

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
March 23, 2020, 6:00 PM.
Assembly Chambers - Municipal Building**

AGENDA

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. AGENDA TOPICS

A. COVID-19 Update

B. Federal Legislation

C. Existing Rental Assistance Program AHDC/Gruening Park

D. Ordinance 2020-15: An Ordinance Amending the Continuity of Government Code to Improve City and Borough of Juneau Procedures for Emergencies.

A continuity of government code was created in 1962 during the height of the Cuban Missile Crisis when communities were concerned about physical attacks. While the underlying concepts in the continuity of government code remain relevant today—like designation of successors for certain municipal officers—some code provisions are outdated. This ordinance would modernize the continuity of government code to provide the current form of City & Borough of Juneau government better code authority to deal with emergencies other than physical attacks.

This ordinance was heard at the March 13, 2020 Assembly Human Resources Committee and referred to the Committee of the Whole for further review.

E. Ordinance 2020-16: An Ordinance Amending the Civil Defense Code to Improve City and Borough of Juneau Procedures for Emergencies.

Chapter 03.25 was originally created in 1962. This ordinance would amend Chapter 03.25, the Civil Defense Organization chapter to be consistent with current emergency management practices.

This ordinance was heard at the March 13, 2020 Assembly Human Resources Committee and referred to the Committee of the Whole for further review.

V. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

Presented by:
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-15 COW v1

**An Ordinance Amending the Continuity of Government Code to Improve
City and Borough of Juneau Procedures for Emergencies.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 03.35, Continuity of Government, is amended as follows:

03.35.010 - Title.

This chapter shall be known and may be cited as the "continuity of government" chapter.

03.35.020 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Attack means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United~~

~~States in any manner, by sabotage or by the use of bombs, missiles, shellfire, or atomic radiological, chemical, bacteriological, or biological means or other weapons or processes.~~

Duly authorized deputy means a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

Declared Emergency means an emergency proclaimed by the manager, or designee, pursuant to Chapter 3.25 or an emergency described in legislation adopted by the Assembly.

Emergency has the same meaning as in Charter 15.14.

Emergency interim successor means a person designated pursuant to this chapter for possible temporary succession to the powers and duties, but not the office, of a City and Borough officer in the event that the officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

Unavailable means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and a duly authorized deputy is absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

03.35.030 - Emergency interim successors; designation.

(a) *Elective officers.* Within 30 days after first entering upon the duties of the office, each member of the assembly, except the mayor and deputy mayor, shall designate three emergency interim successors to office and specify their rank in order of succession.

(1) *Successors to Mayor.* Successors to the office of mayor shall be the same as provided in Charter 3.9.

(2) *Successors to Deputy Mayor.* Successors to the office of deputy mayor shall be the same as provided in section 11.15.015.

(b) *Appointive officers.* Officers in the following positions shall designate such number of emergency interim successors and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for each officer: manager, municipal clerk, finance director, engineering and public works director, human resources and risk management director, chief of police, fire chief, attorney, and airport manager. ~~The manager shall, within the time specified in subsection (a) of this section, designate for appointive officers including the municipal clerk, chief of police, fire chief, engineer, attorney, assessor, and airport manager and health officer such number of emergency interim successors to these officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors or combination thereof for each officer.~~

(c) *Review of designation.* The incumbent in the case of those elective officers specified in subsection (a) of this section, and the appointing authority in the case of those appointive

officers specified in subsection (b) of this section, shall review and, as necessary, promptly revise the designations of emergency interim successors to ensure that at all times there are at least three such qualified emergency interim successors or duly authorized deputies or any combination thereof for each officer specified.

(d) *Qualifications.* No person shall be designated or serve as an emergency interim successor unless under the Constitution of this state and Charter or provisions of this Code, that person may hold the office of the person to whose powers and duties the designee is designated to succeed, but no provision of law prohibiting an officer or employee of this City and Borough from holding another office shall be applicable to an emergency interim successor.

(e) *Status of emergency interim successor.* A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that the designee must be replaced if removed. A person, the designee as an emergency interim successor, retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

03.35.040 - Assumption of powers and duties.

(a) If in the event of a declared emergency, ~~an attack~~ any officer named in subsections 03.35.030(a) and (b) of this chapter and any duly authorized deputy is unavailable, the emergency interim successor highest in rank in order of succession who is ~~not un~~available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer.

(b) An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill the vacancy or is elected and qualified as provided by the Charter.

03.35.050 - Successors; record.

The name, address and rank in order of succession of each duly authorized deputy shall be filed with the municipal clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the municipal clerk the successor's name, address and rank in order of succession. The municipal clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and the successor names ~~it~~ shall be open to public inspection.

03.35.060 - Formalities of taking office.

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

03.35.070 – Reserved Quorum and vote requirements.

