

Special Meeting
Tuesday, December 15, 2020
6:00 p.m.



Unalaska City Hall
Council Chambers
43 Raven Way

Council Members
Thomas D. Bell
Darin Nicholson
David M. Gregory

Council Members
Dennis M. Robinson
Alejandro R. Tungul
Shari Coleman

UNALASKA CITY COUNCIL

P. O. Box 610 • Unalaska, Alaska 99685
(907) 581-1251 • www.ci.unalaska.ak.us

Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager
Marjie Veeder, City Clerk

Due to recommended social distancing measures to stop the spread of COVID-19 and the City Manager's Emergency Order suspending the provisions of UCO § 2.20.075, this meeting will be conducted via telephone conference and online with the ZOOM platform. A limited number of Council Members and City Staff will be in attendance. Seating for members of the public is reduced to allow for social distancing. Coverings over nose and mouth are required to be worn upon entering the building and until seated; and again when exiting.

PARTICIPATION AND TESTIMONY OPTIONS

- Attend in person, seating limited to allow for social distancing
- Listen to the meeting on KUCB TV Channel 8 or Radio Station 89.7
- Join online via ZOOM (link, meeting ID & password below); *please notify Clerk if you wish to speak*
- Join by phone (toll free numbers, meeting ID & password below); *notify Clerk if you wish to speak*
- Email comments, testimony or questions to the City Clerk (mveeder@ci.unalaska.ak.us) no later than 5:00 p.m. on the day of the meeting, to be read into the record

ZOOM MEETING LINK

<https://us02web.zoom.us/j/3547251432?pwd=Qkp3UDhqTElKWVZlbytYWlpCUmhyZz09>

Meeting ID 354 725 1432 / Passcode 8675309

TELEPHONE

Meeting ID 354 725 1432 / Passcode 8675309

Toll Free (833) 548-0276; or (833) 548-0282; or (877) 853-5247; or (888) 788-0099
Not Toll Free (253) 215-8782; or (346) 248-7799; or (669) 900-9128

AGENDA

1. **Call to order**
2. **Roll call**
3. **Pledge of allegiance**
4. **Recognition of visitors**
5. **Adoption of agenda**
6. **Awards**
 - a. Employee Anniversary Award Announcements
 - i. [Conrado Magpantay – 10 years, Department of Public Utilities](#)
 - ii. [Patrick Bliss – 10 years, Department of Public Safety](#)

- b. City Employee Annual Award Announcements
 - i. Teamwork Award
 - ii. Employee of the Year Award
- 7. **Approve minutes of previous meeting:** [November 24, 2020](#) and [December 1, 2020](#)
- 8. **Reports**
 - a. [City Manager Report](#), including:
 - i. [COVID CARES Spending Report](#); and
 - ii. [Response to Council Directive regarding City Internet Service](#)
- 9. **Community Input & Announcements** *Members of the public may make announcements of interest to the community.*
- 10. **Public testimony on agenda items** *Time for members of the public to testify or provide information to Council regarding items on the agenda. Members of the public may also speak when the issue comes up on the regular agenda by signing up with the City Clerk.*
- 11. **Work session** *Work sessions are for planning purposes, or studying and discussing issues before the Council.*
 - a. [Report from the City's Lobbyist for State issues, Dianne Blumer](#)
 - b. [Review proposed changes to UCO Title 18 Port and Port Facilities, Peggy McLaughlin, Director of Ports & Harbors](#)
- 12. **Consent agenda** *Approval of non-controversial and routine items, accomplished without debate and with a single motion and vote. Any council member may request an item be moved to the regular agenda for discussion purposes.*
 - a. [Resolution 2020-75: Establishing dates for the Fiscal Year 2022 Real Property and Business Personal Property tax collection effort](#)
 - b. [Resolution 2020-76: Adopting an alternative allocation method for the FY 2021 Shared Fisheries Business Tax Program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in the FMA 2: Aleutians Islands Area](#)
- 13. **Regular Agenda**
 - a. [Resolution 2020-77: Continuing Measures to Protect Public Health](#)
 - b. [Ordinance 2020-16: Emergency Ordinance Creating Budget Amendment #3 to the Fiscal Year 2021 Budget, Creating an Appropriation for Costs Associated with the City Response to the COVID-19 Pandemic](#)
- 14. **Council Directives to City Manager**
- 15. **Community Input & Announcements** *Members of the public may make announcements of interest to the community.*
- 16. **Adjournment**



CONRADO MAGPANTAY

The City of Unalaska
honors you for your 10 years of meritorious service
with the City of Unalaska.

Your professionalism, knowledge, skills, and dedication
have been of exceptional value to the City of Unalaska.

Your fellow staff members, Unalaska City Council and the
community thank you for your 10 years of service
with the City.

October 4, 2010 through October 4, 2020



PATRICK BLISS

The City of Unalaska
honors you for your 10 years of meritorious service
with the City of Unalaska.

Your professionalism, knowledge, skills, and dedication
have been of exceptional value to the City of Unalaska.

Your fellow staff members, Unalaska City Council and the
community thank you for your 10 years of service
with the City.

December 1, 2010 through December 1, 2020

Regular Meeting
Tuesday, November 24, 2020
6:00 p.m.



Unalaska City Hall
Council Chambers
43 Raven Way

Council Members
Thomas D. Bell
Darin Nicholson
David M. Gregory

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Council Members
Dennis M. Robinson
Alejandro R. Tungul
Shari Coleman

Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager

MINUTES

1. Call to order

Mayor Tutiakoff Sr. called the meeting of the Unalaska City Council to order on Tuesday, November 24, 2020 at 6:01 pm.

2. Roll call

Present in chambers:

Vincent Tutiakoff, Sr., Mayor
Thomas D. Bell
Shari Coleman

Present Via Telephone or Zoom:

Dennis Robinson
Darin Nicholson
Alejandro Tungul
David Gregory

Absent:

None

3. Pledge of allegiance – Council Member Coleman led the Pledge of Allegiance.

4. Recognition of visitors – Mike Gordon, Broker; Clint Campion, City Attorney; Sam Severin, City Attorney.

5. Adoption of agenda

Coleman made a motion to adopt agenda; Bell seconded.

Roll Call Vote: Gregory – yes; Coleman – yes; Tungul – yes; Nicholson – yes; Robinson – yes; Bell – yes.

Motion passed 6-0.

6. Approve minutes: November 10, 2020

Coleman made a motion to approve November 10, 2020 meeting minutes; Bell seconded.

Roll Call Vote: Tungul – yes; Gregory – yes; Robinson – yes; Bell – yes; Nicholson – yes; Coleman – yes.

Motion passed 6-0.

7. Reports

a. City Manager – in the packet.

City Manager gave an update on the Fisheries Resource Landing Tax, Department of Transportation decision to cancel scheduled large carrier flights into Cold Bay through December 1st, Ravan Air beginning regularly scheduled passenger service, and PCR video in support of Youth Basketball.

City Manager answered Council questions regarding Tsunami Sirens and the COVID-19 Water Treatment Plant testing.

- b. Financials, September 2020 – in the packet.
Interim Finance Director gave a brief overview of the Financial Report for September 2020 and answered Council questions.

8. Community Input & Announcements

The following announcements were made:

- DPS sponsoring an essay contest
- Aleutian Arts Council Coffeehouse and Shopping Extravaganza

9. Public testimony on agenda items – None

10. Work session

Coleman made a motion to enter into Work Session; Bell seconded.

Roll Call Vote: Tungul – yes; Gregory – yes; Bell - yes; Coleman – yes; Nicholson – yes; Robinson – yes.

Motion passed 6-0

- a. Report from Iliuliuk Family & Health Services Clinic on use of CARES Act Funding – Melanee Tiura, Executive Director

IFHS Executive Director gave a report about how the CARES Act Funding support has enabled the clinic to continue to serve the community during the public health emergency and discussed plans for expansion and growth.

11. Regular

Coleman made a motion to adjourn to Regular Session; Bell seconded.

Roll Call Vote: Nicholson – yes; Gregory – yes; Coleman – yes; Tungul – yes; Bell – yes; Robinson – yes.

Motion passed 6-0.

- a. Resolution 2020-73: Continuing Measures to Protect Public Health

Coleman made a motion to adopt Resolution 2020-73; Bell seconded.

Roll Call Vote: Tungul – yes; Robinson – yes; Nicholson – yes; Gregory – yes; Bell – yes; Coleman – yes.

Motion passed 6-0.

12. Council Directives to City Manager

Robinson made a motion to direct City Manager to hire an independent company to measure the bandwidth delivered compared to the bandwidth promised under the contract from the internet provider to see if what is required under the contract is being delivered. This service should be extended to the Iliuliuk Family health Services and the Unalaska City School District; Coleman seconded.

Roll Call Vote: Coleman – yes; Bell – yes; Gregory – yes; Nicholson – yes; Robinson – yes; Tungul – yes.

Motion passed 6-0.

13. Community Input & Announcements – None.

14. **Executive Session**

Bell made a motion that City Council meet in Executive Session for two items: (1) to discuss with the attorney representing the city the pending litigation titled Robinson v. the City of Unalaska, et al; and (2) to continue discussions with the City Manager regarding her Annual Review and Goals; Coleman seconded.

Roll Call Vote: Bell – yes; Nicholson – yes; Gregory – yes; Robinson – yes; Coleman – yes; Tungul – yes.

Motion passed 6-0.

10-minute break to prepare for Executive Session

- a. Discuss pending litigation, Robinson v. City of Unalaska, et al
- b. Continued discussion with City Manager regarding Annual Review and Goals

9:40 pm – Coleman made a motion to adjourn to Regular Session; Bell seconded.

Motion passed by consensus.

No action taken by Council.

15. **Adjournment**

Mayor Tutiakoff Sr. adjourned the meeting at 9:41 pm.

Marjie Veeder, CMC
City Clerk

rfw

Special Meeting
Tuesday, December 1, 2020
6:00 p.m.



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Council Members
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Darin Nicholson
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Council Members
Dennis M. Robinson
Alejandro R. Tungul
Shari Coleman

Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager

MINUTES

1. Call to order

Mayor Tutiakoff, Sr. called the special meeting of the Unalaska City Council to order on Tuesday, December 1, 2020 at 6:01 pm.

2. Roll call

Present in chambers:

Vincent Tutiakoff, Sr., Mayor
Thomas D. Bell
Shari Coleman

Present Via Telephone or Zoom:

Dennis Robinson
Darin Nicholson
David Gregory
Alejandro Tungul

Absent:

None

3. Pledge of allegiance – Council Member Bell led the Pledge of Allegiance

4. Adoption of agenda

Coleman made a motion to adopt agenda; Bell seconded.

Roll Call Vote: Gregory – yes; Coleman – yes; Tungul – yes; Nicholson – yes; Robinson – yes; Bell – yes.

Motion passed 6-0.

5. Resolution 2020-74: Continued Measures to Protect Public Health

Coleman made a motion to adopt Resolution 2020-74; Robinson seconded.

City Manager gave an overview regarding the decision of Unified Command Incident Commanders to elevate the local risk level to High in accordance to the Emergency Response Plan after the potential of widespread exposure to COVID-19 was identified in the community and answered Council questions. City Council members were asked to consider additional protective measures for the community as outlined in Resolution 2020-74.

City Manager provided Council with a summary of the communication flow and response time between the Co-Incident Commanders meeting to the time the Unified Command Group met to discuss the situation and their responses.

IFHS Director answered Council questions regarding testing and contact tracing.

Coleman made a motion to amend Resolution 2020-74 to strike item 5. *Temporary Closure to In-Person Services at Bars and Restaurants*; Bell seconded.

Roll Call Vote on motion to amend Resolution 2020-74: Nicholson – no; Gregory – no; Coleman – yes; Tungul – no; Bell – no; Robinson – no.

Motion failed 5-1.

Public comment on first motion to amend Resolution 2020-74 given by Daneen Looby, Ayla Ercin.

Bell made a motion to amend Resolution 2020-74 item 4. *Public Gathering Limitations* to strike *limited to 20 people* and insert *limited to 8 people*; Coleman seconded.

The following community members provided public comment or asked questions: Daniel Loy, Bill Shaishnikoff, Matt Scott and Reece Wayner.

City Clerk relayed a question from a Zoom participant to Council asking for details about possible citations that could be issued for violation of mandates under Public Nuisance code. Police Chief and City Attorney answered questions regarding citations.

Roll Call Vote on motion to amend: Coleman – no; Gregory – yes; Nicholson – no; Robinson – yes; Tungul – no; Bell – yes. Chairman voted no to break the tie.

Motion failed 4-3

Coleman made a motion to amend Resolution 2020-74 paragraph 6a to strike *Section 4* and insert *Section 7*; Bell seconded.

Roll Call Vote on motion to amend: Bell – yes; Nicholson – yes; Gregory – yes; Robinson – yes; Coleman – yes; Tungul – yes.

Motion passed 6-0.

Robinson made a motion to amend Resolution 2020-74 paragraph 5b to strike *congregant car* and insert *congregate care*; Bell seconded.

Roll Call Vote on motion to amend: Bell – yes; Coleman – yes; Gregory – yes; Nicholson – yes; Robinson – yes.

Motion passed 6-0.

Roll Call Vote on main motion as amended: Tungul – yes; Gregory – yes; Bell – yes; Coleman – yes; Coleman – yes; Nicholson – yes; Robinson – yes.

Motion passed 6-0.

6. **Adjournment**

Mayor Tutiakoff, Sr., adjourned the meeting at 7:59 pm.

Marjie Veeder, CMC
City Clerk

rfw

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: December 15, 2020
Re: City Manager Report

Strategic Planning: The Strategic Planning meetings planned for the week of December 7-11, 2020 were canceled due to COVID. We are now rescheduling with the facilitator to coordinate with a trip we already had planned for supervisor training, assuming the local risk level is reduced by then.

Council members must determine the week this should occur. Please let me know what dates you will be able to participate in person from the following options:

- **Option 1: Feb 18 and 19**
- **Option 2: Feb 22 and 23**
- **Option 3: Feb 25 and 26**

Again, this process will help Council set goals and focus areas for the coming year that best address community needs and your vision for the future. With added focus, this will help us use our resources more effectively and sustainability, which is especially important as we begin budget preparation for the coming year.

COVID-19 Unified Command: The City of Unalaska remains in a state of emergency and is currently at HIGH risk level. In accordance with their plan, the school has transitioned to home based learning and the City further limited access to public facilities. The Unified Command continues efforts to improve our communications. Incident Commanders (Melanee representing the Clinic and I representing the City) meet together weekly with the Mayor. We also collaborate together on community wide mitigation strategies for City Council to consider. City staff meets on a weekly basis to discuss any necessary updates. Unalaska Unified Command Stakeholders are now meeting every two weeks, in addition to special meetings as necessary. This is the same group that has been meeting since the pandemic began and includes representatives from USAFV, Industry, City, Tribe, School and the Clinic. We continue to believe this is a sustainable approach, and one that can be adapted as the situation evolves.

CARES Act: The Finance Department continues to submit monthly reports as required. There has still been no extension on the federal level to the end of year deadline for the expenditure of funds. Our federal lobbyists are monitoring for the possibility of additional federal funds, but there is nothing approved at this point. We are on track to spend all the CARES Act funds in accordance with Treasury guidance and with the spending plan approved by Council. Interim Finance Director Jim Sharpe has provided a memo with an overview. ([Please see the supplemental memo following this report.](#))

Innovative Readiness Training (IRT): As we all know, the Tribe received the IRT's Assessment Report and passed that along to both OC and the City. Chris Salts with OC, Chris Price with the Q-Tribe and I have agreed to meet on a monthly basis, at minimum, in keeping with the MOU that all parties signed in August. We are developing a presentation to summarize the report, key recommendations and action items, and ideas for future IRT support applications. We met on December 4, 2020 to review a draft. Our ultimate plan is to share this with City Council, Tribal Council and OC's Board to garner their input and identify opportunities to work together.

Finance Director: The City continues working with Alaska Executive Search (AES) out of Anchorage to assist in recruitment efforts. We held a telephonic interview with an applicant on Monday, November 2, 2020. The planned onsite visit for the week of December 1, 2020 was canceled due to COVID. We are now developing a plan to move forward. We held a panel interview with the candidate on Thursday, December 10, and are scheduling virtual meet and greets with staff for Monday, December 14. We will then plan for a short trip out for the candidate and their spouse to at least see the island. Jim Sharpe continues to serve as Interim Finance Director, and is participating in meetings remotely and remains available for staff while off island.

