

**CITY OF CORDOVA, ALASKA  
EMERGENCY ORDINANCE 1184**

**AN EMERGENCY ORDINANCE CONTINUING THE CITY'S DECLARATION OF A LOCAL EMERGENCY AND ACKNOWLEDGEMENT OF A STATE-WIDE EMERGENCY RESULTING FROM COVID-19; RATIFYING TEMPORARY EMERGENCY RULES AND PROCEDURES ADOPTED BY THE CITY MANAGER IN RESPONSE TO COVID-19; AND TEMPORARILY AUTHORIZING THE SUSPENSION AND/OR MODIFICATION OF VARIOUS SECTIONS OF THE CORDOVA MUNICIPAL CODE REGARDING PUBLIC MEETINGS, PROCUREMENT, AND OTHER CITY OPERATIONS AS NECESSARY TO PRESERVE PUBLIC HEALTH AND SAFETY**

**WHEREAS**, the United States Center for Disease Control and Prevention (CDC) has identified COVID-19 as a significant public risk; and

**WHEREAS**, on March 11, 2020, Governor Dunleavy issued a declaration of public health disaster emergency in response to the anticipated outbreak of COVID-19 within Alaska's communities; and

**WHEREAS**, on March 11, 2020, The World Health Organization designated the COVID-19 outbreak a pandemic; and

**WHEREAS**, various organizations, agencies, and local governments throughout the State of Alaska and within the City of Cordova are cancelling or restricting public gatherings, temporarily closing schools and childcare facilities as well as restricting non-essential travel in efforts to contain the virus; and

**WHEREAS**, the recommendations of global, federal, state, and local organizations and government entities are changing almost daily in response to new information regarding COVID-19, which requires the City to be able to act swiftly to comply with these recommendations in its emergency operations; and

**WHEREAS**, in order to protect public health, welfare, and safety, the City needs flexibility in its meeting and notice protocols; and

**WHEREAS**, the City Manager has authority to implement temporary rules and procedures regarding City government organization and operations during an emergency under the City's Emergency Operation Plan; and

**NOW, THEREFORE, THE CITY OF CORDOVA ORDAINS:**

**Section 1. Emergency Declaration.** This emergency order renews and reiterates the Mayor's declaration of local emergency ratified by Council and its acknowledgement of state-wide emergency declared by Governor Dunleavy on March 11, 2020.

**Section 2. Ratification.** Council hereby ratifies the Temporary COVID-19 Emergency Rules and Procedures adopted by the City Manager on March 30, 2020 and incorporated into this Emergency Ordinance as Exhibit A.

**Section 3. Authority.** The Cordova City Council hereby confirms the authority of the City Manager to temporarily waive or modify provisions pertaining to scheduling, publication, notice, cancellation, teleconferencing, video conferencing, and other related meeting procedures for all City commission, committee, and council meetings so long as the City Manager's actions comply with State law and the Cordova City Charter. Council may repeal any modification or waiver made by the City Manager under this Ordinance by emergency ordinance.


**Section 4. Request for Assistance.** Council hereby acknowledges the City's need for financial assistance from the United States and the State of Alaska to protect the City from a COVID-19 outbreak within the City and to recover from the economic and health impacts of the threat and outbreak of COVID-19 within the City.

**Section 5. Codification.** This ordinance is an emergency ordinance, is not permanent in nature, and shall not be codified.

**Section 6. Effective Date.** This ordinance shall take effect on the day it is enacted and shall remain in effect until it is repealed by Council or the declaration of emergency regarding COVID-19 expires without renewal.

**PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF APRIL 2020.**



  
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Clay R. Koplin, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan Bourgeois, CMC, City Clerk

**EMERGENCY ORDER 2020-02**

**CITY OF CORDOVA**

**TEMPORARY OPERATION RULES AND PROCEDURES REGARDING THE COVID-19 PUBLIC HEALTH EMERGENCY**

City Manager Helen Howarth, in collaboration with Mayor Clay Koplín and Cordova's Emergency Operations Center, hereby institutes the following temporary emergency rules and procedures in response to the COVID-19 public health emergency. This Emergency Order 2020-02 and the rules and procedures adopted within it shall be effective at 5:00pm on March 30, 2020 and shall expire 30 days after that date. These rules supersede and replace any emergency rules or local mandates regarding COVID-19 previously adopted by the City. These rules and procedures may be identified as the "Emergency COVID-19 Rules" for ease of reference. These rules shall be posted on the City website and the City Clerk shall provide City Council members notice of these rules within five (5) days of their adoption. The general purpose and intent of these rules is to protect the Cordova community from the COVID-19 outbreak while preserving Cordova's economy and the livelihood of Cordova's residents and its visitors. To the extent there is any question regarding the application or scope of these rules, the rules should be applied in a way that promotes their general purpose and intent.

**Rule 1. Electronic City Council Meetings.** Any regular or special meetings of the City Council may be conducted via electronic means, including audio or video conference and the Mayor may chair these meetings via electronic presence, unless the Mayor determines that a meeting must be conducted at City Hall and that doing so does not pose a risk to the public health, safety, and welfare. The City Clerk shall post telephone number(s) to call into telephonic or video conference meetings on the City of Cordova website and on the written agenda for all regularly scheduled and special meetings. Council shall ensure that reasonable accommodations are made to afford the public a right to be heard telephonically. Telephonic participation by the public is not ideal but is reasonable when weighed against the substantial risk to public health, welfare, and safety posed by group gatherings during the COVID-19 outbreak. In the event the Mayor determines an in-person meeting is necessary and does not pose a risk to public health, welfare, and safety, no more than five (5) members of the public shall enter the same space to make comments at one time. The public may also submit written public comments for all telephonic or video conference Council meetings. The public written comments shall be read into the record during the public comment period at all Council meetings held electronically, except Council work sessions. If written public comments exceed three (3) minutes, the first three (3) minutes of the written comment shall be read during the meeting. Written comments must include the name of the contributor in order to be read publicly during telephonic or video conference meetings. Current time limits placed on public comments and testimony shall apply to telephonic and written public

comments submitted under this rule. The City must continue to comply with meeting attendance and scheduling requirements under the Cordova Municipal Charter Section 2.7.

**Rule 2. Council Meeting Notice and Packet Materials.** The City Clerk shall provide the public and media notice that is reasonable under the circumstances for all emergency special meetings held by Council. All special meetings and agenda items shall be posted on the City website no less than six (6) hours before a special meeting. Failure to post the meeting materials shall not invalidate the actions taken by Council during an emergency meeting if Council states the reason for the failure to post adequate notice or provide materials and clearly finds that the notice and material access provided during the meeting was sufficient and reasonable in light of the emergency circumstances underlying the meeting.

**Rule 3. Meetings of Boards and Commissions.** The City Manager may cancel meetings of any board or commission if she finds that cancellation is necessary to protect public health, safety, and welfare. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice. All board and commission meetings may be held electronically in the same manner proscribed for Council meetings in Rule 1.

**Rule 4. Suspension of All Non-Essential Meetings and Agenda Items.** All non-essential government meetings shall be postponed until no earlier than April 24, 2020. Non-essential action items shall also be postponed until no earlier than April 27, 2020, unless doing so would pose substantial financial harm on the City or another party. Any person objecting to the postponement of an action item may notify the City Manager in writing regarding his or her objection. The City Manager shall review any written objections received and shall determine if the objection warrants consideration of an action item by Council or the appropriate commission or board before April 27, 2020. The City Manager shall notify the Mayor of all written objections received and her determination. Upon receipt of a written objection, the Mayor may override the City Manager's decision to postpone an action item.

**Rule 5. Licensed or Permitted Activities.** The City Manager may suspend licenses or permits for special events or any other licenses or permits issued by the City which in the judgment of the City Manager could impact the public health or well-being of residents or visitors to the community.

