

**MARCH 18, 2020
CITY COUNCIL MEETING
ADDITIONAL MATERIAL/REVISIONS**

REQUESTED REVISIONS TO THE AGENDA/PACKET:

<u>ACTION</u>	<u>ITEM</u>	<u>REQUESTED BY</u>
Add item G.10. to be taken up first after Unscheduled Public Comment	Action/Approval – Support the City Manager’s Emergency Disaster Declaration. <ul style="list-style-type: none">• Emergency Declaration	City Manager
Add item D.6. to be taken up second after Unscheduled Public Comment	Resolution No. 2020-15 – Extending the Disaster Emergency Declaration for the City of Kenai Made on March 18, 2020 in Response to the COVID-19 Pandemic	City Manager
Add item G.11. to be taken up third after Unscheduled Public Comment	Ordinance No. 3114-2020 – Authorizing the Suspension and Modification of Various Sections of Kenai Municipal Code Regarding Council Meetings and Other Public Meetings and Participation in Order to Protect the Health Safety and Welfare of Our City and Declaring an Emergency. <ul style="list-style-type: none">• Ordinance No. 3114-2020• Supporting Memo	Legal
Add item D.7. to be taken up in normal order of business	Resolution No. 2020-16 – Supporting the Appointment of Robert Ruffner to the Alaska Board of Fisheries <ul style="list-style-type: none">• Resolution No. 2020-16• Supporting Memo	Mayor Gabriel



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210 Fidalgo Avenue, Kenai, Alaska 99611-7794
Telephone: 907-283-7535 / FAX: 907-283-3014



Paul Ostrander
City Manager

FOR IMMEDIATE RELEASE

DISASTER EMERGENCY DECLARATION FOR THE CITY OF KENAI
March 18, 2020

WHEREAS, the novel Coronavirus, known as COVID-19 can result in serious illness or death and has shown to be easily transmittable from person to person; and,

WHEREAS, reducing the high risk of serious illness from COVID-19 is especially critical to older adults and individuals who have pre-existing medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 as a pandemic on March 11, 2020; and,

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020 and other positive diagnosis have since occurred; and,

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020 and the President of the United States issued a Proclamation Declaring a National Emergency on March 13, 2020; and,

WHEREAS, on March 13, 2020 Governor Mike Dunleavy issued a mandate that public schools close to students between March 16 and March 30, 2020 and all after school activities have been suspended; and,

WHEREAS, Governor Mike Dunleavy has further mandated the closure of certain public and private facilities; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends that employers and others implement policies such as remote work and cancellation of mass gatherings to increase the physical distance between individuals to prevent the spread of COVID-19; and,

WHEREAS, many public and private facilities, gatherings, and other events have been cancelled or postponed in order to prevent the rapid transmission of COVID-19; and,

City of Kenai Disaster Emergency Declaration
March 17, 2020

WHEREAS, these events have a significant impact on business, commerce, and the local economy now and potentially in the future, as there is no projected date for a potential vaccine or other treatment for COVID-19; and,

WHEREAS, the City expects that the continued impact of COVID-19 will be of a severity and magnitude that is beyond the authority and capacity of the City to provide effective response; and

NOW, THEREFORE:

I declare a Disaster Emergency pursuant to AS 26.23.140 to exist in the City of Kenai due to the current and expected imminent impacts of the COVID-19 pandemic, and as such I have activated the emergency operations plan of the City in order to address the ongoing response.

Further, the City requests that the State of Alaska provide disaster assistance to the City by making available resources as needed in the ongoing response and recovery from the current and potential impacts of this pandemic, to provide individual assistance for affected businesses and individuals, and to provide technical expertise and guidance, to help the City in its response and recovery from this event. The City additionally requests assistance from federal agencies where state capability is not adequate.

A copy of this declaration will be promptly filed with the Alaska Division of Homeland Security and Emergency Management.

Dated this 18th day of March, 2020.

Paul Ostrander, City Manager

ATTEST:

Jamie Heinz, CMC, City Clerk



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020 - 15

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, EXTENDING THE DISASTER EMERGENCY DECLARATION FOR THE CITY OF KENAI MADE ON MARCH 18, 2020 IN RESPONSE TO THE COVID-19 PANDEMIC.

