or convenience stores, gas stations, and pharmacies.

#### **Sec. 1-11-08. SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, AND POLICIES AND PROCEDURES**

During a Public Health Emergency and upon issuance of a Public Health Emergency Order, 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 Planning & Zoning, Design Review and the Historic Preservation 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 the timeline for processing applications shall 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.

#### **1-11-09. FORCE MAJEURE**

In the context of this chapter, a public health emergency is a force majeure. No person shall be entitled to recover from the City of Moscow any costs incurred, or profits lost as may be alleged to be attributed to the enactment of a Public Health Emergency Order.

#### **1-11-10. 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 a misdemeanor.

#### **1-11-11. APPEAL**

Any person shall be entitled to appeal an isolation order or 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 isolation order, the City Supervisor or designee shall review such appeal and issue a written decision. The City Supervisor's decision shall be final.

**SECTION 2: SEVERABILITY.** Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 1, Chapter 11, shall be in full force and effect.

**SECTION 3: EFFECT ON OTHER ORDINANCES.** Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

**SECTION 4: EFFECTIVE DATE.** This Ordinance shall be effective immediately upon its passage, approval, and publication. Pursuant to the emergency provisions granted under Idaho Code 50-901, where in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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.

The Ordinance will also be published.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of March, 2020.

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Bill Lambert, Mayor

ATTEST:

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Laurie M. Hopkins, City Clerk

# CITY COUNCIL STAFF REPORT

DATE: Friday, March 20, 2020



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**RESPONSIBLE STAFF****REVIEWED BY****ADDITIONAL PRESENTER(S)****OTHER RESOURCES****AGENDA ITEM TITLE**

Emergency Order - Gary J. Riedner

**DESCRIPTION**

Mayor Lambert, pursuant to authority granted by Idaho Code section 46-1011 and other sections of the Idaho Code, and by authority of the Emergency Powers Ordinance, passed by the City Council earlier on March 20, 2020, creating Moscow City Code Title 1, Chapter 11, is issuing the attached Emergency Health Order 20-01 for a period of seven (7) days. The Emergency Health Order is being issued in order to protect the City and the community from the impending health impacts of the COVID-19 outbreak.

**STAFF RECOMMENDATION**

No Council action required.

**PROPOSED ACTIONS**

**PROPOSED ACTIONS:** No Council action required.

**FISCAL IMPACT****PERSONNEL IMPACT****ATTACHMENTS**

1. Emergency Health Order 20-01 Gatherings\_Bars\_Restaurants\_final

**THE CITY OF MOSCOW**  
**PUBLIC HEALTH EMERGENCY ORDER No. 20-01**  
**MASS GATHERINGS, RESTAURANTS AND BARS**

**March 20, 2020**

- WHEREAS,** COVID-19, is a respiratory disease 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, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an “emergency” as defined by Idaho Code § 46-1002; and
- WHEREAS,** the Department of Health and Human Services Centers for Disease Control and Prevention (“CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United State as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and
- WHEREAS,** on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern”; and
- WHEREAS,** on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and
- WHEREAS,** on February 29, 2020, Washington Governor Jay Inslee proclaimed a State of Emergency exists in all counties in the State of Washington; and
- WHEREAS,** on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and
- WHEREAS,** on March 13, 2020, the Idaho Governor Brad Little declared a state of emergency due to COVID-19. State officials say more than 100 people have been tested for COVID-19 in Idaho, but no one has been positive for COVID-19; 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, the Idaho Department of Health and Welfare and the Idaho North Central Health District issued recommendations for mass gatherings and public events in order to contain and slow the spread of COVID-19; and

**WHEREAS,** a local disaster emergency may be declared by the Mayor within a political subdivision, pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

**WHEREAS,** on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency, pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

**WHEREAS,** on March 16, 2019, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert's Local Emergency Proclamation until May 5, 2020; and

**WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title 1 of the Moscow City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

**WHEREAS,** the risk of community spread throughout the city of Moscow impacts the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and

