

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-73

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 the 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 implemented several health mandates and recommendations 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 November 6, 2020, Governor Dunleavy issued a new 30-day Declaration of Public Health Disaster Emergency, effective November 16 to December 15; and

WHEREAS, on November 10, 2020, the Unalaska City Council passed Resolution 2020-71, extending the local emergency declaration through June 30, 2021, to allow the City to continue to take necessary actions to reduce the impact and spread of the coronavirus known as COVID-19 in the City of Unalaska; and

WHEREAS, beginning on March 24, 2020, the Unalaska City Council has passed resolutions instituting additional local public health protective measures; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) have issued public health guidance, including the social distancing measures, the recommendation that everyone wear a cloth face covering when in public settings where social distancing measures are difficult to maintain, and that certain individual take greater precautions; 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 to meet the needs of all community members and essential workforce employees; and

WHEREAS, as of November 18, 2020, there were 25,588 (residents and non-residents) cumulative known COVID-19 cases in the state, including travel-related cases in geographically isolated and remote communities; and

WHEREAS, as of November 18, 2020, 107 patients have tested positive locally in 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, 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:

1. Outbreak Health Orders. Everyone in the City of Unalaska (the City) must follow all outbreak health orders issued by the State of Alaska. Review local requirements carefully as some are more restrictive than state outbreak health orders.

2. 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 a face covering as required by this resolution.

3. Traveler Quarantine. A person traveling into the City by vessel or airplane, from another community or port, 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 health orders, and local orders and 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 orders including complying with their approved state plans.

- a. Employees of businesses engaged in Essential Services or Critical Infrastructure industries, traveling to Unalaska to provide such services, must self-quarantine

immediately upon arrival. If their employer has filed the required protocol with the City as required at Section 4, critical workforce employees may work during their self-quarantine period in accordance with that protocol. All workers under this critical workforce exception are required to self-quarantine during non-work hours within the 14 day time period. See *Section 4, definition of Essential Services and Critical Infrastructure Industries*.

- b. Patients or travelers arriving in Unalaska/Dutch Harbor, whose final destination is not Unalaska/Dutch Harbor, are required to self-quarantine during their stopover, but not remain here for the entire 14 day time period. This includes, but is not limited to, air travel.
- c. For individuals arriving on a vessel, time spent at sea is credited to the 14 day quarantine period. The time at sea is counted from the time of departure from the last location at which a crew member disembarked the vessel, provided that no one has boarded the vessel in that time. Vessel captains shall maintain a ship's log or equivalent record demonstrating compliance with Outbreak Health Order No. 5 and appendices, when applicable, and detailing all activities at port or contact with other vessels or personnel during the time for which they seek credit for time at sea. For vessels that have been at sea more than 14 days and no one has disembarked or boarded the vessel, no quarantine is required unless individuals are showing symptoms of COVID-19, including, but not limited to fever, chills, or respiratory symptoms. Vessels at sea for less than 14 days, where no one has disembarked or boarded the vessel, may complete their quarantine in port as long as quarantine is not broken for the remainder of the 14 days.
- d. Anyone who is required to self-quarantine must adhere to the following:
 - 1) A person in self-quarantine may leave the designated quarantine location for:
 - i. medical emergencies or to seek medical care;
 - ii. to travel in the person's personal vehicle or vessel, individually or with members of the person's household, without contacting others, so long as the person goes directly from the quarantine location to the vehicle or vessel and directly back to the quarantine location; and
 - iii. to participate in outdoor recreational activities (i.e. fishing, hiking) individually or with members of the person's household, without contacting others, so long as the person goes directly from the quarantine location to the recreational activity and directly back to the quarantine location.
 - 2) A person in self-quarantine may not visit any public spaces, including, but not limited to stores, pools, meeting rooms, fitness centers or restaurants.
 - 3) Visitors are not allowed in or out of the 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 a person is required to self-quarantine and there are other individuals in their residence, hotel room, or rented lodging, all persons in the quarantine location

must comply with social distancing guidelines, sanitize regularly touched surfaces, and follow CDC best practices for hand washing.

4. 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 Outbreak Health Order No. 5 to the City. 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 the State discontinues its requirement of submitting business protocols under Outbreak Health Order No. 5, businesses operating in Unalaska shall submit COVID-19 mitigation plans directly to the City, in a format substantially similar to that required by the State, or in a format approved by the City. Such businesses shall submit their plans, protocols, or relevant notifications to the by email to COVID19PLANS@ci.unalaska.ak.us.

