

Mayor

Clay Koplín

Council Members

Tom Bailer

Cathy Sherman

Jeff Guard

Melina Meyer

Anne Schaefer

David Allison

David Glasen

City Manager

Helen Howarth

City Clerk

Susan Bourgeois

Deputy Clerk

Tina Hammer

**Special City Council Meeting
July 20, 2021 @ 12:15 pm
Cordova Center Community Rooms
Agenda**

A. Call to order

B. Roll call

Mayor Clay Koplín, Council members Tom Bailer, Cathy Sherman, Jeff Guard, Melina Meyer, Anne Schaefer, David Allison, and David Glasen

C. Approval of agenda..... (voice vote)

D. Disclosures of Conflicts of Interest and Ex Parte Communications

- conflicts as defined in 3.10.010 https://library.municode.com/ak/cordova/codes/code_of_ordinances should be declared, then Mayor rules on whether member should be recused, Council can overrule
- ex parte should be declared here, the content of the ex parte should be explained when the item comes before Council, ex parte does not recuse a member, it is required that ex parte is declared and explained

E. Communications by and petitions from visitors

1. Guest Speakers

- a. **Dr. Anne Zink**, Chief Medical Officer, and/or other representatives from the State of Alaska Department of Health and Social Services

2. Audience Comments regarding agenda items..... (3 minutes per speaker)

F. New Business

3. Emergency Ordinance 1199..... (roll call vote)(page 1)

An Emergency Ordinance of the Council of the City of Cordova, Alaska, amending the City Covid-19 Health Advisory Plan to update the Community Outbreak Rules in Appendix C of the Plan to provide the City flexibility in mitigating Covid-19 local outbreaks in light of vaccine accessibility and medical advancements

4. Resolution 07-21-35..... (voice vote)(page 6)

A Resolution of the Council of the City of Cordova, Alaska extending the City's declaration of a local emergency arising from Covid-19 and approving Emergency Order 2021-02, which revises the City's Covid-19 Emergency Rules to reflect changes in the City Health Advisory Plan to permit less restrictive measures in the event a "Local Health Alert" is issued by the City Manager

G. Audience participation

H. Council comments

I. Executive Session

City Council is permitted to enter into an executive session if an explicit motion is made to do so calling out the subject to be discussed and if that subject falls into one of the 4 categories noted below. Therefore, even if specific agenda items are not listed under the Executive Session header on the agenda, any item on the agenda may trigger discussion on that item that is appropriate for or legally requires an executive session. In the event executive session is appropriate or required, Council may make a motion to enter executive session right during debate on that agenda item or could move to do so later in the meeting.

J. Adjournment

Executive Sessions per Cordova Municipal Code 3.14.030

- **subjects which may be considered are:** (1) matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government; (2) subjects that tend to prejudice the reputation and character of any person; provided that the person may request a public discussion; (3) matters which by law, municipal charter or code are required to be confidential; (4) matters involving consideration of governmental records that by law are not subject to public disclosure.
- **subjects may not be considered in the executive session except those mentioned in the motion calling for the executive session, unless they are auxiliary to the main question**
- **action may not be taken in an executive session except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations**

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Date: July 19, 2021
TO: City Council
From: Helen Howarth, City Manager
Re: COVID-19 Outbreak

Background

After several months of no Covid-19 cases in Cordova, we are now seeing a dramatic increase in positive COVID-19 cases with the Delta variant which is much more contagious than the original virus strain. As of the date of this report, there are 46 active cases among residents and another five among non-residents. The number is expected to grow making this one of the largest outbreaks in the state.

With community drawing large gatherings and a vaccination rate well below the 70% goal set by the federal government, the following steps were taken:

1. Public Health Advisory issued to make the public aware of the current “red alert” declared by the State of Alaska for the “Other Interior Region,” which includes Cordova.
2. Medical Advisory Team convened to provide recommendations regarding the need to implement a “Local Health Alert” under the City’s Health Advisory Plan.

The Medical Advisory Team determined that while the case count was on the increase, cases were manageable with most cases clustered in family units and one seafood processor. The ability for members of the public to receive free testing and vaccinations coupled with local medical capacity to treat COVID-19 eliminated the need for the City to declare a “Local Health Alert”.

The Unified Command Team is meeting July 20, 2021 to discuss the current outbreak and consider revisions to the existing Community Outbreak Rules. A special meeting of Council is scheduled for July 20, 2021 to review the Health Advisory and Unified Command Teams’ recommendations and determine if a “Local Health Alert” should be issued.

I am working with the State and the City’s Medical Advisory Team and other public health officials to address Council questions and concerns. Team members will be able to answer any questions about this outbreak.