**WHEREAS,** both the CDC, the federal government, and our local public health district have recommended practices to prevent the rapid spread of COVID-19, including social distancing, and on March 18, 2020, Governor Brad Little adopted these recommendations for the state of Idaho. The recommendations include that individuals practice social distancing by not gathering in groups of more than ten (10) people and that they avoid eating at bars, restaurants and food courts. The recommendations further include that individuals use drive-up, take-out and delivery options for meals. The policies, along with other information, are available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>). Additionally, as of March 19, 2020 there are twenty-three (23) cases of COVID-19 within Idaho;

**NOW, THEREFORE,** I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency hereby order as follows:

1. There shall be no gatherings in groups of more than ten (10) persons within the boundaries of the City of Moscow.
2. **Bars.** All bars, taverns, nightclubs, private liquor clubs, taprooms, tasting rooms, mobile bars, cabarets and saloons, as well as all other alcohol licensed premises for by the glass sales of alcoholic beverages as defined by IDAPA 11.05.01, or I.C. §§ 39-5502, 23-941, or 23-902, within the city limits of the City of Moscow shall close to members, guests, patrons, customers, and the general public. There shall be no on-

premises, whether inside or outside the establishment, food or drink consumption. However, the following is permitted:

- A. Curbside pick-up, take-out, and drive-through of food and/or drink service is permitted. Where possible, online (e.g., Venmo, Squarecash, Google Pay, ApplePay) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - B. Delivery food and beverage service is permitted. Where possible online and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - C. Parking meter spaces, if any, in front of a food/beverage service establishment shall be reserved for the temporary use by individuals for curbside take-out.
  - D. All employees are strongly encouraged to wear protective clothing while preparing, delivering, or completing transactions.
3. **Restaurants.** All restaurants and dine-in food service within the city limits of the City of Moscow, as defined by I.C. 23-942 or I.C. 39-5502, whether inside or outside the establishment, are prohibited from serving on-site meals and beverages. Restaurants and dine-in service means any eating establishment including, but not limited to, coffee shops, cafes, private dining clubs, and cafeterias that give or offer for sale food to the public, guests or employees. Restaurants shall not admit members, guests, patrons or customers inside the establishment. However, the following is permitted:
- A. Curbside take-out, pick-up and drive-through food service is permitted. Where possible, online (e.g., Venmo, Squarecash, Google Pay, ApplePay) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - B. Delivery food and beverage service is permitted. Where possible online and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - C. Parking meter spaces, if any, in front of a food service establishment shall be reserved for the temporary use by individuals for curbside take-out.

- D. All employees are strongly encouraged to wear protective clothing while preparing, delivering, or completing transactions.
4. **Exemptions.** This order shall not apply to grocery stores, gas stations, and pharmacies, nor to emergency overnight or day shelters that provide food service to persons experiencing homelessness.
5. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order shall be guilty of a misdemeanor.

This Emergency Order shall take effect at 12:00 a.m. on March 21, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

IN WITNESS WHEREOF, I have hereunto set my hand on this \_\_\_\_ day of March, 2020.



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Bill Lambert, Mayor

ATTEST:

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Laurie M. Hopkins, City Clerk

# CITY COUNCIL STAFF REPORT

DATE: Friday, March 20, 2020



## RESPONSIBLE STAFF

Gary Riedner, City Supervisor

## REVIEWED BY

## ADDITIONAL PRESENTER(S)

## OTHER RESOURCES

## AGENDA ITEM TITLE

Resolution to Extend Emergency Order - Gary J. Riedner

## DESCRIPTION

Pursuant to Moscow City Code Title 1, Chapter 11, Section 5(B), Mayor Lambert issued Emergency Order 20-01, restricting Mass Gatherings and closing all bars and restaurants except to certain take-out and delivery services within the City of Moscow for a period of seven (7) days. Pursuant to Idaho Code section 46-1011, and MCC 1-11-5(B). The attached Resolution extends Emergency Order 20-01 until May 5, 2020.

## STAFF RECOMMENDATION

Adopt the Resolution extending Emergency Order 20-01.

