

Regular Meeting
Tuesday, January 26, 2021
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
Tel (907) 581-1251 • Fax (907) 581-1417 • www.ci.unalaska.ak.us

Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager
Marjie Veeder, City Clerk mveeder@ci.unalaska.ak.us

Due to recommended social distancing measures to stop the spread of COVID-19, this City Council meeting will be held in Council Chambers, with participation offered by telephone and online with the ZOOM platform. A limited number of Council Members and City Staff will attend in person. Seating for members of the public is reduced to allow for social distancing (first come; first seated). Coverings over the nose and mouth are required to be worn when entering City Hall until seated, and again when exiting.

PARTICIPATION AND PUBLIC COMMENT OPTIONS

- Attend in person
- Listen on KUCB TV Channel 8 or Radio Station 89.7
- Participate online via ZOOM (link, meeting ID & password below)
- Participate by telephone (toll and toll free numbers, meeting ID & password below)
- PUBLIC COMMENT may be provided in person; by telephone; online; and in writing
 - Telephone or online: please notify the City Clerk at least one hour before the start of the meeting if you wish to provide comment
 - Written comments may be provided to be read by the Clerk during the meeting; comments must be received an hour before the meeting begins

ZOOM MEETING LINK: <https://us02web.zoom.us/j/85203975430>
Meeting ID: 852 0397 5430 / Passcode: 977526

TELEPHONE: Meeting ID: 852 0397 5430 / Passcode: 977526
Toll Free numbers: (833) 548-0276; or (833) 548-0282; or (877) 853-5247; or (888) 788-0099
Non Toll Free numbers: (253) 215-8782; or (346) 248-7799; or (669) 900-9128

AGENDA

1. **Call to order**
2. **Roll call**
3. **Pledge of allegiance**
4. **Adoption of agenda**
5. **Awards:** Announce Department of Public Safety 7th and 8th Grade Essay Contest Winners
6. **Approve minutes of previous meetings:** [January 8](#), [January 12](#) and [January 13, 2021](#)
7. **Reports:** [City Manager](#)
8. **Community Input & Announcements** *Members of the public may provide information to council and make announcements of interest to the community.*

9. **Public comment on agenda items** *Time for members of the public to 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.*
10. **Public hearing** *Members of the public may testify about any item set for public hearing.*
 - a. [Ordinance 2021-01: Creating Budget Amendment #4 to the Fiscal Year 2021 Budget, appropriating \\$25,000 for facilities maintenance in the Ports Fund, \\$97,000 for professional services in the Electric Fund, \\$57,187 for fire department equipment in the General Fund, and \\$122,280 for the Tsunami Siren Upgrade Capital Project, and recognizing \\$122,280 of State Capital Grant Revenue](#)
 - b. [Ordinance 2021-03: Amending Unalaska Municipal Code Title 18](#)
11. **Work Session** *Work sessions are for planning purposes, or studying and discussing issues before the Council.*
 - a. Presentation: [FY22 Revenue Projections](#) and [Proposed City Council Goals for the FY22 Budget](#) – Jim Sharpe, Interim Finance Director
 - b. Discussion: Increase to the “Rainy Day Fund”, and proposed [Resolution 2021-06: Reclassifying \\$12 million of General Fund Unassigned Fund Balance to Committed Fund Balance for Emergency Operations](#) – Jim Sharpe, Interim Finance Director
 - c. Presentation and Discussion: 2021 Cruise Ship Season – Peggy McLaughlin, Port Director
12. **Regular agenda** *Persons wishing to speak on regular agenda items must sign up with the City Clerk.*
 - a. [Ordinance 2021-01 \(2nd Reading\): Creating Budget Amendment #4 to the Fiscal Year 2021 Budget, appropriating \\$25,000 for facilities maintenance in the Ports Fund, \\$97,000 for professional services in the Electric Fund, \\$57,187 for fire department equipment in the General Fund, and \\$122,280 for the Tsunami Siren Upgrade Capital Project, and recognizing \\$122,280 of State Capital Grant Revenue](#)
 - b. [Ordinance 2021-03 \(2nd Reading\): Amending Unalaska Municipal Code Title 18](#)
 - c. [Resolution 2021-03: Adopting policy for public comment at City Council meetings](#)
 - d. [Resolution 2021-05: Continuing measures to protect public health](#)
 - e. [Resolution 2021-06: Reclassifying \\$12 million of General Fund Unassigned Fund Balance to Committed Fund Balance for Emergency Operations](#)
13. **Council Directives to City Manager**
14. **Community Input & Announcements** *Members of the public may provide information to council; and make announcements of interest to the community.*
15. **Adjournment**

Special Meeting
Friday, January 8, 2021
12:00 p.m. Noon



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43 Raven Way

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David M. Gregory

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Vincent M. Tutiakoff Sr., Mayor
Erin Reinders, City Manager
Marjie Veeder, City Clerk mveeder@ci.unalaska.ak.us

MINUTES

1. Call to order

Mayor Tutiakoff Sr., called the special meeting of the Unalaska City Council to order on Friday, January 8, 2021 at 12:02 pm.

2. Roll call

Present in chambers:

Vincent Tutiakoff, Sr., Mayor
Thomas D. Bell

Present Via Telephone or Zoom:

Shari Coleman
David Gregory
Darin Nicholson
Dennis Robinson
Alejandro Tungul

Absent:

None

3. Pledge of allegiance – Mayor Tutiakoff led the Pledge of Allegiance.

4. Adoption of agenda

Bell made a motion to adopt agenda; Robinson seconded

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

Motion passed 6-0

5. Resolution 2021-01: Continued Measures to Protect Public Health

City Manager Erin Reinders introduced the resolution and provided overview of the special meeting.

City Clerk Marjie Veeder read into record the written comments provided by:

- Kim Shapsnikoff
- Latessa Pham
- Jazzmyne Shapsnikoff
- Ocelle Agustin
- Catherine Carton
- Marina Shapsnikoff

The following community members provided public comment:

- Bob Cummings
- Dr. Murray Buttner
- John Conwell
- Daneen Looby

Robinson made a motion to adopt Resolution 2021-01; Bell seconded

Council discussion

Coleman made a motion to amend Resolution 2021-01 item number 10 – Effective Date to strike *upon adoption* and insert *effective at noon, January 9, 2021*; Bell seconded

Roll Call Vote: Tungul – yes; Gregory – yes; Bell – yes; Coleman – yes; Nicholson – yes; Robinson – yes
Motion passed 6-0

Coleman made a motion to amend Resolution 2021-01 to correct typographical error in section 6a, paragraph 3 with reference to section *c* to be replaced with section *d* instead; Robinson seconded

Roll Call Vote: Nicholson – yes; Gregory – yes; Coleman – yes; Tungul – yes; Bell – yes; Robinson – yes
Motion passed 6-0

Melanee Tiura, executive director of Iliuliuk Family Health and Services provided information and answered Council questions.

Nicholson made a motion to amend Resolution 2021-01 section 5 to allow 35% capacity at bars and restaurants; Bell seconded

Roll Call Vote: Tungul – yes; Robinson – no; Nicholson – (*line got disconnected before he could vote*); Gregory – no; Bell – no; Coleman – no
Motion failed 1-4

Jeff Hancock provided comment into record.

Coleman made a motion to amend Resolution 2021-01 to amend expiration time to *noon on January 13, 2021*; Robinson seconded

Roll Call Vote: Coleman – yes; Gregory – yes; Nicholson – yes; Robinson – yes; Tungul – yes; Bell – yes
Motion passed 6-0

Roll Call Vote on main motion as amended: Tungul – yes; Gregory – yes; Robinson – yes; Bell – yes; Nicholson – yes; Coleman – yes
Motion passed 6-0

6. **Adjournment**

Mayor Tutiakoff, Sr. adjourned the meeting at 1:54 pm

Marjie Veeder, CMC
City Clerk

Regular Meeting
Tuesday, January 12, 2021
6:00 p.m.



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MINUTES

1. Call to order

Mayor Tutiakoff, Sr. called the regular meeting of the Unalaska City Council to order on Tuesday, January 12, 2021 at 6:02 pm.

2. Roll call

Present in chambers:

Vincent Tutiakoff, Sr., Mayor
Thomas D. Bell
David Gregory

Present Via Telephone or Zoom:

Shari Coleman
Darin Nicholson
Dennis Robinson
Alejandro Tungul

Absent:

None

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

4. Adoption of agenda

Bell made the motion to adopt Agenda; Gregory seconded

Roll Call Vote: Gregory – yes; Coleman – yes; Tungul – yes; Nicholson – yes; Robinson – yes; Bell – yes
Motion passed 6-0

5. Approve minutes of previous meetings: December 22 and December 30, 2020

Bell made a motion to approve minutes on December 22 and December 30; Gregory seconded

Roll Call Vote: Tungul – yes; Gregory – yes; Robinson – yes; Bell – yes; Nicholson – yes; Coleman – yes
Motion passed 6-0

6. Reports

7. Community Input & Announcements

- Council member Gregory announced that a U.S. Coastguard ship is going to be commissioned on January 21, 2021 and will be named after Charles Moulthrop who was one of seaman on U.S. Revenue Cutter and was buried in Unalaska cemetery.

- Gregory also thanked the Alaska State Firefighters Association for putting on a good fireworks show on January 2nd.
- Council member Robinson mentioned that he is part of the legislative committee at Alaska Municipal League. If anyone has a concern or input on any bills or legislation please contact him.
- Peggy McLaughlin announced that Ravn Airlines moved forward with their booking system. Ravn is working on a mileage program.
- Frank Kelty gave a shout-out to KUCB and Holy Ascension Russian Orthodox Church for having the Christmas service available online.

8. Public comment on agenda items

- Jeff Hancock provided comment on Resolution 2021-03 into record.

9. Public hearing

Mayor Tutiakoff, Sr. opened the Public Hearing on Ordinance 2020-16.

- Ordinance 2020-16: 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

Hearing no testimony, the Public Hearing closed.

10. Consent agenda

Bell made a motion to approve Resolution 2021-02; Gregory seconded

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

Motion passed 6-0

Mayor Tutiakoff Sr. read title of Resolution 2021-02 into record.

- Resolution 2021-02: Establishing taxicab rates for calendar year 2021

11. Regular agenda

- Resolution 2021-03: Adopting policy for public comment at City Council meetings
City Clerk Marjie Veeder read Daneen Looby's written comment into record.

Jeff Hancock provided comment into record.

Bell made a motion to adopt Resolution 2021-03; Robinson seconded

Council discussion

Robinson made a motion to postpone Resolution 2021-03 to the next council meeting on January 26, 2021 and to form a committee to review and make recommendations; Bell seconded

Roll Call Vote: Tungul – yes; Robinson – yes; Nicholson – yes; Gregory – yes; Bell – yes; Coleman – yes
Motion passed 6-0

- b. Ordinance 2020-16 (2nd Reading): 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

Bell made a motion to adopt Ordinance 2020-16; Gregory seconded

Council discussion

Interim Finance Director Jim Sharpe provided information and answered Council questions.

Roll Call Vote: Coleman – yes; Gregory – yes; Nicholson – yes; Robinson – yes; Tungul – yes; Bell – yes
Motion passed 6-0

- c. Ordinance 2021-01 (1st Reading): Creating Budget Amendment #4 to the Fiscal Year 2021 Budget, appropriating \$25,000 for facilities maintenance in the Ports Fund, \$97,000 for professional services in the Electric Fund, \$57,187 for fire department equipment in the General Fund, and \$122,280 for the Tsunami Siren Upgrade Capital Project, and recognizing \$122,280 of State Capital Grant Revenue

Jim Sharpe provided information and answered Council questions

Gregory made a motion to schedule Ordinance 2021-01 to Second Reading and Public Hearing on January 26, 2021; Tungul seconded

Roll Call Vote: Bell – yes; Nicholson – yes; Gregory – yes; Robinson – yes; Coleman – yes Tungul – yes
Motion passed 6-0

- d. Ordinance 2021-03 (1st Reading): Amending Unalaska Municipal Code Title 18

Bell made a motion to schedule Ordinance 2021-03 to Second Reading and Public Hearing on January 26, 2021; Robinson seconded

Ports Director Peggy McLaughlin provided information and answered Council questions.

Roll Call Vote: Coleman – yes; Bell – yes; Gregory – yes; Nicholson – yes; Robinson – yes; Tungul – yes
Motion passed 6-0

- e. Resolution 2021-04: Continuing measures to protect public health

City Manager introduced Resolution 2021-04 and provided information on the measures.

City Clerk read written comments from the following individuals into record:

- Michael Joseph Miller
- Jennifer Heller
- Daneen Looby
- Jenni Rogge

Natalie Buttner provided comments into record.

Bell made a motion to adopt Resolution 2021-04; Gregory seconded

Council discussion

Coleman made a motion to amend Resolution 2021-04 to strike paragraph 3b *Tables shall be limited to 5 seats or less*; also strike 3c *5 or less*; No second was heard.
Motion failed for a lack of a second

Melanee Tiura provided information and answered Council questions.

Police Chief Jay King answered Council questions.