~~In the event of an attack, the quorum requirements for the assembly shall be suspended, and where the affirmative vote of a specified proportion or number of members for approval of an ordinance, resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. The proportion required to approve an ordinance or resolution under this section shall be four sevenths, if the manager votes, or two thirds if the manager does not vote.~~

03.35.080 - Assembly vacancies in an emergency.

(a) In the event of a declared emergency, if a member of the assembly other than the mayor and deputy mayor is missing for more than three days, the missing assembly member is presumed to be temporarily medically incapacitated. A majority of the remaining assemblymembers may, by motion, declare such office to be temporarily vacant. The vacancy shall be temporarily filled by the missing member's designated successor pursuant to this chapter.

(b) In the event of a declared emergency, if a member of the assembly (1) is missing and presumed dead; (2) is missing for more than three consecutive regular meetings without being excused by the assembly; or (3) is medically incapacitated for more than three consecutive regular meetings without being excused by the assembly; then the assembly may declare such office to be vacant. A vacancy shall be filled pursuant Chapter 11.10.

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2 If, in the event of an attack in the City and Borough area a member of the assembly is
3 missing and presumed dead or is missing for more than three days or is physically, mentally or
4 legally unable to exercise the powers and duties of the manager's office the assembly may
5 declare such office to be vacant.
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7 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

8 Adopted this _____ day of _____, 2020.

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10 Attest:

Beth A. Weldon, Mayor

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13 _____
Elizabeth J. McEwen, Municipal Clerk
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Presented by:
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. draft 2020-16 COW v1

An Ordinance Amending the Civil Defense Code to Improve City and Borough of Juneau Procedures for Emergencies.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Title. Title 3, Administration, is amended to read:

**Chapter 03.25 Emergency Management Organization ~~Civil Defense~~
Organization**

03.25.010 - Established.

There is hereby created the City and Borough Emergency Management Organization to plan for, respond to, recover from, and mitigate ~~civil defense organization to and recover from prevent minimized, repair and alleviate~~ injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, ~~or~~ public health threats, or similar emergencies. The emergency management ~~civil defense~~ organization shall consist of the director, the members of the assembly, the officers and employees of the City and Borough, and

such additional members, volunteer or otherwise, who may be selected by the director or the assembly.

03.25.020 - Director.

The director of the City and Borough emergency management ~~civil defense~~ organization shall be the manager, or someone appointed by the manager, if there is such an appointed person, who shall serve until removed or until replaced by the manager. The director shall have responsibility for the organization, administration, training and operation of the emergency management ~~civil defense~~ organization, subject to the direction and control of the manager if the director is a person other than the manager.

03.25.030 - Continuity in office.

The provisions of chapter 03.35 of this title "Continuity of Government" are hereby made applicable to all members of the City and Borough emergency management ~~civil defense~~ organization.

03.25.040 - Authority of director of the emergency management organization ~~civil defense~~; duties and responsibilities.

(a) The director of emergency management organization ~~civil defense~~ shall have the authority to request the declaration of the existence of an emergency by the assembly or by higher authority. In the event that it is deemed necessary to declare the existence of an emergency

without delay, the director may, if the assembly is not in session, do so, but such action shall be subject to confirmation by the assembly at its next meeting.

(b) The duties and responsibilities of the director of the emergency management organization ~~civil defense~~ shall include the following:

- (1) The control and direction of the actual or training efforts of the emergency management ~~civil defense~~ organization of the City and Borough;
- (2) The determination of all questions of authority and responsibility that may arise within the emergency management ~~civil defense~~ organization of the City and Borough;
- (3) The maintenance of necessary liaison with other municipal, area, state, regional, federal or other emergency management or civil defense organizations;
- (4) The marshaling, after the declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies from any department of the City and Borough to aid in the carrying out of the emergency operation ~~civil defense~~ plan;
- (5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the emergency operation ~~civil defense~~ plan;
- (6) The issuance of reasonable rules and regulations which are necessary for the protection of life and property in the City and Borough, including rules and regulations applicable to blackouts and air raids;
- (7) The supervision of the drafting and execution of mutual aid agreements entered into by the City and Borough;
- (8) The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions;

(9) The authorizing of agreements, after approval of the City and Borough attorney, for the use of private property for air raid shelter and other purposes;

(10) The supervision of the drafting and execution of the emergency operation ~~civil defense~~ plan, and the constant updating of such plan as required. The emergency operation ~~civil defense~~ plan shall be adopted by the assembly by resolution.

03.25.050 - Functions and duties.

The functions and duties of the City and Borough emergency management ~~civil defense~~ organization shall be distributed among such departments, divisions, services, and special staff as the assembly shall prescribe by resolution. Any such resolution shall set forth the form of organization, establish and designate services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this chapter. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the recommendations of the ~~civil defense agency of the state~~.

