

**RESOLUTION NO. 2020 – 27**

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE CONTINUED ACCEPTANCE AND EXTENSION OF THE MAYOR’S AMENDED PUBLIC HEALTH EMERGENCY ORDER 20-03 TO 11:59 PM ON JUNE 9, 2021, UNLESS CITY COUNCIL TERMINATES EARLIER; 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 to the Mayor and City Council; and

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

**WHEREAS,** Idaho Code § 50-302, enables cities to promote the general welfare of its citizens; and

**WHEREAS,** Idaho Code § 50-304, grants cities the authority to prevent the introduction of contagious diseases into the city and make quarantine laws for that purpose; 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,** the Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States 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,** Governor Little has stated on numerous occasions, due to Idaho’s diverse and expansive state, that he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community. The coronavirus.idaho.gov website supports the Governor’s position by stating, “Idaho’s response to COVID-19 is now primarily local or regional in nature...”; and

**WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and when the six feet of physical distancing from others cannot reliably be maintained. 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>); and

**WHEREAS,** the City of Moscow, 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 risk of community spread throughout the City of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

- WHEREAS,** on June 30, 2020, Bill Lambert, Mayor of the City of Moscow, Idaho proclaimed and declared Public Health Emergency Order No. 20-03 and Amended said order on July 1, 2020; and
- WHEREAS,** on July 1, 2020, Idaho North Central District of Public Health issued a press release reporting widespread community transmission throughout the District, and highlighted the importance of practicing COVID-19 risk reduction strategies, which include practicing self-distancing (maintaining at least 6 feet between individuals) and wearing a face covering when in public settings where social distancing measures are difficult to maintain; and
- WHEREAS,** on July 6, 2020, City Council accepted and extended the Mayor’s Amended Public Health Emergency Order 20-03 through Resolution 2020-12 to 11:59 p.m. of August 4, 2020; and
- WHEREAS,** on August 3, 2020, City Council continued the acceptance and extension of the Mayor’s Amended Public Health Emergency Order 20-03 through Resolution 2020-17 to 11:59 p.m. of October 6, 2020; and
- WHEREAS,** on September 21, 2020, City Council continued the acceptance and extension of the Mayor’s Amended Public Health Emergency Order 20-03 through Resolution 2020-22 to 11:59 p.m. of January 5, 2021; and
- WHEREAS,** on October 29, 2020, the Idaho North Central District Board of Health designated Latah and Nez Perce counties from a “minimal risk” category to a “moderate risk” category;
- WHEREAS,** as a result of the Council wishing to establish metrics to be utilized to evaluate the continuation, extension or termination of Amended Public Health Emergency Order 20-03, a special Council Meeting was held on November 9, 2020, where Council received input from medical experts and institutional partners and ultimately accepted a proposal that identified factors to be considered for the metrics; and
- WHEREAS,** on November 14, 2020, Governor Brad Little and Director Dave Jeppesen of the Idaho Department of Health and Welfare, issued an order of isolation by way of a modified Idaho Rebounds Stage 2, Stay Healthy Order; and
- WHEREAS,** as of December 2, 2020, The Idaho North Central District of Public Health reported a total of 5,679 confirmed and probable cases of COVID-19; and
- WHEREAS,** as of December 2, 2020, the Idaho North Central District of Public Health reported that Latah County has 1,745 confirmed and probable cases of COVID-19 and continues to designate Latah County in the “moderate risk” category; and
- WHEREAS,** as of December 2, 2020, coronavirus.idaho.gov reports a total of 104,734 confirmed and probable cases of COVID-19 for Idaho and 991 deaths; and
- WHEREAS,** as of December 2, 2020, the Washington State Department of Health has reported 2,383 cases of COVID-19 for Whitman County, 42 hospitalizations and 24 deaths; and
- WHEREAS,** as of December 2, the Washington State Department of Health has reported 17,460 cases of COVID-19 for Spokane County, 986 hospitalizations and 261 deaths; and
- WHEREAS,** as of December 2, 2020, the CDC reported a total of 13,626,022 total cases of COVID-19 with 269,763 total deaths for the United States; and
- WHEREAS,** the number of confirmed cases of COVID-19 continue to climb in our city and the surrounding communities; and