Robinson made a motion to amend Resolution 2021-04 to remove bars from section 3b;
Gregory seconded

Council discussion

Roll Call Vote: Bell – no; Coleman – no; Nicholson – no; Robinson – no; Tungul – no;
Gregory – yes
Motion failed 1-5

Roll Call Vote on Main Motion: Bell – yes; Coleman – yes; Nicholson – yes;
Robinson – yes; Tungul – yes; Gregory – yes
Motion passed 6-0

12. Council Directives to City Manager – None

13. Community Input & Announcements

14. Adjournment

Mayor Tutiakoff, Sr. adjourned the meeting at 8:47 pm.

Marjie Veeder, CMC
City Clerk

EPM

WORK SESSION - Rescheduled
~~Monday, January 11, 2021~~
Wednesday, January 13, 2021
6:00 p.m.



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Due to Severe Weather, this City Council Work Session has been rescheduled to Wednesday, January 13, 2021, at 6:00 p.m.

MINUTES

1. Call to order

Mayor Tutiakoff, Sr., called the Work Session of the Unalaska City Council to order on Wednesday, January 13, 2020 at 6:02 pm.

2. Roll call

Present in Chambers:

Vincent Tutiakoff, Sr.
Thomas D. Bell
David Gregory

Present Via Telephone or Zoom:

Darin Nicholson
Dennis Robinson
Alejandro Tungul
Shari Coleman

Absent:

None

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

4. Adoption of agenda

Gregory made a motion to adopt the agenda; Bell seconded

Roll Call Vote: Coleman – yes; Tungul – yes; Robinson – yes; Gregory – yes; Nicholson – yes; Bell – yes
Motion passed 6-0

5. Reports: Financials for October and November 2020

Interim Finance Director Jim Sharpe provided information and answered Council questions.

Ports Director Peggy McLaughlin answered Council questions.

6. Work session

- a. Fiscal Sustainability – Jim Sharpe, Interim Finance Director
Jim Sharpe provided information and answered Council questions.
- b. Capital Project Update – Tom Cohenour, DPW Director
Tom Cohenour provided information and answered Council questions.
- c. Review CMMP Nominations and Prioritize Projects – Bil Homka, Planning Director
Bil Homka provided information and answered Council questions.

Department of Public Utilities Deputy Director Steve Tompkins provided information and answered Council questions.

- d. COVID-19 Community Survey Results – Bill Homka, Planning Director
Bil Homka provided information and answered Council questions.

7. Community Input & Announcements – None

8. Adjournment

Mayor Tutiakoff adjourned the meeting at 9:48 pm.

Marjie Veeder, CMC
City Clerk

EPM

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: January 26, 2021
Re: City Manager Report

Strategic Planning: As we have discussed previously, the in-person Strategic Planning facilitator is currently set to meet with the Mayor and City Council on Thursday, February 25 (9:00-3:30) and Friday, February 26 (9:00-1:00). Given the continued situation with COVID-19 as well as uncertainties with Risk Levels and related protective measures, I am looking for feedback on once again postponing this. If we were to hold this as currently scheduled, I wonder how many of you would feel comfortable participating in person.

State Legislative Strategy: Unalaska's State Lobbyist, Dianne Blumer, has provided a City of Unalaska State Legislative Action Plan (see the attachment), outlining the City's strategy for legislation representation and advocacy. This is especially important in times of COVID when we cannot be physically present in Juneau for the second year in a row season in a row. We will not be able have fly in this year so we need to be creative. The strategy is attached and Diane is open to receiving feedback and suggestions from Council. I am happy to pass those along to her.

Geothermal PPA: Again, we have been told by OCCP that they are now in the competitively bidding the power plant and resource gathering system. Bids are due the end of January. OCCP is working there the permitting process with the Army Corps of Engineers, and they plan to begin access road construction this spring. City Staff met with OCCP on January 15th. We learned that OCCP has filed to be a Public Utility with the Regulatory Commission of Alaska (RCA), which they would be required to do as they planning to sell power to the City. We will be providing public comment on this application with the RCA, and Brooks is assisting with that. Additionally, we learned that they have not submitted for DOE's non-recourse loan program as originally planned. They are looking into alternative funding options including USDA-Rural Utilities Service (RUS) financing. We have agreed to meet with OCCP monthly to keep everyone updated.

DPW Snow Removal: The Public Works Director provided the following information regarding their recent response to significant snow fall. The winter snows of this past week put up a ferocious fight but after an 'all hands on deck' call out, we prevailed. As of Wednesday the 20th, the streets, parking lots, and sidewalks are mostly clear and passable. After several days and nights of heavy snow, wind-whipped snow, snow drifts, and more snow, we finally had a reprieve with warm temps and clear skies. The DPW Roads crew was assisted by DPU (Water, Landfill, Electric) and 3 separate contractors (Bering-Shai, Moore Recycling, and Northern Alaska Contractors). We were concerned that warm temps and rain in the forecast might cause flooding but thanks to all of our snow removal efforts, that did not occur and drainage systems cooperated. Below is an overview of equipment and manpower working on streets, parking lots, and sidewalks.

The City's DPW and DPU crews had 19 pieces of heavy equipment running plus 4 snow blowers.

- DPW's equipment included: 4 dump trucks, 4 loaders, 2 graders, 1 dump truck with plow, 2 salt/gravel spreaders, 1 dozer (D7 at Landfill), 1 dozer (D4 at Captains Bay Road), and 4 snowblowers (Facilities Maintenance).
- DPU's equipment included: 1 loader (Water Division), 1 loader (Electric Division), 1 dozer (Electric Division), and 1 loader (Solid Waste Division).

Contractors were running 10 pieces of heavy equipment

- Bering-Shai's equipment included: 2 side dump semi-trucks and 3 loaders.
- Moore Recycling's equipment included: 2 loaders.
- Northern Alaska Contractors' equipment included: 2 off-road trucks and 1 loader.

Airport Master Plan Update: A virtual public meeting was held on January 21, 2021. Focus on alternatives and concepts to address needs associated with B-III type aircraft (like the Dash 8 and the Saab 2000). Generally speaking, to meet the B-III design requirements, the airport layout would need to change to accommodate object free areas and runway safety improvements. Focus is on 3 primary options for the runway improvements. One is to extend the runway to the Hog Island, the other is to extend the runway to the Dutch Harbor side, and the final options is the integration of an Engineered Material Arresting System (EMAS). The consultants are also exploring some hybrid approaches. They also reviewed some concepts of the terminal area and tried to work in some concepts for general aviation. The consultant team will now evaluate the practicability of the runway safety areas, look into refinements of alternatives, and an implementation plan. The Draft and Final Master Plan is expected in spring of 2021.

Resource Analyst Position: City staff is currently looking into what an expanded role of a Resource Analyst might look like if we were to resurrect this staff position. In the past this position, the focused on fisheries, but this role could be expanded to include other topics such as geothermal. Currently, we have a consultant assisting us with fisheries issues while the position itself is unfunded and unfilled. I have extended the consultant contact until the end of this fiscal year, which includes a requirement for the consultant to provide documentation on the related revenue projections process.

Finance Director: Finance Director Ed Keough is on island is in quarantine. Interim Director Jim Sharpe will be with us for the next couple of months assisting with onboarding Ed, wrapping up some projects, and handing off some of the projects. We are working together to ensure a solid transition for this critical position in our organization at this challenging time in history.

Covid-19 Emergency: The City of Unalaska remains in a state of emergency. City Staff is focused on providing public services, safely adjusting operations, responding to outbreaks and adapting to pandemic related regulatory changes. Incident Commanders (Melanee representing the Clinic and I representing the City) meet together weekly with the Mayor. City staff meets on a weekly basis to discuss any necessary updates. Unalaska Unified Command Stakeholder group meets on a monthly basis. This group includes representatives from USAFV, Industry, City, Tribe, School and the Clinic.

Directives to the City Manager: Two directives to the City Manager remain outstanding, both are being worked on by City Staff and required Council engagement:

- *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. This is still being worked on and we hope to bring forward the Ordinance in February or March.

- *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 discussed this with Council at the January 13, 2021 City Council Worksession. As a follow up, he is bringing forward a resolution to address the rainy day fund at the January 26, 2021 Council Meeting.

Blumer & Associates
Government Affairs and Lobbying Services

CITY OF UNALASKA 2021 LEGISLATIVE ACTION PLAN

Outline for 2021 City of Unalaska State Legislative Representation and Advocacy

1. During Legislative Session (January – April):

- Lobbyist will be physically present in the city that the Legislature holds session
- Attend Alaska Municipal League Legislative Action Committee (LAC) meetings and provide legislative updates
- Monitor and track bills related to Local Government and the City of Unalaska (the City) issues
- Inform the Mayor and City Manager of changing regulations/ legislation pertaining to the city and recommend a course of action
- Provide Mayor, City Manager and City Council with a weekly written report on:
 - current events related to legislative activity
 - upcoming week's committee schedule
 - bill tracking with effect summary and status of amendments
- Provide support for relevant legislative committee meetings
- Prepare briefing papers, exhibits, PowerPoints and talking points for relevant bills
- Arrange testimony:
 - Coordinate with the Mayor and City Manager to identify individuals to provide testimony, both written and verbal, assist in preparation of testimony
- Advise the Mayor, City Manager and Council on possible suggestions for how to best move forward with legislation, Capital budget advocacy and issues related to the City
- Establish meetings with panels of legislators from the region (during and after session):
 - At least one meeting a year with the regional delegation
- Schedule meetings (during session and during interim) between the Mayor, City Manager, Council members and legislators/administrative officials, as necessary
- Create, organize and provide the schedule for annual fly-ins that include meetings with departments, the Governor's office and legislators, suggest that fly-in is held virtual this year
- Monitor Executive Branch regulatory changes related to the City
- Due to the issues surrounding COVID-19 and limited access to the Capitol, increased efforts will be made to communicate with Public Officials including:
 - Increased social media postings and communications
 - Local Government related Lunch and Learns to Elected Officials
 - Panel and group meetings via virtual platform
 - Offsite individual meetings with Legislators, Staff and the Executive Branch
 -

2. During Interim (May – December):

- Monitor interim activity that may lead toward relevant legislation or administrative policy action.
 - Arrange for communication between the City and Legislators on a year-round basis
 - Work with the Administration and Legislative Leadership (President, Legislative Committee chair and others) to:
 - Debrief the session and develop and/or modify plans for interim and next session, including:
 - Review and discuss bills of interest that did not pass and bills of concern likely to be re-introduced. Discuss strategies for addressing opposition or lack of awareness/priority.
 - Determine where legislator relationships need attention and develop an outreach plan. Determine need/relevance of regional meetings between the City and legislators and collaborate on convening.
 - Relationship-building with targeted legislators, stakeholders, legislative staff or others.
 - Special Session (if convened) – arrange meetings with affiliates and legislators to discuss emerging proposals and discuss potential sponsorship; contact legislative staff in advance offering assistance work sessions
 - Prepare and present on legislative matters and priorities annually to the Council
 - Bill signings: track and inform City Manager of signing ceremony dates and coordinate to ensure presence when appropriate
-

CITY OF UNALASKA
UNALASKA, ALASKA
ORDINANCE 2021-01

CREATING BUDGET AMENDMENT #4 TO THE FISCAL YEAR 2021 BUDGET, APPROPRIATING \$25,000 FOR FACILITIES MAINTENANCE IN THE PORTS FUND, \$97,000 FOR PROFESSIONAL SERVICES IN THE ELECTRIC FUND, \$57,871 FOR FIRE DEPARTMENT EQUIPMENT IN THE GENERAL FUND, AND \$122,280 FOR THE TSUNAMI SIREN UPGRADE CAPITAL PROJECT, AND RECOGNIZING \$122,280 OF STATE CAPITAL GRANT REVENUE

BE IT ENACTED BY THE UNALASKA CITY COUNCIL:

- Section 1. Classification: This is a non-code ordinance.
 Section 2. Effective Date: This 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 #4 to Ordinance #2020-10

	Current	Requested	Revised
I. OPERATING BUDGETS			
A. General Fund			
Sources:			
Appropriated Fund Balance	\$ 1,000,000	\$ 57,871	\$ 1,057,871
Uses:			
Fire Department Machinery & Equipment	\$ -	\$ 57,871	\$ 57,871
B. Electric Proprietary Fund			
Sources:			
Budgeted Use of Unrestricted Net Assets	\$ 3,683,132	\$ 97,000	\$ 3,780,132
Uses:			
Other Professional Services	\$ 34,149	\$ 97,000	\$ 131,149
C. Ports and Harbors Proprietary Fund			
Sources:			
Budgeted Use of Unrestricted Net Assets	\$ 2,086,149	\$ 25,000	\$ 2,111,149
Uses:			
Repair and Maintenance Services	\$ 4,624	\$ 25,000	\$ 29,624
II. CAPITAL PROJECT BUDGETS			
A. Tsunami Siren Upgrade			
Sources:			
Misc State Capital Grants	\$ -	\$ 122,280	\$ 122,280
Uses:			
Machinery & Equipment	\$ -	\$ 122,280	\$ 122,280

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January ____, 2021.

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 4 to the FY21 Budget

- 1) General Fund - Operating Budget
 Add \$57,871 to Fire Department Machinery and Equipment for rescue truck equipmen
 Add \$57,871 to Appropriated Fund Balance
- 2) Electric Fund - Operating Budget
 Add \$97,000 to Other Professional Services for Geothermal Project consultants
 Add \$97,000 to Budgeted Use of Unrestricted Net Assets
- 3) Ports Fund - Operating Budget
 Add \$25,000 to Repair and Maintenance Services for UMC warehouse roof repair, CEM painting, and a backflow prevention device
 Add \$25,000 to Budgeted Use of Unrestricted Net Assets
- 4) Capital Project - Tsunami Siren Upgrade
 Add \$122,280 to Machinery and Equipment for tsunami warning system improvements
 Add \$122,280 to Misc. State Capital Grants for NOAA pass-through funding awarded by AK Dept. of Homeland Security & Emergency Management

	Org	Object	Project	Current	Requested	Revised
1) <u>General Fund - Operating Budget</u>						
Sources:						
Appropriated Fund Balance	01010049	49900		\$ 1,000,000	\$ 57,871	\$ 1,057,871
Uses:						
Machinery and Equipment	01021553	57400		\$ -	\$ 57,871	\$ 57,871
2) <u>Electric Fund - Operating Budget</u>						
Sources:						
Budgeted Use of Unrestricted Net Assets	50015049	49910		\$ 3,683,132	\$ 97,000	\$ 3,780,132
Uses:						
Other Professional Services	50024052	53300		\$ 34,149	\$ 97,000	\$ 131,149
3) <u>Ports Fund - Operating Budget</u>						
Sources:						
Budgeted Use of Unrestricted Net Assets	54017049	49910		\$ 2,086,149	\$ 25,000	\$ 2,111,149
Uses:						
Repair and Maintenance Services	54022952	54300		\$ 4,624	\$ 25,000	\$ 29,624
4) <u>Capital Project Budgets</u>						
<i>Tsunami Siren Upgrade Project</i>						
Sources:						
Misc State Capital Grants	310A1741	42199	PS20C	\$ -	\$ 122,280	\$ 122,280
Uses:						
Machinery and Equipment	3100A1753	57400	PS20C	\$ -	\$ 122,280	\$ 122,280

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: January 12, 2021
Re: Ordinance 2021-01: Creating Budget Amendment #4 to the Fiscal Year 2021 Budget, appropriating \$25,000 for facilities maintenance in the Ports Fund, \$97,000 for professional services in the Electric Fund, \$57,187 for fire department equipment in the General Fund, and \$122,280 for the Tsunami Siren Upgrade Capital Project, and recognizing \$122,280 of State Capital Grant Revenue

SUMMARY: This amendment to the City's budget will appropriate \$25,000 from Ports Proprietary Fund Unrestricted Net Assets to the Facilities Maintenance Operations Division of Ports & Harbors to fund Facilities Maintenance Operating Expenses, \$97,000 to replace monies used to fund expenditures and Professional Services Agreements associated with the Ounalashka / Chena Power, LLC Geothermal Project Power Purchase Agreement not included in the FY21 budget request; \$57,871 to complete the outfitting of a rescue truck for the Fire Department; \$122,280 to receive State grant funding and cover the costs to complete the Tsunami Siren Upgrade Capital Project.

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

BACKGROUND:

Ports Maintenance: The annual Facilities Maintenance Operating Budgets for the various proprietary funds have historically fluctuated depending on planned work and emergency repair needs that arise. For example, the Ports & Harbors Facilities Maintenance Operating Expenses Budget was funded in FY19 at \$5,201, in FY20 at \$29,055 and in FY21 at \$11,055.

Electric: At the time the Fiscal Year 2021 budget was approved, the Ounalashka / Chena Power, LLC Geothermal Project Power Purchase Agreement (PPA) was in the exploratory phase and additional costs associated with the PPA were not contemplated as part of Electric's operating budget or the CMMP. Costs incurred subsequent to the date the PPA was executed represent 21% of the Electric Utility Administration Operating Expense Budget.

Fire Rescue Truck: As part of the FY 2020 General Fund Budget, \$417,467 was appropriated to the Fire/EMS Department for the purchase and outfitting of a new light rescue truck. The new truck was purchased during FY 2020; however, due to COVID-19 the truck has not yet been completed. Equipment has not yet been added to the truck. Since the appropriation was made as part of the annual budget and not as a capital budget item, the remaining appropriated funds expired on June 30, 2020. This budget amendment would restore \$57,871 of expired appropriated funds to the project so the Fire Department can finish equipping the truck.

Tsunami Sirens: The City staff was contacted early in the spring by the Alaska Department of Homeland Security and Emergency Management regarding the possibility of including Unalaska

in their FY21 budget Tsunami Activities Grant proposal. This Grant is offered by NOAA and is used as a flow through grant to communities in Alaska for tsunami siren upgrade and repairs. The city stated that we were interested in being included and AKDHS&EM added Unalaska to the program. When the grant funding was announced Unalaska was awarded \$122,280.

DISCUSSION:

Ports Maintenance: The FY20 budget spiked up because it included extensive painting at Carl E. Moses Boat Harbor. Painting work at Carl E. Moses Boat Harbor was planned to occur in FY20; however, due to the pandemic the work was not performed. Instead, the painting contract with Anchorage based Native Construction Management was canceled in June 2020 under contract General Condition 14, Termination for Convenience. Monies allocated for painting within the Ports & Harbors Facility Maintenance budget went unused during fiscal year 2020.

The painting contract also included painting work at Amaknak Fire Hall, City Hall, Eagles View Elementary School, Unalaska High School, City 4-Plex, and City 8-Plex, all of which fall under the General Fund. With the summer upon us, the City contracted the painting work with the next low bidder, Terrashield Coatings. Due to an oversight, the Carl E. Moses Boat Harbor painting was not removed from the scope of work and therefore completed although the funding for that work had expired at June 30, 2020.

Payment for all the above-mentioned General Fund painting work has been absorbed by our FY21 General Fund budget therefore no additional funding is requested for those locations. Being a Proprietary Fund location, only painting work at Carl E. Moses requires additional funding of \$16,400.

In addition to the painting cost above, two unexpected repairs were required that totaled \$8,636, bringing the total unbudgeted costs to just over \$25,000. The additional, unexpected repairs were for:

Backflow Prevention Device – \$4,008.

UMC Warehouse Roof – \$4,628.

Electric: Prior to executing the PPA, Mr. Michael Hubbard of The Financial Engineering Company provided rate analyses and other professional services to the Electric Utility and Council, related to the PPA. Once the PPA was executed, the City entered into an Agreement with Electric Power Systems to evaluate the impacts and upgrades necessary for the Electrical Distribution System in order to bring geothermal power online. Finally, the City entered into an Agreement with Thomas A. Lovas of Energy & Resource Economics to provide professional services related to the Project's design and the implementation of the PPA. The three items mentioned, at a combined cost of \$87,815 placed a burden on Electric's operating expense budget to a point where this budget amendment request was necessary. Staff is requesting an additional \$9,185, for a total of \$97,000, in order to reduce the likelihood of an additional funding request should other tasks be added to the existing Agreements or further services of The Financial Engineering Company be requested.

Fire Rescue Truck: The restoration of funds related to the rescue truck build would allow for new equipment to be purchased at the time of build, ensuring the most up to date equipment is used by the Fire Department for technical rescue operations.

Tsunami Sirens: This portion of the budget amendment will accept funding to supplement the full replacement of our tsunami warning system. This new system as a whole will integrate with

our new dispatch hardware and software upgrades to ensure long life. This new system will also create needed redundancy within the warning system to ensure there are no more outages.

ALTERNATIVES:

Ports Maintenance: An alternative to this request would be to have the Operations of the Department of Ports & Harbors absorb the expenses, however, this would reflect inaccurate historical data for both Divisions, and negatively impact their work program.

Electric: There are no true alternatives to funding this request. As of this writing, the available funds in the Operating Expenses Budget of the Electric Utility Administration Division are in the red at (\$7,150.87), with approximately half the fiscal year remaining. As a result, this Division of the Department of Public Utilities will be unable to support its portion of shared Department of Public Works & Department of Public Utilities Administrative and Occupancy expenses for goods and services such as Heating Fuel, Solid Waste, Water and Sewerage, Telephone, Postal Services, Office Supplies, Credit Card Fees, and so on.

Fire Rescue Truck: Council could choose to not restore funding and the Fire Department could attempt to fund the new equipment out of their FY21 Operations fund.

Tsunami Sirens: Council could choose to not accept the grant funding; however, the City has successfully administered similar grants from AKDHS&EM previously and does not anticipate any issues with this award.

FINANCIAL IMPLICATIONS:

Ports Maintenance: Remaining unused funds will stay with Ports & Harbors.

Electric: The amounts requested from the unrestricted revenue of the Electric Proprietary Fund will be added to the existing appropriation for Other Professional Services. The proposed revised line item is set forth below.

FY21 Electric Utility Administration				
SOURCE				
ELECTRIC PROPRIETARY FUND		CURRENT	THIS REQUEST	REVISED BUDGET
BUDGETED USE OF UNRESTRICTED NET ASSETS	5001-5049-49910	\$ 3,683,132	\$ 97,000	\$ 3,780,132
USE				
		CURRENT	THIS REQUEST	REVISED BUDGET
OTHER PROFESSIONAL SERVICES	5002-4052-53300	\$ 34,149	\$ 97,000	\$ 131,149
		\$ 34,149	\$ 97,000	\$ 131,149

Fire Rescue Truck: Appropriate \$57,871 to FY21 Fire Department Machinery and Equipment Budget.

Tsunami Sirens: Additional \$122,280 added to the Tsunami Siren Upgrade Capitol Project Fund.

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to schedule Ordinance 2021-01 for public hearing and second reading on January 26, 2021.

CITY MANAGER COMMENTS: I support staff's recommendation.

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2021-03

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~~ 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.

(~~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 ~~bulges~~ 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 ~~is~~ 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 ~~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.

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, tThe 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

(~~C~~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~~ E) 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 January _____, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Peggy McLaughlin, Port Director
Through: Erin Reinders, City Manager
Date: January 12, 2021
Re: Ordinance 2021-03 Amending Title 18

SUMMARY: Ordinance 2021-03 is a code ordinance. By passing this ordinance, City of Unalaska (COU) Code will be amended to align COU Title 18 with Alaska Administrative Code, Title 17, Chapter 80, "Water and Harbors", to address processes for abandoned and derelict vessels, and to correct minor grammar errors. This is the legal foundation for COU Ports and Harbors authorities, operating plans, and the framework for establishing fees and services. It is recommended that Council adopt Ordinance 2021-03.

PREVIOUS COUNCIL ACTION: Council reviewed and amended Title 18 in 1993. In 2016, Council amended Title 18.12.04-09.

BACKGROUND: Most of our COU Code Ordinances refer to the Alaska Administrative Code. Title 18 has not been reviewed thoroughly since 1993. Alaska Administrative Code has had some changes, including processes for Abandoned and Derelict vessels, and our enforcement processes have changed locally. This Title is long overdue for review for consistency with the Alaska Administrative Code.

DISCUSSION: The proposed changes in Title 18 allow for Ports and Harbors to conduct business more efficiently, to consistently align with the Alaska Administrative Code, and to provide consistency between other COU Codes and Title 18.

The simplest changes come in the form of corrections of misspellings, misuse of words, and poor grammar. Additionally, there are changes and additions to align with other titles. As an example, Deputy Director is to be included, and is referenced in Title 2 Administrative Code and succession plans. "Tidal and Submerged Lands" are redefined to be consistent with Title 8 Planning Code definitions.

Alaska Senate Bill 92 passed into law an Abandoned and Derelict vessel program. "An Act relating to abandoned and derelict vessels; relating to the registration of vessels; relating to certificates of title for vessels; relating to the duties of the Department of Administration; relating to the duties of the Department of Natural Resources; establishing the derelict vessel prevention program; establishing the derelict vessel prevention program fund; relating to the authority of certain persons to enforce laws relating to derelict vessels; and providing for an effective date."

A great deal of time was spent reviewing the processes outlined in Title 18 for Ports to manage Derelict and Abandoned vessels. The changes provided clarify a fair and efficient process for both vessel owners and Port personnel.

ALTERNATIVES: Council could choose to not adopt these Code changes. The Alaska Administrative Code would still prevail. Council could choose to wait and further review or recommend additions or other changes.

FINANCIAL IMPLICATIONS: There is no immediate direct financial impact by changing Title 18. This code does give Ports and Harbors authority to charge for fees and services, but does not detail those fees and services.

LEGAL: COU City Attorney has been part of drafting and reviewing this Code Ordinance.

STAFF RECOMMENDATION: Staff recommends adopting Ordinance 2021-03.

PROPOSED MOTION: Recommend adopting Ordinance 2021-03 and moving to a Second Reading on January 26, 2021.

CITY MANAGER'S COMMENTS: City Manager recommends approval

ATTACHMENTS: Ordinance 2021-03

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: January 26, 2021
Re: Fiscal Year 2022 Budget Goals

SUMMARY: This memo provides information regarding recommended FY22 Budget Goals. The FY21 Budget Goals are attached, along with staff recommendations for FY22, and will be utilized to help direct the preparation of the budget once approved.

PREVIOUS COUNCIL ACTION: The City Council has reviewed budget goals at the beginning of each budget cycle since about 2002. Council will discuss the FY22 Budget goals at the January 26, 2021 work session and may take action by resolution at the February 9, 2020 Council Meeting.

BACKGROUND: Much of what we do as a municipal government is legislatively or code driven. City staff will continue to seek ways to provide service to the community more efficiently in an effort to reduce costs and increase our effectiveness.

DISCUSSION: Proposed Budget Goals for fiscal year 2022 are attached and include narrative related to any changes from the prior fiscal year. Key points on various issues impacting the budget goals are provided below.

