

Administrative Committee



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

**Monday
January 11, 2021**

4:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. Due to the rise in COVID-19 cases in the area, the meeting is open to the public, but is subject to social distancing protocols and masks will be required of attendees. If you do not have a mask, a disposable mask will be provided. Per the modified Stage 2 of the Idaho Rebounds Plan, the number of attendees at any one time is limited to no more than 10. We appreciate and encourage public participation. Citizens wishing to comment on business on the agenda are encouraged to communicate with the Mayor and City Council by phone or email (council@ci.moscow.id.us) in order to respect social distancing protocol. Please note that Moscow City Council meetings are televised, videotaped and/or recorded. Thank you for your interest in City government.

REGULAR AGENDA

1. Selection of Committee Chair and Vice Chair (ACTION ITEM)

Nominate incoming Administrative Committee Chair and Vice Chair.

ACTION: Approve Committee Chair and Vice Chair.

2. Approval of December 14, 2020 Administrative Committee Minutes (ACTION ITEM) - Taylor Riedner

Minutes presented for approval.

PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or take such other action deemed appropriate.

3. Moscow Farmers Market Design Toolkit RFQ (ACTION ITEM) – Amanda Argona

The City of Moscow continues to support a consistent and unified brand, as outlined in the Strategic Plan issue developed in 2015. Significant work was completed with the adoption of the branding issue and was moved to operational status in 2018. Branding efforts have included enhancements made to existing platforms, including the social media team's growth, expansion of social media use, development of City Department and Commission logos, and most recent, development of the Arts Program Graphics.

The Moscow Farmers Market is another highly visible City program that would benefit from developing a comprehensive and consistent visual or graphic identity for the Market in keeping with the City's ongoing branding efforts. A sub-committee of Moscow Farmers Market Commission members and City staff has developed a Request for Qualifications. This RFQ seeks to engage a professional in developing a Moscow Farmers Market Design Toolkit to develop a visually pleasing and consistent identity for the Market and the greater community that is complimentary to the City of Moscow. The Toolkit will include a style guide to illustrate and support Market programs and events such as entertainment, youth activities and volunteer programs, food access, education, demonstration activities, and Farmers Market Commission

education and outreach.

The Moscow Farmers Market Commission has reviewed and approved the draft RFQ for presentation to City Council. The branding project was budgeted for \$9,000 in the FY2021 City budget.

PROPOSED ACTIONS: Received the Moscow Farmers Market Design Toolkit RFQ, or provide staff further direction.

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

On March 20, 2020, in response to the COVID-19 pandemic, the City Council approved Ordinance 2020-03, which created a new Moscow City Code Title 1, Chapter 11 Emergency Powers, vesting the Mayor with temporary powers 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. Subsequently, Mayor Lambert issued Public Health Emergency Order 20-01 and 20-02, which were extended to May 5, 2020 by City Council Resolutions 2020-06 and 2020-07 respectively. On April 30, 2020, at 11:59 pm, by Resolution 2020-09, City Council terminated the previous Public Health Emergency Orders, in favor of Idaho Governor Brad Little's implementation of his Idaho Rebounds plan and Stay Healthy Order, which was implemented on May 1, 2020. Thereafter, on July 1, 2020, in response to continuing effects of the COVID-19 pandemic, Mayor Lambert issued Amended Public Health Emergency Order 20-03 (APHEO 20-03), requiring social/physical distancing when in public settings and face coverings in situations when social/physical distancing cannot be maintained. City Council extended APHEO 20-03 to June 9, 2021, by successive City Council Resolutions. The last Resolution (2020-27), included metrics to be considered by City Council in the determination of early termination of APHEO 20-03.

The attached Amendment to Moscow City Code Title 1, Chapter 11 Emergency Powers has been drafted by staff for Council consideration to address issues identified since MCC 1-11 has been enacted. Some of these issues include specific language regarding those emergency powers, which activities are regulated when a public health emergency is declared, and potential penalties for violation.

PROPOSED ACTIONS: Recommend approval of Amendments to Moscow City Code Title 1, Chapter 11 Emergency Powers, or provide staff further direction.

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.

Administrative Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

**Monday,
December 14, 2020**

4:00 PM

**Council Chambers
206 E. Third St.**

REGULAR AGENDA

The meeting was called to order at 4:00 p.m.

