

**KODIAK ISLAND BOROUGH  
ORDINANCE NO. FY2020-18**

**AN EMERGENCY ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
DECLARING AN EMERGENCY AND AMENDING KODIAK ISLAND BOROUGH CODE  
SECTION 2.30.020, GENERAL RULES, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE  
DATE.**

- A. WHEREAS**, the United States Centers for Disease Control (CDC) has determined that COVID-19, a respiratory disease that can result in serious illness or death and that is a new strain of coronavirus not previously identified in humans, is a significant public health risk both globally and in the United States; and
- B. WHEREAS**, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 on January 31, 2020, retroactively applicable to January 27, 2020; and
- C. WHEREAS**, on March 11, 2020, the World Health Organization (WHO) Director-General declared COVID-19 to be a global pandemic, and the WHO situation report has determined the global risk assessment posed by COVID-19 to be “very high”; and
- D. WHEREAS**, on March 11, 2020, Alaska Governor Mike Dunleavy issued a declaration of public health disaster emergency in response to the anticipated outbreak of COVID-19 in Alaska, and in order to ensure that the public is educated about the public health risk; and
- E. WHEREAS**, on March 12, 2020, the first positive case of COVID-19 was confirmed within the State of Alaska; and
- F. WHEREAS**, on March 13, 2020, Governor Dunleavy closed all schools in Alaska for two weeks, and the US Center for Disease Control (CDC) has recommended that gatherings of more than 50 persons be avoided; and
- G. WHEREAS**, the Assembly finds that the present public health risk posed by COVID-19 calls for immediate action to reduce the risk of transmission of COVID-19 while enabling the Borough Assembly to continue functioning if members are absent or attendance in person is contrary to CDC advice due to health concerns, or if attendance of the public must be limited due to public health concerns; and
- H. WHEREAS**, the Assembly finds that in times of declared disasters the Assembly may be unable to get a quorum of members present, and may need to meet on short notice or by teleconference to address pending issues; and

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- I **WHEREAS**, the Assembly finds that KIBC 2.30.020 should be amended to allow Assembly meetings to be held and members to participate telephonically when a public health emergency or disaster has been declared by the President, Governor or Mayor; and
  
- J. **WHEREAS**, the Assembly finds, pursuant to KIBC 2.30.075, which allows adoption of an emergency ordinance effective for up to 60 days, that the present progression of COVID -19 limitations is moving so swiftly that an emergency exists calling for adoption of this ordinance as an emergency ordinance, and that the Assembly should follow up with a regular ordinance adopting substantially similar provisions within the next 60 days prior to expiration of this ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:**

**Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the Kodiak Island Borough Code of Ordinances.

**Section 2:** That section 2.30.020, General Rules, of the Kodiak Island Borough Code of Ordinances is amended to read as follows:

**2.30.020 General rules.**

- A. Public Meetings. All official meetings of the assembly shall be open to the public. The journal of proceedings shall be open to public inspection. When a disaster has been declared which makes attendance by the public in person inappropriate, physical attendance by the public may be limited and public access may be provided by broadcast or other means.
- B. Quorum. Four members of the assembly shall constitute a quorum. Attendance of assembly members shall be in person and may not be by teleconference, except for work sessions and emergency meetings. In the event of an emergency meeting, the provisions set in AS 44.62.310 shall be followed.
- C. Absences. No member of the assembly may absent himself from any regular or special meeting of the assembly except for good cause. An assembly member who is unable to attend a meeting shall advise the clerk or the mayor of the contemplated absence and the reason for that absence. During the course of the meeting from which the member is absent, the chair shall cause the record to reflect the absence of the member, the reason for the absence and whether the absence is excused by the assembly.
  
- D. Rules of Order. "Robert's Rules of Order Current Edition" shall govern the proceedings of the assembly in all cases, unless they are in conflict with these rules. When such a conflict exists, this chapter prevails.
  
- E. If a declaration of a disaster or emergency has been issued by the President, the Governor of Alaska, or the Mayor which includes areas within the Kodiak Island Borough, the provisions of subsection B of this section requiring in person

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attendance and prohibiting participation by teleconference shall not apply during the period the declaration is in effect, and assembly members may participate by teleconference and be counted as part of a quorum even if they are not physically present. All votes at meetings where assembly members are participating by teleconference shall be by roll call.

**Effective Date:** This ordinance takes effect upon adoption. This ordinance will cease to be effective 60 days after adoption in accordance with KIBC 2.30.075(C).

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
THIS NINETEENTH DAY OF MARCH, 2020.**

KODIAK ISLAND BOROUGH  
  
\_\_\_\_\_  
William Roberts, Mayor

ATTEST:  
  
\_\_\_\_\_  
Tara Welinsky, Clerk

**VOTES:**  
Ayes: Dvorak, Kavanaugh, Schroeder, Skinner, Symmons  
Noes: Arndt, Turner