Directives to the City Manager: Three directives to the City Manager remain outstanding, one of which is addressed this evening as described below and in the attached memo:

- *Options for Increased Tobacco Tax (11/27/18). Ongoing.* City Clerk, Marjie Veeder has worked with our city attorneys on this complex topic. City Council discussed the Tobacco Excise Tax Ordinance, as well as potential rates and funding dedication approaches at their November 10, 2020 meeting. The Clerk plans to bring the Ordinance back to Council for the January 12, 2021 meeting. Discussion on increased sales tax for some combination of tobacco, alcohol and marijuana will be paused for now, but may come up again as we look for ways to increase overall City revenues.
- *Fiscal Sustainability Plan and Policy (5/14/19). Ongoing.* Interim Finance Director Jim Sharpe began a discussion with City Council on sustainable long term planning at the December 12, 2019 Council meeting. He provided informational material for Council to review. Staff is proceeding in looking into this issue more, as described in a previous manager reported dated November 24, 2020 separately. The Interim Finance Director plans to discuss this with Council at the January 12, 2021 City Council meeting.
- *Bandwidth Analysis (11/24/20). Addressed.* Council directed the City Manager to identify the "cost to hire an independent company to measure the bandwidth delivered compared to the bandwidth promised under the contract from the internet provider to see if what is required under the contract is being delivered. This service should be extended to the Iliuliuk Family Health Services and the Unalaska City School District." IS Supervisor, Jacob Whitaker, provided a memo addressing what is outlined in Council's directive. Basically, software is capable of measuring bandwidth. The software tool our IS Supervisor used to measure the City of Unalaska's actual bandwidth was purchased for \$100. Jake used this information to work with TelAlaska, our primary internet provider, to communicate our degraded internet service in July – October this year and provide feedback as TelAlaska worked to address the issues. TelAlaska has acknowledged our degraded internet service and will be issuing us credits toward our monthly bills for the duration of our 3 year contract (June 30, 2021). ([*Please see the supplemental memo following this report.*](#))

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: December 15, 2020
Re: CARES Act Spending Update

SUMMARY: The City of Unalaska received CARES Act funding (\$13,453,952); staff developed and is now working a spending plan to address City and community needs as a result of the pandemic. This plan is consistent with the Treasury Guidance and with City Council Resolution 2020-47.

PREVIOUS COUNCIL ACTION:

- May 26, 2020 – Approved Resolution 2020-37 receiving CARES Act grant award
- June 26, 2020 – Approved Resolution 2020-42 establishing formula for small business grants
- July 14, 2020 – Approved Resolution 2020-46 establishing amounts to be paid to local small businesses and not-for-profits
- July 14, 2020 – Approved Resolution 2020-47 establishing allocations of CARES Act spending (40% for grants, 50% for the City’s response/prevention; 10% contingency)
- July 28, 2020 – Approved two budget amendments related to CARES Act funding
- September 22, 2020 – Approved Resolution 2020-60 establishing the utility credit program for PCE eligible utility customers
- October 27, 2020 - Approved Resolution 2020-67 providing financial support to the UCSD, IFHS Clinic and Lions Club as well as support for a flu vaccine clinic

BACKGROUND: Generally speaking, CARES Act funds were to be used for the following purposes:

- Provide grant funding to City residents, businesses and not-for-profits negatively impacted by COVID-19 (Grants and Funding Support)
- Cover the cost associated with the City’s response to the Pandemic (Response)
- Cover costs associated with the prevention and anticipation of future COVID-19 related outbreaks (Prevention)

The City received \$13,453,952 in CARES Act monies from the Federal Government, passed through the State of Alaska. Based on the allocation method approved by Resolution 2020-47, CARES Act monies were to be spent as follows:

- Community support (local businesses, non-profits, residents).. \$5,381,581
- City response and prevention \$6,726,976
- Contingency \$1,345,395

DISCUSSION: In total, \$11,622,627 of CARES Act funding has been spent or encumbered to date. We are on track to spend the full \$13,453,952 of CARES Act funding by the end of the calendar year, as required. Staff has taken great care to ensure this is done in a way that is consistent with the Treasury Guidance and with City Council Resolution 2020-47. Below is an overview of the status of the spending.

Through November 30, 2020, the City has spent \$10,869,316 in CARES Act monies as follows:

Community support – local businesses & non-profits	\$5,718,589
Community support – utility credits	\$623,070
Response-related operating costs	\$1,198,916
Prevention-related project costs.....	\$275,955
Personnel costs incurred as a result of City Closure (March – May)	\$1,210,033
Response related personnel costs, Public Safety (3/1 to 6/30/20)	\$1,238,494
Response related personnel costs, Non-Public Safety	\$478,749
Personnel costs associated with federally mandated leave programs.....	\$125,510

Community Support and Contingency. Through November 30, 2020, the City has spent or allocated \$6,651,659 of the combined community support (40%) and contingency allocation (10%) totaling \$6,726,976 as outlined in Resolution 2020-47. This includes the allocated expenses associated with the utility credit program through the end of the calendar year. The utility credit program is expected to utilize approximately \$310,000 of CARES funding for the November 2020 billing cycle. Furthermore, the City has agreed to provide rental and utility credits to airport businesses for the period the airport was closed (mid-March to end of May) in the amount of \$81,930. Based on the recorded expenditures and planned credits, the amount originally allocated to community support and contingency will be exhausted.

City Response and Prevention. Through November 30, 2020, the City has spent or encumbered \$5,280,969 of the \$6,726,976 allocated in Resolution 2020-47. Additionally, it is expected that project and operating costs through December 30, 2020 will fully utilize the allocation approved by Council. It is estimated that the City will incur \$500,000 in payroll costs associated with the current City office closure and hunker down order. Based on that and the estimated remaining costs, the City expects to incur an additional \$810,317 related to their response and prevention. Significant costs related to the City’s Response and Prevention measures include: personnel costs incurred as a result of City closure (\$1,210,033), public safety personnel costs from March 1 to June 30, 2020 (\$1,238,494), initial emergency support for the clinic in anticipation of additional demands on their resources (\$500,000), response related personnel costs (\$478,749), library contract cancellation (\$223,662) and legal fees associated with health mandate updates and interpretation of COVID-19 related federal leave requirements (\$61,243). Additional items included in this area are: the isolation site, safety improvements to work spaces, cleaning supplies and related equipment.

As a result of the costs incurred and the estimated remaining costs, the City expects to incur an additional \$810,317 related to their response and prevention through December 30, 2020.

The primary projects currently in various stages of completion include:

- Improved Indoor Air Quality. Specifically, we are working to improve air quality in City buildings (City Hall, DPS, PCR, Library, Aquatics Center, DPW/DPU and the Powerhouse). Each building was evaluated and 3 Stage HEPA Air filtration systems were recommended to replace existing single stage air handling units in each of the above

buildings. The recommended filtration/disinfection system will reduce the airborne concentration of SARS-CoV-2 and other pathogens thus reducing the risk of transmission through the air (estimated cost of \$251,700).

- Improved Technology Packages. Specifically, we are working to implement an electronic timekeeping system (estimated cost of \$110,000) and a computer aided mass assessment program (\$105,000). The expectation is that by implementing these electronic systems, the City will be able to reduce the amount of paper shuffled between employees and/or City residents, thus minimizing the risk of future virus exposure.
- Backup Generators. Specifically, backup generators for City Hall, DPW and the Haystack Hill radio tower (estimated cost of \$218,000). Continued electrical service is critical to operate vital technical and communication systems. Additionally, loss of power when employees are on-site and working remotely (in the case of a health crisis, for example) would prohibit an employee to effectively utilize the city IT systems to complete their job tasks.

Public Safety personnel costs are allowable under the CARES Act, with no limitations. Initially, staff planned to treat these costs as filler to ensure that the City fully utilized the funding received. However, it became clear that at least some level of Public Safety personnel costs would be required to ensure all funds were utilized. Therefore, Public Safety personnel costs from March 1 through June 30, 2020 were charged to the grant. As we approach the end of the calendar year, further discussion will take place on what amount of Public Safety personnel costs from July 1 through December 30, 2020 will be needed to supplement other costs and ensure all funding has been expended. Currently, it is estimated that approximately \$630,000 will be available to allocate to Public Safety personnel costs.

FINANCIAL IMPLICATIONS: At this point, any unspent funds as of December 30, 2020 must be returned to the funding agency.


LEGAL: N/A

STAFF RECOMMENDATION: No formal action is required at this time. Staff will be presenting a concept on how to spend most of the remaining contingency funds in a separate memo.

PROPOSED MOTION: N/A

CITY MANAGER COMMENTS: I very much appreciate the dedication staff has demonstrated in monitoring the ever-changing Treasury Guidelines regarding the Cares Act funding, and for their efforts to ensure that we continue to meet those guidelines and implement a plan that is in keeping with Council's desired goals.

Memo

To: Erin Reinders, City Manager
From: Jacob Whitaker 
cc: Jim Sharpe, Acting Finance Director
Date: 12/02/2020
Re: Internet Quality Metrics Inquiry

Service Overview

This a summary of the internet service we currently have with TelAlaska as our primary internet connection, and how we monitor and test the service quality.

They currently provide a **20Mbps/10Mbps** dedicated internet service to the City of Unalaska. This service is *not* shared with other TelAlaska customers and is therefore considered a *dedicated* service. We're currently nearing the end a 3-year contract that expires at the end of FY21, so we'll be going out for bids soon as part of the RFP process.

Bandwidth Monitoring

We monitor this internet service in real-time using various methods and systems. Internet traffic is visually monitored by live and historical graphs that illustrate traffic loads in both directions (send/receive). The graph shown below is an example from November 25th, during the morning, with the green line representing download (receive) consumption and the blue line representing upload (send) consumption. The two red lines represent the approximate bandwidth maximums (download/upload) of our service with TelAlaska as indicated earlier.



As you can see we were able to achieve those maximums for approximately 10 minutes while I ran a bandwidth stress test.

Bandwidth Testing

The metrics *most often* used when testing bandwidth capacity and link quality are the following:

- 1) **Download / Upload Bandwidth** – How much traffic can pass per second (e.g. 20 Mbps can theoretically transmit a 2.5 megabyte MP3 file (e.g. song) every second)
- 2) **Latency** – How long it takes traffic to travel from A to B, usually measured in milliseconds (1ms = 0.001sec), for example, the *roundtrip* time for traffic over a satellite link is usually 550-630ms
- 3) **Packet Loss** – How much traffic (%) is lost in transit, a certain amount of packet loss is expected on satellite links due to traffic shaping and the nature of wireless transmission, however, if packet loss begins to exceed 5-10% it can have an adverse effect on service quality.

The nature of bandwidth testing is simply to see how much data can be stuffed down the pipe, so to speak, at once. This means that during a bandwidth or capacity test real data is being sent and received to simulate maximum traffic load in order to observe the integrity and performance of the service. The graph above records the result of such a test.

It's not a difficult or complex task to test the capacity and quality of an internet service. I'm not aware of any 3rd party consultants who specialize in this task simply because it's assumed to be a basic skill that IT professionals already possess. However, that isn't to say that a 3rd party wouldn't gladly get paid to do it. Most tools automate this process and are free, so it seems strange to me that we would hire a third party do this (it literally takes *minutes* to perform a test by simply clicking a couple of buttons).

When we were having service quality issues with TelAlaska about a month ago (July-October) I purchased a more advanced tool (that gave me greater visibility of the metrics mentioned above for our service. I was able to observe, at times, high levels of packet loss and then forward that information over to TelAlaska to help them troubleshoot the issue. I've included an example of those tests below. You can see that each column represents one of the testing metrics mentioned above (plus others), as well as the associated results at that particular *second*, indicated by a timestamp on the far left. In this example you can see that the **Rx**

(receive/download) path is experiencing severe packet loss, illustrated by the color red, while the Tx (send/upload) path is experiencing no packet loss, illustrated by the color green.

Home											
Measurements (compressed) (6206)			Measurements (raw) (85752)			Uptime 100.00%(2)		Advanced			
Time	State	Download (Rx)	Upload (Tx)	Rx packet loss	Tx packet loss	RTT (ping)	Rx loss burst length	Tx loss burst length	Rx instant jitter	Tx inst	
2020-10-06 08:05:24	up	120.18kbps/204.80kbps	179.50kbps/204.80kbps	23.49%	0.00%	621.0ms	1.57 packet(s)	1.00 packet(s)	55.4ms	3.3ms	
2020-10-06 08:05:23	up	176.86kbps/204.80kbps	177.04kbps/204.80kbps	15.38%	0.00%	580.0ms	1.29 packet(s)	1.00 packet(s)	36.0ms	2.8ms	
2020-10-06 08:05:22	up	183.38kbps/204.80kbps	177.04kbps/204.80kbps	15.22%	0.00%	580.0ms	1.25 packet(s)	1.00 packet(s)	50.5ms	2.2ms	
2020-10-06 08:05:21	up	182.71kbps/204.80kbps	127.89kbps/204.80kbps	16.72%	0.00%	580.0ms	1.29 packet(s)	1.00 packet(s)	41.1ms	2.8ms	
2020-10-06 08:05:20	up	187.64kbps/204.80kbps	204.70kbps/204.80kbps	16.23%	0.00%	580.0ms	1.27 packet(s)	1.00 packet(s)	37.4ms	4.3ms	
2020-10-06 08:05:19	up	185.97kbps/204.80kbps	204.80kbps/204.80kbps	16.90%	0.00%	580.0ms	1.24 packet(s)	1.00 packet(s)	51.0ms	4.3ms	
2020-10-06 08:05:18	up	183.83kbps/204.80kbps	204.54kbps/204.80kbps	19.06%	0.00%	621.0ms	1.27 packet(s)	1.00 packet(s)	22.2ms	3.1ms	
2020-10-06 08:05:17	up	180.86kbps/204.80kbps	204.80kbps/204.80kbps	21.67%	0.00%	625.7ms	1.31 packet(s)	1.00 packet(s)	58.7ms	6.0ms	
2020-10-06 08:05:16	up	175.56kbps/204.80kbps	204.61kbps/204.80kbps	23.74%	0.00%	625.7ms	1.37 packet(s)	1.00 packet(s)	46.4ms	6.0ms	
2020-10-06 08:05:15	up	145.36kbps/204.80kbps	204.80kbps/204.80kbps	23.92%	0.00%	621.0ms	1.40 packet(s)	1.00 packet(s)	32.2ms	4.7ms	
2020-10-06 08:05:14	up	162.71kbps/204.80kbps	204.80kbps/204.80kbps	24.28%	0.00%	599.0ms	1.44 packet(s)	1.00 packet(s)	52.8ms	4.0ms	
2020-10-06 08:05:13	up	141.63kbps/204.80kbps	204.77kbps/204.80kbps	22.66%	0.00%	599.0ms	1.64 packet(s)	1.00 packet(s)	43.6ms	4.0ms	
2020-10-06 08:05:12	up	146.75kbps/204.80kbps	179.59kbps/204.80kbps	15.79%	0.00%	605.0ms	1.56 packet(s)	1.00 packet(s)	41.4ms	4.7ms	
2020-10-06 08:05:11	up	181.69kbps/204.80kbps	204.80kbps/204.80kbps	9.87%	0.00%	589.0ms	1.16 packet(s)	1.00 packet(s)	33.0ms	4.7ms	
2020-10-06 08:05:10	up	184.81kbps/204.80kbps	204.80kbps/204.80kbps	12.23%	0.00%	579.0ms	1.16 packet(s)	1.00 packet(s)	26.4ms	4.7ms	
2020-10-06 08:05:09	up	184.57kbps/204.80kbps	204.80kbps/204.80kbps	14.14%	0.00%	579.0ms	1.18 packet(s)	1.00 packet(s)	25.8ms	5.5ms	
2020-10-06 08:05:08	up	181.12kbps/204.80kbps	153.51kbps/204.80kbps	16.80%	0.00%	612.8ms	1.19 packet(s)	1.00 packet(s)	32.0ms	7.8ms	
2020-10-06 08:05:07	up	181.79kbps/204.80kbps	204.80kbps/204.80kbps	15.34%	0.00%	594.0ms	1.27 packet(s)	1.00 packet(s)	27.3ms	7.6ms	
2020-10-06 08:05:06	up	182.20kbps/204.80kbps	204.80kbps/204.80kbps	19.18%	0.00%	586.0ms	2.09 packet(s)	1.00 packet(s)	40.5ms	4.0ms	

Historical Analysis

Unfortunately, I can't go back and see what our real-time bandwidth capacity was at a particular time in the past *unless* I've kept the results of a test that I performed at that particular time (like the screenshot above). However, we do currently keep historical data of our bandwidth *consumption* for at least two weeks, which can give us a limited insight into whether we were achieving those theoretical bandwidth maximums or not by observing the consumption at that time. For example, those graphs will show peaks and valleys representing consumption, and we can then observe *how high* those peaks were to get an idea of whether we were achieving our theoretical maximums or not.

