

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-36

A RESOLUTION OF THE UNALASKA CITY COUNCIL CONTINUING MEASURES TO PROTECT PUBLIC HEALTH

WHEREAS, the COVID-19 pandemic has generated a public health emergency that threatens to overwhelm the City of Unalaska health system and economy of our community, endangering the lives and wellbeing of our citizens; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared the virus a pandemic; and

WHEREAS, on March 11, 2020, the State of Alaska declared a public health emergency in response to the anticipated outbreak of the virus in Alaska and Governor Dunleavy has implemented several health mandates such as the closure of schools, services and businesses to help reduce the spread of COVID-19; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency in response to the virus pandemic; and

WHEREAS, on March 15, 2020, Mayor Vincent M. Tutiakoff, Sr. declared a local emergency in the City of Unalaska, authorizing the City Manager to take necessary actions to reduce the impact and spread of the coronavirus known as COVID-19 through the City of Unalaska; and

WHEREAS, on March 18, 2020, the Unalaska City Council passed Resolution 2020-16, declaring a local emergency to remain in effect for so long as the declaration of a Public Health Disaster in the State of Alaska Remains in effect; and

WHEREAS, on March 24, 2020, the Unalaska City Council passed Resolution 2020-17, requiring certain quarantine measures, closing non-essential businesses and requiring that residents “hunker down” and stay at home as much as possible; and

WHEREAS, that order expired automatically, by its terms on April 15, 2020; and

WHEREAS, on April 14, 2020, the Unalaska City Council passed Resolution 2020-19, extending the requirements in Resolution 2020-17 and instituting additional measures to protect the public health; and

WHEREAS, that order expired automatically, by its terms on April 29, 2020; and

WHEREAS, on April 28, 2020, the Unalaska City Council passed Resolution 2020-25, extending the requirements that apply locally to protect the public health; and

WHEREAS, that order expired automatically, by its terms on May 13, 2020; and

WHEREAS, on May 12, 2020, the Unalaska City Council passed Resolution 2020-34, extending certain requirements that apply locally to protect the public health; and

WHEREAS, that order expires automatically, by its terms on May 27, 2020; and

WHEREAS, as of May 20, 2020, there were 402 cumulative known COVID-19 cases in the state, including a travel-related case in Bethel, and cases in Nome, and Kotzebue, all geographically isolated, rural communities; and

WHEREAS, there have been cases of seasonal non-resident workers, such as in Cordova and Dillingham, which have not been counted toward state totals, and which have been effectively contained due to effective quarantine measures; and

WHEREAS, to date, there are no known cases in the City of Unalaska; and

WHEREAS, COVID-19 continues to pose a grave and imminent threat to the health, safety, order and welfare to the residents of the City; and

WHEREAS, on April 3, 2020, the Center for Disease Control (CDC) recommended everyone wear a cloth face covering when in public settings where other social distancing measures are difficult to maintain; and

WHEREAS, local health officials have advised that in addition to practicing social distancing and staying at home as much as possible, additional measures that include the covering of an individual's nose and mouth will prevent asymptomatic individuals with COVID-19 from unknowingly spreading the disease; and

WHEREAS, local health officials have advised that stronger protective measures are required given Unalaska's remoteness, lack of road access to the mainland, and the fact that the majority of our community's businesses are designated as essential, critical or support critical infrastructure; and

WHEREAS, local health officials have advised that stronger protective measures are required to conserve limited local healthcare resources, as they strive meet the needs of all community members and essential workforce employees; and

WHEREAS, this resolution shall have the same effect as a rule issued by the City Manager pursuant to Unalaska Code of Ordinances §2.96.040.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL:

1. **Governor Mandates.** Everyone in the City must follow all health mandates issued by Governor Dunleavy, the Alaska Department of Health and Social Services (DHSS), and the Centers for Disease Control (CDC).

