

**CITY OF KOTZEBUE, ALASKA
ORDINANCE NO. 20-08**

ENTITLED: "AN ORDINANCE PERMANENTLY AMENDING CHAPTER OF THE KOTZEBUE MUNICIPAL CODE ("KMC"), KMC CHAPTER 2.27, 'MEETING PROCEDURES IN EMERGENCY SITUATIONS,' AS PREVIOUSLY ADOPTED IN EMERGENCY ORDINANCE NO. 20-06."

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF KOTZEBUE, ALASKA:

- Section 1.** This is a Code Ordinance which replaces Emergency Ordinance No. 20-06 upon passage.
- Section 2.** City of Kotzebue Emergency Ordinance No. 20-06, enacted on November 19, 2020 is attached hereto as Exhibit "A."
- Section 3.** The revised and annotated version of KMC Chapter 2.27 is set out in Exhibit "B," attached hereto, with annotations bolded and underlined and deletions bracketed.
- Section 4.** The new KMC Chapter 2.27, "Meeting Procedures in Emergency Situations," as adopted by this Ordinance is set out in Exhibit "C," attached hereto.
- Section 5.** Pursuant to the Kotzebue Municipal Code, Section 1.12.030(B), this Ordinance shall become effective upon passage.

ENACTED this 21st day of January, 2021.

CITY OF KOTZEBUE


Matthew Tekker, Mayor

[SEAL]

ATTEST:


Linda B. Greene, City Clerk

ATTESTATION: I, Linda B. Greene, Clerk for the City of Kotzebue, hereby attest that the above Ordinance, No. 20-08, was duly presented to the Kotzebue City Council, duly published and that a valid public hearing was held and that it was duly enacted on January 21, 2021.

Published/Posted: December 11, 2020
Introduction: December 17, 2020
First Public Hearing: January 21, 2021
Passage: January 21, 2021

Attachments:

Exhibit "A" -- Copy of Emergency Ordinance No. 20-06, as adopted on November 19, 2020
[2 pages]

Exhibit "B" -- Copy of the revised and annotated Emergency KMC Chapter 2.27 [1 page]

Exhibit "C" -- Copy of the newly enacted KMC Chapter 2.27 [1 page]



**CITY OF KOTZEBUE, ALASKA
EMERGENCY ORDINANCE NO. 20-06**

ENTITLED: "AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING THAT PORTION OF KOTZEBUE MUNICIPAL CODE ("KMC") CHAPTER 2.27, SECTION 2.27.030, "QUORUM REQUIREMENTS" MANDATING THAT AT LEAST TWO COUNCIL MEMBERS, BOARD MEMBERS OR COMMISSIONERS MUST BE PHYSICALLY PRESENT AT MEETING SITES AND IN ITS STEAD ALLOWING ALL COUNCIL MEMBERS, BOARD MEMBERS AND COMMISSIONERS TO ATTEND TELEPHONICALLY."

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF KOTZEBUE, ALASKA:

Section 1. This is an Emergency Ordinance and shall be effective immediately for sixty (60) days pursuant to Kotzebue Municipal Code ("KMC") 1.12.050.

Section 2. This Emergency Code Ordinance is necessary as set forth in Resolution No. 20-08 passed, March 19, 2020, and the Governor Dunleavy's November 11, 2020 and November 12, 2020 Emergency Declarations found at <https://gov.alaska.gov/newsroom/2020/11/12/governor-dunleavy-urges-alaskans-to-take-immediate-action-to-slow-covid-19/> and <https://gov.alaska.gov/newsroom/2020/11/11/governor-mike-dunleavy-addresses-alaskans-over-rapid-spread-of-covid-19/>.

Section 3. This Emergency Ordinance is also necessary to strengthen the City Council, City Boards and City Commissions ability to meet and conduct business in emergency situations, such as that caused by the coronavirus ("COVID-19") pandemic.

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Section 4. The ever-accelerating number of COVID-19 cases in Kotzebue and the NANA Region require this extraordinary step be taken in an effort to curb the presence and spread of this deadly virus in our City and Region.

Section 5. This Emergency Code Ordinance is effective immediately upon passage.


ENACTED this 19th day of November, 2020.

CITY OF KOTZEBUE


Matthew Tekker, Mayor

[SEAL]

ATTEST:


Linda B. Greene, City Clerk

ATTESTATION: I, Linda B. Greene, Clerk for the City of Kotzebue, hereby attest that the above Emergency Ordinance, No. 20-06, was duly presented to the Kotzebue City Council, duly published and that a valid public hearing was held and that it was duly enacted on November 19, 2020.

Published/Posted: November 13, 2020
Introduction: November 19, 2020
First Public Hearing: November 19, 2020
Passage: November 19, 2020

CHAPTER 2.27

MEETING PROCEDURES
IN EMERGENCY SITUATIONS

Sections:

- 2.27.010 Purpose
- 2.27.020 When to be followed
- 2.27.030 Quorum requirements
- 2.27.040 Telephonic meetings
Requirements
- 2.27.050 Public participation
- 2.27.060 Notice

2.27.010 Purpose.

When public health and safety are found to be at risk pursuant to a local, state or federal emergency declaration, order or resolution, these procedures may be utilized at the direction of the mayor or, in the absence of the mayor, at the direction of the vice mayor or mayor pro tem for city council meetings, city council work sessions and all city boards and commissions. (Ord.20-04 §3 (part), 2020)

2.27.020 When to be followed.

The mayor's or vice mayor's or mayor pro tem's direction to follow these emergency procedures shall be posted at City Hall and broadcast on the radio. If any of the provisions herein conflict with other provisions of the Kotzebue Municipal Code, the provision(s) set out herein shall be used during an emergency situation. (Ord.20-04 §3 (part), 2020)

2.27.030 Quorum requirements.

[At least two (2) city council members or board or commission members must be physically present at the site of any regular, special emergency meeting or work session of the city council, board or commission and remaining members not present may participate telephonically. However,] **There** must be a quorum of at least four (4) members present in-person and/or telephonically present. **However, all city**

council members or board or commission members may attend telephonically. (Ord.20-04 §3 (part), 2020; **Ord.20-08 §3, 2020**)

2.27.040 Telephonic requirements during emergency situations.

Council, board or commission members attending telephonically must be provided the agenda and other pertinent documents in emergency meeting situations covered by this chapter. All votes cast during meetings conducted in an emergency situation must be made by roll call regardless of the nature of the matter being voted upon except for motion to adjourn. (Ord.20-04 §3 (part), 2020)

2.27.050 Public participation.

The citizens are entitled to participate in meetings of the city council, board or commission even in emergency situations. However, the mayor or vice mayor or mayor pro tem directing the use of these emergency procedures may prescribe procedures for public participation that ensure public health and safety such as the use of e-mail, fax and/or written comments. (Ord.20-04 §3 (part), 2020)

2.27.060 Notice.

In addition to the posting of notice, as required by the Kotzebue Municipal Code, twenty-four (24) hours prior to the meeting of the city council, board or commission under these emergency procedures, the city manager or designee of the city manager shall appear on the radio and review the agenda and items on the agenda. At both the beginning and conclusion of the radio presentation, the city manager or designee shall encourage public comment by e-mail, fax or comments on the city's website and provide information for doing so during meetings held under these emergency provisions. (Ord.20-04 §3 (part), 2020)

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