

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-20

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 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 February 14, 2021, Governor Dunleavy issued four Health Advisories with guidance and recommendations on general safety and best practices, international and interstate travel, intrastate travel, and critical infrastructure; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) have issued public health guidance, including 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, the State of Alaska has specifically recommended communities with limited health care infrastructure or high-risk populations should consider limiting all non-essential travel;

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 April 21, 2021, there were 66,680 (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 April 21, 2021, 765 persons have tested positive for the virus 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 March 1, 2021, Unalaska's Local Risk Level was changed to Medium in accordance with Unalaska's COVID-19 Response Plan, but increased to High on April 12, 2021 due to potential widespread exposure on April 10, 2021; and

WHEREAS, as of April 21, 2021, Unalaska has not experienced a local outbreak associated with the potential widespread exposure on April 10, 2021; 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, as of April 21, 2021, at least 3,695 persons are known to have been fully vaccinated for the virus by IFHS & Eastern Aleutian Tribes and APIA/Oonalaska Wellness in Unalaska; 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, 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. State Health Advisories. Everyone in the City of Unalaska (the City) must follow all current Health Advisories 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 coverings over their nose and mouth to provide additional protection for employees and customers. Additionally, employees and volunteers of open businesses and organizations must wear face coverings 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 coverings 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. Reserved.

4. Traveler Quarantine. A person traveling into the City by vessel or airplane, from another community or port, must self-quarantine for 10 days upon arriving at their destination and monitor for symptoms of illness. A quarantine period of 7 days is permitted with a negative PCR test result. Under the 7-day option, the test must be taken no sooner than the 6th day of quarantine. A person may not exit quarantine until results are known. The self-quarantine period of 10 days or 7 days and a negative test is referred to as the traveler quarantine period.

No quarantine is required for travelers who have tested positive for COVID-19 within the past 3 months and who have recovered, as long as no new symptoms develop. No quarantine is required for travelers who have been fully vaccinated for at least 14 days prior to the date of travel.

People traveling for critical business purposes are required to follow their approved plan according to State Health Advisory No. 4 and Section 5 of this Resolution.

- 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 traveler 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.

For essential workers in the fishing industry who are covered by Health Advisory No. 4, Appendix 01 (Seafood Processing Workers), Appendix 02 (Independent Commercial Fishing Vessels) or Appendix 03 (Independent Commercial Harvesters) the worker's Entry Quarantine must meet or exceed the recommendations of Health Advisory No. 4 and any related appendices.

All workers under this critical workforce exception are required to self-quarantine during non-work hours within the traveler quarantine period. During the traveler quarantine 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 traveler quarantine 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 traveler 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. Commercial fishing vessel captains shall maintain a ship's log or equivalent record demonstrating compliance with State Health Advisories, including on board protective measures, and detailing all activities for which they seek credit for time at sea. For vessels subject to Health Advisory 4 and appendices, the Entry Quarantine standards must have been met in order to qualify for credit for time spent at sea.

For vessels that have been at sea over 10 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 10 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 10 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.
- e. Travelers from other Alaskan communities, traveling to Unalaska on the Alaska Marine Highway System for critical personal needs, are exempt from the requirements of Section

4(d)(2) in that they may enter stores or businesses for critical personal needs. When not engaged in meeting critical personal needs, ferry travelers are required to follow self-quarantine requirements. Critical personal need is defined in State Health Advisory No. 3, issued February 14, 2021.

5. Essential Services/Critical Infrastructure Safety Plans and Protocols. Businesses identified as “essential services” or as “critical infrastructure” that are recommended to submit plans or protocols to the State under Health Advisory No. 4 are required to submit COVID-19 plans directly to the City if they are operating in Unalaska. The plans shall be in a format substantially similar to that recommended by State Health Advisory No. 4, 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 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 Advisories. 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.