2. **CDC Guidance.** It is strongly recommended, in accordance with CDC guidance, that certain individuals within the City should take even greater precautions:

- a. Anyone particularly at-risk from COVID-19 should reduce exposure by staying at home, not physically going to work, and not doing their own shopping if possible. People particularly at risk of complications from COVID-19 include those 60 years and older and individuals of any age with a serious underlying medical condition. Household members of those who are at elevated risk should implement these more stringent guidelines as well, to the extent possible.

- b. Anyone more likely to be contagious with COVID-19 should not leave home except to obtain medical care or to get fresh air. People who are more likely to be contagious include individuals exhibiting symptoms of COVID-19, including coughing, shortness of breath, and fever.

3. Social Distancing. Everyone currently in the City of Unalaska (the "City") has the personal responsibility to limit the number of contacts with individuals outside their household. Limited activity outside of the residence is recommended. When leaving their residence, individuals should continue to follow state mandates and maintain social distancing of at least six feet from any person outside their household, whenever possible. Individuals are also encouraged to practice recommended hygiene, including regular hand washing.

4. Face Coverings. All customers and visitors of businesses and organizations that are open and operating must wear face masks covering their nose and mouth to provide additional protection for employees and customers. The face coverings need not be medical-grade masks or N95 respirators, but can be cloth face coverings. Face masks may be temporarily removed as necessary and incidental to utilizing the business or service.

A cloth face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. A cloth face covering may be factory-made or sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts or towels.

A business owner or operator may refuse admission or service to any individual who fails to wear face coverings as required by this resolution.

5. Traveler Quarantine. A person traveling into the City of Unalaska by vessel or airplane must self-quarantine for 14 days upon arriving at their destination and monitor for symptoms of illness. During travel and following the quarantine period, adherence to CDC guidance, State of Alaska mandates, and local orders or resolutions is required. This includes appropriate social distancing measures and adherence to face covering requirements. People traveling for critical business purposes are required to follow all State of Alaska health mandates including complying with their approved state plans.

- a. Critical workforce employees must self-quarantine immediately upon arrival unless their employer has filed the required protocol with the City as required at paragraph 6.
- b. All workers under the critical workforce exception are required to self-quarantine during non-work hours within the 14 day time period.
- c. Patients or travelers whose final destination is not Unalaska/Dutch Harbor are required to self-quarantine during their stopover in Unalaska/Dutch Harbor, but not remain here for the entire 14 day time period. This includes, but is not limited to, air travel.
- d. Alaska Marine Highway System day travelers are exempt from required self-quarantine during their stopover in Unalaska/Dutch Harbor, but they are to follow all other local orders and resolutions, and State mandates. Alaska Marine Highway System travelers arriving to Unalaska/Dutch Harbor as their final destination or who are transferring to air travel after arriving to Unalaska/Dutch Harbor must self-quarantine upon arrival.

e. Anyone who is required to self-quarantine must adhere to the following:

- 1) You may leave your designated quarantine location only for medical emergencies or to seek medical care.
- 2) Do not visit any public spaces, including, but not limited to: stores, pools, meeting rooms, fitness centers or restaurants.
- 3) Do not allow visitors in or out of your designated quarantine location other than a physician, healthcare provider, or individual authorized to enter the designated quarantine location by Unified Command.
- 4) Comply with all rules or protocols related to your quarantine as set forth by your hotel or rented lodging.
- 5) If you are required to self-quarantine and there are other individuals in your residence, hotel room, or rented lodging, you are required to comply with social distancing guidelines, sanitize regularly touched surfaces, and follow CDC best practices for hand washing.

6. Essential Services/Critical Infrastructure State Protocols. Businesses identified as “essential services” or as “critical infrastructure” and operating in the City shall submit all protocols or plans required by State of Alaska Health Mandates to the Unalaska Department of Public Safety. These plans are to be submitted as soon as possible after filing these protocols or plans with the State of Alaska and regardless of whether the State review of those protocols or plans has been completed. Businesses shall also provide the City confirmation of the State’s approval of its plan or protocol no more than three days after receiving such approval. In the event a business plan or protocol requires amendment or is rejected by the State, the business submitting that plan or protocol must notify the City no more than 48 hours after receiving the State’s notification of deficiency. Such businesses shall submit their plans, protocols, or relevant notifications to the City of Unalaska by email to COVID19PLANS@ci.unalaska.ak.us. The definitions of “essential services” and “critical infrastructure” may be found in the Alaska Essential Services and Critical Workforce Order, Amended May 5, 2020. The requirements and definitions in the May 5 Order apply to businesses doing business in Unalaska regardless of any modifications or revocations of the Order or Health Mandate 10, with the exception of Section 1, Mandatory Closures.

7. Business COVID-19 Protection Measures and Protocols. All businesses and organizations open and operating within the City shall comply with all relevant State of Alaska Health Mandates. All businesses and organizations which are open to members of the public at a physical location within the City, shall post “COVID-19 Protection Measures and Procedures” on all entrances to and exits from the business. The “COVID-19 Protection Measures and Procedures” shall include, at minimum:

- a. The sanitation measures taken by the business or organization to prevent the spread of COVID-19.
- b. The social distancing measures taken by the business or organization to prevent the spread of COVID-19.
- c. The description of a process for obtaining goods or services from the business or organization without entering the business, if such a process is at all feasible.

- d. A contact number for individuals to report any violations of these measures to the owner or designee.
- e. Clearly state that any person with symptoms consistent with COVID-19 may not enter the premises.
- f. Shuttles, van services and taxis shall clearly state that the total number of passengers shall be limited to three.

A "business" for purposes of this rule does not include state, federal or municipal government operations or facilities.

This resolution shall expire on June 10, 2020. The City Council may extend it as necessary, or the City Manager may extend it or amend it pursuant to the emergency management powers under Unalaska Code of Ordinances § 2.96 and Resolution 2020-16.


Effective Date. This resolution shall be effective noon on May 27, 2020.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on May 26, 2020.



Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:



Marjie Veeder, CMC
City Clerk



MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: May 26, 2020
Re: Resolution 2020-36: Continuing measures to protect public health

PREVIOUS COUNCIL ACTION: Council approved Resolution 2020-17 on March 24, 2020. The focus of Resolution 2020-17 was on hunkering down, traveler quarantine and the closure of non-essential business. The resolution expired April 15. The date was set so that Council could reconsider the action at the April 14 Council Meeting.

Council approved Resolution 2020-19 on April 14, extending and clarifying the orders outlined in Resolution 2020-17, and instituted additional measures protecting the public health. The resolution expired April 29, 2020. The date was set so that Council could reconsider the action at the April 28 Council Meeting.

Council approved Resolution 2020-25 on April 28, extending the orders in Resolution 2020-19. This resolution expired May 13, 2020. The date was set so that Council could reconsider the action at the May 12 Council Meeting.

Council approved Resolution 2020-34 on May 12, extending the orders in Resolution 2020-25 and replaced the “Hunker Down” section with a “Social Distancing” section. This resolution expires May 27, 2020. The date was set so that Council could reconsider the action at the May 26 Council Meeting. Also on May 12, Council discussed the topic of Cruise Ships and the Alaska Marine Highway System passengers.

BACKGROUND: The nation, State and our City are in a state of emergency and in the midst of a public health crisis. New and updated State Mandates are coming out on a regular basis, and the State is beginning to ease back on state wide restrictions. Unalaska is remote, has limited local healthcare resources, and is home to numerous businesses supporting “essential services” or “critical infrastructure”. Our EOC is striving to follow the State’s guidance as much possible while still addressing the unique needs of our local population.

Additionally, the Alaska Marine Highway System is now operating its ferry, with four planned visits to Unalaska/Dutch Harbor. The first of the monthly visits is expected on June 6. State Mandate 18 opens up the ability to travel between communities in Alaska, with specific mention of Alaska Marine Highway System. However, Unalaska has a 14-day quarantine requirement for individuals arriving in the community.

As with the last few Council resolutions addressing protective measures, Resolution 2020-36 addresses what is different locally from statewide mandates or additional protective measures specific to our community. This resolution addresses Alaska Marine Highway System passengers.

DISCUSSION: The resolution is set expire June 10 but may be amended or extended as necessary, and will be revisited at the June 9, 2020 Council meeting.

There is one key change from Resolution 2020-34 to 2020-36 regarding the **Traveler Self Quarantine**. This section remains, is stronger than the State Mandates, and is supported by our local public health care professionals as an effective tool in limiting the spread of the virus. The recent Dillingham case demonstrates this fact quite well. The proposed change in this section, however, is in regards to *day travelers* on the Alaska Marine Highway System.

Alaska Marine Highway System day travelers are limited to those individuals arriving on one of the four scheduled ferry visits and who will be departing on the ferry that same day. Generally speaking, these are individuals who need to shop for essential goods or obtain essential services in Unalaska. Such travel for goods and services is largely limited to the business community, which has protective measures in place. All other passengers would still need to self-quarantine. There are several ways to look at this situation, and alternatives are outlined later in this memo.

Besides the **Traveler Self Quarantine**, the following items from previous resolutions remain in Resolution 2020-36, with the revisions noted:

- **Face Coverings** - Customers and visitors of businesses and organizations must wear a covering over their noses and mouth (*no change*).
- **State Approved Plan Submittal** - Business that are required to submit plans to the State, must submit those to the City (*minor revision made for increased clarification and improved coordination with changing mandates*).
- **Protective Protocols** - All businesses open to the public must post their basic measures to protect the public health on their doors (*revisions to make requirement this apply to all businesses open to the public for improved coordination with changing mandates*).

ALTERNATIVES: Council may choose to approve, amend or disapprove this resolution.

If Council wishes to address **Traveler Self Quarantine** differently than as proposed in Resolution 2020-36, alternatives to consider, including potential replacement wording to paragraph 5d, are provided below:

1. Delete section 5d in its entirety. This is the most restrictive approach, far stronger than state mandates, specifically Mandate 18.
2. Delete and replace Section 5d with alternative wording exempting all travels on Alaska Marine Highway System from local self-quarantine requirements. This is stronger than state Mandate 18, but exempts all passengers for the State's Alaska Marine Highway System. Alternate wording is as follows:

d. Alaska Marine Highway System travelers are exempt from required self-quarantine upon arrival in Unalaska/Dutch Harbor, but they are to follow all other local orders and resolutions, and State mandates.

3. Delete Section 5 altogether. This is the least restrictive approach. The City would only be following state mandates in regard to local quarantine requirements.

FINANCIAL IMPLICATIONS: Unknown at this time.

LEGAL: This resolution, like all the other resolutions Council has considered during this pandemic, was drafted in close collaboration with the Sam Severin, one of our City Attorneys. Additionally, Sam has provided the following information and plans to be on the telephone for any necessary discussion during the Council meeting:

The State Constitution intended to provide for maximum local self-government, and to give a liberal construction to the powers of local government units. It remains an open legal question whether the Governor's emergency powers preempt, or "trump" local laws regarding the response to the pandemic. Many local governments have chosen to be more restrictive than the State, and no formal challenge has been brought. Previous state mandates contained language specifically stating that the mandates superseded local laws on the same topic. The legal effect of those statements is not entirely clear, but the City's previous resolutions were drafted with those restrictions in mind. State Health Mandate 18 impliedly limits local control, but does not expressly state that it "supersedes" local law. The State recently released General Phase 3/4 Guidance, which specifically stated "Communities may still elect to keep in place travel restrictions. Some Alaskan communities may wish to extend restrictions on non-essential travel into their communities for health reasons." This is a deliberate departure from previous attempts to minimize local government power. Local laws should continue to be narrowly tailored so as to accomplish the safety goals with the least impact on people's lives and the economy.

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to approve Resolution 2020-36.