PRESENT: Art Bettge, Maureen Laflin (Virtual), Sandra Kelly

OTHERS: Mayor Bill Lambert, Council Member Brandy Sullivan (Virtual), Tony Mangini, (Palouse Ice Rink), Christina Randal (Palouse Ice Rink)

STAFF: Gary J. Riedner, Tyler Palmer (Virtual), Mia Bautista (Virtual), Bill Belknap (Virtual), Jen Pfiffner (Virtual), Laurie M. Hopkins (Virtual), Taylor Riedner (Virtual)

**1. Approval of November 9, 2020 Administrative Committee Minutes (ACTION ITEM) -
Taylor Riedner**

Minutes presented for approval.

PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or take such other action deemed appropriate.

The minutes were approved as presented.

2. Request from Palouse Ice Rink for Hamilton Funds (ACTION ITEM) – Gary J. Riedner

By adoption of Resolution 2017-13, and its successor, Resolution 2019-16, the Moscow City Council approved a commitment of \$1 million of Hamilton Funds to the Palouse Ice Rink for construction of an ice rink facility. Resolution 2019-16 sets the parameters of the City's commitment, which expires on May 22, 2022 which is also the date of expiration of the conditional use permit for the ice rink at its current location at the Latah County Fairgrounds. PIR has recently reported that it is in negotiation for potential purchase of the former Northwest River Supplies (NRS) building located on South Main Street. PIR Vice-President Tony Mangini is requesting the City Council to renew its commitment of Hamilton Funds to be used in the new location, rather than the current Fairgrounds location. PIR has submitted a new business plan and pro forma in support of their request. Staff has requested additional information from PIR that is necessary in order for staff to advise City Council. The 2020 PIR Business Plan and additional materials relating to the Council's previous commitment of Hamilton Funds is attached to the Committee packet. PIR's request will be presented to City Council on December 21, at which time it is anticipated that Council will direct staff accordingly.

PROPOSED ACTIONS: Receive request for \$1 million of Hamilton Funds from Palouse Ice Rink and provide staff direction.

Riedner presented the item as written above. This discussion is to clarify technicalities of the agreement and an ice rink which can serve the youth of Moscow in accordance to Bob Hamilton's will.

Current funding is to a facility located on public property subject to a 50-year lease and providing construction funding for a private facility on private property is quite different. Mangini presented the process of the purchase and sale of the ice rink. Bill and Donna Parks, the current owners of the facility, agreed to carry a portion of the debt as an unsecured creditor. Most ice rinks tend to be 200 feet in length, this new ice rink will instead be 185 feet but it would satisfy USA Hockey and US Figure Skating requirements and will be in regulation for tournaments. The addition of the extra 15 feet would add a substantial and unnecessary cost. Parking will be provided around the building and in the vacant lot to the south. There will also be a bleacher area for attendees as well as a potential mezzanine. Mangini shared the positives of this new ice rink including the potential to host high school tournaments. If for any reason PIR is dissolved there would be an agreement between the City and the bank to allow the City to assume control of the property. Whoever is running the property at that time would also assume the debt. Funding for the project consists of the Parks loan, a loan from Zions Bank, Hamilton funds from the City, as well as donations and private funding. Construction plans for the building include roof modifications to remove interior columns, raise the floor grade by 12 inches to insert a layer of insulation, cooling coils, as well as rebar and concrete. Due to these changes, it would be difficult if not expensive to do much else with the building besides an ice rink. The grand opening is anticipated to happen October 2021. PIR set a goal to raise an additional \$1.25 million dollars and are currently at \$275,000. The Committee recommended approval and that it be placed on the Council regular agenda.

3. 2021 City Limits Ordinance (ACTION ITEM) - Bill Belknap

Idaho Code Section 63-215 states that taxing districts that alter their boundaries must prepare and file the legal description and map of the new district boundary within 30 days of the amendment or no later than the tenth day of January of the year following the alteration. The City recently amended the City boundary through the annexation of the Schweitzer Engineering Labs property which occurred on November 16th, 2020. Staff has prepared a new City Limits ordinance which includes the updated legal description and boundary map for the Council's approval and transmission to the State Tax Commission and Latah County Recorder and Assessor offices. This matter has been scheduled for consideration by the Council at the Council's upcoming January 4, 2021 meeting.

PROPOSED ACTIONS: Recommend approval of the Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or take such other action deemed appropriate.

Belknap presented the item as written above. Needing no further discussion, the Committee agreed to move this to the Council regular agenda.

4. Regence Blue Shield Premium Reimbursement (ACTION ITEM) - Gary J. Riedner / Jen Pfiffner

In August 2020, the City's medical insurance provider, Regence Blue Shield of Idaho, provided a 15% rebate on premiums due to members not accessing medical services due to COVID-19. The rebate provided a credit of \$25,595.42 to the City in September 2020.

