

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-62

A RESOLUTION OF THE UNALASKA CITY COUNCIL ESTABLISHING COMMUNITY WIDE
COVID-19 PROTECTIVE MEASURES

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 if gone unmanaged; 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 throughout 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 (modified April 26, 2021), intrastate travel (modified April 26, 2021), and critical infrastructure; and

WHEREAS, the Commissioner of the State of Alaska, Department of Health and Social Services, Adam Crum, pursuant to and in accordance with the authority granted by the Alaska State Legislature in House Bill 76, Chapter No. 2, SLA 2021, declared a Public Health Emergency effective at 12:02 a.m. on May 1, 2021, which shall remain in effect until rescinded or until the federal public health emergency issued under Section 319 of the Public Health Services Act expires, whichever is sooner; and

WHEREAS, on June 22, 2021, the Unalaska City Council passed Resolution 2021-47, extending the local emergency declaration through December 31, 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, local health officials have advised that protective measures are beneficial given Unalaska's remoteness and lack of road access to the mainland; and

WHEREAS, the State of Alaska has specifically recommended communities with limited health care infrastructure or high-risk populations may consider more restrictive protective measures than the State; and

WHEREAS, as of September 22, 2021, there are 104,574 cumulative known COVID-19 cases statewide; and

WHEREAS, as of September 22, 2021, there were 21 known active community COVID-19 cases in Unalaska and 7 known active industry-quarantined COVID-10 cases in Unalaska; and

WHEREAS, the City's Emergency Response Plan was modified on September 1, 2021, after careful consideration and consultation with medical professionals and other subject matter experts; and

WHEREAS, on September 20, 2021, Unalaska's Local Risk Level went to Substantial in accordance with the updated Emergency Response Plan; and

WHEREAS, as of September 22, 2021, the Aleutians West Census Area is at 64% of residents 12 and older fully vaccinated and 75% of residents 12 and older have at least one dose of the vaccine; and

WHEREAS, COVID-19 continues to pose a threat to the health, safety, and welfare of the residents of the City; and

WHEREAS, the CDC continues to recommend masking in indoor public places to slow the spread of COVID-19; 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) is encouraged to follow current Health Advisories issued by the State of Alaska related to COVID-19.
 - a. For individuals, as outlined in State Health Advisory Nos. 1-3, this includes practicing social distancing and good hygiene, staying at home if sick, isolating if tested positive for COVID-19, testing before and after travel, quarantining after travel if unvaccinated, and not traveling if currently COVID-19 positive.
 - b. People traveling for critical business purposes should follow their employer's approved plan according to State Health Advisory No. 4.
 - c. Businesses identified as "essential services" or "critical infrastructure" that are recommended to submit plans or protocols to the State of Alaska under Health Advisory No. 4 or its appendices are encouraged to submit COVID-19 plans directly to the City if operating in Unalaska. The plans should be in a format substantially similar to that recommended by State Health Advisory No. 4. Such businesses may submit their plans, protocols, or relevant notifications to the City of Unalaska by email to COVID19PLANS@ci.unalaska.ak.us.
2. **Face Covering Requirement.** To help reduce the community spread of COVID-19 and to protect customers, visitors, workers and volunteers of businesses and organizations, individuals shall wear face coverings in certain situations, with limited exemptions, as outlined below. A 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 face covering may be factory-made or sewn by hand.

- a. Individuals are required to wear face coverings in the following situations:
 - i. Employees or volunteers interacting in-person with any member of the public, customer or visitor;
 - ii. Customers or visitors of any business or organization open to the public;
 - iii. While obtaining services in a healthcare facility;
 - iv. Working in or walking through indoor common areas, such as hallways, stairways, and elevators;
 - v. In any room or enclosed area of a business or organization where other people (except for members of the person's own household or residence) are present and when unable to physically distance; or
 - vi. When driving or riding in a taxi or shuttle service.

- b. The following individuals are exempt from wearing a face covering:
 - i. Persons younger than two years old;
 - ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - iii. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
 - iv. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service, such as medical services; or
 - v. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking.

- c. Business owners or operators shall post signage requiring face coverings at building entrances or vehicle doors or windows. 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. **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. 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.

5. **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.

