

Presented by:
City Manager
Action Taken:
Yes 6
No 0
Abstain 0

CITY OF NOME, ALASKA
ORDINANCE NO. O-20-05-03

EMERGENCY ORDINANCE (AMENDED)

AN EXTENSION OF A LOCAL EMERGENCY AUTHORIZING THE NOME COMMON COUNCIL TO DIRECT THE CITY MANAGER TAKE NECESSARY ACTIONS TO REDUCE THE IMPACT AND SPREAD OF COVID-19 THROUGHOUT THE CITY OF NOME

WHEREAS, the United States Center for Disease Control and Prevention (“CDC”) has identified the COVID-19 virus as a new stain of coronavirus not previously identified in humans, causing respiratory disease that can result in serious illness or death and which poses a significant public health risk; and

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

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

WHEREAS, on March 12, 2020, at a special meeting, the Nome Common Council closed certain public facilities and took other action to slow the spread of COVID-19; and

WHEREAS, on March 12, 2020, the State of Alaska recommended implementation of measures identified in the CDC’s Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission ; and

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

WHEREAS, on March 17, 2020 the Nome Common Council adopted Emergency Ordinance O-20-07, authorizing the City Manager to take necessary actions to reduce the impact and spread of Covid-19 in the City of Nome; and,

WHEREAS, the City of Nome Emergency Operations Plan (“EOP”), approved by Resolution No. R-11-09-05, recognizes that for emergency management organization in disaster emergencies may require the City 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 Nome, 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;

WHEREAS, the Nome Common Council finds to provide for timely response to situational development, it is prudent and in the best interest of the citizens of Nome to extend the authorization of emergency authority it granted to the City Manager through O-20-07 for an additional period of 60 days; and

WHEREAS, AS 29.25.030 provides that a governing body may adopt an emergency ordinance at a meeting where it is first introduced and is effective on adoption, provided that the ordinance receives the affirmative vote of all members present or the affirmative vote of three-fourths of the total membership of the governing body, whichever is less;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Nome Common Council as follows:

SECTION 1. Classification. This is a non-Code emergency 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.

1. In addition to any other powers confirmed on the Nome Common Council by law, in order to prepare and position city resources in order to reduce the impact and spread of the coronavirus, the Nome Common Council acting through the City Manager and subject to subsequent Council ratification as set forth in Section 3 below is authorized to:

(a) Suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of City business, or the orders or regulations of any City department, if compliance with the provisions of the statute, order, or regulation would prevent, substantially impede, or delay action necessary to cope with the emergency;

(b) Use all the resources of City government as reasonably necessary to cope with the emergency;

(c) Transfer personnel or alter the functions of City departments for the purpose of performing or facilitating the performance of emergency management;

2. 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.

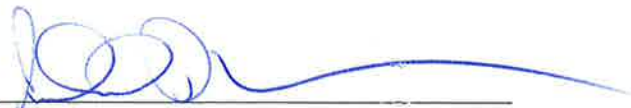
3. The City Manager shall report to the City Council at the next meeting, whether it be regularly scheduled or a special session, on actions taken, under authority conferred in section 1 above, that were found necessary and prudent to address this emergency, including those which were promulgated by 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.

4. Should the City Manager become unable to fulfill these duties, the order of succession for acting as City Manager shall be the Nome Joint Utility Manager, and then City Clerk.

5. Enforcement: Violation of any order made and promulgated by the city manager pursuant to this declaration of emergency shall be a minor offense per Nome Code of Ordinances 1.20.010 and 1.20.020, subject to a penalty of five hundred dollars per offense plus the state surcharge required by AS 12.55.039 and 29.25.074.

SECTION 4. Effective Date. This ordinance is effective upon adoption until midnight on July 14, 2020 unless otherwise rescinded or extended by the Nome Common Council.

APPROVED and SIGNED the 15th day of May 2020.



Jerald Brown
Acting Mayor

ATTEST:


Bryant Hammond
City Clerk