Of the total amount rebated, approximately 15% of the employee portion paid is \$4,780.55; the balance of \$20,549.61 reflects City paid premiums.

It is proposed to pass the full amount of the August rebate to employees via existing HRA VEBA accounts. The amount per employee would include 15% of the premiums each employee paid in August, with the remaining balance split evenly among employees. The contribution would be made tax free to the HRA VEBA accounts for future medical expenses.

PROPOSED ACTIONS: Recommend approval of contributing the Blue Shield of Idaho August premium rebate amount of \$25,595.42 to staff with 15% of the premiums each employee paid in August 2020, with the remaining balance split evenly among employees, or provide staff further direction.

Pfiffner presented the item as written above. The HRA VEBA program for City employees began years ago when the City received a workers' compensation rebate. Another option for employee compensation includes a \$100 disbursement per employee from the employee recognition budget, which is usually used for the holiday party, picnics, etc. The budget will have a significant rollover this year since activities were cancelled due to COVID. The Committee recommended approval and that it be placed on the Council consent agenda with the amended HRA VEBA contribution as well as the additional contribution rather than the 15% reimbursement.

REPORTS

CARES Act Reimbursement Update – Gary J. Riedner / Alisa Anderson

In late Spring, the City of Moscow was allotted \$887,100 for COVID related expenses or activities and has since been looking at ways to allocate those dollars. The subcommittee of the Coronavirus Financial Advisory Committee (CFAC) had been preapproving funding of emergency radios, which for our volunteer fire fighters would eliminate cross contamination or infection. The submission for the radios was \$703,135 which had received Council authority previously. The CFAC is no longer preapproving radios, and the final day to make a submission according to the Idaho Treasurers Department was December 11. The radios were a piece of the strategic plan in the over hall of the Radio Access Program, therefore it will continue to be addressed in the strategic plan. The funding sources for the radios have not yet been mapped out, but will be proposed to Council before any purchases are made.

The previous approval that had been given by City Council to submit for Public Safety salaries was then the recommendation from the Idaho Treasurers Office. Latah County was doing exactly the same thing as of last week. The current proposal for reimbursement is for Information Systems expenses that Council had approved in regards to remote working, PPE, and public safety supplies and wages. This total is approximately \$1,082,000 which is more than what was allocated but if some of the request is deemed not fundable, then there is excess.

While waiting for approval, the Governor's Public Safety Initiative submittal will be addressed, which is also for public safety salary and benefits reimbursement in the approximate amount of \$1.64 million. In order to take advantage of the program and provide some property tax relief, the City had to reduce the L2 property tax certification by the same amount.

The mask fitting machine, as previously discussed by Council was retracted, and instead the City can receive the reimbursement through public safety. The intent is to purchase the mask machine as

authorized by Council with the funding received. If funding is not authorized due to it being retracted, it will come to Council and request authorization again.

ADJOURN

The meeting adjourned at 4:58 p.m.

DRAFT

COMMITTEE STAFF REPORT

DATE: Monday, January 11, 2021



RESPONSIBLE STAFF

Amanda Argona, Community Events Manager

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Moscow Farmers Market Design Toolkit RFQ

DESCRIPTION

The City of Moscow continues to support a consistent and unified brand, as outlined in the Strategic Plan issue developed in 2015. Significant work was completed with the adoption of the branding issue and was moved to operational status in 2018. Branding efforts have included enhancements made to existing platforms, including the social media team's growth, expansion of social media use, development of City Department and Commission logos, and most recent, development of the Arts Program Graphics.

The Moscow Farmers Market is another highly visible City program that would benefit from developing a comprehensive and consistent visual or graphic identity for the Market in keeping with the City's ongoing branding efforts. A sub-committee of Moscow Farmers Market Commission members and City staff has developed a Request for Qualifications. This RFQ seeks to engage a professional in developing a Moscow Farmers Market Design Toolkit to develop a visually pleasing and consistent identity for the Market and the greater community that is complimentary to the City of Moscow. The Toolkit will include a style guide to illustrate and support Market programs and events such as entertainment, youth activities and volunteer programs, food access, education, demonstration activities, and Farmers Market Commission education and outreach.

The Moscow Farmers Market Commission has reviewed and approved the draft RFQ for presentation to City Council. The branding project was budgeted for \$9,000 in the FY2021 City budget.

STAFF RECOMMENDATION

Receive the Moscow Farmers Market Design Toolkit RFQ.

PROPOSED ACTIONS

PROPOSED ACTIONS: Received the Moscow Farmers Market Design Toolkit RFQ, or provide staff further direction.

