



**CITY COUNCIL
SPECIAL MEETING AGENDA**

**November 9, 2020
10:00 AM**

Location: City Council Chambers, 408 N. Spokane Street, Post Falls, ID 83854

We are in STAGE 3 of the Governor's Rebound Idaho Plan. This limits the capacity in our meeting room. To accommodate public involvement and civic participation, while allowing for physical distancing and to avoid gatherings, City Council and City Commission meetings are broadcast live on Post Falls City Cable on cable channel 1300 (formerly 97.103) and livestreamed on the City's Facebook page. Masks must be worn for those choosing to enter the Council Chamber to attend in person. If after entering the room and taking your seat, if you are able to maintain social distancing you may remove your mask while seated. For those who cannot wear a mask, the broadcast and livestream option are available.

No public comment will be received during this meeting. Please email your comments for the Mayor and Council to MayorCouncil@postfallsidaho.org by 8 am Monday, November 9, 2020.

SPECIAL MEETING – 10:00 am City Council Chambers

CALL TO ORDER BY MAYOR JACOBSON

PLEDGE OF ALLEGIANCE

ROLL CALL OF CITY COUNCIL MEMBERS

Kerri Thoreson, Alan Wolfe, Joe Malloy, Steve Anthony, Lynn Borders, Linda Wilhelm

AMENDMENTS TO THE AGENDA

Final action cannot be taken on an item added to the agenda after the start of the meeting unless an emergency is declared that requires action at the meeting. The declaration and justification must be approved by motion of the Council.

DECLARATION OF CONFLICT, EX-PARTE CONTACTS AND SITE VISITS

The Mayor and members of the City Council have a duty to serve honestly and in the public interest. Where the Mayor or a member of the City Council have a conflict of interest, they may need to disclose the conflict and in certain circumstances, including land use decisions, they cannot participate in the decision-making process. Similarly, ex-parte contacts and site visits in most land use decisions must also be disclosed.

1. UNFINISHED BUSINESS/RETURNING ORDINANCES AND RESOLUTIONS

This section of the agenda is to continue consideration of items that have been previously discussed by the City Council and to formally adopt ordinances and resolutions that were previously approved by the Council. Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements.

ACTION ITEMS:

- a. Consideration of a Citywide Mask Mandate and Other Options.

ADJOURNMENT ACTION ITEM

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 408 Spokane Street or call 208-773-3511. City Council and City commission meetings are broadcast live on Post Falls City Cable on cable channel 1300 (formerly 97.103). City videos are also available as video on demand on the City website.

Mayor Ronald G. Jacobson

Councilors: Kerri Thoreson, Alan Wolfe, Joe Malloy, Steve Anthony, Lynn Borders, Linda Wilhelm

Mission

The City of Post Falls mission is to provide leadership, support common community values, promote citizen involvement and provide services which ensure a superior quality of life.

Vision

Post Falls, Idaho is a vibrant city with a balance of community and economic vitality that is distinguished by its engaged citizens, diverse businesses, progressive leaders, responsible management of fiscal and environmental resources, superior service, and a full range of opportunities for education and healthy lifestyles.

“Where opportunities flow and community is a way of life”

EMERGENCY TEMPORARY MASK ORDINANCE NO. _____

AN EMERGENCY TEMPORARY ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO, PROVIDING THAT ALL PERSONS IN THE CITY OF POST FALLS MUST WEAR A FACE COVERING, WITH CERTAIN EXCEPTIONS; IN ALL PUBLIC PLACES AND PROVIDING THAT A VIOLATION OF THIS ORDINANCE IS AN INFRACTION PUNISHABLE BY A FINE OF ONE HUNDRED DOLLARS; PROVIDING FOR SEVERABILITY AND PROVIDING THAT THIS ORDINANCE WILL BE EFFECTIVE UPON PROCLAMATION BY THE MAYOR POSTED IN FIVE PUBLIC PLACES IN THE CITY AND PROVIDING THAT THIS ORDINANCE WILL REMAIN IN EFFECT FOR 90 DAYS UNLESS TERMINATED, MODIFIED OR EXTENDED AT AN EARLIER 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 June 11, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Guidelines of the Director, guidelines titled “State of Idaho, Idaho Department of Health and Welfare Stay Healthy Guidelines,” with an effective date of June 13, 2020, providing guidelines for reopening certain businesses and permitting certain activities in Stage 4 of the State’s reopening plan (“Stay Healthy Guidelines - Stage Four”);

WHEREAS, on October 5, 2020, Governor Little, issued a Proclamation by way of the Idaho Department of Health and Welfare Order of the Director, issued multiple state-wide orders, all with the purpose of protecting the health, safety, and welfare of the citizens of Idaho identifying a state of emergency exists in the State of Idaho, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and the Proclamations of March 13, 18, 23, 25, 27, April 1, 2, 22, 23, May 12, June 11, July 10, August 7, and September 4, 2020 are superseded; and

WHEREAS, on October 27, 2020 Governor Little issued a state-wide Stay Healthy Order returning the State of Idaho to Stage Three of the statewide reopening plan because of the increased spread of COVID-19 within the State of Idaho; and

WHEREAS, the October 27, 2020 Order authorized “cities, counties, public health districts, school districts, and institutions of higher education within the State of Idaho” to enact more stringent public health orders to decrease the spread of COVID-19; and

WHEREAS, the risk of community spread throughout Post Falls and Kootenai County impacts the life and health of the public, and imperils public health by the person-to-person spread of COVID-19; and

WHEREAS, it is deemed necessary to reduce opportunities for the person-to-person transmission of COVID-19 to combat the spread of the disease; and