The City has adopted by reference the Alaska Essential Services and Critical Workforce Order, Amended May 5, 2020 for purposes of defining “Critical Workforce,” “Essential Services,” and “Critical Infrastructure.” The definitions in the May 5 Order apply to businesses doing business in Unalaska regardless of the revocations of the State Health Mandates 10, 10.1 and 18. The definitions are restated herein as follows:

Essential Services and Critical Infrastructure industries and entities include:

- a. “Healthcare Operations and Public Health,” which includes:
 - 1) Hospitals, clinics, home healthcare services and providers, mental health providers, dental emergency services, and other healthcare facilities.
 - 2) Pharmacies, companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, consumer health products, medical devices, diagnostics, equipment, services, or any related and/or ancillary healthcare services.
 - 3) Veterinary care and healthcare services provided to animals.
 - 4) Businesses performing mortuary, funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers. These businesses are required to maintain compliance with Health Mandates relating to social distancing.
 - 5) “Healthcare Operations” does not include fitness and exercise gyms or similar facilities.
- b. “Critical Infrastructure,” which includes:
 - 1) Public Works, including businesses providing any services or performing any work necessary to the operations and maintenance of public works, such as the Port of Alaska, public works construction, airport operations, water, sewer, gas, electrical, oil production, mining, logging, roads and highways, public transportation, and solid waste collection and removal.
 - 2) Transportation/Logistics, including airlines, railroads, taxis, private transportation providers, and public and private mail and shipping services.
 - 3) Technology/Communications, including businesses providing any services or performing any work necessary to the operations and maintenance of internet and telecommunications systems (including the provision of essential global, national,

and local infrastructure for computing services, business infrastructure, communications, and web-based services).

- 4) Essential Construction, commercial construction, renovation or repair, including construction of housing.
 - 5) Critical Manufacturing, including manufacture of products needed for medical supply chains and supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, wood products, commodities used as fuel for power generation facilities, operation of dams, water and wastewater treatment, processing of solid waste, emergency services, and defense. Manufacturing of materials and products needed for medical equipment and personal protective equipment. Businesses necessary for mining and production of minerals, oil, and associated essential supply chains.
 - 6) Food and Agriculture, including grocery stores, supermarkets, food banks, convenience stores, animal/pet food and supply stores, and other establishments engaged in the retail sale of food, beverages, and other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries but also sell other non-grocery products. Food and agriculture, cultivation, including farming, livestock, fishing and processing. This includes manufacturers and suppliers of food and items necessary to support of the Food and Agriculture industry. This includes farmers markets where vendors sell directly to consumers only agricultural products, food items, soaps, and sanitizers.
 - 7) Home Emergency and Safety, including establishments that sell products necessary to maintaining the safety, sanitation, and essential operation of residences or provide home emergency/safety equipment and gear including products for personal protection.
 - 8) Fishing, including persons engaged in subsistence fishing and in the fishing industry including the fisherman, processors, guides, and transporters of the fish as well as those under contract with the fisherman, processors, guides, and transporters for provisioning.
- c. "Financial services sector," which includes workers who are needed to: process and maintain systems for processing financial transactions and services, such as payment, clearing and settlement services, wholesale funding, insurance services, and capital markets activities; provide consumer access to banking and lending services, including ATMs, movement of currency (e.g., armored cash carriers); support financial operations, such as those staffing data and security operations centers, appraisals and titling, and key, third-party providers who deliver core services.
- d. "Public Safety," which includes:
- 1) "First Responders," including emergency management, emergency dispatch, and law enforcement.
 - 2) "Corrections," including Department of Corrections, jails and detention facilities, and probation offices.
 - 3) "Government Agencies," including Court systems, Office of Children's Services personnel acting in an official capacity, Public agencies responding to abuse and neglect of children, elders, and vulnerable adults, and Department of Defense Personnel returning from temporary duty or engaging in mission essential travel. This includes functions related to returning inmates being released to the place of arrest.

- e. "Essential Governmental Functions," which includes all services needed to ensure the continuing operation of government agencies including providing for the health, safety, and welfare of the public.
- f. "Essential Business," which includes:
 - 1) Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - 2) Newspapers, television, radio, and other media services;
 - 3) Gas stations and auto-supply, auto-repair, bicycle-repair, and related facilities;
 - 4) Hardware stores;
 - 5) Plumbers, electricians, exterminators, mechanics, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, transportation, and critical infrastructure;
 - 6) Businesses providing mailing and shipping services, including post office boxes;
 - 7) Educational institutions facilitating distance learning;
 - 8) Laundromats, dry cleaners, and laundry service providers;
 - 9) Restaurants and other facilities that prepare and serve food, subject to other applicable Health Mandates and Attachments.
 - 10) Businesses that supply products needed for people to work from home;
 - 11) Businesses that supply other essential businesses with the support or supplies necessary to operate;
 - 12) Businesses that transport goods to grocery stores, supermarkets, convenience stores, engaged in the retail sale of food, household consumer products, delivery of fuel, or other services directly to residences or other critical industries outlined in this health mandate;
 - 13) Home-based care for seniors, adults, or children;
 - 14) Residential facilities and shelters for seniors, adults, and children;
 - 15) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
 - 16) Childcare facilities, subject to new recommendations for increased hygiene and social distancing. Only those who need childcare to work at a critical job should use childcare facilities.