WHEREAS, the novel Coronavirus, known as COVID-19 can result in serious illness or death and has shown to be easily transmittable from person to person; and,

WHEREAS, reducing the high risk of serious illness from COVID-19 is especially critical to older adults and individuals who have pre-existing medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 as a pandemic on March 11, 2020; and,

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020 and other positive diagnoses have since occurred; and,

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020 and the President of the United States issued a Proclamation Declaring a National Emergency on March 13, 2020; and,

WHEREAS, on March 13, 2020 Governor Mike Dunleavy issued a mandate that public schools close to students between March 16 and March 30, 2020 and all after school activities have been suspended; and,

WHEREAS, Governor Mike Dunleavy has further mandated the closure of certain public and private facilities; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends that employers and others implement policies such as remote work and cancellation of mass gatherings to increase the physical distance between individuals to prevent the spread of COVID-19; and,

WHEREAS, many public and private facilities, gatherings, and other events have been cancelled or postponed in order to prevent the rapid transmission of COVID-19; and,

WHEREAS, these events have a significant impact on business, commerce, and the local economy now and potentially in the future, as there is no projected date for a potential vaccine or other treatment for COVID-19; and,

WHEREAS, the City expects that the continued impact of COVID-19 will be of a severity and magnitude that is beyond the authority and capacity of the City to provide effective response; and,

WHEREAS, pursuant to AS 26.23.140 the City Manager as the principal executive officer has issued a Disaster Emergency Declaration on March 18, 2020 for a period not to exceed 7 days, and authorizing the extension of the Disaster Emergency Declaration is in the best interest of the City of Kenai given the nature of the pandemic and expected impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the City Council of Kenai extends for 90 days or until repealed sooner, the Disaster Emergency Declaration issued by the City manager pursuant to AS 26.23.140, due to the current and expected imminent impacts of the COVID-19 pandemic.

Section 2. That the City requests that the State of Alaska provide disaster assistance to the City by making available resources as needed in the ongoing response and recovery from the current and potential impacts of this pandemic, to provide individual assistance for affected businesses and individuals, and to provide technical expertise and guidance, to help the City in its response and recovery from this event.

Section 3. That the City additionally requests assistance from federal agencies where state capability is not adequate.

Section 4. That a copy of this declaration will be promptly filed with the Alaska Division of Homeland Security and Emergency Management.

Section 5. That this resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 18 day of March, 2020.

BRIAN GABRIEL, SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



Sponsored by: Legal

CITY OF KENAI

ORDINANCE NO. 3114 - 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AUTHORIZING THE SUSPENSION AND MODIFICATION OF VARIOUS SECTIONS OF KENAI MUNICIPAL CODE REGARDING COUNCIL MEETINGS AND OTHER PUBLIC MEETINGS AND PARTICIPATION IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF OUR CITY AND DECLARING AN EMERGENCY.

WHEREAS, the novel Coronavirus, known as COVID-19 can result in serious illness or death and has shown to be easily transmittable from person to person; and,

WHEREAS, reducing the high risk of serious illness from COVID-19 is especially critical to older adults and individuals who have pre-existing medical conditions; and,

WHEREAS, the World Health Organization declared COVID-19 as a pandemic on March 11, 2020; and,

WHEREAS, the first coronavirus patient in Alaska was diagnosed in Anchorage on March 12, 2020 and other positive diagnoses have since occurred; and,

WHEREAS, Governor Mike Dunleavy issued a Declaration of Public Health Disaster Emergency on March 11, 2020 and the President of the United States issued a Proclamation Declaring a National Emergency on March 13, 2020; and,

WHEREAS, on March 13, 2020 Governor Mike Dunleavy issued a mandate that public schools close to students between March 16 and March 30, 2020 and all after school activities have been suspended; and,

WHEREAS, Governor Mike Dunleavy has further mandated the closure of certain public and private facilities; and,

WHEREAS, on March 18, 2016 the City manager declared a local disaster emergency

WHEREAS, the Centers for Disease Control and Prevention (CDC) recommends that employers and others implement policies such as remote work and cancellation of mass gatherings to increase the physical distance between individuals to prevent the spread of COVID-19; and,

WHEREAS, many public and private facilities, gatherings, and other events have been cancelled or postponed in order to prevent the rapid transmission of COVID-19; and,

WHEREAS, new information and guidance is being provided on a daily basis requiring maximum flexibility be given to respond to and implement various preventative and containment measures; and,

WHEREAS, given the rapidly changing situation this ordinance is necessary for the immediate preservation of public peace, health and safety; and,

WHEREAS, the City needs maximum flexibility to schedule, cancel and reschedule meetings and modify procedures to respond to time sensitive and emergency situations and conduct necessary business in a safe manner; and,

WHEREAS, the authorization provided in this emergency ordinance is intended to be temporary in duration, lasting only during the state and local disaster declaration; and,

WHEREAS, when reasonably possible the City will continue to comply with all City ordinances regarding Council Meetings and public meetings and participation and will only deviate as authorized below when reasonably necessary; and,

WHEREAS, state law and the City's Charter allow for emergency ordinances when necessary to preserve public peace, health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That this ordinance is not of a general and permanent nature and shall not be codified.

Section 2. That the COVID-19 pandemic has created an emergency recognized on the federal, state and local level and that this emergency ordinance is necessary to immediately preserve the public peace, health and safety.