7. Marine Tourism. Marine tourism includes travel to Unalaska for non-essential purposes by state ferry, a cruise ship of any kind, or private vessel. Marine tourism passengers and providers are required to adhere to resolutions, ordinances, orders of the City Manager, or any other local mandates related to public safety during the COVID-19 pandemic. Such mandates include, but

are not limited to, the face covering requirement, traveler self-quarantine requirements, gathering size limitations, and industry safety protocol requirements. Local requirements are in addition to any laws, regulations, agreements or plans that apply to travelers, vessels, or businesses through the State of Alaska, the Center for Disease Control and Prevention (CDC), or the US Department of Homeland Security.

8. 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.

9. Effective Date; Expiration. This resolution shall be effective at noon on Wednesday, April 28, 2021, and expires at noon on Wednesday, May 12, 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 April 27, 2021.

Vincent M. Tutiakoff, Sr.
Mayor

ATTEST:

Roxanna Winters, CMC
Acting City Clerk

MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, City Manager
Date: April 27, 2021
Re: Resolution 2021-20: Continuing measures to protect public health

SUMMARY: The local Risk Level was increased to High on April 12, 2021 due to potential widespread exposure on April 10, 2021. Council chose to not change the protective measures as a result of this increased level, but instead continued monitoring the situation. As of the drafting of this memo there has not been a local outbreak associated with the exposure. 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. Additionally, the vaccine availability is on the rise, and now all those over the age of 16 are eligible for the vaccine. This resolution continues the community wide protective measures currently in place.

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 approved Resolution 2021-05 at their regular meeting on January 26, 2021. The resolution clarified that police and other city employee may enter businesses for the purposes of monitoring compliance with the resolution or state health orders.

Council approved Resolution 2021-09 at their regular meeting on February 9, 2021. The resolution addressed marine tourism and Alaskan residents traveling on the Ferry to access critical needs.

On February 10, 2021, the local Risk Level was reduced to Medium from High. A special meeting was scheduled for Council to consider Resolution 2021-10 removing the capacity restrictions currently in place. Council voted that resolution down given new information that would likely result in an increased risk level once again.

On February 23, 2021, Council approved Resolution 2021-11 extending previous protective measures, updating references to State Health Advisories and treating them as requirements, and updating Traveler Self Quarantine requirements to align with CDC guidance.

On March 3, 2021, Council approved Resolution 2021-13 at a Special Meeting extending many of the protective measures, removing limit to public gatherings because in response to the decreased Local Risk level, and updating Traveler Self Quarantine requirements to align with CDC guidance.

On March 23, 2021, Council approved Resolution 2021-15 extending previous protective measures. The resolution removed the three month time limitation for fully vaccinated individuals in the traveler quarantine section, based on updated guidance; and removed the passenger limit in taxis, consistent with the opening up of other business and gatherings.

On April 13, 2021, Council approved Resolution 2021-18 extending previous protective measures. Council chose to keep the measures as they were, even though the local Risk Level increased from Medium to High. The situation continued to be monitored.

BACKGROUND: The COVID-19 pandemic continues. Since November, the City has anticipated the state emergency declaration and regulations may lapse and has drafted its resolutions with

this in mind. The resolution is currently designed to protect the City similarly if the state has no COVID-19 protections in place. There may be unforeseen consequences borne out through experience. Those variables will continue to be assessed and appropriate changes will be made in local regulations.

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.

The State of Alaska's COVID-19 disaster declaration was allowed to expire on February 14, 2021. However, the support infrastructure of the State's Unified Command remains. The State Legislature continues discussing a disaster declaration of some sort, but nothing final has been approved.

The State has issued four health advisories, listed below, addressing general safety, travel and critical infrastructure, with appendices focusing on the seafood industry. The advisories are based on the latest epidemiological data and expertise within the Alaska Department of Health and Social Services and outline best practices to continue mitigating the spread of COVID-19.

Health Advisory 1 – Recommendations to Keep Alaskans Safe – Addresses the safety measures Alaskans can take to mitigate the spread of COVID-19.