## PROPOSED ACTIONS

**PROPOSED ACTIONS:** Adopt the Resolution extending Emergency Order 20-01 or take such other action deemed appropriate.

## FISCAL IMPACT

## PERSONNEL IMPACT

## ATTACHMENTS

1. Resolution Authorizing Continuation of Public Health Emergency Order\_final

## RESOLUTION NO. 2020-06

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE ACCEPTANCE AND EXTENSION OF THE MAYOR'S PUBLIC HEALTH EMERGENCY ORDER 20-01 MADE EFFECTIVE MARCH 21, 2020; AND PROVIDING THIS RESOLUTION SHALL BE IN EFFECT UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the health and safety of all citizens of the city of Moscow is the greatest priority and is of the utmost importance of the Mayor and City Council; and

WHEREAS, pursuant to Moscow City Code, Title 1, Chapter 11 and the authority pursuant to Idaho Code, in order to effectively preserve the health and safety of the public, the Mayor is granted the emergency powers to issue public health emergency orders; 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, pursuant to the authority granted under Idaho Code § 46-1011, Bill Lambert, Mayor of the City of Moscow, Idaho, proclaimed and declared a local disaster emergency in the City of Moscow, Latah County, Idaho due to the COVID-19 pandemic and authorized the furnishing of aid and assistance thereunder; and

WHEREAS, on March 16, 2020 the Council of the City of Moscow signed Resolution 2020-05 Authorizing Continuation of the Local Emergency Proclamation until May 5, 2020; and

WHEREAS, on March 18, 2020, Public Health-Idaho North Central District and Idaho Department of Health and Welfare issued an Update Guidance for Mass Gatherings and Public Events, recommending the President's Coronavirus Guidelines for America be implemented for the next 15 days through March 31 to slow the spread of COVID-19; and

WHEREAS, The President's Coronavirus Guidelines for America recommends:

1. Work or engage in schooling from home whenever possible.
2. Avoid social gatherings in groups of more than 10 people.
3. Avoid eating or drinking at bars, restaurants, and food courts; use drive-thru, pickup or deliver options.
4. Avoid discretionary travel, shopping trips, and social visits.
5. Do not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance; and

WHEREAS, both the CDC, the federal government, and our local public health district have recommended practices to prevent the rapid spread of COVID-19, including social

distancing, and on March 18, 2020, Governor Brad Little adopted these recommendations for the state of Idaho. The recommendations include that individuals practice social distancing by not gathering in groups of more than ten (10) people and that they avoid eating at bars, restaurants and food courts. The recommendations further include that individuals use drive-up, take-out and delivery options for meals. The policies, along with other information, are available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>). Additionally, as of March 19, 2020 there are twenty-three (23) cases of COVID-19 within Idaho; and

WHEREAS, due to Idaho being a diverse and expansive state, Governor Brad Little is not mandating categorical closures at this time. Governor Little is trusting the local leaders to make the decisions regarding mandates appropriate for their community; and

WHEREAS, on March 20, 2020 Bill Lambert, Mayor of the City of Moscow, Idaho proclaimed and declared Public Health Emergency Order No. 20-01; and

WHEREAS, it is deemed necessary by the Council of the City of Moscow to extend such Public Health Emergency Order No. 20-01 to provide for the ongoing threat to public life and property and the Council wishes to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Moscow as follows:

The Public Health Emergency Order 20-01, ordering limitations on mass gatherings, restaurants and bars within the City of Moscow, Latah County, Idaho, signed into effect on March 20, 2020, by Mayor Bill Lambert, attached as Exhibit A, shall be continued and remain in effect until May 5, 2020.

That this Resolution shall become effective as of the \_\_\_\_ day of March, 2020.

**PASSED BY THE CITY COUNCIL AND APPROVED** by the Mayor of the City of Moscow, Idaho, this \_\_\_\_ day of March, 2020.

\_\_\_\_\_  
Bill Lambert, Mayor

ATTEST:

\_\_\_\_\_  
Laurie M. Hopkins, City Clerk

Exhibit A

**THE CITY OF MOSCOW**  
**PUBLIC HEALTH EMERGENCY ORDER No. 20-01**  
**MASS GATHERINGS, RESTAURANTS AND BARS**

**March 20, 2020**

**WHEREAS,** COVID-19, is a respiratory disease 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, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an “emergency” as defined by Idaho Code § 46-1002; and

**WHEREAS,** the Department of Health and Human Services Centers for Disease Control and Prevention (“CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United State as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

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

**WHEREAS,** on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

**WHEREAS,** on February 29, 2020, Washington Governor Jay Inslee proclaimed a State of Emergency exists in all counties in the State of Washington; and

