

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-41

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 expired 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 expired automatically, by its terms on June 10, 2020; and

WHEREAS, on June 9, 2020, the Unalaska City Council passed Resolution 2020-38, extending certain requirements that apply locally to protect the public health; and

WHEREAS, that order expires automatically, by its terms on June 24, 2020; and

WHEREAS, as of June 19, 2020, there were 722 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 19, 2020, there were 8 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 a face covering 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. 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 July 15, 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 24, 2020.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on June 23, 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: June 23, 2020
Re: Resolution 2020-41 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 businesses. 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 replacing 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 passengers of the Alaska Marine Highway System.

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. The date was set so that Council could reconsider the action at the June 9 Council Meeting.

Council approved Resolution 2020-38 on June 9, extending and clarifying the orders the orders in Resolution 2020-36 and removed reference to 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 has eased back on a number of the state wide restrictions.

The state has significantly loosened restrictions in an effort to restart the economy, but State Health Mandates still provide protective requirements that apply locally. Of particular interest is Mandate 10.1, regarding traveler quarantine requirements that went into effect on June 6, 2020. It still contains a 14 day quarantine requirement for those coming in from out of state, but provides exceptions for people who provide negative SARS-CoV2 PCR tests, and for critical

workforce following an approved plan. Companies with workers deemed critical under the Alaska Essential Services and Critical Workforce Infrastructure Order who travel from out of state must remain subject to the Protective Plan requirements of State Health Mandate 10.1. A quarantine during nonworking hours is still required, even for critical workers. Health Mandate 10, Appendix 1 applies to all workers traveling into Alaska to work in a seafood processing plant, or onboard a processor or catcher-processor vessel. It provides six alternatives methods to quarantine, depending in part on whether the processing workers are shore-based or working on processor vessels. Appendix 1 contains detailed screening requirements for seafood processing workers, and also adopts by reference the CDC and OSHA requirements for Meat and Poultry Processing Workers and Employers.

Other State Health Mandates remain in effect as well. Health Mandate 15 regulates certain local healthcare practices. It contains detailed guidance as to certain types of procedures and types of practices. It requires “universal masking procedures” and other strict testing, screening and distancing measures to protect providers and patients.

Health Mandate 17 and Appendix 1 regulate independent commercial fishing vessels. Appendix 1 reiterates the 14 day quarantine requirement and outlines not just onboard conduct, but also contains a detailed list of requirements to limit interaction with the public at times when the fishing vessels are in communities. All fishing vessels should have a completed, signed acknowledgment of Health Mandate 17, which is found at Appendix 2.

Health Mandate 18 governs intrastate travel. As a community on the Alaska Marine Highway system, there is essentially no restriction on travel to Unalaska. The mandate does expressly allow communities to enact local travel restrictions, but the local restrictions cannot require automatic quarantine or measures that prevent travel for critical personal needs or conduct of essential services and critical infrastructure.

As with previous Council Resolutions addressing protective measures, Resolution 2020-41 addresses what is different locally from statewide mandates or additional protective measures specific to our community.

DISCUSSION: The proposed resolution is set expire July 15, 2020 but may be amended or extended as necessary, and will be revisited at the July 14, 2020 Council meeting.

The following items from previous resolutions remain in Resolution 2020-41, 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 (*no change*).
- **Protective Protocols** - All business open to the public must post their basic measures to protect the public health on their doors (*no change*).

All along we have noted that the **14 Day Traveler Self Quarantine** is one of the most effective protective measures for our community. This remains so and is still supported by our local health care professionals. Given our unique location, limited access to urgent and long term health care facilities, and the fact that we have new positive cases on island, this protective measure is also 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 medical capabilities.