Health Advisory 2 – International and Interstate Travel – While Alaska resident and nonresident travelers will no longer be required to have pre-travel negative tests upon arrival, it is still considered one of the best mechanisms to track the virus and prevent community spread. The existing airport testing infrastructure will remain in place to protect Alaskans and visitors alike.

Health Advisory 3 – Intrastate Travel – Outlines expectations of communities for allowing travel Critical Infrastructure personnel, as well as for community members and Critical Personal needs. The advisory recommends COVID testing three days prior to travel to locations on the road system and the Alaska Marine Highway System. For locations off the road system and the Alaska Marine Highway System, a test is recommended for trips lasting longer than 72 hours before returning to a rural community. Without a test, strict social distancing should be followed.

Health Advisory 4 – Critical Infrastructure – The advisory provides clear guidance for Critical Infrastructure businesses operating in Alaska to protect both communities and industries. There are appendices for Seafood Processing Workers; Independent Commercial Fishing Vessels; and Independent Commercial Harvesters.

On March 1, 2021 the local Risk Level was reduced to Medium, but was increased to High on April 12, 2021 due to potential widespread exposure on April 10, 2021. Even with the increase in risk level, Council did not change the protective measures. Instead, they choose to monitor the situation. As of the drafting of this memo there has not been a local outbreak associated with the exposure. 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.

Together, Unalaska has been able to keep multiple cases or outbreaks limited and isolated since the beginning of this pandemic. 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 contract 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 Advisories and the local protective measures instituted by other municipalities throughout the state.

We remain optimistic about the COVID-19 vaccine rollout and cooperative efforts that are underway. The vaccine is a game changing tool in our efforts to slow the spread of the virus, and keep our schools and businesses open. It is important that we remain vigilant in practicing other mitigation strategies and safety measures while more is learned about the benefits and additional guidance is provided by CDC and the State regarding the vaccine.

DISCUSSION: As of the drafting of this memo and resolution, the local Risk Level remains at High, but no local outbreak has been identified as of the drafting of the memo. This Resolution 2021-20 is set expire May 12, 2021 and will be revisited at the Council Meeting on May 11, 2021. The following protective measures from the previous resolution remain in this resolution, with any revisions noted:

- **State Health Advisories** - This section references and requires everyone in the City to follow the State's Health Advisories. This section has not changed.
- **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.
- **Traveler Self Quarantine** - Individuals traveling into the City by vessel or airplane must self-quarantine, with limited exceptions. This section has not changed.
- **Essential Services/Critical Infrastructure Safety Plans** - Businesses that are recommended to submit plans to the State as a result of Health Advisory 4, are required to submit those to the City if they are operating in Unalaska. This section has not changed.
- **Protective Protocols** - All business open to the public must post their basic measures to protect the public health on their doors. This section has not changed.
- **Marine Tourism** – This section provides guidance for those traveling for non-essential purposes on the state ferry, cruise ships or private vessels and clarifies that local safety protocols in this resolution do apply. This section has not changed.

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.

If the local Risk Level remains at High, Council may desire additional protective measures. The wording below could be added to Section 3 of the Resolution and would be similar to what Council

previously approved for restaurants, bars, and other establishments serving food and beverages to the public. At this phase in the pandemic, people should continue to exercise personal responsibility when considering both public and private gatherings. Additionally, with the coming of warmer weather, it will be possible to hold more such gatherings outside. Restrictions on places of worship have been removed due to a change in the way courts are treating those types of restrictions. Schools have been successful in mitigating the virus through their approved plans, and it is no longer necessary for the resolution to address schools. Thus, the general limitation on indoor public gatherings has been removed. Restaurants and bars continue to be a place where people gather indoors and by necessity remove their masks. While restrictions on those businesses are certainly challenging economically, restricting capacity remains an option if it is necessary to protect the community.

Limitations on Indoor Capacity at Bars and Restaurants. 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 physical distance is 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. United States Coast Guard vessels are exempt from “sit-down table service only” when occupying a closed establishment.

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 2021-20.