Section 3. That notwithstanding anything to the contrary in the City of Kenai's Municipal Code of Ordinances, the City Mayor or other current Presiding Officer, if the Mayor is unavailable, has the authority to modify and/ or waive provisions of City Code pertaining to scheduling, teleconference participation, public participation and other related provisions of code related to meetings of the Council and other advisory and adjudicatory bodies of the City of Kenai, if deemed necessary for public health and safety; provided that any modification and/ or waiver is in compliance with state law.

Section 4. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 5. Effective Date: That pursuant to Kenai Municipal Charter Section 2-13 and KMC 1.15.070 this ordinance shall take effect upon enactment.

Section 6. Sunset Date: That this ordinance and its authority will terminate upon the termination of the City of Kenai's Disaster Emergency Declaration.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 18 day of March, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: March 18, 2020
Enacted: March 18, 2020
Effective: March 18, 2020



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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Scott Bloom, City Attorney
DATE: March 18, 2020
SUBJECT: **Ordinance No. 3114-2018 – Suspension and Modification of Public Meeting Rules and Declaring an Emergency**

This Ordinance allows the Mayor or other presiding officer to schedule and hold public meetings with maximum flexibility, even if KMC provisions provide differently. For example, code provisions regarding the number of council members that can participate telephonically at a council meeting on a non-emergency basis would not need to be followed. This ordinance would apply to the City Council, board of adjustment and other advisory commissions and committees. State law will still need to be followed along with City Charter provisions. It is written to end or sunset on the same date as the City's Declaration of Emergency ends. It will not be codified.

This ordinance is being introduced and passed as a laydown in the same meeting on an emergency basis due to the COVID-19 pandemic. Pursuant to City Charter it must be read twice at the same meeting and must declare an emergency. It also requires an affirmative vote of 5 council members to be enacted.

Your consideration is appreciated.





Sponsored by: Mayor Gabriel

CITY OF KENAI

RESOLUTION NO. 2020-16

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, SUPPORTING THE APPOINTMENT OF ROBERT RUFFNER TO THE ALASKA BOARD OF FISHERIES.

WHEREAS, Robert Ruffner served on the Alaska Board of Fisheries from 2015 until 2019; and,

WHEREAS, commercial fisheries, sport fisheries, personal use fisheries, subsistence fisheries and shore-based fish processing facilities take place and/or are located within the City of Kenai's Municipal boundaries; and,

WHEREAS, it is vitally important that members of the Alaska Board of Fisheries manage fishery resources and habitat for the benefit of all Alaskans both present and future; and,

WHEREAS, Mr. Ruffner has applied for appointment to the Alaska Board of Fisheries; and,

WHEREAS, Mr. Ruffner has proven to provide diversity of interest and points of view in his past board of fisheries membership; and,

WHEREAS, Mr. Ruffner, during his tenure as the Executive Director of the Kenai Watershed Forum, demonstrated exemplary leadership in building consensus among widely diverse user groups; and,

WHEREAS, Mr. Ruffner's training as a scientist and statistician provide the basis for sound decision-making based on scientific analysis; and,

WHEREAS, Mr. Ruffner has been recognized by, and received awards from, the Coastal America Partnership and the United States Fish & Wildlife Service for his efforts and leadership in fish habitat restoration and protection; and,

WHEREAS, the City of Kenai has worked closely with Mr. Ruffner and the Kenai Watershed Forum over the past twenty-one years, finding him to be unbiased, possessing keen analytical skills, and committed to sound scientific based decision-making, which will well serve the State of Alaska and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the Council of the City of Kenai respectfully asks Governor Dunleavy to appoint Robert Ruffner to the Alaska Board of Fisheries.

Section 2. That a copy of this resolution shall be mailed to Governor Dunleavy.

Section 3. That this resolution takes effect immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 18th day of March, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk



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MEMORANDUM

TO: Kenai City Council
FROM: Mayor Gabriel
DATE: March 16, 2020
SUBJECT: **Resolution No. 2020-16 – Endorsing Robert Ruffner’s appointment to the Alaska Board of Fisheries.**

Robert Ruffner served on the Alaska Board of Fisheries from 2015 until 2019 when his term ended. Pursuant to AS 16.05.221(d), the Governor shall appoint a person to fill the vacancy that will arise on the board due to expiration of the term of a member of the board and submit the name of the person to the legislature for confirmation.

Robert Ruffner has applied for appointment to the Board of Fisheries and, because of his expertise and demonstrated leadership with his past tenure on the Board of Fisheries the Kenai Watershed Forum, Mr. Ruffner is an asset to the State of Alaska and the Alaska Board of Fisheries. His appointment would provide diversity of interest and points of view in the membership of the Board of Fisheries.

Your consideration is appreciated.

