

**EMERGENCY ORDER NO. 2022- 06 WAIVING SECTION 2.04.160(a) OF THE KODIAK CITY CODE PERTAINING TO CITY COUNCIL MEMBER PARTICIPATION IN PUBLIC MEETINGS AND MODIFYING SECTIONS 2.04.160 AND 2.40.030 OF THE KODIAK CITY CODE AND ANY EXISTING POLICIES OF THE CITY OF KODIAK RELATING TO PARTICIPATION BY MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES IN PUBLIC MEETINGS**

**Issued Pursuant to Kodiak City Code 2.32.055 Mayoral orders during declared disaster**

The Mayor of the City of Kodiak orders as follows:

1. Findings and Basis for Order.

A. The WHEREAS clauses set forth in KCC 2.32.055 (a)(1)(2) are incorporated by reference as if fully set forth herein.

B. KCC 2.32.055 (a)(1)(2) delegated authority to the Mayor to exercise discretion to modify and/or waive provisions pertaining to scheduling, public participation, teleconferencing, and other related provisions of code or standing rules or orders of the council related to public meetings of the city council and public meetings of committees and boards if deemed necessary for public health and safety; provided that, any modification and/or waiver is in compliance with state law and the Charter of the City of Kodiak.

C. As of the date of this Order Covid-19 continues to present a significant threat to public health and safety in the City of Kodiak and previous findings of an emergency due to Covid-19 remain in effect.

D. It is a known medical fact that persons infected with the Covid-19 virus are contagious and therefore spread the virus within a community for days before exhibiting symptoms of a Covid-19 infection.

E. The recommended protocol for prevention of the spread of Covid-19 is to limit personal contact with members of the community outside one's household.

F. It would facilitate limiting personal contact with members of the community outside one's household if City of Kodiak elected and appointed officials and employees and members of the public were allowed to participate in public meetings through teleconferencing including live streaming and video teleconferencing.

G. I deem it necessary for public health and safety to allow elected and appointed officials to attend public meetings by teleconference and to allow members of the public to provide comment and testimony through live streaming and video teleconferencing using an internet site in addition to calling by telephone.

H. Current provisions of the Kodiak City Code and standing operating procedures of city committees and boards do not universally allow elected or appointed city officials to participate in public meetings by teleconferencing but instead require in person participation.

I. Kodiak City Code and standard operating procedures requiring in person participation of elected or appointed officials in public meetings have previously been waived by Mayoral direction pursuant to authority granted by Emergency Ordinance No. 1406 and Emergency Order 1-4.

J. It is preferable for the Mayor to exercise the authority granted by KCC 2.32.055 (a)(1)(2) through one or more written orders so that all members of the community have a clear understanding of city operating procedures during this period of declared emergency.

K. Section 44.62.310(a) of the Alaska Statutes specifically allows participation in public meetings by teleconference.

L. Neither Article II-7 nor any other provision of the Charter of the City of Kodiak prohibits the city council from allowing elected or appointed city officials to attend public meetings by teleconference.

2. Waiver of Section 2.04.160(a) of the Kodiak City Code. Section 2.04.160(a) of the Kodiak City Code is waived during the time this Order is in effect.

3. Modification of Section 2.04.160(b) of the Kodiak City Code. Section 2.04.160(b) of the Kodiak City Code is modified during the time this Order is in effect to: 1) allow telephonic participation by city officials at regular meetings and work sessions of the city council, city boards and city committees including joint meetings or work sessions with another elected or appointed public body; and 2) to add "(6) during a state of declared emergency due to Covid-19" to the list of permitted reasons to attend a public meeting by teleconference.

4. Modification of Section 2.04.160(d) of the Kodiak City Code. Section 2.04.160(d) of the Kodiak City Code is modified during the time this Order is in effect so as to permit (but not require) the mayor to preside over and function as the mayor when participating in public meetings by teleconference.

5. Modification of Section 2.04.160(i) of the Kodiak City Code. Section 2.04.160(i) of the Kodiak City Code is modified during the time this Order is in effect to: 1) allow notification of intent to participate in a public meeting by teleconference at any time up to twenty four (24) hours in advance of the meeting, 2) allow meetings to proceed even if less than three elected or appointed public officials are physically present at the meeting location, and 3) delete the limit on the number of meetings an elected or appointed official can attend by teleconference in any calendar year.

6. Modification of Section 2.04.160(j) of the Kodiak City Code. Section 2.04.160(j) of the Kodiak City Code is modified during the time this Order is in effect so as to allow members of

the public to provide public comments and testimony by logging in to a published internet address in addition to calling a published telephone number.

7. Modification of Section 2.40.030 of the Kodiak City Code. Section 2.40.030 of the Kodiak City Code is modified during the time this Order is in effect to: 1) allow notification of intent to participate in a public meeting by teleconference at any time up to twenty four (24) hours in advance of the meeting, 2) allow meetings to proceed even if less than three commissioners are physically present at the meeting location.

8. Modification or Waiver of Standing Rules and Orders. Any written or unwritten standing rule or order of the city council or any city board or committee requiring in person attendance is hereby modified or waived so as to allow attendance by teleconference to the extent permitted in sections 2 and 3 of this Order.

9. Effective Date and Duration. This Order shall expire on February 15, 2022 unless extended by subsequent Mayoral order.

ENTERED THIS 7th DAY OF FEBRUARY, 2022



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Pat Branson  
Mayor  
City of Kodiak