WHEREAS, both the Department of Health and Human Services Centers for Disease Control and Prevention (“CDC”) and the White House have recommended practices to prevent the rapid spread of COVID-19, including the recommendation that people wear cloth face coverings in public settings, especially when other social distancing measures are difficult to maintain; and

WHEREAS, recently, the Panhandle Health District (“PHD”) reports a significant increase in confirmed cases of COVID-19 in Kootenai County on October 22, 2020 with 3,724 combined confirmed and probable cases, Cumulative Incident Rate 2,219.1; 48 deaths and Daily 7-Day Moving Average Incidence Rate 40.8, and most recently reporting ninety-six (96) new cases on October 22, 2020, resulting in Kootenai County being placed at Stage Four; and

WHEREAS, there is a continuing and urgent need to protect all residents of the City of Post Falls from the risks relating to the COVID-19 pandemic through the protection provided by wearing face coverings; and

WHEREAS, the Mayor and City Council of the City of Post Falls finds it necessary to implement a requirement to wear facial coverings under certain circumstances to build on and strengthen the strategies of PHD, the CDC, and the State of Idaho to protect the health, safety, and welfare of the citizens of Post Falls by mitigating any negative repercussions of reopening the community due to Post Fall’s population and the scope of services offered by the City; and

WHEREAS, the Idaho Constitution Article XII, Section 2 authorizes cities to make and enforce local police, sanitary and other regulations; and

WHEREAS, under Idaho Code Section 50-304, the City is authorized to pass all ordinances and make all regulations necessary to preserve the public health and prevent the introduction of contagious diseases into the city and to enforce the same within the city limits; and

WHEREAS, under Idaho Code Section 50-606, the Mayor will have such jurisdiction as may be vested in him by ordinance over all places within the corporate limits of the city, for the enforcement of any health ordinance or regulation; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the Post Falls:

SECTION 1. Face Coverings Required. Every person must, when in any indoor or outdoor public place, wear a cloth or surgical face covering that completely covers the nose and mouth, which includes a disposable face mask, a disposable or reusable cloth mask or covering, a surgical mask, or a face shield, except as provided herein.

SECTION 2. Definition. For purposes of this Ordinance, the term “public place” means any place open to members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, arts and recreational institutions, and public transportation, including taxi cabs and ridesharing vehicles.

SECTION 3. Exceptions. The following are excepted from the requirement of covering their nose and mouth in any indoor or outdoor public place:

- A. Children under the age of ten (10) years.
- B. Persons who cannot medically tolerate wearing a face covering. Such a person may be issued a citation, however, no person charged with a violation of the provisions of this Ordinance may be convicted if proof that the medical condition existed at the time the citation was issued that prevented the person from wearing a face mask or face shield is produced.
- C. Persons who are hearing impaired, or who are communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- D. Persons, including on-duty first responders, 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.
- E. Persons who are obtaining a service involving the nose, face, or head during 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 people can employ social distancing as recommended by CDC.
- H. Indoor recreational facilities (i.e., gyms and fitness facilities) where people can employ social distancing as recommended by the CDC.

SECTION 4. Penalty and Enforcement. Individuals and businesses within the City of Post Falls are urged to voluntarily comply with this Ordinance. The City will make efforts to educate

individuals and businesses to achieve compliance. Violations of this Ordinance constitutes an infraction and will be subject to a fine of One Hundred Dollars (\$100.00).

SECTION 5. Costs. No person shall be entitled to recover from the City of Post Falls any costs incurred, or profits lost, as may be attributed to the enactment of this Ordinance.

SECTION 6. Severability. To the extent any provision of this Ordinance or its application to any person or business is held to be invalid, the remainder of this Ordinance, including any application thereof, shall remain in full force and effect. To this end, provisions of this Ordinance are severable.

SECTION 7. Effective Date. This Ordinance, consistent with Idaho Code Section 50-901 will take effect immediately upon its passage and proclamation of the Mayor with publication via posted notice in at least (5) public places within the City and will remain in effect for ninety (90) days unless it is terminated, modified, or extended at an earlier date.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a special session of the City Council on _____, 20 .

APPROVED, ADOPTED and SIGNED this day of , 20 .

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

SUMMARY OF POST FALLS ORDINANCE NO. _____

The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Emergency Temporary Ordinance No. _____, providing that all persons in the City of Post Falls must wear a face covering, with certain exceptions; in all public places and providing that a violation of this Ordinance is an infraction punishable by a fine of One Hundred Dollars; providing for severability and providing that this Ordinance will be effective upon proclamation by the Mayor posted in five public places in the city and providing that this Ordinance will remain in effect for 90 days unless terminated, modified or extended at an earlier date. The full text of the summarized Ordinance No. _____ is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.

Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am the legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No. _____, which temporarily requires the wearing of face coverings with certain exceptions and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this day of , 20 .

Warren J. Wilson, City Attorney

PROCLAMATION OF THE MAYOR OF POST FALLS

On November 9, 2020 the Post Falls City Council adopted Ordinance _____ entitled **Emergency Temporary Mask Ordinance**. The ordinance requires all persons to wear a face covering (face mask or face shield), with exceptions, when in a public place. Violations of this Ordinance are an infraction punishable by a fine of One Hundred Dollars. The ordinance takes effect immediately upon the posting of this Proclamation in 5 public places within the City and will remain in effect for 90 days unless earlier repealed, modified or extended. A copy of Ordinance _____ is available on the Post Falls city website and from the office of the City Clerk. The City Clerk may be reached at (208) 773-3511.

Ronald G. Jacobson, Mayor