



**BISMARCK CITY COMMISSION  
PUBLIC MEETING NOTICE**

**TO:** Board of City Commissioners  
Media

**FROM:** Keith Hunke, City Administrator

**DATE:** March 18, 2020

**SUBJECT:** Special Meeting Notice

Board of City Commissioners  
Wednesday, March 18, 2020  
5:30 p.m.  
City/County Building  
Mayor's Conference Room  
221 N. 5th<sup>th</sup> St.  
Bismarck, N.D. 58501

**AGENDA**

1. Receive COVID 19 briefing from Renae Moch, Bismarck Burleigh Public Health Director.
2. Consider discussion and recommendations from staff regarding locking public buildings and allowing the public into the buildings only after screening.
3. Consider discussion and recommendations from staff regarding temporary authority for immediate decisions by staff or one member of the Commission.
4. Adjourn.

For more information, please contact the Administration Department at 355-1300.



## *City Attorney*

**DATE:** March 18, 2020

**FROM:** Janelle Combs, City Attorney

**ITEM:** Locking and screening guests to public buildings

### **REQUEST**

Consider discussion and recommendations from staff regarding locking public buildings and allowing the public into the buildings only after screening.

Please place this item on the 3/18/2020 Special City Commission meeting agenda.

### **BACKGROUND INFORMATION**

While the City is attempting to continue to be open to transact general business and provide services to the public, the increased risk of generalized spread of the COVID-19 virus has caused staff to reconsider the manner in which that openness can continue. Burleigh County has already closed public buildings to the public effective March 19, 2020.

Public safety departments have generalized authority to limit the public to their buildings, and with the approval of the City Administrator and City Attorney, signage and policies have been drafted for Central Communications and the Fire Department. All other city buildings would like to do something similar. A copy of the notice for the main Fire Department headquarters is attached as an example. If the Commission is agreeable to the screening procedure, staff would like authority to quickly enact those, as requested by each public building site, with approval from the City Administrator and City Attorney.

### **RECOMMENDED CITY COMMISSION ACTION**

Approve locking city buildings to the general public but allowing the public to enter after screening and triage during the COVID-19 emergency upon approval of the City Administrator and City Attorney.

### **STAFF CONTACT INFORMATION**

Janelle Combs | City Attorney, 355-1340 or [jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)

# VISITORS AND VENDORS



DURING THE COVID-19 PANDEMIC, WE ARE ASKING FOR YOUR COOPERATION TO HELP PROTECT OUR WORKFORCE.

WE WILL ENFORCE VISITATION RESTRICTIONS. ONLY ESSENTIAL CITY OR OTHER EMERGENCY RESPONSE STAFF CONDUCTING FIRE DEPARTMENT BUSINESS ARE ALLOWED BEYOND THIS AREA. VISITORS WILL BE SCREENED BEFORE ADMITTED.

IF THIS IS AN EMERGENCY, PLEASE DIAL 911. IF YOU NEED NON EMERGENT ASSISTANCE PLEASE CALL 701-355-1400 OR UTILIZE OUR WEBSITE [HTTPS://WWW.BISMARCKND.GOV/](https://www.bismarcknd.gov/)

THANK YOU FOR YOUR COOPERATION.



## *City Attorney*

**DATE:** March 18, 2020

**FROM:** Janelle Combs, City Attorney

**ITEM:** Temporary staff/Commission authority

### **REQUEST**

Consider discussion and recommendations from staff regarding temporary authority for immediate decisions by staff and/or one member of the Commission.

Please place this item on the 3/18/2020 Special City Commission meeting agenda.

### **BACKGROUND INFORMATION**

City staff is preparing contingency plans for next steps in the COVID-19 emergency for our workforce and needs of the community. Bismarck City Ordinance 2-08-03 provides for certain powers that the President of the City Commission can exercise while we are in a declared state of emergency. That ordinance is attached to this memo. However, as a large employer, changes to operations are likely to begin occurring quickly. To respond quickly, it would be beneficial to allow certain items to proceed without waiting for a special commission meeting. Directors have requested that changes that we anticipate below would be approved to happen either upon a specific event delineated by the Commission or with approval of City Administrator Hunke and a Commission member. The Commissioner assigned could be each portfolio holder or one individual so that all operations are consistent throughout the City. We anticipate that as those decisions are approved, it would be quickly communicated to the Commission electronically. If a member has an objection, they could let us know and it would be set for the next available meeting with the Commission.

For staff we have asked for them to develop plans for operations as follows:

1. If we direct all non-essential to COVID-19 operation employees to work from home.
2. Secondment of non-essential to COVID-19 operation employees to essential divisions.
3. Modify workflows and levels of service (i.e. calls going to voicemail, extending deadlines not required by statute, etc.) based on staffing needs as well as prioritizing COVID-19 operations.

## **RECOMMENDED CITY COMMISSION ACTION**

Approve giving temporary authority during the COVID-19 emergency to staff and/or a Commissioner to approve remote work, secondment and modification of workflows and levels of service but any changes are communicated to the Commission as a whole when made.