03.25.060 – Reserved ~~Civil defense workers oath required.~~

~~Each person serving as a member of the City and Borough civil defense organization shall, prior to assuming duties, take an oath which shall be substantially as follows:~~

~~"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully~~

~~discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of, or an affiliate of, any political party or organization, group, or combination of persons that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am a member of the City and Borough of Juneau Municipal Civil Defense organization I will not advocate or become a member or affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the government of the United States or of this State by force or violence."~~

03.25.070 - Lights during blackouts declared public nuisances.

Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this chapter constitutes a public nuisance, and when deemed necessary in order to protect life or property during blackouts or air raids, the police are authorized and directed to enter upon any premises within the City and Borough, using reasonable force, and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this chapter.

03.25.080 - Unauthorized warning or all-clear signals prohibited.

Any unauthorized person who operates a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, is guilty of a violation of this chapter, and shall be subject to the penalties imposed by this chapter.

03.25.090 - Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made ~~and promulgated~~ pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, rules, orders and regulations insofar as the latter may be inconsistent therewith.

03.25.100 - Conflict with state or federal statutes.

This chapter shall not be construed so as to conflict with any state or federal statute, or with any military or naval order, rule or regulation.

03.25.110 - Municipal or private liability.

(a) This chapter is an exercise by the City and Borough of its governmental functions for the protection of the public peace, health, safety. Consistent with Alaska law, ~~and~~ neither the City and Borough, the agents and representatives of the City and Borough, nor ~~or~~ any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation made ~~promulgated~~ pursuant to the provisions of this chapter, shall be liable for any loss or damage sustained to person or property as a result of such activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City and Borough a license or privilege, or otherwise permits the City and Borough to inspect, designate and use the whole or any part, or parts of such real

estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack, shall, together with all successors in interest, if any, not be civilly liable for the death of, or injury to, any person or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

03.25.120 - Emergency declared by governor.

If the governor declares that an ~~a civil defense~~ emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, ~~or~~ natural causes, public health threat, or similar emergency it shall be the duty of the emergency management ~~civil defense~~ organization to cooperate fully with the state ~~civil defense agency~~ and with the governor in the exercise of emergency powers as provided by law.

03.25.130 - Expenses of civil defense.

No person shall have the right to expend any public funds of the City and Borough in carrying out any emergency management ~~civil defense~~ activity authorized by this chapter without prior approval by the assembly, nor shall any person have any right to bind the City and Borough by contract, agreement or otherwise without prior assembly approval. In the event of any disaster, and for the duration of the exigency, City and Borough contracts or purchases may be entered without regard to the procedures or formalities otherwise prescribed, when the object of the contract or purchase is to procure such services, supplies, equipment or materials as may be necessary to combat any disaster, or to protect and provide emergency assistance to victims of a

disaster. ~~This section is ordained under the authority of Charter section 5-16; it is not a waiver of any other Charter requirement or of any provision in the ordinance creating the finance department and stipulating fiscal procedures.~~

03.25.140 - Emergency locations; governmental powers.

(a) Whenever, due to an emergency consistent with this chapter ~~resulting from the effects of enemy attack~~, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place, or places thereof, the assembly may meet at any place within or without the City and Borough limits on the call of the manager or any four members of the assembly, and shall proceed to establish and designate by ordinance, resolution or other manner alternate or substitute sites or places as the emergency temporary location, or locations, of government where all or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the City and Borough, and may be within or without the state.

(b) During the period when public business is being conducted at the emergency temporary location, or locations, the governing body including its boards, commissions, committees and other officers of the City and Borough shall have and possess, and shall exercise at such location all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the Constitution or laws of the state, and the Charter and ordinances of the City and Borough. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to, or compliance with, time consuming procedures and formalities prescribed by rule or ordinance, and all acts of such body

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2 and officers shall be valid and binding as if performed within the territorial limits of their City
3 and Borough.
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5 **03.25.150 – Penalty Violations.**

6 (a) It is unlawful for any person willfully to obstruct, hinder or delay any member of the
7 emergency management civil defense organization in the enforcement of any rule or regulation
8 issued pursuant to this chapter, or do any act forbidden by rule or regulation issued pursuant to
9 this chapter, or do any act forbidden by any rule or regulation issued pursuant to the authority
10 contained in this chapter.
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12 ~~(b) It is likewise unlawful for any person to wear, carry or display any emblem, insignia, or any~~
13 ~~other means of identification as a member of the City and Borough municipal civil defense~~
14 ~~organization unless authority so to do has been granted to such person by the proper officials.~~

15 (b) A violation of this section is a Class B misdemeanor. ~~Convictions for violations of the~~
16 ~~provisions of this chapter shall be punishable according to section 01.40.010 of this Code.~~

17 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.
18

19 Adopted this _____ day of _____, 2020.
20

21 _____
Beth A. Weldon, Mayor

22 Attest:
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24 _____
Elizabeth J. McEwen, Municipal Clerk
25