



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

**WHITTIER CITY COUNCIL
EMERGENCY SPECIAL MEETING
WEDNESDAY, MARCH 25, 2020
AT 6:00 PM
COUNCIL CHAMBERS
3rd fl. PUBLIC SAFETY BUILDING**

AGENDA

1. **CALL TO ORDER**
2. **OPENING CEREMONY**
3. **ROLL CALL**
4. **APPROVAL OF SPECIAL MEETING AGENDA**
5. **PROCLAMATION**
 - A. City of Whittier, Alaska City Manager Proclamation of Emergency and Emergency Order 2020-01
6. **ORDINANCE**
(Emergency Ordinance)
 - A. Emergency Ordinance #01-2020 – An Emergency Ordinance Ratifying The City Manager's Proclamation Of A Local Emergency And Acknowledgement Of The State-Declared Emergency Resulting From The Outbreak Of COVID-19 In Alaska; Activating The City's Emergency Disaster Plans And Laws; And Temporarily Suspending And/Or Modifying Various Sections Of The Whittier Municipal Code And City Of Whittier Procedures Regarding Public Meetings Notice And Scheduling, Personnel, Procurement, And Code Enforcement In Order To Protect And Preserve The Health, Safety, And Welfare Of The Whittier Community During A State And Local Public Health Emergency Resulting From COVID-19
7. **RESOLUTIONS**
 - A. Resolution #14-2020- A Resolution Of The City Council Of The City Of Whittier, Alaska Ratifying Temporary Emergency Operation Rules And Procedures Implemented By The City Manager In Response To The COVID-19 Public Health Emergency
8. **COUNCIL DISCUSSION**
9. **CITIZENS DISCUSSION**
10. **COUNCIL AND ADMINISTRATION'S RESPONSE TO CITIZEN'S COMMENTS**
11. **ADJOURNMENT**

**CITY OF WHITTIER, ALASKA CITY MANAGER PROCLAMATION OF EMERGENCY AND
EMERGENCY ORDER 2020-01**

As City Manager of the City of Whittier, Alaska, I hereby declare a local emergency and acknowledge the declaration of State-wide emergency issued by Governor Dunleavy on March 11, 2020. The United States Center for Disease Control and Prevention (CDC) has identified COVID-19 as a significant public risk. 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. On that same day, The World Health Organization designated the COVID-19 outbreak a pandemic.

The City of Whittier government has been carefully monitoring the procession of COVID-19 in the State of Alaska and globally, accumulating information to ensure that any reaction by the City was carefully tailored to the unique needs and vulnerabilities of our community. While the City has been working with the community to comply with State of Alaska recommendations and mandates regarding COVID-19, we must now come together to take steps to protect our community that may exceed these recommendations. To this end, the City is now implementing temporary rules and procedures to help protect this community from the COVID-19 outbreak. These rules and procedures are attached and incorporated into this Declaration of Emergency and Emergency Order 2020-01. In addition to these rules, the City is working diligently to collaborate with Whittier's private and public employers and service providers to ensure that all entities are taking every step possible to ensure the safety of our community during this public health crisis.

This declaration also issues a "call to arms" to all Whittier community members. We know that some of the rules and procedures we are implementing will cause hardship for our community but we must do everything we can to protect the health of Whittier's most vulnerable residents and these rules and procedures provide maximum protection to all our community members in the least restrictive way possible. As information changes rapidly regarding the virus, we will be re-examining our emergency rules and procedures and updating them as needed. During this time of uncertainty, please do not hesitate to reach out to City staff via email or telephone if you have questions regarding the rules and procedures or best practices and how they affect you individually or your business. If you need help with anything, please call the City so we can work with you to get the services and assistance you need. We are in this together and will come through this together!

This Emergency Declaration and Order also serves as a request to our federal and state governments for aid in Whittier's efforts to combat the virus and it's future efforts to mitigate any harm that befalls the community as a result of the virus.

03-23-2020

March 23, 2020



Jim Hunt

Whittier City Manager

Sponsored by: Hunt
Public Hearing Date:
Enactment Date:

**CITY OF WHITTIER, ALASKA
EMERGENCY ORDINANCE 2020-01**

AN EMERGENCY ORDINANCE RATIFYING THE CITY MANAGER'S PROCLAMATION OF A LOCAL EMERGENCY AND ACKNOWLEDGEMENT OF THE STATE-DECLARED EMERGENCY RESULTING FROM THE OUTBREAK OF COVID-19 IN ALASKA; ACTIVATING THE CITY'S EMERGENCY DISASTER PLANS AND LAWS; AND TEMPORARILY SUSPENDING AND/OR MODIFYING VARIOUS SECTIONS OF THE WHITTIER MUNICIPAL CODE AND CITY OF WHITTIER PROCEDURES REGARDING PUBLIC MEETINGS NOTICE AND SCHEDULING, PERSONNEL, PROCUREMENT, AND CODE ENFORCEMENT IN ORDER TO PROTECT AND PRESERVE THE HEALTH, SAFETY, AND WELFARE OF THE WHITTIER COMMUNITY DURING A STATE AND LOCAL PUBLIC HEALTH EMERGENCY RESULTING FROM COVID-19

