

City of Valdez

*212 Chenega Ave.
Valdez, AK 99686*



Meeting Agenda - Final

Friday, March 20, 2020

12:00 PM

Special Meeting

Council Chambers

City Council

SPECIAL MEETING AGENDA - 12:00 PM

I. CALL TO ORDER

III. CONSENT AGENDA

II. ROLL CALL

1. [Approval To Go Into Executive Session Regarding Hillcorp](#)

IV. NEW BUSINESS

1. [Approval of Amendment to City Council Policies and Procedures](#)

V. ORDINANCES

1. [#20-02 - Emergency Ordinance Amending Chapter 2.80, Section 2.80.045, Titled
Emergency Procurements. Adoption.](#)

VI. RESOLUTIONS

1. [#20-18 - Authorizing the Continuance of the COVID-19 Local Government Disaster
Declaration](#)

VII. EXECUTIVE SESSION

VIII. RETURN FROM EXECUTIVE SESSION

IX. ADJOURNMENT



Legislation Text

File #: 20-0114, **Version:** 1

ITEM TITLE:

Approval To Go Into Executive Session Regarding Hillcorp

SUBMITTED BY: Jake Staser, City Attorney

FISCAL NOTES:

Expenditure Required: [Click here to enter text.](#)

Unencumbered Balance: [Click here to enter text.](#)

Funding Source: [Click here to enter text.](#)

RECOMMENDATION:

[Click here to enter text.](#)

SUMMARY STATEMENT:

Alaska Statute AS 44.62.310 provides an exception to the Alaska Open Meetings law (AS 44.62.310) which allows the City Council to meet in executive session for the purpose of discussion related to:

1. Matters which involve litigation and where matters of which the immediate knowledge would clearly have an adverse effect upon the finances of the City.
2. Matters which by law, municipal charter, or ordinance are required to be confidential.

Any formal action related to the discussion requiring a motion and vote of the governing body must be done in open session.



Legislation Text

File #: 20-0115, **Version:** 1

ITEM TITLE:

Approval of Amendment to City Council Policies and Procedures

SUBMITTED BY: Sheri Pierce, City Clerk, MMC

FISCAL NOTES:

Expenditure Required: [Click here to enter text.](#)

Unencumbered Balance: [Click here to enter text.](#)

Funding Source: [Click here to enter text.](#)

RECOMMENDATION:

City Clerk and City Attorney recommend approval of amendments to City Council Policies and Procedures.

SUMMARY STATEMENT:

The Council Procedures are adopted pursuant to City Charter section 3.6(i) and may be amended "as directed by the Council." Thus, in order to facilitate telephonic participation and voting as an option throughout the timeframe related to the COVID -19 pandemic and any other circumstance where physical attendance poses a risk to health or human safety, the Council should amend the Council Procedures to allow Council Members and Planning and Zoning Commission Members to participate telephonically when the City has declared an emergency.

VALDEZ CITY COUNCIL
POLICIES AND PROCEDURES
Amended January 20, 2015

I. **AUTHORITY**

- A. **Charter:** The Charter of the City of Valdez provides that the Council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

II. **GENERAL GUIDELINES**

- A. **New Council Seated:**
1. At the first regular meeting following the annual City election, the mayor and City Council members are sworn in by the City clerk.
 2. The mayor then conducts the election of mayor pro tempore from among the Council members. The mayor pro tempore shall serve for one year. A majority vote of not less than four of the members elects the mayor pro tempore. The mayor pro tempore serves at the pleasure of the Council.
- B. **Meetings to be Public:** All meetings of the Council except those qualified as Executive Session shall be open to the public. The journal of proceedings (minutes) shall be open to public inspection.
- C. **Quorum:** A majority (4) of the members of the Council shall constitute a quorum and be necessary for the transaction of business. A quorum must be present for the duration of the meeting. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.
- D. **Notice of Meetings:** **At least** 24-hours written notice shall be given designating the time and purpose of a special meeting. In the event the mayor declares in writing that a state of emergency exists, at least six (6)-hours written notice shall be given designating the time and purpose of a special meeting.

