

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-77

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 individuals 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 because 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 December 9, 2020, there were 38,707 (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 December 9, 2020, 156 patients have tested positive locally in Unalaska; and

WHEREAS, as of November 30, Unalaska's Local Risk Level was elevated to from Medium to High due to the potential of widespread exposure; 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 current health orders, mandates, or other regulations issued by the State of Alaska related to COVID-19. Review this resolution carefully, as some local requirements are more restrictive than state regulations.

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. Additionally, employees and volunteers of open businesses and organizations must wear a face mask when interacting with customers and visitors. 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. Hunker Down. Everyone in the City shall stay at home as much as possible, except for the following activities, while adhering to applicable protective measures:

- a. To go to work or school when remote work and learning is not feasible;

- b. To buy, sell or deliver essential groceries and goods;
- c. To receive or provide essential health care and services; or
- d. To get fresh air without contacting others.

4. Public Gathering Limitations. All events and gatherings are limited to 10 people. All individuals must wear face coverings and maintain six feet of physical distancing between household groups at all gatherings. Gatherings are defined as meetings or other events that bring together people from multiple households at the same time for a shared or group experience in a single room, space, or place such as auditorium, conference room, meeting hall, or other indoor or outdoor space.

5. Temporary Closure to In-Person Services at Bars and Restaurants. All bars, restaurants, and other establishments serving food or beverages within the City shall be temporarily closed for dine-in service. All buffets and salad bars are closed to self-service. A copy of this resolution, or a sign communicating the closure information, shall be prominently posted by the person in control of the establishment.

Food and beverage establishments are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing.

Food and beverage establishments subject to this section may permit up to 5 members of the public at one time in the establishment for the limited purpose of picking up food or beverage orders, so long as those individuals are at least 6 feet apart from one another while on premises and wear face coverings.

The restrictions do not apply to:

- a. Businesses that offer food and beverage not for on premises consumption, including grocery stores, markets, convenience stores, and food pantries, with the exception of their self-service buffets and salad bars.
- b. Health care facilities, childcare facilities, residential care facilities and congregate care facilities.
- c. Crisis shelters, soup kitchens or similar institutions.
- d. Employee cafeterias within a business, with the exception of their self-service buffets and salad bars.

6. 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 7, 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 7, 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. 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.

7. 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 were restated in Resolution 2020-73. The definition of Essential Services and Critical Infrastructure in Resolution 2020-73, § 4 is extended and remains effective as long as the local emergency declaration is in place unless the definition is modified.

8. 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.

9. 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.

10. Effective Date; Expiration. This resolution shall be effective at noon on December 16, 2020 and expires at noon on January 13, 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 December 15, 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: December 15, 2020
Re: Resolution 2020-77: 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 expired November 25, 2020.

Council approved Resolution 2020-73 on November 24, 2020, extending and further clarifying the orders in Resolution 2020-72. This resolution was set to expire on December 9 so that Council could reconsider the action at the December 8 Council Meeting.

In response to the change in the local risk level, Council approved Resolution 2020-74 at a Special meeting on December 1, 2020 extending the orders in Resolution 2020-73 and adding sections addressing a hunker down order, limits to public gatherings, and temporarily closing in person service at bars and restaurants.

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. The Governor now plans to issue a new emergency declaration effective until January 15, 2021. On November 10, the City Council declared a local state of emergency through June 30, 2021, and has continued passing resolutions addressing local public health protective measures for the community.

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. Locally we are experiencing multiple outbreaks and new community cases. We must all continue to be diligent in our efforts to keep our community healthy, and to not overwhelm the health care system.

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 contact tracing. The mitigation strategies outlined in local resolutions (face coverings, quarantine, and safety protocols) are other tools aimed to help us keep our community and economy healthy. As exposure to this virus increases locally, additional mitigation strategies (hunkering down, limits to gathering sizes, and closure of in person service at bars and restaurants) are also warranted and effective.

DISCUSSION: Resolution 2020-77 is set expire January 13, 2021 and will be revisited at the Council Meeting on January 12, 2021. This date coincided with the next regularly scheduled City Council meeting. This extended period includes a time of the holidays and much of the influx for A-Season. No doubt these are risky time periods for the transmitting a virus.

The question could then become what happens if the risk level is reduced before this expiration date. Since the pandemic began this has been addressed with a twostep process that includes the risk level and the community wide protective measures. Risk level is determined by the Unified Command based on cases and related information. The community wide protective measures are approved by City Council resolution. Ultimately, decisions on the content of resolutions and when those details change are policy decisions made by Council.

Options on the expiration date, and how community wide protective measures might be loosened prior to January 13, if possible, are as follows:

1. City Council could change the expiration date of Resolution 2020-77 from January 13th to December 30th and set a Special Meeting for December 29th.
2. City Council could continue with the protective measures as outlined in Resolution 2020-77 and reconsider at the January 12th meeting.
3. City Council could call a special meeting to consider loosening protective measures in response to a reduction in the local risk level.
4. City Manager could issue emergency orders loosening restrictions in response to a reduction in the local risk level.

The following protective measures from Resolution 2020-74 remain in Resolution 2020-77, 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 been revised to require employees or volunteers of businesses and organizations to wear a face covering when interacting with customers or visitors.
- **Hunker Down** - Everyone in the City is to stay at home as much as possible. This section has not changed.

- **Public Gathering Limitations** - When gathering in person is necessary, individuals are to wear face coverings and maintain distance between household groups. This has been changed to limit gatherings to no more than 10 people, a reduction from 20. The limitation is based on additional research and consultation with local public health officials.

While this section may seem to conflict with the Hunker Down section, it is designed to allow businesses and organizations to continue operating. Alternatively, Council could decide to close all non-essential businesses. However, research has indicated that limiting gatherings and temporarily closing in-person services at bars and restaurants are sound and effective approaches to mitigating transmission of the virus with less negative impact to local businesses and community well-being.

- **Temporary Closure to In-Person Services at Bars and Restaurants** - Establishments serving food and beverages are closed to in-person service. Delivery and take out options are encouraged. This section has been modified slightly to clarify that all dine-in services is not allowed, including those for the public or private parties.

Again, research has indicated that limiting gatherings and temporarily closing in-person services at bars and restaurants are sound and effective approaches to mitigating transmission of the virus, with less negative impact to local businesses and community well-being than fully closing all non-essential businesses.

- **14 Day Traveler Self Quarantine** - Individuals traveling into the City by vessel or airplane must self-quarantine, with limited exceptions. One subsection has been deleted from this section. No other changes have been made.

Given what we now know about transmission of the virus on vessels, the exception for time spent at sea to count toward the 14 day traveler quarantine has been removed. Former wording, that has now been deleted, was as follows: *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.*

The 14-day traveler self-quarantine remains the gold standard and the CDC's recommendation. Local health care professionals have reviewed the latest CDC options related to quarantine periods for those that come in close contact with individuals who test positive. These options included a 10-day quarantine with no test and a 7-day quarantine with negative test approach, in combination with monitoring for symptoms for the remainder the 14-day time period. With a 10-12% post quarantine infection rate predicted with the two CDC options, local health care professionals feel that a 10-day traveler self-quarantine with a test approach would be a step down from our current 14-day no test approach, and provides more protection than the two CDC options.

- **Essential Services/Critical Infrastructure Plan Submittal** - Business that are required to submit plans to the State, must submit those to the City. This section has not changed.
- **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 changed.

ALTERNATIVES: Council may choose to approve, amend or disapprove this resolution. Some potential alternate concepts are outlined in the Discussion portion of this memo.

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 adopt Resolution 2020-77.