**Rule 6. Purchases.** The City Manager may authorize any purchase for which funds are available reasonably related to the emergency. Such purchases may be made without following each formal requirement of Chapter 5.12 of the Cordova Municipal Code. The Mayor shall provide written approval for any purchases proposed by the City Manager reasonably related to the emergency that exceed \$25,000.

**Rule 7. Personnel Policies.** The City Manager may adjust any personnel policies related to leave time, other benefits or terms and conditions of employment as are

reasonably related to providing sufficient staffing during the term of the emergency while protecting City employees and the community from COVID-19.

**Rule 8. Bargaining Units.** The City Manager is hereby authorized to enter into such temporary agreements, including memoranda of understanding with the City's bargaining units in order to promote the provision of City services and the health and safety of the public and employees during the emergency.

**Rule 9. City Facilities.** The City Manager may close City facilities or limit hours of operation as is reasonably required to protect the health of the public and employees of the City.

**Rule 10. Private Facilities.** All private facilities shall comply with operating limitations and closure requirements ordered by State of Alaska health mandates. The City Manager may require businesses and commercial enterprises operating within the City to close or limit operations if she determines such limitations or closures are necessary to protect public health, welfare, and safety. The City Manager shall provide businesses with notification of any emergency closures at least 48 hours before closures or limitations become effective. The Mayor shall approve all closures or limitations that exceed State of Alaska health mandate requirements before such closures or limitations become effective. Notice under this rule shall be effective if provided on the City website and through radio broadcast aired during normal business hours.

**Rule 11. Local Business Protective Measures and Policies.** All businesses open to more than five (5) customers at one time at a physical site within the City shall post a "COVID-19 Protective Measures and Policies" on-site detailing the measures taken by that business to protect employees and customers from COVID-19 exposure. Businesses subject to this requirement shall file a copy of their COVID-19 Protective Measures and Policies with the City's Incident Management team at [cordovaprepared@yahoo.com](mailto:cordovaprepared@yahoo.com) no more than five (5) working days after the effective date of these rules. COVID-19 Protective Measures and Policies must include:

1. A statement confirming that the business qualifies as an essential service or critical infrastructure business in "Alaska's Essential Service and Critical Infrastructure," and any amendments to that document adopted by the State of Alaska.
2. Provisions for restricting the number of individuals present on-site at any given time;
3. Identification of healthcare and sanitization measures taken to minimize the exposure of customers and employees to COVID-19; and
4. Description of a means for individuals subject to Rule 13 (Individual Distancing Protocols-Level 2) to obtain essential personal goods from the local business and a telephone number or website where these individuals can place an order for such goods. Businesses may offer delivery or establish a pick-up location for orders of essential personal goods but may not ban individuals from obtaining such goods because the individual is subject to Rule 13.

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An example “COVID-19 Protective Measures and Policies” is available on the City website.

**Rule 12. Individual Distancing Protocols-Level 1.** Individuals who have been physically present within the City or the areas immediately adjacent to the City for 14 consecutive days before or during the effective dates of these rules, and do not display symptoms of COVID-19, shall:

- A. Only Participate in activities permitted under State of Alaska Health Mandates.
- B. Follow all social distancing protocols required by State of Alaska mandates.

**Rule 13. Individual Distancing Protocols-Level 2.** Individuals who have been travelling pose a greater health risk to the community and therefore are subject to stricter restrictions than those imposed under State Mandates.

Individuals who have been physically present within the City boundaries for less than 14 consecutive days immediately before or during the effective dates of these rules and do not display symptoms of COVID-19 shall comply with all applicable provisions of all State of Alaska Health Mandates whether or not travel initiated inside or outside of Alaska. Individuals subject to this rule must remain in his or her place of residence or lodging for 14 days beginning on the effective date of these rules and may only leave:

- 1. To travel to and from a critical workforce position identified in “Alaska’s Essential Service and Critical Infrastructure Order.” This State of Alaska Order is available on the City website.
- 2. To obtain services and supplies directly related to the individual’s essential service or critical workforce position;
- 3. To obtain personal food and supplies through third-party delivery;
- 4. To seek essential health care; and
- 5. To engage in outdoor physical activity only in areas where the individual is able at all times to maintain least six (6) feet distance between the individual subject to this rule and all other individuals.

