City of McCall

City Council

AGENDA
Special Meeting
July 30, 2020 at 5:00 p.m.
******REVISED LOCATION**
701 1st Street, McCall, ID
McCall Community Center
AND TEAMS Virtual

COVID-19 - ANNOUNCEMENT:

Due to McCall's commitment to stay healthy in response to the COVID-19 Emergency and ensuring that the City's Business continues, this will be both an in person and teleconference meeting. The Meeting Room Occupancy Capacity is 22 and is subject to the 6-foot social distancing recommendation of Centers for Disease Control and Prevention. The Council Members and staff who are anticipated to be in attendance is 6.

Social Distancing will be enforced.

The first 16 persons who appear will be allowed to be present in the meeting location.

All other persons may be in attendance virtually via Teleconference. Any member of the public can join and listen only to the meeting at 5:00 p.m. by calling in as follows:

Dial 208-634-8900 when asked for the Conference ID enter: 950 877 061#.

There will be no verbal comments accepted during the meeting. For the Public to be heard on this matter, the Public is encouraged to make a written public comment regarding the Council's Consideration of the items below, please submit your comments via the City of McCall's website at https://www.mccall.id.us/packets prior to NOON on July 30th – No verbal comments will be received during this meeting.

BUSINESS AGENDA

Request for Council to Consider an amendment to the Emergency Powers Ordinance clearly defining the penalty section (ACTION ITEM)

Request for Council to Consider Adopting a Resolution Extending the Requirement to Wear Face Coverings in Public Places in Response to the Covid-19 Community Spread in the City of McCall (ACTION ITEM)

ADJOURN

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, please contact City Hall at 634-7142 at least 48 hours prior to the meeting.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO, AMENDING SECTION 11 OF ORDINANCE 986 TO CHANGE THE PENALTY SECTION TO REDUCE VIOLATIONS OF THE ORDINANCE FROM A MISDEMEANOR TO A CIVIL PENALTY AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL, IDAHO:

SECTION 1: Section 11 of Ordinance 986 is hereby AMENDED as follows:

SECTION 11 PENALTY.

It shall be unlawful to violate any provision or directive of a duly enacted social distancing order, isolation order, or quarantine order while such order is in effect. ~~The violation of any provision or directive of a social distancing order, isolation order, or quarantine order shall be a misdemeanor.~~

(A) A person violating any provision or directive of a social distancing order, isolation order, or quarantine order shall pay a penalty as follows:

1. Within ten (10) days of the time of the issuance of said violation ticket, pay to the City Treasurer's Office in full satisfaction of such violation, the penalty fixed by resolution of the City Council with respect to such violations for each such violation; or

2. Within thirty (30) days from the date of said violation ticket, pay to the City Treasurer's Office in full satisfaction of such violation an amount equal to twice the penalty fixed under subsection (A)1 of this section.

(B) Failure to make payment to the City Treasurer's Office within the times prescribed is a civil infraction punishable as provided in McCall City Code 5.2.020, and as provided in the Idaho Code.

(C) The fines for violations may be established by resolution of the Council.

SECTION 2: Effective Date

This Ordinance shall take effect and be in force effective _____, 2020.

PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO, THIS _____ DAY OF _____, 2020.

Approved:

By_____
Robert S. Giles, Mayor

Attest:

By_____
BessieJo Wagner, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO, AMENDING SECTION 11 OF ORDINANCE 986 TO CHANGE THE PENALTY SECTION TO REDUCE VIOLATIONS OF THE ORDINANCE FROM A MISDEMEANOR TO A CIVIL INFRACTION AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL, IDAHO:

SECTION 1: Section 11 of Ordinance 986 is hereby AMENDED as follows:

SECTION 11 PENALTY.

It shall be unlawful to violate any provision or directive of a duly enacted social distancing order, isolation order, or quarantine order while such order is in effect. ~~The violation of any provision or directive of a social distancing order, isolation order, or quarantine order shall be a misdemeanor.~~

Any person violating any of the provisions of this ordinance, unless otherwise stated, shall receive a notice of violation and shall pay a fine of one hundred dollars ($100.00), if the violation has not been paid within fourteen (14) days after service of the notice of violation the fine shall double to two hundred dollars ($200.00). If the fine is not paid within thirty (30) days after service of the notice of violation then such person or persons shall be guilty of an infraction punishable by the courts and a fine of three hundred dollars ($300.00).

SECTION 2: Effective Date

This Ordinance shall take effect and be in force effective _____, 2020.

PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF McCALL, VALLEY COUNTY, IDAHO, THIS _____ DAY OF _____, 2020.

Approved:

By_____
Robert S. Giles, Mayor

Attest:

By_____
BessieJo Wagner, City Clerk

City of McCall

RESOLUTION NO. 20-16

A RESOLUTION OF THE CITY OF MCCALL EXTENDING THE PUBLIC HEALTH EMERGENCY ORDER IMPOSED BY RESOLUTION NO. 20-12, A PUBLIC HEALTH EMERGENCY ORDER MANDATING REQUIREMENT TO WEAR FACE COVERINGS IN PUBLIC PLACES, FOR AN ADDITIONAL THIRTY (30) DAYS UNTIL SEPEMBER 1, 2020.

WHEREAS, Resolution No. 20-12, A Resolution Adopting a Public Health Emergency Order Mandating Requirement to Wear Face Coverings in Public Places, was adopted by the McCall City Council on July 1, 2020; and

WHEREAS, Resolution No. 20-12 was designated an Emergency Order; and

WHEREAS, under Section 3 of Resolution No. 20-12, the Public Health Emergency Order became effective at 12:00 a.m. on July 2, 2020 and is to remain in effect until August 1, 2020 unless extended by the City Council; and

WHEREAS, the City Council has elected to extend the Public Health Emergency Order for an additional thirty (30) days until September 1, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL THAT THE PUBLIC HEALTH EMERGENCY ORDER IMPOSED BY RESOLUTION NO. 20-12 IS HEREBY EXTENDED UNTIL SEPTEMBER 1, 2020.

Passed and approved this 30TH Day of July, 2020.