Testing Considerations

It's also important to emphasize that in order to test the capacity of our internet service we have to *consume* real bandwidth, which means if I perform such a test during normal business hours it'll have a significant impact on users who are currently utilizing the connection. The test will compete for bandwidth alongside employees who are on a Zoom call or performing typical online business transactions. This will adversely affect their internet performance and will skew my bandwidth testing results. Therefore, we typically only conduct tests if we're experiencing a known issue during non-business hours.

Let me know if you have any questions, need additional information, or require further explanations. I'd be happy to discuss this over the phone or even give you the opportunity to observe a bandwidth test in real-time if you like.

LEGISLATIVE UPDATE 2020



2020 ELECTION ANALYSIS

What we know at this point as a result of Alaska elections and the organization of the House and Senate ? Still unclear....

- Majority in Alaska House of Representatives
- Majority in the Alaska State Senate
- Organization

The Legislature will convene on January 19, 2021

BRIEF RECAP OF LAST YEAR

- State facing \$1 billion deficit, plus several hundred million supplementals
- COVID-19 causes limited access and focus
- PFD remained unresolved
- Governors appointees not confirmed
- Incomplete Capital Budget

FY 2021 INCOMPLETE CAPITAL BUDGET

- Most of the FY 21 capital budget was contained in HB 205, the operating budget
- A significant portion of the typical capital budget has not yet been appropriated
- Early appropriation of the outstanding items is desirable to maximize the 2021 construction season.

FY 2022 BUDGET OUTLOOK

FY22 Budget Preview: Current Law

FY22 Budget Preview: Current Policy

	FY20	FY21	FY22
UGF Revenue (10/2 DOR)	4,514.4	4,266.2	4,362.2
Agency Operations	3,739.1	3,913.0	3,913.0
Statewide Items	479.4	446.3	630.2
Capital Budget	144.3	120.3	150.0
Supplemental Placeholder	399.2	50.0	50.0
Permanent Fund Dividend	1,068.9	680.0	2,024.0
UGF Spending Total	5,830.9	5,209.6	6,767.2
Fund Transfers (excl. CBR/SBR)	15.8	30.4	15.6
Deficit	(1,332.3)	(973.8)	(2,420.6)

or,

	FY20	FY21	FY22
UGF Revenue (10/2 DOR)	4,514.4	4,266.2	4,362.2
Agency Operations	3,739.1	3,913.0	3,913.0
Statewide Items	479.4	446.3	456.2
Capital Budget	144.3	120.3	150.0
Supplemental Placeholder	399.2	50.0	50.0
Permanent Fund Dividend	1,068.9	680.0	680.0
UGF Spending Total	5,830.9	5,209.6	5,249.2
Fund Transfers (excl. CBR/SBR)	15.8	30.4	15.6
Deficit	(1,332.3)	(973.8)	(902.6)

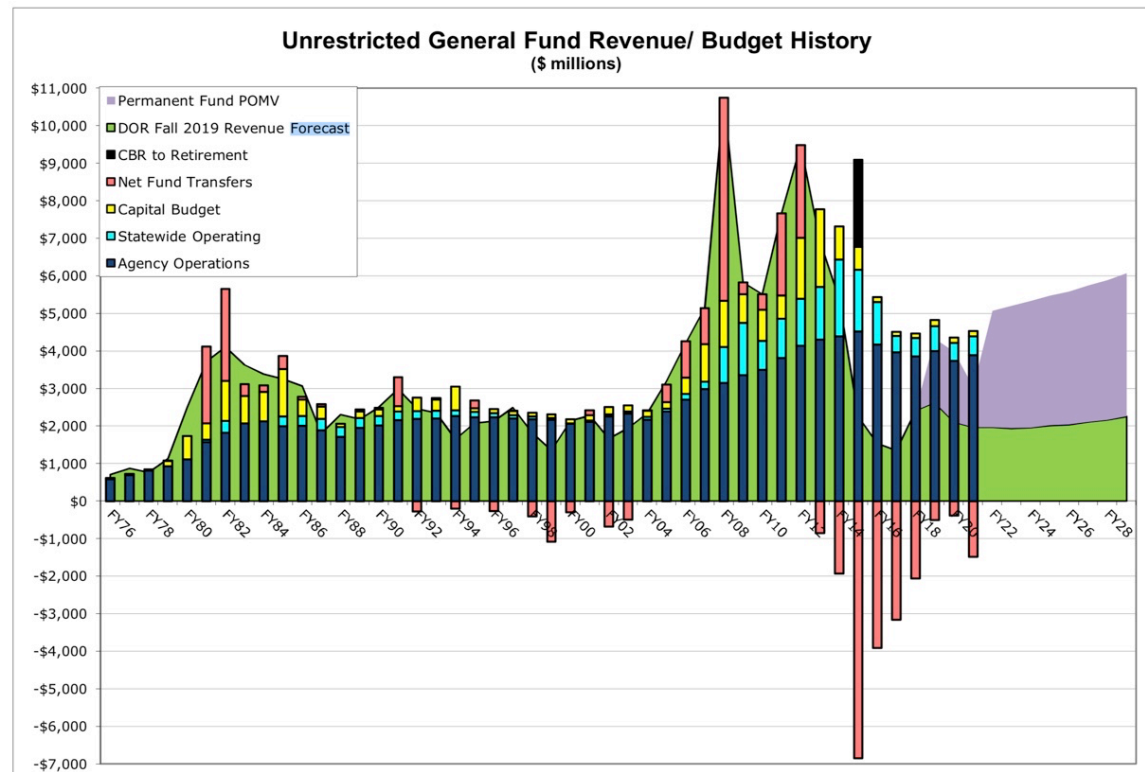
STATUS QUO SCENARIO

Status Quo Scenario

FY2021 – CBR is depleted. Appropriations needed to access other funds

Current Estimates of Cash Flows June 17, 2020					
	2020	2021	2022	2023	2024
POMV	\$ 2,933.1	\$ 3,091.5	\$ 3,048.0	\$ 3,164.0	\$ 3,224.0
UGF	\$ 1,584.8	\$ 1,109.0	\$ 1,241.1	\$ 1,396.2	\$ 1,462.9
Total Revenue	\$ 4,517.9	\$ 4,200.5	\$ 4,289.1	\$ 4,560.2	\$ 4,686.9
Agency	\$ 4,092.4	\$ 3,911.7	\$ 3,956.7	\$ 3,986.7	\$ 4,016.7
Statewide	\$ 534.8	\$ 506.7	\$ 513.2	\$ 560.6	\$ 561.6
Capital	\$ 177.5	\$ 120.4	\$ 150.0	\$ 150.0	\$ 150.0
Total Budget	\$ 4,804.7	\$ 4,538.8	\$ 4,619.9	\$ 4,697.3	\$ 4,728.3
PFD	\$ 1,068.9	\$ 680.0	\$ 2,121.4	\$ 2,226.6	\$ 1,996.0
Deficit/Surplus	\$ (1,355.7)	\$ (1,018.3)	\$ (2,452.2)	\$ (2,363.7)	\$ (2,037.4)
CBR BOY	\$ 1,828.8	\$ 913.4	\$ (20.4)	\$ (2,472.6)	\$ (4,836.3)
Deposits	\$ 268.1	\$ 84.5	\$ -	\$ -	\$ -
Draw	\$ (1,183.5)	\$ (1,018.3)	\$ (2,452.2)	\$ (2,363.7)	\$ (2,037.4)
EOY	\$ 913.4	\$ (20.4)	\$ (2,472.6)	\$ (4,836.3)	\$ (6,873.7)
Oil Price - \$/bbl	\$ 52.02	\$ 41.04	\$ 43.94	\$ 44.00	\$ 46.00

BUDGET HISTORY



ORDINARY BUDGET? NOT LIKELY...

- Decline in the price and production of Oil
 - Loss of revenue due to COVID-19 the pandemic
 - Permanent Fund Dividend formula
 - Permanent Fund Investment returns are lower than anticipated.
-
- ***Commonwealth North Budget tool at <https://bit.ly/CWNfiscal>***

EMERGING BUDGET ISSUES CONTINUE

- State assistance to retirement (PERS/TERS)
- Debt service
- School bond debt reimbursement
- REAA fund deposit
- Community Assistance
- Oil and gas tax credits

POTENTIAL REDUCTIONS

- Community Assistance
- School Bond Debt Reimbursement
- Reverse Sweep
- Power Cost Equalization
- PERS/TERS Indebtedness
- Cost Shifting of Essential Services to Local Government
- Shared Taxes
- Permanent Fund Dividend Reduction or Elimination
- School Consolidation
- Alaska Marine Highway Systems
- Repeal of Debt Reimbursement for Capital Projects

POWER COST EQUALIZATION (PCE)

What should be considered when discussions commence to eliminate the Power Cost Equalization (PCE) program.

- Established in 1985 to assist rural residents with energy costs
- At that time, urban communities benefited from state-subsidized energy projects such as the Four Dam Pool and Bradley Lake
- PCE program directly subsidizes high energy costs for rate payers

CONSTITUTIONAL BUDGET REVERSE SWEEP

- Municipal Capital Project Matching Fund
- Marine Highway System Fund
- Vessel Replacement Fund
- Test Fisheries Receipt
- State Land Restoration
- Technical Vocational Education Program (TVEP)
- Workers Safety and Compensation Administration
- Alcohol & Other Drug Abuse Treatment and Prevention Fund
- Motor Fuel Tax

And many others

POSSIBLE CONSIDERATIONS – BROAD POLICIES

- Use of current reserves
- Implementation of broad-base tax
- Reduction or elimination of the Permanent Fund Dividend (PFD)
- Cost shifting to Local Governments
- Implementation of a new spending cap

ACTIONS – WHAT CAN YOU DO?

- Advocate for alternative solutions, including new revenues sources
- Identify municipal impacts and solutions for reduced funding
- Hold town hall meetings to provide knowledge and facts
- Express the merit to Alaskans in your community to be involved

QUESTIONS?



CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2021-__

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA MUNICIPAL CODE TITLE 18.

BE IT ENACTED by the City Council of the City of Unalaska:

Section 1: Form. Sections 2-15 of this ordinance are a Code ordinance.

Section 2: Amendment of Section 18.04.020. Section 18.04.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.04.020 STATE REGULATIONS ADOPTED.

To the extent that they are not inconsistent with any provisions of this title, the regulations contained in the Alaska Administrative Code, Title 17, Chapter 80, "Water and Harbors," pertaining to the operation of harbors and harbor facilities, are adopted by reference and made a part of this title with the following changes:

- A. All references to "commissioner" shall mean "Port Director".
- B. All references to "state harbor facility" shall mean. "Unalaska port facility".

Section 3: Amendment of Section 18.04.030. Section 18.04.030 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck] RESERVED FOR CONSIDERATION OF MINOR OFFENSE ENFORCEMENT MECHANISM.

Section 4: Amendment of Section 18.04.040. Section 18.04.040 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.04.040 DEFINITIONS.

The following terms shall have the following meanings for purposes of this title:

(~~Θ~~ Δ) "ALASKA TIDELAND SURVEY (ATS)." "Alaska Tideland Survey" or "ATS" means that platted surveyed, monumented and recorded tidal and submerged land areas that reflects a

specific horizontal shore side boundary and depth to the approved director's line, established by the Director of Division of Lands, Alaska Department of Natural Resources.

(P B) "AUTHORIZED EMERGENCY VESSELS." "Authorized Emergency Vessels" means any authorized vessel of the Port Director, Harbormaster, City of Unalaska, the United States Government and State of Alaska authorized patrol vessels.

(C) "DEPUTY PORT DIRECTOR" means the duly retained Deputy Port Director of the City of Unalaska, Alaska or his or her designated representatives.

(A D) "DERELICT." "Derelict" means any vessel moored or otherwise located in the boundaries of the port or at port facilities that is forsaken, abandoned, deserted, or cast away; or that by appearance gives evidence of being forsaken, abandoned, deserted, or cast away, or that is unsound, unseaworthy, and unfit for its trade or occupation, and that by any substantial evidence of neglect may be considered abandoned.

(G E) "HARBORMASTER." "Harbormaster" means the duly retained Harbormaster of the City of Unalaska, Alaska, or his or her designated representatives.

(F) "HARBOR OFFICER" means the duly retained Harbor Officer(s) of the City of Unalaska, Alaska.

(E G) "LOADING AREAS." "Loading Areas" means those approaches and designated areas of any float or dock that are posted and marked for use by the general public for the purpose of loading and unloading of supplies, equipment and stores.

(F H) "MOORING FACILITIES RESERVATION FEE." "Mooring Facilities Reservation Fee" is that fee which is charged to a vessel operator, in consideration for being granted a reserved mooring space in the port facilities.

(G I) "MOORING FACILITIES USE FEE." "Mooring Facilities Use Fee" is that fee charged to a vessel operator for the use of an open mooring space in the port facilities or a vacant reserved mooring space.

(H J) "NUISANCE." "Nuisance" means any condition which creates a danger, health hazard, attractive nuisance, a hazard to foot traffic on city floats and docks, or otherwise impedes the safe negotiation of docks, floats, and other facilities, by foot traffic, including defecation by a pet or other kept animal on a city float, dock or other port facility, or unnecessary and avoidable noise, such as loud music, between the hours of 10:00 p.m. and 7:00 a.m., and that disturbs the quiet enjoyment of users of the port or residents of the City of Unalaska.

(I K) "OPEN MOORING SPACE." "Open Mooring Space" means mooring space that has not been set aside and posted as a reserved mooring space and which is available on a "first-come-first-served" basis.

(J L) "PORT." "Port" means the International Port of Dutch Harbor, and includes, but is not limited to, all port facilities and waters within the jurisdiction of the City of Unalaska as defined by the city limits of the City of Unalaska.

(~~B~~M) "PORT DIRECTOR." "Port Director" means the duly appointed Port Director of the City of Unalaska, Unalaska or his or her designated representatives.

(~~D~~ N) "PORT FACILITIES." "Port Facilities" are those improvements and their appurtenant areas within the jurisdiction of, and owned by, the City of Unalaska and that are adapted to the purpose of securing and/or servicing vessels. The term includes, but is not limited to, docks, mooring devices, floats, fingers, stalls, gridirons, and other appurtenances.

(~~K~~ O) "RESERVED MOORING SPACE." "Reserved Mooring Space" means mooring space which has been set aside and posted for long-term mooring with the prior knowledge and approval of the Harbormaster, following payment of the appropriate fee.

(~~N~~ P) "TIDAL AND SUBMERGED LAND." "Tidal and Submerged Land" or Tide and Submerged Land means those lands which are periodically covered by tidal waters between the elevation of mean high and mean low tides that water covered area affected by the influence of the tidal action and those lands that are always submerged beneath the water.

(~~L~~ Q) "VESSEL." "Vessel" means watercraft of every kind and descriptions, including but not limited to boats, barges, houseboats, rafts, ships and skiffs.

(~~M~~ R) "VESSEL OPERATOR." "Vessel Operator" means the actual or registered owner, master, managing agent, person in navigational control of, and any other person responsible for the physical operation of the vessel.

Section 5: Amendment of Subsection 18.08.010(A). Subsection 18.08.010(A) of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]

18.08.010 PORT DIRECTOR.

(A) The Port Director shall attempt to enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. ~~In the performance of such enforcement the Port Director shall have all of the powers of a peace officer of the city.~~ The Port Director may delegate enforcement authority to the Deputy Port Director.

Section 6: Amendment of Subsection 18.08.020(A). Subsection 18.08.020(A) of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]

18.08.020 HARBORMASTER.

(A) The Harbormaster shall attempt to enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. ~~In the performance of such enforcement the Harbormaster shall have all of the powers of a peace officer of the city.~~ The Harbormaster may delegate enforcement authority to any Harbor Officer.

Section 7: Amendment of Subsection 18.08.030(A). Subsection 18.08.030(A) of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]

18.08.030 REGISTRATION.

(A) Every vessel operator using the port facilities is required to register ~~his~~ their name, telephone number, post office address, street address, the name and state or federal certificate of number of the vessel, its length, its breadth, and its registered tonnage, if any, and any other information deemed necessary, with the Harbormaster on forms to be provided ~~by him~~ for that purpose. Vessel operators shall immediately notify the Harbormaster in writing of any changes in this information.

Section 8: Amendment of Section 18.08.080. Section 18.08.080 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]:

18.08.080 CITY OWNED TIDELANDS.

(A) The City of Unalaska has received, through patent, selected tidal e and submerged land areas from the State of Alaska. The areas are indicated by Alaska Tideland Surveys (ATS). The continued use of the city owned areas by private companies through the construction of permanent docks, wharfs, fish processing out-fall lines, and seawater in-take lines ~~is accommodated by~~ requires a specific lease agreement with the City of Unalaska as outlined in Title 7.16, UCO.

