

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 21-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA, AUTHORIZING THE CONTINUANCE OF THE COVID-19
LOCAL GOVERNMENT DISASTER DECLARATION

WHEREAS, on September 29, 2021, the Mayor of the City of Valdez declared a local government disaster due to the impacts of the ongoing COVID-19 pandemic on our local hospital and the ability of healthcare providers to care for the sick and injured; and

WHEREAS, it remains vital for the City of Valdez to continue providing support to our local healthcare community; and

WHEREAS, Alaska Statute 26.23.140 directs a local disaster declaration may not be continued or renewed for a period in excess of seven days, except by or with the consent of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Valdez, Alaska, that:


Section 1. Because of the ongoing nature of the pandemic, the declaration of emergency dated September 29, 2021, shall remain in effect until rescinded by Valdez City Council.

Section 2. The established benchmark for revisiting this declaration is set as the point in time when the Providence Alaska medical system no longer needs to operate under crisis standards of care or the second regular City Council meeting in December 2021, whichever occurs first.

Section 3. The provisions of Chapter 2.80 – Procurement Policy, may be waived while this local government disaster declaration remains in effect.

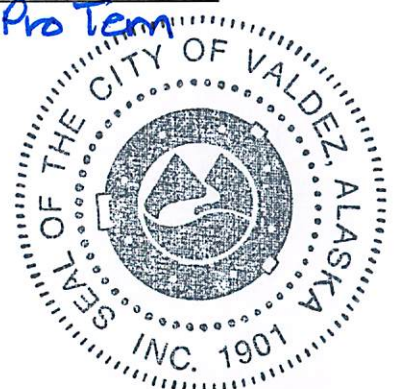
PASSED AND APPROVED this 30th day of September, 2021.

CITY OF VALDEZ, ALASKA


Sharon Scheidt, Mayor *Pro Tem*
Alan Sorum,

ATTEST:


Sheri L. Pierce, MMC, City Clerk





LOCAL GOVERNMENT DISASTER DECLARATION CITY OF VALDEZ, ALASKA

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

WHEREAS, transmission rates of COVID-19 in other parts of the United States appear to have peaked following a recent surge related to the highly contagious SARS-CoV- 2 delta variant; and

WHEREAS, transmission rates of COVID-19 in Alaska have not yet peaked and continue to rise, with record numbers of new cases being reported statewide each day; and

WHEREAS, Providence Anchorage Medical Center has publicly stated the number and severity of patients hospitalized due to COVID-19 now exceeds their resources and their ability to staff beds with skilled caregivers to the point they are now forced to implement crisis standards of care; and

WHEREAS, availability of hospital resources in Anchorage, Fairbanks, and the greater Pacific Northwest, may impact the ability of Providence Valdez Medical Center to transfer critical patients suffering from not just COVID-19 but all types of serious illness or injury, for more specialized, potentially life-saving care; and

WHEREAS, Providence Valdez Medical Center is currently experiencing serious challenges in recruitment and retention of staff due to caregiver burnout, employee absences from exposure or illness, and difficulty recruiting high-demand traveling nursing staff; and

WHEREAS, the Alaskan medical community has asked for the general public's help over the next four weeks to reduce COVID-19 transmission rates in Alaska and thereby reduce the impact on healthcare facility operations; and

WHEREAS, Valdez has experienced record numbers of COVID-19 infections in our community over the past six weeks, with the highest number of total active cases to date (77) recorded on Friday, September 24, 2021; and

WHEREAS, the impacts of the COVID-19 pandemic on our local healthcare system may require additional personnel or resources to protect public health, safety and welfare; and

WHEREAS, under AS 26.23.140, Valdez Charter 3.4(e) and Title 2, Chapter 2.80.045 of the Valdez Municipal Code, only the Mayor may formally declare a disaster declaration; and

WHEREAS, under Title 9, Chapter 9.36.060, the mayor or the city council may issue emergency mandates to protect public peace, health, safety, or general welfare during a declared emergency as permitted by law.

NOW THEREFORE, I, Sharon Scheidt, the Mayor of Valdez, Alaska do hereby declare that:

Section 1. A local disaster emergency, as defined by Alaska Statutes and Valdez Municipal Code, does exist within the City of Valdez due to the impacts from the pandemic on our local hospital and the ability of healthcare providers to care for the sick and injured.

Section 2. We request the Governor of Alaska provide state level assistance to the city to meet the public safety and welfare needs arising from or incidental to the COVID-19 pandemic, including but not limited to, supplementation of caregivers, nursing staff, and other personnel to assist Providence

Valdez Medical Center, continued provision of COVID-19 testing supplies and support from the state laboratory, and continued provision of COVID-19 vaccinations.

Section 3. Any new local public health mandate established by the Valdez City Council pursuant to this disaster declaration must be consistent with federal, state, and local public health official recommendations.

