

**CITY OF CORDOVA, ALASKA
RESOLUTION 04-20-14**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA,
RATIFYING THE TEMPORARY EMERGENCY RULES AND PROCEDURES
AS REVISED AND ENACTED BY CITY MANAGER HELEN HOWARTH IN
EMERGENCY ORDER 2020-05 EFFECTIVE APRIL 24, 2020**

WHEREAS, on March 16, 2020, the Mayor and City Manager declared a disaster emergency in the City of Cordova and activated the Emergency Operations Plan; and

WHEREAS, on March 18, 2020, City Council approved the declaration of a local emergency as a result of the COVID-19 outbreak; and

WHEREAS, the City Manager, under the authority vested in her under CMC 3.45.020 and in collaboration with the Emergency Operations Organization, implemented emergency COVID-19 rules to minimize the spread of COVID-19 within the Cordova community; and

WHEREAS, Governor Dunleavy recently released State of Alaska Health Mandate 016 entitled “Reopen Alaska Responsibly Plan-Phase 1A;” and

WHEREAS, the City is eager to responsibly reopen its community but strongly believes that responsible reopening requires the City to postpone the resumption of non-essential business operations until the City’s leaders have an opportunity to weigh the impact of the influx of essential workers and visitors to Cordova resulting from the upcoming fishery opening; and

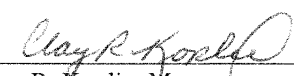
WHEREAS, the City Emergency Operations Team is diligently developing a Cordova-specific “Responsible Re-opening plan” to ensure that the City re-opens in a manner that preserves public health and safety in Cordova, which may differ from other Alaska communities in light of the increased risk of COVID-19 exposure facing Cordova in the upcoming weeks; and

WHEREAS, Cordova’s Emergency COVID-19 Rules were substantially consistent with other revisions in the State of Alaska health mandates regulating essential work conduct but small changes to the rules were needed to maintain uniformity between City and State protections; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Cordova, Alaska **does** hereby ratify and approve the emergency rules attached here as Exhibit A.


PASSED AND APPROVED THIS 29th DAY OF APRIL 2020.





Clay R. Koplín, Mayor

ATTEST:



Susan Bourgeois, CMC, City Clerk

**CITY OF CORDOVA EMERGENCY OPERATION RULES AND PROCEDURES CURRENT
TO 04-24-2020**

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 May 13, 2020. Non-essential action items shall also be postponed until no earlier than May 13, 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

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if the objection warrants consideration of an action item by Council or the appropriate commission or board before May 13, 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 and suspension of such licenses or permits is not prohibited by State of Alaska law or mandate.

Rule 6. Facial Coverings. All individuals in Cordova must wear a mask, bandanna or other type of cloth protective covering over their nose and mouth when entering a building open to the public, in the harbor on docks and ramps, when pumping gas or using gas station amenities, and in any other settings where social distancing of at least six feet is not possible. Individuals under the age of four, individuals with trouble breathing, and individuals with a medical condition that prevents them from wearing a facial covering are exempt from this rule. All individuals alone in a space requiring facial coverings under this rule are not required to wear a covering unless and until another person outside that person's household arrives at their location.

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 in Cordova are required to continue to comply with State of Alaska Public Health Mandate 11 as it was issued March 27, 2020 ("Original State Health Mandate 11") and is posted on the City of Cordova website. Private facilities shall comply with all other State of Alaska Public Health Mandates that are not in direct conflict with Original State Health Mandate 11. This rule shall be automatically repealed at 11:59pm May 20, 2020 unless approved by Council via emergency ordinance.

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 forms@cityofcordova.net no more than five (5) working days

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after the effective date of these rules or within five (5) days of resuming operations. 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 “The Alaska Essential Service and Critical Infrastructure Order,” 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;

4. Description of a means for individuals in quarantine 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 prohibit entry of quarantined individuals from their premises and offer delivery or establish a pick-up location for orders of essential personal goods sold by the business, but may not ban individuals from obtaining such goods because the individual is subject to quarantine; and

5. A telephone number or email address of the individual owner, manager or his or her designee so that persons may report violations of the business’s protective measures and policies.

Businesses may post a State of Alaska COVID-19 mitigation plan in place of the COVID-19 Protective Measures and Policies so long as the mitigation plan contains the information required in this rule. 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 Health Mandates.

Rule 13. Individual Distancing Protocols-Level 2. 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:

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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; and
3. To meet “critical personal needs” as that term is defined by State of Alaska health mandates; and
4. To seek essential health care.

Individuals traveling to Cordova from another Alaska community for purpose of engaging in a fishing charter or another permitted non-essential purpose under State of Alaska public health mandates must follow the rules and limitations imposed upon such activity by the State of Alaska. 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.

