

# TOWN OF JEROME

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## MINUTES

### EMERGENCY MEETING OF THE JEROME TOWN COUNCIL PUBLICLY HELD via WEB CONFERENCE ON ZOOM COUNCIL CHAMBERS, JEROME TOWN HALL SATURDAY, JUNE 20, 2020 AT 1:00 PM

<p><b>ITEM #1:</b> 1:09 (0:13)</p>	<p><b>CALL TO ORDER/ROLL CALL</b></p> <p>Mayor/Chairperson to call meeting to order.</p> <p><i>Mayor Alex Barber called the meeting to order at 1:09 p.m.</i></p> <p>Town Clerk to call and record the roll.</p> <p><i>Town Manager/Clerk Candace Gallagher called the roll. Present were Mayor Barber, Vice Mayor Sage Harvey, and Councilmembers Jane Moore and Dr. Jack Dillenberg. Councilmember Mandy Worth was absent. Police Chief Allen Muma and Deputy Clerk Rosa Cays were also present.</i></p>
<p><b>ITEM #2:</b> 1:10 (0:49)</p>	<p><b>COVID 19: MASK REQUIREMENT</b></p> <p>Council will discuss the Governor's Executive Order 2020-40 giving towns the authority to establish requirements to wear masks and may determine if and to what extent to require the wearing of masks in Jerome.</p> <p><i>Mayor Barber introduced the item then made a statement: As the mayor, she said this has been a very difficult decision for her and that she tries to do what is best to protect her community. She then asked Chief Muma to speak.</i></p> <p><i>Chief Muma shared some of the latest data about the spread of COVID-19. He stated there is mounting data that contact is not the problem and that it is airborne. He went through a few scenarios of where the disease spread most quickly and where "super spreaders" have accelerated the propagation of the virus. He said that Japan had come up with the "3 C's" to avoid closed spaces and poor ventilation, crowded spaces, and close-contact settings. Chief Muma said that 97 percent of infections are occurring indoors, and that outdoors is relatively safe. Someone would have to have had prolonged exposure (15+ minutes) or have someone sneeze directly in their face to be subjected to the virus outdoors. He shared data regarding mask use specifically for the prevention of COVID-19 transmission. The Department of Microbiology at the University of Hong Kong did a study that claimed there was a 75 percent reduction in coronavirus respiratory droplets or airborne particles transmission with mask use. He shared further details of the study. The conclusion was that the spread of coronavirus could be reduced by 50 percent when proper surgical masks are used by those infected. He read further from his memo and said that for someone to contract the virus from an infected person would require at least 15 minutes of exposure. Chief Muma said that singing has been determined to be a significant generator of aerosol spread of the virus. He said there is also conflicting information about the spread of COVID-19, with experts on both sides of the controversy.</i></p> <p><i>In summary, Chief Muma said most experts agree that masks do work to some extent but how effective they are is debatable. He said closed spaces with poor ventilation and no social distancing definitely increase the chances of infection, and that the public must be socially responsible in these places and wear a mask when proper social distancing cannot be maintained in an environment where there is high risk of transmission.</i></p> <p><i>Chief Muma also stated that the police, fire, and public works departments all have precautions in place, including requiring masks be worn when in proximity of someone whose infection status is unknown. Chief Muma referred to the Gilbert mandate in the agenda packet. He also clarified that, whatever measures are adopted, enforcement will fall on the police department. He said this could be challenging, especially on weekends and because of the inconsistent mandates at state and county levels and suggested that signage be</i></p>

posted on each end of town, clearly stating to visitors that masks are highly recommended. Chief Muma would support requiring masks for indoor environments where social distancing is not possible.

Mayor Barber asked whose responsibility it would be to provide masks. She said she feels very strongly for the older residents who are upset about how busy the town is amid this peak in the pandemic. But local businesses also need to make money, so the town needs to achieve a balancing act. She also said it saddens her that this is creating such division in the community. She also feels the elderly should stay home right now.

Mayor Barber said Sedona is the only other local municipality having to deal with tourists, and that they would be deciding on Tuesday, June 23, on what measures they will be taking to protect their community. She also said that she had heard that a mask cannot be worn if someone is carrying a carry gun and that Cottonwood Mayor Tim Elinski is running into trouble over this. The mayor said she has never questioned herself more than she has in the last three weeks: Is she doing the right thing for her town? She asked Chief Muma to speak to the law about masks and guns.

