



**CITY OF KETCHUM, IDAHO SPECIAL CITY COUNCIL MEETING**

**Monday, March 23, 2020, 4:00 PM.**

**480 East Avenue, North, Ketchum, Idaho**

**AGENDA**

- CALL TO ORDER: By Mayor Neil Bradshaw
- ROLL CALL
- COMMUNICATIONS FROM MAYOR AND COUNCILORS
- STAFF AND COUNCIL COMMUNICATIONS (council deliberation, public comment not taken)
  1. ACTION ITEM: Council approval of Emergency Declaration - Resolution 20-011
  2. ACTION ITEM: Recommendation to conduct first, second and third reading of Emergency Ordinance 1207 establishing emergency powers – Mayor Neil Bradshaw
- ADJOURNMENT

Due to the On-going COVID-19 Pandemic, Ketchum City Council meetings will be conducted remotely. Members of the public who would like to observe the meeting may access the meeting at [www.ketchumidaho.org/meetings](http://www.ketchumidaho.org/meetings). At this time, the City is not scheduling any agenda items that require public comment. If you want to provide input to the City Council, comments can be submitted at [participate@ketchumidaho.org](mailto:participate@ketchumidaho.org)

If you need special accommodations, please contact the City of Ketchum in advance of the meeting.

This agenda is subject to revisions and additions. Revised portions of the agenda are underlined in bold.

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## City of Ketchum

March 23, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation To Extend Emergency Declaration 20-011 by Adopting Resolution 20-012**

#### Recommendation and Summary

On March 18, 2020 Mayor Bradshaw approved Emergency Declaration 20-011 declaring a local disaster emergency within the City of Ketchum. The Council is being asked to extend the Emergency Declaration by adopting Resolution 20-012.

#### **I move to adopt Resolution 20-012.**

The reasons for the recommendation are as follows:

- Emergency Declaration 20-011 is only in effect for seven days (March 25, 2020) unless extended by the City Council
- The Emergency Declaration enables the City of Ketchum to seek reimbursement for expenses related to COVID-19 Pandemic and access federal and state resources.

#### Introduction and History

The Emergency Declaration allows the city to access state and federal resources and obtain reimbursement for COVID-19 related city expenses. When a city enacts an emergency declaration, access to FEMA and other disaster funding becomes available to assist with city expenses. Governor Little announced on Wednesday March 18<sup>th</sup> that federal funds will be available to reimburse cities or counties with declared disaster emergencies for expenses they incur with 75% of the funds coming from the federal government, 15% from the state, and 10% from the city or county.

#### Sustainability

The proposed action has no impact on the City's sustainability goals.

#### Financial Impact

This action will provide the opportunity to access federal and state funding to help off-set the city's costs related to COVID-19 response.

Attachments:

Resolution 20-012

**RESOLUTION 20-012**

**A RESOLUTION FINDING THAT AN EMERGENCY EXISTS, PURSUANT TO TITLE 67, SECTION 2808, IDAHO CODE, RATIFYING THE MAYOR'S OFFICIAL DECLARATION OF A LOCAL DISASTER EMERGENCY 20-011; AND EXTENDING THE DECLARATION BEYOND SEVEN (7) DAYS, IN ACCORDANCE WITH TITLE 46, SECTION 1011, IDAHO CODE; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM, IDAHO:**

**Section 1.** That pursuant to Title 67, Section 2808, Idaho Code, an emergency exists, and the public interest and necessity demand the immediate expenditure of public money to secure materials, equipment, and services to provide disaster emergency relief and assistance.

**Section 2.** That the Mayor's March 18, 2020, Declaration of a Local Disaster Emergency 20-011, made pursuant to Title 46, Section 1011, Idaho Code, which was filed in the Office of the Blaine County Recorder, a copy of which is attached hereto and incorporated herein by reference, shall be, and hereby is, ratified and extended beyond seven (7) days and shall remain in effect until further notice pursuant to the authority vested in the City Council in Title 46, Section 1011, Idaho Code.

**Section 3.** That the provisions and authority of this Resolution shall remain in effect until the costs of all materials, equipment, and services deemed reasonably necessary to provide disaster emergency relief and assistance in response to the recent extraordinary storm are paid-in-full.