CITY OF MCCALL
Valley County, Idaho

_____
Robert S. Giles, Mayor

ATTEST:

_____
BessieJo Wagner, City Clerk

City of McCall

Resolution No. 20-12

A RESOLUTION MANDATING REQUIREMENT TO WEAR FACE COVERINGS IN PUBLIC PLACES

WHEREAS, COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 216 countries including the United States; and

WHEREAS, there were 6,117 confirmed cases of COVID-19 in Idaho as of June 30, 2020, and 13 confirmed cases of COVID-19 in Valley County as of June 30, 2020, as well as the presence of community spread in Idaho and Valley County. It is expected that more cases will be diagnosed; and

WHEREAS, the World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-Co V-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States"; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little declared a State of Emergency and Public Health Emergency in the State of Idaho, stating that with no confirmed cases in Idaho at that time, Idaho was in the best position to be proactive and get ahead of the impact coronavirus could have in Idaho; and

WHEREAS, on March 16, 2020 the Valley County Commissioners of the State of Idaho Declared a State of Emergency Concerning the COVID-19 outbreak; and

WHEREAS, on March 16, 2020 the McCall City Council, Valley County, State of Idaho Declared a State of Emergency Concerning the COVID-19 outbreak; and

WHEREAS, a significant number of Idaho citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk; and

WHEREAS, a large number of persons with serious infections can compromise the ability of the healthcare system in Valley County to deliver necessary healthcare to the public; and

WHEREAS, Valley County, Idaho is a tourist destination and other mountain resort communities in the Rocky Mountain region have been the nuclei of infection in their respective states (Vail, CO; Park City, UT and Sun Valley/Ketchum, ID); and

WHEREAS, as previous public health orders expire or are replaced with less restrictive orders, Valley County will likely see increasing numbers of visitors from outside the county who can potentially transmit COVID-19 and at the same time will be more likely to interact with each other and with local residents as businesses, tourist destinations such as National Parks, and other services reopen; and

WHEREAS, St. Luke's McCall routinely serves patients not only from within Valley County but also patients from Adams County, ID, Washington County, ID, Idaho County, ID, and tourists from all areas who will further stress its capacity, making it critical that City of McCall take steps to slow the spread of COVID-19 infection so as not to overwhelm the local healthcare system in such a way that would result in many preventable deaths; and

WHEREAS, there are vulnerable populations in the McCall area including but not limited to one long-term care facility in McCall with residents at high risk for exposure to COVID-19 and one Senior Community Center that serves vulnerable and at-risk senior citizens; and

WHEREAS, COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure; and

WHEREAS, asymptomatic (including pre-symptomatic) infected individuals are infectious and without mitigation, the current estimate is that 40%-80% of infections occur from individuals without symptoms. In a study carried out in an isolated village of approximately 3,000 people in northern Italy, it was shown that 50–75% of people with positive pharyngeal molecular tests were totally asymptomatic. This finding was confirmed by a more recent evaluation carried out in China, where to avoid a new outbreak of COVID-19, all the people arriving from overseas were rigorously tested. It was found that among patients with newly identified infections, 78% were asymptomatic. Universal screening of asymptomatic SARS-CoV-2 in women admitted for delivery in New York City shows that 13.7% were infected, and that asymptomatic women accounted for 88% of infected individuals in the study. Of individuals who do become symptomatic, viral loads are the highest in the pre-symptomatic and early symptomatic phase, decreasing thereafter; and

WHEREAS, respiratory droplets from infected individuals are a major mode of SARS-CoV-2 transmission. This understanding is the basis of the recommendations for physical distancing, and of the PPE guidance for healthcare workers. Droplets do not only come from coughing or sneezing: in a-/pre-symptomatic individuals, droplets are also generated via talking and breathing; and

WHEREAS, SARS-CoV-2, the virus that causes COVID-19, may be broadcast in respiratory droplets "from normal breathing," according to a letter from a committee of the National Academies of Sciences, Engineering, and Medicine. The letter, sent to the White House Office of Science and Technology Policy on April 1, cites numerous studies indicating the presence of coronavirus in aerosols. In one, air samples collected more than 6 feet from two patients in COVID-19 isolation rooms tested positive for SARS-CoV-2 RNA. Until some weeks ago, it was thought that the virus could be transmitted mainly by droplets that are coughed or sneezed out or by previously contaminated objects, with differences according to the initial load and surface characteristics. However, the results of some submitted but not yet peer-reviewed studies seem to indicate the opposite, i.e., the virus can be present in exhaled air produced by talking and breathing; and

WHEREAS, face coverings reduce droplet dispersal. Cloth-based coverings reduce emission of particles by variable amounts, for example one study showed that they are almost completely eliminated. Patients with seasonal coronaviruses (other than SARS-CoV-2) were randomized to exhale breath with or without surgical face masks on. Viral RNA was detected in 40% of aerosols and 30% of respiratory droplets collected from participants without a face mask — but in none collected from those wearing a mask. A second study showed that cloth coverings filtered viral particles during coughing at about 50 to 100% of the filtration efficiency of surgical masks, depending on fabric, with absolute filtration efficiencies of 50-70%. A third study showed 50% filtering efficiency for airborne particles; and

WHEREAS, evidence indicates that face covering wearing reduces the transmissibility per contact by reducing transmission of infected droplets in both laboratory and clinical contexts. Public face covering wearing is most effective at stopping the spread of the virus when compliance is high. This evidence supports the conclusion that more widespread face covering adoption can help to control the COVID-19 epidemic by reducing the shedding of droplets into the environment from asymptomatic individuals. This is also consistent with the experiences of other countries that have adopted this strategy. One ecological analysis found that, "In countries with cultural norms or government policies supporting public mask-wearing, per-capita coronavirus mortality increased on average by just 5.4% each week, as compared with 48% each week in countries that did not wear masks."; and

WHEREAS, in the most comprehensive, systematic review and meta-analysis of face coverings published to date, Chu et al. found that face masks could reduce risk of transmission of COVID-19 by an expected 85 percent; and

WHEREAS, guidelines published by the U.S. Centers for Disease Control (CDC) on April 3, 2020, recommend that all people wear cloth face coverings in public settings where other physical distancing measures may be difficult to maintain. CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, orders requiring face coverings in total or in part are already in place statewide in many U.S. states and in many local areas in other U.S. states; and

WHEREAS, decreased transmissibility due to face covering use could substantially reduce the death toll and economic impact while the cost of the intervention is low; and

WHEREAS, pursuant to Ordinance 986, Sections 6 B. (6), 6 C. (3) and (5), and 6 D. (3) and (5), the City Council does declare and issue a Public Health Emergency Order.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCCALL, VALLEY COUNTY, IDAHO, having duly met on July 1, 2020, at a Special City Council Meeting, which was properly noticed and open to the public, and having fully considered the matter at hand, that:

SECTION 1. FACE COVERINGS

Every person, shall, when in any indoor or outdoor public place, completely cover their nose and mouth, when members of the public are physically present for otherwise unprotected social interaction.