Chief Muma said it likely depends on what kind of mask and an intent requirement.

Mayor Barber expressed concern about the legalities of mandating masks.

Vice Mayor Harvey said Jerome has no say-so regarding mandating businesses and that the executive order from the governor is what is to be followed—the town is looking at outdoor, open spaces. She said residents have been sharing their opinions via messages and social media: 44 say yes to masks, 11 are against masks, and 2 are undecided. Vice Mayor Harvey then made a statement: She said that, like Mayor Barber, she has been doing everything she can to keep the Jerome community safe. This is about health and safety for people; visitors do not care if they get residents sick. She feels the town should “grab the bull by the horns” and take control.

Mayor Barber asked what the liability would be for the town. She expressed concern about enforcement and how Jerome’s police department is already tasked with enough. Mayor Barber spelled out three options for the town: 1) do nothing and ask people to be socially responsible; 2) create an ordinance and enforce it, or 3) create an ordinance and not enforce it.

Councilmember Jack Dillenberg thanked the mayor, vice mayor, and Chief Muma for all their efforts and agreed that this was not an easy issue. He said this was also not a question of rights or freedoms and referred to a letter from one of the Jerome residents. He gave an example of restricting BBQs during fire season and that it would not be a violation of rights but a matter of public safety. He said asking the public to wear masks is a similar situation; that this is a matter of protecting a community from a highly spreadable disease. Dr. Dillenberg said If people were keeping socially distant with no masks, staying in their family groups, no problem. But this is not what is happening in Jerome, where people are coming from unknown places and unknown exposure to the virus. He said the town has a responsibility to protect its citizens without being overbearing. He acknowledged that enforcement is an issue, but that visitors need to consider our citizens when they come to Jerome. He said it is not a matter of individual rights and freedom—it is about community health.

Councilmember Jane Moore suggested that businessowners post signs clarifying whether they require a mask be worn, and that if no mask is required, it should also be posted. She asked what right a shopkeeper might have to say they won't wear a mask? Ms. Moore also brought up the proper use of masks and what type is best to wear, i.e., N95 masks vs. bandanas. She said she was hesitant to go too far with a mandate and that fining people would be a nightmare, but she also wants people to be safe.

Ms. Gallagher said FEMA funding is available to buy masks and that the town could get 75 percent reimbursement for the expense.

Vice Mayor Harvey clarified for Ms. Moore that Executive Order 2020-40 is basically the same as 2020-36 except that this time Ducey is mandating businesses to follow it. A discussion ensued about the language in the executive order.

Ms. Moore responded that there are shopkeepers and others who will still say that the mandate is not legal.

Vice Mayor Harvey and Chief Muma returned to the discussion regarding the language of the executive order (shall vs. should). Chief Muma said education is first but who would get sued in certain circumstances? He said it would not be the governor. Perhaps the town could get volunteers to educate visitors and hand out masks.

Dr. Dillenberg said he personally wants all visitors to wear masks. Realistically, he suggested that the town strongly recommend or encourage masks rather than mandate, considering a litigious perspective. He said the bottom line is to protect our citizens but not create ill will or discord.

Mayor Barber confirmed what Dr. Dillenberg was suggesting and said she also wanted Councilmember Mandy Worth, who was not present, to have the opportunity to weigh in on the decision. She quoted a local mayor who said it was sad that citizens do not take personal responsibility to protect themselves. She then read Ms. Worth's statement that had been included in the agenda packet. Mayor Barber said they need to keep the residents safe but also avoid liability, especially in these financially strained times. She said she would like to talk to town attorney Bill Sims before mandating anything.

Ms. Moore said residents being exposed to the public, e.g., at the post office, are wary, and avoiding town on the weekends—it should not have to be this way. She also said that if a shop chooses not to require masks, the public should be warned before they enter the shop, and signs should be posted in the windows.

Mayor Barber talked about the confusion and difficulty in deciding what to do, especially in consideration of enforcement. She referred to the governor's executive order and gave examples of how the town could be liable.

