

CITY OF WHITTIER TEMPORARY OPERATION RULES AND PROCURES REGARDING THE COVID-19 PUBLIC HEALTH EMERGENCY

City Manager Jim Hunt, in his capacity as the Director of Civil Defense and Disaster, hereby institutes the following temporary emergency rules and procedures in response to the COVID-19 public health emergency. These rules and procedures shall be effective until May 1, 2020 and are necessary to protect the public health, welfare, and safety within the boundaries of the City of Whittier. These rules and procedures may be identified as the "Emergency COVID-19 Rules" for ease of reference. These rules shall be posted on the City website and the City Clerk shall provide City Council members notice of these rules and any modifications to them within five days of their adoption. City Council may repeal these rules in whole or in part via resolution. These rules may be extended by Emergency Order for 30-day periods beginning on May 1, 2020 if the City Manager determines that the COVID-19 public health emergency continues, and extension of the rules is necessary to protect public health, safety, and welfare.

Rule 1. Electronic City Council Meetings. Any regular or special meetings of the City Council should be conducted via electronic means, including audio or video conference, unless the Mayor determines that a meeting must be conducted at City Hall and that doing so does not pose a risk to the public health, safety, and welfare. The City Clerk shall post telephone number(s) to call into telephonic or video conference meetings on the City website and on the written agenda for all regularly scheduled and special meetings. Council shall ensure that reasonable accommodations are made to afford the public a right to be heard telephonically. Telephonic rather than in-person participation by the public is not ideal but is reasonable when weighed against the substantial risk to public health, welfare, and safety posed by group gatherings during the COVID-19 outbreak. In the event the Mayor determines an in-person meeting is necessary and does not pose a risk to public health, welfare, and safety, no more than five members of the public shall enter the same space to make comments at one time. The public may also submit written public comments for all telephonic or video conference Council meetings. The public written comments shall be read into the record during the public comment period at all Council meetings held electronically, except Council work sessions. If written public comments exceed three minutes, the first three minutes of the written comment shall be read during the meeting. Written comments must include the name of the contributor in order to be read publicly during telephonic or video conference meetings. Current time limits placed on public comments and testimony shall apply to telephonic and written public comments submitted under this rule.

Rule 2. Council Meeting Notice and packet materials. The City Clerk shall provide the public and media notice that is reasonable under the circumstances for all emergency, special, and regular meetings held by Council. All special meetings and agenda items shall be posted on the City website no less than six hours before the meeting. Failure to post the meeting materials shall not invalidate the actions taken by

Council during an emergency meeting if Council states the reason for the failure to post adequate notice or provide materials and clearly finds that the notice and material access provided during the meeting was sufficient and reasonable in light of the emergency circumstances underlying the meeting.

Rule 3. Meetings of Boards and Commissions. The City Manager may cancel meetings of any board or commission if he finds that cancellation is necessary to protect public health, safety, and welfare. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice. All board and commission meetings may be held electronically in the same manner proscribed for Council meetings in Rule 1.

Rule 4. Suspension of all Non-essential meetings and agenda items. All non-essential government meetings shall be postponed until no earlier than May 1, 2020. Non-essential action items shall also be postponed until no earlier than May 1, 2020 unless doing so would pose substantial financial harm on the City or another party. Any person objecting to the postponement of an action item may notify the City Manager in writing regarding his or her objection. The City Manager shall review any written objections received and shall determine if the objection warrants consideration of an action item by Council or the appropriate commission or board before May 1, 2020. The City Manager shall notify the Mayor of all written objections received and his determination. Upon receipt of a written objection, the Mayor may override the City Manager's decision to postpone an action item.

Rule 5. Licensed or Permitted Activities. The City Manager may suspend licenses or permits for special events or any other licenses or permits issued by the City which in the judgment of the City Manager could impact the public health or well-being of residents or visitors to the community.

Rule 6. Purchases. The City Manager may authorize any purchase for which funds are available reasonably related to the emergency. Such purchases may be made without following each formal requirement of WMC 3.32 entitled "Purchasing and Contract Procedures."

Rule 7. Personnel Policies. The City Manager may adjust any personnel policies related to leave time, other benefits or terms and conditions of employment as are reasonably related to providing sufficient staffing during the term of the emergency while protecting City employees and the community from COVID-19.