5. 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 Orders. All businesses and organizations, other than state, federal or municipal government facilities, 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. A 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.

6. Penalties. 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.

7. Effective Date; Expiration. This resolution shall be effective at noon on November 25, 2020 and expires at noon on December 9, 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 2020-71.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on November 24, 2020.



Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:



Roxanna F. Winters CMC
Deputy Clerk



MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: November 24, 2020
Re: Resolution 2020-73: Continuing measures to protect public health

SUMMARY: Council has been considering resolutions instituting local mitigation strategies to protect the public health. Focus remains on what we can do to protect the health of our community and not overwhelm our health care system. By doing so, we also protect our local economy. We have demonstrated that mitigation strategies work, and it is important that we remain diligent in our efforts.

PREVIOUS COUNCIL ACTION: 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.

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.

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.

Council approved Resolution 2020-25 on April 28, extending the orders in Resolution 2020-19. This resolution expired May 13, 2020.

Council approved Resolution 2020-34 on May 12, extending the orders in Resolution 2020-25 and replacing the "Hunker Down" section with a "Social Distancing" section. This resolution expired May 27, 2020. 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 in Resolution 2020-34 and specifically addressing the Alaska Marine Highway System. This resolution expired June 10, 2020.

Council approved Resolution 2020-38 on June 9, extending and clarifying the orders in Resolution 2020-36 and removed the reference to the Alaska Marine Highway System. This resolution expired June 24, 2020.

Council approved Resolution 2020-41 on June 23, extending the orders in Resolution 2020-38 and allowing for individuals in traveler self-quarantine to go outside or in their personal vehicles and vessels with certain limitations. This resolution expired July 15, 2020.

Council approved Resolution 2020-45 on July 14, extending the orders in Resolution 2020-41 and clarified that time at sea counted toward the 14 day traveler self-quarantine time period. This resolution expired July 29, 2020.

Council approved Resolution 2020-49 on July 28, extending the orders in Resolution 2020-45, and removed a number of the "whereas" background statements to focus on the mitigation strategies and reduce the length of the document. This resolution expired August 12, 2020.

Council approved Resolution 2020-51 on August 11, extending the orders in Resolution 2020-49. This resolution expired August 26, 2020.

Council approved Resolution 2020-54 on August 25, extending the orders in Resolution 2020-51. This resolution expired September 9, 2020.

Council approved Resolution 2020-58 on September 8, extending the orders in Resolution 2020-54. This resolution expired September 23, 2020.

Council approved Resolution 2020-63 on September 22, extending the orders in Resolution 2020-58. This resolution expired October 14, 2020.

Council approved Resolution 2020-66 on October 13, extending the orders in Resolution 2020-63. This resolution expired October 28, 2020.

Council approved Resolution 2020-70 on October 27, extending the orders in Resolution 2020-66. This resolution expired November 11, 2020.

Council approved Resolution 2020-71 on November 10, 2020 extending the local declaration of the public health emergency through June 30, 2021. On that same date, Council approved Resolution 2020-72, extending the orders in Resolution 2020-70 and revising it to provide additional clarity if there is a change the State's declaration of emergency. This resolution expires November 25, 2020. The date was set so that Council could reconsider the action at the November 24 Council Meeting.

BACKGROUND: The nation, state and our city are in a state of emergency and in the midst of a public health crisis. On November 6, the Governor announced a new 30-day Public Health Disaster Emergency, effective November 16 and extending to December 15, 2020.

Previous Governor Mandates and related state measures have been revamped into COVID-19 Outbreak Health Orders.

- *Outbreak Health Order 1: Suspension of Laws.* This lists the statutes, regulations and orders of state agencies that have been suspended so that they do not prevent, impede or delay actions necessary to cope with the public health crisis.
- *Outbreak Health Order 2: Courtesy Licenses Telehealth Background.* This encourages the use and availability of telehealth providers.
- *Outbreak Health Order 3: Shareholders Meetings.* This allows corporations, including Native Corporations, to hold meetings and take actions through electronic communications.