**WHEREAS,** the University of Idaho’s spring semester ends on May 14, 2021 and Moscow School District’s last day of school is June 9, 2021; and

**WHEREAS,** it is deemed necessary by the Council of the City of Moscow to extend such Amended Public Health Emergency Order No. 20-03 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; and

**WHEREAS,** it is deemed necessary by the Council of the City of Moscow and the Mayor, to develop a metrics model that will provide data to assist the Council in determining the appropriate time to terminate the Amended Public Health Emergency Order 20-03;

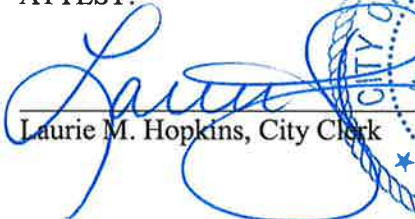
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Moscow as follows:

- 1) The Amended Public Health Emergency Order 20-03, ordering every person in the City of Moscow to wear a face covering when in public when the 6-foot physical distancing cannot be maintained, with specific exceptions, and maintain 6-foot physical distancing from non-household members when in locations open to the public, whenever possible, within the City of Moscow, Latah County, Idaho, signed into effect on July 1, 2020, by Mayor Bill Lambert, attached as Exhibit A, shall be continued and remain in effect until 11:59 p.m. on June 9, 2021.
- 2) Furthermore, face covering is defined as any material that securely covers the nose and mouth, creating a barrier to help prevent respiratory droplets from traveling into the air. The face coverings may be made of a variety of materials, including but not limited to, cotton, silk, linen, flax, wool, ramie, denim, polyester, or a combination of materials or paper.
- 3) The following metrics model will be utilized by City Council in considering early termination of Amended Public Health Emergency Order 20-03, in the order presented:
  - a. Latah County will be in the “minimal risk” category for all three factors listed below for a period of three consecutive weeks according to the Regional Data Tool for Determining Health Alert Levels adopted by PH-INCD (PH-INCD assessment tool); those three factors are as follows:
    - i. Based on a 7-day moving average, new daily cases must be less than 1 case per 10,000 population (for Latah County that would be 4 or fewer new daily cases);
    - ii. Based on a 7-day moving average, the number of confirmed COVID-19 hospital admissions district-wide must be within the range of 0-5;
    - iii. Test results must be reported in 1-4 days.
  - b. Governor Brad Little’s determination that Idaho is in Stage 4 (the least restrictive stage) of the Idaho Rebounds Plan at the time the evaluation is made;
  - c. Recommendations of Public Health-Idaho North Central District;
  - d. Review of recommendations of the City’s institutional partners, including Latah County, Gritman Medical Center, the University of Idaho, and Moscow School District; and
  - e. COVID-19 conditions in Whitman County.

That this Resolution shall become effective as of the 7th day of December, 2020.

**PASSED BY THE CITY COUNCIL AND APPROVED** by the Mayor of the City of Moscow, Idaho,  
this 7th day of December, 2020.

ATTEST:

  
Laurie M. Hopkins, City Clerk



  
Bill Lambert, Mayor

Exhibit A

NO. 306727  
 AT THE REQUEST OF  
CITY OF MOSCOW  
 DATE & HOUR  
7.1.2020 2:45 PM  
 HEALTH OFFICER (NAME)  
[Signature]  
 COUNTY HEALTH OFFICER (NAME)  
 FEES \$ 0 BY [Signature]

THE CITY OF MOSCOW

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03

FACE COVERINGS AND 6 FOOT SOCIAL/PHYSICAL DISTANCING

July 1, 2020

- 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,** the coronavirus (hereinafter, 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 Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States 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 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, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19, which is still in effect; 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., which is still in effect; and
- WHEREAS,** on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19), pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

