

SPECIAL MEETING
Tuesday, September 7, 2021
6:00 p.m.



Unalaska City Hall
Council Chambers
43 Raven Way

Council Members

Thomas D. Bell
Darin Nicholson
Daneen Looby

Council Members

Dennis M. Robinson
Alejandro R. Tungul
Shari Coleman

UNALASKA CITY COUNCIL

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

COUNCIL MEETING ATTENDANCE

The community is encouraged to attend meetings of the City Council:

- In person at City Hall (face covering required)
- Online via ZOOM (link, meeting ID & password below)
- By telephone (toll and toll free numbers, meeting ID & password below)
- Listen on KUCB TV Channel 8 or Radio Station 89.7

PUBLIC COMMENT

The Mayor and City Council value and encourage community input at meetings of the City Council. There is a time limit of 3 minutes per person, per topic. Options for public comment:

- In person
- By telephone or ZOOM - notify the City Clerk if you'd like to provide comment using ZOOM features (chat message or raise your hand); or *9 by telephone to raise your hand; or you may notify the City Clerk during regular business hours in advance of the meeting
- Written comment is accepted up to one hour before the meeting begins by email, regular mail, fax or hand delivery to the City Clerk, and will be read during the meeting; include your name

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. **Resolution 2021-59**: Setting out Community Wide COVID-19 Protective Measures
6. **Executive Session**: Pending litigation update from legal counsel
 - a. Robinson v. City of Unalaska, et al
 - b. Merrion v. City of Unalaska, et al
7. **Adjournment**

CITY OF UNALASKA
UNALASKA, ALASKA

RESOLUTION 2021-59

A RESOLUTION OF THE UNALASKA CITY COUNCIL SETTING OUT 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 1, 2021, there are 89,345 cumulative known COVID-19 cases statewide; and

WHEREAS, as of September 1, 2021, there were 30 known active community COVID-19 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 1, 2021, Unalaska's Local Risk Level remained High in accordance with the updated Emergency Response Plan; and

WHEREAS, as of September 1, 2021, the Aleutians West Census Area is at 61% of residents 12 and older fully vaccinated and 73% 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, 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, provided they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- 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. **Public Indoor Gathering Limitations.** To help reduce the community spread of COVID-19, the following limitations to public indoor gatherings are required:

- a. All individuals must wear face coverings and maintain six feet of physical distance between household groups at indoor public 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 an auditorium, conference room, meeting hall, or other indoor space open to the public or workforce. Such gatherings are limited to 10 people. Educational institutions with grades pre-K through 12 are not subject to gathering limitations so long as they comply with their posted Mitigation Plan, as required by the State of Alaska, and their Smart Start 2021 Plan adopted by the School Board.
- 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 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 or bar tops. All patrons are required to be seated. Face covering requirements apply.

- 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 physical distance is maintained between people who are not members of the same household or social groups of 5 or less. Face covering requirements apply.
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 8, 2021, and expires at noon on Wednesday, September 29, 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 7, 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 7, 2021
Re: Resolution 2021-59: Setting out community wide COVID-19 protective measures

SUMMARY: This resolution was developed with close consultation of local health care professionals and consistent with Unalaska's COVID-19 Emergency Response Plan. We are currently at the local High Risk level. This resolution is set to expire on September 29, 2021, and focuses on limiting indoor public gatherings and 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.

Unalaska Unified Command raised the local risk level to High on August 17, 2021 in accordance with the Response Plan dated December 20, 2020. Council approved Resolution 2021-57 on August 24, 2021 requiring face coverings in businesses and organizations, and a special meeting was scheduled for September 7, 2021.

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 and the continued spike in wastewater surveillance, the community is at High Risk under the new Response Plan. High Risk is defined as widespread COVID-19 cases within the community. Generally, this is defined as 30 or more 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.

DISCUSSION: Our 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.

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. Specifically, this means addressing the face covering requirement, limitations to indoor gathering sizes, and capacity limits for certain indoor gathering places.

Resolution 2021-59 is set expire September 29, 2021 and will be revisited at the Council Meeting on September 28, 2021. This date coincides with a regularly scheduled City Council meeting. If the Risk level is reduced before then, Council may wish to call a special meeting to consider a revision to the protective measure. The key sections of the Resolution are outlined below.

- **State Health Advisories** - Everyone in the City is encouraged to follow the State's Health Advisories. This is not mandated locally.
- **Face Coverings Requirement** - 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.
- **Public Indoor Gathering Limitations** - All individuals must wear face coverings and maintain six feet of physical distance between household groups at indoor public gatherings, and such gatherings are limited to 10 people. Bars, restaurants and places of worship are limited to 35% of the maximum building occupancy or 10 people in each room, whichever is greater, so long as physical distancing between housing groups can be maintained. The schools will follow their posted mitigation plan as required by the State of Alaska. The Resolution outlines additional details.

- **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 apply.

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 2021-59.