- E. Journal of Proceedings: An account of all proceedings of the Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Council.
- F. Discussion: Action items on the agenda require a motion prior to discussion. Discussion of any subject is permitted only with reference to a pending motion. When necessary, a motion can be prefaced by a few words of explanation or a member can first request information which may assist him in wording an appropriate motion. After a motion has been made and seconded, but prior to Council vote, members of the public may speak to the subject.

In debating a motion on the floor, Council members must confine themselves to the matter before the City Council. Council members should not question the motives of another Council member, city staff or members of the public. However, the nature or consequences of a measure may be condemned in strong terms. It should not be an individual Council member, but the measure that is the subject of debate.

If a particular Council member's remarks are objected to by another Council member as being improper, that Council member cannot proceed with the alleged improper comments without the permission of the City council expressed by a vote of a majority of Council members at that meeting, upon which question there shall be no debate.

- G. Rules of Order: Roberts Rules of Order Revised shall be the source of meeting procedure except where a different procedure is proper by law or Council custom.
- H. Attendance:
1. Any Council member(s) not able to attend a particular meeting must notify the Mayor or City Clerk as far in advance as possible.
 2. Attendance by means of telephone or other electronic media is permitted where physical attendance poses a risk to health or human safety ~~not allowed except~~, during work sessions or by permission of the council for the purpose of attending executive session. ~~Voting by means of telephone or other media is not allowed under any circumstances.~~

3. A Council member who is participating telephonically under this section may participate in and vote at the meeting by telephone or other electronic means under the following circumstances:
 - a. When the mayor, governor, or federal government has declared an emergency; in which case the Council may meet if a quorum of members are physically and/or telephonically present for the duration of the meeting;
 - b. Reasonable technical capabilities are available at the meeting location to allow the member to participate, to include being able to hear and engage in discussion and being audible to all persons participating in the meeting;
 - c. The member participating telephonically has the ability to obtain the meeting agenda and other pertinent documents to be discussed and/or acted upon;
 - d. A member who is voting will have a voice vote;
 - e. The public must be able to participate by telephone or other electronic means and must be provided the information required to engage in such participation when notice of the meeting is provided.
4. Telephonic or electronic participation under this section shall include any means through which a member may participate remotely, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting. Online platforms for web-based connection approved by the IT Director or his/her designee are permissible means of participation so long as the criteria for participation set forth in Section 3 are met.
5. Administrative staff as required should be available for all Council meetings.
6. The seat of any Council member, including the Mayor, shall become vacant if the Council member is absent from three consecutive regular meetings without excuse.
- I. Motions for Reconsideration: Any action may be brought up for reconsideration one time by any Council member if action which was

approved has not begun (i.e., contract signed, notice to proceed issued).

- J. Requests of Administration: Requests for information that is readily available or for tasks of an incidental nature, may be made by any individual council member, any time, without concurrence of a quorum.

Requests that will result in the use of staff time for the development of new documents, or to conduct activities that would not occur in the normal course of business, as determined by the city manager, shall require verbal consent by at least four (4) members of the council. (Four members of the council constitute a quorum).

- K. Attendance of Media at Council Meetings: All official meetings of the City Council and its commissions, boards and committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. Recording, audio or video, arrangements shall be made with the City Clerk.

- L. Discipline: Council has the right to control its meeting hall. The mayor as presiding officer shall act on behalf of the Council in enforcing order as provided by parliamentary law. Decorum of the members should reflect the dignity of the Council and the public good.

- M. Each newly elected city council member shall complete a Declaration of Interest form setting forth each organization, board, non-profit corporation, etc., on which that newly elected city council member is a member. It is the obligation of the council member, throughout the duration of his/her term of office, to declare his interest prior to any relevant council discussions and to update this Declaration of Interest form to reflect any change of status on any current or new board positions. The Declaration of Interest form will be kept in the City Clerk's office and will be available to the public upon request. Each council member will comply with the conflict of interest sections of the Valdez City Code.

- III. **ORDER OF BUSINESS AND AGENDA:** Only items appearing on the published or posted agenda may be acted upon. Any other business coming before the body may be introduced only by majority consent of the members and acted upon only if it is inconsequential and of minor significance. Failing the consent of the majority, the item shall be deferred to the next special or regular meeting agenda.