FISCAL IMPACT

Professional Services GL Code 120-210-30-642-10

PERSONNEL IMPACT

ATTACHMENTS

1. Request for Qualifications draft

MOSCOW FARMERS MARKET COMMISSION



Moscow Farmers Market Design Toolkit RFQ Deadline for submissions: March 19, 2021

PROJECT DESCRIPTION

The City of Moscow and Farmers Market Commission invite graphic design professionals to submit qualifications for a design toolkit to serve the brand identity of the Moscow Farmers Market with the City of Moscow Community Events Division.

The selected artist, artist team, or design firm will work closely with Community Events Division staff to create a style guide and program graphics that are complementary to existing City of Moscow branding.

The successful applicant will demonstrate the ability to create a design toolkit which will bridge the Moscow Farmers Market's identity as a beloved past-time for both locals and visitors, while also recognizing its history as a leader in developing the region's food system.

Stewardship of the Moscow Farmers Market is a collaboration between the Community Events Division and the Farmers Market Commission. The Market is a core component of the greater Moscow identity, contributing to the look and feel of the community. The mission of the Moscow Farmers Market is to celebrate life on the Palouse by providing the community with the opportunity to buy and sell locally farmed and/or created agricultural products (e.g., crops, meat, cheese, wine, etc.), distinctive handmade goods, artisan pieces, and original-recipe cuisine. This venue is meant to encourage and support sustainable economic, social and environmental practices. The Market's core values encompass the following:

- **Access:** Providing access to locally-grown produce, foods, unique hand-made goods and their producers.
- **Economic Opportunity:** Contributing to the greater Moscow economy with emphasis on assisting local, small, independently-owned, and start-up enterprises.
- **Community:** Building community by welcoming all residents and visitors, and providing a safe space and opportunity for community engagement, interaction, entertainment, and cultural enrichment.
- **Information:** Increasing awareness of, and providing education about and in support of health and wellness practices, regional agriculture, sustainability, and sound environmental practices.

The design toolkit will represent the Market's identity as a cultural icon of Moscow and a nationally-recognized, weekly, community gathering place for producers, makers, performers, and patrons. A complete design toolkit will include a style guide as well as scalable program graphics and design elements to be used in print and digital media for the Moscow Farmers Market and its associated amenities. Design elements will be used to illustrate and support Market programs and events such as entertainment, youth activities and volunteer programs, food access, education, and demonstration activities, and Farmers Market Commission education and outreach.

MOSCOW FARMERS MARKET COMMISSION



BUDGET

The total amount of funding available for the design toolkit is not to exceed \$8,000. This budget includes the design fee, meetings, materials, and all other costs accrued by the selected artist, team, or firm for this design toolkit project.

ELIGIBILITY

In keeping with the spirit of the Moscow Farmers Market, artists, teams, and firms residing in a 200 air-mile radius of Moscow are eligible to apply. Selection panelists and their immediate family members are not eligible to apply.

PROJECT TIMELINE

January 20 – March 19, 2021	Application period
March 22 – 26, 2021	Selection panel review and recommendation
April 6, 2021	Farmers Market Commission selection
April 2021	Contract with successful respondent finalized
August 31, 2021	Delivery of style guide, programs graphics, and design elements

SUBMISSION REQUIREMENTS

1. **Letter of Interest** (if applying as a team or firm, also provide a list of members, identify the individual that is the project lead, and describe each member's role in the project)
2. **Artist Resume** (if applying as a team or firm, provide the project lead's resume)
3. **Three Professional References** (if applying as a team or firm, provide project lead's references)
4. **Samples of Past Work**
 - a. Include up to (10) clearly labeled digital files that demonstrate evidence of the artist's/team's/firm's work on projects of a scale and nature similar to the one described in this RFQ.
 - b. Please use the following file naming for each digital file:
 - i. Individual Artists: Lastname, Firstname_ProjectTitle_DateCompleted (e.g. Smith, Dana_SelfPortrait_2021)
 - ii. Teams/Firms: TeamorFirmName_ProjectTitle_DateCompleted (e.g. BlueDotDesigns_100Nightsof100Lights_2000)
5. **Project Timeline**
 - a. Include a timeline proposal describing the stages of the project from visioning and initial drafts to finalized deliverables.
 - b. Include dates associated with each stage of timeline proposal.
6. **Submission of Materials**

MOSCOW FARMERS MARKET COMMISSION



- a. Submit all materials via the City of Moscow's Submittable page:
<https://moscowarts.submittable.com/submit>
- b. Emailed or physical submissions will not be accepted.

