



ORDINANCE 22-04

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, with consistent past 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subsequently issued a new declaration of public health emergency which shall remain in effect from May 1, 2021 until rescinded; and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 of prior health mandates, health alerts and health orders, to respond to COVID-19 that provide recommendations for keeping Alaskans safe; international and interstate travel; intrastate travel and critical infrastructure; 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WHEREAS, on May 14, 2020 the Assembly passed Emergency Ordinance 20-08, which superseded Emergency Ordinance 20-07; and

WHEREAS, on July 9, 2020 the Assembly passed Emergency Ordinance 21-01, which superseded Emergency Ordinance 20-08; and

WHEREAS, on August 13, 2020 the Assembly passed Emergency Ordinance 21-02, which superseded Emergency Ordinance 21-01; and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, on May 27, 2021 the Assembly passed Emergency Ordinance 21-13 which superseded Emergency Ordinance 21-11; and

WHEREAS, Emergency Ordinance 21-11 expired on July 25, 2021; therefore, 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 in place; and

WHEREAS, COVID-19 is still occurring within the region and 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 more highly contagious Delta variant of the virus arrived in Alaska and became the dominant strain spreading in the state over the Summer of 2021; 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, Alaska is currently experiencing an intense wave of COVID-19 driven by the Delta Variant of the virus; and

WHEREAS, Alaska's hospital infrastructure has become so overwhelmed by this wave that each of the major hospitals in the state, starting with the Providence Alaska Medical Center on September 14, 2021, have announced they are unable to provide a normal level of care and are instead forced to ration care under a crisis standard; 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 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 may be suspended as necessary so that a quorum may be reached without gathering people at central locations at the discretion of the Borough Mayor.

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 shall become effective immediately upon adoption and remain in effect until December 12, 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 14th day of October 2021.

Date Introduced and Approved: October 14, 2021

ALEUTIANS EAST BOROUGH, ALASKA


Alvin D. Osterback, Mayor

ATTEST:


Tina Anderson, Clerk