

**PUBLIC HEALTH EMERGENCY ORDER No. 20-06**

**REOPENING BOISE CITY: STAGE TWO**

**May 14, 2020**

**WHEREAS**, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (coronavirus) a pandemic, and 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 the city of Boise City (“Boise City”), Lauren McLean, declared a local disaster emergency, as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in Boise City due to the threat that COVID-19 poses to the health and welfare of the residents of Boise City, and on March 17, 2020, the Boise City Council ratified and extended the Declaration of Emergency; and

**WHEREAS**, on March 17, 2020, and repealed and replaced in full on April 7, 2020, the Council for Boise City adopted an ordinance enacting a new Chapter 15 to Title 1, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and

**WHEREAS**, on March 25, 2020, and amended on April 15, 2020, Governor Little, by way of the Idaho Department of Health and Welfare Order of the Director, issued an Order to Self-Isolate (“Order to Self-Isolate”), requiring all individuals living in the State of Idaho to self-isolate at their place of residence; and

**WHEREAS**, on April 30, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, dated May 1, 2020, providing requirements for reopening certain businesses and permitting certain activities in Stage 1 of the State’s reopening plan (“Stay Healthy Order – Stage One”); and

**WHEREAS**, on May 14, 2020, Governor Little entered, in conjunction with the Idaho Department of Health and Welfare Order of the Director, an order titled, State of Idaho, Idaho Department of Health and Welfare Stay Healthy Order, with an effective date of May 16, 2020 at 12:00 a.m., providing requirements for reopening certain businesses and permitting certain activities in Stage 2 of the State’s reopening plan (“Stay Healthy Order- Stage Two”); and

**WHEREAS**, Section 11 of the Stay Healthy Order – Stage Two allows cities to enact more stringent public health orders than those set out in the Stay Healthy Order – Stage Two; and

**WHEREAS**, the Mayor of Boise City, Lauren McLean, finds it necessary to implement certain requirements to build on and strengthen the strategy set forth in the Stay Healthy Order

– Stage Two to protect the health, safety and welfare of the citizens of Boise City by mitigating any negative repercussions of reopening the community due to Boise City’s large population, size and scope of City services offered, and status as the State of Idaho’s business and transportation hub.

**NOW, THEREFORE,** I, Lauren McLean, Mayor of Boise City, Idaho, by virtue of the authority vested in me by Boise City Code 1-15-05, Idaho Code Title 50, Chapters 3 and 6, and Article XII, Section 2 of the Idaho Constitution, to protect the public hereby issue this Public Health Emergency Order 10-06 – Reopening Boise City: Stage Two (“Emergency Order 20-06”):

**Section 1. Stay Healthy Order - Stage Two – Incorporated Herein.** The Stay Healthy Order – Stage Two is hereby incorporated in its entirety in this Emergency Order 20-06 except as otherwise specifically set forth herein.

**Section 2. Businesses - Required Compliance.** All businesses that are eligible to reopen pursuant to the Stay Healthy Order – Stage Two must comply to the extent feasible with all social distancing and sanitation recommendations and requirements as provided in Section 7 of the Stay Healthy Order – Stage Two and Section 3 of this Emergency Order 20-06. Additionally, all businesses that are eligible to reopen pursuant to the Stay Healthy Order – Stage Two must comply with all relevant business protocol recommendations and requirements for Stage 2 business reopening as provided for by Central District Health (“CDH”) and as found at <https://rebound.idaho.gov/>.

**Section 3. Individuals - Social Distancing and Sanitation Requirements- Required Compliance.** To the extent individuals are outside of their residence, individuals must comply with Section 7 of Stay Healthy Order – Stage Two including, but not limited to:

A. Individuals shall maintain at least six (6) feet minimum physical distancing from other individuals, whenever possible.

B. Individuals shall:

- i. Wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer;
- ii. Cover coughs or sneezes (into the sleeve or elbow, not hands);
- iii. Regularly clean high- touch surfaces; not shake hands;
- iv. Stay home if sick; and
- v. Strongly consider the use of face coverings while in public.

**Section 4. Group Gatherings.** Public and private gatherings of individuals in groups of more than 10 (ten) are prohibited, with the exception of household members or as provided by the Stay Healthy Order – Stage Two. All group gatherings must be held in accordance with the provisions of the Stay Healthy Order- Stage Two.

**Section 5. Airport Public Area Access.** Access to the public areas of the Boise Airport

terminal is restricted to individuals who can demonstrate they fall within one of the following categories:

- A. Ticketed airline passengers;
- B. An individual accompanying a ticketed airline passenger, provided the passenger needs assistance with arrival or departure;
- C. Individuals whose employment requires access to public areas;
- D. Individuals who have been authorized by airport officials or have a business need to access the public areas;
- E. Individuals in vehicles who are at the passenger pick up and drop-off locations waiting for or dropping off ticketed passengers; and
- F. Individuals in rental vehicles at the airport pick up and/or drop off rental car locations.

**Section 6. Penalty and Enforcement.** Individuals and businesses within Boise City are urged to voluntarily comply with the Stay Healthy Order - Stage Two and this Emergency Order No. 20-06. Boise City will make efforts to educate individuals and businesses to achieve compliance. However, pursuant to Section 8 of the Stay Healthy Order – Stage Two and Idaho Code § 56-1003(7)(c), Boise City shall enforce compliance with the requirements of the Stay Healthy Order – Stage Two. Failure to comply with the Stay Healthy Order – Stage Two shall be a misdemeanor punishable by fine, imprisonment, or both. In accordance with Boise City Code Section 1-15-10, any person who knowingly violates the provisions of this Emergency Order No. 20-06 shall be guilty of a misdemeanor, punishable by fine, imprisonment, or both.

**Section 7. Governing Language.** To the extent this Emergency Order No. 20-06 is more stringent than the Stay Healthy Order – Stage Two, the language of this Emergency Order No. 20-06 shall govern.

**Section 8. Costs.** No person shall be entitled to recover from Boise City any costs incurred, or profits lost as may be attributed to the enactment of this Order.

**Section 9. Severability.** To the extent any provision of this Emergency Order No. 20-06 or its application to any person or business is held to be invalid, the remainder of this Emergency Order No. 20-06, including any application thereof, shall remain in full force and effect. To this end, provisions of this Emergency Order No. 20-06 are severable.

**Section 10. Other Public Health Emergency Orders.** This order supersedes and replaces Public Health Emergency Order 20-05, Reopening Boise City: Stage One. Amended and Restated Emergency Public Health Order 20-01, dated April 30, 2020, shall remain in full force and effect.

**Section 11. Effective Date.** This Emergency Order shall take effect at 12:00 a.m. on May 16, 2020, and remain in full force and effect pursuant to the provisions of Boise City Code

Section 1-15-6 (E) unless it is terminated, modified or extended at an earlier date. In anticipation of the Governor issuing future Stay Healthy Orders, the Mayor, in consultation with CDH and local healthcare providers, will monitor the state of Boise City pursuant to the gating criteria outlined at <https://rebound.idaho.gov/>, specifically the syndromic, epidemiologic, and healthcare indicators to determine whether this Emergency Order No. 20-06 should be amended, modified or terminated.

  
Lauren McLean, Mayor