Personnel: Any proposed increase to the total number of full-time equivalent (FTE) positions will be fully evaluated and justified during the budget approval work sessions. The current year (FY21) budget includes 162 full time personnel and 40 part-time temporary and permanent positions (11.96 FTE) resulting in a total of 173.96 FTE. Staff is currently in discussions about Fire and Public Safety staffing needs, namely positions to focus on emergency preparedness as well as administrative support for the Fire Department. Additionally, we are looking into what the expanded role of a Resource Analyst position might be, especially in light of the geothermal Power Purchase Agreement.

General Fund Surplus/Deficit: Staff will work to develop a budget in which the General Fund will operate without a deficit.

Proprietary Funds: Staff will continue to seek ways to balance budgets in the proprietary funds.

City owned housing is used as an incentive for recruitment and retention, therefore, while we conservatively budget operations and renovations, a gap in funding will continue. In

addition, Airport operating costs continue to increase at a greater rate than revenues.

The City has engaged an outside firm to perform a rate study for the City's Public Utilities, which shall be completed prior to the end of March 2021. It is anticipated that the study will indicate that substantial rate increases will be required for each utility to operate at a break even in FY 2022.

Through December 2020, Ports & Harbors has experienced a revenue reduction due to several factors including:

- COVID-19 pandemic (construction cargo, cruise ships);
- NYK Lines pulled out of Dutch Harbor;
- Loss of flights due to Ravn bankruptcy (less jet fuel sold resulted in less transferred); and
- Reduction in wharfage due to industry not meeting Pollock quota by about 10%.

Operating Expenses: Although the goal is set at a maximum increase of 3% for non-personnel expenses, the Directors will prepare their proposed budgets understanding any non-personnel increases will have to be justified and evaluated to ensure that the level and quality of services to the public is maintained or improved.

Certain departments will request one-time increases in order to purchase items that do not qualify as a capital purchase, but would otherwise not be purchased at their existing operating budget levels.

Capital Projects: The CMMP is currently being developed. A presentation of the initial draft projects, with a special focus on FY22, was provided to Council at the January 12, 2021 meeting. The draft CMMP presentation to Council is planned for March.

Based on our work to date it is expected that the first year of the CMMP, the FY22 Capital Budget, will be approximately \$74 million. A breakdown by funding source is as follows:

Grants	\$42,430,500
General Fund/1% Tax Fund	18,293,151
Ports & Harbors Fund	6,145,000
Electric Utility Fund	4,264,938
Water Utility Fund	2,034,500
Solid Waste Utility Fund	<u>1,171,100</u>
Total	\$74,336,189

Revenues: Projected revenues for the Propriety Funds will be presented along with the draft budget later in the budgeting process.

Rate studies for Public Utilities are currently underway and should be completed by the end of March 2021. Water, Wastewater and Solid Waste were completed in FY17 and a rate study for Electrical was completed in FY16.

Port related tariffs and fees were evaluated in FY17, with Council approved adjustments made in July and August of 2017. While the next formal review of the tariff is scheduled for fiscal year FY 22, rates are reviewed and approved by Council annually. Annual increases since the last tariff review have been in the 2% to 3% range, with the goal to keep up with annual Consumer Price Index adjustments.

Projected FY22 General Fund revenues will be presented on January 26, 2021. We anticipate this to show a small increase from FY21. Given the economic uncertainty related to the current pandemic and future collection of fishing related taxes, Council may wish to consider expanding current revenue sources and/or pursuing new sources. Council considers the mil rate annually as part of the budget process.

Debt Service: In prior years, the City has incurred debt in their Proprietary Funds; each of which requires annual debt services. The City refunded a portion of this debt at the beginning of fiscal year 2021 through bond refinancing opportunities, achieving significant cost savings over the remaining term of the debt. The City paid off the remainder of the non-proprietary fund debt in FY 2020 and does not anticipate a need for additional debt at this time.

ALTERNATIVES: Various alternatives exist. As Staff completes the budget process, we will seek ways to perform our work more efficiently in an effort to reduce costs and increase effectiveness.

FINANCIAL IMPLICATIONS: Financial implications will be brought forward during the budget presentations.

LEGAL: None.

STAFF RECOMMENDATION: No action is required at the work session stage. Recommended changes from last year's budget goals are noted on the attached sheet. Approval of the Budget goals by resolution is proposed for the February 9, 2021 meeting.

ATTACHMENTS:

1. FY22 Budget Goals
2. Draft Resolution 2021-07 for action on February 9, 2021

**CITY COUNCIL
FY22 BUDGET GOALS**

Personnel Goals

Goal: Any proposed increase to the total number of full-time equivalent (FTE) positions will be fully evaluated and justified during the budget approval work sessions.

The FY 2022 goal represents no change from the approved FY 2021 budget goal.

General Fund Surplus/Deficit

Goal: The General Fund operations will be budgeted without a deficit. The Council may appropriate additional funds from surplus to cover costs of capital projects.

The FY 2022 goal represents no change from the approved FY 2021 budget goal.

Proprietary Funding

Goal: Staff will continue to seek ways to balance budgets in the proprietary funds.

The FY 2022 goal represents no change from the approved FY 2021 budget goal.

Operating Expenses

Goal: The City Manager's proposed FY22 General Fund budget shall not increase more than 3 percent for non-personnel expenditures.

Goal: The total amount available to fund the Community Support Program grants will follow the formula of up to 3.50% of the five-year average revenue for the General Fund and up to all of the Bed Tax Fund fund balance for the most recently completed fiscal year. (Revenues do not include Other Financing Sources.)

Goal: City management shall continue to examine ways to reduce expenditures without significantly impacting the level and quality of services to the public.

Goal: City management shall continue to examine ways to reduce inventory without significantly impacting the level and quality of services to the public.

The FY 2022 goals represents no change from the approved FY 2021 budget goals.

Capital Projects

Goal: New capital assets or maintenance of existing capital assets will be limited to projects approved by Council in the CMMP, which will include projects that are mandated or required by statute, projects that maintain our existing infrastructure, projects that address life, safety, or health issues, and projects that support the economic development of Unalaska.

Goal: The replacement and maintenance plans for all existing capital assets will be reviewed annually.

Goal: The vehicle and heavy equipment fleet requirements will be reviewed annually and reduced where appropriate without significantly impacting services provided to the public.

The FY 2022 goals represents no change from the approved FY 2021 budget goals.

Revenues

Goal: Proprietary Fund rate studies will be completed every three years and presented to council.

Goal: The mil rate will be reviewed annually to establish an appropriate mil rate to maintain infrastructure and operations.

The FY 2022 goals represents no change from the approved FY 2021 budget goals.

Debt Service

Goal: The City will not incur new debt without appropriate analysis to show impacts to rates or taxpayers, and will not incur new debt unless the capital asset is eligible for a debt reimbursement program; is mandated by State or Federal government; or is needed to address life, safety or health issues.

Goal: The City may incur debt for its Proprietary Funds provided there is a documented plan to pay the debt through rate adjustments.

The FY 2022 goals represents no change from the approved FY 2021 budget goals.

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-07

A RESOLUTION OF THE UNALASKA CITY COUNCIL APPROVING THE COUNCIL'S
GOALS FOR THE FY22 BUDGET

WHEREAS, budget guidelines help to ensure that the budget is prepared in a manner consistent with City Council desires; and

WHEREAS, the City Council has discussed and selected the attached set of budget goals for FY22; and

WHEREAS, management will utilize the adopted goals as guidelines when developing the FY22 budget.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council adopts the attached goals as a guideline for developing the FY22 budget.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on February 9, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: January 26, 2021
Re: FY22 Revenue Projections

SUMMARY: This is the first step in the budget process and we are open to suggestions from Council as we move forward with this process. Therefore, the budget amounts before you are not fixed and will most likely require adjustment based on information received. For fiscal year 2022, staff is proposing a total General Fund revenue budget of \$29,236,994 for your consideration.

PREVIOUS COUNCIL ACTION: Each year the revenues are adjusted. This is the first time that Council has seen this estimate for the fiscal year 2022 budget process.

BACKGROUND: There are many external factors affecting City revenues; however, the primary driver is the fishing industry as it impacts so much of the City's tax revenue. Fish tax revenues are based on quotas allocated for the sustainable fishery resources of the Bering Sea and Aleutian Islands that are landed in Unalaska, and the prices paid for that product to the harvesters by the processors. While allotments related to certain species have changed, overall, the impact of those changes will cancel each other out and have no impact on the budgeted amount for FY 2022 raw seafood tax. Delays in tax payments made to the State cause delays in payments to the City and this makes it even more difficult to make accurate predictions.

Sales tax revenues are also heavily impacted by the fishing industry as a significant portion of sales tax is derived from fuel sales. During the first half of 2020 fuel prices experienced a significant drop resulting in a sizable reduction in budgeted sales tax revenue for FY 2021. Sales tax collections have dropped; however, the reduction has not been as drastic as originally forecasted. Therefore, the FY 2022 budget projects a slight increase in sales tax revenue, which is more consistent with FY 2021 to date experience.

DISCUSSION: The City has historically budgeted quite conservatively on all of its revenues, especially the major revenue sources.

For fiscal year 2022, staff is proposing a total General Fund revenue budget of \$29,236,994 for your consideration. This is a 0.50% increase or \$144,923 from the fiscal year 2021 budget. While revenue projections for FY 2022 represent a minor increase over last fiscal year, they are still more than \$1,500,000 below the FY 2020 revenue budget.

The revenue projections provided do not contemplate any potential expanded/additional revenue sources discussed in the January 13, 2021 Council Work Session. Should Council enact a tobacco excise tax or increase the mil rate, revenues would be increased accordingly and would help make up for the recent decreases.

A more detailed explanation of the attached documents is given below.

General Fund - Major Revenue Sources Projected FY 2022: This page provides written detail regarding why major revenue sources have increased, decreased or remained the same.

General Fund Major Revenue Sources FY 2022 Projections: This graph shows the major revenue sources and their percentage of the total General Fund revenue of the City. Investment earnings are still budgeted in the general fund to fund operations.

Real Property Tax: Staff is projecting a decrease of \$250,000.

Personal Property Tax: Staff is projecting an increase of \$250,000.

Sales Tax: As mentioned above, YTD sales tax receipts represent a reduction from prior years, but have exceeded budgeted amounts. Therefore, Staff is projecting a \$666,667 increase from FY 2021.

Raw Seafood Tax: This tax is projected to remain stable with a minor decrease (\$11,165) from the budgeted FY2021 levels.

Fisheries Business Tax: This tax is tied to the Raw Seafood tax and we are projecting a small decrease from the budgeted FY 2021 levels.

Resource Landing Tax: Given the uncertainty regarding this tax (future collections and lack of transparency from State on how it is calculated), a significant reduction is forecast for FY 2022.

Investment income: Investment earnings have exceeded budgeted amounts in each of the last three fiscal years by an average of \$1,500,000. Therefore, staff is proposing an increase in the budgeted amount to \$1,800,000, which represents a \$400,000 increase from the prior year.

Other Revenues: Staff is projecting an increase of \$370,000 from FY 2021. The increase is related to the State PILT. For FY 2021, it is budgeted at approximately \$500,000. However, as of January 15, 2021 the City has received \$914,074. Additionally, in FY 2020, the City received more than \$900,000 and has received more than \$800,000 in each of the five fiscal years prior to that (FY 2015 to FY 2019).

ALTERNATIVES: This is work session item for discussion.

FINANCIAL IMPLICATIONS: This projection shows revenues are somewhat stable based on the current year activity and information from the State of Alaska. We will be monitoring these amounts and will adjust as we move forward with the FY 2022 Budget development.

LEGAL: There are no legal implications.

STAFF RECOMMENDATION: No staff recommendation; this is a discussion item only.

PROPOSED MOTION: No action proposed.

CITY MANAGER'S COMMENTS: The revenue projections provided are based on a similar approach to conservative budgeting that the Council has approved for the last 7-10 years.