City Manager Recommendation:

COVID-19 is a medical/public health emergency and it is important to make decisions based upon an assessment by Cordova’s medical professionals. City Administration will continue to encourage Cordova residents and visitors to get vaccinated, stay home if they

have symptoms, seek testing if they are exposed to COVID-19 or before attending large gatherings, and of course, wash their hands frequently and socially distance responsibly.

In assessing the current increase in COVID-19 it became apparent that the Health Advisory Plan required revisions to reflect the availability of the vaccine and increased access to testing over the last six months.

City manager recommends the following Council action:

1. Extend the emergency declaration, which is scheduled to expire on August 18, 2021, to ensure that Council and the Administration has the authority needed to respond to increases in covid-19 cases caused by the Delta variant or other unanticipated factors;
2. Ratify an Emergency Order revising the Emergency COVID-19 Emergency Rules to update references to the Community Outbreak Rules that will allow Council to revise these rules as needed as the COVID-19 mitigation efforts and its risks evolve
3. Consider an Emergency Ordinance repealing the current “Community Outbreak Rules,” which would require a partial shut down of commercial activity in the City if a “Local Health Alert” was declared and authorize instead, the adoption of less restrictive mitigation efforts while subjecting any restrictions that negatively impact business operations to Council approval within five days of adoption.

While City Council and the public are no doubt frustrated by the continued need to assess the risks posed by COVID-19, it is important for public health, welfare, and safety for all to continue to walk through the steps identified in the Health Advisory Plan adopted by Council when a significant outbreak presents in or threatens Cordova. It is important to routinely review the Health Advisory Plan in the wake of an outbreak and update the rules and procedures within it based upon available resources and mitigation tools.

What if Council Wants to Trigger a “Local Health Alert”?

The materials presented to Council, including this report, do not recommend deviating from the State of Alaska’s alert system at this time. However, Council may make its own findings that the sharp increase in COVID-19 cases justifies the reimposition of restrictions within the City to slow the spread of COVID-19 within our community.

If Council makes such a determination, I would request that Council do so by motion directing the City Manager to declare a “Local Health Alert” and present restrictions to Council that would, in the opinion of the Medical Advisory Team, decrease transmission of COVID-19 within the City.

If Council makes this determination via motion, I would issue a “Local Health Alert” immediately and work with the Medical Advisory Team and the Unified Command Team to:

1. Post Notice on the City website and Local Radio and in at least three other City locations of the COVID-19 Alert Status;
2. Post a copy of the “Community Outbreak Rules” and the effective date and time of these rules on the City website;
3. Send the Notice electronically or via hand delivery to Council members within 24 hours of issuing the declaration. No more than five days after declaring “Local Health Alert” Status,
4. Attempt to contact local business owners to notify them to the “Local Health Alert” declaration and the date of Council’s consideration of the declaration

Council would be required, under the City’s Health Advisory Plan, to:

1. Hold an emergency meeting and approve or deny the declaration of “Local Alert” status; and
2. Include a telephonic or videoconference public hearing in which members of the public may sign-up to comment on the City’s declaration of a “Local Alert Status” and/or implementation of the Community Outbreak Rules;

In the event Council takes this route and a motion passes directing the City Manager to declare a “Local Health Alert” and all steps are followed, the Administration would also provide the State of Alaska notice of the deviation from State actions and the reasons for the deviation.

**CITY OF CORDOVA, ALASKA
EMERGENCY ORDINANCE 1199**

**AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF CORDOVA,
ALASKA, AMENDING THE CITY COVID-19 HEALTH ADVISORY PLAN TO UPDATE
THE COMMUNITY OUTBREAK RULES IN APPENDIX C OF THE PLAN TO PROVIDE
THE CITY FLEXIBILITY IN MITIGATING COVID-19 LOCAL OUTBREAKS IN LIGHT
OF VACCINE ACCESSIBILITY AND MEDICAL ADVANCEMENTS**

WHEREAS, the Incident Management Team continues to develop and tailor the City’s Color-Coded Alert Matrix to the real-life impacts of COVID-19 within the City, which results in updates to the Matrix; and

WHEREAS, under some circumstances, the accessibility of vaccinations and medical advancements in the treatment of COVID-19 make it possible for COVID-19 outbreaks to be mitigated by less extreme social distancing measures than previously required; and

WHEREAS, the City Manager and City Council have determined it is in the City’s best interest to expand the Community Outbreak Rules to permit less restrictive measures so long as those measures are advised by the Medical Advisory Team; and

WHEREAS, the City Manager and Council also have determined that in the event restrictions interfering with business operations are necessary during an outbreak and recommended by the Medical Advisory Team, these restrictions may only be implemented for five days unless Council approves a longer effective period.

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

Section 1. Recovery Plan Amendment. Council hereby amends the City Health Advisory Plan to repeal current Appendix C and replace it with Appendix C entitled “Cordova Community Outbreak Rules” attached to this Ordinance as Attachment A.