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 Whittier 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 operations; and

WHEREAS, in order to protect public health, welfare, and safety, the City needs flexibility in its meeting and notice protocols as well as in its procurement process for collecting and purchasing emergency supplies; and

WHEREAS, on March 23, 2020, the City Manager declared a local emergency as a result of COVID-19 and acknowledged the State of Alaska's declaration of state-wide emergency issued on March 11, 2020; and

WHEREAS, Council recognizes the public health emergency created by the COVID-19 outbreak and the imminent harm it poses to the City of Whittier and all members of the Whittier community; and

WHEREAS, Council also acknowledges that the City will need aid and assistance from both the federal and state government in responding to and rebuilding after the COVID-19 emergency; and

WHEREAS, the City Manager has authority to implement temporary rules and procedures regarding City government organization and operations during an emergency under WMC 2.64.140; and

WHEREAS, the City Manager needs authority to modify and amend meeting, procurement, and other procedures immediately and not after introduction and a public hearing required for non-emergency ordinances to properly respond to the COVID-19 emergency and protect the community from this outbreak,

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

Section 1. The Whittier City Council hereby grants the City Manager authority 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: 1) the City Manager's actions comply with State law and the grant of authority vested in the City Manager under WMC 2.64 and 2) the City Manager posts notice of all modifications or waivers and the reasons for such modifications or waivers on the City's website no more than ten business days after implementation. Council may repeal any modification or waiver made by the City Manager under this Ordinance by resolution.

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

Section 3. This ordinance shall take effect on the day it is enacted and shall expire sixty (60) days after its passage in accordance with WMC 2.08.310.

ENACTED BY THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA this ___ day of March, 2020.

THE CITY OF WHITTIER, ALASKA

Dave Dickason, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

(An Emergency Order requires approval of all present members or $\frac{3}{4}$ of total membership, whichever is less – WMC 2.08.310)

ATTEST:

Naelene Matsumiya
City Clerk

(City Seal)

**CITY OF WHITTIER, ALASKA
RESOLUTION #14-2020**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, ALASKA RATIFYING TEMPORARY EMERGENCY OPERATION RULES AND PROCEDURES IMPLEMENTED BY THE CITY MANAGER IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, on March 11, 2020, Governor Dunleavy declared a statewide public health disaster emergency; and

WHEREAS, the Governor's declaration activated Whittier's Emergency Operation Plan under AS 26.23.020(e) and its emergency management procedures under WMC 2.64; and

WHEREAS, on March 23, 2020, Whittier City Manager declared an emergency, triggering his authority under WMC 2.64 to adopt rules and procedures protecting the public health, welfare, and safety during times of a declared emergency and to serve as the Director of Civil Defense and Disaster during the state of the emergency; and

WHEREAS, it is in the City's best interest for the City Manager to have the authority needed to adopt policies and procedures to protect the public's health, welfare, and safety as the City responds to the global public health emergency posed by COVID-19 so long as the rules comply with the federal, state, and local laws that govern during a state of emergency,

IT IS HEREBY RESOLVED BY THE CITY OF WHITTIER, ALASKA CITY COUNCIL THAT:

Section 1. The City Manager, in his role as Director of Civil Defense and Disaster, has authority to and shall adopt "Emergency Rules Regarding COVID-19 Containment" that comply with and promote the recommendations of the State of Alaska and the CDC. These rules shall go into effect immediately but will only be effective without Council approval for ninety (90) days. Council may repeal any Emergency Rule Regarding COVID-19 Containment via resolution.

Section 2. The Emergency Rules Regarding COVID-19 Containment adopted by the City Manager on March 23, 2020, and attached to this Resolution as Exhibit A, have been reviewed by Council and are hereby ratified.

Section 2. The Emergency Rules Regarding COVID-19 Containment shall be posted on the City website. The City Clerk shall provide City Council members notice of new rule postings no more than five days after the rules are implemented.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Whittier, Alaska, this ___ day of March 2020.

THE CITY OF WHITTIER, ALASKA

Dave Dickason
Mayor

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

Naelene Matsumiya
City Clerk

CITY OF WHITTIER TEMPORARY OPERATION RULES AND PROCURES REGARDING THE COVID-19 PUBLIC HEALTH EMERGENCY

City Manager Jim Hunt, in his capacity as the Director of Civil Defense and Disaster, hereby institutes the following temporary emergency rules and procedures in response to the COVID-19 public health emergency. These rules and procedures shall be effective until May 1, 2020 and are necessary to protect the public health, welfare, and safety within the boundaries of the City of Whittier. 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 and any modifications to them within five days of their adoption. City Council may repeal these rules in whole or in part via resolution. These rules may be extended by Emergency Order for 30-day periods beginning on May 1, 2020 if the City Manager determines that the COVID-19 public health emergency continues, and extension of the rules is necessary to protect public health, safety, and welfare.

