

# Administrative Committee



## Regular Meeting ~Minutes~

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Laurie M. Hopkins  
City Clerk

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**Monday, January 11, 2021**

**4:00 PM**

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

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

PRESENT: Brandy Sullivan (Virtual), Gina Taruscio (Virtual), Sandra Kelly

OTHERS: Mayor Bill Lambert, Council Member Anne Zabala (Virtual), Council Member Maureen Laflin (Virtual), Council Member Art Bettge

STAFF: Gary Riedner, Mia Bautista, Jen Pfiffner (Virtual), Amanda Argona (Virtual), Tyler Palmer (Virtual), Bill Belknap (Virtual), Laurie Hopkins (Virtual), Taylor Riedner (Virtual)

### 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.

Sullivan was selected as Chair and Taruscio was selected as 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.

The minutes were approved as presented.

**3. Moscow Farmers Market Design Toolkit RFQ**

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.

Argona introduced the item as written above and included that this would be an opportunity to update larger items such as the highway banner. Examples of miscellaneous graphics and designs that are currently being used was shared. Needing no further discussion, the Committee recommended approval and that it be placed on the Council consent agenda.

#### **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. An Amendment to Moscow City Code Title 1, Chapter 11 Emergency Powers has been drafted by staff for Council consideration to address issues identified since Moscow City Code 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.

Riedner introduced the item as written above and recalls the dismissal of citations that were issued for violation of the APHEO in September. Amending Moscow City Code 1-11 will clear up questions and reduce future confusion and conflicts such as this.

City Attorney Bautista stated that law enforcement officers are facing many challenges and nationwide events are affecting them locally. The APHEO dictates that every person within Moscow city limits needs to maintain a 6-foot physical distancing from one another unless they fit within a specific list of exceptions. On September 23, the officers acted in a lawful manner based on a lawfully issued APHEO which the Mayor had authority to issue and Council the authority to extend. Citations are based on probable cause and prosecutors look for proof beyond reasonable doubt by researching the law and search for any potential argument. Comparing how the APHEO was written to the Moscow City Code 1-11, there was a list of activities excluded from the scope. When the orders were drafted, it was intended to include everyone and not exclude any specific activity. The City could have moved forward with the charges, however, it made sense to dismiss the charges and to resolve the confusion instead.

Moscow City Code 1-11 is the framework to help people know how to respond to all types of emergencies. Therefore, by removing “Health” from the PHEO, it will cover all emergencies that may impact the health, welfare and safety of the citizens. Without Moscow City Code 1-11, the Mayor still has the authority to issue any laws or regulations to address concerns for Moscow’s citizens. Idaho Code states that local authority or the executive of the city is to judge what the danger is and, therefore, it is not necessary to verify what classifies an emergency within the order.

Regarding penalties, currently Moscow City Code 1-11 states that violations of an emergency order are a misdemeanor. Idaho Code allows cities to have penalties from a fine to a misdemeanor including incarceration. By changing this to a civil fine, it would add more flexibility to the order. Riedner added that the ordinance does not expand the Mayor’s authority under the Idaho code and that the Mayor’s orders are still only good for 7 days until Council reviews it to either terminate or extend the order. This is another practice of checks and balances to ensure efficiency within the City.

Other changes to Moscow City Code 1-11 include changing the term gender-neutral to either all people or a non-binary term, removing other various terms that would allow the order to be more flexible, and removing the exclusions section to allow Council to list exclusions deemed appropriate within the orders. Time frames for each order will still be used since it is important for people to be noticed how long something is in effect for and to provide better clarity.

The Committee forwarded the item to the Council regular agenda.

## **ADJOURN**

The meeting closed at 4:35 p.m.