**WHEREAS,** on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and

**WHEREAS,** on March 13, 2020, the Idaho Governor Brad Little declared a state of emergency due to COVID-19. State officials say more than 100 people have been tested for COVID-19 in Idaho, but no one has been positive for COVID-19; 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, the Idaho Department of Health and Welfare and the Idaho North Central Health District issued recommendations for mass gatherings and public events in order to contain and slow the spread of COVID-19; and

PUBLIC HEALTH EMERGENCY ORDER No. 20-01 - Page 1 of 4

**WHEREAS,** a local disaster emergency may be declared by the Mayor within a political subdivision, pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

**WHEREAS,** on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency, pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

**WHEREAS,** on March 16, 2019, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert's Local Emergency Proclamation until May 5, 2020; and

**WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title 1 of the Moscow City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

**WHEREAS,** the risk of community spread throughout the city of Moscow impacts the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and

**WHEREAS,** both the CDC, the federal government, and our local public health district have recommended practices to prevent the rapid spread of COVID-19, including social distancing, and on March 18, 2020, Governor Brad Little adopted these recommendations for the state of Idaho. The recommendations include that individuals practice social distancing by not gathering in groups of more than ten (10) people and that they avoid eating at bars, restaurants and food courts. The recommendations further include that individuals use drive-up, take-out and delivery options for meals. The policies, along with other information, are available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>). Additionally, as of March 19, 2020 there are twenty-three (23) cases of COVID-19 within Idaho;

**NOW, THEREFORE,** I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency hereby order as follows:

1. There shall be no gatherings in groups of more than ten (10) persons within the boundaries of the City of Moscow.
2. **Bars.** All bars, taverns, nightclubs, private liquor clubs, taprooms, tasting rooms, mobile bars, cabarets and saloons, as well as all other alcohol licensed premises for by the glass sales of alcoholic beverages as defined by IDAPA 11.05.01, or I.C. §§ 39-5502, 23-941, or 23-902, within the city limits of the City of Moscow shall close to members, guests, patrons, customers, and the general public. There shall be no on-

premises, whether inside or outside the establishment, food or drink consumption. However, the following is permitted:

- A. Curbside pick-up, take-out, and drive-through of food and/or drink service is permitted. Where possible, online (e.g., Venmo, ~~Squarecash~~, Google Pay, ~~ApplePay~~) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - B. Delivery food and beverage service is permitted. Where possible online and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - C. Parking meter spaces, if any, in front of a food/beverage service establishment shall be reserved for the temporary use by individuals for curbside take-out.
  - D. All employees are strongly encouraged to wear protective clothing while preparing, delivering, or completing transactions.
3. **Restaurants.** All restaurants and dine-in food service within the city limits of the City of Moscow, as defined by I.C. 23-942 or I.C. 39-5502, whether inside or outside the establishment, are prohibited from serving on-site meals and beverages. Restaurants and dine-in service means any eating establishment including, but not limited to, coffee shops, cafes, private dining clubs, and cafeterias that give or offer for sale food to the public, guests or employees. Restaurants shall not admit members, guests, patrons or customers inside the establishment. However, the following is permitted:
- A. Curbside take-out, pick-up and drive-through food service is permitted. Where possible, online (e.g., Venmo, ~~Squarecash~~, Google Pay, ~~ApplePay~~) and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - B. Delivery food and beverage service is permitted. Where possible online and telephonic credit card transactions are strongly encouraged. Cash payments are strongly discouraged. Employees who handle cash or credit cards shall use cleansing methods between each transaction.
  - C. Parking meter spaces, if any, in front of a food service establishment shall be reserved for the temporary use by individuals for curbside take-out.

D. All employees are strongly encouraged to wear protective clothing while preparing, delivering, or completing transactions.

4. **Exemptions.** This order shall not apply to grocery stores, gas stations, and pharmacies, nor to emergency overnight or day shelters that provide food service to persons experiencing homelessness.

5. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order shall be guilty of a misdemeanor.

This Emergency Order shall take effect at 12:00 a.m. on March 21, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

IN WITNESS WHEREOF, I have hereunto set my hand on this \_\_\_\_ day of March, 2020.



\_\_\_\_\_  
Bill Lambert, Mayor

ATTEST:

\_\_\_\_\_  
Laurie M. Hopkins, City Clerk