(B) The utilization of Alaska Tideland Survey areas ~~are~~ is subject to on-site lease compliance checks by the Harbormaster to ~~insure~~ ensure that lease terms are complied with. The field checks may be done in conjunction with the Department of Planning. ~~Citations may be issued if substantial violations are noted and not corrected.~~

Section 9: Amendment of Section 18.12.010. Section 18.12.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.12.010 POLLUTION AND SANITATION.

Every vessel operator using the port or any port facility shall:

(A) Use all reasonable precautions in keeping the vessel in his or her charge in a reasonably clean and sanitary condition;

(B) Refrain from pumping ~~bilges~~ bilges and sanitary holding tanks into the waters of the port, or otherwise allowing any petroleum products, bilge water, raw sewage, or other pollutants to be introduced into the waters of the port;

(C) Refrain from throwing or allowing to be introduced into the waters of the port any garbage, wood, pallets, plastic, or other waste. Materials stored or stacked on a vessel's deck shall be secured in such a way as to ~~insure~~ ensure that the wind cannot blow materials from the vessel into the waters of the port; and

(D) Comply with all applicable state or federal laws and regulations regarding pollution, waste disposal and sanitation, ~~which are incorporated herein by reference.~~

Section 10: Amendment of Section 18.12.020. Section 18.12.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.12.020 SAFEGUARDING.

(A) ~~Vessels~~ Vessel operators shall not anchor a vessel in such a way as to endanger other vessels moored or at anchor. Should a conflict arise between anchored vessels, the previously anchored vessel shall have right-of-anchorage, and the subsequently anchored vessel shall have the burden of changing anchorage.

(B) Vessel operators shall ~~insure~~ ensure that each vessel in their charge has sufficient scope and ground tackle to preclude dragging of the anchor in all weather conditions.

(C) Vessel operators, while anchored within the port, shall maintain a radar or visual watch from the bridge of the vessel to ~~insure~~ ensure that each vessel in their charge maintains its position.

(D) Vessel operators shall maintain a radio watch on VHF channel 16 while anchored in the port.

(E) Vessel operators shall obtain permission from the Harbormaster before anchoring in a fairway, and shall move anchorage immediately at the request of the Harbormaster.

(F) Mooring buoys shall be of a sort approved by the U.S. Army Corps of Engineers, and ground tackle for buoys shall be of sufficient size to preclude movement off position in all weather conditions. If a mooring buoy is moved off position, the owner of the buoy shall increase the size and weight of the buoy's anchoring system and move the buoy back into position as soon as possible.

(G) Mooring buoys shall be white in color, with a horizontal blue band midway between the waterline and the top of the buoy. Mooring buoys shall be maintained in such a way, through painting, lighting, or other means to maximize their visibility at night.

(H) Vessel operators shall use all reasonable precautions in keeping each vessel in their charge free from fire hazards of any type or nature.

(I) Vessel operators shall use all reasonable efforts and precautions to keep each vessel in their charge well and securely moored with lines in reasonably fit condition and of a sufficient diameter and number to ~~insure~~ ensure that the vessel will remain securely moored under all weather conditions.

(J) Vessel operators shall ~~insure~~ ensure that each vessel in their charge is sufficiently pumped so as to remain afloat and not be in danger of sinking, and shall otherwise attend to the needs of each vessel.

Section 11: Amendment of Section 18.16.020. Section 18.16.020 of the Unalaska Code of Ordinances is hereby amended to read as follows: [deletions are overstruck]:

8.16.020 MOORING FACILITIES RESERVATION FEE.

(A) Vessel operators who have applied for and been granted a reserved mooring space shall be required to pay a mooring facilities ~~reservation~~ fee.

(B) The mooring facilities ~~reservation~~ fee schedule applicable to mooring spaces located within each port facility shall be set out in that facility's operating plan.

(C) Individuals who wish to cancel their reservations to their mooring or stalls, upon notification to the Harbormaster of their intention, shall be allowed a rebate of the fee paid, if and to the extent permitted by that facility's operating plan.

(D) The vessel operator of a vessel that is being occupied, lived on, rented or leased as a place of human habitation or a primary residence shall be charged the regular fee for a reservation of a mooring space plus an additional fee to be set by ordinance per calendar month. This additional fee is payable on a monthly basis in advance on the first day of each calendar month. The city may waive the additional monthly fee if the vessel operator or occupant notifies the Harbormaster in writing prior to the calendar months in question, stating the dates that the vessel will be vacant, and that the vessel will be occupied for less than 15 days in the calendar month, and that the vessel is no longer used as a primary residence during that period.

Section 12: Amendment of Subsection 18.20.010. Subsection 18.20.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.010 IMPOUNDMENT.

(A) The Harbormaster may take ~~immediate~~ possession and/or impound and remove any vessel within his jurisdiction:

- (1) To abate derelicts and nuisances;
- (2) For failure to comply with the registration provisions of this title;
- (3) That is ~~o~~ obstructing port traffic and the vessel operator is unable, fails or refuses to immediately attend to and remove the vessel such that it no longer obstructs port traffic;
- (4) Whose operator reasonably appears incapable of safely operating the vessel or appears incapable of directing the disposition of the same;
- (5) Whose operator refuses to properly identify ~~himself/herself~~ themselves upon lawful request of the Harbormaster, or refuses or fails to obey an order of the Harbormaster to proceed to or from an area following issuance of a citation or in an emergency;
- (6) Whose operator operates a vessel in a reckless manner under § 18.20.030, in a negligent manner under § 18.12.040, or in another manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other vessels, and the Harbormaster believes such operation would continue unless possession of the vessel be taken;
- (7) That is moored in a reserved mooring space assigned to another after reasonable efforts were made at attempting to contact the vessel operator to move the vessel in question, or who, after receiving notification to move the vessel, refuses to do so;
- (8) That is moored at a loading area or launch ramp area for a period of time longer than permitted;
- (9) That is ~~i~~n imminent danger of sinking; ~~and or~~
- (10) That constitutes a fire hazard to itself, port facilities or other property.

(B) When taking possession or impounding as authorized by ~~subsection (A) of this section~~, this Chapter the Harbormaster may impound the vessel in place by chaining or otherwise mooring it to a float or other suitable object, or if practical by removing it from the water and placing it in either city or commercial land storage. Vessels not practical to impound by moving, mooring or removing from the water may be impounded by posting a notice of impoundment in the places set out in § 18.20.030.

(C) The Harbormaster may appoint a custodian to maintain and safekeep the vessel while it remains impounded. In the discretion of the Harbormaster, such custodian may be the operator of the vessel.

(D) Upon impoundment of a vessel, it shall be unlawful for any person:

(1) To move, load, unload, rebuild, or enter upon such vessel without written permission from the Harbormaster, other than for necessary maintenance and repair to prevent deterioration of the same or sinking; and

(2) To remove, mutilate, destroy or conceal any notice or sign posted by the Harbormaster pursuant to this section.

Section 13: Amendment of Subsection 18.20.030. Subsection 18.20.010 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.030 NOTICE OF IMPOUNDMENT.

(A) ~~Immediately upon~~ At least ten (10 days prior to impounding any vessel, the city shall cause to be posted on the vessel and in five public locations throughout the city a notice of such action ~~.to be taken by the city.~~ A copy of the notice shall be mailed, by registered or certified mail, to each affected vessel operator at ~~his/her~~ their address of record and to all other persons known to have an interest in the vessel, including all ~~lienholders~~ lienholders shown on the records of a state or federal agency. ~~If the vessel is documented under the laws of the United States, notice shall also be sent to the collector of customs of the port of documentation, if such can be reasonably ascertained.~~

(B) The notice required by this section shall contain the name and/or number of the vessel; the name and address, if known, of the vessel's owner and each operator; and the vessel's location. The notice shall further state the grounds upon which the vessel is being impounded, and the proposed disposition of the vessel. The notice shall further state that any person with a property interest in the vessel may request a hearing as provided in this chapter.

Section 14: Amendment of Section 18.20.040. Section 18.20.040 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.040 HEARING ~~AFTER~~ BEFORE IMPOUNDMENT.

(A) Any person with a property interest in an impounded vessel may obtain a prompt hearing before the Port Director ~~before the vessel is impounded to determine whether there is probable cause to impound the vessel by submitted~~ submitting a written request for a hearing ~~at least no later than 10 days prior to public sale of the vessel~~ after receipt of notice of impoundment or after the person has learned such vessel will be impounded whichever comes first.

(B) At the hearing, the Port Director shall review whether ~~proper grounds~~ probable cause exists for impounding the vessel. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was a breach of Federal, local or municipal law or regulations, or any agreement entered into pursuant thereto, rendering the vessel subject to impoundment. Any person with a property interest in the vessel may present evidence, call witnesses, and present argument as to the impoundment, its propriety and/or release of the vessel. The city may also present evidence, call witnesses and present argument in response. If it is determined that probable cause to impound exists the City may proceed to impound and sell or destroy the vessel as provided in UCO 18.20.050.

(C) ~~At any time prior to sale,~~ The Port Director shall ~~may~~ release the vessel from impoundment to the owner or operator of the vessel upon such terms and conditions as the Port Director in ~~his/her~~ their discretion finds will abate the nuisance or other cause for impoundment, otherwise remedy the reason for impoundment, and reimburse and compensate the city for expenses owing pursuant to § 18.20.020.

(D) The written decision of the Port Director is a final administrative decision when mailed to each party requesting a hearing, and may be appealed only to the Superior Court. Any appeal must be commenced within thirty (30) days of the date of mailing of the decision.

Section 15: Amendment of Section 18.20.060. Section 18.20.060 of the Unalaska Code of Ordinances is hereby amended to read as follows: [additions are underlined, deletions are overstruck]

18.20.060 ABATEMENT OF NUISANCES.

(A) Upon the Harbormaster's written determination that a condition described in UCO 18.20.010(A) exists that constitutes a clear and present danger to the public health, safety or general welfare, the nuisance may be summarily abated by the Harbormaster without prior notice. The Harbormaster may take immediate possession and/or impound and remove any nuisance or property creating a nuisance on port facilities property.

(B) All ~~other~~ personal property, including but not limited to machinery, equipment, gear, appliances and furniture, placed or stored on port facilities property without the express permission of the Harbormaster shall be considered to be a hazard and a hindrance to the public use of port facilities. Such property shall be subject to impound if not removed, or written permission from the Harbormaster for such placement or storage is not received, within 24 hours of placement on port facilities property.

(C) Immediately upon impounding any property, the city shall cause to be posted on the property and in five public locations throughout the city a notice of such action. A copy of the notice shall be mailed, by registered or certified mail, to the person who the Harbormaster determines through the exercise of due diligence is the owner of the property and to all other persons known to have an interest in the property

(~~D~~) Property impounded under this section shall be subject to an impound fee to be set by ordinance, plus all costs of impoundment including labor, and a storage charge to be set by ordinance for each day the property remains in the Harbormaster's possession. All impound charges and fees shall be paid in full and in certified funds, before the Harbormaster may release the impounded property to its owner.

(E) A person with a property interest in impounded property may obtain a prompt hearing before the Port Director by submitting a written request for a hearing no later than 10 days after receipt of notice of impoundment or learning of the impoundment whichever is earlier. If following the hearing it is determined the property was improperly impounded it shall be released to the property owner.

(~~D~~ F) In the event property impounded under this section remains impounded for 90 days after written notice of impound is issued to the person who the Harbormaster determines through the exercise of due diligence is the owner of the property and impound charges and fees remain unpaid, the Harbormaster may sell the property at public auction to the highest and best bidder.

Such sale shall be conducted pursuant to a procedure generally similar to that set forth in § 18.20.060 for sale of impounded vessels. If impounded property is without value, it shall be destroyed and otherwise disposed.

(E G) Upon impoundment of property, it shall be unlawful for any person:

(1) To take, move, or access such property without written permission from the Harbormaster pursuant to this section.

(2) To remove, mutilate, destroy or conceal any notice or sign posted by the Harbormaster pursuant to this section.

Section 16: Effective Date. This ordinance shall be effective upon adoption.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on the _____ day of _____ 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

§ 18.04.010 TITLE.

This chapter shall constitute the “Unalaska Port and Port Facilities Code” of the City of Unalaska, Alaska, and may be cited as such.

§ 18.04.020 STATE REGULATIONS ADOPTED.

To the extent that they are not inconsistent with any provisions of this title, the regulations contained in the Alaska Administrative Code, Title 17, Chapter 80, “Water and Harbors,” pertaining to the operation of harbors and harbor facilities, are adopted by reference and made a part of this title with the following changes:

A. All references to “commissioner” shall mean “Port Director”.

B. All references to “state harbor facility” shall mean. “Unalaska port facility”.

§ 18.04.030 PENALTIES.

All violations of this title shall be punishable under Unalaska Code § [1.24.010](#). In addition thereto, the privilege of using the port or port facilities may be suspended for not more than one year.

§ 18.04.040 DEFINITIONS.

The following terms shall have the following meanings for purposes of this title:

(A) “ALASKA TIDELAND SURVEY (ATS).” “Alaska Tideland Survey” or “ATS” means that platted surveyed, monumented and recorded tidal and submerged land areas that reflects a specific horizontal shore side boundary and depth to the approved director's line, established by the Director of Division of Lands, Alaska Department of Natural Resources.

(B) “AUTHORIZED EMERGENCY VESSELS.” “Authorized Emergency Vessels” means any authorized vessel of the Port Director, Harbormaster, City of Unalaska, the United States Government and State of Alaska authorized patrol vessels.

(C) “DEPUTY PORT DIRECTOR” means the duly retained Deputy Port Director of the City of Unalaska, Alaska or his or her designated representatives.

(D) “DERELICT.” “Derelict” means any vessel moored or otherwise located in the boundaries of the port or at port facilities that is forsaken, abandoned, deserted, or cast away; or that by appearance gives evidence of being forsaken, abandoned, deserted, or cast away, or that is unsound, unseaworthy, and unfit for its trade or occupation, and that by any substantial evidence of neglect may be considered abandoned.

(E) "HARBORMASTER." "Harbormaster" means the duly retained Harbormaster of the City of Unalaska, Alaska, or his or her designated representatives.

(F) "HARBOR OFFICER" means the duly retained Harbor Officer(s) of the City of Unalaska, Alaska.

(G) "LOADING AREAS." "Loading Areas" means those approaches and designated areas of any float or dock that are posted and marked for use by the general public for the purpose of loading and unloading of supplies, equipment and stores.

(H) "MOORING FACILITIES RESERVATION FEE." "Mooring Facilities Reservation Fee" is that fee which is charged to a vessel operator, in consideration for being granted a reserved mooring space in the port facilities.

(I) "MOORING FACILITIES USE FEE." "Mooring Facilities Use Fee" is that fee charged to a vessel operator for the use of an open mooring space in the port facilities or a vacant reserved mooring space.

(J) "NUISANCE." "Nuisance" means any condition which creates a danger, health hazard, attractive nuisance, a hazard to foot traffic on city floats and docks, or otherwise impedes the safe negotiation of docks, floats, and other facilities, by foot traffic, including defecation by a pet or other kept animal on a city float, dock or other port facility, or unnecessary and avoidable noise, such as loud music, between the hours of 10:00 p.m. and 7:00 a.m., and that disturbs the quiet enjoyment of users of the port or residents of the City of Unalaska.

(K) "OPEN MOORING SPACE." "Open Mooring Space" means mooring space that has not been set aside and posted as a reserved mooring space and which is available on a "first-come-first-served" basis.

(L) "PORT." "Port" means the International Port of Dutch Harbor, and includes, but is not limited to, all port facilities and waters within the jurisdiction of the City of Unalaska as defined by the city limits of the City of Unalaska.

(M) "PORT DIRECTOR." "Port Director" means the duly appointed Port Director of the City of Unalaska, Unalaska or his or her designated representatives.

(N) "PORT FACILITIES." "Port Facilities" are those improvements and their appurtenant areas within the jurisdiction of, and owned by, the City of Unalaska and that are adapted to the purpose of securing and/or servicing vessels. The term includes, but is not limited to, docks, mooring devices, floats, fingers, stalls, gridirons, and other appurtenances.

(O) "RESERVED MOORING SPACE." "Reserved Mooring Space" means mooring space which has been set aside and posted for long-term mooring with the prior knowledge and approval of the Harbormaster, following payment of the appropriate fee.

(P) "TIDAL AND SUBMERGED LAND." "Tidal and Submerged Land" means that water covered area affected by the influence of the tidal action and those lands that are always submerged beneath the water.

(Q) "VESSEL." "Vessel" means watercraft of every kind and descriptions, including but not limited to boats, barges, houseboats, rafts, ships and skiffs.

(R) "VESSEL OPERATOR." "Vessel Operator" means the actual or registered owner, master, managing agent, person in navigational control of, and any other person responsible for the physical operation of the vessel.

§ 18.08.010 PORT DIRECTOR.