Section 4. During the existence of the local disaster emergency, the City Manager shall exercise those powers, functions, and duties prescribed to them in Alaska Statutes, the City Charter, Valdez Municipal Code, and all applicable ordinances, resolutions, proclamations, public health mandates, and those portions of the City Emergency Operations Plan necessary to minimize the effects of said disaster emergency.

Section 5. In accordance with AS 26.23.140 and Valdez Municipal Code 2.80.045, this declaration shall expire in seven days unless otherwise rescinded or extended by a majority vote of Valdez City Council. It is the intention of Valdez City Council to extend this local government disaster declaration during a special meeting scheduled on September 30, 2021.

Section 6. The benchmark for revisiting or rescinding this declaration will be when the Providence Alaska medical system is no longer operating under crisis standards of care.

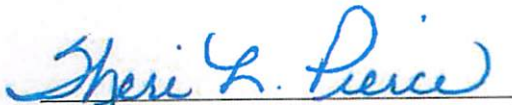
DATED this 29th day of September, 2021.

CITY OF VALDEZ, ALASKA



Sharon Scheidt, Mayor

ATTEST:



Sheri L. Pierce, MMC, City Clerk



State Statute

Sec. 26.23.140. Local disaster emergencies.

(a) A local disaster emergency may be declared only by the principal executive officer of a political subdivision. It may not be continued or renewed for a period in excess of seven days, except by or with the consent of the governing board of the political subdivision. An order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the Alaska division of homeland security and emergency management and the appropriate municipal clerk.

(b) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans, and to authorize the furnishing of aid and assistance under those plans.

(c) A representative of an interjurisdictional disaster planning and service area may not declare a local disaster emergency unless expressly authorized by the principal executive officer of each political subdivision in the emergency area.

Internal Notes: We are required to follow state statute first and foremost. As long as it applies to home rule municipalities, state statute supersedes local legislation/law. For Valdez, the "principal executive officer" to declare emergencies is designated as the Mayor. This provision is set by Valdez Charter, which can only be changed by a vote of the people. The "governing board of the political subdivision" is the city council.

Valdez City Charter

Section 3.4. The Mayor.

(a) The mayor shall possess all powers and shall exercise all duties provided or required of him by law or by the council.

(b) He shall be the presiding officer of the council.

(c) He shall be a member of the council with all the powers and duties of that office.

(d) He shall advise the council concerning the affairs of the city and make recommendations thereof.

(e) In emergencies, he shall have the powers conferred by law upon peace officers and shall exercise such powers as chief executive officer to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.

(f) He shall make all required appointments subject to prior approval of the council.

(g) He shall not possess the veto power.

(h) The mayor shall have a voice and vote in all the council's proceedings. He shall be the official head of the city for all ceremonial purposes. He shall perform such other duties as may be prescribed by this Charter or as may be imposed by the city council consistent with his office.

Section 3.6(c) ...In the event the mayor declares in writing that a state of emergency exists, then at least 6-hours written notice shall be given designating the time and purpose of a special meeting. In all other events at least 24-hours written notice shall be given designating the time and purpose of a special meeting...

Internal Notes: Charter can only be changed by a vote of the people.

Valdez Municipal Code

2.80.020 Definitions

"Crisis," "emergency," or "disaster" means an unanticipated event or set of circumstances that requires immediate action to avoid threats to life or property or to avoid an immediate, significant liability to the city, or to otherwise respond to such threats or damage resulting therefrom as declared in accordance with the City Charter and code.

2.80.045 Emergency procurements.

The provisions of this chapter may be waived during times of crisis, emergency or disaster for no longer than seven days when operating under a declaration of emergency issued by the mayor. All provisions of this chapter waived while operating under a declaration of emergency issued by the mayor shall be reported to the city council via electronic mail within twenty-four hours following any such waiver. The city council may waive the provisions of this chapter for a definite period longer than seven days by resolution. The city manager or authorized successor shall have the responsibility to protect the interest of the city consistent with prudent and appropriate emergency responses. (Ord. 20-02 § 1: Ord. 18-03 § 1 (part): Ord. 12-09 § 1 (part): Ord. 09-05 § 1 (part))

9.36.060 Emergency mandates.

The mayor, pursuant to Charter Section 3.4(e), or the city council may issue emergency mandates to protect public peace, health, safety, or general welfare during a declared emergency as permitted by law. Failure to comply with an emergency mandate of the mayor or city council is punishable by a fine of up to five hundred dollars. Upon citation under this section, court appearance is mandatory. (Ord. 20-03 § 1 (part))

Internal Notes: Code can only be changed by following a majority vote after two readings of an ordinance (first reading/public hearing and then second reading/adoption; majority vote on both, no substantive changes or the ordinance goes back to first reading.)