1. DEFINITIONS: For purposes of this Public Health Emergency Order "public place" shall mean any place open to all members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, educational, arts and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. "Members of the public" shall mean persons not therein employed, present without invitation.

2. EXEMPTIONS:
    a. Children under the age of 5.
    b. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
    c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
    d. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
    e. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
    f. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
    g. Outdoor public places where a person can employ social distancing as recommended by CDC where the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.

h. Persons who are engaged in indoor exercise, so long as they engage in social distancing.

SECTION 2. PENALTIES

Any person who violates any provisions of this Order, shall be guilty of an infraction, punishable by a fine of $100.

SECTION 3. EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect at 12:00 a.m., on July 2, 2020 and shall remain in effect until August 1, 2020 unless extended by the City Council.

PASSED and approved by the City Council of the City of McCall this 1 day of July 2020.

Signed: Robert S. Giles
Robert S. Giles, Mayor

ATTEST:
I certify that the above Resolution was duly adopted by the City Council of the City of McCall on July 1, 2020 by the following vote:

Ayes: 4
Nos: 1
Absent: 0

By BessieJo Wagner
BessieJo Wagner, City Clerk

CITY OF McCALL, IDAHO SEAL McCALL, IDAHO

ORDINANCE 986

AN EMERGENCY ORDINANCE OF THE CITY OF MCCALL, VALLEY COUNTY IDAHO, ESTABLISHING EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE AND INTENT; DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR EXCLUSIONS; PROVIDING FOR SUSPENSION OF SERVICES AND DEADLINES; FORCE MAJEURE CLAUSE; PENALTY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (aka coronavirus) a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a declaration of emergency for the State of Idaho in response to concerns that cases of COVID-19 are imminent in Idaho; and

WHEREAS, on March 16, 2020 the Mayor of McCall signed a declaration of emergency in response to the COVID-19 threat; and

WHEREAS, under Idaho Code section 50-304, the City Council is authorized to pass all ordinances and make all regulations necessary to preserve the public health, prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose and enforce the same within five (5) miles of McCall city limits, any health or quarantine ordinance and regulation thereof; and

WHEREAS, under Idaho Code sections 50-811 and 50-606, the City Manager shall have such jurisdiction as may be vested 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

WHEREAS, in order to effectively preserve the health and safety of the public, the City Manager is granted the emergency powers contained within this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL, IDAHO:

SECTION 1. EMERGENCY POWERS.

The City Manager shall have such jurisdiction 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, including ordinances and all regulations necessary to preserve the public health; to prevent the introduction of contagious diseases into the City; and enforce quarantine regulations and laws for that purpose.

SECTION 2: LEGAL AUTHORITY.

Idaho Code sections 50-811, 50-304 and 50-606 authorize the city of McCall, state of Idaho ("City") to pass ordinances granting certain powers to the City Manager and City Council related to public health emergencies.

SECTION 3 PURPOSE AND INTENT.

The City finds that the preservation of public health, safety, and welfare may require immediate action by the City in response to emergency situations. Therefore, the City hereby authorizes the City Manager and City Council certain powers for immediate response to foreseeable, imminent, or present public health emergencies.

SECTION 4 SCOPE.

This Ordinance sets forth the procedures for activating the emergency powers of the City Manager, Mayor and City Council during a public health emergency.

SECTION 5 DEFINITIONS.

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

A. PUBLIC HEALTH EMERGENCY: The foreseeable, imminent, or present threat of any pathogen, agent, vector, or environmental condition, including hazardous materials, which does or may cause illness or injury to humans.

B. PUBLIC HEALTH EMERGENCY ORDER: An advisory, social distancing, isolation, or quarantine order enacted by the City Manager, or Mayor and City Council.

C. ISOLATION: The separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent.

D. QUARANTINE: The restriction placed on the entrance to and exit from the place of premises where an infectious agent or hazardous material exists.

E. SOCIAL DISTANCING: Actions taken to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings.

SECTION 6 PUBLIC HEALTH EMERGENCY ORDERS.

The City Manager, Mayor and City Council, being duly authorized by Idaho Code sections 50-811, 50-304 and 50-606, may issue the following orders, as deemed appropriate by the City Manager, or Mayor and City Council following consultation with or review of information issued by local, regional, state, or national public health authorities.

A. **Advisory Order.** Where a public health emergency is foreseeable or imminent, the City Manager may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.

B. **Social Distancing Order.** Where a public health emergency is imminent, the City Manager may, summarily when necessary, or following approval by the City Council, enact a social distancing order, which order may establish any or all of the following:

1. Appropriate restrictions regarding the operation or occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.

2. Restrictions on travel through, or visitation within, the community.

3. Postponement or cancellation of public meetings and hearings.

4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.

5. Suspension of businesses or visitor lodging accommodations.

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

7. 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 McCall city limits, and five (5) miles outside McCall city limits.

C. **Isolation Order**. Where a public health emergency is present, and poses a credible threat of harm to the public health, the City Manager may, summarily when necessary, or

following approval by the City Council, enact an isolation order, which order may establish any or all of the following:

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

2. Geographical areas of restricted or prohibited access.

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

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

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

6. Conditions of the isolation order.

    a) 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. Any person shall be entitled to appeal an isolation order or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the isolation order, the Police Chief or designee shall review such appeal and issue a written decision. The Police Chief's decision shall be final.

D. **Quarantine Order.** Where a health emergency is present and poses a credible threat of harm to the public health, the City Manager may enact a quarantine order, which order may establish any or all of the following:

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

2. Geographical or other areas of restricted or prohibited access.

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

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

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

6. Conditions of the quarantine.

7. A quarantine order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. A quarantine order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal a 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 quarantine order, the Police Chief or designee shall review such appeal and issue a written decision. The Police Chief's decision shall be final.

