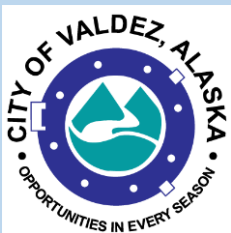


Process & Considerations Discussion for COVID-19 Disaster Declaration & Mask Mandate

City Council Special Meeting

09.28.2021



Agenda for This Evening

- Before Meeting Starts - Instructions for In-Person Public Testimony Sign-up / GoToMeeting Roll Call
- Call to Order
- Roll Call of Council Members
- Introduction by Mayor Scheidt
- Presentation by Staff
- Council Discussion and Q&A Regarding Disaster Declaration
- Council Discussion and Q&A Regarding Mask Mandate
- Medical Community Representatives Testimony
- Public Testimony
- Council Discussion About Way Forward Following Tonight's Meeting

Disaster Declaration & Mandate Process

State Statute - Sec. 26.23.140. Local disaster emergencies.

(a) A local disaster emergency may be declared only by the **principal executive officer** of a political subdivision. It may not be continued or renewed for a period in excess of seven days, except by or with the consent of the governing board of the political subdivision. An order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the Alaska division of homeland security and emergency management and the appropriate municipal clerk.

(b) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans, and to authorize the furnishing of aid and assistance under those plans.

(c) A representative of an interjurisdictional disaster planning and service area may not declare a local disaster emergency unless expressly authorized by the principal executive officer of each political subdivision in the emergency area.

Notes: We are required to follow state statute first and foremost. As long as it applies to home rule municipalities, state statute supersedes local legislation/law. For Valdez, the “principal executive officer” to declare emergencies is designated as the mayor. This provision is set by Valdez Charter, which can only be changed by a vote of the people. The “governing board of the political subdivision” is the city council.

Disaster Declaration & Mandate Process

Valdez Charter - Section 3.4. The Mayor.

- (a) The mayor shall possess all powers and shall exercise all duties provided or required of him by law or by the council.
- (b) He shall be the presiding officer of the council.
- (c) He shall be a member of the council with all the powers and duties of that office.
- (d) He shall advise the council concerning the affairs of the city and make recommendations thereof.
- (e) **In emergencies, he shall have the powers conferred by law upon peace officers and shall exercise such powers as chief executive officer to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.**
- (f) He shall make all required appointments subject to prior approval of the council.
- (g) He shall not possess the veto power.
- (h) The mayor shall have a voice and vote in all the council's proceedings. He shall be the official head of the city for all ceremonial purposes. He shall perform such other duties as may be prescribed by this Charter or as may be imposed by the city council consistent with his office.

Valdez Charter - Section 3.6(c) ... In the event the mayor declares in writing that a state of emergency exists, then at least 6-hours written notice shall be given designating the time and purpose of a special meeting. In all other events at least 24-hours written notice shall be given designating the time and purpose of a special meeting...

- *Charter can only be changed by a vote of the people.*

Disaster Declaration & Mandate Process

Valdez Municipal Code

2.80.020 Definitions

“Crisis,” “emergency,” or “disaster” means an unanticipated event or set of circumstances that requires immediate action to avoid threats to life or property or to avoid an immediate, significant liability to the city, or to otherwise respond to such threats or damage resulting therefrom as declared in accordance with the City Charter and code.

2.80.045 Emergency procurements.

The provisions of this chapter may be waived during times of crisis, emergency or disaster for no longer than seven days when operating under a declaration of emergency issued by the mayor. All provisions of this chapter waived while operating under a declaration of emergency issued by the mayor shall be reported to the city council via electronic mail within twenty-four hours following any such waiver. The city council may waive the provisions of this chapter for a definite period longer than seven days by resolution. The city manager or authorized successor shall have the responsibility to protect the interest of the city consistent with prudent and appropriate emergency responses. (Ord. 20-02 § 1: Ord. 18-03 § 1 (part): Ord. 12-09 § 1 (part): Ord. 09-05 § 1 (part))

9.36.060 Emergency mandates.

The mayor, pursuant to Charter Section 3.4(e), or the city council may issue emergency mandates to protect public peace, health, safety, or general welfare during a declared emergency as permitted by law. Failure to comply with an emergency mandate of the mayor or city council is punishable by a fine of up to five hundred dollars. Upon citation under this section, court appearance is mandatory. (Ord. 20-03 § 1 (part))

Notes: Code can only be changed by following a majority vote after two readings of an ordinance (first reading/public hearing and then second reading/adoption; majority vote on both, no substantive changes or the ordinance goes back to first reading.)

Virtual meeting attendance options are written in Council Policies & Procedures and can be amended with one reading and a vote.

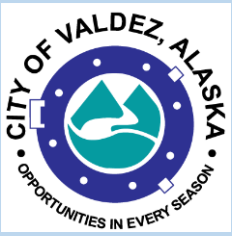
Disaster Declaration & Mandate Process

Summary

- A mandate can be enacted by the mayor or city council, but requires a disaster declaration to be in place first.
- The original disaster declaration must be signed by Mayor.
- Extensions of the disaster declaration are passed by Council.

Normal Process for Disaster Declaration

- Emergency occurs warranting the need for resources, quicker procurement timelines, or assistance from the state.
- In an emergency, there would not be time to call/notice a Council meeting. The Mayor sign the disaster declaration quickly at City Hall based on the obvious nature of the emergency and/or staff recommendation. Council would be notified and the declaration sent to the state of Alaska Division of Homeland Security & Emergency Management. Then staff would get to work obtaining the resources we needed to address the emergency and continue to respond operationally.
- A mandate could then be considered after that time under current Valdez Municipal Code.
- If the emergency lasted beyond the initial 7-day time frame under Mayor authority, City Council must formally extend the declaration by resolution.



City of Valdez COVID-19 Response – May 7th to the Present

❖ Alternate Care Site

❖ Response to Inquiries/Requests

- Personnel
 - Dedicated the EM as a POC
 - Swan Messaging
 - PVMC
 - Mass Vaccination PODS
 - 1st responder assistance w/ COVID patients
- Testing Supplies
 - Alfa Doc, VMC, VCS, Silver Bay, & Peter Pan
 - Instruments
 - ID NOW Rapid Tests
 - Binax NOW Tests
 - PCR Tests
 - COV Directed Purchasing Relationships
- Masks
- Pulse Oximeters
- Thermometers
- Disinfecting Supplies
- Nitrile Gloves

❖ Annual Flu-POD Preparation (Oct 9, 16, & 23)

❖ Facilities

- COVID Portable Testing Buildings
- Maintenance Work Orders
- South Harbor Drive Checkpoint Building
- Expanded COVID Janitorial Services
- Quarantine/isolation Housing for Displaced Persons

❖ Financial Support

- VMC and Alfa Doc Agreement Extensions
- Funding to SWAN for KVAK Advertising & Seed Media Messaging/Education Projects
- COVID Conscious Business Program
- COVID Business Recovery Grant Program

❖ Messaging

- Website Updates
- MWF Case Count Dashboard Updates Coordinated with Public Health

❖ Coordination Meetings

- Weekly COV Administrative “after hours” meeting
- COV and Local Medical Staff
- Weekly SEOC EM Meetings

Upcoming Efforts

- COV Employee/Facility Mask Policy – Effective 09.28.2021
- Formal Weekly COV/Medical Provider Meetings
- Exploration of Additional Resources for Medical Community/SWAN for Messaging
- Exploration of Incentive Programs
- CM Directed City Staff Utilize Virtual Meetings to Maximum Extent Possible