- WHEREAS,** on March 16, 2020, 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,** on March 20, 2020, Mayor Lambert issued the first Public Health Emergency Order No. 20-01, instituting regulations regarding mass gatherings, restaurants and bars to help prevent the spread of COVID-19; and
- WHEREAS,** on March 20, 2020, the City Council extended such Public Health Emergency Order No. 20-01 to May 5, 2020, to provide for the ongoing threat to public life and property; and
- WHEREAS,** on March 24, 2020, Moscow Mayor Bill Lambert proclaimed and declared Public Health Emergency Order No. 20-02 prohibiting gatherings in groups of more than ten (10) persons within a facility, which also applied to educational institutions, expressive and associative activities, including assembly, and church and religious organization activities; and
- WHEREAS,** on March 25, 2020, Governor Brad Little issued a proclamation declaring that there existed an extreme emergency within the State of Idaho and through a press conference declared he was issuing a statewide stay-home order; and
- WHEREAS,** on March 25, 2020, pursuant to Idaho Code § 56-1003(7), Idaho Department of Health and Welfare Director, Dave Jeppesen, issued an Order to Self-Isolate for all individuals living in Idaho, at the direction of Governor Brad Little, to fight the community spread of COVID-19 that had been confirmed in Idaho. The Order was effective until April 15, 2020, subject to be extended, rescinded, superseded, or amended. The isolation order was issued based on advice and direction of state, federal and local public health experts; and
- WHEREAS,** on March 26, 2020, it was deemed necessary by the City Council to extend such Public Health Emergency Order No. 20-02 to May 5, 2020, to provide for the ongoing threat to public life and property, and the Council wished 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; and
- WHEREAS,** on April 15, 2020, Idaho Department of Health and Welfare Director, Dave Jeppesen, amended the Order to Self-Isolate issued on March 25, 2020, providing

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 2 of 7

additional guidance regarding travel into Idaho, regarding certain businesses, and extending the Self-Isolation Order until April 30, 2020; and

- WHEREAS,** on April 22, 2020, Governor Little issued a proclamation declaring an extreme emergency within the State of Idaho and declaring the state of emergency proclamation issued on March 13, 2020 and extended on March 25, 2020, continues to be in effect and is extended for a period of thirty (30) days unless terminated, modified or extended; and
- WHEREAS,** on April 30, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the "Stay Healthy Order" effective as of 12:00 a.m. May 1, 2020, implementing Stage 1 of the Governor's Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov. Governor Little's plan is one of utilizing a four-staged approach to reopening Idaho and its economy, whereby specific criteria must be met before Idaho advances to the next stage of reopening. The Idaho Division of Public Health and the Governor's Coronavirus Working Group will review the criteria every two weeks to assess if criteria are met, or continue to be met, so Idaho can move to the next stage; and
- WHEREAS,** the Council and Mayor have supported the Governor's guidelines and plans for systematically assessing existing conditions and slowly lifting the current regulations in place through the Stay Healthy Order and the now Stay Healthy Guidelines, and to utilize the proposed staged approach for reopening Idaho; and
- WHEREAS,** the Council and Mayor permitted the Mayor's Proclamation of Local Disaster Emergency as modified by Resolution 2020-05, and the Public Health Emergency Orders 20-01 and 20-02 to terminate on May 1, 2020, to avoid any confusion in light of the Stay Health Order in effect for all of Idaho at that time; and
- WHEREAS,** on June 24, 2020, Washington Secretary of Health, John Wiesman, issued Order 20-03, an order for all of Washington state which requires all individuals to wear a face covering that covers their nose and mouth when in any indoor and outdoor public space when the 6-foot physical distancing is not possible, with limited exceptions; and
- WHEREAS,** on June 26, 2020, the District Board of Central District Health, State of Idaho, issued an emergency quarantine order pursuant to Idaho Code § 56-1003(7), IDAPA 16.02.10.065.09, Idaho Code § 39-415 and § 67-5247, for Ada County bars and nightclubs open to the public for on-site consumption of beverages, be placed under quarantine and must remain closed to on-site consumption; prohibits large venue gatherings; requires six foot physical distancing from non-household members, and makes any violation of said order a misdemeanor pursuant to Idaho Code § 56-1003(7)(c); and