SECTION 7 PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS.

A. **Approval by City Council.** Except as provided in section 7 B. below, the City Manager shall present to the City Council, at a duly noticed public meeting, the proposed Public Health Emergency Order. At the discretion of the City Council, public input may be taken at such meeting in such form as may be directed by the Mayor or Council President, but a public hearing shall not be required. Following approval by the City Council, the City Manager shall prepare a written order and publish it pursuant to this Ordinance. Except as may be specifically stated in the Public Health Emergency Order, such order shall be effective upon posting at McCall City Hall.

B. **Summary Enactment**. When necessary to summarily enact a Public Health Emergency Order, the City Manager shall prepare a written order and publish it pursuant to this Ordinance. Within seven (7) days of the issuance of such an order the City Manager shall present the Order to the City Council for approval as outlined in section 7A. The City Council shall have the ability to approve, rescind or modify a Public Health Emergency Order summarily enacted by the City Manager.

C. **Publication of Public Health Emergency Order.** As soon as possible and prudent under the circumstances, the City Manager shall cause a Public Health Emergency Order to be published by:

1. Posting the order in a prominent place at McCall 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 media, television, and radio broadcast outlets; and

6. Notifying other government agencies, including McCall Donnelly School District, McCall Fire District, Payette Lakes Recreational Water and Sewer District, Valley County, Adams County, City of Cascade, City of Donnelly, Meadows Valley Fire District, and City of New Meadows; and

    a) Such other means of notice as the City Manager may determine is in the best interests of the City.

    b) Except as may be specifically stated in the Public Health Emergency Order, such order shall be effective upon posting at McCall City Hall.

D. **Term of Order.** Every public health emergency order shall include an effective date and a termination date that shall be no more than thirty (30) days from the effective date, which may be extended upon approval of the City Council.

SECTION 8 EXCLUSIONS.

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

A. 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. Provided, this exclusion shall not prohibit reasonable restrictions on the time, place, or manner for exercising these fundamental rights as permitted by law.

B. Educational institutions, which shall follow the duly adopted policies of their respective governing bodies.

C. Activities necessary to operate critical infrastructure and utilities.

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

E. Activities necessary to buy, sell, or otherwise deliver food, fuel, and necessities.

SECTION 9 SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, AND POLICIES AND PROCEDURES.

During a Public Health Emergency and upon approval of a declaration of an emergency, the City Manager may suspend certain non-essential City government services and functions as deemed necessary and advisable given the specific public health emergency and in consideration of the health of employees and the general public. During such time, the City Manager may also suspend the regular meetings of City boards and commissions, including but not limited to Planning & Zoning Commission. In order to facilitate such suspension of meetings, the ordinances providing for the regular meetings of these commissions shall be temporarily suspended. Those ordinances

providing the timeline for processing applications shall also be suspended. The City Manager is also authorized to waive such internal rules, regulations, and procedures as deemed necessary to protect the health and welfare of City employees. Further, meetings of the City Council or other City commissions or committees may be modified to account for the circumstances of the public health emergency including suspension of the requirement in Idaho Code section 74-203(5) that the public be allowed to attend in person if the public is otherwise permitted to listen, or view with audio, the meeting via telecommunications or video streaming technology.

SECTION 10 FORCE MAJEURE.

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

SECTION 11 PENALTY.

It shall be unlawful to violate any provision or directive of a duly enacted social distancing order, isolation order, or quarantine order while such order is in effect. The violation of any provision or directive of a social distancing order, isolation order, or quarantine order shall be a misdemeanor.

SECTION 12 CONFLICTS.

All ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

SECTION 13 SAVINGS AND SEVERABILITY CLAUSE.

It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 14 PUBLICATION.

This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval and posting of a proclamation by the Mayor in five (5) public places within the City.

SECTION 15 EFFECTIVE DATE.

That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval and posting of a proclamation by the mayor in five

(5) public places within the City. Pursuant to Idaho Code 67-6523, the orders and regulations established pursuant to this emergency ordinance will be effective for a period of not longer than one hundred eight-two (182) days.

PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF McCALL IDAHO, THIS 20 DAY OF MARCH 2020.

APPROVED:

Robert S. Giles, Mayor

ATTEST:

BessieJo Wagner, City Clerk

CITY OF MCCALL
Valley County, Idaho

STATE OF IDAHO)
) ss.
County of Valley)

AFFIDAVIT OF POSTING

I, BessieJoWagner of the City of McCall, Valley County, Idaho, being
(name)

first duly sworn on oath, depose and say that on March 20, 2020, I physically posted the
(date)

Emergency Powers Ordinance 986 at six separate locations within the City of McCall as follows:

City Hall, 216 East Park Street, McCall, Idaho
Umpqua Bank – 900 2nd Street, McCall, Idaho
US Bank Branch – 905 N 2nd Street, McCall, Idaho
Albertsons – 132 E Lake Street, McCall, Idaho
Ridley's – 411 Deinhard Ln, McCall, Idaho
US Post Office – 495 Deinhard Ln, McCall, Idaho

BessieJoWagner
(signature)