CITY OF UNALASKA
General Fund Major Revenue Sources - Projected
Fiscal Year 2022 Budget

	Actual 2016	Actual 2017	Actual 2018	Actual 2019	Actual 2020	Budget 2021	Projections 2022	Increase / (Decrease)	Actual FY 2021 through 1/15/21	
1 Real Property Tax	4,085,050	4,233,663	4,347,513	4,666,560	4,489,648	5,000,000	4,750,000	(250,000)	4,689,634	Budget based on FY20 actual and YTD FY21 amounts
<p>The City had a property reassessment in fiscal year 2020, and this revenue projection was calculated using the fiscal year 2018 certified tax assessment roll times the current mill rate of 10.5.</p>										
2 Personal Property Tax	1,836,163	1,797,663	1,796,294	2,085,644	2,550,033	2,100,000	2,350,000	250,000	2,416,313	Budget based on FY20 actual and YTD FY21 amounts
<p>The personal property tax revenue projection was calculated the same as the real property tax revenue projection.</p>										
3 Sales Tax	7,757,315	7,411,475	7,045,535	7,299,723	7,093,282	5,333,333	6,000,000	666,667	3,151,663	Budget based on FY20 actual and YTD FY21 amounts
<p>City of Unalaska sales tax continues to be related to the price of crude oil because approximately half of the sales tax generated in Unalaska is from fuel sales.</p>										
4 Raw Seafood Tax	5,123,372	4,657,385	4,475,150	4,761,505	5,328,128	4,211,165	4,200,000	(11,165)	2,388,679	FY 2022 projection based on 2020 catch year
<p>The locally collected 2% Raw Seafood tax is projected to be consistent with prior year budgeted revenue</p>										
5 AK Fisheries Business Tax	4,099,315	4,276,287	4,014,323	3,528,499	3,869,625	3,480,663	3,300,000	(180,663)	3,641,049	FY 2022 projection based on 2020 catch year
<p>The State of Alaska Shared Fisheries Business Tax is projected to be consistent with FY20 receipts</p>										
6 AK Resource Landing Tax	3,034,438	4,276,287	4,532,106	5,220,958	4,635,929	5,000,000	3,900,000	(1,100,000)	4,094,954	FY 2022 projection based on 2020 catch year
<p>AK Resource Landing Tax is projected to be consistent with FY20 receipts</p>										
7 Investment Income	971,866	1,287,864	1,668,942	2,347,528	3,680,290	1,400,000	1,800,000	400,000	1,011,774	Budget on historical upward trend
8 Other Revenues	4,669,057	4,371,248	5,786,798	4,841,889	4,845,357	2,566,910	2,936,994	370,084	1,527,579	
<p>Other revenues include intergovernmental payments, charges for services and other non-major revenue sources. This is detailed out in a graph and spreadsheet included in this packet.</p>										
Total	31,576,576	32,311,872	33,666,661	34,752,306	36,492,292	29,092,071	29,236,994	144,923		



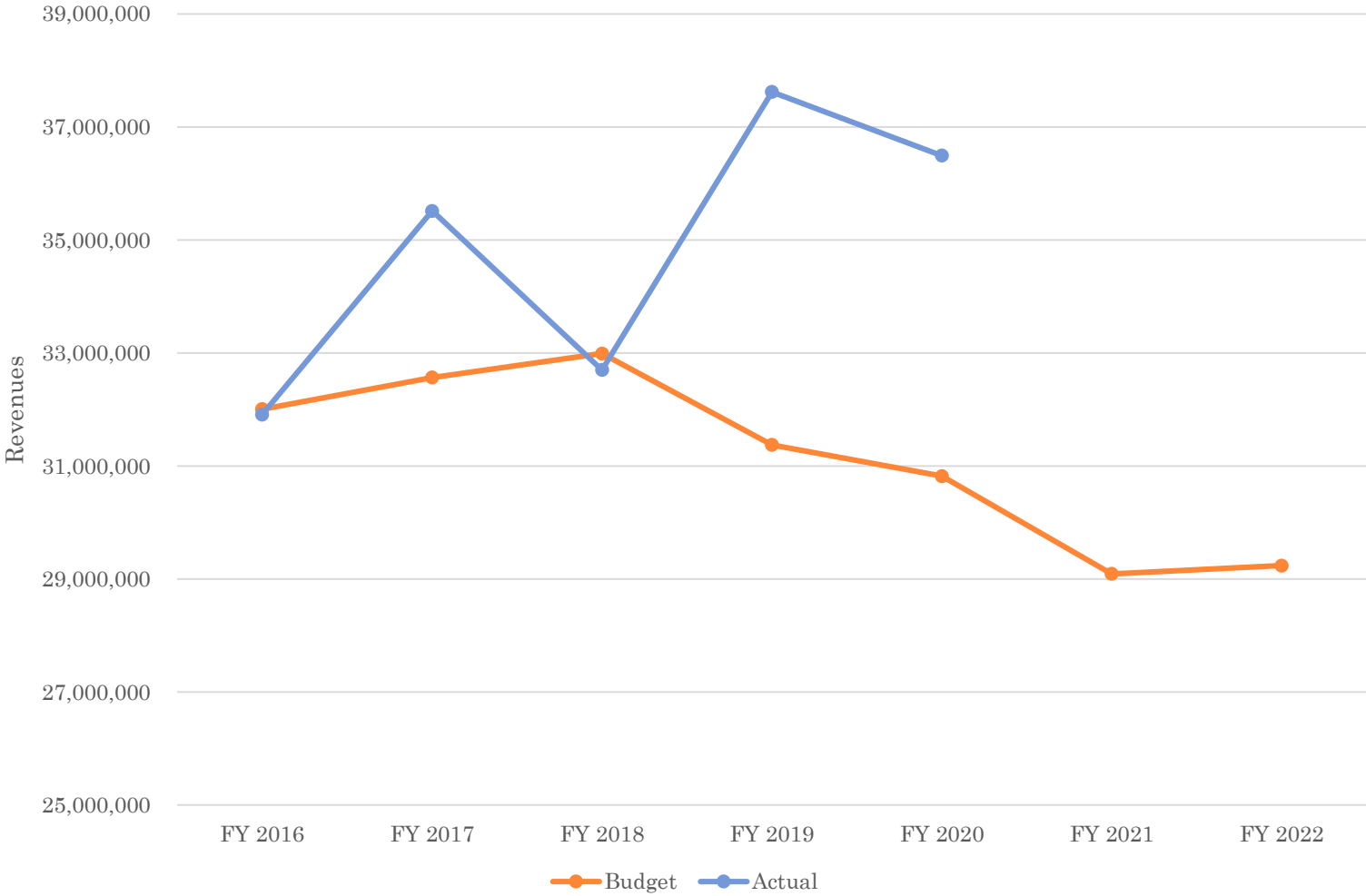
FY22 REVENUE PROJECTIONS

1

PURPOSE OF GENERAL FUND REVENUE PROJECTIONS

- Sustainability
 - Ensure that expenditure budget does not exceed projected revenue.
- Comparison of Budget to Actual
 - Reconciliation of what we anticipated in prior years vs. actual revenues received

GENERAL FUND REVENUE BUDGET VS. ACTUAL



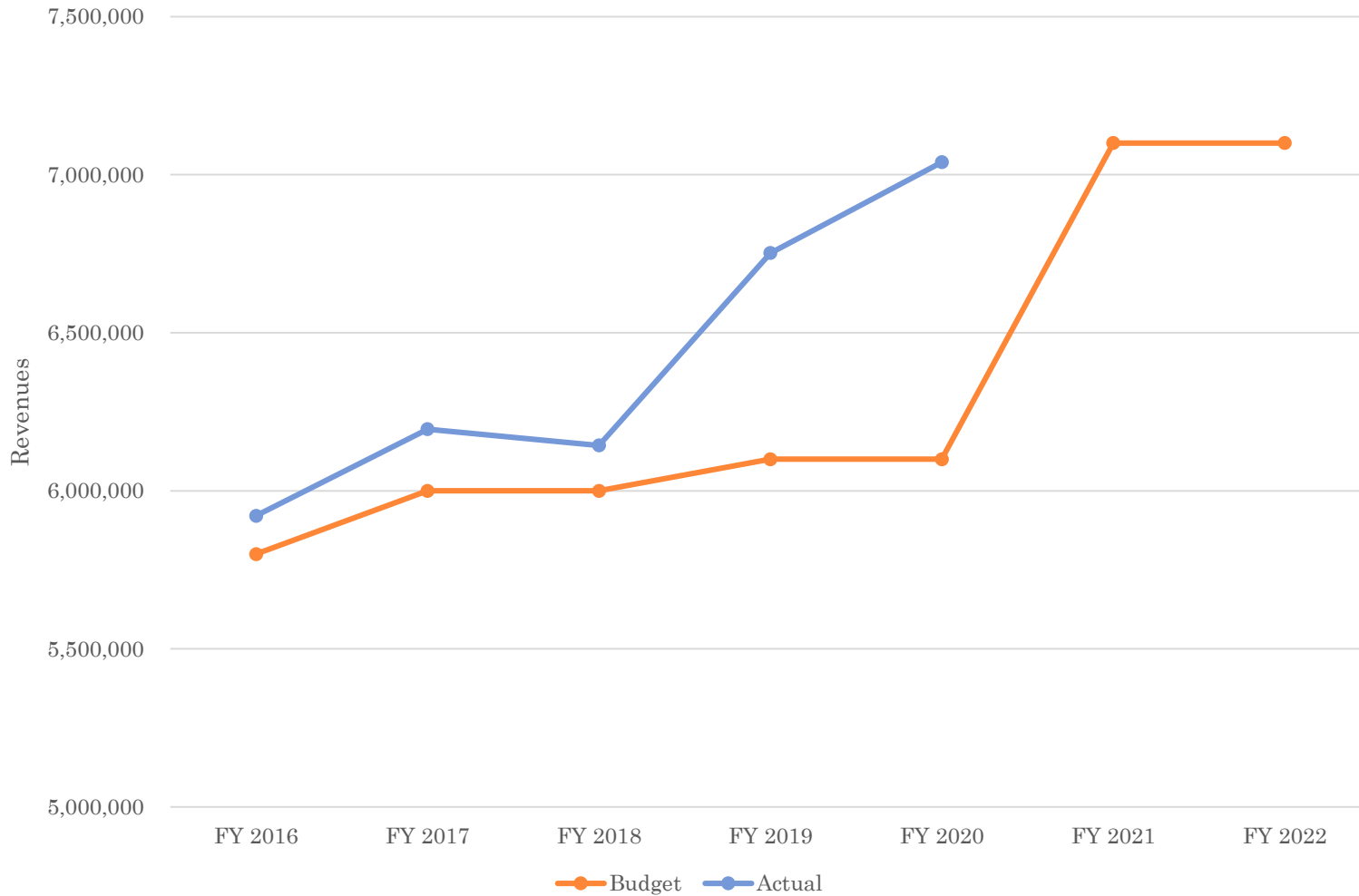
MAJOR REVENUE SOURCES

Real & Personal Property Tax

- Calculated off the most recent Assessed Value, using 2020 Assessed Values

- Mill Rate – 10.5
 - Staff recommends reviewing mill rate for appropriateness

REAL & PERSONAL PROPERTY TAX BUDGET VS. ACTUAL



MAJOR REVENUE SOURCES

Fish Taxes

○ Raw Seafood Tax

- Locally collected 2% Tax paid by fisheries
 - The impact of allotment changes will cancel each other out with no impact on the budgeted amount for FY 2022 raw seafood tax

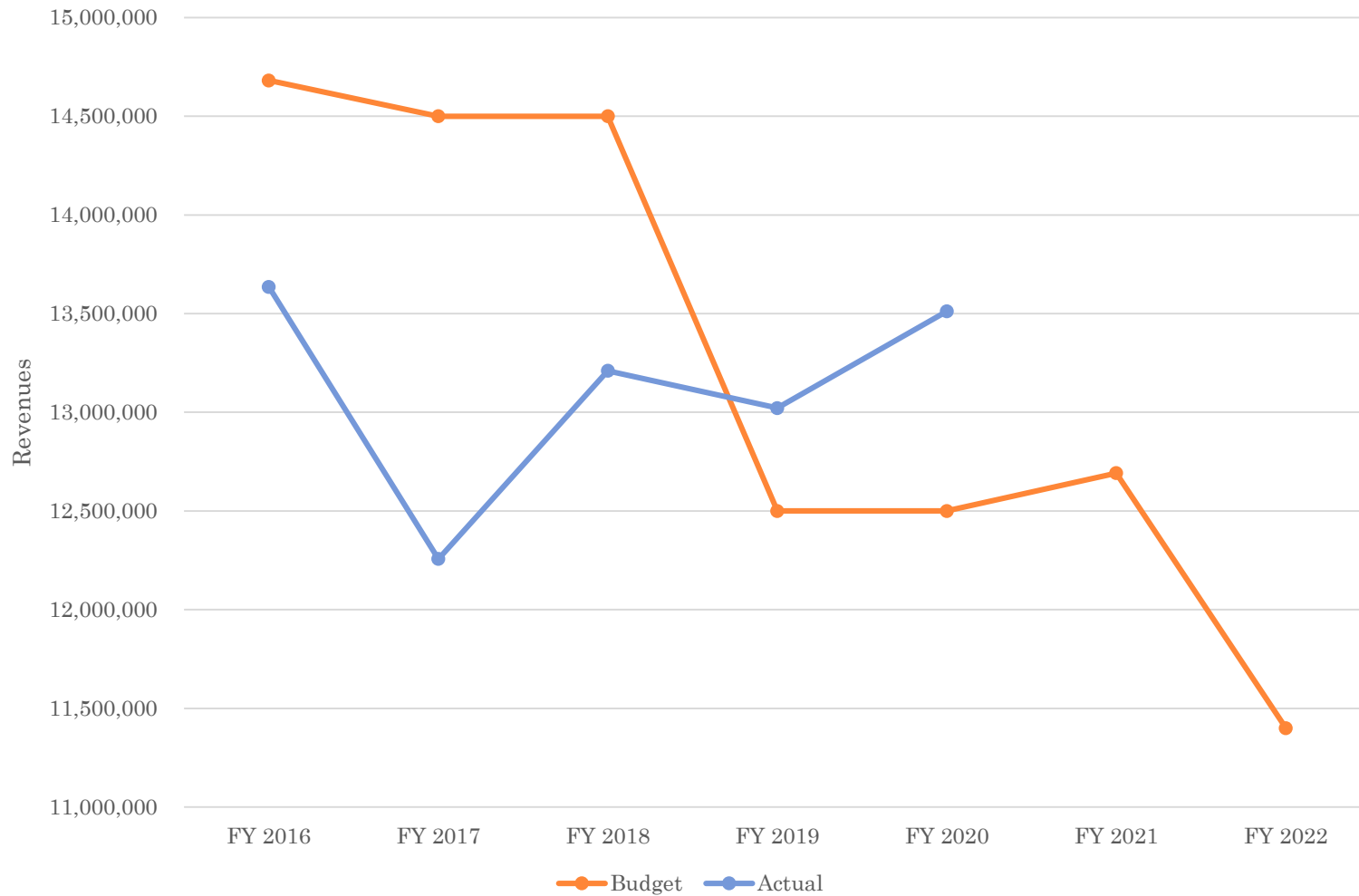
○ Fisheries Business Tax

- State of Alaska shared tax of 1.5% from a 3% State tax on local fisheries
 - Small decrease from FY 2021

