

Exhibit A

to Defendants' Motion to Dismiss

CITY OF HAILEY
PUBLIC HEALTH EMERGENCY ADVISORY ORDER NO. 2021-07

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is 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. The virus is spread between individuals who are in close contact with each other through respiratory droplets; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, the Center for Disease Control (CDC) reports that people are most COVID-19 contagious when they are most symptomatic (the sickest) however spread is possible before people show symptoms, or by those that are asymptomatic; 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 and after March 13, 2020, the Idaho Governor issued a series of Orders addressing public health measures to slow the spread of COVID-19 including the current **Stage 4 Stay Healthy Guidelines**, as last updated May 11, 2021; and

WHEREAS, on March 20, 2020 the Mayor of the City of Hailey declared a local disaster emergency, and on March 23, 2020 the Hailey City Council approved and adopted the Declaration as per the Disaster Preparedness Act (Title 46, Chapter 10 of the Idaho Code), in the City of Hailey due to the threat that COVID-19 poses to the health and welfare of the residents of Hailey; and

WHEREAS, on March 24, 2020, the Council for the city of Hailey adopted Ordinance 1260 establishing emergency powers that provide the authority, purpose, and intent of emergency powers to address the threat of COVID-19, which ordinance was extended as Ordinance 1266 on September 14, 2020, and extended as Ordinance 1277 on February 8, 2021, and extended as Ordinance 1290 on August 9, 2021, which latest extension will remain in effect for 182 days; and

WHEREAS, Idaho Code Sections 50-304 and 50-603 empower a City, by its Mayor and City Council, to make all regulations necessary to preserve public health, prevent the introduction of contagious disease into the city and for the enforcement of any health or quarantine ordinance and regulation thereof, and

WHEREAS, on September 14, 2020 the City Council, by unanimous consent, determined that future actions relating to exercise of its public health regulatory authority, and for purposes of general guidance, would be based upon the Covid-19 Blaine County Risk Level Plan; and

WHEREAS, according to the Blaine County Risk Level Plan, the County is now at the Critical Level, meaning local and regional hospitals are highly impacted and struggling to find care for patients coming in to the hospital, and the community has reached a tipping point for uncontrolled spread; and

WHEREAS, the United States Center for Disease Control (CDC) has continuously issued, updated as of September 1, 2021, *Interim Public Health Recommendations For Fully Vaccinated People* which now recommends even fully vaccinated people wear a mask in public indoor, and crowded outdoor, settings in areas of substantial or high transmission; and

WHEREAS, according to the CDC unvaccinated people are currently at serious risk, at nearly five (5) times the risk as the vaccinated population, and twenty-nine (29) times more likely to be hospitalized, and

WHEREAS, currently, in compliance with CDC guidelines, only people over the age of twelve (12) years are eligible for vaccination against COVID-19, therefore all children under twelve (12) of age are at serious risk, and

WHEREAS, the Blaine County School District (BCSD) has instituted a mask mandate, requiring all staff and student to wear Face Cloths or masks at all BCSD schools and activities and on all BCSD buses; and

WHEREAS, the Idaho State Department of Health, in September 2021, instituted Crisis Standards of Care within all Idaho hospitals, which is ongoing; and

WHEREAS, this Hailey Emergency Order 2021-06 was considered and approved on September 13, 2021 for a period of 4 weeks by the mayor in accordance with provisions of Emergency Powers Ordinance 1290; and

NOW, THEREFORE, the Mayor, with the approval of Hailey City Council, does issue an Order extending this Public Health Emergency Order for 90 days, through January 10, 2022, superseding any, and all, prior Emergency Public Health Orders.

SECTION 1. FACE COVERINGS

Every person, shall, when in any indoor, or outdoor public place where social distancing is not possible, 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 cloth face covering must wear or position themselves behind a face shield. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a cloth 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, must wear or position themselves behind a face shield.
- 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 actively engaged in athletic competition.
- f. 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.
- g. 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 party as the person.
- h. Outdoor public places where people can employ social distancing as recommended by CDC, while continuing to recommend face covering.


SECTION 2. EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect upon execution and publication by posting, as dated below, and shall remain in effect until expiration, unless rescinded, superseded or amended by the Mayor or City Council.

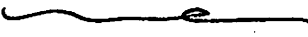
ISSUED

October 12, 2021




Mayor, Martha Burke

ATTEST


Mary Cone, City Clerk