

**ANCHORAGE, ALASKA**  
**AR No. 2020-296, As Amended**

1 **A RESOLUTION OF THE ANCHORAGE ASSEMBLY REQUIRING THE ASSEMBLY**  
2 **CHAMBERS TO ACCOMMODATE INDIVIDUALS WISHING TO TESTIFY ON**  
3 **PUBLIC HEARING ITEMS OR IN AUDIENCE PARTICIPATION AT ASSEMBLY**  
4 **MEETINGS.**  
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7 **WHEREAS**, the Mayor issued a Proclamation of Emergency (COVID-19) on March 12,  
8 2020 and since then has issued emergency orders and regulations to address it; and  
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10 **WHEREAS**, available models show that the spread of the novel coronavirus and death  
11 toll of this virus would be much higher without social distancing, limiting physical  
12 contact with others outside their household, [AND] avoiding large gatherings, and  
13 wearing masks; and  
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15 **WHEREAS**, to protect the public health and safety, the Mayor has issued emergency  
16 orders that prohibit indoor events or gatherings with specified numbers of persons  
17 present, including by Emergency Order (EO) 14 on July 22 prohibiting more than 25  
18 persons, and by EO-15 on July 31 prohibiting more than 15 persons; and  
19

20 **WHEREAS**, the Assembly Chambers were closed to entry by the public by decision of  
21 the Chair of the Assembly in order to comply with gathering limitations of the EO-15,  
22 which has the force of law, and prevent possible spread of the coronavirus to people  
23 in attendance, including Municipal staff, security, and Assembly Members present for  
24 each Assembly meeting[;] that could result in broad community spread to vulnerable  
25 people; and  
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27 **WHEREAS**, accommodations were made to allow members of the public to provide  
28 testimony on public hearing items or in audience participation by telephone or  
29 submitting written testimony at each Assembly Meeting; and  
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31 **WHEREAS**, the Open Meetings Act requires that all Assembly meetings are “open to  
32 the public” and actions “be taken openly and that their deliberations be conducted  
33 openly,” and allows for participation at meetings by members of the public or by  
34 members of a governmental body by teleconferencing (AS 44.62.310(a) and AS  
35 44.62.312); and  
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37 **WHEREAS**, the Anchorage Municipal Charter section 17.05 requires that all meetings  
38 be public and “At each such meeting the public shall have reasonable opportunity to  
39 be heard”; and  
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41 **WHEREAS**, in response to questions from many city councils and borough assemblies  
42 about conducting meetings during the COVID-19 pandemic, the State of Alaska,  
43 Department of Commerce, Community, and Economic Development issued a  
44 memorandum on March 18, 2020 advising that the Open Meetings Act does not

1 prohibit teleconference meetings, nor require council/assembly members to be  
2 present, and that both council/assembly members and the public may participate from  
3 remote locations[BUT THE PUBLIC MUST BE ALLOWED TO ATTEND ANY VENUE  
4 IN WHICH THE COUNCIL/ASSEMBLY IS MAKING DECISIONS AND ACTIONS]; and  
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6 [WHEREAS, TO MANY PEOPLE, THE EXPERIENCE OF IN-PERSON TESTIMONY-  
7 ADDRESSING THEIR ELECTED OFFICIALS FACE TO FACE AT THEIR MEETING  
8 LOCATION ON ITEMS OF PUBLIC CONCERN-IS IMPORTANT TO THE PROCESS  
9 AND TO CONVEY THEIR MESSAGE, AND IS NOT EFFECTIVE OR HEEDED WHEN  
10 PROVIDED BY TELEPHONE OR IN WRITING; AND]  
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12 **WHEREAS**, at each Assembly meeting closed to the public to date, while telephonic  
13 testimony has been challenging, the public has still had reasonable opportunity to  
14 participate [FRAUGHT WITH TECHNICAL ISSUES, MISSED CALLS, AND  
15 MARGINALLY EFFECTIVE]; and  
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17 **WHEREAS**, nothing in the Home Rule Municipal Charter, Anchorage Municipal Code,  
18 or state law expressly forbids [ALLOWS] the government body from opening a [TO  
19 CLOSE AN OPEN] meeting to telephonic [PHYSICAL IN PERSON] access due to a  
20 global health pandemic characterized by highly contagious airborne transmission; and  
21