A. Agenda Format: The usual order of business will be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
5. Public Appearances
6. Public Business from the Floor
7. Referrals/Reports from Commissions
8. Consent Agenda**
9. Unfinished Business (An item having been before council at a previous meeting.)
10. New Business
11. Ordinances
12. Resolutions
13. Reports
14. City Manager/City Clerk/City Attorney/Mayor Reports
15. Council Business from the Floor
16. Council Travel
17. Executive Session (If needed)
18. Adjournment

B. Agenda Items: Items may be placed on the agenda by the city manager, city clerk, or at the request of the mayor, or any two members of the city council. Requests that items be placed on the agenda for action by the council shall under no circumstances violate the public notice requirement as set forth in Section 3.6 (c) of the City Charter.

C. Public Appearances: Public appearances shall be scheduled and placed on the agenda by the city clerk or the city manager. The speaker and topic of the presentation shall be identified on the agenda. Public appearances and presentations shall be limited to not more than 15 minutes. Presentations exceeding 15 minutes may be scheduled as a work session at the discretion of the city manager, the mayor, or two members of the city council.

D. Discussion Items: No action shall be taken on any item described on the agenda as a "discussion item" until a subsequent regular or special meeting. If prompt action is required on a matter due to timing of the issue involved, it shall be listed as an action item on the agenda.

- E. Consent Agenda: Items on the consent agenda are acted upon by one motion with no discussion. Consent Agenda items are to be those with no Council conflicts of interest and routine matters of business.

The Mayor or any council member may ask that an item listed on the Consent Agenda be moved to New Business for the purpose of discussion and vote.

The general public should be given the opportunity to speak to any item on the Consent Agenda. If a member of the public poses a question about any item on the Consent Agenda, that item must be moved to New Business for discussion.

IV. **TYPES OF MEETINGS:**

- A. Regular Meetings: The Council shall meet in the Council Chambers for regular meetings. The regular Council meetings are to commence at 7:00 p.m. on the first and third Tuesday of each month unless the Tuesday falls on a legal holiday in which case the meeting will be held the following Wednesday. All regular meetings of the City Council shall adjourn not later than twelve midnight, unless an affirmative vote of at least four members is taken to continue past midnight.
- B. Special Meetings: Special meetings of Council shall be called by the City Clerk upon request of the Mayor or two Council members. The request shall be documented by the City Clerk. The call for the special meeting shall specify the day, the hour and the location of the special meeting and shall list the subject or subjects to be considered. Only such business may be transacted at a special meeting as may be listed in the call for said meeting. Before a special meeting of Council is called, the City Clerk shall contact each Council member to verify attendance to determine if there will be a quorum.
- C. Work Sessions: The Council may meet in informal work sessions (open to the public) at the call of the Mayor or any two members of Council. A quorum must be present for the duration of the meeting. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

Only such business may be discussed at a work session as may be listed in the call for said work session. No action may be taken in a work session.

D. Executive Sessions:

1. Conduct of executive sessions shall be in accordance with the City of Valdez Charter and State law.
2. Items to be discussed in executive session shall be given prior public notice and properly identified on the published and posted agenda.
3. Matters that may be discussed in executive session:
 - a. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the city;
 - b. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
 - c. matters which by law, municipal charter, or ordinance are required to be confidential;
 - d. matters involving consideration of government records that by law are not subject to public disclosure;
 - e. some attorney-client communications
4. To take action on an item discussed during executive session, the item must be placed on the agenda both under the business portion of the agenda for action and the executive session portion for discussion. When the item is reached on the business portion of the agenda, a motion to modify the agenda to defer action on the item until after the executive session would be in order.
5. The City Council determines who may attend an executive session, including attendance by telephone.

V. CHAIRMAN AND DUTIES:

- A. Chairman: The Mayor shall preside as Chair at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of the Mayor and Mayor Pro Tempore, the

City Council member present with the greatest cumulative length of service on the council shall preside.

- B. Voting: The City Clerk shall report the vote (Clerk, "ayes, nays, absent, ___ abstaining;") and the result of the action "motion passes/fails."
- C. Limitation on Chairman: Prior to making a motion, the presiding officer must relinquish the gavel to another Council member who will preside over the discussion and determination of the motion.

