

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2020-22(S)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO UTILIZE THE EMERGENCY OPERATIONS CENTER TO PROMULGATE AND ENFORCE REGULATIONS TO STOP THE SPREAD OF COVID-19 IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE CITY OF DILLINGHAM COVID-19 MITIGATION PLAN

WHEREAS, on March 11, 2020, Governor Mike Dunleavy declared a Public Health Disaster Emergency in the State of Alaska; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency; and

WHEREAS, on March 19, 2020, the Dillingham City Council approved the closure of certain public facilities through April 5, 2020 and adopted Resolution 2020-11 Declaring a Public Health Disaster Emergency per AS 26.23.140 and Dillingham Municipal Code Section 2.64.0020(B) to exist in Dillingham; and

WHEREAS, positive COVID-19 cases continue to rise in the State of Alaska and nationwide, including a record high of 526 new coronavirus infections on October 25, 2020; and

WHEREAS, transmission of COVID-19 remains a public health emergency affecting the City of Dillingham; and

WHEREAS, it is the goal of the City to promote the local economy as pandemic indicators allow; and

WHEREAS, the City has retained Pearson Consulting to draft a COVID-19 Mitigation Plan, taking into consideration State and CDC guidance and regulations, as well as the unique local and regional needs to effectively prepare and respond to the COVID-19 pandemic; and

WHEREAS, the principal recommendation of the plan is that the City utilize the Emergency Operations Center as the proven structure for timely and effective emergency response and that it would be the most effective structure for responding to the COVID-19 pandemic; and

WHEREAS, the City of Dillingham Emergency Operations Plan ("EOP"), adopted by Resolution No. 2018-10, recognizes that for emergency management organization in serious emergencies the City may be required to operate in a manner different from normal, day-to-day routines; and

WHEREAS, the EOP provides guidance for preparedness, protection, response and recovery from emergencies that occur in or near the community of Dillingham, said Plan has been activated, and the City Manager is designated as Incident Commander (“IC”) to operate under a Unified Command (“UC”) structure; and

WHEREAS, the IC is currently convening the UC on a regular basis, allowing for coordination of resources and responses, and the collective input of existing local government, agencies and resources and selected volunteer and private resources within the City to develop and implement the City’s response and management of this disaster; and

WHEREAS, management successfully navigated the City through the early phases of the pandemic by utilizing a modified EOP and UC structure, and a “Coronavirus Task Force” of qualified subject matter experts to form a Coronavirus Operations Plan; and

WHEREAS, Dillingham Municipal Code Chapter 2.64 currently provides the City Manager to have certain emergency powers during a disaster, including an epidemic or similar public calamity; and

WHEREAS, the Council finds that in order to provide for timely response to situational development, it is in the best interest of the City of Dillingham to authorize the City Manager, as Incident Commander, to promulgate and enforce regulations and for timely response to reduce the impact and spread of COVID-19;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a non-Code ordinance.

Section 2. Declaration of Emergency. The council declares that the coronavirus threat and impact are a public health emergency.

Section 3. Authorization of Emergency Authority.

- A. In addition to any other powers confirmed on the City Manager by law, in order to prepare and position city resources in order to reduce the impact and spread of the coronavirus, the City Manager, after consultation with the EOC and local and regional medical professionals, is authorized to issue and enforce regulations intended to prevent the spread of COVID-19. Such regulations include, but are not limited to, required use of facemasks, limiting travel into Dillingham, traveler quarantine requirements and reasonable restrictions, such as occupancy limits, for businesses and public spaces.
- B. The City Manager, through consultation with the EOC and public health experts, shall implement metrics for determining when to increase or decrease required mitigation measures. The metrics should be clearly communicated to the public.
- C. At all times when orders made and promulgated pursuant to this declaration of emergency shall be in effect, they shall supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

- D. Orders made and promulgated pursuant to this declaration of emergency shall be posted in at least three public places as soon as possible, but no later than three days after enactment. Orders will be posted on the City website.
- E. The City Manager shall report to the City Council at the next meeting, whether it be regularly scheduled or a special session, on actions taken, under authority conferred in section A above, that were found necessary and prudent to address this emergency, including those which were promulgated by Emergency Order or Mandate. The City Council may by motion ratify or vacate any or all actions, or provide direction to the City Manager for rescinding or amendment. Orders are valid upon compliance with the notice requirements in subsection D and are enforceable prior to presentation to the City Council.

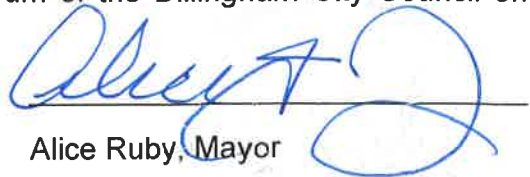
Section 4. Essential Travel District. The Essential Travel District, created by Emergency Ordinance 2020-06(A), and amended by 2020-07 and 2020-19, consists of the entire City of Dillingham including Kanakanak Beach, and shall remain in effect for as long as this ordinance remains in effect.

Section 5. Enforcement. Violation of any order made and promulgated by the city manager pursuant to this ordinance shall be a Minor Offense. In accordance with AS 29.25.070(a), citations for violation of this ordinance may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a three hundred dollars (\$300) fine, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies. This fine may not be judicially reduced.

Section 6. Code Provisions Superseded. This Ordinance supersedes Emergency Ordinances 2020-19, 2020-20, 2020-21 and any inconsistent ordinances, rules, or regulations of the City of Dillingham including but not limited to, Section 18.20.040 Procedures for changing land use districts.

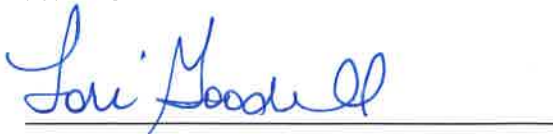
Section 7. Effective Date. This ordinance is effective upon passage and expires on March 31, 2021 unless otherwise rescinded or extended by the Dillingham City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on November 5, 2020.


Alice Ruby, Mayor

ATTEST:

[SEAL]



Lori Goodell, City Clerk