



ORDINANCE 21-13

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, 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, the State of Alaska has enacted various Declarations of Public Health Disaster Emergency both through executive and legislative action pursuant to AS 26.23.020 so that looking back there has been such an active disaster declaration related to the COVID-19 pandemic continuously from March 11, 2020 to April 30, 2021; and,

WHEREAS, considering the text of State of Alaska House Bill-76 Alaska Governor Mike Dunleavy cancelled the latest legislatively enacted disaster declaration on the advice of Alaska Department of Health and Social Services Commissioner ("Health Commissioner") Adam Crum; and,

WHEREAS, pursuant to administrative powers duly delegated to him by House Bill-76, also identified as Chapter No. 2 SLA 2021, and with the consent and encouragement of Governor Dunleavy, Health Commissioner Crum subsequently issued a new declaration of public health emergency which shall remain in effect from May 1, 2021 until rescinded; and,

WHEREAS, the State of Alaska continues to issue Health Advisories in place to respond to COVID-19 that provides recommendations for keeping Alaskans safe; international and interstate travel; intrastate travel and critical infrastructure; and

WHEREAS, Borough Administration has 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WHEREAS, on May 14, 2020 the Assembly passed Emergency Ordinance 20-08, which superseded Emergency Ordinance 20-07; and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, on November 12, 2020 the Assembly passed Emergency Ordinance 21-06 which superseded Emergency Ordinance 21-04; and

WHEREAS, on December 10, 2020 the Assembly passed Emergency Ordinance 21-07 which superseded Emergency Ordinance 21-06; and

WHEREAS, on January 14, 2021 the Assembly passed Emergency Ordinance 21-08 which superseded Emergency Ordinance 21-07; and

WHEREAS, on March 11, 2021 the Assembly passed Emergency Ordinance 21-10 which superseded Emergency Ordinance 21-08; and

WHEREAS, on April 8, 2021 the Assembly passed Emergency Ordinance 21-11 which superseded Emergency Ordinance 21-10; and

WHEREAS, the COVID-19 pandemic still 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 21-11 and shall become effective immediately upon adoption and remain in effect until July 25, 2021 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 27th day of May 2021.

Date Introduced and Approved: May 27, 2021

ALEUTIANS EAST BOROUGH, ALASKA

Alvin D. Osterback
Alvin D. Osterback, Mayor

ATTEST:

Tina Anderson
Tina Anderson, Clerk