Individuals subject to this rule must notify a health care provider that he or she is subject to this rule before procuring health care from that provider. Upon the expiration of the 14-day period required in this rule, individuals shall comply with Individual Distancing Protocols mandated by the State of Alaska.

**Rule 14. Symptomatic Quarantine. An individual displaying symptoms of COVID-19 MUST:**

**1. Stay in his or her place of residence or lodging for a minimum of 14 days except to seek essential health care,**

**2. Notify a healthcare provider that the individual has symptoms of COVID-19 and is subject to this rule before making any physical contact with that healthcare provider or entering the provider's premises.**

**An individual subject to this rule may NOT leave his or her residence to attend work, obtain supplies, engage in physical exercise or any activity except to obtain essential healthcare in compliance with this rule.**

**Rule 15. Small Operator Mutual Aid Agreements.** Individuals and businesses engaged in commercial operations, sales or services physically located within the City with up to ten (10) employees must enter into a Small Operator Mutual Aid Agreement with the City. This agreement identifies the measures taken by the City to protect the community and protections provided by the operator to prevent the spread of COVID-19 amidst the operator's employees and customers and within the Cordova community at large. The Small Operator Mutual Aid Agreement is available on the City website and should be completed and submitted to the City within five (5) days of the effective date of this rule. Individuals or businesses subject to this rule but operating within the City after the effective date of this rule should submit a mutual aid agreement within 72 hours of initiating operations within the City or its waters. Individuals and businesses subject to this rule but covered by a State of Alaska approved Critical Workforce Protocol may file their protocol in place of a Small Operator Mutual Aid Agreement along with a written statement agreeing to comply with the terms and requirements of that protocol while in the City and/or its waters. Businesses required to post Local Business Protective Measures and Policies are exempt from this rule but shall file any travel or critical infrastructure protocols mandated by the State of Alaska with the City within five (5) days of filing such a protocol with the State of Alaska.

**Rule 16. Large Operator Mutual Aid Agreements.** Individuals and businesses engaged in commercial operations, sales or services physically located within the City or its waters with more than ten (10) employees must enter into a Large Operator Mutual Aid Agreement with the City. This agreement identifies the measures taken by the City to protect the community and protections provided by the operator to prevent the spread of COVID-19 amidst the operator's employees and customers and within the Cordova community at large. The Large Operator Mutual Aid Agreement is available on the City website and should be completed and submitted to the City within five (5) days of the effective date of this rule. Individuals or businesses subject to this rule but operating within the City after the effective date of this rule should submit a mutual aid agreement within 72 hours of initiating operations within the City or its waters. Individuals and businesses subject to this rule but covered by a State of Alaska approved Critical Workforce Protocol may file their protocol in place of a Large Operator Mutual Aid Agreement. Individuals or businesses filing a protocol instead of an agreement must file

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a written statement agreeing to comply with the terms and requirements of that protocol while in the City or its waters. Businesses required to post Local Business Protective Measures and Policies are exempt from this rule but shall file any travel or critical infrastructure protocols mandated by the State of Alaska with the City within five (5) days of filing such a protocol with the State of Alaska.

**Rule 17. Payment Deferrals.** The City Manager, upon the recommendation of the Finance Director, is hereby authorized to extend deadlines for payment related to any amounts due and owing to the City.

**Duration and maximum enforcement.** These rules are adopted and immediately effective by Emergency Order March 30, 2020. These rules are effective up to the date specified within the rule. If no date is specified within the rule, the rule is effective for 30 days from the date of enactment. The City Manager may extend these rules for 30-day periods so long as a City of Cordova public health emergency proclamation resulting from COVID-19 remains in effect. Council may repeal any or all of these rules by resolution. No rule shall remain in effect for longer than is necessary to protect the public health, safety, and welfare from the emergency public health crisis caused by COVID-19. These rules may be enforced to the maximum extent allowed by State of Alaska law.