SELECTION CRITERIA

1. Letter of Interest

- a. States clear reasons for interest in this opportunity.
- b. Demonstrates an understanding of the project's scope and intent.
- c. For teams/firms
 - i. Identifies project lead
 - ii. Identifies all team members
 - iii. Describes each team members role in the project

2. Resume and References

- a. References confirm professionalism of applicant in communication, responsiveness to requests, ability to meet deadlines, and adherence to budget.
- b. Resume reveals a record of design work of a scale similar to the one described in this RFQ.

3. Samples of Past Work

- a. Work samples highlight completed design projects of a scale similar to or larger than the one described in this RFQ.
- b. Work samples reveal aesthetic, conceptual, and technical expertise.

4. Project Timeline

- a. Proposed timeline by applicant aligns with the deadline in this RFQ.
- b. Proposed timeline indicates clear deadlines for each stage of the project.

SELECTION PANEL MEMBERS

The Selection Panel will be comprised of:

- City of Moscow Deputy City Supervisor
- City of Moscow Community Events Manager
- Farmers Market Commission Chair
- Farmers Market Commission Moscow Chamber of Commerce representative
- Farmers Market Commission University of Idaho Extension representative

The City of Moscow reserves the right to change the dates of the project timeline, to modify this request to include additional information from any or all participating artists, to reopen the request, and/or to accept or reject, at any time prior to the commission of work, any or all design proposals.

CITY COUNCIL STAFF REPORT

DATE: Monday, January 11, 2021



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

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

DESCRIPTION

On March 20, 2020, in response to the COVID-19 pandemic, the City Council approved Ordinance 2020-03, which created a new Moscow City Code Title 1, Chapter 11 Emergency Powers, vesting the Mayor with temporary powers 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. Subsequently, Mayor Lambert issued Public Health Emergency Order 20-01 and 20-02, which were extended to May 5, 2020 by City Council Resolutions 2020-06 and 2020-07 respectively. On April 30, 2020, at 11:59 pm, by Resolution 2020-09, City Council terminated the previous Public Health Emergency Orders, in favor of Idaho Governor Brad Little's implementation of his Idaho Rebounds plan and Stay Healthy Order, which was implemented on May 1, 2020. Thereafter, on July 1, 2020, in response to continuing effects of the COVID-19 pandemic, Mayor Lambert issued Amended Public Health Emergency Order 20-03 (APHEO 20-03), requiring social/physical distancing when in public settings and face coverings in situations when social/physical distancing cannot be maintained. City Council extended APHEO 20-03 to June 9, 2021, by successive City Council Resolutions. The last Resolution (2020-27), included metrics to be considered by City Council in the determination of early termination of APHEO 20-03.

The attached Amendment to Moscow City Code Title 1, Chapter 11 Emergency Powers has been drafted by staff for Council consideration to address issues identified since MCC 1-11 has been enacted. Some of these issues include specific language regarding those emergency powers, which activities are regulated when a public health emergency is declared, and potential penalties for violation.

STAFF RECOMMENDATION

Recommend approval of Amendments to Moscow City Code Title 1, Chapter 11 Emergency Powers.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of Amendments to Moscow City Code Title 1, Chapter 11 Emergency Powers, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. ProposedAMENDMENTS_Title 1_Chapter 11_Emergency Powers_DRAFT
2. CLEAN ProposedAMENDMENTS_Title 1_Chapter 11_Emergency Powers_DRAFT

ORDINANCE NO. 2021 -

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 AMENDMENT OF CERTAIN SECTIONS TO CHAPTER 11 TO TITLE 1, OF MOSCOW CITY CODE ENTITLED EMERGENCY POWERS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING AN EFFECTIVE DATE IMMEDIATELY UPON ITS PASSAGE.

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

WHEREAS, Idaho cities are authorized by Idaho Constitution Article XII, Section 2, to make and enforce, within the city limits, all such local police, sanitary and other regulations that are not in conflict with the city's charter or with the general laws of the state; and

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 specifically prohibited by or 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, the City, as a municipal corporation of the State of Idaho, may enforce all ordinances by fine, including an infraction penalty, or by incarceration; provided however, that the maximum punishment of any offense shall be by fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment (I.C. 50-302)

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 , 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 (MCC 2-1-7 and I.C. 50-304); and

WHEREAS, 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 (I.C. 50-310); and

WHEREAS, 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 (I.C. 50-606); and

WHEREAS, 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 (I.C. 50-607); and

WHEREAS, 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 (I.C. 50-609); and

WHEREAS, 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 (I.C. 50-901); and

WHEREAS, 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 (I.C. 50-903); 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 revisions be made to Chapter 11, Title 1, Moscow City Code, to read as follows:

**CHAPTER 1-11
EMERGENCY POWERS**

Sections:

- 1-11-01 LEGAL AUTHORITY**
- 1-11-02 PURPOSE AND INTENT**
- 1-11-03 SCOPE**
- 1-11-04 DEFINITIONS**
- 1-11-05 PUBLIC HEALTH EMERGENCY ORDERS**
- 1-11-06 PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS**
- 1-11-07 ~~EXCLUSIONS~~Repealed.**
- 1-11-08 SUSPENSION OF SERVICES**
- 1-11-09 FORCE MAJEURE**
- 1-11-10 PENALTY**

1-11-11 APPEAL

Sec. 1-11-01. LEGAL AUTHORITY

Article XII, Section 2 of the Idaho Constitution, and Idaho Code sections 50-304 and 50-606 authorize the City of Moscow, ("City") 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, including threats to public health. Therefore, the City hereby authorizes the Mayor to have the ~~certain~~ powers contained in this Chapter 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 never discretionary. 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. CURFEW: A prohibition or limitation to be out in public at certain times.
- B. 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.
- C. 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.
- D. PUBLIC HEALTH EMERGENCY ORDER: An order that may be advisory, mandatory, or a combination of both, which may include a shelter in place, social/physical distancing, isolation, ~~or~~ quarantine, or other order enacted by the Mayor entered to preserve the public health, safety and welfare of the City.

~~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.~~

- E. QUARANTINE: The restriction placed on the entrance to and exit from the place ~~of or~~ premises or geographic area where an infectious agent or hazardous material, pathogen, vector, or environmental condition exists.
- F. ~~E.—~~SHELTER IN PLACE: The requirement that persons remain in their residences and/or self-isolate.
- G. SOCIAL/-PHYSICAL DISTANCING: Actions taken to reduce or limit physical contact between individuals, or to maintain, reduce or limit distance from other people between individuals or groups, including avoiding or canceling congregate settings and mass gatherings.

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

The Mayor, being duly authorized by Article XII, section 2 of the Idaho Constitution, and 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~~During a public health emergency, the Mayor may, enact an advisory order that ~~which order may provide~~ees information and recommendededs guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health ~~hazard~~emergency.
- B. **Curfew Order.** During a public health emergency, the Mayor may enact a curfew order, establishing any or all of the following:
 - 1. An order limiting the hours of operation for businesse and facilities; or
 - 2. An order establishing a curfew under which individuals are to remain in their place of residence.
- C. **Isolation Order.** During a public health emergency, the Mayor may enact an isolation order. An isolation order shall include an effective date and an ~~anticipated expiration date, which may be extended or terminated 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.~~which order An isolation order may establish any or all of the following:
 - 1. A directive that infected and/or exposed individuals must isolate themselves from other persons;
 - 2. Geographical areas and/or categories of restricted or prohibited access;
 - 3. Other measures necessary to prevent, avoid, detect, address, or mitigate a public health emergency.

4. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health emergency.

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. **Social/Physical Distancing Order.** ~~Where a public health emergency is imminent~~During a public health emergency, the Mayor may enact a social/-physical distancing order.; A social/physical distancing order shall include an effective date and an anticipated expiration date, which may be extended or terminated in the same manner as the imposition of the initial order. A social distancing 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 into, out of, through, and/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~~ indoor or outdoor venues. ~~regardless of whether the location is an indoor or outdoor venue.~~
5. Other Measures ~~to be taken in order to prevent, avoid, detect, address, and/or mitigate a foreseeable, imminent, or present public health hazard~~ public health emergency.
- 5.
5. ~~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.~~

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:~~

~~A directive that infected and/or exposed individuals isolate themselves from other persons.~~

~~Geographical areas of restricted or prohibited access.~~

~~Other measures necessary to avoid, address, or mitigate an imminent public health hazard.~~

~~The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.~~

~~Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.~~

~~Conditions of the isolation order.~~

~~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.~~

E. **Quarantine Order.** ~~Where a health emergency is present, and poses a clear threat of harm to the public health~~During a public health emergency, the Mayor may, enact a quarantine order. A quarantine order shall include an effective date and an anticipated expiration date, which may be extended or terminated 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. A quarantine order may ~~which order may~~ establishing ing 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, such as restricting access to a geographical location or area. ~~;~~
3. Other measures ~~necessary~~ to prevent, avoid, detect, address, and/or mitigate an ~~imminent~~ public health ~~emergency~~ hazard. ~~;~~
4. ~~The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.~~

~~Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.~~

5. ~~Conditions of the quarantine.~~

5.