○ Resource Landing Tax

- State of Alaska shared tax of 1.5% from a 3% State tax on offshore processors
 - Decrease from FY 2021 due to uncertainties surrounding data provided to State by fishing vessels

FISH TAXES BUDGET VS. ACTUAL

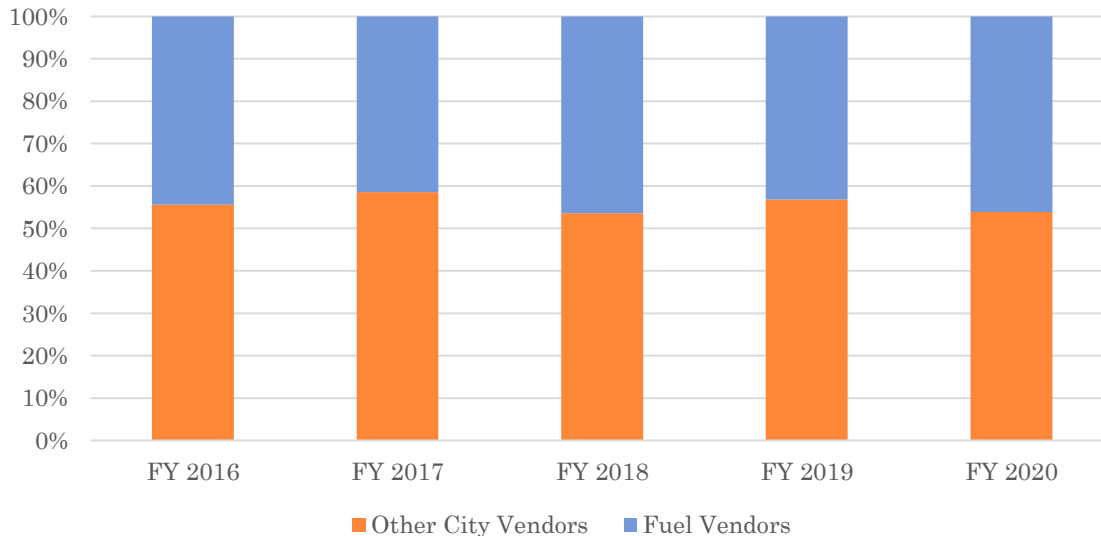


MAJOR REVENUE SOURCES

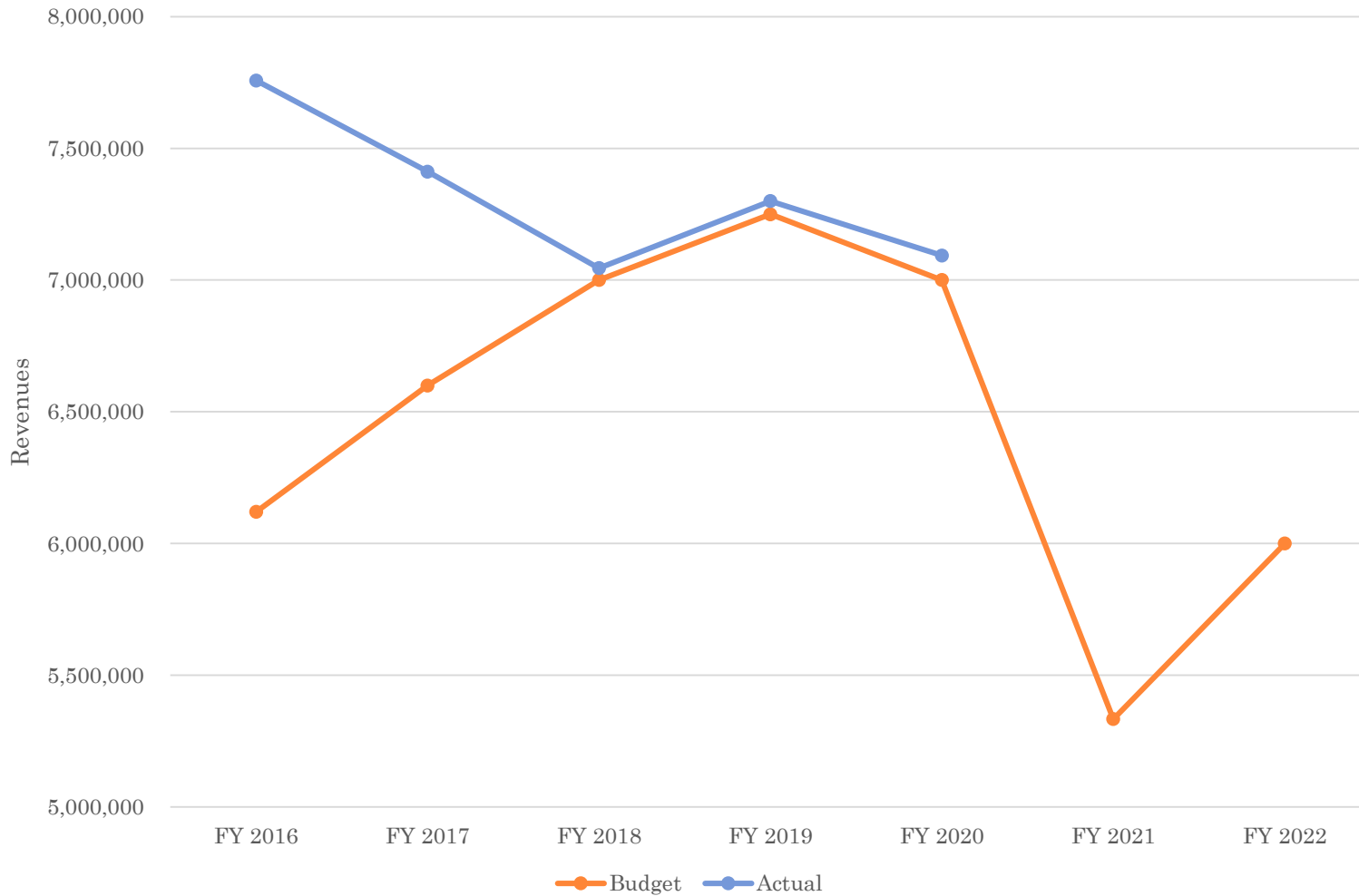
Sales Tax

- 3% Total Tax
 - 2% recorded in General Fund
 - 1% recorded in 1% Special Revenue Fund
- During FY 2020, fuel taxes accounted for approximately 46% of sales tax collected by the City

General Fund Sales Tax by Vendor Type – Five Year History

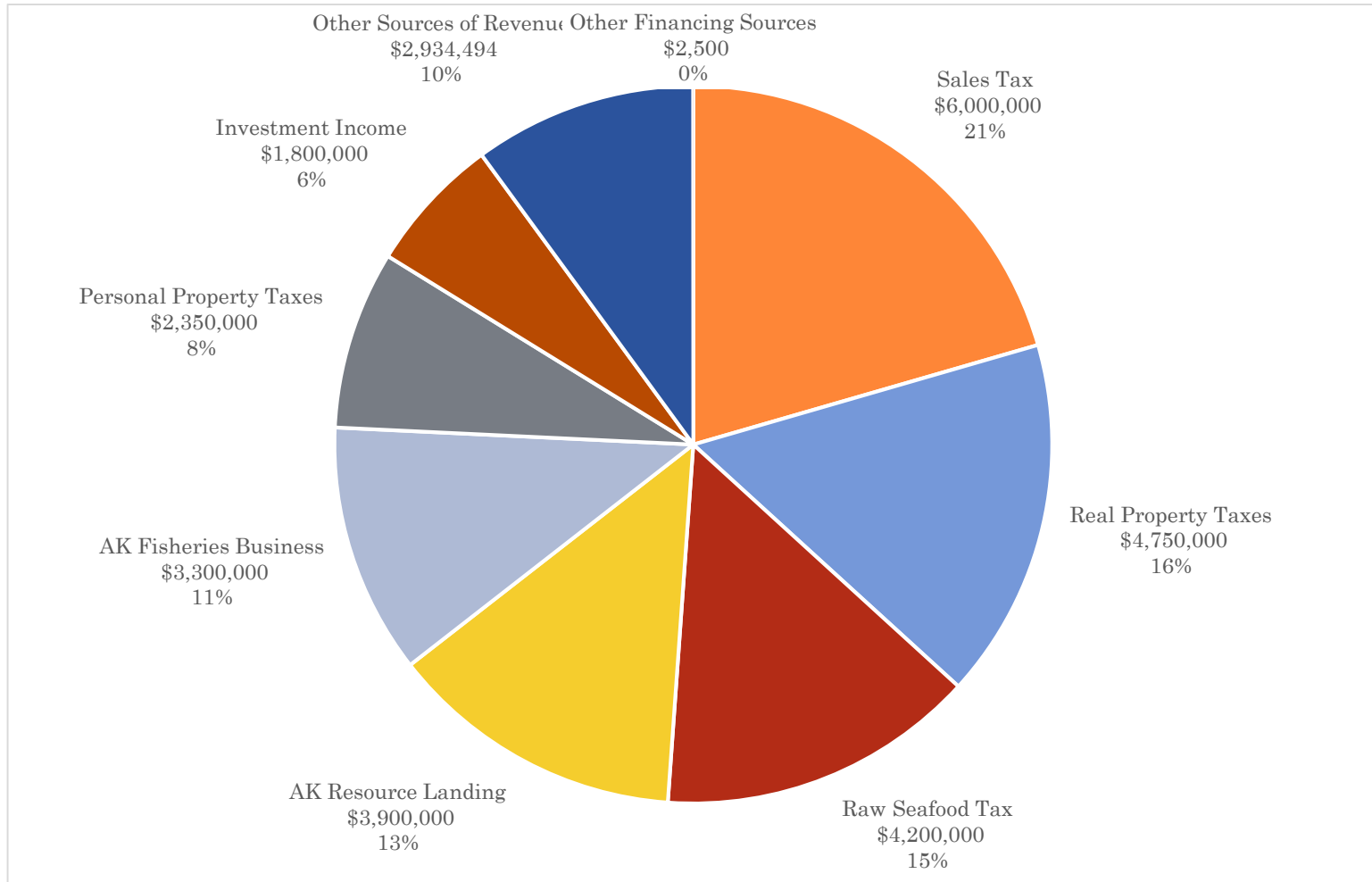


GENERAL FUND SALES TAX



FY22 GENERAL FUND REVENUE

\$29,236,994

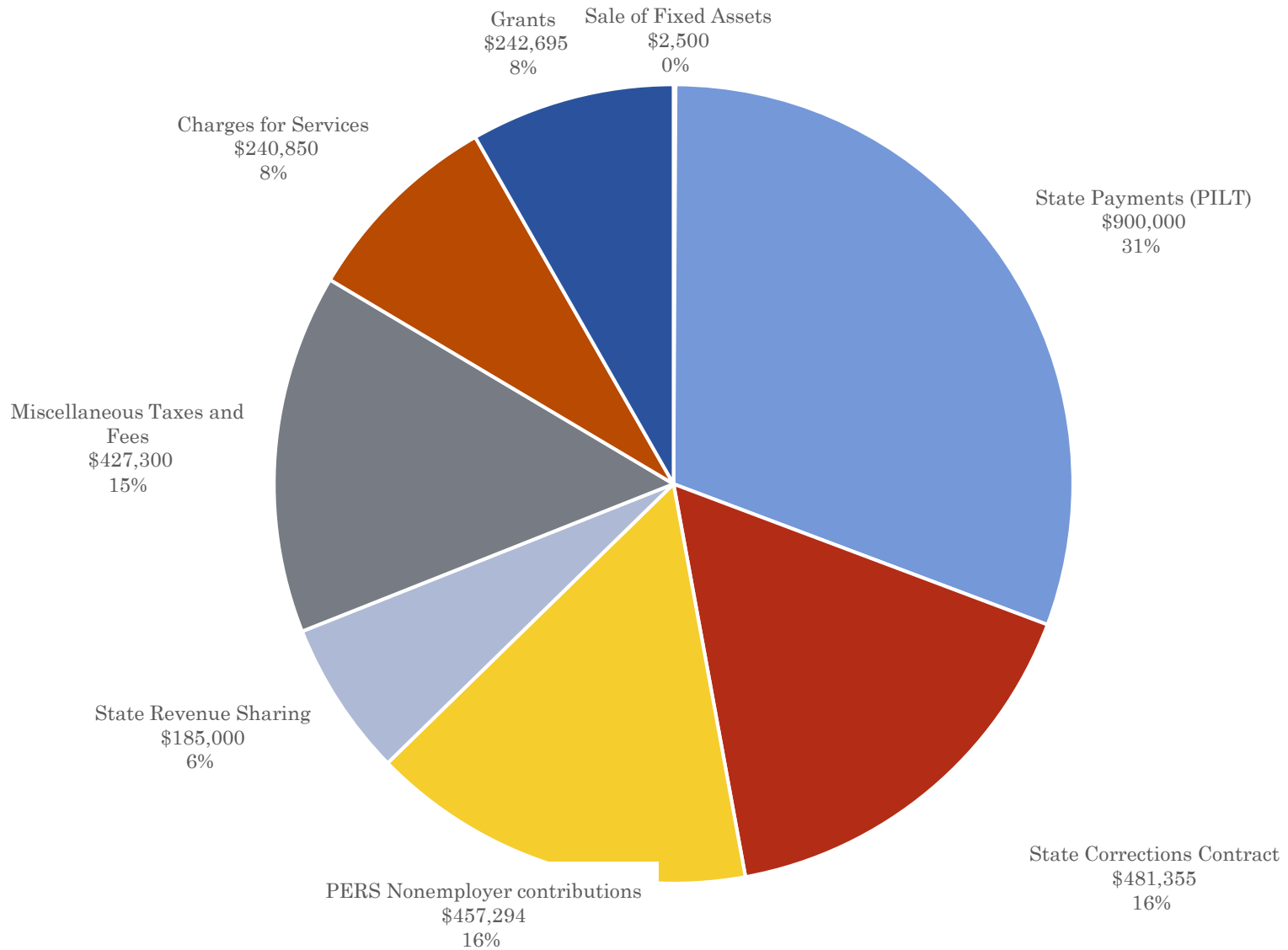


OTHER REVENUE SOURCES

- Grants (Public Safety, Library, Debt Reimbursement)