Section 2. Codification. This ordinance is an emergency ordinance, is not permanent in nature, and shall not be codified.

Section 3. Effective Date. This ordinance shall take effect on the day it is enacted and shall remain in effect until the Health Advisory Plan is repealed by Council.

only reading and Public Hearing: July 20, 2021

PASSED AND APPROVED THIS 20th DAY OF JULY 2021.

Clay R. Koplín, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

ATTACHMENT A TO EMERGENCY ORDINANCE 1199

CITY OF CORDOVA COMMUNITY OUTBREAK RULES APPENDIX C TO THE CITY HEALTH ADVISORY PLAN

These “Community Outbreak Rules” were adopted by Cordova City Council via Emergency Ordinance 1190 on July 15, 2020 **and revised by City Council via Emergency Ordinance 1199 on July 20, 201.** These Rules only go into effect when the City Manager declares a “Local Health Alert” in Cordova in compliance with the City’s COVID-19 Health Advisory Plan. During all other recovery phases, the City’s Emergency COVID-19 Rules and the State of Alaska Health Mandates apply. To the extent State of Alaska health mandates are in effect that impose stricter restrictions or requirements, all those mandates shall apply.

Rule O-1. **The City Manager, based upon recommendations from the Health Advisory Team, may issue impose social distancing and restrictions on public gatherings but no such restrictions may be imposed for greater than five days without Council approval.** ~~Reversion to State Strict Social Distancing and Travel Mandates. All individuals entering the City and all private facilities operating within the City must comply with State of Alaska Public Health Mandate 11 as it was issued March 27, 2020 (“Original State Health Mandate 11”) and attached to these Rules. Except as otherwise required in these Community Outbreak Rules, facilities and individuals shall continue to comply with all other State of Alaska Public Health Mandates that are not in direct conflict with Original State Health Mandate 11.~~

Rule O-2. Medical Quarantine. Individuals under a healthcare quarantine order or an individual testing positive for COVID-19 must: 1. Stay in his or her place of residence or lodging for the period of time specified in the quarantine order ~~or for a minimum of 14 days from the date of a positive COVID-19 test if no quarantine order has been issued;~~ and 2. 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. ~~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 as permitted by State of Alaska health mandate or permitted within the medical quarantine order issued to that individual.~~ The City shall not physically force individuals into quarantine under this Rule, but the City shall fine individuals to the maximum extent permitted by law for violations of this Rule and may obtain a court order enforcing the quarantine order against the individual. Each individual exit from quarantine constitutes a separate and distinct violation of this Rule.

**CITY OF CORDOVA, ALASKA
RESOLUTION 07-21-35**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF CORDOVA, ALASKA EXTENDING
THE CITY’S DECLARATION OF A LOCAL EMERGENCY ARISING FROM COVID-19
AND APPROVING EMERGENCY ORDER 2021-02, WHICH REVISES THE CITY’S COVID-
19 EMERGENCY RULES TO REFLECT CHANGES IN THE CITY HEALTH ADVISORY
PLAN TO PERMIT LESS RESTRICTIVE MEASURES IN THE EVENT A “LOCAL
HEALTH ALERT” IS ISSUED BY THE CITY MANAGER**

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

WHEREAS, on March 11, 2020, the World Health Organization declared a pandemic related to COVID-19; and

WHEREAS, in response to the COVID-19 outbreak, the City of Cordova has been operating under applicable Declarations of a Local Emergency, which remain in effect until August 18, 2021, unless repealed by City Council; and

WHEREAS, in response to the COVID-19 outbreak, the State of Alaska had also been operating under applicable Declarations of Public Health Disaster Emergency signed by the Governor of the State of Alaska, Mike Dunleavy, pursuant to and in accordance with the authority granted under Alaska Statute 26.23.020(c), between March 11, 2020, and April 30, 2021; and

WHEREAS, the Governor of the State of Alaska, Mike Dunleavy, pursuant to and in accordance with the authority granted by the Alaska State Legislature in House Bill 76, Chapter No. 2, SLA 2021, which ratified the January 14, 2021 Declaration of Public Health Disaster Emergency, proclaimed the immediate end of the applicable Declaration of Public Health Disaster Emergency effective April 30, 2021; and

WHEREAS, the Commissioner of the State of Alaska, Department of Health and Social Services, Adam Crum, pursuant to and in accordance with the authority granted by the Alaska State Legislature in House Bill 76, Chapter No. 2, SLA 2021, declared a Public Health Emergency effective at 12:02 a.m. on May 1, 2021, which shall remain in effect until rescinded or until the federal public health emergency issued under Section 319 of the Public Health Services Act expires, whichever is sooner; and