## **STAFF CONTACT INFORMATION**

Janelle Combs | City Attorney, 355-1340 or [jcombs@bismarcknd.gov](mailto:jcombs@bismarcknd.gov)

2-08-03. Disaster Emergency. The President of the Board of City Commissioners shall have the power to declare a local disaster emergency pursuant to N.D.C.C. Section 37-17.1-10. Under this section:

A. The President of the City Commission is authorized, if he/she finds that the City or any part thereof is suffering or is in imminent danger of suffering a disaster, civil disturbance, a utility emergency or other occurrence which will seriously and substantially endanger the health, safety, and welfare or property of the citizens, to declare a LOCAL DISASTER OR EMERGENCY. For the purposes of this section, the following definitions shall apply:

1. Disaster, whether natural or manmade, shall include, but not be limited to flood; fire; cyclone; tornado; earthquake; severe high or low temperatures; water, land or air contamination; blizzard; landslide; mudslide; excessive rainfall; building or structural collapse; high water table; water pollution; air pollution; epidemic; pandemic disease; riot; blight; drought; severe energy shortages; snow; ice; windstorm; hazardous or toxic substance spills or releases; chemical spills or releases; petroleum spills or releases; biological material spills or releases; radiation releases or exposure; public health emergency; infestation; explosions; or other serious event that threatens the health, safety, welfare, or property of the citizens.

2. Civil emergency shall include, but not be limited to, any condition of unrest, riot, civil disobedience, terrorism, unlawful assembly, hostile military or paramilitary action, war, terrorism, or sabotage.

3. Utility emergency shall include, but not be limited to, conditions which endanger or threaten to endanger the safety, or supply of potable water or the transmission, distribution, treatment, or storage of water, sanitary sewer, natural gas, gasoline, fuels, or electricity.

B. Upon the occurrence of any of the above-listed events, the President of the City Commission may take the following specified measures throughout the City or any part thereof, by written declaration which shall be made in a proclamation and made known to the City Commissioners, department heads and the news media and delivered to the chief of police. The news media, where required, shall immediately notify the public of said proclamation and warn the public that any violation of the proclamation shall be deemed an offense and violators may be arrested. Pursuant to the local disaster or emergency declaration, the President of the City Commission or an official designated in this section, in order to address the disaster or emergency, may exercise any or all of the following special powers;

1. Require evacuation of all or any portion of the City.

2. Prohibit or limit the number of persons who may gather or congregate upon the public highways or public sidewalks, or in any outdoor place, or cancel any public or private event involving a gathering of a number of persons.

Suspend, limit, cancel, convene, reschedule, postpone, continue, or relocate all meetings of the City Commission, and any City committee, commission, board, authority, or other City body as deemed appropriate.

3. Halt access or exit upon public highways to or from the City or any part thereof;

4. Suspend operations at the municipal airport;

5. Halt the movement of trains, or other vehicles into, within, or from the City;

6. Establish a curfew limiting the hours when persons may go upon or travel the public streets.

7. Require the closing of licensed liquor premises or prohibit or limit the sale or service of alcoholic beverages in the City. Suspend or limit the sale, distribution, dispensing, or transportation of firearms, explosives, and combustible products and require the closing of those businesses or parts of businesses insofar as the sale, distribution, dispensing, or transportation of these items are concerned.

8. Prohibit or limit the sale of gasoline or other flammable liquids;

9. Prohibit or limit the sale, carrying or possession on the public sidewalk or public streets, or any public park, of weapons including, but not limited to, unlawful firearms, bows and arrows, air rifles, slingshots, knives, razors, or missiles of any kind;

10. The chief of police shall have the authority to close any and all streets, alleys and other public ways in the City of Bismarck to the public whenever, in the opinion of the chief of police it is necessary in order to maintain the peace of the community.

11. Every person remaining present at the place of any riot or unlawful assembly after the same has been ordered to disperse by the police or any other lawful authority, except the public officers and persons assisting them in the dispersing of the same, shall be guilty of an offense.

12. Suspend the bidding requirements contained in City Ordinance Chapter 7-01 for the purchase of goods or services necessary to address the local disaster emergency.

13. During a declared disaster emergency, a department head may modify the work schedule of any employee.

14. Suspend the application or enforcement of any City ordinance, regulation or policy to aid in the response to the disaster or emergency.

15. Require the closing of business establishments. Prohibit the operation of any business or the sale or distribution within the City of any products which could be employed in a manner which would constitute a danger to public safety.

16. Require the continuation, termination, disconnection, limitation, or suspension of natural gas, electrical power, water, sewer, or other public utilities or services.

17. Control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, fuel, clothing, and/or other commodities, materials, goods, services, and resources.

18. Utilize all available resources of the City as reasonably necessary to manage the disaster or emergency.

19. With the concurrence of or in the absence of the health officer, order the isolation, quarantine, or segregation of persons or animals when reasonably necessary to prevent the introduction or transmission of infectious or contagious agents or toxins. Any such isolation or quarantine must be by the least restrictive means necessary to prevent the exposure, transmission, or spreading of a communicable, or potentially communicable, disease, agent, or toxin to others and may include, but is not limited to, confinement to private homes or other private or public premises.

20. Make application for local, state, or federal assistance. Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit, or governmental sources.

21. Remove, demolish, abate, clean up, mitigate, decontaminate, or disinfect any structure, debris, wreckage, site, or location to mitigate the effects of any emergency or disaster.

22. Obtain any easements, agreements or permissions necessary to utilize private property to meet the disaster or emergency or, subject to any requirements established by law for compensation, utilize private property as necessary to cope with emergency or disaster conditions.

23. Delegate authority to such city officials as the present determines reasonably necessary, convenient, or expedient.

C. Duration. The LOCAL DISASTER OR EMERGENCY declared by the president of the City Commission shall exist for the period set forth in the proclamation but not in excess of fifteen days. However, the LOCAL DISASTER OR EMERGENCY declaration must be ratified by the City Commission within the 15-day period and, if so ratified, may be extended for additional periods of fifteen days.

D. If the president is unavailable, the vice president of the City Commission shall have said authority and then followed by the most senior-ranked member of the City Commission.