

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes - Final

Saturday, March 21, 2020

7:30 PM

Special Meeting

Council Chambers

City Council

REGULAR AGENDA - 7:30 PM**I. CALL TO ORDER**

Mayor O'Neil called the meeting to order at 7:30 p.m. in Valdez City Council Chambers

II. ROLL CALL

Present: 7 - Mayor Jeremy O'Neil
Council Member Ron Ruff (*telephonically*)
Council Member Christopher Moulton
Council Member Sharon Scheidt
Council Member Darren Reese
Council Member Dennis Fleming
Council Member Alan Sorum (*telephonically*)

Also Present: 5 - City Manager Mark Detter
Assistant City Manager Nathan Duval
City Clerk Sheri Pierce
Deputy City Clerk Allie Ferko (*telephonically*)
City Attorney Jake Staser (*telephonically*)

III. NEW BUSINESS**1. Approval of City of Valdez COVID-19 Health Mandate #001**

MAIN MOTION: Council Member Moulton moved, seconded by Council Member Fleming to approve City of Valdez COVID-19 Health Mandate #001.

Council Member Reese asked why this was a mandate and not a strong advisory. Mayor O'Neil explained the reasoning from his standpoint as the Hospital Administrator, and cited what other communities were doing at that point. Mayor O'Neil expressed his desire to protect the citizens of Valdez.

Council Member Fleming asked for clarification on enforcement of the mandate. Mayor O'Neil stated he expected to return in a few days with an ordinance giving discretion and enforcement capabilities at a civil level, including a monetary civil penalty for non-compliance. Police Chief Bart Hinkle explained as currently designed, the primary mechanism for enforcement of compliance would be community condemnation. Without a municipal code change, there was no mechanism for the Valdez Police Department to enforce the mandate.

Council Member Scheidt asked why there was need to push the mandate at this time, as there was no ability to enforce it. Mayor O'Neil expressed his concern over the infection rate holding true in Alaskan communities with higher case counts. He also cited other Alaskan communities taking similar prevention measures.

Council Member Scheidt asked for verification on how the mandate affected visitors. Mayor O'Neil stated if visitors were here, they would need to follow the requirements of the mandate.

Council Member Fleming asked for clarification on the distance requirement.

Mayor O'Neil stated the intent was to distance the road travelers. The mandate provided Valdez residents the ability to continue to travel outside of city limits without a quarantine requirement, as long as they did not travel within 100 miles of a community with active positive COVID-19 cases.

Council Member Reese addressed the need to include travel by water, not just by road.

Council Member Sorum expressed concern over the need to include a lead-in time to give the community notice of the mandate and adequate time to prepare and make accommodations.

MOTION TO AMEND #1: Council Member Sorum moved, seconded by Council Member Reese to amend Valdez COVID-19 Health Mandate #001 to 6:00 p.m. on Sunday, March 22, 2020.

VOTE ON THE MOTION TO AMEND #1:

Yays: 5 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,
Council Member Scheidt and Council Member Sorum

Nays: 2 - Council Member Reese and Council Member Fleming

MOTION TO AMEND #1 CARRIED.

MOTION TO AMEND #2: Council Member Reese moved, seconded by Council Member Fleming to amend Valdez COVID-19 Health Mandate #001 to add "or by sea" following "by air" in the second paragraph of the mandate.

VOTE ON THE MOTION TO AMEND #2:

Yays: 7 - Mayor O'Neil, Council Member Ruff, Council Member Moulton,
Council

Member Scheidt, Council Member Reese, Council Member
Fleming

and Council Member Sorum

MOTION TO AMEND #2 CARRIED.

Council Member Moulton requested clarification on when the mandate would expire. Mr. Staser stated it was not addressed in the mandate.

Council Member Reese expressed his interest in turning the mandate into a strong advisory. Mr. Detter stated a mandate was the strongest statement the City could make to its residents. He expressed his support of continuing with the mandate and not moving to a strong advisory.

Chief Hinkle requested clarification from Mr. Staser regarding enforcement of the mandate. Mr. Staser stated he would need to do more research on the subject. Mayor O'Neil suggested Council consider adding a monetary civil penalty to the mandate.

Ms. Pierce advised that an ordinance would need to be put together by legal regarding enforcement and penalties. She explained it would be important to discuss details and timelines with Mr. Staser before settling a date to bring the ordinance before Council.