VI. **LEGISLATION:**

A. Ordinances - Laws of the City:

1. Introduction - Two public readings are required. A waiting period may be required for some ordinances.
2. Method of Introduction: For Purpose of Public Hearing The ordinance is read in full, or, if sufficient copies are available to the public, it may be read by title only.
3. Action at first reading may be to:
 - Amend as appropriate, or
 - Approve at first reading and advance to second reading
4. Action at second reading may be to:
 - Amend as appropriate, or
 - Approve at second reading and adopt
5. Amendment: If a substantial change is made, then additional readings are required until two consecutive readings are accepted without substantial change.
6. Emergency Ordinances

May be passed at first reading for adoption with six positive votes; are limited to matters which may be acted upon.

7. Codification - Most ordinances adopted either supplement or amend existing ordinances which are in the City code of Laws, and such supplements and changes are periodically printed for insertion into the code book. Some special purpose ordinances are not codified.

VII. **RESOLUTIONS - AN EXPRESSION OR OPINION OF COUNCIL:**

- A. Introduction: One public reading and motion to adopt or approve.
- B. Method of Introduction: Read in full or by title only as with ordinances.
- C. Purposes: An act of temporary character (budgets, user fees, policies, etc.)

VIII. **PROCLAMATION:** Official announcement or endorsement of a special event or person issued by the Mayor.

IX. **FINANCES:**

- A. Budget:
 1. The budget is to be available for review by Council by November 15 of each year.
 2. A public hearing is required by Council not less than one week before adoption.
 3. The budget is to be adopted by resolution and money appropriated no later than December 20. There are provisions for adoption should Council fail to act as required.
 4. May be amended in a manner provided by the code.
 5. The Council will conduct a mid-year review of the budget and amend if necessary.
 - 6.
- B. Audit:
 1. Annual audit shall be made by an independent certified public accountant employed by Council.

2. Completed report is due to Council within 180 days following the close of the fiscal year under examination.

X. **TAXES:**

- A. Property Assessment: Annually at January 1.
- B. Assessment Appeals: Council acts as a Board of Equalization in establishing assessment roll property values.
- C. Tax Calendar: Council sets tax calendar by resolution to set various due dates for tax assessment and collection.
- D. Tax Rates: Council sets tax rate by resolution after tax roll is certified, subsequent to meeting of the Board of Equalization.

XI. **TRAVEL**

- A. City Council and Administrative Officers
 1. Purpose. To establish regulations and procedures for official travel, the approval of payment for per diem, and the reimbursement for travel related expenses.
 2. Policy. It is the policy of the City of Valdez that City Council and Administrative Officers (City Clerk and City Manager) travel for official business outside the Valdez area shall be conducted in the most direct and cost effective way to accomplish its purpose.

The Deputy City Clerk as a non-exempt employee shall adhere to the travel policy as established in the City of Valdez personnel regulations. The City Clerk shall act as City Manager for the purpose of authorizing and approving travel by the Deputy City Clerk.

- B. Travel for the Purpose of Training

The City Council and the City Clerk are encouraged to take advantage of training opportunities that will prepare them for advancement or expand their skills, but may only pay for expenses such as registration, travel or per diem.

Travel by Administrative Officers during normal work days/hours shall be compensable at the normal rate of pay.

The City will not compensate City Council members or the City Clerk for any inessential costs. For example, if a training session ends on a Wednesday and the employee does not return to work until the following Monday, the City Council or City Clerk will not be compensated for time (other than necessary travel time) or the extra costs incurred on Thursday and Friday.

City Council and Administrative Officers travel is authorized for official City purposes when one or more of the following criteria are met:

1. Travel is required to achieve operational and service objectives of the City.
2. Travel is required to support State or Federal efforts, which are beneficial to the City.
3. Travel is mandated by the State or Federal government.
4. Travel is for specific training, which is required for City Council members or the City Clerk to perform City functions, such as training on technological advances or for required certifications.
5. Travel is for specific training which will result in a significant cost savings or cost avoidance for the City.
6. Travel is required to attend a national or state board, committee meeting, or conference as a City representative and the exchange of information or participation will result in a benefit to the City.

C. Definitions

1. Travel Report. Travel documentation outlining travel details and expenses.
2. Travel Authorization Form. Standardized city form itemizing expenses required for internal processing of travel claims.