- *Outbreak Health Order 4: Non-congregate Sheltering.* This allows for the use of Non-Congregate shelter solutions, such as hotels and college dormitories to provide temporary shelter for specific populations, including homeless individuals and healthcare workers.
- *Outbreak Health Order 5: Critical Infrastructure.* This order, and the details in the appendices, provide clear guidance for critical infrastructure businesses operating in the State of Alaska.
- *Outbreak Health Order 6: International and Interstate Travel.* This provides details on requirements for travelers entering the State of Alaska.
- *Outbreak Health Order 7: Online Ticket Sales.* This allows for the online ticket sales of raffles and contests so that the proceeds may benefit charities in Alaska.
- *Outbreak Health Order 8: Intrastate Travel.* This order provides guidance for intrastate travel. This also makes it clear that in-state travel is allowed for all purposes, however local communities may enact their own requirements and rules for travelers. Health Order No. 8, while very deferential to local communities, creates certain limits which are already incorporated into Unalaska's protective measures. For example, local communities must continue to allow Critical Infrastructure Workers and law enforcement officers to travel in furtherance of their work. Health Order No. 8 also includes testing recommendations for travel to rural communities. Because Unalaska is currently considered to be on the Marine Highway system, the Health Order does not require testing to travel to Unalaska. People traveling from Unalaska to rural communities would have to following the testing protocols in Health Order No. 8.

Cases are rapidly increasing throughout the State of Alaska and beyond. There is increasing demand on hospital and ICU beds as well as the need for health care professionals. We must all continue to be diligent in our efforts to keep ourselves and community healthy, and to not overwhelm the health care system. Additionally, we must do all we can to keep businesses and schools open.

We have demonstrated that mitigation strategies work, and understand that no one tool is enough. Hand washing, face coverings, getting the flu shot, keeping social circles small, and social distancing measures are effective strategies and things we can all do to help. These strategies are further complimented by other tools such as testing and contract tracing. The mitigation strategies outlined in local resolutions (face coverings, quarantine, and safety protocols) are all other tools aimed to help us keep our community and economy healthy.

If we develop widespread and community spread of the virus locally, and increase our local risk level to HIGH, additional mitigation strategies may be considered. These would be considered by City Council and would likely include business closures (particularly bars and in person dining at restaurants), limits to public gathering sizes, and a return to hunkering down. Private businesses and organizations would implement their response measures as well. This includes the school, which would transition to home based learning. The City would further limit access to public facilities.

DISCUSSION: Resolution 2020-73 is set expire December 9, 2020 but may be amended or extended as necessary, and will be revisited at the Council Meeting on December 8, 2020.

Many references to State and Governor Mandates now reference State of Alaska Outbreak Health Orders to reflect the recent change in the state regulatory scheme.

The following protective measures from previous resolutions remain in Resolution 2020-73, with the revisions noted:

- **Face Coverings** - Customers and visitors of businesses and organizations must wear a covering over their nose and mouth. This section has not been changed.
- **14 Day Traveler Self Quarantine** - Individuals traveling into the City by vessel or airplane must self-quarantine, with limited exceptions. Some clarification has been added to address employees engaged in Essential Services or Critical Infrastructure industries and traveling to provide such services. A reference has been added to the definitions of Essential Services and Critical Infrastructure Industries now included in this resolution.
- **Essential Services/Critical Infrastructure Protocols** – The state is no longer referencing the Alaska Essential Services and Critical Workforce Order. Instead, Outbreak Health Order No. 5 refers to U.S Department of Homeland Security (Cyber and Infrastructure Security Agency) Memorandum regarding Critical Infrastructure Workers. The list of essential services in the Homeland Security document is even longer than the state’s former order, which then contained many occupations and services that were inapplicable in Unalaska.

In Resolution 2020-71, Unalaska adopted the May 5 Alaska Essential Services and Critical Workforce Order by restating the entire definition section to take steps to distance itself from the need for any state regulations, not knowing then whether any would be in place.

Section 4 of the resolution has not been revised. It is unclear whether the State’s adoption of the Homeland Security list will continue past the current emergency duration. In the future, it may be necessary to include the federal list or adopt it by reference. The current list likely includes all critical services that are needed in Unalaska.

The lengthy definition in the current resolution may be altered, amended, or simply adopted by reference in future resolutions to make the document shorter and clearer to the public. During the current transition at the state level, it should remain in place.

- **Protective Protocols** - All business open to the public must post their basic measures to protect the public health on their doors. This section has not been changed.

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

FINANCIAL IMPLICATIONS: Unknown at this time.

LEGAL: This resolution, like all the other resolutions protecting public health that Council has considered during this pandemic, was drafted in close collaboration with Sam Severin, one of our City Attorneys.

STAFF RECOMMENDATION: With heavy consideration of our local health care professionals, the City Manager recommends approval.

PROPOSED MOTION: I move to approve Resolution 2020-73.