5. ~~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.~~

F. Shelter In Place Order: During a public health emergency, the Mayor may enact a shelter in place order. A shelter in place order shall include an effective date and an expiration

date, which may be extended or terminated in the same manner as the imposition of the initial order. A shelter in place order may establish any or all of the following:

1. A requirement that people isolate themselves and remain in their residences.;
2. Restrictions or prohibitions on public and private gatherings of individuals outside a residence.;
3. Restrictions or prohibitions on business or governmental activities.;
4. Limitations and restrictions on travel.;
5. Other measures to prevent, avoid, detect, address, and/or mitigate a public health emergency.

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

During a public health emergency, the Mayor may issue public health emergency orders to preserve the public health, safety and welfare of the City.

- A. **Enactment.** ~~When summarily enacting a Public Health Emergency Order, t~~The Mayor shall prepare a written public health emergency order and publish it pursuant to this section as soon as practical after signing said order.
- 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. Section Repealed in its Entirety.

~~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:~~

~~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.~~

- ~~1. Educational institutions and airports, which shall follow the duly adopted policies of their respective governing bodies.~~
- ~~2. Activities necessary to operate critical infrastructure and utilities.~~

~~Activities necessary to operate and use medical facilities and services.~~

~~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 any of the following:

- A. ~~-certain n~~Non-essential City government services and functions, as deemed necessary ~~and~~ advisable given the specific nature of the public health emergency and in consideration of the health of employees and the general public;
- B. ~~. During such time, the Mayor may also suspend the r~~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 ordinance(s) providing for the regular meetings of these boards and commissions shall be temporarily suspended. Those ordinances providing the timeline for processing applications shall also be suspended.
- C. Other ordinances, as may be necessary, given the specific nature of the public health emergency;
- D. ~~The Mayor is also authorized to waive s~~Such internal rules, regulations and procedures as deemed necessary to protect the health and welfare of City employees and residents.

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~~ public health emergency order. The violation of any provision or directive of a ~~social distancing order, isolation order, or quarantine~~ public health emergency order shall be a misdemeanor, unless a different penalty is designated by the Public Health Emergency Order or by Resolution of the City Council. Different penalties may include infractions or civil penalties.

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 or quarantine 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.

PASSED by the City Council and APPROVED by the Mayor this _____ day of, 2021.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

ORDINANCE NO. 2021 -

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 AMENDMENT OF CERTAIN SECTIONS TO CHAPTER 11 TO TITLE 1, OF MOSCOW CITY CODE ENTITLED EMERGENCY POWERS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING AN EFFECTIVE DATE IMMEDIATELY UPON ITS PASSAGE.

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

WHEREAS, Idaho cities are authorized by Idaho Constitution Article XII, Section 2, to make and enforce, within the city limits, all such local police, sanitary and other regulations that are not in conflict with the city's charter or with the general laws of the state; and

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 specifically prohibited by or 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, the City, as a municipal corporation of the State of Idaho, may enforce all ordinances by fine, including an infraction penalty, or by incarceration; provided however, that the maximum punishment of any offense shall be by fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment (I.C. 50-302)

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 , 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 (MCC 2-1-7 and I.C. 50-304); and

WHEREAS, 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 (I.C. 50-310); and

WHEREAS, 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 (I.C. 50-606); and

WHEREAS, 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 (I.C. 50-607); and

WHEREAS, 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 (I.C. 50-609); and

WHEREAS, 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 (I.C. 50-901); and

WHEREAS, 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 (I.C. 50-903); 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 revisions be made to Chapter 11, Title 1, Moscow City Code, to read as follows:

**CHAPTER 1-11
EMERGENCY POWERS**

Sections:

1-11-01	LEGAL AUTHORITY
1-11-02	PURPOSE AND INTENT
1-11-03	SCOPE
1-11-04	DEFINITIONS
1-11-05	PUBLIC HEALTH EMERGENCY ORDERS
1-11-06	PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS
1-11-07	Repealed.
1-11-08	SUSPENSION OF SERVICES
1-11-09	FORCE MAJEURE
1-11-10	PENALTY

1-11-11 APPEAL

Sec. 1-11-01. LEGAL AUTHORITY

Article XII, Section 2 of the Idaho Constitution, and Idaho Code sections 50-304 and 50-606 authorize the City of Moscow, ("City") 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, including threats to public health. Therefore, the City hereby authorizes the Mayor to have the powers contained in this Chapter 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 never discretionary. 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. CURFEW: A prohibition or limitation to be out in public at certain times.
- B. 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.
- C. 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.
- D. PUBLIC HEALTH EMERGENCY ORDER: An order that may be advisory, mandatory, or a combination of both, which may include a shelter in place, social/physical distancing, isolation, quarantine, or other order enacted by the Mayor entered to preserve the public health, safety and welfare of the City.