3. Traveler. City Council members, including, Administrative Officers authorized to travel on official business outside the Valdez area.

D. Responsibilities.

Travelers shall:

1. Assure that all official travel is conducted in a timely, cost-effective, and most beneficial manner for the City. Consideration of a maximum of 1 pre and/or post travel day may be allowed, depending on length of time of travel.
2. Incur only those expenses, which are necessary and reasonable to accomplish the approved purpose of the trip.
3. Maintain records and receipts for travel related expenses as may be required for payment or reimbursement.
4. Ensure that all official business expenses incurred or submitted for reimbursement are in compliance with this policy/procedure.
5. Upon completion of official travel, submit a Travel Authorization Form, including all required receipts, to the Deputy City Clerk within five (5) working days who will submit the travel authorization form and receipts to the Finance Department.
6. Submit in writing justification for any deviation from this policy/procedure.
7. The City Clerk's Office will provide a quarterly travel report to the City Council of all travel reports filed since the last reporting period. The report shall be provided at least 30 days following the end of the quarter.

E. City Council and Administrative Officers Travel Expenses and Per Diem:

Purpose. To establish regulations and procedures for the payment and/or reimbursement of authorized expenses.

Policy. It is the policy of the City of Valdez to authorize the City Council and Administrative Officers to use their City P-Card or request payment in advance for certain actual expenses incurred while on official City business outside the Valdez area, provided the travel meets the criteria established in Section B, 1 thru 9.

1. Air Travel Costs. The City will pay the cost of air transportation directly related to travel for official business. The most economical and direct route available shall be utilized.
2. Private Vehicle Costs. The City will only pay a traveler for use of privately owned vehicles at the rate-per-mile currently being allowed by the Internal Revenue Service, not to exceed the cost of coach airfare and rental car. If two or more Council members travel in the same vehicle, only the owner of the vehicle may claim reimbursement for mileage. The City shall notify the Council and Administrative Officers of any rate changes by the IRS.

Mileage will be reimbursed based upon the following standard mileage/distance schedule:

Anchorage - 310 mi.
Fairbanks - 363 mi.
Wasilla - 254 mi.
Palmer - 249 mi.
Homer - 531 mi.
Girdwood - 382 mi.
Soldotna - 469 mi.
Seward - 433 mi.
Kenai - 456 mi.

3. City Vehicle. The City will pay the cost of fuel and other trip related vehicle-operating costs. No reimbursement for mileage will be allowed.
4. Lodging Costs. The City will pay lodging costs (room and taxes Government rates and tax exemptions shall be requested and used whenever possible. Use of Non Commercial, privately owned rental units must be pre- approved to be considered for reimbursement. Itemized hotel receipts are required for payment or reimbursement.

5. Per Diem. The City will pay up to \$70.00 per day for meals and incidental expenses incurred during official travel away from the Valdez area. If travel status is for at least three hours between the hours of the following time periods, the rate indicated shall be paid:

Midnight - 8:00am: \$20.00

8:00am - 4:00pm: \$20.00

4:00pm - Midnight: \$30.00

Actual meal expenses for a per diem period greater than the per diem rate may be claimed in lieu of per diem, if fully documented with detailed receipts.

6. City Sponsored meals and Entertainment. Charges for city sponsored meals and entertainment are authorized in addition to per diem. The traveler sponsoring the event shall provide receipts and report expenses with their travel authorization form.
7. Registration Fees. The City may make advance payment and/or reimbursement for educational/training fees. Fees for spouse activities are the responsibility of the traveler and will not be paid by the City.
8. Ground Transportation. The City will pay for auto rentals and auto rental fuel only for the days and mileage necessary to conduct official City business. Private vehicle use in the conduct of City business will be reimbursed at the rate-per-mile allowed by the Internal Revenue Service.
9. Other Expenses. The City will pay or reimburse actual amounts paid for taxis, airport limousine services, telephone calls, laundry, self or valet parking, in-room movies, toiletries, etc. Paid itemized receipts for actual expenses will be required for any expense equaling \$10 or more.

F. Travel Advance. The City may, upon request by the traveler, make travel advances, up to one hundred (100%) of verified per diem and travel expenses contained within a travel authorization form. Travel advances may be requested only when travel plans have been finalized and expenses verified and documented.