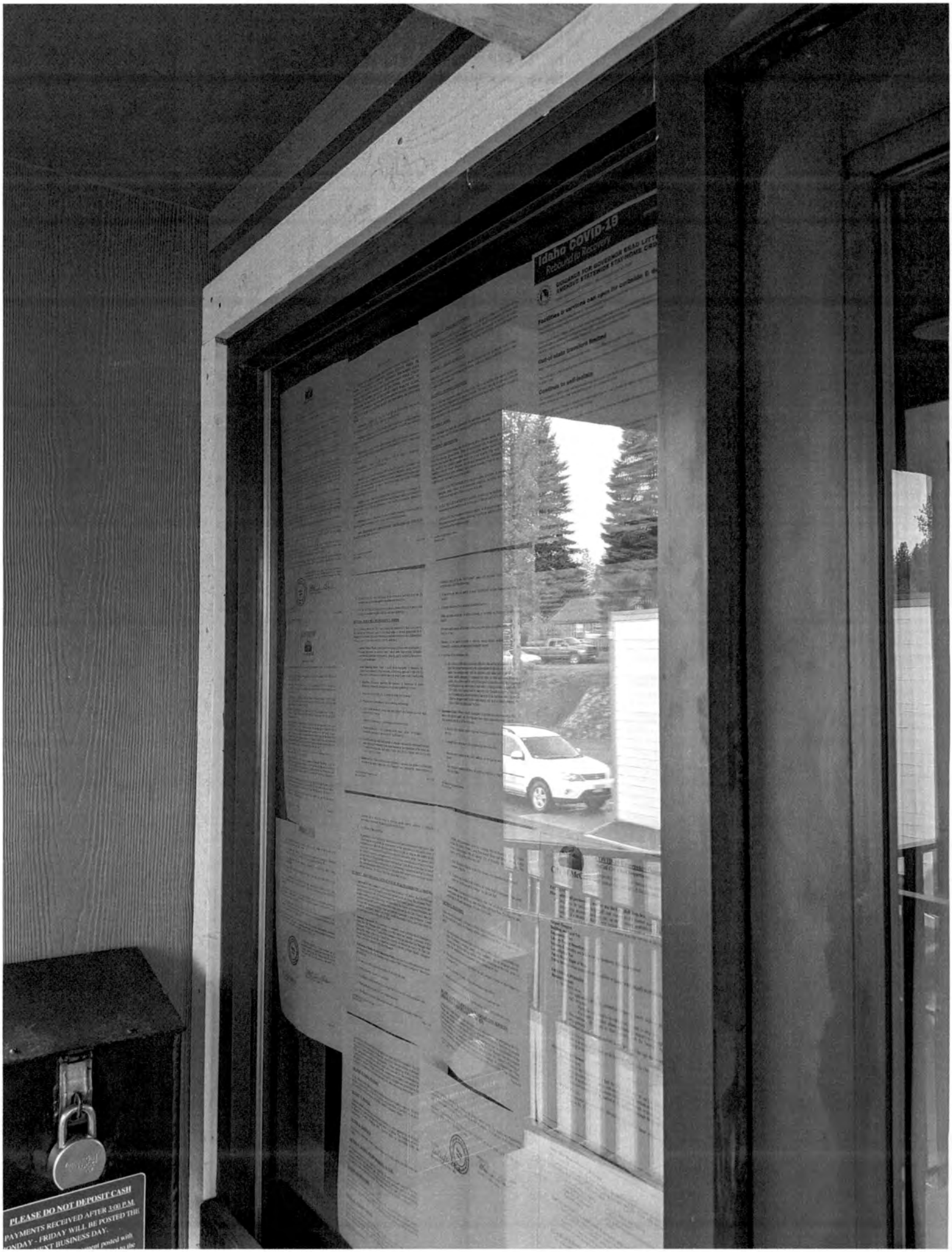
SUBSCRIBED AND SWORN To before me this 23 day of March 2020

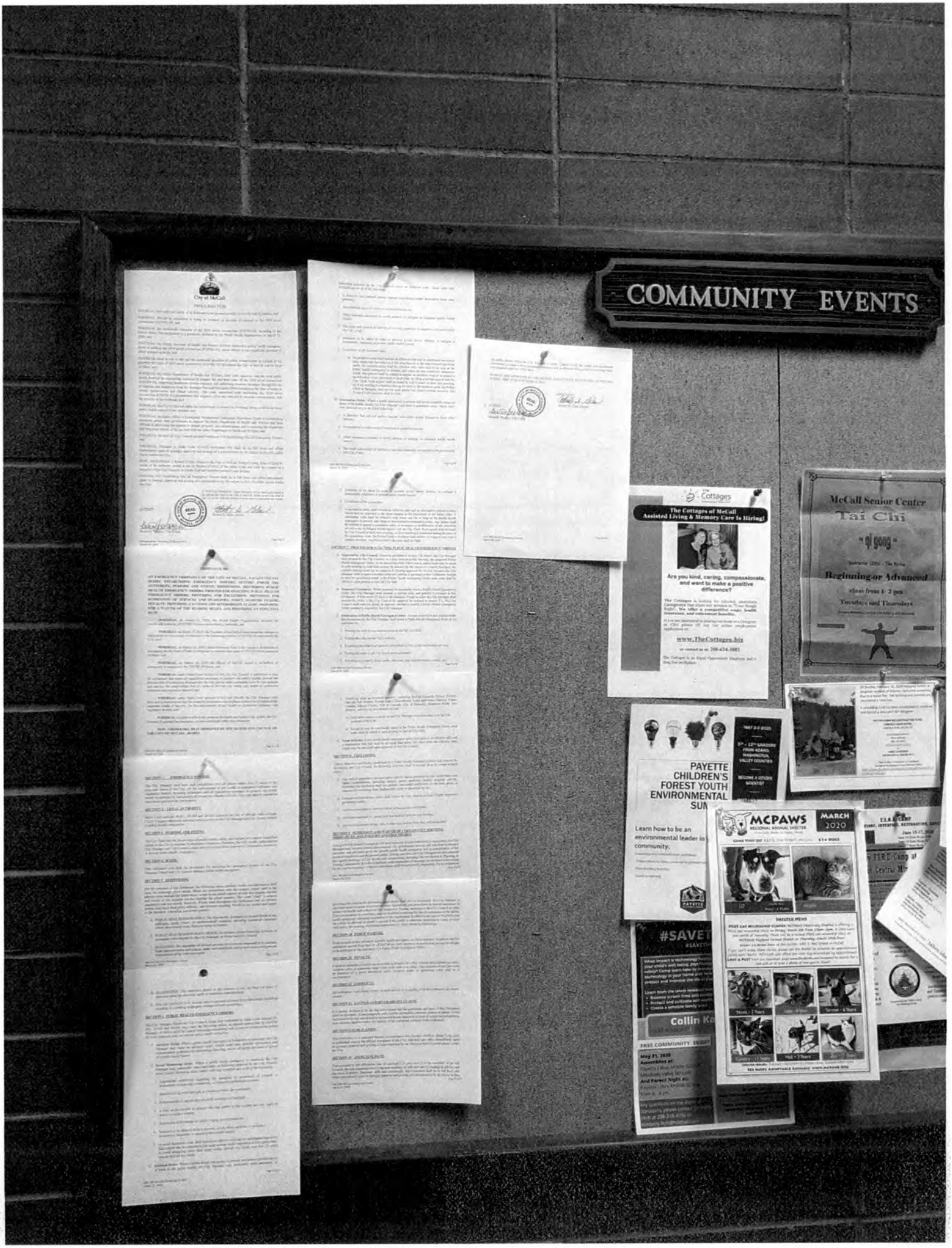
SHAY TYLER NOTARY PUBLIC MY COMMISSION EXPIRES 10-5-2022 STATE OF IDAHO COMMISSION NUMBER 68675