**Section 5.** That this Resolution shall be in full force and effect immediately upon its adoption and approval.

**APPROVED AND ADOPTED** this 23<sup>rd</sup> day of March 2020

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Neil Bradshaw, Mayor

**ATTEST:**

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Robin Crotty , City Clerk



## **MAYOR'S LOCAL DISASTER EMERGENCY DECLARATION OF IMMINENT THREAT**

**WHEREAS**, Idaho Code § 46-1011 allows the mayor of a city to declare a local disaster emergency; and

**WHEREAS**, Idaho Code § 46-1002(2) defines disaster as the "occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause," and

**WHEREAS**, the imminent threat of widespread and severe damage to the health of our community or loss of life exists as a result of the worldwide detection of the 2019 novel coronavirus (COVID-19) (including in the United States) which has progressed to a pandemic declared by the World Health Organization on March 11, 2020, constitutes a "disaster"; and

**WHEREAS**, a declaration activates the response and recovery aspects of applicable local or intergovernmental disaster emergency plans for the furnishing of aid and assistance; and

**WHEREAS**, Idaho Code § 46-1002(3) provides that an "emergency" includes the occurrence or imminent threat of a "disaster" or condition threatening life or property which requires state emergency assistance to supplement local efforts to protect property or avert or lessen the threat of "disaster;" and

**WHEREAS**, due to the imminent risk to life as a result of the potential for cases of COVID-19 throughout the United States and the State of Idaho, on March 13, 2020, Governor Brad Little declared a statewide State of Emergency, and the President of the United States declared a National Emergency; and

**WHEREAS**, an "emergency" exists In the City of Ketchum because of imminent risk to life as a result of the potential for cases of COVID-19; and

**WHEREAS**, an emergency declaration must be filed with the county recorder's office and "given prompt and general publicity";

**NOW THEREFORE**, the Mayor of the City of Ketchum does hereby declare:

That a local disaster emergency exists and that all efforts will be made to protect the citizens and property of the City of Ketchum through activation of all local disaster emergency plans and state emergency assistance; and

That this Local Disaster Emergency shall expire within seven (7) days unless the City Council expressly authorizes the continuance of such Declaration; and

That this Declaration of Local Disaster Emergency Declaration of Imminent Threat ("Declaration") shall be promptly filed with the Blaine County Recorder's Office; and

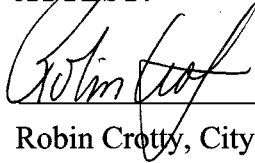
That prompt and general publicity shall be given by a press release notifying the public of this Declaration.

**APPROVED AND ADOPTED** this 18<sup>th</sup> day of March, 2020.



Neil Bradshaw, Mayor

**ATTEST:**



Robin Crotty, City Clerk





## City of Ketchum

March 23, 2020

Mayor Bradshaw and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

### **Recommendation To Adopt Emergency Ordinance 1207**

#### Recommendation and Summary

It is recommended the City Council make the following motions:

1. I move to waive the first and second reading of Emergency Ordinance 1207.
2. I move to adopt Emergency Ordinance 1207 and read by title only.

The reasons for the recommendation are as follows:

- During this unprecedented COVID-19 Pandemic, the City of Ketchum may need to implement measures to protect the health and safety of the community.
- Emergency Ordinance 1207 provides the Mayor and City Council with the legal authority to take action if the City Council deems it is necessary.

#### Analysis

The ability for the City to adopt and implement measures to protect the health and safety of individuals in Ketchum during the COVID-19 health emergency is limited without adoption of the proposed ordinance. Currently, only the Idaho Department of Health and Welfare may issue health orders.

Ketchum has unique characteristics and it may become necessary to enact health orders that are tailored specifically for Ketchum. In addition, the proposed ordinance enables the City Council to act quickly to implement actions instead of waiting for the Department of Health and Welfare.

The proposed ordinance establishes the framework for adopting orders if they are necessary. It is a precautionary measure in the event conditions deteriorate and additional action is necessary. Any order would require a public meeting before the City Council approves the order. As proposed, there are three tiers of orders, Advisory, Social Distancing, Isolation, and Quarantine.

In addition to providing for the approval of health orders, the ordinance authorizes the Mayor to cancel meetings and extend processing timelines and deadlines for development permits.

As proposed, the ordinance would go into effect immediately and would be in effect for 182 days.

#### Sustainability

The recommendation does not impact the goals of the Ketchum Sustainability Plan.

Financial Impact

There is no financial impact from the proposed ordinance.

