

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

CITY COUNCIL MEETING - AUGUST 2, 2021

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day of the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

ZOOM INFORMATION:

Due to the existence of an emergency or urgent issue the City Council will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

Passcode: 206775

Or One tap mobile :

**US: +13017158592,,85621497951#,,, *206775# or
+13126266799,,85621497951#,,, *206775#**

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

**US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1
346 248 7799 or +1 669 900 6833**

Webinar ID: 856 2149 7951

Passcode: 206775

International numbers available: <https://us02web.zoom.us/j/85621497951>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

ORDERS:

Order 24-21/22 Declaring a Limited Emergency to Continue Remote Public Meetings - Sponsored by Kate Snyder, Mayor

In response to a recent increase in the COVID-19 infection rate, the spread of the Delta variant, and concerns related to less-than-ideal ventilation in meeting venues in City Hall, the City Council will consider declaring a limited emergency to allow for the continuation of remote public meetings in accordance with Maine law and local Remote Participation Policy.

To allow boards and committees to meet remotely as soon as possible, the Council may consider passing this order as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

The Council will consider suspending the Rules of Procedure for the City Council in order to hold public comment immediately after Order 24-21/22. Seven affirmative votes are required to suspend the Rules after public comment.

EXECUTIVE SESSION:

Executive Session pursuant to 1 M.R.S. section 405(6)(E) to discuss the City's legal rights and duties in FEDEQ DV004, LLC and FEDEQ DV005, LLC v. City of Portland et al.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 30, 2021

SUBJECT: Order 24-21/22 Declaring a Limited Emergency to Continue Remote Public Meetings - Sponsored by Kate Snyder, Mayor

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

In response to a recent increase in the COVID-19 infection rate, the spread of the Delta variant, and concerns related to less-than-ideal ventilation in meeting venues in City Hall, the City Council will consider declaring a limited emergency to allow for the continuation of remote public meetings in accordance with Maine law and local Remote Participation Policy.

To allow boards and committees to meet remotely as soon as possible, the Council may consider passing this order as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Declaring Limited Emergency 8.2.2021 (1) (2) (3)

Prepared by:

Date: 07/30/2021

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
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PIOUS ALI (A/L)
NICHOLAS M.
MAVODONES,JR(A/L)

ORDER DECLARING A LIMITED EMERGENCY

WHEREAS, in the Spring of 2021 the COVID-19 Pandemic had seemed to be coming to an end with the advent of vaccines and good vaccination rates, but instead infection rates, and new variants, hospitalizations and deaths from the COVID-19 virus have been increasing in recent months; and

WHEREAS, in the two (2) weeks between July 14 and July 28, 2021, the rate of COVID-19 infections confirmed by testing have more than doubled in the United States; and

WHEREAS, on July 1, 2021, in the State of Maine, the average daily case total was 22.1;

WHEREAS, since that time the rate of COVID-19 infections confirmed by testing in the State of Maine has increased at a significant rate to an average number of 67.1 daily cases as of July 27, 2021, for an increase of 203.6 percent; and

WHEREAS, a majority of the new infections in the United States and the State of Maine involve the Delta variant, a highly contagious SARS-CoV-2 virus strain, which was first identified in India in December 2020; and

WHEREAS, the Delta variant has increased transmission, the severity of COVID-19 infections based on hospitalization and case fatality rates, decreased susceptibility to therapeutic agents, and evaded natural or vaccine-induced immunity; and

WHEREAS, the Delta variant represents 47.6 percent of all sequenced samples collected in July in the State of Maine; and

WHEREAS, as a result of the Delta variant and the increase in COVID-19 infections, the United States Centers for Disease Control and Prevention announced on July 27, 2021 that fully vaccinated individuals should wear masks in indoor public settings in parts of the country that are experiencing a substantial or high transmission of COVID-19; and

WHEREAS, the Maine Center for Disease Control and Prevention similarly announced on July 28, 2021, that masks are recommended to be worn by fully vaccinated individuals in public indoor settings in York and Piscataquis counties; and

WHEREAS, the risk of COVID-19 virus transmission from vaccinated individuals to unvaccinated individuals (for example children under 12) remains unknown; and

WHEREAS, as a result of the above-described situation, the City Manager has determined that City Hall

and all other City buildings will remain closed to the public and be accessible by appointment only and that masks shall continue to be worn by members of the public in those buildings; and

WHEREAS, City Council Chambers and other available meeting rooms in City Hall have poor ventilation and do not provide sufficient space to distance members of the public, City staff and/or the City Council or other board, commission or committee members; and

WHEREAS, the technology infrastructure and processes currently exist to continue to continue to allow remote participation in and public access to City Council and other board, commission or committee meetings in accordance with Maine law; and

WHEREAS, the City Council is committed to continuing to provide opportunities for public engagement which are accessible and safe; and

WHEREAS, the City Council and all City boards, commissions and committees have or will be adopting a Remote Participation Policy as authorized in 1 M.R.S. section 403-B;

NOW, THEREFORE, BE IT ORDERED AND DECLARED by the Portland City Council, pursuant to 2-406 of the City of Portland's Code of Ordinances, that Order 17-20/21 be amended to specify that a limited emergency continues to exist within the City of Portland; and

BE IT FURTHER ORDERED, that as a result of the declared limited emergency and the existence of an "emergency or urgent issue" as described above, pursuant to 1 M.R.S. section 403-B and the City Council's recently adopted Remote Participation Policy, being physically present for City Council and Council Committee meetings in City Hall is not practicable at this time, and therefore requires that the City Council and all Council Committees continue to meet and conduct their meetings by remote technology/methods only until the limited emergency is terminated; and

BE IT FURTHER ORDERED, that as a result of this declared limited emergency, the existence of an "emergency or urgent issue," the fact that City Hall and all other City buildings remain closed to the public, and in order to be consistent throughout the City, the City Council hereby strongly recommends that all other City boards, commissions, and committees who have adopted a Remote Participation Policy also continue to meet by remote technology/methods only in accordance with the requirements of their adopted policy; and

BE IT FURTHER ORDERED, that this it is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.