G. Unforeseen Travel Interruptions. Travel expenses that result from incidents, outside of the traveler's control, (such as airline cancellations, road closures, etc.), that prevent a traveler from returning as scheduled, shall be paid or eligible for reimbursement by the City.

XII. **MISCELLANEOUS PROVISIONS:**

A. **Amendment of Council Rules of Procedure:**

1. Modifications and changes to City Council procedures may be as directed by Council.
2. Amendments resulting from city charter or code changes shall be deemed incorporated in the council procedures as required.

XIII. **CITIZEN ADVISORY GROUPS:**

A. **Commissions, Boards and Committees:**

Certain advisory groups are established by statute or ordinance. The members of advisory groups established by statute or ordinance shall be appointed by the City Council. Other advisory groups may be established by the Mayor or City Council for special temporary purposes.

Any vacancy during the un-expired term of an appointive member shall be filled by the council for the remainder of the term. The City Clerk shall advertise notice of the vacancy.

B. **Function of Advisory Groups:**

1. To receive citizen input and administration staff advice in formulating policy recommendations.
2. To assist and advise Council in the development of program policy and budget for the city.

C. **Established or Standing Advisory Groups:**

1. Planning and Zoning Commission
2. Valdez Museum and Historical Archive Board of Directors
3. Port and Harbor Commission

4. Parks and Recreation Commission
5. Valdez Consortium Library Board
6. Economic Development Commission

D. Attendance

1. Any member(s) not able to attend a particular meeting must notify their Staff Liaison as far in advance as possible.
2. A member may participate via telephone in a Commission or Committee meeting, (except members of the Planning and Zoning Commission, which are bound by the attendance requirements set forth in II (H). excluding City Council and Planning and Zoning Commission members)
3. No more than three members may participate via telephone at any one meeting. A quorum of members must be physically present.
4. The member shall notify the Staff Liaison, if reasonably practicable, at least twenty- four hours in advance of a meeting which the member proposes to attend by telephone and shall provide the physical address of the location, the telephone number, and any available facsimile, email, or other document transmission service.
5. At the meeting, the Staff Liaison shall establish the telephone connection when the call to order is imminent.
6. A member participating by telephone shall be counted as present for purposes of discussion, and voting.
7. The member participating by telephone shall make every effort to participate in the entire meeting. From time to time during the meeting the Chair shall confirm the connection.
8. The member participating by telephone may ask to be recognized by the Chair to the same extent as any other member.
9. To the extent reasonably practicable, the Staff Liaison shall provide backup materials to members participating by telephone.

10. If the telephone connection cannot be made or is made then lost, the meeting shall commence or continue as scheduled and the Administrator shall attempt to establish or restore the connection.
11. Meeting times shall be expressed in Alaska time regardless of the time at the location of any member participating by telephone.
12. Participation by telephone shall be allowed for regular, special, work sessions and sub-committee meetings of the Committee or Commission.
13. Remarks by members participating by telephone shall be transmitted so as to be audible by all members and the public in attendance at the meeting.
14. All votes shall be taken by audible roll call vote.
15. As used in these rules, "telephone" means any system for synchronous two-way voice communication. "Chairperson" includes the Acting Chair or any other member serving as chair of the meeting.
16. A quorum (majority of the members) must be present at all times during a meeting or work session of the commission or committee.
17. The seat of any member, including the Chair, shall become vacant if the member is absent from three consecutive regular meetings without excuse.

D. Travel Authorization

All travel for members of Boards, Commissions, Advisory Groups, or members of other community service organizations for which city funding is requested, shall be coordinated through the City Clerk and is to be approved in advance by a vote of the council.

XIV. **CITIZENS' RIGHTS:**

A. Addressing the Council:

Any person desiring to address Council by oral communication shall first secure the permission of the Chair.

- B. Manner of Addressing the Council -- Time Limit: Each person addressing the Council other than as a scheduled Public Appearance shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record.

The time allowed for public testimony is five minutes, individually or by agent. A person may give individual testimony and testify as an agent of another, but may not exceed five minutes total. Additional time may be granted by the Mayor, upon motion and approval by the Council, to a person testifying who possesses special knowledge or expertise on the matter being heard. The five-minute limitation shall be strictly enforced by the Mayor.