Rule 8. City Facilities. The City Manager may close City facilities or limit hours of operation as is reasonably required to protect the health of the public and employees of the City.

Rule 9. Public Access to City Facilities. The Harbormaster and City offices are closed to the public until April 30, 2020 except as specified in this rule. Public Safety dispatch remains available to the public for service. City services and departments

remain accessible to the public via telephone and email. Individuals may request appointments for in-person meetings with City staff, which will be accommodated if doing so will not jeopardize the health or safety of the community of Whittier or its members.

Rule 10. Private Facilities. All businesses are required to follow the State of Alaska recommendations and mandates regarding COVID-19. In addition, the following rules impacting private facilities and businesses are adopted:

1. Any private employer with more than ten employees working within the City's boundaries shall enter into a mutual aid agreement with the City implementing a health risk assessment protocol for employees coming in from outside Whittier to work within the City. Unless otherwise specified in a mutual aid agreement with the City, private employers should provide the City with a medical release for such employees prior to their start of employment within Whittier. This does not apply to employees who are at no time physically present in Whittier. Individuals who are identified as potential carriers of COVID-19 due to the exhibition of COVID-19 symptoms will be required to remain in quarantine for 15 days from the date of their last symptoms and cannot enter any public or private buildings within Whittier, except for the quarantine area identified by their employer in its mutual aid agreement with the City. Employers shall seek testing for these individuals, if available. Employers subject to this rule shall issue a certificate of compliance for each employee so quarantined upon the completion of such quarantine and submit the certificate of compliance to the City at the electronic address provided by the City on the City's website.
2. The City Manager retains authority to further limit private business operations of businesses within Whittier if necessary, to protect the health, welfare, and safety of community members. The City Manager may only order full closure of all businesses within the City with Council approval and at least 48 hours' notice to Whittier businesses subject to such closure.
3. In addition to any State-wide restrictions on the operation of businesses within the City, all businesses open to the public shall limit the individuals within its establishment to no more than five individuals at any time, including employees. This rule applies to grocery stores but does not apply to employers where essential operations of the business will be substantially disrupted as a result of the limitation. Employers seeking an exception to this rule due to substantial disruption shall seek an exception from this rule from the City Manager. A written request for exception must state the reasons for the exception. Any employer excepted from this rule shall enter into a mutual aid agreement with the City to ensure protective measures are taken to prevent the spread of COVID-19 within the City. Grocery stores shall be subject to this rule.

Rule 11. Tunnel Access. Tunnel access will be limited to travel required by federal or state law or via agreement with the State of Alaska and federal government, their departments, public corporations, agencies, and/or representatives and by the following individuals:

- A. Residents of the City of Whittier
- B. Caregivers for residents of the City of Whittier
- C. Individuals entering Whittier to participate in commercial or sport fishing or hunting. These individuals must travel directly from the tunnel to the vessel or location on or at which the activities will occur. These travelers will not be able to access any buildings located within the City except for the grocery store.
- D. Essential workers required to travel to Whittier to complete essential job functions. Essential workers shall include government employees and contractors, healthcare workers, plumbers, electricians, cable and internet technicians, caregivers, employees of local businesses permitted to operate under State of Alaska law and mandates, employees of commercial fishing operations within Whittier that cannot perform their key job functions remotely.
- E. Cruise ship or charter vessel passengers. These individuals must travel directly from the tunnel to the vessel or mode of transportation at which the activities will occur. These travelers will not be able to access any buildings located within the City except for the grocery store.

Rule 12. Amounts Due and Owing. The City Manager, upon the recommendation of the Finance Director, is hereby authorized to extend deadlines for payment related to any amounts due and owing to the City. The City shall not turn off any City managed utilities due to nonpayment during the declared state of emergency.

Duration. These rules are adopted and immediately effective by Emergency Order 2020-01 dated March 23, 2020. These rules may be extended by Emergency Order for 30-day periods beginning on May 1, 2020 if the City Manager determines that the COVID-19 public health emergency continues to exist, and extension of the rules is necessary to protect public health, safety, and welfare. Council may repeal any or all of these rules by resolution. No rule shall remain in effect for longer than is necessary to protect the public health, safety, and welfare from the emergency public health crisis caused by COVID-19.

March 23, 2020

03-23-2020



Jim Hunt

City Manager/Director of Director of Civil
Defense and Disaster