Rule 14. Medical Quarantine. Individuals under a healthcare quarantine order or an individual testing positive for COVID-19 must comply with all medical quarantine orders or requirements imposed by the State of Alaska. Individuals subject to a State of Alaska medical quarantine order must notify a healthcare provider that the individual is under medical quarantine or has tested positive for COVID-19 before making any physical contact with that healthcare provider or entering the provider’s premises. Each day constitutes a separate violation under this rule punishable by a fine of up to \$500.

An individual subject to quarantine under this rule shall have a right to appeal any enforcement of a quarantine order under this rule by the City by filing a notice of appeal with the City Clerk at cityclerk@cityofcordova.net. A telephonic administrative hearing shall be held within one business day of the filing of the written notice of appeal. Individuals filing a notice of appeal must enter quarantine as ordered immediately regardless of a pending appeal. The sole purpose of the appeal hearing is to determine if the individual is in the state of the disease where quarantine is necessary.

During the telephonic administrative hearing, the hearing officer will consider the quarantine order on its face, testimony by the quarantined individual or his or her representative, and testimony by the issuer of the quarantine order. The hearing officer may only uphold the issuance of the order if he or she determines that: 1) The length of the quarantine does not exceed the period of incubation and communicability for COVID-19 as determined by the Director of the CDC and that 2) the individual is in fact the individual that tested positive for COVID-19 or was issued a medical quarantine order due to COVID-19 symptoms. There is a rebuttable presumption that the individual is not subject to quarantine under this rule if the individual produces evidence of a negative COVID-19 test administered after the date of the ordered quarantine. The hearing officer shall issue a written decision with findings 48 hours after the hearing.

Rule 15. Mutual Aid Agreements. Individuals and businesses engaged in commercial operations, sales or services physically located within the must enter into a Mutual Aid Agreement with the City. This rule applies to vessel owners engaged in commercial fishing

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operations, sport fishing charters, and sightseeing excursions. It also applies to retail stores, grocery stores, liquor stores, lodging facilities, hair salons, personal care service providers, restaurants, air charter operations, and all other commercial operations, sales or services within the City. This agreement identifies the measures taken by the City to protect the community and the 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 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 entities subject to this rule operating an independent commercial vessel should complete the "Vessel Mutual Aid Agreement." 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 Mutual Aid Agreement along with the "City of Cordova Local Acknowledgement Form" which is a written statement agreeing to comply with the terms and requirements of that protocol while in the City or its waters. The City of Cordova Local Acknowledgement Form and the Model Business and Vessel Mutual Aid Agreements are available on the City website. The City Manager may accept a proposed mutual aid agreement or state protocols submitted in place of a mutual aid agreement or may request additional protocols or procedures be implemented before executing such an agreement. No mutual aid agreement shall require either party to violate state or federal law or the Cordova Municipal Charter.

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.

Rule 18. Commercial Operations COVID-19 Document Submission. All businesses or individuals engaged in the sale of goods or services in this City or conducting commercial operations within the City shall file with the City:

1. Any protocol, acknowledgement form or plan regarding COVID-19 submitted to the State of Alaska, the United States Coast Guard or any other agency, branch or department of the federal government;
2. Any memorandum of understanding or agreement regarding COVID-19 executed by and between the business or individual and the State of Alaska or the federal government; and
3. Any enforcement orders or notices of violation involving COVID-19 filed against the individual or business by a government or military entity, including the Department of Health and Human Services and the United States Coast Guard.

Submissions required under this rule must be received by the City no more than five (5) working days after the effective date of these rules or within 72 hours after the business or individual reasonably foresees that he, she or it will operate or engage in the sale of goods or services within the City while these rules are in effect. Submissions under this rule should be emailed to the City's Incident Management team at forms@cityofcordova.net. A business or individual may be exempt from submitting a document under this rule if the government entity issuing or

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executing the document provides the City with a written statement identifying the document as confidential and confirming that the City cannot require production of the document.

Rule 19. Native Village of Eyak Representation and Assistance. The Mayor shall appoint at least one representative from the Native Village of Eyak to the Emergency Management Organization. The City Council and the Native Village of Eyak Tribal Council shall hold joint meeting(s) to discuss COVID-19 impacts on all residents and visitors to Cordova, including but not limited to NVE tribal members. The City Manager shall have authority to enter into agreements with the Native Village of Eyak to ensure the sharing of resources, knowledge, and information. These agreements shall become effective upon execution by both parties.

Rule 20. Penalties. Any violation of these rules shall constitute a violation of a Cordova emergency mandate and may be punishable by a fine of up to \$500. Each day of a violation of these rules constitutes a separate and distinct violation subject to a fine of up to \$500. The City also reserves the right to enforce the State of Alaska Health Mandates to the fullest extent permit by law.

Duration and maximum enforcement. All the Emergency COVID-19 Rules shall expire at 12:00am on June 1, 2020 unless a different date is specified within a rule. This revision supersedes all previously adopted expiration dates in the Emergency COVID-19 Rules. In the event the declared state of emergency is repealed by City Council before June 1, 2020, the rules will automatically terminate on the effective date of that repeal.

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.