All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through members of the Council. No questions shall be asked the Council members except through the Chair.

- C. Personal and Slandorous Remarks: Any person making personal, non-germane or slanderous remarks or who shall become boisterous while addressing the Council may be requested to leave the meeting.
- D. Written Communications: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time by direct mail or by addressing the City Clerk and copies will be distributed to the Council members.

XV. ADMINISTRATIVE OFFICERS:

- A. Definitions:

For the purposes of this section, Administrative Officers refer to the City Manager and City Clerk who work directly for the City Council as authorized and defined by the City Charter, Chapter V - The Administrative Service:

- B. Manner of Employment: The City Manager and City Clerk will be employed or engaged via negotiated individual contracts approved by the City Council.
- C. Evaluations: The City Council will evaluate the performance of the City Manager and the City Clerk under direct employment on a periodic basis, but not less than once annually.
- D. Annual Evaluation Process: The City Council will employ the following annual evaluation process:
 - 1. Two regular Council meetings before an evaluation, the City Council will be provided the currently adopted evaluation form(s) for the Officer being evaluated, and appoint a council member to serve as "evaluation chairperson" for that specific evaluation.
 - 2. Each City Council Member will fill out the evaluation form(s) individually.
 - 3. One regular Council meeting before the evaluation, the City Council will meet in Executive Session (without the Officer being evaluated*) to discuss the performance and reach consensus regarding final disposition of the evaluation form(s).
 - 4. The evaluation chairperson will compile the final version of the evaluation form(s) and provide a copy to the full Council and the Officer being evaluated, not less than seven calendar days prior to the evaluation.
 - 5. The annual evaluation will occur at the next regular City Council meeting in Executive Session*.
 - 6. All evaluation forms will be considered confidential and will not be released without the express written permission of the Officer being evaluated.

*AS 44.62.310 (c) (2) allows a governing body to meet in executive session on matters which tend to prejudice the reputation and character of any person, except that the person to be discussed is entitled to notice and may insist upon open discussion.



Legislation Text

File #: ORD 20-0002, **Version:** 1

ITEM TITLE:

#20-02 - Emergency Ordinance Amending Chapter 2.80, Section 2.80.045, Titled Emergency Procurements. Adoption.

SUBMITTED BY: Sheri Pierce, MMC, City Clerk

FISCAL NOTES:

Expenditure Required: [Click here to enter text.](#)

Unencumbered Balance: [Click here to enter text.](#)

Funding Source: [Click here to enter text.](#)

RECOMMENDATION:

[Click here to enter text.](#)

SUMMARY STATEMENT:

Currently the VMC limits the suspension of procurement requirements for emergencies to seven days. Specifically, VMC Section 2.80.045 states:

The provisions of this chapter may be waived during times of crisis, emergency or disaster when operating under a declaration of emergency issued by the mayor for no longer than seven days. The city manager or authorized successor shall have the responsibility to protect the interest of the city consistent with prudent and appropriate emergency responses. All provisions of this chapter waived while operating under a declaration of emergency shall be reported to the city council via electronic mail within twenty-four hours following any such waiver.

Section 12.2 of City Charter states that the City must “provide for the making of emergency purchases and contracts which shall not be subject to [competitive bidding requirements] of this chapter when an emergency exists.” Thus, the seven-day limitation on emergency procurements is required by the VMC only.

Ordinance #20-02 amends the VMC to allow the Council to waive the provisions of this chapter *for a definite period longer than 7 days* by resolution of the council.

Chapter IV of the Valdez City Charter allows for the passage of legislation without prior public hearing when an emergency is declared. Adoption at the same meeting of emergency legislation requires the vote of no less than six (6) members of the council.