Attachments:

Emergency Ordinance 1207



**ORDINANCE 1207**

**AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY IDAHO, ESTABLISHING EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE, INTENT, AND SCOPE; SETTING DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; ESTABLISHING PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR SUSPENSION OF CERTAIN SERVICES, ORDINANCES, AND POLICIES; ESTABLISHING PENALTIES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING FOR EMERGENCY POSTING, AN EFFECTIVE DATE, AND A SUNSET 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 18, 2020 the Mayor of Ketchum 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 Ketchum city limits, any health or quarantine ordinance and regulation thereof; and

**WHEREAS**, under Idaho Code section 50-606, the Mayor 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 Mayor is granted the emergency powers contained within this ordinance.

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

**SECTION 1. EMERGENCY POWERS.**

This Ordinance shall be known and designated as the Ketchum Emergency Powers Ordinance,

and shall be considered as a temporary emergency ordinance.

## **SECTION 2: LEGAL AUTHORITY.**

Idaho Code sections 50-304 and 50-606 authorize the City to pass ordinances granting certain powers to the Mayor 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 Mayor 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 Mayor and City Council during a public health emergency.

## **SECTION 5 DEFINITIONS.**

- 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 Mayor and/or 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 Mayor and City Council may issue the following orders, as deemed appropriate by the Mayor and/or City Council

- A. **Advisory Order.** Where a public health emergency is foreseeable or imminent, the City 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 Mayor may, following approval by the City Council or summarily when necessary, 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.

**C. Isolation Order.** Where a public health emergency is present, and poses a clear threat of harm to the public health, the Mayor may, following approval by the City Council or summarily when necessary, 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. 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 Fire Chief or designee shall review such appeal and issue a written decision. The Fire Chief's decision shall be final.

**D. Quarantine Order.** Where a health emergency is present and poses a clear threat of harm to the public health, the Mayor may, following approval by the City Council or summarily when necessary, 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 Fire Chief or designee shall review such appeal and issue a written decision. The Fire Chief's decision shall be final.

## **SECTION 7 PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS.**

**A. Approval by City Council.** The Mayor shall present to the City Council, at a duly noticed public meeting, the proposed Public Health Emergency Order. Public input may be taken at such meeting at the discretion of the Council, but a public hearing shall not be required. Following approval by the City Council, the Mayor shall prepare and publish and/or publicly post a written order. Except as may be specifically stated in the Public Health Emergency Order, such order shall be effective upon posting at Ketchum City Hall.

B. **Summary Enactment.** When necessary to summarily enact a Public Health Emergency Order, the Mayor shall prepare and publish and/or publicly post a written order. Within seven (7) days of the issuance of such an order the Mayor shall present the order to the City Council for approval as outlined in section 7A.

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

1. Posting the order in a prominent place at Ketchum 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 Blaine County School District, Blaine County and City of Sun Valley.

D. **Term of Order.** Every public health emergency order shall include an effective date and a termination date that shall be no more than ninety (90) days from the effective date, which may be extended upon approval of City Council.

#### **SECTION 8 SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCES, AND POLICIES AND PROCEDURES.**

During this Public Health Emergency and based upon the approval of a declaration of an emergency, the Mayor 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 Mayor may also suspend the regular meetings of City boards and commissions, including but not limited to the 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 certain deadlines and the timelines for processing applications may also be suspended. The Mayor is also authorized to waive such internal rules, regulations, and procedures as deemed necessary to protect the health and welfare of City employees.

#### **SECTION 9 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 an infraction under City Code.

**SECTION 10 CONFLICTS.**

All ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance, if any, are hereby revoked for the term of this Ordinance.

**SECTION 11 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 12 EMERGENCY POSTING, EFFECTIVE DATE, AND SUNSET.**

Due to an imminent situation of contagious disease, a proclamation of this Ordinance shall be posted in at least five public locations in the City and this Ordinance shall take effect immediately upon such posting, in accordance with Idaho Code 50-901. This Ordinance shall be considered a temporary emergency ordinance and shall sunset and revoke as to effect one-hundred and eighty-two (182) days from its effective date.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR OF Ketchum Idaho, on this 23<sup>rd</sup> day of March 2020.

APPROVED BY the Mayor of the City of Ketchum, Idaho this 23<sup>rd</sup> day of March 2020

APPROVED:

\_\_\_\_\_  
Neil Bradshaw, Mayor

ATTEST:

\_\_\_\_\_  
Robin Crotty, City Clerk