- Alaska State Shared or Generated
 - Payment in Lieu of Taxes
 - Revenue Sharing
 - State Corrections Contract
 - State on Behalf for PERS

FY22 OTHER REVENUE SOURCES \$2,934,494



QUESTIONS

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-06

A RESOLUTION OF THE UNALASKA CITY COUNCIL RECLASSIFYING \$12,000,000 OF GENERAL FUND UNASSIGNED FUND BALANCE TO COMMITTED FUND BALANCE FOR EMERGENCY OPERATIONS.

WHEREAS, the City Council periodically reviews classification of fund balances and makes adjustments to these as deemed necessary; (descriptive reasons for the resolution) and

WHEREAS, the City's audited June 30, 2020 Comprehensive Annual Financial Report states that the General Fund included \$68,381,807 of unassigned fund balance; and

WHEREAS, the City's audited June 30, 2020 Comprehensive Annual Financial Report states that the General Fund included \$13,000,000 of committed emergency operations fund balance; and

WHEREAS, the City's audited June 30, 2020 Comprehensive Annual Financial Report states that the General Fund incurred expenditures in the amount of \$24,459,037 during fiscal year 2020; and

WHEREAS, best practices indicate that governments should set aside sufficient funds to cover six to twelve months' general fund expenditures as a precautionary measure if the City government experiences a significant reduction in general fund revenue.

NOW THEREFORE BE IT RESOLVED that the Unalaska City Council reclassifies \$12,000,000 General Fund unassigned fund balance to committed fund balance for emergency operations.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January 26, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Jim Sharpe, Interim Finance Director
Through: Erin Reinders, City Manager
Date: January 26, 2021
Re: Resolution 2021-06 – A resolution of the Unalaska City Council reclassifying \$12,000,000 of General Fund Unassigned fund balance to Committed fund balance for Emergency Operations.

SUMMARY: This resolution is a continuation of the City's Fiscal Sustainability initiative by committing additional funds for emergency operations ("Rainy Day" funds).

PREVIOUS COUNCIL ACTION: On March 22, 2011, City Council passed Resolution 2011-19 reclassifying \$13,000,000 of General Fund unassigned fund balance to General Fund committed fund balance for emergency operations.

BACKGROUND: In December 2019, the current Council was introduced to the concept of fiscal sustainability. This introduction included a work session PowerPoint presentation followed up with a copy of the Government Finance Officers Association publication *Long-term Financial Planning for Local Government* for Council members to read.

This discussion was revisited at the January 13, 2021 City Council meeting, where more specific topics were presented, including the need to increase the amount set aside for emergency operations.

DISCUSSION: There is no question that the City is heavily reliant on the fishing industry and associated tax revenue. In recent years, the City's governmental operations have been a beneficiary of robust harvests, increasing their coffers by an average of \$5,000,000 annually in the last 5 fiscal years.

However, recent events have shown that certain revenue streams may be at risk of reduction or complete loss. Should the City encounter a substantial reduction in revenue, they would be at risk of losing the ability to provide the level of service that the community has come to rely upon and enjoy.

The proposed resolution creates a buffer that, in the case of a significant loss of revenue, the City would be able to continue providing services to community members. Under those circumstances, it would also allow sufficient time for staff to evaluate solutions (i.e. additional revenue streams, staffing reductions) and not be forced to make immediate drastic reductions to staffing.

Best practices indicate that governments should set aside sufficient funds to cover six to twelve months' general fund expenditures as a precautionary measure. We currently have \$13,000,000 identified for this purpose. The City's audited June 30, 2020 Comprehensive Annual Financial Report states that the General Fund incurred expenditures in the amount of \$24,459,037 during fiscal year 2020. Given our remote location and other logistical challenges, being closer to that 12-month amount, which is roughly \$25,000,000, seems more appropriate.

Finally, City Council has not acted on this topic for nearly 10 years. Although not outlined in the resolution, staff suggests that this topic be revisited annually to ensure the amount committed for emergency operations is appropriate based on the operations of the City.

ALTERNATIVES: Based on discussions from the January 13, 2021 meeting, it is apparent Council wishes to approve some amount of increase to the amount committed for emergency operations (rainy day fund). The primary alternates are outlined below:

- 1) Increase the amount set aside for emergency operations in a lump sum amount (resolution as presented). To get to \$25,000,000, that means a lump sum of \$12,000,000.
- 2) Set aside an annual amount only.
 - a. Increase the amount set aside for emergency operations annually in a fixed amount (i.e. *“reclassify \$XXX,XXX of General Fund unassigned fund balance to Committed fund balance for emergency operations at June 30, each year”*). This amount would be reclassified regardless of General Fund operating surplus/deficit, therefore, suggest including as a budgetary item
 - b. Increase the amount set aside for emergency operations annually up to a fixed amount, based on General Fund operating surplus (i.e. *“annually reclassify up to \$XXX,XXX of General Fund surplus from General Fund unassigned fund balance to committed fund balance for emergency operations”*). This option would require an annual evaluation as part of audit preparation and would not yield a consistent amount (for example, the “up to” amount could be greater than the surplus achieved) or could be \$0 in the event of an operating deficit.
 - c. Increase the amount set aside for emergency operations annually based on a percentage of General Fund operating surplus (i.e. *“annually reclassify up to XX% of General Fund surplus from General Fund unassigned fund balance to committed fund balance for emergency operations”*). This option would require an annual evaluation as part of audit preparation and would fluctuate each year, or could be \$0 in the event of an operating deficit.
- 3) A combination alternative 1 and one of 2a, 2b or 2c.

FINANCIAL IMPLICATIONS: This resolution will increase the amount of set aside for emergency operations (rainy day funds) while reducing the amount on unassigned funds (no strings attached funds).

LEGAL: N/A

STAFF RECOMMENDATION: Staff recommends selection alternative 1 above as it is the most straight forward option presented and does not include a formal calculation annually.

PROPOSED MOTION: I move to adopt Resolution 2021-06.

CITY MANAGER COMMENTS: I support staff's recommendation.

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-03

A RESOLUTION OF THE UNALASKA CITY COUNCIL ADOPTING A POLICY FOR PUBLIC COMMENT AT CITY COUNCIL MEETINGS

WHEREAS, public comment is an essential part of local government meetings; and

WHEREAS, the purpose of public comment is for members of the public to inform the City Council about their views; and

WEREHAS, guidelines for public comment are necessary for fairness and consistency; and

WHEREAS, because the format of City Council meetings has evolved to include participation via telephone and online platforms, additional guidelines are necessary to manage public comment for these participants in an orderly fashion.

NOW THEREFORE BE IT RESOLVED that the attached Policy for Public Comment at Meetings of the Unalaska City Council is hereby adopted.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January ____, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Marjie Veeder, CMC
City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Marjie Veeder, City Clerk
Through: Erin Reinders, City Manager
Date: January 26, 2021
Re: Resolution 2021-03: Adopting a policy for public comment at Council meetings

SUMMARY: Guidelines for public comment are recommended to preserve fairness and consistency for members of the public wishing to provide public comment. Additionally, with participation in Council meetings by telephone and online platforms increasingly common, further guidelines are necessary to manage public comment in an orderly fashion without undue disruption. The proposed public comment policy is consistent with our Code of Ordinances and has been developed with the assistance of the City Attorney.

PREVIOUS COUNCIL ACTION: Unalaska Code of Ordinances at § 2.20.020 provides numerous opportunities for public comments and participation at Regular Council Meetings: two opportunities for Community Input & Announcements, one near the beginning of the meeting and one near the end of the meeting; a separate time for Public Comment on Agenda Items; a separate time for items requiring public hearing by statute; and a period of public comment during council's discussion of each regular agenda item, provided the speaker has first notified the City Clerk of their intention to provide comment.

The presiding officer has at times set time limits for public comment.

Previous written policies about public comment at Council Meetings were not found.

Council discussed this item at their regular meeting on January 12, 2021; assigned three council members (Robinson, Coleman and Bell) to a committee to review and provide recommendations to the City Council; and postponed consideration of this item to January 26, 2021.

DISCUSSION: A policy providing guidelines for public comment is recommended so that both Council and members of the public know what to expect and to provide a framework for fairness and consistency. Participation in council meetings by telephone and online platforms emphasizes the need for such a policy to better manage public comment without unduly disrupting the meetings and allowing everyone to be heard who wishes to speak.

ALTERNATIVES: Council may choose to (a) adopt the policy as presented; (b) make amendments to the policy; (c) choose to appoint a committee to perform further study and make recommendations to council; or (d) choose not adopt a policy about public comment at council meetings.

FINANCIAL IMPLICATIONS: Not applicable.

LEGAL: The City Attorney assisted in preparing the proposed policy.

STAFF RECOMMENDATION: Staff recommends a written policy to provide guidelines for public comment at their meetings. This is council's policy and therefore a council decision.

PROPOSED MOTION: I move to adopt Resolution 2021-03.

CITY MANAGER COMMENTS: I support the Staff Recommendation. Staff is prepared to revise according to Council's feedback.

**UNALASKA CITY COUNCIL
POLICY FOR PUBLIC COMMENT
AT MEETINGS OF THE CITY COUNCIL**

Adopted by Resolution 2021-03 on _____

PURPOSE: The purpose of this policy is to provide guidelines for public comment at meetings of Unalaska City Council.

SCOPE: This policy applies to all Regular Meetings, Special Meetings and Work Sessions of the Unalaska City Council.

BACKGROUND: City Council meetings are designed for the Council to discuss and make decisions on various issues before the Council. A meeting of the City Council is held in public; it is not a “public meeting” in the sense of a public forum. The public does not participate in the decision-making process. Rather, the public provides input to the City Council, and Council takes the input into consideration in making decisions.

For Regular Meetings, Unalaska Code of Ordinances provides numerous opportunities for public comments and participation.

- a) Community Input & Announcements - § 2.20.020(A)(9) & (14): This is a time for members of the public to provide general information to council and to make announcements of interest to the community. This opportunity occurs twice, once early in the meeting and a second time immediately before the meeting adjourns. Advance notice or sign-up is not required, unless the speaker participates in the meeting by telephone or online.
- b) Public Testimony on Agenda Items - § 2.20.020(A)(10): This is a time for members of the public to provide information to Council regarding items listed on the agenda if the speaker does not wish to wait until the specific item comes up on the agenda. Advance notice or sign-up is not required, unless the speaker participates in the meeting by telephone or online.
- c) Public Hearing - § 2.20.020(A)(11): When an item requires public hearing by statute or ordinance, the presiding officer will open the public hearing for members of the public to provide comment. Advance notice or sign-up is not required, unless the speaker participates in the meeting by telephone or online.
- d) Public Comment during Council Discussion - § 2.20.020(B): This is an opportunity for public comments on agenda items in proximity to the Council’s discussion of the item. Members of the public must sign up in advance with the City Clerk in order to provide comment during this time.

Opportunities for public comment at special meetings will be provided in accordance with the agenda for that special meeting, which shall include public comment during council discussion.

Public comment during work sessions is allowed at the discretion of the presiding officer and members of the audience wishing to comment may raise their hand.

STATEMENT OF POLICY: The purpose of public comment is for citizens to provide information and inform the City Council about their opinions. The Mayor and City Council value community input and encourage participation in public comment opportunities at meetings of the City Council.

Public comment opportunities are not a time for members of the public to ask questions of, or engage in dialogue with the Mayor, City Council Members or City Staff. Community members are

encouraged to contact City Staff during normal business hours, or to contact the Mayor and City Council members directly.

These guidelines apply to all types of public comment opportunities described above.

1) Speakers are limited to three (3) minutes each, may not give their time to another person, and may speak about a single topic or agenda item only once during a meeting.