(A) The Port Director shall attempt to enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. The Port Director may delegate enforcement authority to the Deputy Port Director. ~~In the performance of such enforcement the Port Director shall have all of the powers of a peace officer of the city.~~

(B) The Port Director will classify areas within the port for various uses consistent with zoning designations of all the tide and submerged land areas within the city limits.

(C) The utilization of any city owned or city operated mooring facility or waters within the city's limits shall be deemed a grant of authority to the Port Director, Harbormaster and members of the Department of Public Safety to board the vessel for the purpose of enforcing municipal ordinances and to move the vessel if it is moored in violation of a provision of this title or if required by an emergency or other conditions as set forth in this title.

§ 18.08.020 HARBORMASTER.

(A) The Harbormaster shall attempt to enforce all of the provisions of this title and any rules and regulations duly adopted hereunder. The Harbormaster may delegate enforcement authority to any Harbor Officer. ~~In the performance of such enforcement the Harbormaster shall have all of the powers of a peace officer of the city.~~

(B) The Harbormaster may mark mooring spaces to be assigned, and may post such signs or other information as will inform interested parties of authorized and prohibited uses of the port facilities. The Harbormaster may post informational signs specifying areas where specified conduct is prohibited, but posting of signs shall not be necessary to the enforcement of any provision of this title.

§ 18.08.030 REGISTRATION.

(A) Every vessel operator using the port facilities is required to register ~~his~~ their name, telephone number, post office address, street address, the name and state or federal certificate of number of the vessel, its length, its breadth, and its registered tonnage, if any, and any other information deemed necessary, with the Harbormaster on forms to be provided ~~by him~~ for that purpose. Vessel operators shall immediately notify the Harbormaster in writing of any changes in this information.

(B) No person may moor, berth, tie, attach or connect a vessel to any city owned or operated port facility without registering with the Harbormaster and paying or executing an agreement to pay applicable moorage charges.

§ 18.08.040 FACILITY OPERATING PLANS.

Each of the city's port facilities shall have a written operating plan. Each plan shall be approved by ordinance of the City Council. Rules defining open mooring facilities, reserved mooring facilities, site-specific rules of conduct, site-specific prohibitions, and site-specific permissions shall be set forth in each port facility's respective operating plan. Each facility's operating plan shall be made available to the public at the Harbormaster's office.

§ 18.08.050 REFUSAL OF MOORING FACILITIES.

The Harbormaster may refuse the use of mooring facilities to aircraft, boathouses, floats, houseboats, scows, rafts, pile drivers, and other cumbersome floating structures, or to any boat, vessel or floating structure, that is or may become or create a fire hazard, or that otherwise may become a menace or nuisance to the safety and welfare of other vessels, their occupants or to other property, or to any vessel, owner or operator that is otherwise in violation of any provisions of this title.

§ 18.08.060 ASSIGNMENT OF MOORING FACILITIES.

(A) The Harbormaster shall supervise and manage all mooring spaces in the port facilities.

(B) The Harbormaster may, from time to time, in the interests of safety, order, convenience or health, require a Vessel Operator to change from one mooring space to another. When changes from one mooring space to another are made at the direction of the Harbormaster, any charges for changes of utility service incurred because of that move shall be the responsibility of the city.

§ 18.08.070 LOADING AREAS.

No vessel operator shall permit a vessel to remain moored in a designated loading area for any period longer than is permitted.

§ 18.08.080 CITY OWNED TIDELANDS.

(A) The City of Unalaska has received, through patent, selected ~~tidal tide~~ and submerged land areas from the State of Alaska. The areas are indicated by Alaska Tideland Surveys (ATS). The continued use of the city owned areas by private companies through the construction of permanent docks, wharfs, fish processing out-fall lines, and seawater in-take lines is ~~accommodated by~~ requires a specific lease agreement with the City of Unalaska as outlined in Title 7.16, UCO.

(B) The utilization of Alaska Tideland Survey areas ~~are~~ is subject to on-site lease compliance checks by the Harbormaster to ~~insure~~ ensure that lease terms are complied with. The field checks may be done in conjunction with the Department of Planning. ~~Citations may be issued if substantial violations are noted and not corrected.~~

§ 18.08.090 SEARCH AND RESCUE.

(A) The Port Director shall be responsible for search and rescue operations upon the water of the port, excluding inland lakes, rivers, and streams.

(B) In cases involving vessels requiring emergency or search and rescue services, the port shall be reimbursed by the vessel and vessel operator for time and materials expended on such an effort if:

(1) The vessel or operator involved has repeatedly shown failure to take normal and appropriate steps to assure safety at sea; or

(2) The vessel or operator involved has shown negligence in normal and appropriate vessel repair and maintenance resulting in repeated and avoidable search and rescue call out; or

(3) The vessel or operator is otherwise responsible for repeated and avoidable search and rescue call out; or

(4) The vessel or operator requests harbor patrol vessel service for non-emergency tasks.

(C) The city shall hold and retain a lien, maritime or otherwise, against a vessel that is liable to the city under subsection (B) of this section to the extent such lien is allowed by applicable federal and state law. The city may, at its option, enforce and foreclose such lien by suit in rem pursuant to applicable federal and state law. Such suit shall not preclude the city from pursuing any other remedy at law or in equity.

§ 18.12.010 POLLUTION AND SANITATION.

Every vessel operator using the port or any port facility shall:

(A) Use all reasonable precautions in keeping the vessel in his or her charge in a reasonably clean and sanitary condition;

(B) Refrain from pumping ~~bilges~~ bilges and sanitary holding tanks into the waters of the port, or otherwise allowing any petroleum products, bilge water, raw sewage, or other pollutants to be introduced into the waters of the port;

(C) Refrain from throwing or allowing to be introduced into the waters of the port any garbage, wood, pallets, plastic, or other waste. Materials stored or stacked on a vessel's deck shall be secured in such a way as to ~~insure~~ ensure that the wind cannot blow materials from the vessel into the waters of the port; and

(D) Comply with all applicable state or federal laws and regulations regarding pollution, waste disposal and sanitation, ~~which are incorporated herein by reference.~~

§ 18.12.020 SAFEGUARDING.

(A) ~~Vessels~~ Vessel operators shall not anchor a vessel in such a way as to endanger other vessels moored or at anchor. Should a conflict arise between anchored vessels,

the previously anchored vessel shall have right-of-anchorage, and the subsequently anchored vessel shall have the burden of changing anchorage.

(B) Vessel operators shall ~~insure~~ ensure that each vessel in their charge has sufficient scope and ground tackle to preclude dragging of the anchor in all weather conditions.

(C) Vessel operators, while anchored within the port, shall maintain a radar or visual watch from the bridge of the vessel to insure that each vessel in their charge maintains its position.

(D) Vessel operators shall maintain a radio watch on VHF channel 16 while anchored in the port.

(E) Vessel operators shall obtain permission from the Harbormaster before anchoring in a fairway, and shall move anchorage immediately at the request of the Harbormaster.

(F) Mooring buoys shall be of a sort approved by the U.S. Army Corps of Engineers, and ground tackle for buoys shall be of sufficient size to preclude movement off position in all weather conditions. If a mooring buoy is moved off position, the owner of the buoy shall increase the size and weight of the buoy's anchoring system and move the buoy back into position as soon as possible.

(G) Mooring buoys shall be white in color, with a horizontal blue band midway between the waterline and the top of the buoy. Mooring buoys shall be maintained in such a way, through painting, lighting, or other means to maximize their visibility at night.

(H) Vessel operators shall use all reasonable precautions in keeping each vessel in their charge free from fire hazards of any type or nature.

(I) Vessel operators shall use all reasonable efforts and precautions to keep each vessel in their charge well and securely moored with lines in reasonably fit condition and of a sufficient diameter and number to ~~insure~~ ensure that the vessel will remain securely moored under all weather conditions.

(J) Vessel operators shall ~~insure~~ ensure that each vessel in their charge is sufficiently pumped so as to remain afloat and not be in danger of sinking, and shall otherwise attend to the needs of each vessel.

§ 18.12.030 RECKLESS OPERATION.

It is unlawful for any person to operate or cause to be operated a vessel in a reckless manner. For the purpose of this section "in a reckless manner" means either (1) in willful or wanton disregard of the rights or safety of others, or (2) in a fashion that creates a substantial and unjustifiable risk of harm to person or property. A substantial and unjustifiable risk is a risk of such nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in a similar situation.

§ 18.12.040 NEGLIGENT OPERATION.

It is unlawful for any person to operate or cause to be operated a vessel in a negligent manner. For the purpose of this section, "in a negligent manner" means in such a manner as to create an unjustifiable risk of harm to a person or to property and which, as a result of the creation of the risk, actually endangers a person or property. An unjustifiable risk is a risk of such a nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe under the circumstances. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant's act or omission:

- (A) A collision occurred; or
- (B) A person, including the defendant, took evasive action to avoid a collision; or
- (C) A person, including the defendant, stopped or slowed down suddenly to avoid a collision; or
- (D) A person or property, including the defendant or his property, was otherwise endangered.

§ 18.12.050 UNLAWFUL ACTS.

- (A) It is unlawful for any person to:
 - (1) Operate a vessel, boat or skiff within a restricted waterway at a speed in excess of 10 knots (11.5 MPH), or at a speed which produces a wake, wash or wave action which may or could reasonably be expected to damage any other vessel or port facility or create discomfort to an occupant of another vessel by causing such other vessel to yaw, pitch, shear or heave because of such wake, wash or wave action. "Restricted waterway" includes the Iliuliuk River, the East Channel of Iliuliuk Harbor, or any water within 100 yards of any private dock, pier or wharf;
 - (2) Throw or otherwise cause or permit to be deposited petroleum products, oil, litter, trash, garbage, or refuse on any float or into the waters of the port;
 - (3) Create or maintain any nuisance within the port, or conduct or carry on any unlawful business or occupation therein;
 - (4) Erect, place, post, or maintain any advertising matter, sign, or other printed matter, other than legal notices, on any part of the port facilities without approval thereof first being obtained from the Harbormaster. All unauthorized advertising and signs may be removed by the Harbormaster;
 - (5) Deposit, place, or leave any cargo, merchandise, supplies, freight, articles, or thing upon any dock, float, ramp decline, walk or other public place in the port facilities, except at such place or places as may be designated as loading areas by the Harbormaster;
 - (6) Fail to register with the Harbormaster any vessel occupying any city port facility;
 - (7) Tap, connect, disconnect, interfere with, or tamper with any electrical wiring, electrical outlet, or electrical device of any kind installed or maintained at the port facilities by the city without first having obtained the permission of the Harbormaster;

(8) Interfere with or tamper with any wharf, float, gangplank, ramp, associated water system or any appurtenance of the port facilities;

(9) Tie up at, enter or otherwise use an Open or a Reserved Mooring Space except as provided for in this title;

(10) Disregard, deface, remove, tamper with or damage any sign or notice posted or erected by or at the direction of the Harbormaster or by direction of the Public Works Department and relating to the use of the port facilities;

(11) Operate a searchlight or other bright light in the port in a manner that will temporarily blind or interfere with the vision of any pedestrian, operator of a motor vehicle or the operator of any other vessel, except in the case of an emergency;

(12) Refuse to comply with any lawful order of the Harbormaster or his representatives;

(13) Fail to maintain a proper radar or visual watch from the bridge of a vessel for which that person is the vessel operator, while the vessel is at anchor within the port;

(14) Fail to maintain a radio watch on VHF channel 16 while a vessel for which that person is the vessel operator is at anchor within the port; or

(15) Knowingly falsify statements or supply false information to the Harbormaster or his representatives.

(16) Operate a vessel in a reckless manner under § [18.12.030](#);

(17) Operate a vessel in a negligent manner under § [18.12.040](#);

(18) Violate the provisions of subsection (D) of § [18.20.010](#), or subsection (E) of § [18.20.060](#); or

(19) Abandon any vessel, boat, ship, skiff or other marine vehicle in such a manner as to create a floating or sunken hazard within the city boundaries. For purposes of this ordinance, a “floating or sunken hazard” may include any boat houses, floats, scows, rafts, pile drivers, other floating structures, or any boat, vessel, or floating structure which is or may become or create a fire hazard, a hazard to navigation, or otherwise become a menace to the safety of the community.

(Am. Ord. 2016-02, passed 2-23-16)

§ 18.12.060 REPORTING VIOLATIONS.

Complaints of any violations of the foregoing prohibited acts shall be made to the Harbormaster or his designated representatives or, in their absence, to the Department of Public Safety for the City of Unalaska.

§ 18.12.070 EXEMPTION OF AUTHORIZED EMERGENCY VESSELS.

(A) The provisions of this title shall not apply to any authorized emergency vessel actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel has

been authorized; provided that the provisions of this section shall not relieve the operator of an authorized emergency vessel of the duty to operate with due regard for the safety of all persons, nor shall it protect the operator of such vessel from the consequence of reckless disregard for the safety of others; provided further that the provisions of this section shall in no event extend any special privilege or immunity in the operation of an authorized emergency vessel for any purpose other than that for which has been authorized.

(B) In a case where loss of life, personal injury and/or substantial damage to property or natural resources occurs or is threatened, an authorized emergency vessel actually responding to such casualty may, when the operator of such emergency vessel in good faith believes it to be necessary and appropriate, operate such emergency vessel in a way that produces a wake, wash or wave action which may or could be expected to damage another vessel or property therein or create discomfort to an occupant of another vessel; provided that the provisions of this subsection shall not apply when such wake, wash or wave action itself could lead to loss of life, personal injury and/or substantial damage to property or natural resources.

§ 18.12.080 EMERGENCY POWERS.

Where necessary to expedite vessel traffic, to prevent or eliminate congestion, or to safeguard persons or property, the Harbormaster, or in the event of fire or other emergency the Harbormaster and other authorized officer of appropriate governmental agencies or authorities, may direct vessel traffic as conditions may require, notwithstanding the provisions of this title.

§ 18.12.090 DISTURBING THE PEACE.

Any person who disturbs the quiet enjoyment of other users of the port, by action or lack of action, shall be subject to revocation of mooring privileges and shall be required to vacate the port or port facility immediately. Examples of disturbing others include, but are not limited to, the following: loud music, unnecessary noise, or loud talking between the hours of 10:00 p.m. and 7:00 a.m., allowing a vessel to deteriorate; accumulation of trash, refuse, or garbage; allowing a vessel to become a nuisance, attractive or otherwise. Failure to comply with the Harbormaster's revocation of mooring privileges or order to vacate may result in impoundment under [Chapter 18.20](#) of this title. The remedies of this title are in addition to any civil and criminal remedies the Harbormaster, city, State of Alaska, or any other authority may have.

§ 18.16.010 VESSEL LENGTH.

For purposes of determining the appropriate annual mooring facilities reservation fee, vessel length shall be the overall length as measured from the most forward portion, including booms, spars, gins, or any fixed protuberances, to the most aft portion of the vessel, including booms, spars, gins, or any fixed protuberances.

§ 18.16.020 MOORING FACILITIES RESERVATION FEE.

(A) Vessel operators who have applied for and been granted a reserved mooring space shall be required to pay a mooring facilities reservation fee.

(B) The mooring facilities reservation fee schedule applicable to mooring spaces located within each port facility shall be set out in that facility's operating plan.

(C) Individuals who wish to cancel their reservations to their mooring or stalls, upon notification to the Harbormaster of their intention, shall be allowed a rebate of the fee paid, if and to the extent permitted by that facility's operating plan.

(D) The vessel operator of a vessel that is being occupied, lived on, rented or leased as a place of human habitation or a primary residence shall be charged the regular fee for a reservation of a mooring space plus an additional fee to be set by ordinance per calendar month. This additional fee is payable on a monthly basis in advance on the first day of each calendar month. The city may waive the additional monthly fee if the vessel operator or occupant notifies the Harbormaster in writing prior to the calendar months in question, stating the dates that the vessel will be vacant, and that the vessel will be occupied for less than 15 days in the calendar month, and that the vessel is no longer used as a primary residence during that period.

§ 18.16.030 MOORING FACILITIES USE FEE.

Vessel operators utilizing open harbor mooring facilities shall be required to pay a mooring facilities use fee as set by ordinance.

§ 18.16.040 OTHER FEES.

Other fees relating to port facilities fees shall be set by ordinance.

§ 18.16.050 HARBORMASTER SERVICE FEES.

(A) The Harbormaster may from time to time, but without any obligation or duty to do so and without any obligation or liability on his part or that of the city for his failure to do so, replace defective mooring lines, pump vessels which are in a dangerous condition for lack of pumping, or move any vessel occupying any mooring space for the purpose of protecting such vessel or other property from fire or other hazard. Whenever the Harbormaster performs any of the acts herein above authorized, after having given the best possible notice under the circumstances to the vessel operator of the immediate need therefor, the vessel operator shall pay the city the appropriate fee as prescribed by ordinance.