Rule 1. Electronic City Council Meetings. Any regular or special meetings of the City Council should be conducted via electronic means, including audio or video conference, 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 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 rather than in-person 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 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 minutes, the first three 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.

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, and regular meetings held by Council. All special meetings and agenda items shall be posted on the City website no less than six hours before the 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 he 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 1, 2020. Non-essential action items shall also be postponed until no earlier than May 1, 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 May 1, 2020. The City Manager shall notify the Mayor of all written objections received and his 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 WMC 3.32 entitled "Purchasing and Contract Procedures."

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. 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. Public Access to City Facilities. The Harbormaster and City offices are closed to the public until April 30, 2020 except as specified in this rule. Public Safety dispatch remains available to the public for service. City services and departments

remain accessible to the public via telephone and email. Individuals may request appointments for in-person meetings with City staff, which will be accommodated if doing so will not jeopardize the health or safety of the community of Whittier or its members.

Rule 10. Private Facilities. All businesses are required to follow the State of Alaska recommendations and mandates regarding COVID-19. In addition, the following rules impacting private facilities and businesses are adopted:

1. Any private employer with more than ten employees working within the City's boundaries shall enter into a mutual aid agreement with the City implementing a health risk assessment protocol for employees coming in from outside Whittier to work within the City. Unless otherwise specified in a mutual aid agreement with the City, private employers should provide the City with a medical release for such employees prior to their start of employment within Whittier. This does not apply to employees who are at no time physically present in Whittier. Individuals who are identified as potential carriers of COVID-19 due to the exhibition of COVID-19 symptoms will be required to remain in quarantine for 15 days from the date of their last symptoms and cannot enter any public or private buildings within Whittier, except for the quarantine area identified by their employer in its mutual aid agreement with the City. Employers shall seek testing for these individuals, if available. Employers subject to this rule shall issue a certificate of compliance for each employee so quarantined upon the completion of such quarantine and submit the certificate of compliance to the City at the electronic address provided by the City on the City's website.
2. The City Manager retains authority to further limit private business operations of businesses within Whittier if necessary, to protect the health, welfare, and safety of community members. The City Manager may only order full closure of all businesses within the City with Council approval and at least 48 hours' notice to Whittier businesses subject to such closure.
3. In addition to any State-wide restrictions on the operation of businesses within the City, all businesses open to the public shall limit the individuals within its establishment to no more than five individuals at any time, including employees. This rule applies to grocery stores but does not apply to employers where essential operations of the business will be substantially disrupted as a result of the limitation. Employers seeking an exception to this rule due to substantial disruption shall seek an exception from this rule from the City Manager. A written request for exception must state the reasons for the exception. Any employer excepted from this rule shall enter into a mutual aid agreement with the City to ensure protective measures are taken to prevent the spread of COVID-19 within the City. Grocery stores shall be subject to this rule.

Rule 11. Tunnel Access. Tunnel access will be limited to travel required by federal or state law or via agreement with the State of Alaska and federal government, their departments, public corporations, agencies, and/or representatives and by the following individuals:

- A. Residents of the City of Whittier
- B. Caregivers for residents of the City of Whittier
- C. Individuals entering Whittier to participate in commercial or sport fishing or hunting. These individuals must travel directly from the tunnel to the vessel or location on or at which the activities will occur. These travelers will not be able to access any buildings located within the City except for the grocery store.
- D. Essential workers required to travel to Whittier to complete essential job functions. Essential workers shall include government employees and contractors, healthcare workers, plumbers, electricians, cable and internet technicians, caregivers, employees of local businesses permitted to operate under State of Alaska law and mandates, employees of commercial fishing operations within Whittier that cannot perform their key job functions remotely.
- E. Cruise ship or charter vessel passengers. These individuals must travel directly from the tunnel to the vessel or mode of transportation at which the activities will occur. These travelers will not be able to access any buildings located within the City except for the grocery store.

Rule 12. Amounts Due and Owing. 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. The City shall not turn off any City managed utilities due to nonpayment during the declared state of emergency.

Duration. These rules are adopted and immediately effective by Emergency Order 2020-01 dated March 23, 2020. These rules may be extended by Emergency Order for 30-day periods beginning on May 1, 2020 if the City Manager determines that the COVID-19 public health emergency continues to exist, and extension of the rules is necessary to protect public health, safety, and welfare. 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.

March 23, 2020

03-23-2020



Jim Hunt

City Manager/Director of Director of Civil
Defense and Disaster