6. **Effective Date; Expiration.** This resolution shall be effective at noon on Wednesday, September 29, 2021, and expires at noon on Wednesday, October 13, 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 Resolutions 2020-71 and 2021-47. 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 September 28, 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: September 28, 2021
Re: Resolution 2021-62: Establishing community wide COVID-19 protective measures

SUMMARY: This resolution was developed based on past Council action. We are currently at the local Substantial Risk level. This resolution is set to expire on October 13, 2021, and focuses on requiring face coverings.

PREVIOUS COUNCIL ACTION: Since originally declaring a local state of emergency in March of 2020, now extended to December 31, 2021, City Council has responded to the local situation in the form of Resolutions setting out community wide protective measures.

BACKGROUND: Pursuant to HB 76 and the Department of Health and Human Services COVID-19 Declaration of Public Health Emergency dated April 30, 2021, the State continues to assist with testing, vaccinations, contact tracing, and taking other limited, necessary actions. The State has issued four health advisories, listed below, addressing general safety, travel and critical infrastructure, with appendices focusing on the seafood industry.

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 – Other than prohibiting persons who are currently positive with COVID-19, the State no longer has entry or travel testing requirements. The existing airport testing infrastructure will remain in place to protect Alaskans and visitors alike, but testing is voluntary.

Health Advisory 3 – Intrastate Travel – Like Health Advisory 2, the State’s guidance regarding intrastate travel was modified April 26. It continues to permit local travel restrictions, and outlines expectations of communities for allowing travel of Critical Infrastructure personnel, as well as for community members and those traveling for critical personal needs.

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 September 1, 2021, Unified Command finalized the update to Unalaska’s COVID-19 Emergency Response Plan. Changes were necessary due to the wide availability of vaccines for COVID-19 and new information learned about the virus. There are now four levels outlining thresholds of risk associated with overwhelming medical facilities: Low, Moderate, Substantial and High Risk. Once the risk level is elevated, it will remain for two weeks, at which point the level will be reassessed. The Response Plan also identifies recommended protective measures associated with each risk level. The general purpose of the plan is to provide guidance to

individuals for their personal decision making; to organizations as they make operational decisions; and to the City Council as it considers Community Wide Protective Measures.

Based on the current number of active cases on September 22, 2021, the community is at Substantial Risk under the Response Plan. Substantial Risk is defined as substantial levels of COVID-19 cases present in the community. Generally, this is defined as 20-29 cases, which are community acquired, travel acquired, and/or household acquired, with consideration for the inclusion of industry-related cases that are a part of the community or who have traveled commercially and test positive upon arrival.

The CDC continues to recommend masking in indoor public places to slow the spread of COVID-19. CDC has produced a science brief on the community use of masks to help control the spread of the virus. This information can be found: <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>. When at Substantial Risk level locally, Unalaska's COVID-19 Emergency Response Plan specifically recommends that face coverings be required.

DISCUSSION: In accordance with the COVID-19 Emergency Response Plan developed early on in this pandemic, and recently updated, this is the time where Council might consider measures to further limit contact with individuals outside of households in order to limit community spread.

Resolution 2021-62 is set expire October 13, 2021 and will be revisited at the Council Meeting on October 12, 2021. This date coincides with a regularly scheduled City Council meeting. The key sections of the Resolution are outlined below.

- **State Health Advisories** - *This section remains unchanged.* Everyone in the City is encouraged to follow the State's Health Advisories. This is not mandated locally.
- **Face Coverings Requirement** – *This section remains unchanged.* Customers and visitors of businesses and organizations are required to wear a covering over their nose and mouth. Additionally, employees or volunteers of businesses and organizations are required to wear a face covering when interacting with customers or visitors and when working with each other and unable to physically distance. The Resolution details the situations where a face covering is required and the limited exemptions.
- **Marine Tourism** - *This section remains unchanged.* 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 apply.

If the risk level changes prior to the Council meeting, other measures may be appropriate. If it is increased to High, the Response Plan recommends requiring limits to indoor public gathering and to building capacity.

ALTERNATIVES: Council may choose to approve, amend or disapprove this resolution. The decisions on what is contained in the resolutions addressing community wide protective measures, including the expiration date, are ultimately policy decisions made by Council.

FINANCIAL IMPLICATIONS: Unknown at this time.

LEGAL: This resolution's subject matter, like all the other public health measures 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 past Council discussions, consultation with local health officials, our attorney, and with the guidance outlined in our COVID-19 Emergency Response Plan. Council may wish to alter some of the details based on further discussion.

PROPOSED MOTION: I move to adopt Resolution 2021-62.