(B) The city shall hold and retain a lien, maritime or otherwise, against a vessel that is liable to the city for Harbormaster service fees assessed under subsection (A) of this section to the extent such lien is allowed by applicable federal and state law. The city may, at its option, enforce and foreclose such lien by suit in rem pursuant to applicable federal and state law. Such suit shall not preclude the city from pursuing any other remedy at law or in equity.

§ 18.16.060 PAYMENTS.

(A) All fees or charges provided for under this title shall be paid to the order of the City of Unalaska at the Harbormaster's office or at Unalaska City Hall.

(B) Any person who fails to pay a fee or charge due under this title, at the time and place when such fee or charge is due, shall be liable to the city for the amount due. If payment is not made within 60 days of the due date interest at the rate of 10.5% per annum shall accrue. The city shall also be entitled to all attorney's fees and costs in collection of amounts due under this title. The right of the city to pursue collection under this subsection shall not preclude the city from pursuing any other remedy at law or equity.

(C) Except as provided in § [18.20.060](#)(E) of this title, all payments shall be applied first to pay all collection costs incurred by the city, then to pay delinquency charges, and then to pay the principal amount owing and due.

(D) To the extent allowed by federal and state law, the city shall hold and retain and/or may create a lien, maritime or otherwise, against any vessel for any unpaid fees or charges the vessel and/or its operator owe the city. If any such fees and charges remain unpaid and delinquent, the city may, at its option, enforce and foreclose its lien by suit in rem pursuant to applicable federal and state law. Such suit shall not preclude the city from pursuing any other remedy at law or in equity.

§ 18.16.070 PORT AND HARBORS ENTERPRISE FUND.

The City Treasurer shall maintain an enterprise fund known as the "Port and Harbors Enterprise Fund." All fees arising out of operation of the port and port facilities shall be credited to the fund; provided, however, that the monies in the fund shall be subject to the regular city budget process.

§ 18.20.010 IMPOUNDMENT.

(A) The Harbormaster may take ~~immediate~~ possession and/or impound and remove any vessel within his jurisdiction:

- (1) To abate derelicts and nuisances;
- (2) For failure to comply with the registration provisions of this title;
- (3) That is ~~or~~ obstructing port traffic and the vessel operator is unable, fails or refuses to immediately attend to and remove the vessel such that it no longer obstructs port traffic;
- (4) Whose operator reasonably appears incapable of safely operating the vessel or appears incapable of directing the disposition of the same;
- (5) Whose operator refuses to properly identify ~~himself/herself~~ themselves upon lawful request of the Harbormaster, or refuses or fails to obey an order of the Harbormaster to proceed to or from an area following issuance of a citation or in an emergency;

(6) Whose operator operates a vessel in a reckless manner under § [18.20.030](#), in a negligent manner under § [18.12.040](#), or in another manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other vessels, and the Harbormaster believes such operation would continue unless possession of the vessel be taken;

(7) That is moored in a reserved mooring space assigned to another after reasonable efforts were made at attempting to contact the vessel operator to move the vessel in question, or who, after receiving notification to move the vessel, refuses to do so;

(8) That is moored at a loading area or launch ramp area for a period of time longer than permitted;

(9)) That is in imminent danger of sinking; ~~and or~~

(10) That constitutes a fire hazard to itself, port facilities or other property.

(B) When taking possession or impounding as authorized by ~~subsection (A) of this section, this Chapter~~, the Harbormaster may impound the vessel in place by chaining or otherwise mooring it to a float or other suitable object, or if practical by removing it from the water and placing it in either city or commercial land storage. Vessels not practical to impound by moving, mooring or removing from the water may be impounded by posting a notice of impoundment in the places set out in § [18.20.030](#).

(C) The Harbormaster may appoint a custodian to maintain and safekeep the vessel while it remains impounded. In the discretion of the Harbormaster, such custodian may be the operator of the vessel.

(D) Upon impoundment of a vessel, it shall be unlawful for any person:

(1) To move, load, unload, rebuild, or enter upon such vessel without written permission from the Harbormaster, other than for necessary maintenance and repair to prevent deterioration of the same or sinking; and

(2) To remove, mutilate, destroy or conceal any notice or sign posted by the Harbormaster pursuant to this section.

§ 18.20.020 EXPENSES.

(A) Expenses incurred by the Harbormaster in the removal, towing impounding, custodianship, moorage and/or storage of any vessel under § [18.20.010](#) shall be paid by such vessel and its operator.

(B) When a vessel or other property is moored or impounded at a port facility, the Harbormaster shall assess a moorage charge therefor in the amount to be set by ordinance per day. Such fee, in case of dry land storage, shall be in addition to the dry land storage fee at the dry land rate and in addition to the haul out fee.

(C) The Harbormaster may decline to release possession of any vessel until all charges are paid in certified funds.

§ 18.20.030 NOTICE OF IMPOUNDMENT.

(A) ~~Immediately upon~~ At least ten (10 days prior to impounding any vessel, the city shall cause to be posted on the vessel and in five public locations throughout the city a notice of such action to be taken by the city. A copy of the notice shall be mailed, by registered or certified mail, to each affected vessel operator at ~~his/her~~ their address of record and to all other persons known to have an interest in the vessel, including all ~~lienholders~~ lienholders shown on the records of a state or federal agency. ~~If the vessel is documented under the laws of the United States, notice shall also be sent to the collector of customs of the port of documentation, if such can be reasonably ascertained.~~

(B) The notice required by this section shall contain the name and/or number of the vessel; the name and address, if known, of the vessel's owner and each operator; and the vessel's location. The notice shall further state the grounds upon which the vessel is being impounded, and the proposed disposition of the vessel. The notice shall further state that any person with a property interest in the vessel may request a hearing as provided in this chapter.

§ 18.20.040 HEARING ~~AFTER~~ BEFORE IMPOUNDMENT.

(A) Any person with a property interest in an impounded vessel may obtain a prompt hearing before the Port Director before the vessel is impounded to determine whether there is probably cause to impound the vessel by ~~submitted~~ submitting a written request for a hearing at least no later than 10 days prior to public sale of the vessel after receipt of notice of impoundment or after the person has learned such vessel will be impounded whichever comes first.

(B) At the hearing, the Port Director shall review whether ~~proper grounds~~ probable cause exists for impounding the vessel. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was a breach of Federal, local or municipal law or regulations, or any agreement entered into pursuant thereto, rendering the vessel subject to impoundment. Any person with a property interest in the vessel may present evidence, call witnesses, and present argument as to the impoundment, its propriety and/or release of the vessel. The city may also present evidence, call witnesses and present argument in response. If it is determined that probable cause to impound exists the City may proceed to impound and sell or destroy the vessel as provided in UCO 18.20.050.

(C) At any time prior to sale, ~~t~~The Port Director ~~shall~~ may release the vessel from impoundment to the owner or operator of the vessel upon such terms and conditions as the Port Director in ~~his/her~~ their discretion finds will abate the nuisance or other cause for impoundment, otherwise remedy the reason for impoundment, and reimburse and compensate the city for expenses owing pursuant to § [18.20.020](#).

(D) The written decision of the Port Director is a final administrative decision when mailed to each party requesting a hearing, and may be appealed only to the Superior Court. Any appeal must be commenced within thirty (30) days of the date of mailing of the decision.

§ 18.20.050 SALE OF IMPOUNDED VESSELS.

(A) In the event a vessel remains impounded for 90 days and impound charges and expenses remain unpaid, the Harbormaster may sell the vessel at public auction to the highest and best bidder as provided in this section.

(B) Not less than 20 days prior to sale, the city shall publish a notice of sale once in a newspaper of general circulation in the city. The notice shall describe the vessel in general terms; the name and/or number of the vessel; the name and address of each vessel operator, if known; the location of the vessel; and the intention of the city to sell the vessel at public auction on a day and at a time certain for cash to the highest and best bidder.

(C) The person whose bid is accepted shall immediately pay the Harbormaster the full purchase price, if the bid is no more than \$5,000; or a deposit of at least \$5,000 or 10% of the bid, whichever sum is greater, if the bid exceeds \$5,000. The bidder shall pay the balance of the purchase price within three days thereafter, excluding Saturdays, Sundays and holidays. A person who fails to pay the balance of a bid within the time required is deemed to be in default, and the Harbormaster may, in his discretion, give that person further time to pay the balance, sell to the second highest bidder, or conduct a new sale, as seems appropriate. Any sum deposited by the bidder in default shall be forfeited and applied to pay any additional costs incurred by the Harbormaster by reason of the default, including costs incident to resale. The balance of the deposit, if any, shall be deposited into the Port Enterprise Fund. A successful bidder who pays the balance of the bid after the time required by this subsection, or otherwise takes delivery of the vessel after the time payment of the full purchase price was due, shall also pay the Harbormaster the cost of keeping the vessel from the date payment of the balance was due to the date the bidder takes delivery of the vessel. The Harbormaster shall refuse to release the vessel until the full purchase price, plus any costs for keeping the vessel after the time payment of the full purchase price was due, is paid.

(D) After the full purchase price plus any costs are paid by the successful bidder to the Harbormaster, the city shall make and deliver its bill of sale, without warranty of title, for the vessel to the successful bidder. Failure of a party to give or receive required notice of the impoundment, sale or other action shall not affect the title of the purchaser of the vessel.

(E) The proceeds of such sale shall be first applied to the costs of sale, then to impoundment expenses, then to delinquency charges accrued, then to moorage and service fees accrued. Any balance remaining shall be held in trust by the city for the owner of the vessel to claim. If the balance is not claimed within five years, the balance shall be deposited into the Port Enterprise Fund.

(F) If at any public sale there are no bidders for a vessel, the city may declare the vessel to be surplus property and sold at a city surplus property sale, or the vessel may be destroyed, scuttled or otherwise disposed of. Any disposition under this subsection shall be without liability of the city, the Harbormaster or any of their employees or

agents to the vessel owner, its operator, or anyone else holding liens, claims or other interests in the vessel.

§ 18.20.060 ABATEMENT OF NUISANCES.

(A) Upon the Harbormaster's written determination that a condition described in UCO 18.20.010(A) exists that constitutes a clear and present danger to the public health, safety or general welfare, the nuisance may be summarily abated by the Harbormaster without prior notice. The Harbormaster may take immediate possession and/or impound and remove any nuisance or property creating a nuisance on port facilities property.

(B) All ~~other~~ personal property, including but not limited to machinery, equipment, gear, appliances and furniture, placed or stored on port facilities property without the express permission of the Harbormaster shall be considered to be a hazard and a hindrance to the public use of port facilities. Such property shall be subject to impound if not removed, or written permission from the Harbormaster for such placement or storage is not received, within 24 hours of placement on port facilities property.

(C) Immediately upon impounding any property, the city shall cause to be posted on the property and in five public locations throughout the city a notice of such action. A copy of the notice shall be mailed, by registered or certified mail, to the person who the Harbormaster determines through the exercise of due diligence is the owner of the property and to all other persons known to have an interest in the property

(D) Property impounded under this section shall be subject to an impound fee to be set by ordinance, plus all costs of impoundment including labor, and a storage charge to be set by ordinance for each day the property remains in the Harbormaster's possession. All impound charges and fees shall be paid in full and in certified funds, before the Harbormaster may release the impounded property to its owner.

(E) A person with a property interest in impounded property may obtain a prompt hearing before the Port Director by submitting a written request for a hearing no later than 10 days after receipt of notice of impoundment or learning of the impoundment whichever is earlier. If following the hearing it is determined the property was improperly impounded it shall be released to the property owner.

(F) In the event property impounded under this section remains impounded for 90 days after written notice of impound is issued to the person who the Harbormaster determines through the exercise of due diligence is the owner of the property and impound charges and fees remain unpaid, the Harbormaster may sell the property at public auction to the highest and best bidder. Such sale shall be conducted pursuant to a procedure generally similar to that set forth in § [18.20.060](#) for sale of impounded

vessels. If impounded property is without value, it shall be destroyed and otherwise disposed.

(G) Upon impoundment of property, it shall be unlawful for any person:

(1) To take, move, or access such property without written permission from the Harbormaster ~~pursuant to this section.~~

(2) To remove, mutilate, destroy or conceal any notice or sign posted by the Harbormaster ~~pursuant to this section.~~

§ 18.20.070 LIABILITY.

The city and its agents shall not be responsible or otherwise liable for damages incurred as a result of authorized possession, impoundment and/or sale of a vessel or other property if all reasonable and safe practices are employed and all procedures set forth in this chapter are followed.

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-75

A RESOLUTION ESTABLISHING DATES FOR THE FISCAL YEAR 2022 REAL PROPERTY TAX AND BUSINESS PERSONAL PROPERTY TAX COLLECTION EFFORT

WHEREAS, UCO 6.36.020 states that taxes become due and are delinquent on dates set yearly by resolution.

NOW THEREFORE, BE IT RESOLVED that the Unalaska City Council sets the following dates and deadlines for the FY22 real property tax and business personal property tax collection effort:

January 15, 2021	Mail Business Personal Property Declaration Forms
March 1, 2021	Deadline for return of Business Personal Property Declaration Forms
March 31, 2021	Mail Real Property and Business Personal Property Regular, Supplemental and Involuntary Assessment Notices
April 30, 2021	Deadline for filing appeal to the Board of Equalization
May 11, 2021	Board of Equalization meets
June 30, 2021	Mail Real Property and Business Personal Property Regular, Supplemental and Involuntary Tax Statements
August 20, 2021	First half payment due date for regular Real and Business Personal Property Tax rolls
August 20, 2021	Final payment due date for Supplemental and Involuntary Business Personal Property Tax rolls
August 21, 2021	Unpaid taxes become delinquent and subject to penalty and interest
October 20, 2021	Second half payment due date for regular Real and Business Personal Property Tax rolls
October 21, 2021	Unpaid taxes become delinquent and subject to penalty and interest

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

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2020-76

A RESOLUTION OF THE UNALASKA CITY COUNCIL ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 2021 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE FMA 2: ALEUTIAN ISLANDS AREA

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 2021 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2019 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, the Unalaska City Council proposes to use an alternative allocation method for allocation of FY21 funding available within the FMA 2: Aleutian Islands Area in agreement with all other municipalities in this area participating in the FY 2021 Shared Fisheries Business Tax Program;

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2019 of fisheries business activity in the municipalities within the FMA 2: Aleutian Islands Area:

1. All municipalities share equally 60% of the allocation; and
2. All municipalities but the Aleutians East Borough share remaining 40% on a per capita basis.

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 Council Members
From: Marjie Veeder, City Clerk
Through: Erin Reinders, City Manager
Date: December 15, 2020
Re: Resolution 2020-76: Adopting an alternative allocation method for the FY 2021 Shared Fisheries Business Tax Program and certifying that this allocation method fairly represents the distribution of significant effects of fisheries business activity in the FMA 2: Aleutians Islands Area

SUMMARY: The purpose of this tax program is to provide for a sharing of State fish tax collected outside municipal boundaries with municipalities that have been affected by fishing industry activities. This resolution is submitted to Council with the assumption that the Alternate Method of distribution will be adopted as it has been for more than 26 years. Adak, Atka, Akutan, and the Aleutians East Borough, all of which are included in the fisheries management area, have agreed to the Alternate Method and are addressing or have addressed the same resolution.

PREVIOUS COUNCIL ACTION: Council has adopted the alternative allocation formula as outlined in Resolution 2020-76 for more than 26 years.

BACKGROUND: This program was created to recognize that there are municipalities affected by fishing activity outside their municipal boundaries, but that were not receiving a share of the State fish tax collected from these activities.

The Shared Fisheries Tax became law (AS 29.60.450) in 1962 with qualified municipalities sharing approximately 10% of the monies. The law evolved from a series of congressional and territorial legislation that originally taxed canned salmon receipts and later other fisheries for the purpose of funding fisheries-related activities in pre-territorial Alaska. Since becoming law, the amount of fisheries business tax shared with qualified municipalities has increased only twice, once in 1979 to 20% and in 1981 to the present 50% share.

DISCUSSION: The Shared Fisheries Tax Program provides two methods for applying for this funding. The first method is the Standard Method, which is very complicated and requires a great deal of coordinated effort among the affected communities. The second is the Alternate Method through which all municipalities within a fisheries management area agree to a formula for distribution of funds. This method is less complex and agreeable to all affected communities in the management area.

Atka, Adak, Akutan, and the Aleutians East Borough, all of which participate in this program with Unalaska (Fisheries Management Area 2 Aleutian Islands), have been contacted for confirmation that they agree on the use of the Alternate Method and that they agree with the formula.

ALTERNATIVES: Council could choose not to adopt the Alternate Method, in which case the Standard Method would be implemented along with the attendant requirements to document and report the cost of fisheries business impacts in the community (see pages 5-13 in the application packet).