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 3 of 7

- WHEREAS**, on June 29, 2020, Whitman County, which is located at the western Moscow City limits, reported it has 38 confirmed cases of COVID-19; and
- WHEREAS**, on June 29, 2020, Spokane County, which is located less than 79 miles from Moscow, reported it has 1,344 confirmed cases of COVID-19; and
- WHEREAS**, on June 30, 2020, the state of Idaho reported 6,117 confirmed and probable cases of COVID-19, 261 of which are located in Kootenai County and where Kootenai County has been identified as a “hotspot” by the Idaho Department of Health and Welfare, which is located less than 80 miles to the north of Moscow; and
- WHEREAS**, on June 30, 2020, Latah County has 16 confirmed cases and 5 probable cases of COVID-19; and
- WHEREAS**, on June 30, 2020, The Idaho North Central District, which includes Clearwater County, Idaho County, Latah County, Lewis County and Nez Perce County is reporting a total of 121 confirmed and probable cases of COVID-19; and
- WHEREAS**, the Department of Health and Human Services Centers for Disease Control (“CDC”) is reporting that as of June 30, 2020, the United States has 2,581,229 confirmed cases of COVID-19, and 126,739 total deaths; and
- WHEREAS**, Idaho is currently in Stage 4 of Governor Little’s Idaho Rebound Plan, which no longer has any mandatory requirements as the previous Stay Healthy Orders; and
- WHEREAS**, Governor Little has stated on numerous occasions due to Idaho’s diverse and expansive state, and that not all counties have confirmed cases of COVID-19, he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community; and
- WHEREAS**, both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and the six feet of physical distancing from others cannot reliably be maintained. 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>); and
- WHEREAS**, the spread of COVID-19 continues to threaten 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**, 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

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 4 of 7



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,** 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 § 50-606, 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,** the city of Moscow has had 3 restaurants voluntarily close for self-quarantine due to a staff member having tested positive for COVID-19 and/or having been exposed to someone who tested positive for COVID-19; and

**WHEREAS,** the risk of community spread throughout the city of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

**WHEREAS,** the rapid spread of COVID-19 to date requires a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a city, state and nation currently face.

**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, in order to encourage and enforce Social/Physical Distancing of non-household members and reduce the potential for spread of the COVID-19 virus, hereby order as follows:

1. Every person in the city of Moscow must wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting where the 6-foot physical distancing is not able to be maintained with non-household members, except as follows:
  - a. This Order does not apply to children under 5 years old, however, with the assistance and close supervision of an adult the City strongly recommends

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 5 of 7

- children wear face coverings when in public spaces where the 6-foot physical distancing cannot be maintained;
- b. This Order does not apply to persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
  - c. This Order does not apply to those who are incarcerated;
  - d. Individuals may remove their face covering when in a public setting under the following circumstances:
    - i. While at a restaurant, at an establishment or location that allows or offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least 6-feet from other guests or other non-household members;
    - ii. When any party to a communication is deaf or hard-of-hearing and not wearing a face covering is essential to communication;
    - iii. While obtaining a health or personal service that requires temporary removal of the face covering;
    - iv. When necessary to confirm a person's identity; and
    - v. When local, state or federal law prohibits wearing a face covering or requires the removal of a face covering.
2. Every person in the city of Moscow, when in places that are open to the public, shall maintain 6-foot physical distancing from a non-household member, whenever possible.
  3. Definitions.
    - a. "Household Members" are defined as people who reside in the same residence regardless of familial relation and people who enter a residence to provide a caretaking function.
    - b. "Public Setting" is defined as any place that is open to the public.
  4. If this Order and any action of any other agency or official are in conflict, the more protective and most restrictive requirement must be followed, unless prohibited by a state or federal statute or rule.
  5. **Exemptions.** Nothing in this order shall constrain the duties and powers of the City, the Mayor, or other governmental agencies.
  6. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order may be charged with a misdemeanor. The maximum penalties for this offense are up to 6 months in the county jail and a \$1,000 fine.

This Emergency Order shall take effect at 12:00 a.m. on July 2, 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.

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 6 of 7

606727

IN WITNESS WHEREOF, I have hereunto set my hand on this 1<sup>ST</sup> day of July, 2020.



*Bill Lambert*

Bill Lambert, Mayor



*Laurie M. Hopkins*  
Laurie M. Hopkins, City Clerk

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 7 of 7