- E. **QUARANTINE:** The restriction placed on the entrance to and exit from the place or premises or geographic area where an infectious agent or hazardous material, pathogen, vector, or environmental condition exists.
- F. **SHELTER IN PLACE:** The requirement that persons remain in their residences and/or self-isolate.
- G. **SOCIAL/PHYSICAL DISTANCING:** Actions taken to reduce or limit physical contact between individuals, or to maintain, reduce or limit distance between individuals or groups, including avoiding or canceling congregate settings and mass gatherings,

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

The Mayor, being duly authorized by Article XII, section 2 of the Idaho Constitution, and Idaho Code sections 50-304 and 50-606, may issue the following orders:

- A. **Advisory Order.** During a public health emergency, the Mayor may enact an advisory order that provides information and recommends guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health emergency.
- B. **Curfew Order.** During a public health emergency, the Mayor may enact a curfew order, establishing any or all of the following:
 - 1. An order limiting the hours of operation for businesses and facilities; or
 - 2. An order establishing a curfew under which individuals are to remain in their place of residence.
- C. **Isolation Order.** During a public health emergency, the Mayor may enact an isolation order. An isolation order shall include an effective date and an expiration date, which may be extended or terminated in the same manner as the imposition of the initial order. An isolation order may establish any or all of the following:
 - 1. A directive that infected and/or exposed individuals must isolate themselves from other persons;
 - 2. Geographical areas and/or categories of restricted or prohibited access;
 - 3. Other measures necessary to prevent, avoid, detect, address, or mitigate a public health emergency.
 - 4. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health emergency.
- D. **Social/Physical Distancing Order.** During a public health emergency, the Mayor may enact a social/physical distancing order. A social/physical distancing order shall include an effective date and an expiration date, which may be extended or terminated in the same manner as the imposition of the initial order. A social distancing order may establish any or all of the following:

1. Restrictions regarding the operation or occurrence of planned or foreseeable gatherings or events.
 2. Restrictions on travel into, out of, through, and/or visitation within the city.
 3. Postponement or cancelation of public meetings and hearings.
 4. A limit on the number of persons who may gather in indoor or outdoor venues.
 5. Other measures to prevent, avoid, detect, address, and/or mitigate a public health emergency.
- E. **Quarantine Order.** During a public health emergency, the Mayor may enact a quarantine order. A quarantine order shall include an effective date and an expiration date, which may be extended or terminated in the same manner as the imposition of the initial order. A quarantine 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, such as restricting access to a geographical location or area.
 3. Other measures to prevent, avoid, detect, address, and/or mitigate a public health emergency.
- F. **Shelter In Place Order:** During a public health emergency, the Mayor may enact a shelter in place order. A shelter in place order shall include an effective date and an expiration date, which may be extended or terminated in the same manner as the imposition of the initial order. A shelter in place order may establish any or all of the following:
1. A requirement that people isolate themselves and remain in their residences.
 2. Restrictions or prohibitions on public and private gatherings of individuals outside a residence.
 3. Restrictions or prohibitions on business or governmental activities.
 4. Limitations and restrictions on travel;
 5. Other measures to prevent, avoid, detect, address, and/or mitigate a public health emergency.

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

During a public health emergency, the Mayor may issue public health emergency orders to preserve the public health, safety and welfare of the City.

- A. **Enactment.** The Mayor shall prepare a written public health emergency order and publish it pursuant to this section as soon as practical after signing said order.
- 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. Section Repealed in its Entirety.

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 any of the following:

- A. Non-essential City government services and functions, as deemed necessary given the specific nature of the public health emergency and in consideration of the health of employees and the general public;
- B. 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 ordinance(s) providing for the regular meetings of these boards and commissions shall be temporarily suspended. Those ordinances providing the timeline for processing applications shall also be suspended.
- C. Other ordinances, as may be necessary, given the specific nature of the public health emergency;

- D. Such internal rules, regulations and procedures as deemed necessary to protect the health and welfare of City employees and residents.

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 public health emergency order. The violation of any provision or directive of a public health emergency order shall be a misdemeanor, unless a different penalty is designated by the Public Health Emergency Order or by Resolution of the City Council. Different penalties may include infractions or civil penalties.

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 or quarantine 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.

PASSED by the City Council and APPROVED by the Mayor this _____ day of, 2021.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

DRAFT