FINANCIAL IMPLICATIONS: The State of Alaska provided information showing the allocation to Unalaska for FY21, which is significantly increased compared to FY20:

	FY20	FY21	Difference
Business Tax	\$ 93,724.29	\$ 106,532.94	\$ 12,808.65
Landing Tax	\$ 34,295.39	\$ 291,888.17	\$ 257,592.78
Total	\$ 128,019.68	\$ 398,421.11	\$ 270,401.43

The City's Fisheries Consulted said we anticipated this increase in the payment from the Department of Revenue for the shared taxes generated inside the municipal boundaries. The increased revenue was due to increases by catcher processors acting as motherships, taking deliveries from catcher vessels, or an increase of floating processor activity outside the city boundary.

This table shows the breakdown between the communities in our Fisheries Management Area for the FY21 allocation:

FMA 2: Aleutian Islands Area	Total allocation:	60% Divided:	40% per capita:		FY19 Landing Tax Allocation:	
	\$247,896.85	\$148,738.11	\$99,158.74		\$679,209.25	
Community	Population	60% divided share	40% per capita share	Calculated Allocation	Calculated Allocation	Total Distribution
City of Adak	298	\$ 29,747.62	\$ 4,983.02	\$ 34,730.64	\$ 95,158.02	\$ 129,888.66
Aleutians East Borough	1,948	\$ 29,747.62	\$ -	\$ 29,747.62	\$ 81,505.11	\$ 111,252.73
City of Akutan	990	\$ 29,747.62	\$ 16,554.33	\$ 46,301.95	\$ 126,862.08	\$ 173,164.03
City of Atka	50	\$ 29,747.62	\$ 836.08	\$ 30,583.70	\$ 83,795.87	\$ 114,379.57
City of Unalaska	4,592	\$ 29,747.62	\$ 76,785.32	\$ 106,532.94	\$ 291,888.17	\$ 398,421.11
Totals	7,878	\$ 148,738.11	\$ 99,158.75	\$ 247,896.85	\$ 679,209.25	\$ 927,106.11
Community Count	5					
* All municipalities share equally 60% of allocation; all but Aleutians East Borough share remaining 40% on a per capita basis.						

LEGAL: No legal opinion is necessary for this item.

STAFF RECOMMENDATION: Adoption of Resolution 2020-76.

PROPOSED MOTION: I move to adopt Resolution 2020-76.

CITY MANAGER'S COMMENTS: I recommend Council adopt this resolution.

ATTACHMENTS: Program Description from the State of Alaska.



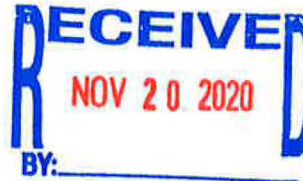
THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development
Division of Community and Regional Affairs

455 3rd Avenue, Suite 140
Fairbanks, AK 99701
Main: 907.451.2718
Fax: 907.451.2742

November 16, 2020

City of Unalaska
PO Box 610
Unalaska AK, 99685



Dear Municipal Official:

The Department of Commerce, Community, and Economic Development is pleased to announce availability of the **FY 2021 Shared Fisheries Business Tax Program**. The purpose of the program is to allocate a share of state fish tax collected outside municipal boundaries with municipalities affected by fishing industry activities. Municipalities around the state will share approximately \$1.1 million based on 2019 fisheries activity as reported by fish processors on their fish tax returns. Details of how the program works are included in the application under *Program Description*.

Historically, your municipality along with the other communities in your fisheries management area (FMA 2: Aleutian Islands) has filed using the Alternative Method found on the last four pages of this application. A breakdown is included that details the communities in your FMA, in addition to the anticipated payment based on the agreed upon allocation method for your FMA. If this agreement is still in place with your FMA, you will only need to have your Council/Assembly pass the enclosed alternative method sample resolution in order to participate in the program.

If your FMA intends to change the alternative method of allocation, the new proposal must be submitted to our office no later than **January 15, 2020**. If an agreement cannot be made with all communities in your FMA, you will need to file using the standard method and claim your significant effects. Instructions on both of these methods are detailed in the application packet.

**DEADLINE FOR SUBMISSION OF COMPLETED APPLICATION IS
FEBRUARY 16, 2021.**

Applications can be scanned and emailed to caa@alaska.gov with the subject line **“Municipality Name, FY21, SFBT”** If you have any questions about the program or require assistance in completing the application, please contact me at kimberly.phillips@alaska.gov or call (907) 451-2718.

Sincerely,


Kimberly Phillips
Grants Administrator II

Enclosure

FMA 2: Aleutian Islands

					LONG	FY 19 Landing Tax Allocation \$679,209.25
	Total allocation: \$247,896.85	60% Divided \$148,738.11	40% per capita \$99,158.74			
Community	Population	60% divided share	40% per capita share	Calculated Allocation		Calculated Allocation
City of Adak	298	\$29,747.62	\$4,983.02	\$34,730.64		\$95,158.02
Aleutians East Borough	1,948	\$29,747.62		\$29,747.62		\$81,505.11
City of Akutan	990	\$29,747.62	\$16,554.33	\$46,301.95		\$126,862.08
City of Atka	50	\$29,747.62	\$836.08	\$30,583.70		\$83,795.87
City of Unalaska	4,592	\$29,747.62	\$76,785.32	\$106,532.94		\$291,888.17
Totals	7,878	\$148,738.11	\$99,158.74	\$247,896.85		\$679,209.25
Community Count	5					

* All municipalities share equally 60% of allocation; all but Aleutians East Borough share remaining 40% on a per capita basis.
 AEB pop = Borough (2938) - Akutan

DCCED
Shared Fisheries Business Tax Program
FY 21 Long-Form Application
For
FMA 2: ALEUTIANS ISLANDS AREA



APPLICATION MUST BE SUBMITTED TO DCCED
NO LATER THAN FEBRUARY 16, 2021

State of Alaska
Michael J. Dunleavy, Governor

Department of Commerce, Community, and
Economic Development
Julie Anderson, Commissioner

Division of Community and Regional Affairs
Sandra Moller, Director

FY 21 SHARED FISHERIES BUSINESS TAX PROGRAM DESCRIPTION

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

Program Eligibility

To be eligible for an allocation under this program, applicants must:

1. Be a municipality (city or borough); and
2. Demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

Program Funding

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2019.

Program funding is allocated in two stages:

1st Stage: Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2019 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2019, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2019.

2nd Stage: The funding available within each FMA will be allocated among the municipalities in that area based on the level of fishing industry significant effects suffered by each municipality compared to the level of effects experienced by the other municipalities in that FMA.

Some municipalities, because of their extensive area, are included in more than one fisheries management area. In these cases, the municipality must submit a separate program application for each area.

FY 21 SHARED FISHERIES BUSINESS TAX PROGRAM DESCRIPTION

There are two possible application methods: Standard and Alternative

Standard Method: In the Standard Method, established by the department, each municipality in the FMA must determine and document the cost of fisheries business impacts experienced by the community in 2019. These impacts are submitted by each municipality in their applications. The department will review the applications and determine if the impacts submitted are valid. Once the impacts have been established for each of the municipalities in the FMA, the department will calculate the allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

Alternative Method: Alternative allocation methods may be proposed by the municipalities within the FMA. The department will consider approving the use of a proposed alternative method only if all the municipalities in the area agree to use the method, and if the method includes some measure of the relative effects of the fishing industry on the respective municipalities in the area.

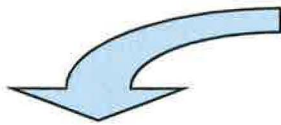
This application packet contains the instructions and forms applying under:

- STANDARD METHOD
- ALTERNATIVE METHOD

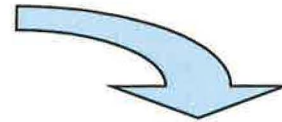
The chart on the following page summarizes the process for these two methods.

FY 21 SHARED FISHERIES BUSINESS TAX PROGRAM DESCRIPTION

PROCESS FOR METHODS



November 16
Commerce mails program applications to municipalities



STANDARD METHOD

No later than February 16

Each municipality determines and documents the cost of fisheries impacts on the community and submits this information with their application.



No later than April 15

Department of Commerce reviews applications, makes a determination as to the validity of the submitted impacts, and notifies the municipalities of this determination.



Within 30 days

Municipalities have 30 days in which to appeal Commerce's determinations regarding submitted impacts.



Within 20 days

Commerce will respond to appeals within 20 days after receiving them.



After all appeals are resolved

Commerce will perform the formula calculations for each FMA based on the relative impacts approved for each municipality in the FMA, and distribute the funding allocations.

ALTERNATE METHOD

No later than January 15

All municipalities in an FMA work together to develop an alternate allocation formula and submit their proposal to the Department of Commerce. Municipalities are encouraged to consult with Commerce during this effort regarding the acceptability of alternative methods.



No later than February 1

Commerce reviews alternate proposals, determines if proposals are acceptable, and notifies the municipalities of this determination. If the proposal is accepted, municipalities may then use the Alternative Method application. If the proposal is not acceptable to Commerce, they will work with municipalities in an area to resolve problems. If the problems cannot be resolved, the municipalities in that FMA must apply using the Standard Method application.



No later than February 16

Each municipality must submit an Alternative Method application. Commerce will distribute allocations after all applications within that FMA have been received and verified.

FY 21 Shared Fisheries Business Tax Program Application Instructions

STANDARD METHOD

- In the standard method application process each municipality determines and documents the cost to the municipality of fisheries industry significant effects suffered by the community in 2019.
- Details for each of these effects are submitted by municipalities using the Declaration of Significant Effects application forms provided on the following pages.
- The municipality must also submit an approved resolution by the governing body certifying that the information submitted in the application is correct and complete. A sample resolution is included in this packet.
- The department will review the applications and determine if the significant effects submitted are valid.
- Once the effects have been established for each of the municipalities in a Fisheries Management Area, the department will calculate the funding allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative **dollar amount of impact** in each municipality. The **other half** of the funding available to that area is divided equally among all eligible municipalities.

Guidelines for Completing the Declaration of Significant Effects Forms

Some important definitions: The Shared Fisheries Business Tax Program provides for a sharing of State Fisheries Business Tax with municipalities that can demonstrate they suffered *significant effects* during the *program base year* from *fisheries business activity* in their respective fisheries management area.

For the purposes of this program, "fisheries business activity" means:

- activity related to fishing, including but not limited to the catching and sale of fisheries resources;
- activity related to commercial vessel, moorage and gear maintenance;
- activity related to preparing fisheries resources for transportation; and,
- activity related to processing fisheries resources for sale by freezing, icing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants.

And, "significant effects" means:

- municipal expenditures during the program base year demonstrated by the municipality to the department to be reasonable and necessary that are the result of fisheries business activities on the municipality's:
 - population;
 - employment;
 - finances;
 - air and water quality;
 - fish and wildlife habitats; and,
 - ability to provide essential public services, including health care, public safety, education, transportation, marine garbage collection and disposal, solid waste disposal, utilities, and government administration.

And, "program base year" means:

- calendar year 2019.

A municipality does not need to have actual expenditures in 2019 in order to include them as significant effects in the application. If a fishing business activity impacts a municipality in a manner that will result in a cost to the municipality, then the municipality can claim that impact as a significant effect. For example, a municipality's pier might have been damaged by an improperly docked fish processing vessel. The municipality might not have the funds to repair the pier during 2019, but the municipality has obtained final engineering estimates for the cost of repairs. In this case, the municipality could declare the repair cost estimates as significant effects on their application. However, **these costs may not be claimed again** if the municipality subsequently expended the monies to repair the pier at a later date (this would result in a double counting of significant effects).

If a significant effect claimed in the application reflects expenditures that were determined by the municipality to be necessary, but for which the municipality was unable to make an expenditure during the program base year, the application must include a finding by the municipal governing body which documents and clearly describes the procedures and methods by which the need and the estimated cost of such expenditures were determined.

Only that part of overall community impacts which are directly attributable to fishing business activity should be included as significant effects in the application. For example, a municipality water supply system may be impacted by the fresh water needs of the local fishing fleet and fish processing facilities. However, a municipality in this situation should not claim the entire cost of operating or maintaining the water system as a "significant effect" for the purposes of this program. In this case, the municipality must determine and document its estimate of the share of the use, and "wear and tear," of the water system that can reasonably be attributed to fisheries business activity. A place is provided on the *Declaration of Significant Effects* forms for municipalities to explain how they arrived at such estimates.

Examples of eligible significant effects. The kinds of negative effects which a municipality might possibly claim to have suffered are many. It is the responsibility of each municipality to describe, document and justify its particular claims of negative impacts during 2019 resulting from fisheries

business activities. For the purposes of this program, all significant effects must be presented in terms of expenditures of municipal funds, either actual or determined necessary. For example, a sudden population increase of 1,000 people is not in itself a negative effect. It is the demonstrable impacts on the municipality budget of dealing with these extra people that may be considered as significant effects for this program. The following examples represent the kinds of community impacts which are clearly eligible for inclusion in a municipality's *Declaration of Significant Effects* forms.

- a municipality's expenses during 2019 in repairing a dock damaged by a fishing vessel;
- a municipality's costs of hiring extra police, teachers or medical staff to cover periods during 2019 when fish processing workers or fishing crew and their families expanded the municipality's population;
- a municipality's 2019 loan which was used to improve the municipality's water system to meet increased demands for fresh water by local fish processors. Only that part of the debt service which can be directly attributable to supporting the fishing industry may be counted as a significant effect.
- special expenditures made by a municipality during 2019 to assist or help re-train workers who lost their jobs in the fishing industry because of a downturn in fishing activity;
- a municipality's expenditures for operating and maintaining harbor facilities during 2019;
- operating and maintaining a municipality's water and sewer system or landfill during 2019 that is directly attributable to the fishing industry.

Examples of events which are not eligible to be significant effects

The following are examples of municipal expenditures or events which are **not eligible** for inclusion in a municipality's *Declaration of Significant Effects* forms:

- Municipal expenditures that occurred before or after 2019 which are the result of fishing business activities;
- Revenues which a municipality did not receive during 2019 because of a downturn in local fishing business activity.

If you're not sure whether an event is a valid "significant effect" or not, contact DCCED.

Instructions for Completing the Standard Method Application

The completed standard method application submitted by each municipality will contain three elements:

- a set of *Declaration of Significant Effects* forms (one separate form for each significant effect claimed by the municipality). **Three copies of this form are included in the application- please make as many additional copies of this form as you need.**
- a *Cover Page* that provides the total number and cost of the significant effects claimed by the municipality.
- an *approved resolution* by the governing body adopting the application as true and correct. A sample resolution is included in the application.

Instructions for the Cover Page/Summary

The *Cover Page* must be completed and submitted as part of the application. This form summarizes the information found in the application. The number of significant effects claimed should be equal to the number of *Declarations of Significant Effects* forms submitted with the application and the total dollar amount should equal the sum of all the dollar amounts stated in Part 2 on the *Declarations of Significant Effects* forms.

Instruction for the *Resolution* form

Municipalities may use this form, or a similar form, to comply with the requirement that the submitted application be certified by the municipality's governing body.

**Submit completed application
no later than February 16, 2021, to:**

E-mail

caa@alaska.gov

Subject Line

“Municipality Name, FY21, SFBT”

Or

Mail

**State of Alaska DCCED
Shared Fisheries Business Tax Program
455 3rd Avenue, Suite 140
Fairbanks, Alaska 99701-4737**

**If you have any questions regarding this program, contact
Kimberly Phillips at 451-2718**

FY 21 SHARED FISHERIES BUSINESS TAX PROGRAM
STANDARD METHOD APPLICATION
for
FMA 2: ALEUTIANS ISLANDS AREA

Name of Municipality: _____

Mailing Address: _____

Contact Person: _____

Title: _____

Phone Number: _____

Email Address: _____

Total # of Significant Effects Claimed: _____

Total \$ of Significant Effects Claimed: \$ _____

Return with, Declaration of Significant Effects forms, and resolution

E-mail

caa@alaska.gov

Subject Line

“Municipality Name, FY21, SFBT”

Or

Mail

State of Alaska DCCED

Shared Fisheries Business Tax Program

455 3rd Avenue, Suite 140

Fairbanks, Alaska 99701-4737

**FY 21 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Provide a description of the fisheries business activity which resulted in the significant effect:

2. Total significant effect (municipal expenditure) made necessary during 2019 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is: actual determined necessary
(Every municipal expenditure marked "determined necessary" must be supported by a resolution)

4. Describe how the municipal expenditure figure listed under Part 2 was determined:

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?

yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY 21 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Provide a description of the fisheries business activity which resulted in the significant effect:

2. Total significant effect (municipal expenditure) made necessary during 2019 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is: actual determined necessary
(Every municipal expenditure marked "determined necessary" must be supported by a resolution)

4. Describe how the municipal expenditure figure listed under Part 2 was determined:

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY 21 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**
(One Separate Form for Each Significant Effect Claimed)

1. Provide a description of the fisheries business activity which resulted in the significant effect:

2. Total significant effect (municipal expenditure) made necessary during 2019 by the fisheries business activity listed in #1: \$

3. Municipal expenditure is: actual determined necessary
(Every municipal expenditure marked "determined necessary" must be supported by a resolution)

4. Describe how the municipal expenditure figure listed under Part 2 was determined:

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

FY 21 Shared Fisheries Business Tax Program
Standard Method Resolution

(City or Borough)

RESOLUTION NO.

