

**CITY OF CORDOVA, ALASKA  
RESOLUTION 05-20-19**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA PRE-  
APPROVING EMERGENCY ORDER 2020-06 REGARDING THE REPEAL AND  
REENACTMENT OF THE CITY OF CORDOVA EMERGENCY COVID-19 RULES**

**WHEREAS**, The City Manager, in collaboration with the Mayor and the COVID-19 Incident Management Team, recognizes the need to revise the City COVID-19 Emergency Rules in light of the State of Alaska's adoption of its Reopen Alaska Responsibly Plan; and

**WHEREAS**, the City Manager has authority to implement emergency operation rules without Council approval but finds that it is in the City's best interest to seek Council input and approval before implementing the repeal and reenactment of the City's COVID-19 Rules, which removes many of the quarantine and social activity restrictions impacting City residents, businesses, and visitors; and

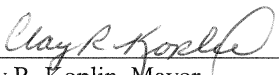
**WHEREAS**, the current state of COVID-19 in the City, which does not yet have a reported positive COVID-19 case, affords the City Manager and City Council time to examine the rules before adoption without risking public health and safety,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Cordova, Alaska, hereby:

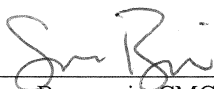
Section 1. approves Emergency Order 2020-06 as attached to this Resolution as Exhibit A, as amended by City Council at its May 6, 2020 meeting.

**PASSED AND APPROVED THIS 6<sup>th</sup> DAY OF MAY 2020.**



  
\_\_\_\_\_  
Clay R. Koplín, Mayor

ATTEST:

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

## EMERGENCY ORDER 2020-06

### AN EMERGENCY ORDER REPEALING AND REENACTING THE CITY OF CORDOVA RULES TO ALIGN WITH AND ADOPT THE STATE OF ALASKA FIVE PHASE REOPEN ALASKA RESPONSIBLY PLAN

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

**WHEREAS**, The State Plan anticipates a 5-phase climb to recovery for Alaska where in order to climb from one phase to the next, the State’s emergency management team employs a color-coded status – red, yellow or green - to indicate whether it’s safe to move forward to a less restrictive phase or if a “roll-back” to greater social and economic restrictions is needed; and

**WHEREAS**, the State Plan establishes four basic metrics that will be tracked by Alaska Department of Health and Social Services (DHSS) in determining when to move forward or “roll back,” which include epidemiology, testing, public health capacity, and healthcare capacity; and

**WHEREAS**, the City Incident Management Team has examined the State Plan, including each of the State-adopted metrics and its color-coded alert system; and

**WHEREAS**, the City Incident Management Team, including its medical team, have determined that adoption of the State Plan protects public health and safety from the COVID-19 pandemic; and

**WHEREAS**, the City Incident Management Team also acknowledges that the State Plan preserves the City’s ability to “roll-back” to more restrictive social distancing or business operations on a local level in the event Cordova’s COVID-19 situation worsens while the State COVID-19 metrics remain unchanged; and

**WHEREAS**, the State Plan also permits the City to retain some of its locally tailored protections while permitting the City to rely upon the State system for any substantial regulation regarding the activities and operations of both individuals and businesses in Cordova; and

**WHEREAS**, the State Plan and the City’s implementation of that plan warrants a fresh start to the COVID-19 Emergency Rules,

Section 1. Repeal and Reenactment. City Manager Helen Howarth, in collaboration with Mayor Clay Koplín and Cordova’s Emergency Operations Center, hereby repeals and reenacts the City’s Emergency COVID-19 Rules as follows:

**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 maybe postponed until the declared state of emergency regarding COVID-19 is repealed or expires. Non-essential action items may also be postponed until the declared state of emergency regarding COVID-19 is repealed or expires. 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 the expiration

or repeal of the declaration of emergency. The City Manager shall notify the Mayor of all written objections received and her determination. Upon receipt of a written objection, City Council 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. 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 7. 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 8. 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 9. 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](mailto:forms@cityofcordova.net) no more than five (5) working days after the effective date of these rules or within five days of resuming operations. COVID-19 Protective Measures and Policies must include:

1. Notice of any limits on the number of individuals permitted on-site at a given time;
2. Identification of healthcare and sanitization measures taken to minimize the exposure of customers and employees to COVID-19; and
3. 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

4. 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 10. 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.

**Rule 11. Mutual Aid Agreements.** Individuals and businesses engaged in commercial operations, sales or services physically located within the City must enter into a Mutual Aid Agreement with the City. This rule applies to vessel owners engaged in commercial fishing 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 12. 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 13. 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](mailto:forms@cityofcordova.net). A business or individual may be exempt from submitting a document under this rule if the government entity issuing or 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 14. 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.

**Rules 15. 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.

**Rules 16. Public Health Mandate Compliance.** All individuals and entities shall comply with all COVID-19 State of Alaska public health mandates.

**Rules 17-19.** Reserved for the adoption of future rules.

**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.

Section 2. All the Emergency COVID-19 Rules shall remain in effect until repealed by City Council or the City Manager. In the event the declared state of emergency is repealed, the rules will automatically terminate on the effective date of that repeal.

Section 3. This Emergency Order 2020-06 and the rules and procedures adopted within it shall be effective at 9:00am on May 8, 2020. This Order shall be posted on the City website and the City Clerk shall provide City Council members notice of this Emergency Order 2020-06 and the revisions to the COVID-19 Emergency Rules within five (5) days of their adoption.

\_\_\_\_\_  
Date

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Helen Howarth  
City Manager