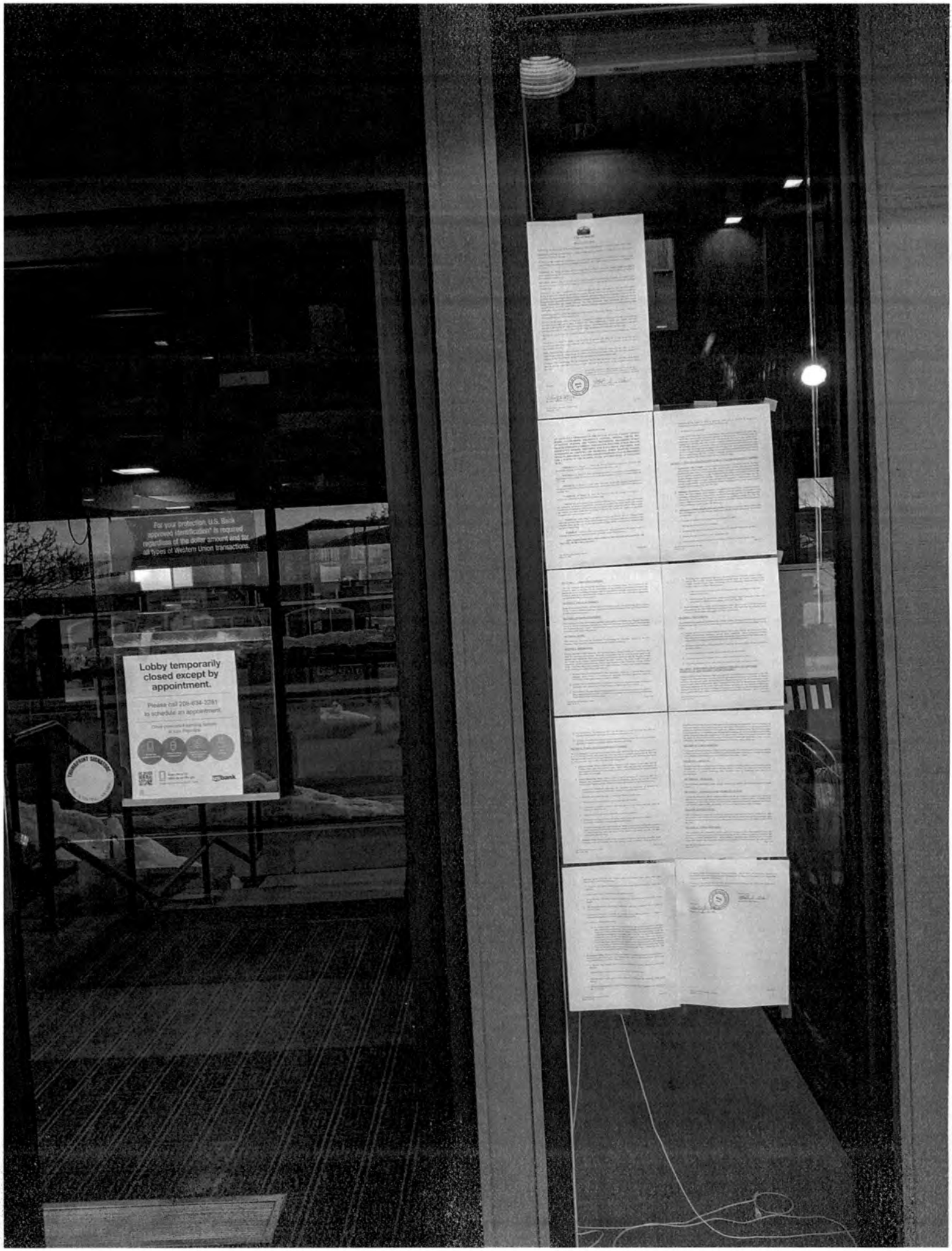
Notary Public for the State of Idaho.