22 **WHEREAS**, a guidance document written by Gordon Tans, "Alaska's Open Meetings  
23 Law," (3<sup>rd</sup> Ed. 2002) suggests that there is an implied reasonable opportunity to attend  
24 open meetings [IN PERSON]; and  
25

26 **WHEREAS**, it is unreasonable to expose municipal staff, elected officials, and the  
27 public to a highly contagious virus that may cause death; and  
28

29 **WHEREAS**, EO-15 recognizes the risk posed even by outdoor gatherings and opening  
30 Chambers for in-person testimony invites the public to gather outside Chambers while  
31 waiting their turn to provide testimony; and  
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33 **WHEREAS**, to further protect the public health and safety, the Mayor issued EO-13 on  
34 June 26 mandating that individuals wear masks or cloth face coverings "over their  
35 noses and mouths when indoors in public settings or communal spaces outside the  
36 home," which was followed by an updated version on July 31 also requiring individuals  
37 to wear a mask or cloth face covering "outdoors when at a gathering or when six feet  
38 of physical distancing from non-household members cannot be maintained"; and  
39

40 **WHEREAS**, it is possible to balance protecting public health and safety from COVID-  
41 19 spread by [AND] providing for telephonic or emailed [IN PERSON] public testimony  
42 in the spirit of Open Meetings Act and Charter section 17.05 [COMPLIANCE BY  
43 ALLOWING INDIVIDUALS INTO ASSEMBLY CHAMBERS AT LEAST ONE AT A  
44 TIME TO PROVIDE PUBLIC TESTIMONY]; now, therefore,  
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46 **THE ANCHORAGE ASSEMBLY RESOLVES:**  
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48 **Section 1.** At each Assembly meeting held in the Assembly Chambers while EO-15  
49 is in effect, individuals wishing to [APPEAR IN PERSON TO] provide testimony on  
50 public hearing items, during audience participation, or by appearance request, shall be

1 accommodated via telephonic participation or email communication as a reasonable  
2 accommodation during an international public health emergency [AND ALLOWED IN  
3 CHAMBERS. THIS MAY BE ACCOMPLISHED BY ALLOWING AT LEAST ONE  
4 MEMBER OF THE PUBLIC ENTER THE CHAMBERS AT A TIME FOR THIS  
5 PURPOSE, BUT MORE MAY BE PERMITTED TO ENTER IF CAPACITY  
6 LIMITATIONS WILL NOT BE EXCEEDED].

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8 **Section 2.** Any individual who queues or gathers outside of the Loussac Library and  
9 while on Municipal property, but with less than six feet of physical distance from non-  
10 household members, or enters the Loussac Library, shall wear a proper mask or cloth  
11 face covering that covers the nose and mouth and does not contain an exhalation  
12 valve, vent, or any visible gaps or holes that unreasonably reduces the effectiveness  
13 of said mask or covering.

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15 **Section 3.** To protect the health and safety of everyone, during an Assembly meeting  
16 held in the Assembly Chambers, if a member of the Assembly, Administration, or  
17 Clerk’s Office refrains from wearing a proper mask or cloth face covering during the  
18 meeting, then the Chair shall call for compliance. If compliance is not achieved, then  
19 the Chair shall not allow public testimony in person and shall instead conduct public  
20 testimony by telephone conference, unless the member agrees to wear a proper mask  
21 or appropriate cloth face covering, or leaves the Chambers.

22 A. During a continuing violation of this section, the Municipal Clerk shall provide a  
23 telephone or other device to the public to be used outside of the Assembly  
24 Chambers for the purpose of providing public testimony, for those members of  
25 the public who may arrive at Chambers without one of their own.


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27 **Section 4.** Masks may not be removed during the meeting except for brief removal  
28 while speaking, drinking, or eating, or pursuant to an applicable exemption under law,  
29 the Mayor’s Executive Orders, or Rules of the Assembly.


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31 **Section 5.** A proper mask is one that covers the nose and mouth, does not contain an  
32 exhalation valve, vent, or any visible gaps or holes that unreasonably reduces the  
33 effectiveness of said mask or covering, is made of at least two layers of tightly woven  
34 material such as common cloth used in bed sheets or the equivalent, and has a snug  
35 fit.

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37 **Section 6[2].** This resolution shall be effective for the next Assembly meeting in the  
38 Assembly Chambers following passage and approval.

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40 PASSED AND APPROVED by the Anchorage Assembly this 11th day of August, 2020.

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45 ATTEST:

  
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Chair

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49 \_\_\_\_\_  
50 Municipal Clerk