



Kenai City Council Meeting - Special Meeting

March 24, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

<https://www.kenai.city>

AGENDA

A. CALL TO ORDER

B. NEW BUSINESS

1. Ordinance No. 3115-2020 - Granting the City Manager Emergency Powers, Ratifying Temporary Leave for Employees, and Declaring an Emergency.

1. Motion for Introduction
2. Motion for Second Reading (Requires a Unanimous Vote)
3. Motion for Adoption (Requires Five Affirmative Votes)

C. PUBLIC COMMENT

(Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

D. ADJOURNMENT

Public comment may be emailed to city_council@kenai.city.

Please email the City Clerk (cityclerk@kenai.city) to sign up to testify; provide your name and telephone number. It is assumed you will be on the call using one of the below options; if not, we will call you.

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CITY OF KENAI**ORDINANCE NO. 3115 - 2020**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, GRANTING THE CITY MANAGER EMERGENCY POWERS, RATIFYING TEMPORARY LEAVE FOR EMPLOYEES 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 on the Kenai Peninsula; 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, 2020, the City Manager declared a local disaster emergency that was extended the same day by the City Council; 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 canceled 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, in this time of declared emergency disaster the City Manager needs the ability to respond immediately to situations that jeopardize the critical functions of the City and protect the welfare of residents and employees and preserve the public peace, health and safety; and,

WHEREAS, examples of this necessity include the ability to deviate from personnel ordinances regarding leave, hours of work, the opening and closing of facilities and provision of services; and,

WHEREAS, the authorization provided in this emergency ordinance is temporary in duration, lasting only during the state and local disaster declaration and only to be utilized in response to the declared emergency; 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. Classification: That this ordinance is not of a general and permanent nature and shall not be codified.

Section 2. Declaration of Emergency: 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. Emergency Authorization: That notwithstanding anything to the contrary in the City of Kenai's Municipal Code of Ordinances, and in addition to all powers granted to the City Manager by Kenai's Municipal Code, Charter and State Statute the City Manager is authorized to issue emergency orders suspending the provision of ordinances of the City of Kenai prescribing procedures for the conduct of City business and take actions or give direction in order to prepare and position the City to reduce the impact and transmission of COVID-19. When practical and reasonable, the City Manager shall promptly notify the City Council in writing of all emergency actions taken or directed pursuant to this ordinance.

Section 4. Ratification: That action taken by the City Manager prior to enactment of this ordinance providing full-time employees with 80 hours of paid sick leave and part-time employees with paid sick leave equal to their average number of hours worked in a two-week period related to COVID-19 impacts is hereby ratified by the City Council.

Section 5. 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 ordinance 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 6. Effective Date: That pursuant to Kenai Municipal Charter Section 2-13 and KMC 1.15.070 this ordinance shall take effect upon enactment.

Section 7. 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 XX day of March, 2020.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, CMC, City Clerk

Introduced: March XX, 2020
Enacted: March XX, 2020
Effective: March XX, 2020



"Village with a Past, City with a Future"

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

FROM: Scott Bloom, City Attorney

DATE: March 23, 2020

SUBJECT: **Ordinance No. 3115-2020 – Authorizing Emergency Powers**

As the COVID -19 pandemic begins affecting our City more directly, the City Manager needs the flexibility to make time-sensitive emergency decisions to protect our community, City employees and preserve public peace, health, and safety during this declared emergency disaster. Actions need to be taken to reduce the impact and transmission of COVID-19. Examples include:

- changes in work schedule and shifts, changes in work location, and remote working, to reduce employee physical interaction and transmission risks
- closing and opening of facilities to protect health and welfare
- utilization of existing facilities for different purposes, for example, moving some employees to the Beacon Building
- assigning employees new tasks and job duties
- reducing non-essential service to assure the continuation of essential core functions
- changes in employee benefits

This ordinance provides the City Manager authority to make emergency decisions in response to COVID-19 impacts and reduce transmission risks even if the decisions require actions contrary to municipal code. This also does not allow the City Manager to make decisions that are not emergent in nature. If time allows, issues will still be brought to the Council to be considered at normally scheduled meetings. Any authority would cease once the emergency disaster declaration ends or is rescinded.

Many of the actions contemplated above are not authorized under the current municipal code. Rather than come back to Council to ratify individual actions, such as the ratification of two weeks of temporary leave, this carte blanche approach gives the City Manager maximum temporary decision-making authority during this emergency. The ordinance requires the City Manager to notify the Council of these decisions in a reasonable, timely manner.

Your consideration is appreciated.



