

**CITY OF SAXMAN
ORDINANCE NO. 21-01**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAXMAN
DECLARING AN EMERGENCY AND AMENDING CITY OF SAXMAN CODE SECTION
2.05.110 MEETINGS PUBLIC, 2.05.130(B) SPECIAL MEETINGS, INCLUDING EMERGENCY
MEETINGS AND 2.05.140 NOTICE, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE
DATE.**

- A. WHEREAS**, the United States Centers for Disease Control (CDC) has determined that COVID-19, a respiratory disease that can result in serious illness or death and that is a new strain of coronavirus not previously identified in humans, is a significant public health risk both globally and in the United States; and
- B. WHEREAS**, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 on January 31, 2020, retroactively applicable to January 27, 2020; and
- C. WHEREAS**, on March 11, 2020, the World Health Organization (WHO) Director-General declared COVID-19 to be a global pandemic, and the WHO situation report has determined the global risk assessment posed by COVID-19 to be “very high”; and
- D. WHEREAS**, on March 11, 2020, Alaska Governor Mike Dunleavy issued a declaration of public health disaster emergency in response to the anticipated outbreak of COVID-19 in Alaska, and in order to ensure that the public is educated about the public health risk; and
- E. WHEREAS**, on March 12, 2020, the first positive case of COVID-19 was confirmed within the State of Alaska AND on March 17, 2020 a positive case was identified in the Ketchikan Gateway Borough; and
- F. WHEREAS**, on March 13, 2020, Governor Dunleavy closed all schools in Alaska for two weeks, and the US Center for Disease Control (CDC) has recommended that gatherings of more than 10 persons be avoided; and
- G. WHEREAS**, the CITY COUNCIL finds that the present public health risk posed by COVID-19 calls for immediate action to reduce the risk of transmission of COVID-19 while enabling the CITY COUNCIL to continue functioning if members are absent or attendance in person is contrary to CDC advice due to health concerns, or if attendance of the public must be limited due to public health concerns; and

- 44 **H. WHEREAS,** the CITY COUNCIL finds that in times of declared disasters the
45 CITY COUNCIL may be unable to get a proper notice with more than 24 hours'
46 notice may need to meet by teleconference to address pending issues; and
47
- 48 **I WHEREAS,** the CITY COUNCIL finds that COSC 2.05.110 should be amended to
49 allow CITY COUNCIL meetings to be held and members to participate
50 telephonically and public access to a council meeting be limited when a public
51 health emergency or disaster has been declared by the President, Governor or
52 Mayor; and
53
- 54 **J. WHEREAS,** the CITY COUNCIL finds, pursuant to COSC 1.20.050, which
55 allows adoption of an emergency ordinance effective for up to 60 days, that the
56 present progression of COVID -19 limitations is moving so swiftly that an
57 emergency exists calling for adoption of this ordinance as an emergency
58 ordinance, and that the CITY COUNCIL should follow up with a regular ordinance
59 adopting substantially similar provisions within the next 60 days prior to expiration
60 of this ordinance;
61
- 62 **H. WHEREAS,** after the expiration of Ordinance 20-13 there continues to be a public
63 health emergency that necessitates amending the above ordinances for another
64 60 days.
65

66
67 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAXMAN**
68 **THAT:**
69

70 **Section 1:** This ordinance is NOT of permanent nature and shall NOT become a part of the CITY
71 OF SAXMAN Code of Ordinances.
72

73 **Section 2:** That section 2.05.110, 2.05.130(b), and 2.05.140 of the CITY OF SAXMAN Code of
74 Ordinances is amended to read as follows:
75

76 **2.05.110 Meetings Public.**
77

78 (a) Meetings of the Council shall be public. The only exception to the requirement of
79 public Council meetings is when an executive session is lawfully justified, as provided in
80 SMC 2.05.150. *The journal of proceedings shall be open to public inspection. When a*
81 *disaster has been declared which makes attendance by the public in person*
82 *inappropriate, physical attendance by the public may be limited by the mayor or vice-*
83 *mayor. All efforts shall be taken to broadcast, or otherwise make the meeting available*
84 *to the public.*
85

86 (b) The Council shall provide reasonable opportunity for the public to be heard at regular
87 and special meetings. [Ord. 01-77 Ch. 6 § 1].
88

89 **2.05.130 (b) Special meetings, including emergency meetings.**
90

(a) Advance notice of at least 24 hours shall be given each Councilmember prior to a special meeting *unless there is emergency business that necessitates less notice. If less than 24 hours notice is given, it will first be approved by the Mayor or Vice-Mayor. The notice shall specify the time, place, and business of the meeting. Business may be transacted at the meeting which is not mentioned in the notice at the Mayors approval.* Such notice shall be given personally to each member of the Council or left at his or her usual place of business or residence by the Clerk or the Clerk's designee.

2.05.140 Notice.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted in at least three public places not less than 24 hours before the time of the meeting. *If a meeting must be held with less than 24 hours notice, public notice is given if a statement containing the date, time, and place of the meeting is posted in at least three public places AND sent to a form of public media AND approved by the Mayor.* [Ord. 01-77 Ch. 6 § 4].

Effective Date: This ordinance takes effect upon adoption. This ordinance will cease to be effective 60 days after adoption in accordance with COSC 1.20.050.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAXMAN

THIS _____ DAY OF _____, 2021.

CITY OF SAXMAN

ATTEST:

Frank Seludo, Mayor

Lori Richmond, Clerk

VOTES:

Ayes:

Noes:

Absent: