

CITY OF UNALASKA  
UNALASKA, ALASKA

RESOLUTION 2020-38

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, on May 26, 2020, the Unalaska City Council passed Resolution 2020-36, extending certain requirements that apply locally to protect the public health; and

WHEREAS, that order expires automatically, by its terms on June 10, 2020; and

WHEREAS, as of June 4, 2020, there were 513 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, as of June 4, 2020, there were 3 known positive test results 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. 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](mailto: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 plan submission 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 Mandates 10, 10.1 or 18.

**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 24, 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.

Violation of this resolution is punishable as a misdemeanor under Unalaska Code of Ordinances § 2.96.090 and is a Public Nuisance, subject to the remedies in Unalaska Code of Ordinances, Title 11, Chapter 8, including prosecution as a minor offense.

**Effective Date.** This resolution shall be effective noon on June 10, 2020.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on June 9, 2020.

  
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Vincent M. Tutiakoff, Sr.  
Mayor

ATTEST:

  
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Marjie Veeder, CMC  
City Clerk



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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Erin Reinders, City Manager  
Date: June 9, 2020  
Re: Resolution 2020-38: Continuing measures to protect public health

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**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 expires 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 replace the “Hunker Down” section with a “Social Distancing” section. This resolution expired 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.

Council approved Resolution 2020-36 on May 26, extending and clarifying the orders the orders in Resolution 2020-34 and specifically addressing the Alaska Marine Highway System. This resolution expires June 24, 2020. The date was set so that Council could reconsider the action at the June 23 Council Meeting.

**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.

State Mandate 10 has been revised to reduce traveler quarantine requirements. The new Mandate, 10.1 goes into effect June 6 at 12:01 AM. It still contains a 14 day quarantine requirement, but provides exceptions for people who provide negative SARS-CoV2 PCR tests, and for critical workforce following an approved plan. Unalaska has local quarantine requirement for 14 days for individuals arriving to the community.

As with the last few Council Resolutions addressing protective measures, Resolution 2020-38 addresses what is different locally from statewide mandates or additional protective measures specific to our community.

**DISCUSSION:** The resolution is set expire June 24 but may be amended or extended as necessary, and will be revisited at the June 23, 2020 Council meeting.

The following items from previous resolutions remain in Resolution 2020-38, with the revisions noted:

- **Face Coverings** - Customers and visitors of businesses and organizations must wear a covering over their noses and mouth (*no change*).
- **14 Day Traveler Self Quarantine** - Individuals traveling into the City by vessel or airplane must self-quarantine, with limited exceptions (*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 business open to the public must post their basic measures to protect the public health on their doors (*no change*).

As the state revises its mandate regarding traveler quarantine, state health officials still maintain that the 14 days is the most effective protective approach. Given unique location and the fact that we now have new positive cases on island, this protective measure is supported by members of the local Unified Commend at this time. Although alternatives that incorporate testing and reduce the self-quarantine time period do exist, they are not as effective and would increase pressure for testing supplies and local capabilities.

Community outreach, education and voluntary compliance remain our primary means of enforcement and implementation of these resolutions outlining protective measures. In fact, these have been the primary tool throughout the State. One can recognize that as state reduces restrictions and as local protection measures are extended this voluntary compliance may become challenging. This resolution includes additional wording that strengthens the ability for citations to be issued if necessary.

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

If Council wishes to address **Traveler Self Quarantine** differently than proposed in Resolution 2020-38, alternatives are provided below:

1. Add a new sub-section to Section 5 to provide an alternative to the 14 day traveler self-quarantine. Potential additional wording is as follows:

*f. Self-quarantine may be reduced to 7 days, if upon arrival in Unalaska the traveler tests negative for COVID-19 and tests negative again at the end of the 7 day period.*

2. Delete Section 5 altogether. The City would only be following state mandates in regard to quarantine and testing 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 Sam Severin, one of our City Attorney's. Additionally, Sam has provided the following information. He also plans to be on the line 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, local laws regarding the response to the pandemic. Previous state mandates contained language specifically stating that the mandates superseded local laws on the same topic. On May 19, the State 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 was a deliberate departure from previous attempts to minimize local government power. The recognition of more restrictive local laws has been reiterated since then by the administration. 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 2020-38.