2) PUBLIC COMMENT IN PERSON

- a) Wait to be recognized by the presiding officer
- b) Use the microphone provided
- c) State your name
- d) Address all comments to the Mayor and City Council as a body, not to individual Council Members, the City Manager or others
- e) Comply with the 3-minute time limit
- f) If you wish to speak when an item appears on the regular agenda during council discussion, § 2.20.020(B), sign up in advance with the City Clerk

3) PUBLIC COMMENT BY TELEPHONE CONFERENCE OR ONLINE PLATFORMS

- a) In order to promote an orderly meeting, all persons participating by telephone conference or online platforms must sign up with the City Clerk at least one hour in advance of the start of the meeting, providing the speaker's name and telephone number or online identifier. By necessity, this requirement applies to all opportunities for public comment for persons participating by telephone or online.
- b) At the appointed time, the speaker will be allowed to un-mute
- c) Wait to be recognized by the presiding officer
- d) State your name
- e) Address all comments to the Mayor and City Council as a body, not to individual Council Members, the City Manager or others
- f) Comply with the 3-minute time limit

4) WRITTEN COMMENT

- a) Written comment shall be submitted to the City Clerk's Department no later than one hour prior to the start of the meeting, to be read into the record by the City Clerk or presiding officer's designee
- b) Written comment is accepted by e-mail, regular mail, fax or hand delivery
- c) The name of the person providing written comment must be included
- d) Because written comment will be read during the meeting, it must comply with 3-minute time limit

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-05

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 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, on January 14, 2021, Governor Dunleavy issued a new 30-day Declaration of Public Health Disaster Emergency, effective January 15 to February 14, 2021; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) have issued public health guidance, including the social distancing measures, the recommendation that everyone wear a cloth face covering when in public settings where social distancing measures are difficult to maintain, and that certain individuals take greater precautions; and

WHEREAS, local health officials have advised that in addition to practicing social distancing and staying at home as much as possible, additional measures that include the covering of an individual's nose and mouth will prevent asymptomatic individuals with COVID-19 from unknowingly spreading the disease; and

WHEREAS, local health officials have advised that stronger protective measures are required given Unalaska's remoteness, lack of road access to the mainland, and because the majority of our community's businesses are designated as essential, critical or support critical infrastructure; and

WHEREAS, local health officials have advised that stronger protective measures are required to conserve limited local healthcare resources, as they strive to meet the needs of all community members and essential workforce employees; and

WHEREAS, as of January 20, 2021, there were 52,393 (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 January 8, 2021, 292 patients have tested positive locally in Unalaska; and

WHEREAS, Unalaska has been able to keep multiple cases or outbreaks limited and isolated, and has been successful in stopping community transmission of the virus in the past; and

WHEREAS, as of January 7, 2021, Unalaska's Local Risk Level was changed to High in accordance with Unalaska's COVID-19 Response Plan; 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, although the COVID-19 vaccine serves as a vital tool in our efforts to slow the spread of the virus and keep our schools and businesses open, the vaccine rollout will take time and it is important that communities remain vigilant in practicing mitigation strategies and safety measures; 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. Public Indoor Gathering Limitations. 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 space. All events and meetings are limited to 10 people. The following exceptions apply to the gathering limits:

- a. Educational institutions with grades pre-K through 12 are subject to an indoor capacity limitation of 50% of classroom occupancy or 10 people per room, whichever is greater, so long as they are in accordance their Smart Start 2020 Plan filed with the State of Alaska.
- b. Bars, restaurants and other establishments serving food or beverages to the public are subject to an indoor capacity limitation of up to 35% of maximum building occupancy or 10 people per room, whichever is greater, so long as 6 feet distancing is able to be maintained between tables. This in-person service is limited to sit-down table service only, with at least six feet of separation between customer tables. Tables shall be limited to 5 seats each or less. Sit-down table service only means no standing or seating at physical bars / bar tops. All patrons are required to be seated.
- c. Places of worship are subject to an indoor capacity limitation of up to 35% of maximum building occupancy or 10 people per room, whichever is greater, so long as 6 feet distancing is able to be maintained between people who are not members of the same household or social groups of 5 or less.

4. 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, but may work during the 14-day quarantine period, subject to the requirements in this section.

If their employer has filed the required protocol with the City as required at Section 5, critical workforce employees may work during their self-quarantine period in accordance with that protocol or relevant section of Health Order 5 and any related appendices serving as that protocol. To be allowed to work during the initial 14 days, the worker's Entry Quarantine must meet or exceed the requirements of Health Orders 5 and 6 and any related appendices. This requirement to meet or exceed the quarantine requirements of Health Orders 5 and 6 is effective regardless of any expiration or rescission of those orders.

All workers under this critical workforce exception are required to self-quarantine during non-work hours within the 14-day time period. During the 14-day period, workers are not permitted to have contact with City residents that is not strictly necessary to perform their work, must follow the self-quarantine requirements at section d., below, and are otherwise restricted to the campus, bunkhouse, or vessel where they reside.

- b. Patients or travelers arriving in Unalaska/Dutch Harbor, whose final destination is not Unalaska/Dutch Harbor, are required to self-quarantine during their stopover, but not remain here for the entire 14-day time period. This includes, but is not limited to, air travel.
- c. For individuals arriving on a vessel, time spent at sea is credited to the 14 day quarantine period. The time at sea is counted from the time of departure from the last port of call, provided that no one has embarked or disembarked since that time. Vessel captains shall maintain a ship's log or equivalent record demonstrating compliance with State Health Orders, when applicable, and detailing all activities for which they seek credit for time at sea.

For vessels that have been at sea over 14 days and no one has disembarked or boarded the vessel, no additional 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.

A positive COVID-19 test result from any crew member will negate any previously acquired at-sea credit, and all crew will be required to quarantine again if returning to Unalaska.

- d. Anyone who is required to self-quarantine must adhere to the following:
 - 1) A person in self-quarantine may leave the designated quarantine location for:
 - i. medical emergencies or to seek medical care;
 - ii. to travel in the person's personal vehicle or vessel, individually or with members of the person's household, without contacting others, so long as the person goes directly from the quarantine location to the vehicle or vessel and directly back to the quarantine location; and
 - iii. to participate in outdoor recreational activities (i.e. fishing, hiking) individually or with members of the person's household, without contacting others, so long as the person goes directly from the quarantine location to the recreational activity and directly back to the quarantine location.
 - 2) A person in self-quarantine may not visit any public spaces, including, but not limited to stores, pools, meeting rooms, fitness centers or restaurants.
 - 3) Visitors are not allowed in or out of the designated quarantine location other than a physician, healthcare provider, or individual authorized to enter the designated quarantine location by Unified Command.

- 4) Comply with all rules or protocols related to your quarantine as set forth by your hotel or rented lodging.
- 5) If a person is required to self-quarantine and there are other individuals in their residence, hotel room, or rented lodging, all persons in the quarantine location must comply with social distancing guidelines, sanitize regularly touched surfaces, and follow CDC best practices for hand washing.

5. 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 City 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 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.

6. 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. By remaining open during the COVID-19 pandemic, organizations and businesses are expressly granting consent for entry during business hours under Unalaska Code of Ordinances § 1.16.010. This consent is limited to inspections of the public portions of the business and is for the limited purpose of enforcing state and local laws related to COVID-19. It does not alter UCO § 1.16.010 with regard to other violations or investigations.

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.

7. 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.

8. Effective Date; Expiration. This resolution shall be effective at noon on Wednesday, January 27, 2021, and expires at noon on Wednesday, February 10, 2021. 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. This resolution repeals and replaces any other inconsistent resolution or ordinance.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on January 26, 2021.

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: January 26, 2021
Re: Resolution 2021-05: 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.

Council approved Resolution 2020-77 on December 15, 2020 extending the orders in Resolution 2020-73 and revising it to provide additional clarity if there is a change the State’s declaration of emergency. This resolution was set to expire on January 13, 2021. Council decided it would call a Special Meeting to reconsider the restrictions if the local risk level was changed before then. The allowance for time spent at sea to count toward the local traveler self-quarantine was removed.

In response to the change in the local risk level, Council approved Resolution 2020-79 at a Special meeting on December 30, 2020. This resolution removed the hunker down order and public gathering size restriction, allowed for in person service at bars and restaurants to open to 50%

capacity, and added back in the allotment for time at sea to count toward the local traveler self-quarantine. Additional clarification was also included for critical infrastructure industries in the traveler quarantine section.

In response to the increase in the local risk level to High, Council approved Resolution 2021-01 at a Special meeting on January 8, 2021. This resolution reinstated the hunker down order and the limit to public gathering size, and temporarily stopped in person service at bars and restaurants.

Council approved Resolution 2021-04 at their regular meeting on January 12, 2021. This resolution removed the hunker down order; removed the temporary closure of in-person dining, allowed for exceptions to the public gather size for schools, places of worship, and bars/restaurants. Council set the resolution to expire on January 27 so they could reconsider some of the restrictions at their regularly scheduled meeting on January 26, 2021.

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 then issued a new emergency declaration effective until January 15, 2021. On January 14, the Governor then issued a new emergency declaration effective until February 14, 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.

Together, Unalaska has been able to keep multiple cases or outbreaks limited and isolated since the beginning of this pandemic. In December, Unalaska was able to stop community transmission of the virus. We have demonstrated that mitigation strategies work. No single 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. All of these are further strengthened by statewide Health Orders and the local protective measures instituted by other municipalities throughout the state.

We remain optimistic about the approval and distribution of the COVID-19 vaccine. The vaccine is a game changing tool in our efforts to slow the spread of the virus, and keep our schools and businesses open. The vaccine rollout will take time, however, and it is important that we remain vigilant in practicing other mitigation strategies and safety measures.

On January 7, 2021 the local Risk Level was increased to High from Medium due to additional newly community acquired COVID-19 cases that could no longer be defined as isolated cases. Since the pandemic began the risk level and the community wide protective measures have been addressed in a two-step process. Risk level is determined by Unified Command based on cases and related information. The community wide protective measures are approved by City Council resolution. Ultimately, the decisions on what is contained in the resolutions and when those details change are policy decisions made by Council.

DISCUSSION: As of the drafting of this memo and resolution, we the local Risk Level remains at High. In accordance the Covid-19 response plan developed early on in this pandemic, this is the time where Council might consider measures to further limit contact with individual outside of households.

Resolution 2021-05 is set expire February 10, 2021 and will be revisited at the Council Meeting on February 9, 2021. This date coincides with the next regularly scheduled City Council meeting.

The following protective measures from previous Resolution 2021-04 remain in Resolution 2021-05, with the revisions noted:

- **Face Coverings** - Customers and visitors of businesses and organizations must wear a covering over their nose and mouth. Additionally, employees or volunteers of businesses and organizations to wear a face covering when interacting with customers or visitors. This section has not changed.
- **14 Day Traveler Self Quarantine** - Individuals traveling into the City by vessel or airplane must self-quarantine, with limited exceptions. This section has not changed.
- **Public Gathering Limitations** - Indoor gatherings are limited to 10, with specific exceptions applying to schools, places of worship and bars/restaurants. This section has not changed.
- **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. Language has been added to clarify that police or other city employees may enter businesses for the purposes of monitoring compliance with this resolution or state health orders. This is not an expansion of police authority, but is meant to clarify existing law.

At the last Council meeting, Council indicated that they wished to continue to monitor the community acquired cases and would consider adding additional protective measures. If Council wishes to add measures, Council may wish to consider protective measures they had implemented in the past. These include Hunker Down, closing of bars and restaurants to in-person service, and additional limitations on gatherings. Specific guidance is provided below.

- Council may wish to add in a section to the resolution calling upon individuals to stay at home as much as possible. Potential wording is as follows:

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:*

- To go to work or school when remote work and learning is not feasible;*
- To buy, sell or deliver essential groceries and goods;*
- To receive or provide essential health care and services; or*
- To get fresh air without contacting others.*

- Council may wish to add in a section temporarily closing in-person services at bars and restaurants. Research indicates that limits to in person service at bars and restaurants is a sound and effective approach to mitigating transmission of the virus. These actions also have less negative impacts to local businesses and community well-being than fully closing down all non-essential businesses. If Council chooses to add this section, the section on gatherings would need to be revised as well. Potential wording is as follows:

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 their 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.*
- Council may wish to revise the section addressing gathering limitations to ***remove some of the exceptions now outlined for the schools, places of worship and bars/restaurants.*** Council may also wish to have this apply to both ***indoor and outdoor gatherings.*** Again, this section was designed to allow for businesses and organizations to continue operating. Research indicates that limits to gatherings is a sound and effective approach to mitigating transmission of the virus.

Also at the last Council meeting, one Council member expressed an interest in the potential of adding a requirement for businesses to assist in contacting those companies or individuals with whom their employees might have come into contact. I have talked this over with Melanee Tiura at the Clinic, as the Clinic is managing much of the local contact tracing efforts. She explained that this assistance and coordination is already happening as part of the normal process, with no issues. No change is suggested at this time.

ALTERNATIVES: Council may choose to approve, amend or disapprove this resolution. Ultimately, the decisions on what is contained in the resolutions addressing community wide protective measures – regardless of risk level – are policy decisions made by Council.

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: The City Manager recommends approval of the form of this resolution, as it has been developed based on Council discussions. Council may wish to alter some of the details based on further discussion.

PROPOSED MOTION: I move to approve Resolution 2021-05.