WHEREAS, the local emergency continues and has continued since City Council approved Emergency Order 2021-01 renewing and extending the City’s Declaration of Local Emergency until August 18, 2021, which was put into effect by City Manager Helen Howarth on May 20, 2021; and

WHEREAS, the City continues to be in a state of emergency but is making efforts to ensure businesses are able to continue operating without interruption to the greatest extent possible while the also responsibly combating the transmission of COVID-19 among the City’s residents and visitors; and

WHEREAS, the City continues to move toward recovery but City Council finds that it is in the Community’s best interest to ensure: 1) the City has the necessary authority to adopt rules, policies, and procedures to mitigate the harms posed by COVID-19; 2) the City continues to qualify for public and private COVID-19 emergency assistance and funding; and 3) that the City has the tools necessary to respond to threats posed by COVID-19 variants, both known and unknown, as the Cordova community increases resident vaccinations; and

WHEREAS, revisions to the City’s Emergency COVID-19 Rules are needed to update references in those rules to reflect revisions to the City’s Healthcare Advisory Plan and, more specifically, the Community Outbreak Rules included in the Plan and triggered in the event a “Local Health Alert” is declared,

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Emergency Order 2021-02 approval. City Council hereby approves Emergency Order 2021-02.

Section 2. Emergency Declaration Extended. City Council hereby reiterates the current state of local emergency in the City arising from COVID-19 and extends the City’s Declaration of Emergency until October 1, 2021.

Section 2. Effective Date. The Declaration of Emergency extension shall become effective immediately upon adoption of this resolution and shall remain in effect until October 1, 2021, unless renewed by City Council before or retroactive to that date.

PASSED AND APPROVED THIS 20th DAY OF JULY 2021.

Clay R. Koplín, Mayor

ATTEST:

Susan Bourgeois, CMC, City Clerk

EMERGENCY ORDER 2021-02

AN EMERGENCY ORDER REVISING THE CITY'S COVID-19 EMERGENCY RULES TO REFLECT REVISIONS TO THE CORDOVA COVID-19 HEALTH ADVISORY PLAN AND THE "COMMUNITY OUTBREAK RULES"

WHEREAS, in response to the COVID-19 outbreak, the City of Cordova ("City") has been operating under applicable Declarations of a Local Emergency; and

WHEREAS, City Council has adopted the City of Cordova COVID-19 Health Advisory Plan (the "Plan"); and

WHEREAS, the Plan adopts the City Health Alert System, which provides a mechanism for the City Manager to declare a "Local Health Alert" when the impact of COVID-19 within Cordova deviates from its Statewide impact; and

WHEREAS, under the Plan, "Community Outbreak Rules" were adopted to provide the public notice of the restrictions that would be imposed in the event there was a Local Health Alert indicating a "Local Level 4 or 5" outbreak; and

WHEREAS, while the "Local Health Alert" procedure under the Plan continues to have value to the City in assessing and responding to COVID-19, advances in resources available to prevent and combat COVID-19 and the increasing vaccination rates within the City warrant revisions to the "Community Outbreak Rules" that would permit the Incident Command Team to take these advancements and increased vaccination rates into account when imposing restrictions during a Local Health Alert; and

WHEREAS, City Council adopted revisions to the Community Outbreak Rules affording the City Manager and Incident Command Team greater flexibility to adopt less restrictive mandates in the event a "Local Health Alert" is declared.

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. Amendments to COVID-19 Emergency Rules. City Manager Helen Howarth, in collaboration with Mayor Clay Koplin and Cordova's Emergency Operations Center, hereby amends the "Emergency COVID-19 Rules" as follows:

Rule 4. Public Health Mandate Compliance. All individuals and entities shall comply with all COVID-19 State of Alaska public health mandates. In the event the City Manager ~~issues an "Orange Alert,"~~ **declares that a community outbreak requires the City to deviate from State of Alaska's color-coded health alerts and triggers the City's local health alert system under the City's Health Advisory Plan,** all individuals entering the City must comply with the City's "Community Outbreak Rules" **if a declaration is issued by the City Manager putting these rules into effect.** ~~while the "Orange Alert" remains in effect.~~ While in effect, the City's Community Outbreak Rules preempt any other less-restrictive local or state rules regarding social distancing or business operations.

Section 2. In the event the declared state of emergency is repealed by City Council, the rules will automatically terminate on the effective date of that repeal.

Section 3. This Emergency Order 2021-02 and the revisions to the Emergency COVID-19 Rules shall be effective at 8:00am on July 25, 2021. This Order shall be posted on the City website, and the City Clerk shall provide City Council members notice of this Emergency Order 2021-02 and the revision of the COVID-19 Emergency Rules within five (5) days of their revision.

_____ Helen Howarth , City Manager

_____ Date