Dr. Dillenberg suggested going with a strong recommendation to start, then possibly mandate the use of masks, not set fines at this point, and move forward. He said he would like to confer with Bill Sims and get Ms. Worth's input.

Ms. Moore agreed: it is better to be safe than sorry.

Ms. Gallagher suggested renting a traffic sign flashing a message encouraging visitors to wear masks. She had seen one in Sedona.

Mayor Barber said she did not want to wait too long to make a decision but was hesitant to do so without all the councilmembers weighing in (i.e., Ms. Worth).

Vice Mayor Harvey suggested checking in with the public to get their input.

Ms. Gallagher invited those listening via Zoom to speak.

Jerome resident Suzy Mound wanted to address the Council, but technical difficulties impeded this.

Chief Muma said he had looked up the Arizona revised statute and found that wearing a mask to conceal one's identity while carrying a gun is against the law.

Ms. Moore clarified that if something is mandated it would be up to the JPD to enforce it, which would be a nightmare.

Chief Muma agreed. He said casual passing on the sidewalks is not the issue, and he is going by nonpartisan information and epidemiologists; he sees people on the steps sitting two feet apart as the bigger problem. He said he has asked people to social distance, but to be forceful could be problematic. Chief Muma said he preferred to take an educational approach and possibly hand out masks to people, strongly suggesting they wear them.

Dr. Dillenberg moved, in the short term, to strongly recommend the use of masks and maintain social distancing until Council can discuss again on June 23 when all councilmembers are present. Vice Mayor Harvey seconded the motion. Mayor Barber asked that it be slightly amended. Mr. Dillenberg revised his motion.

[Ms. Gallagher was still working on the technical issues so the public could participate.]

Ms. Moore said she still wanted to get legal counsel.

Vice Mayor Harvey said she would like to see the ADOT signs at each end of town.

Ms. Gallagher arranged for those in the public that wished to speak to call in via her cell speakerphone.

2:02 (53:10) Ms. Mound called in and said Phoenix has mandated masks, so many people from that area will be coming to Jerome to get away. She said Jerome had no way of social distancing outside and that this was a public safety issue. She said the wearing of masks should be mandated and made suggestions for alerting visitors to wear masks, and if they did not comply, to cite them.

Ms. Moore said she liked the idea of hand sanitizer and masks at the parking kiosks.

Ms. Gallagher announced that Jerome resident Jay Kinsella had texted and asked that his letter be read to Council.

2:05 (56:51) Jerome businessowner Buddy Chasteen called in. He said he backed the idea of signs at each end of town and liked Ms. Moore's suggestion of having shop owners post if they

do or do not require masks. Mr. Chasteen could support highly recommending masks but not mandating them.

Mayor Barber read Jay Kinsella's letter to the Council per his request. She then said the messages coming in from the federal, state, and local levels are so muddled that it is hard to find a clear path to a decision.

Vice Mayor Harvey clarified that Gov. Ducey's executive order is what rules for businesses. Mayor Barber asked who is supposed to supply the masks, the town or the already struggling businesses?

Vice Mayor Harvey further clarified the governor's executive orders. After brief further discussion:

**Motion to approve strongly recommending the use of masks and social distancing in public; install signage at each entrance of town, and to discuss again at the June 23 meeting with full Council after obtaining legal guidance**

COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG	X		X			
HARVEY		X	X			
MOORE			X			
WORTH					X	

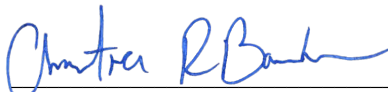
ITEM #3:

**ADJOURNMENT**

**Motion to adjourn at 2:15 p.m.**

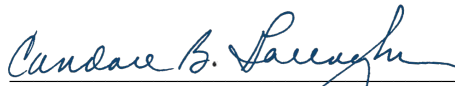
COUNCILMEMBER	MOVED	SECONDED	AYE	NAY	ABSENT	ABSTAIN
BARBER			X			
DILLENBERG	X		X			
HARVEY		X	X			
MOORE			X			
WORTH					X	

APPROVE:



Christina "Alex" Barber, Mayor

ATTEST:



Candace B. Gallagher, CMC, Town Manager/Clerk

Date: July 15, 2020