City Emergency Manager Aaron Baczuk stated he recommended changing the mandate to a strong advisory and explained the reasoning behind his recommendation.

MOTION TO AMEND #3: Council Member Fleming, moved by Council Member Moulton to amend Valdez COVID-19 Health Mandate #001 by changing the instrument from a mandate to a strong advisory.

Ms. Pierce requested clarification on the wording of "strong advisory". Council Member Reese stated the State of Alaska issued strong health advisories for guidelines not rising to the level of a mandate. He recommend the city use the same terminology. Mayor O'Neil stated he objected to the amendment. He stated he felt it was important to do something more than what the state included in their advisories.

Dr. Samuel Shirk, Providence Valdez Medical Center chief of staff, expressed his support for moving forward as a mandate and not a strong advisory. He explained the State of Alaska was moving towards statewide travel requirements outlined in mandate form as well.

Valdez Public Health Nurse Terri Lynch expressed her concern over the list of new communities with positive COVID-19 cases announced in the most recent State of Alaska news release. She stated she supported Council moving forward with a mandate and not a strong advisory.

VOTE ON THE MOTION TO AMEND #3:

Yays: 3 - Council Member Moulton, Council Member Reese and Council Member Fleming

Nays: 3 - Mayor O'Neil, Council Member Scheidt and Council Member Sorum

Absent: 1 - Council Member Ruff

MOTION TO AMEND #3 FAILED.

MOTION TO POSTPONE: Council Member Sorum moved, seconded by Council Member Reese to postpone approval of Valdez COVID-19 Health Mandate #001 to the City Council special meeting of Monday, March 23, 2020 at 5:00pm.

Council Member Scheidt expressed her concern over the list of exemptions. She directed administration to address the ambiguity during the suggested postponement.

Mayor O'Neil stated his desire was to pass the mandate at the current meeting. He stated he felt working out the specifics could be addressed at a follow-on Council meeting.

VOTE ON THE MOTION TO POSTPONE:

Yays: 5 - Council Member Moulton, Council Member Scheidt, Council Member Reese, Council Member Fleming and Council Member Sorum

Nays: 1 - Mayor O'Neil

Absent: 1 - Council Member Ruff

MOTION TO POSTPONE CARRIED.

Mayor O'Neil announced he intended to take a leave of absence from the office of Mayor. He departed the Council Chambers for the remainder of the meeting. Mayor Pro Tempore Scheidt assumed the role of meeting chair.

2. Discussion Item: Disaster Declaration Emergency Mandate Order Process

Mr. Detter asked Council if staff and city leadership had the proper amount of discretion to make decisions related to the pandemic and suggestion of public health mandates. He asks about Council's interest and threshold for the city manager and mayor having authority to make emergency related decisions.

Council Member Moulton responded Mayor O'Neil had delegated emergency powers responsibility outlined in municipal code to Council at a previous meeting. Ms. Pierce stated the language used in Valdez' Declaration of Emergency involving Council. Juneau uses the same declaration of emergency process, as it is a home rule municipality like Valdez.

Mr. Detter expressed concern about needing to be able to make decisions quickly in an emergency. Council Member Reese stated his support in deferring to Council on decisions affecting people's freedom and liberties. Council Members Moulton and Sorum explained why they wanted to wait on going straight to a mandate and why they wanted to put other steps in place first. Council discussed the differences between Council, city manager, and mayor authorities.

Mr. Detter stated he wanted to clearly define what would occur in a mass quarantine situation. Mr. Staser agreed clear language needed to be used.

Valdez resident Jim Shirrell asked about the Incident Command System's (ICS) Unified Command involvement in presenting the mandate earlier in the meeting. Council Member Fleming asked if the mandate had gone through the ICS process. Mr. Detter responded there had not been time, based on the submission timeline established by the Mayor. Council Member Fleming expressed his concern over the mandate being presented without first going through the Unified Command.

Council directed Mr. Detter to bring back a clear definition of mass quarantine during the March 23, 2020 City Council special meeting.

Council directed Mr. Detter to meet with the Unified Command incident management team to discuss the mandate prior to the March 23, 2020 City Council special meeting.

Mayor Pro Tem Scheidt stated there was still a state wide health alert in effect, which recommended travelers self-quarantine.

IV. ADJOURNMENT

There being no further business, Mayor Pro Tem Scheidt adjourned the meeting at 9:46 p.m.