Much as we experienced with the re-opening of businesses, the more we stray from State Mandates regarding the **14 Day Traveler Self Quarantine**, the more challenging the related messaging and implementation becomes. This not only adds to the City team's workload but potentially to the frustration, confusion and economic well-being of our local community members, even as this action remains a key protective measure for our community. Our local Traveler Self Quarantine requirement is now not only in addition to the State Mandate but totally different from it. When the State had been requiring 14 days for out of state travelers, Council expanded that to include those traveling from in state as well. It should be noted that even when these measures are in place, there were numerous special exceptions to this requirement particularly as they apply to employees of essential services and critical infrastructure being allowed to work with protective measures in place during that 14 day time period. The fact is that the majority of our community's businesses are designated as essential, critical or support critical infrastructure. Those that actually have to follow the 14 day self-quarantine and not work are a limited few. This 14 day period then becomes particularly challenging for those just traveling to and from Anchorage for medical appointments and who do not currently fall under the Alaska Essential Services and Critical Workforce Infrastructure Order.

As we have discussed in the past, 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 tools 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 maintains wording that provided the ability for citations to be issued if necessary.

Based on the discussion at the June 9, 2020 Council Meeting, the Department of Public Safety patrol team met and discussed the importance of bolstering their response to COVID violations. As a result, they have expanded their educational COVID outreach, and increased their contact with the community in support of promoting compliance. City personnel continue to greet arriving flights, providing incoming passengers with written information about self-quarantine requirements, and answering questions in regard to our locally mandated protective measures. A violation hotline was established to receive and respond to complaints, and on call pay has been approved to ensure that callers get the opportunity to talk with an officer in person to address their concerns. These calls and other COVID complaints that are received through the dispatch center are promptly being followed up on with officer responses and intervention. In addition, officers have committed to and are making regular contacts with all observed face-mask violations, conducting business checks to ensure that businesses are complying with locally required COVID door postings, and checking to ensure that mitigation plans are on file in instances when complaints or investigations involve critical infrastructure components.

If Council wishes for more proactive enforcement methods, we can do that. We would ask for clear guidance on what is desired. Additional resources and personnel are required to proactively look for violations, and to issue and process citations. This is not without risks to our employees. In a time of vitally important national discussions regarding the role of policing in our

communities, putting our officers in this position should not be considered lightly. At the same time, supporting measures that protect the public health are indeed a public safety concern.

In the end, it is about finding balance and identifying a sustainable approach for the community. At the same time, we must acknowledge that many of these protective measures need not be forever. It is ultimately up to the City Council to consider the health, economic, and societal impacts of these protective measures, and to adopt what you see as the best approach for our community.

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

In regards to local Traveler Self Quarantine, the following are additional alternatives for consideration or to generate discussion now and in the future:

1. Delete Section 5 altogether. The City would only be following state mandates in regard to quarantine and testing requirements.
2. Council may wish to leave the local 14 Day Traveler Self Quarantine (section 5) in the resolution. If City Council wants to then allow for essential day travels on the Alaska Marine Highway System, potential wording for a subsection to section 5 of the resolution is provided below. The next ferry is currently scheduled for July 18, following the next Council meeting.

Alaska Marine Highway System day travelers obtaining essential goods or services in Unalaska 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 in 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.

3. 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.

4. Health Mandate 10.1 addressed International and Interstate Travel. Council could expand this locally to apply to intrastate travel as well. Without local rules, intrastate travel is governed by Health Mandate 18, which has little or no restriction on intrastate travel. Council could replace the current Section 5 with wording similar to what is provided below:

Intrastate Travel. A person traveling from within the State of Alaska to Unalaska must self-quarantine for 14 days. An intrastate traveler to Unalaska may shorten the self-quarantine by meeting the SARS-CoV2 testing requirements in State Health Mandate 10.1, subsection a, b, or c. Those testing options are incorporated by reference for intrastate travel to Unalaska. Unalaska residents returning from trips of five days or less may shorten their quarantine by following the testing protocol in d.ii. of Health Mandate 10.1. The exception in Health

Mandate 10.1 for Critical Infrastructure employees also applies to intrastate travelers to Unalaska.

This section does not create redundant requirements for people traveling to Unalaska from out of state who have entered Alaska through Anchorage or other communities, and who are following State Health Mandate 10.1. It is intended to allow Alaskans to travel to Unalaska and potentially limit the fourteen day self-quarantine by following the procedures established in Health Mandate 10.1

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 Attorneys. Mr. Severin plans to be on the line for any necessary discussion during the Council meeting.

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

PROPOSED MOTION: I move to approve Resolution 2020-41.