

## ORDINANCE 21-06

### AN EMERGENCY ORDINANCE OF THE ALEUTIANS EAST BOROUGH ASSEMBLY ISSUING A DECLARATION OF DISASTER EMERGENCY IN RESPONSE TO COVID-19

**WHEREAS**, COVID-19 is a respiratory disease that can result in serious illness or death and is caused by the SARS-Cov-2 virus (“virus”), a new strain of the coronavirus that has not been previously identified in humans and is easily transmittable person to person; and,

**WHEREAS**, on March 11, 2020, the World Health Organization (“WHO”) declared the virus a pandemic; and,

**WHEREAS**, Alaska Governor Dunleavy issued a declaration of public health disaster emergency in response to the anticipated outbreak of COVID-19 in Alaska; and,

**WHEREAS**, on March 13, 2020, President Donald J. Trump declared a national emergency in response to the virus pandemic; and,

**WHEREAS**, positive cases of COVID-19 have been identified within the State of Alaska and within the Aleutians East Borough; and,

**WHEREAS**, Social Distancing has been recommended, to minimize the spread of the virus; and

**WHEREAS**, the State has put mandates in place restricting public use of state institutes, public and residential schools, libraries, archives and museums, restaurants and bars, as well as other restrictions; and

**WHEREAS**, on March 18, 2020 Borough Administration implemented a COVID-19 Aleutians East Borough Employee Policy to help reduce transmission among staff and to help protect people who are higher risk for adverse health complications while maintaining Borough operations; and

**WHEREAS**, on March 23, 2020 the Assembly passed Emergency Ordinance 20-07 issuing a declaration of disaster emergency in response to COVID-19; and

**WHEREAS**, on May 14, 2020 the Assembly passed Emergency Ordinance 20-08, which superseded Emergency Ordinance 20-07; and

**WHEREAS**, on July 9, 2020 the Assembly passed Emergency Ordinance 21-01, which superseded Emergency Ordinance 20-08; and

**WHEREAS**, on August 13, 2020 the Assembly passed Emergency Ordinance 21-02, which superseded Emergency Ordinance 21-01; and

**WHEREAS**, on October 8, 2020 the Assembly passed Emergency Ordinance 21-04 which superseded Emergency Ordinance 21-02; and

**WHEREAS**, the COVID-19 pandemic may dramatically impact the Borough communities and residents and have a substantial effect on the Borough economy if unchecked; and

**WHEREAS**, the full extent and effect of COVID-19 cannot yet be known, it remains vital for the Borough to be prepared and take all needed precautions throughout the entire timeframe of the emergency related to COVID-19; and

**WHEREAS**, the Assembly finds that a public emergency continues to exist and deems it necessary to declare a local emergency to protect the health, safety and welfare of the residents of the Borough; and

**WHEREAS**, Borough Code Sec. 1.20.050 (a) authorizes emergency ordinances, reading:

(a) To meet a public emergency the assembly may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the assembly that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting to which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The assembly must print and make available copies of adopted emergency ordinances.

(b) An emergency ordinance may not be used to levy taxes to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its service.

(c) Emergency ordinances are effective for sixty days.

**WHEREAS**, the Borough wishes to authorize the Mayor to request State assistance from the Governor of Alaska for costs associated with the Borough's response to the virus to meet the public safety and welfare needs arising from or incidental to COVID-19 and to recover from damage caused; and

**WHEREAS**, the Borough wishes to authorize the Mayor to request assistance from Federal agencies pursuant to the Stafford Act of 1988 and Other Federal Law; and

**WHEREAS**, a declaration of disaster emergency will alert the public to the seriousness of the risk and provide direction.

**NOW, THEREFORE, BE IT RESOLVED** by the Aleutians East Borough as follows:

Section 1. The Assembly of the Aleutians East Borough hereby declares a local disaster emergency in response to COVID-19.

Section 2. The Assembly of the Aleutians East Borough authorizes the Mayor to request State and Federal Assistance to meet the ongoing emergency created by COVID-19.

Section 3. The rules requiring in-person attendance by Assembly Members under Borough Code Sec. 2.08.10(e) for regular meetings, and 2.08.020 (a) for special meetings, and all other such rules are suspended so that a quorum may be reached without gathering people at central locations.

Section 4. Alternate means of listening in and providing public comment at Assembly Meetings, as would normally be afforded under Borough Code 2.08.010(d), shall be provided for should the teleconferencing hubs be closed.

Section 5. All residents and visitors to the Borough and Borough Property are encouraged to maintain social distancing throughout the entire period of this emergency.


Section 6. This Emergency Ordinance supersedes Emergency Ordinance 21-04 and shall become effective immediately upon adoption and remain in effect until January 10, 2020 pursuant to Borough Code Sec. 1.20.050(c).


Section 7. This Emergency Ordinance may be reauthorized by telephonic quorum prior to its expiration.

**PASSED AND ADOPTED** BY THE ALEUTIANS EAST BOROUGH ASSEMBLY on this 12<sup>th</sup> day of November 2020.

Date Introduced and Approved: 11/12/2020

ALEUTIANS EAST BOROUGH, ALASKA

  
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Alvin D. Osterback, Mayor

ATTEST:   
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Tina Anderson, Clerk