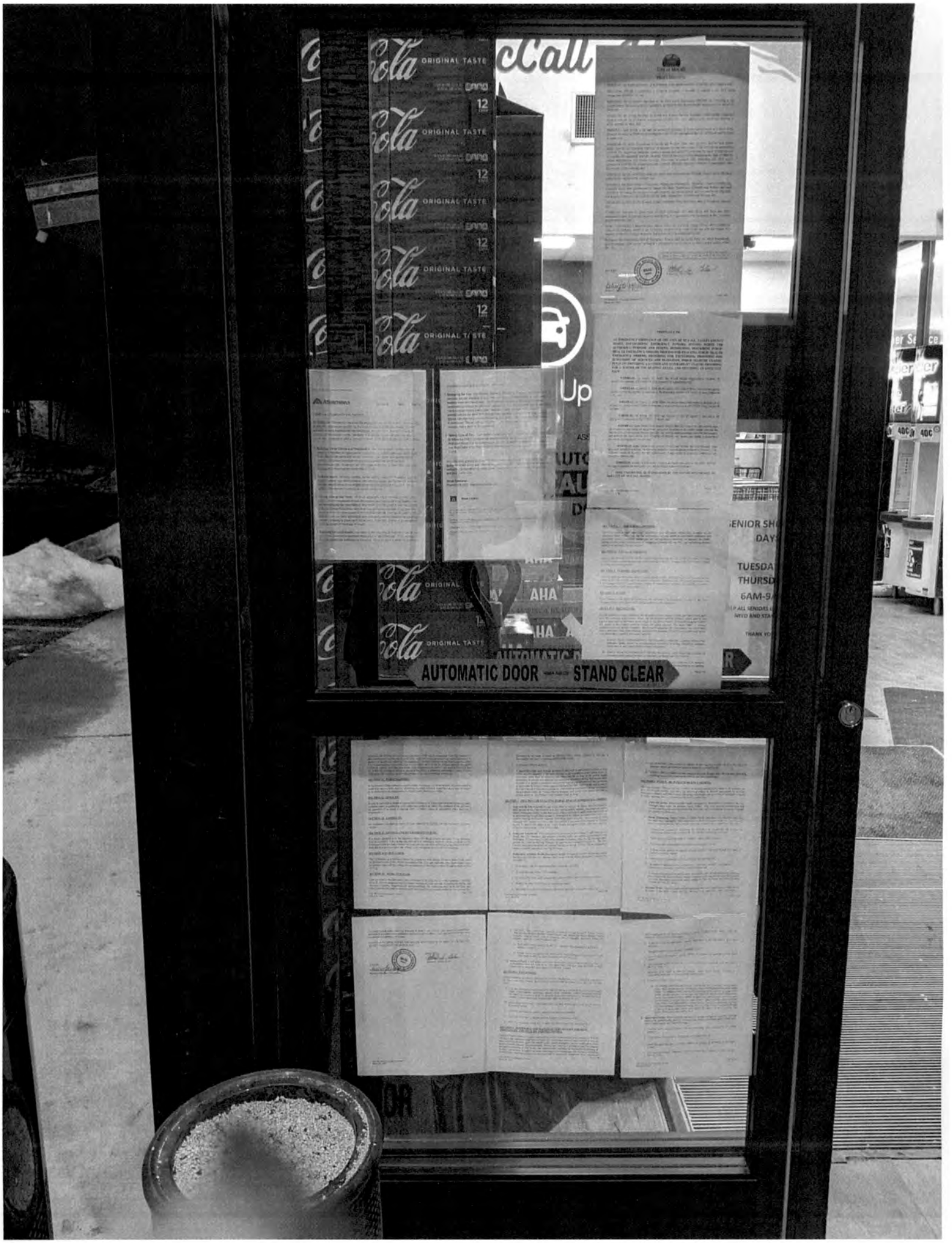
Attachments:

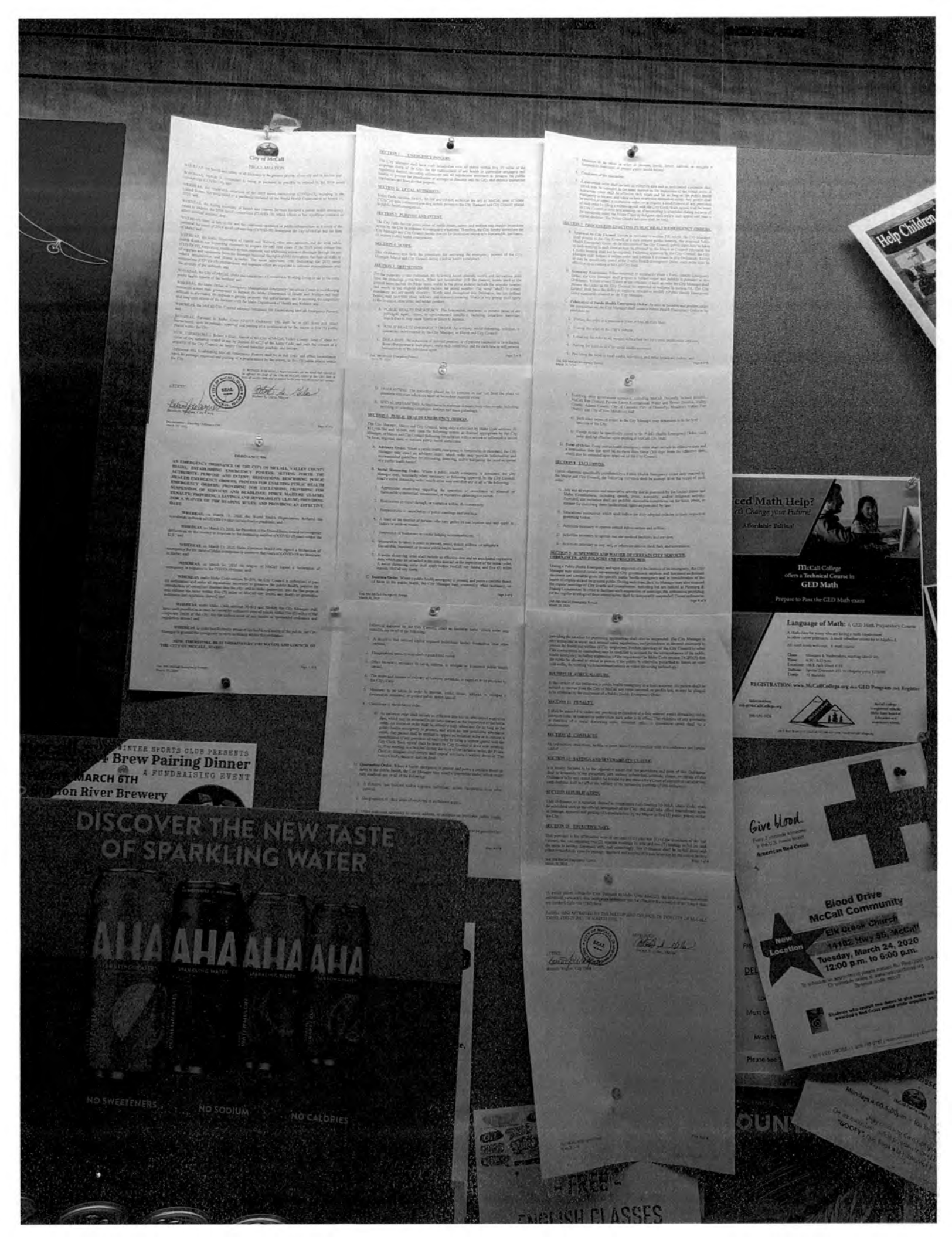
1. Photo of ordinance posting on property.