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 20-02

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF VALDEZ, ALASKA, AMENDING CHAPTER 2.80, SECTION 2.80.045,
TITLED EMERGENCY PROCUREMENTS

WHEREAS, the following amendment to Section 2.80.045 shall provide for the waiver of provisions in Chapter 2.80 regarding procurement policies during times of crisis, emergency or disaster, for a definite period of time longer than seven days by resolution of the city council; and

WHEREAS, on March 17, 2020, the Mayor of Valdez issued a Local Government Disaster Declaration in response to the COVID-19 public health emergency; and

WHEREAS, Chapter IV of the City Charter allows for the introduction and passage of emergency legislation by the affirmative vote of not less than six members of the city council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA THAT, the following amendment is made to Section 2.80.045 of the Valdez Municipal Code:

Section 1. Section 2.80.045 is hereby amended to read as follows:

Section 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 (7) days when operating under a declaration of emergency issued by the mayor. ~~for no longer than seven days.~~ 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. ~~All provisions of this chapter waived while operating under a declaration of emergency shall be reported to the city council via electronic mail within twenty-four hours following any such waiver.~~

Section 2. This emergency ordinance shall take effect immediately following adoption by the affirmative vote of six council members.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of _____, 2020.

CITY OF VALDEZ, ALASKA

Jeremy O'Neil, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Jake Staser, City Attorney
Brena, Bell, & Walker, P.C.

Adoption:
Yeas:
Noes:
Absent:
Abstaining:



Legislation Text

File #: RES 20-0018, **Version:** 1

ITEM TITLE:

#20-18 - Authorizing the Continuance of the COVID-19 Local Government Disaster Declaration

SUBMITTED BY: Sheri Pierce, City Clerk

FISCAL NOTES:

Expenditure Required: [Click here to enter text.](#)

Unencumbered Balance: [Click here to enter text.](#)

Funding Source: [Click here to enter text.](#)

RECOMMENDATION:

[Click here to enter text.](#)

SUMMARY STATEMENT:

Resolution No. 20-18 authorizes the continuance of the emergency declaration issued on March 17, 2020 for a period of 30 days (April 20, 2020), or until the COVID-19 virus is no longer declared a federal or state emergency, whichever occurs first.

Alaska Statutes Section 26.23.140 which governs the declaration of a local disaster reads as follows:

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.

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 inter-jurisdictional disaster emergency plans, and to authorize the furnishing of aid and assistance under those plans.

A representative of an inter-jurisdictional 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.

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 20-18

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 March 11, 2020, the State of Alaska declared a public health emergency in response to an anticipated outbreak of the COVID-19 in Alaska; and

WHEREAS, on March 17, 2020, the City of Valdez declared a local government disaster in preparation of an outbreak of the COVID-19 in the community; and

WHEREAS, while the potential extent and effect of COVID-19 cannot yet be known, it remains vital for the City of Valdez to be prepared and take all needed precautions throughout the entire timeframe of the emergency related to COVID-19; and

WHEREAS, AS 26.23.140 allows for the continuation of a local emergency declaration for a period of more than seven (7) days by the consent of the local governing authority.

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 emergency, the declaration of emergency dated March 17, 2020, shall remain in effect until April 20, 2020, or until the virus is no longer declared a federal or state emergency, whichever occurs first.

Section 2. The provisions of Chapter 2.80 – Procurement Policy, may be waived until April 20, 2020, or until the virus is no longer declared a federal or state emergency, whichever occurs first.

PASSED AND APPROVED this 20th day of March, 2020.

CITY OF VALDEZ, ALASKA

Jeremy O'Neil, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

(c) Duly authenticated copies of this compact and of any supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States government.

ARTICLE XII

VALIDITY

This Act shall be construed to effectuate the purposes stated in Article I of this compact. If any provision of this compact is declared unconstitutional, or the applicability of the compact to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected by the invalidity of any provision of the compact.

ARTICLE XIII

ADDITIONAL PROVISIONS

Nothing in this compact authorizes or permits the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under 18 U.S.C. 1385. (§ 3 ch 55 SLA 2002)

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. (§ 3 ch 104 SLA 1977; am § 13 ch 32 SLA 1994)

Revisor's notes. — In 2004, in (a) of this section, "division of emergency services" was changed to "division of homeland security and emergency management" in accordance with § 26(b), ch. 179, SLA 2004.

Sec. 26.23.150. Disaster prevention. (a) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster plans, the governor shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of disasters. At the governor's direction, and under any other authority and competence they have, state agencies, including but not limited to those charged with responsibilities in connection with flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, environmental quality, public works, land use and land use planning, and construction standards, shall make studies of disaster-prevention-related matters. The governor, from time to time, shall make recommendations to the legislature, local governments, and