

Introduced by: Borough Mayor
Drafted by: Borough Attorney
Introduced on: 04/16/2020
Public Hearing Date: 05/07/2020
Public Hearing Date: 05/14/2020
Adopted on: 05/14/2020

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2020-19**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH DECLARING AN EMERGENCY AND AMENDING KODIAK ISLAND BOROUGH CODE SECTION 2.30.020, GENERAL RULES.

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

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

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

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

WHEREAS, on March 12, 2020, the first positive case of COVID-19 was confirmed within the State of Alaska; and

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

WHEREAS, on March 23, 2020, Governor Dunleavy issued Health Mandate 009 prohibiting gatherings of more than 10 people, and requiring persons to remain six feet apart to prevent the spread of disease; and

WHEREAS, on March 19, 2020, the Assembly adopted Emergency Ordinance 2020-18 temporarily modifying rules for meeting attendance and quorum to accommodate requirements of the response to the present public health emergency; and

WHEREAS, the Assembly finds that the present public health disaster is continuing and the changes made by Ordinance 2020-18 must be extended by regular ordinance; and

WHEREAS, the Assembly finds that it is in the best interest of the Borough to incorporate these alternate meeting procedures to be available in response to declared disasters as a regular part

43 of the Borough code.

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

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47 **Section 1:** This ordinance is of permanent nature and shall become a part of the Kodiak Island
48 Borough Code of Ordinances.

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

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53 **2.30.020 General rules.**

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55 **A. Public Meetings.** All official meetings of the assembly shall be open to the public. The journal
56 of proceedings shall be open to public inspection. When a disaster has been declared
57 which makes attendance by the public in person inappropriate, physical attendance by
58 the public may be limited and public access may be provided by broadcast or other
59 means.

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61 **B. Quorum.** Four members of the assembly shall constitute a quorum. Attendance of assembly
62 members shall be in person and may not be by teleconference, except for work sessions and
63 emergency meetings. In the event of an emergency meeting, the provisions set in
64 AS 44.62.310 shall be followed.

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66 **C. Absences.** No member of the assembly may absent himself from any regular or special
67 meeting of the assembly except for good cause. An assembly member who is unable to attend
68 a meeting shall advise the clerk or the mayor of the contemplated absence and the reason for
69 that absence. During the course of the meeting from which the member is absent, the chair
70 shall cause the record to reflect the absence of the member, the reason for the absence and
71 whether the absence is excused by the assembly.

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73 **D. Rules of Order.** "Robert's Rules of Order Current Edition" shall govern the proceedings of the
74 assembly in all cases, unless they are in conflict with these rules. When such a conflict exists,
this chapter prevails.

75 **E. If a declaration of a disaster or emergency has been issued by the President of the**
76 **United States, the Governor of Alaska, or the Emergency Services Council (KIB**
77 **2.110.030) which includes areas within the Kodiak Island Borough, the Mayor of Kodiak**
78 **Island Borough (KIB 2.30.040-C) may determine the provisions of subsection B of this**
79 **section requiring in person attendance and prohibiting participation by teleconference**
80 **shall not apply during the period the declaration is in effect, and assembly members**
81 **may participate by teleconference and be counted as part of a quorum even if they are**
82 **not physically present. The Mayor may determine that teleconferencing by the Mayor**
83 **and / or an assembly member is necessary due to conditions or provisions directly**
84 **related to a (declared) disaster or emergency for a reasonable period of time. All votes**
85 **at meetings where assembly members are participating by teleconference shall be by**
86 **roll call. For purposes of this section teleconference includes internet video**
87 **conferencing and other similar real time two way communication methods.**

88 **Effective Date:** This ordinance takes effect upon adoption.

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**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS FOURTEENTH DAY OF MAY, 2020.**

KODIAK ISLAND BOROUGH

ATTEST:



William Roberts, Mayor



Tara Welinsky, Clerk

VOTES:

Ayes: Schroeder, Skinner, Dvorak, Kavanaugh

Noes: Turner and Arndt

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