A RESOLUTION CERTIFYING THE FY 21 SHARED FISHERIES BUSINESS TAX PROGRAM APPLICATION TO BE TRUE AND CORRECT

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 21 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2019 from fisheries business activities; and

WHEREAS, the Department of Commerce, Community, and Economic Development has prepared specific application forms for the purpose of presenting the municipality's claims as to the significant effects suffered by the municipality during calendar year 2019; and

WHEREAS, 3 AAC 134.100 requires the governing body of the municipality to include with the municipality's FY 21 program application an approved resolution certifying the information contained in the application to be true and correct;

NOW THEREFORE BE IT RESOLVED THAT:

The _____ by this resolution certifies the information contained in
(Governing Body)
the _____
(City or Borough)

FY21 Shared Fisheries Business Tax Program Application to be true and correct to the best of our knowledge.

PASSED AND APPROVED by a duly constituted quorum of the _____ this _____
(Governing Body)
day of _____, 20 ____.

SIGNED _____
Mayor

ATTEST _____
Clerk

FY 21 Shared Fisheries Business Tax Program Application Instructions

ALTERNATIVE METHOD

- In the alternative method application process all municipalities in a fisheries management area may work together to develop an alternative allocation formula for distributing the available program funding among municipalities in the area. It is advised that the Department of Commerce be consulted during this process if the municipalities have questions or concerns about what constitutes an acceptable alternative to the standard allocation method.
- All the municipalities in an area must reach an agreement in writing on an alternative allocation formula.
- By January 15, the department must receive the proposed alternative method. If the alternative method is not acceptable, the department will work with the municipalities to resolve the problems.
- If the municipalities in an area fail to satisfy the department regarding the acceptability of the alternative allocation method proposed, then each municipality in the region must return to the standard application process and submit separate applications as required by that process.
- If the department finds the alternative allocation method satisfactory, each municipality must then complete an alternative method application consisting of a cover page and resolution. The resolution must be adopted by the governing body and it must clearly describe the approved alternative allocation method within that area. After all alternative method applications within an area have been received and approved; the department will perform the allocations and distribute program funds.

Instructions for Alternative Method Application

In the alternative method application, an approved resolution constitutes the application. No other forms need to be submitted. A sample resolution has been attached for your use.

General Guidelines for Developing an Alternative Allocation Method

All municipalities in a fisheries management area must agree on the alternative method: There must be unanimous agreement among all eligible municipalities in a fisheries management area with regard to alternative allocation methods. It is the responsibility of community leaders in the area to work together to negotiate an alternative which is acceptable to all municipalities. The department may be consulted at any time regarding what kinds of formula approaches are considered acceptable by the department.

Alternative methods must incorporate some measure of the relative significant effects experienced by the respective municipalities in the area. The measure of significant effects may take many forms. One area might agree to use the number of commercial fishing boat visits-per-year per community as a measure of significant effects. Another area might use the linear foot-length of public docks as a measure. Another area might use community population figures as an indication of the significant effects of fisheries business activity. Another area might share one half of the funding equally between the respective municipalities and share the other half based upon community population figures. Areas may decide to use one measure, or may use a combination of measures.

**Submit your completed application
no later than
February 16, 2021 to:**

E-mail

caa@alaska.gov

Subject Line

“Municipality Name, FY21, SFBT”

Or

Mail

**State of Alaska DCCED
Shared Fisheries Business Tax Program
455 3rd Avenue, Suite 140
Fairbanks, Alaska 99701-4737**

**If you require assistance in completing this application, contact
Kimberly Phillips at 451-2718.**

FY 21 SHARED FISHERIES BUSINESS TAX PROGRAM

ALTERNATE METHOD APPLICATION

For

FMA 2: ALEUTIANS ISLANDS AREA

Name of Municipality: City of Unalaska

Mailing Address: PO Box 610

Unalaska AK 99685

Contact Person: Marjie Veeder, City Clerk

Title: City Clerk

Email Address: mveeder@ci.unalaska.ak.us

Phone Number: 907.581.1251 ext 2104

Return with resolution

E-mail

caa@alaska.gov

Subject Line

“Municipality Name, FY21, SFBT”

Or

Mail

State of Alaska DCCED

Shared Fisheries Business Tax Program

455 3rd Avenue, Suite 140

Fairbanks, Alaska 99701-4737

FY 21 Shared Fisheries Business Tax Program
Alternative Method Resolution

(City or Borough)

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY21 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA 2: ALEUTIANS ISLANDS AREA

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 21 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2019 from fisheries business activities; and,

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and,

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and,

WHEREAS, The _____
(Governing Body) proposes to use an alternative allocation method for allocation of FY21 funding available within the FMA 2: ALEUTIANS ISLANDS AREA in agreement with all other municipalities in this area participating in the FY21 Shared Fisheries Business Tax Program;

NOW THEREFORE BE IT RESOLVED THAT: The _____
(Governing Body) by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2019 of fisheries business activity in FMA 2: ALEUTIANS ISLANDS AREA:

- **60% of allocation; all but Aleutians East Borough share remaining 40% on a per capita basis.**

PASSED and APPROVED by a duty constituted quorum of the _____ this _____ day
(Governing Body)
of _____ 20__.

SIGNED _____
Mayor

ATTEST _____
Clerk

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 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 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.

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2020-16

EMERGENCY ORDINANCE CREATING BUDGET AMENDMENT #3 TO THE FISCAL YEAR 2021 BUDGET,
CREATING AN APPROPRIATION FOR COSTS ASSOCIATED WITH THE CITY RESPONSE TO THE COVID-19
PANDEMIC

WHEREAS, the City of Unalaska, with Resolution 2020-16 declared a local emergency authorizing the City Manager to take necessary actions to reduce the impact and spread of the coronavirus known as COVID-19 throughout the City of Unalaska; and

WHEREAS, the use of CARES Act funds will expire on December 30, 2020 and no additional Federal or State relief has been provided to the City Unalaska; and

WHEREAS, the City of Unalaska, with Resolution 2020-71 extended the declaration of a local emergency through June 30, 2021; and

WHEREAS, it is expected that the need for City of Unalaska to continue their response and prevention efforts beyond December 30, 2020.

NOW THEREFORE, BE IT ENACTED BY THE UNALASKA CITY COUNCIL:

- Section 1. Classification: This is a non-code ordinance.
Section 2. Effective Date: This Emergency Ordinance becomes effective upon adoption.
Section 3. Content: The City of Unalaska FY21 Budget is amended as follows:

A. That the following sums of money are hereby accepted and the following sums of money are hereby authorized for expenditure.

B. The following are the changes by account line item:

Amendment #3 to Ordinance #2020-10

	<u>Current</u>	<u>Requested</u>	<u>Revised</u>
I. OPERATING BUDGETS			
A. General Fund			
Sources:			
Appropriated Fund Balance	\$ -	\$ 1,000,000	\$ 1,000,000
Uses:			
Response Personnel Expenditures	\$ -	\$ 51,188	\$ 51,188
Response Operating Expenditures	\$ -	\$ 208,998	\$ 208,998
City Closure Personnel Expenditures	\$ -	\$ 739,814	\$ 739,814
	\$ -	\$ 1,000,000	\$ 1,000,000

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

City of Unalaska
Summary of Budget Amendment and Schedule of Proposed Accounts
Budget Amendment 3 to the FY21 Budget

- 1) General Fund - Operating Budget
 Add \$51,188 to COVID-19 Emergency Response Personnel Expenditures
 Add \$739,814 to COVID-19 City Closure Personnel Expenditures
 Add \$208,998 to COVID-19 Response Operating Expenditures
 Add \$1,000,000 to Appropriated Fund Balance

	Org	Object	Project	Current	Requested	Revised
1) General Fund - Operating Budget						
Sources:						
Appropriated Fund Balance	01010049	49900		\$ -	\$ 1,000,000	\$ 1,000,000
Uses:						
<i>Response Personnel</i>						
Salaries and Wages	01020051	51100	EM002	\$ -	\$ 26,406	\$ 26,406
Temporary Employees	01020051	51200	EM002	\$ -	\$ 12,438	\$ 12,438
Overtime	01020051	51300	EM002	\$ -	\$ 1,000	\$ 1,000
Health Insurance Benefit	01020051	52100	EM002	\$ -	\$ 2,000	\$ 2,000
FICA/Medicare Employer Match	01020051	52200	EM002	\$ -	\$ 2,787	\$ 2,787
PERS Employer Benefit	01020051	52300	EM002	\$ -	\$ 5,811	\$ 5,811
Unemployment Ins Benefit	01020051	52400	EM002	\$ -	\$ 126	\$ 126
Workers Compensation Ins	01020051	52500	EM002	\$ -	\$ 600	\$ 600
Other Employee Benefits	01020051	52900	EM002	\$ -	\$ 20	\$ 20
				\$ -	\$ 51,188.00	\$ 51,188
<i>City Closure Personnel</i>						
Salaries and Wages	01020051	51100	EM004	\$ -	\$ 489,555	\$ 489,555
Health Insurance Benefit	01020051	52100	EM004	\$ -	\$ 100,000	\$ 100,000
FICA/Medicare Employer Match	01020051	52200	EM004	\$ -	\$ 37,452	\$ 37,452
PERS Employer Benefit	01020051	52300	EM004	\$ -	\$ 103,200	\$ 103,200
Unemployment Ins Benefit	01020051	52400	EM004	\$ -	\$ 4,107	\$ 4,107
Workers Compensation Ins	01020051	52500	EM004	\$ -	\$ 5,000	\$ 5,000
Other Employee Benefits	01020051	52900	EM004	\$ -	\$ 500	\$ 500
				\$ -	\$ 739,814.00	\$ 739,814
<i>Response Operating</i>						
Buildings/Land Rental	01020052	54410	EM002	\$ -	\$ 17,000	\$ 17,000
Electricity	01020052	56220	EM002	\$ -	\$ 2,000	\$ 2,000
General Supplies	01020052	56100	EM002	\$ -	\$ 129,348	\$ 129,348
Heating Oil	01020052	56240	EM002	\$ -	\$ 600	\$ 600
Legal	01020052	53230	EM002	\$ -	\$ 10,000	\$ 10,000
Network / Internet	01020052	55320	EM002	\$ -	\$ 19,000	\$ 19,000
Other Professional	01020052	53300	EM002	\$ -	\$ 30,000	\$ 30,000
Solid Waste	01020052	54210	EM002	\$ -	\$ 250	\$ 250
Telephone / Fax / TV	01020052	55310	EM002	\$ -	\$ 400	\$ 400
Water / Sewerage	01020052	54110	EM002	\$ -	\$ 400	\$ 400
				\$ -	\$ 208,998.00	\$ 208,998

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: December 15, 2020
Re: Ordinance 2020-16: Emergency Ordinance Creating Budget Amendment #3 to the Fiscal Year 2021 Budget, Creating an Appropriation for Costs Associated with the City Response to the COVID-19 Pandemic

SUMMARY: This emergency amendment to the City's budget will appropriate funds to cover ongoing costs of the City's COVID-19 response as a result of the expiration of the CARES Act funding.

PREVIOUS COUNCIL ACTION: Council adopted the Fiscal Year 2021 budget on June 9, 2020 with Ordinance 2019-10. There have been two prior amendments to the FY21 budget.

On March 18, 2020 council adopted Resolution 2020-16, declaring a local emergency and authorizing the city manager to take necessary actions to reduce the impact and spread of the coronavirus known as COVID-19 throughout the City of Unalaska. This expired on November 15, 2020 when the State's original emergency declaration expired.

On May 26, 2020 Council approved Resolution 2020-37 receiving the CARES Act grant award.

On November 10, 2020 Council approved Resolution 2020-71, and extended the local declaration of emergency and authorizing the city manager to take necessary action to reduce the impact and spread of COVID-19 through June 30, 2021.

BACKGROUND: On March 11, 2020, the World Health Organization declared a pandemic related to COVID-19. State and local emergencies were then declared. On March 12, 2020, the City of Unalaska stood up the Emergency Operations Center (EOC) to provide a framework for coordinated communications, preparedness and response.

Federal funding became available through the State of Alaska in the form of CARES Act. Use of the CARES Act grant monies will expire on December 30, 2020 and, while the possibility of additional federal and/or state relief remains probable, it appears that there will be a gap between the time the new funding is approved and when the City receives it. Furthermore, until that funding and related guidance is received, the City is unable to determine what costs will be covered by the funding.

DISCUSSION: This budget amendment will appropriate funds to enable the City to continue to provide response and prevention measures to the City and its employees. Based on costs associated with the items listed above, this request is for \$1,000,000 to be distributed between personnel and operating costs. Staff has identified areas that fall into this category as:

- Personnel costs associated with emergency hires to aid in response efforts or permanent employees' time spent working outside their regular job duties aiding in response efforts.

- Personnel costs associated with employee's staying home and hunkering down; while these costs are already budgeted within each department, it is staff's goal to track these costs for potential reimbursement, if additional aid is received.
- Costs associated with leasing and maintaining the isolation sites.
- Legal costs associated with ongoing COVID-19 related topics.
- Additional cleaning costs of City owned and leased buildings.
- Ongoing supplies to reduce the spread of COVID-19.

Staff also recommends that the costs associated with this request be accounted for using a non-departmental organization within the City's accounting system. Therefore, it will not impact any specific departmental budget.

While the CARES Act funding expires on December 30, 2020, based on the current state of COVID-19's impact on the City of Unalaska, there is no way to avoid the fact that the City will continue to incur expenses. If and when additional relief funds are available, any eligible costs will be paid for from that new funding source.

Even though the City has been in this state of Emergency since March 2020, the scope, magnitude and duration of the coronavirus pandemic's effects in Unalaska continue to remain unknown at this time, so it is not possible to ascertain what the total cost of the City's response will be. Additionally, given the relative uncertainty regarding the timing and amount of relief funds, there may be an additional need to come before Council requesting additional funds related to the City's response to COVID-19.

The appropriation created with this emergency budget amendment will expire 60 days after adoption without further action by the city council to convert this emergency budget amendment to a permanent budget amendment with a regular budget amendment ordinance. It is staff's intention to make this emergency budget amendment permanent in January 2021.

While the appropriation of these funds will technically come from the City's reserves, the full amount of the reserves appropriated for this request were made available through movement of Public Safety personnel costs from the General Fund to the CARES Act for the time period March 1, 2020 to June 30, 2020.

As an example, CARES Act guidance specifically stated that all public safety personnel costs were eligible costs. Therefore, the costs from March through June 30, 2020 were moved from the Public Safety and Fire budgets to the CARES Act budget. By doing so, those General Fund departments experienced relief in the amount of \$1,238,494, which ultimately went into the General Funds reserves on June 30, 2020.

Additional budgetary relief was provided by the CARES Act through its coverage of personnel costs related to the following:

- City closure from mid-March through the end of May
- Response related personnel costs, not public safety related
- Personnel costs associated with Federally mandated leave programs

The total of those three items is approximately \$1,800,000 and is spread throughout the City's governmental and business-type activities. Therefore, it would be extremely difficult to identify what specific budgets received budgetary relief through the use of CARES Act funds.

ALTERNATIVES:

Option 1: Not approve the ordinance, which would reduce the City's ability to respond to further needs throughout the City related to the COVID-19 pandemic and potentially limit the amount of health services available on island.

Option 2: Amend and approve an ordinance that includes different amounts or allocations

Option 3: Approve the ordinance as presented

FINANCIAL IMPLICATIONS: A non-departmental budget in the amount of \$1,000,000 would be created specifically for the purpose of providing continued COVID-19 related relief to the community and City employee's. The personnel funds associated with this budget amendment, totaling \$791,002, will allow for us to better track personnel related costs, and does not necessarily result in an increase to the City's overall spending for the fiscal year. However, the additional funds allow for limited emergency hires if needed as part of our response efforts. The operational funds associated with this budget amendment, totaling \$208,998, are additional costs but are offset by last year's CARES Act relief, as described above.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends adopting Ordinance 2020-16.

PROPOSED MOTION: I move to approve Emergency Ordinance 2020-16 creating an amendment to the fiscal year 2021 budget, creating an appropriation for costs associated with the City continued response to the COVID-19 pandemic.

CITY MANAGER'S COMMENTS: I support staff's recommendation. I also thank our team for their dedication in responding to his emergency and continued efforts to do so in a responsible and transparent manor.