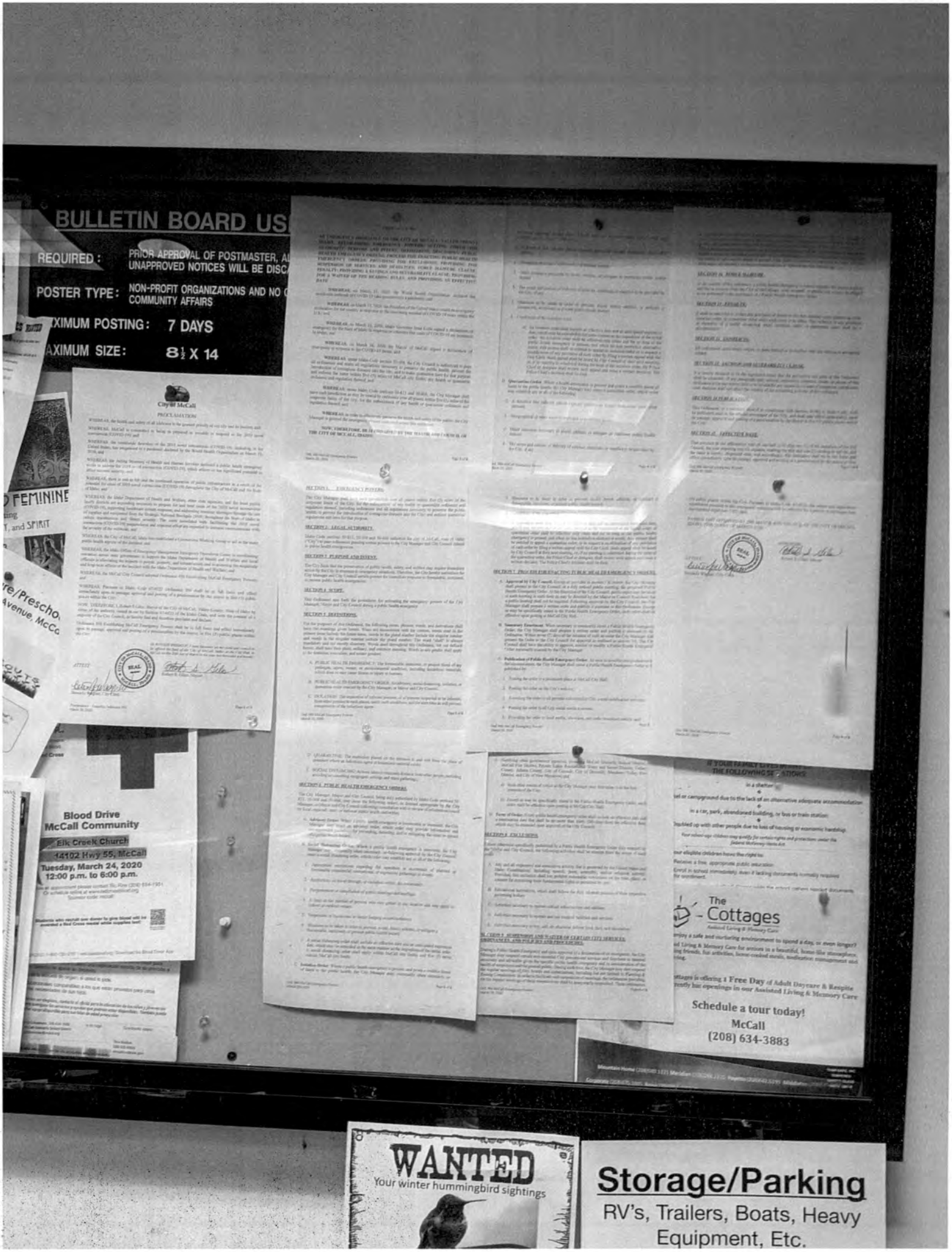

Idaho COVID-19
Rebound to Recovery
PLEASE DO NOT DEPOSIT CASH
PAYMENTS RECEIVED AFTER 2:00 P.M.
ONDAY - FRIDAY WILL BE POSTED THE
EXT BUSINESS DAY.


COMMUNITY EVENTS
City of McCall
The Cottages
The Cottages of McCall
Assisted Living & Memory Care Is Hiring!
Are you kind, caring, compassionate, and want to make a positive difference?
www.TheCottages.biz
McCall Senior Center
Tai Chi
qi gong
Beginning or Advanced
Tuesdays and Thursdays
PAYETTE CHILDREN'S FOREST YOUTH ENVIRONMENTAL SU
Learn how to be an environmental leader in community.
MCPAWS
REGIONAL ANIMAL SHELTER
MARCH 2020
#SAVE
FREE COMMUNITY EVENT


For your protection, U.S. Bank approved identification* is required regardless of the dollar amount and for all types of Western Union transactions.
Lobby temporarily closed except by appointment.
Please call 208-634-3281 to schedule an appointment.
bank


ORIGINAL TASTE
12
AUTOMATIC DOOR
STAND CLEAR


City of McCall
PROCLAMATION
ORDINANCE NO.
Help Children
Math Help?
Change your Future!
Affordable Tuition!
McCall College
offers a Technical Course in
GED Math
Prepare to Pass the GED Math exam
Language of Math: A GED Math Preparatory Course
REGISTRATION: www.McCallCollege.org aka GED Program and Register
WINTER SPORTS CLUB PRESENTS
Brew Pairing Dinner
A FUNDRAISING EVENT
MARCH 6TH
Give blood.
American Red Cross
Blood Drive
McCall Community
New Location
Elk Creek Church
14102 Hwy 55, McCall
Tuesday, March 24, 2020
12:00 p.m. to 6:00 p.m.
DISCOVER THE NEW TASTE
OF SPARKLING WATER
AHA AHA AHA AHA
NO SWEETENERS
NO SODIUM
NO CALORIES
FREE
ENGLISH CLASSES


BULLETIN BOARD US
REQUIRED: PRIOR APPROVAL OF POSTMASTER, AL
UNAPPROVED NOTICES WILL BE DISC
POSTER TYPE: NON-PROFIT ORGANIZATIONS AND NO
COMMUNITY AFFAIRS
XIMUM POSTING: 7 DAYS
AXIMUM SIZE: 8½ X 14
City of McCall
PROCLAMATION
Blood Drive
McCall Community
Elk Creek Church
14102 Hwy 55, McCall
Tuesday, March 24, 2020
12:00 p.m. to 6:00 p.m.
The
Cottages
Assisted Living & Memory Care
Schedule a tour today!
McCall
(208) 634-3883
WANTED
Your winter hummingbird sightings
Storage/Parking
RV's, Trailers, Boats, Heavy
Equipment, Etc.