

CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2020-14

AN EMERGENCY ORDINANCE OF THE CITY AND BOROUGH OF SITKA REQUIRING ALL PEOPLE ARRIVING IN SITKA, WITHOUT EXCEPTION UNLESS DETERMINED A CRITICAL HEALTHCARE WORKER, TO SELF-QUARANTINE FOR 14 DAYS BEFORE WORKING FOR CRITICAL WORKFORCE INFRASTRUCTURE BUSINESSES AND REQUIRING SUCH BUSINESSES TO SUBMIT A PROTECTION PLAN TO THE CITY AND BOROUGH OF SITKA THAT MUST BE APPROVED BY THE MUNICIPAL ADMINISTRATOR

BE IT ENACTED by the Assembly of the City and Borough of Sitka as follows:

1. **CLASSIFICATION.** This emergency ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka.

2. **SEVERABILITY.** If any provision of this emergency ordinance and application thereof to any person and circumstances is held invalid, the remainder of this emergency ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this emergency ordinance is to control the ingress to Sitka from outside localities in order to prevent the spread of the virus that causes COVID-19. This emergency ordinance is enacted to protect the life, health and welfare of the persons in Sitka due to the COVID-19 pandemic. This emergency ordinance is also enacted to be consistent with the health mandates of the State of Alaska, while providing individualized orders which address the unique circumstances of Sitka. More specifically:

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and is caused by the SARS-Cov-2 virus (“virus”), a new strain of the coronavirus that has not been previously identified in humans and is easily transmittable person to person; and

WHEREAS, on March 11, 2020, the World Health Organization declared the virus a pandemic; and

WHEREAS, on March 11, 2020, Governor Mike Dunleavy declared a state public health emergency in response to the anticipated outbreak of the virus in Alaska; and

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency in response to the virus pandemic; and

WHEREAS, on March 15, 2020, Municipal Administrator John Leach declared a local emergency in response to the virus which was continued by the Assembly in Resolution 2020-05; and

WHEREAS, as of April 7, 2020, the State of Alaska had issued 12 COVID-19 Health Mandates in response to the virus; and

WHEREAS, COVID-19 Health Mandates 10, 11, and 12 (copies attached and incorporated by reference) generally mandate self-quarantine for international, interstate, and intrastate travel, and require businesses qualifying as “critical workforce infrastructure” to submit and receive

52 approval from the State of Alaska a plan or protocol to protect its workers and the people of the
53 State of Alaska from the virus, and these mandates are declared to supersede any local or tribal
54 government mandate, order or directive which conflict with these mandates; and

55
56 **WHEREAS**, as of April 8, 2020, the State of Alaska had 226 confirmed COVID-19 cases and 7
57 confirmed deaths from COVID-19; and

58
59 **WHEREAS**, as of April 8, 2020, the neighboring municipalities of the Ketchikan Gateway
60 Borough had 14 confirmed COVID-19 cases, the neighboring municipality of the City and
61 Borough of Juneau had 14 confirmed COVID-19 cases, and the neighboring municipality of the
62 City of Petersburg had 1 confirmed COVID-19 case; and

63
64 **WHEREAS**, as of April 8, 2020, the City and Borough of Sitka had **NO** confirmed COVID-19
65 cases; and

66
67 **WHEREAS**, the Assembly recognizes that an emergency exists due to the COVID-19 pandemic
68 that affects the life, health, and welfare of persons within Sitka; and

69
70 **WHEREAS**, the Assembly further recognizes that COVID-19 Health Mandates 10, 11, and 12
71 fail to adequately protect the people in Sitka due to the unique circumstances it finds itself in
72 while dealing with the COVID-19 pandemic; and

73
74 **WHEREAS**, the City and Borough of Sitka finds itself under unique circumstances in dealing
75 with the COVID-19 pandemic in that it is a community of less than 8,500 residents located on
76 an island with no road access to other communities, limited daily commercial air traffic (one
77 flight in and one flight out), and no operational governmental or commercial marine passenger
78 service, along with limited medical capacity, both personnel and infrastructure, with only one
79 hospital with 25 beds, 22 physicians included in 317 full-time employees, all of which puts the
80 people in Sitka at high risk to the COVID-19 pandemic; and

81
82 **WHEREAS**, the Assembly further recognizes that the emergency which exists due to the
83 COVID-19 pandemic is likely to become exacerbated by the ingress of seasonal workers to
84 Sitka from outside localities over the next several months (e.g., hundreds of seasonal workers
85 are expected to arrive in Sitka over the next several months to work in the fishing industry); and

86
87 **WHEREAS**, the Assembly further recognizes that the local medical capacity needed to handle
88 COVID-19 testing, out-patient care, and in-patient care, is significantly limited, due to a shortage
89 of testing kits, personal protective equipment (PPE), ventilators, and patient isolation space
90 available in Sitka, should there be an increased demand on local medical services from the
91 expected ingress of seasonal workers, and there would be a similar detrimental effect on the
92 medical capacity for all non-COVID-19 medical services; and

93
94 **WHEREAS**, the Assembly acknowledges that the City and Borough of Sitka will need additional
95 protections than provided by the State of Alaska Health Mandates in that they fail to provide the
96 individualized controls necessary to address Sitka's unique circumstances, which can only be
97 managed with local submission and local approval of business protection plans now only
98 required and approved by the State of Alaska; and

99
100 **WHEREAS**, the Assembly further acknowledges that the City and Borough of Sitka will need
101 additional protections than provided by the State of Alaska Health Mandates to respond to the

102 unique emergency circumstances posed by the expected ingress of seasonal workers and the
103 expected strain on the local medical capacity; and

104

105 **WHEREAS**, the State of Alaska's statements in its COVID-19 Health Mandates that those
106 mandates supersede any local or tribal government mandate, order or directive are arbitrary
107 and unreasonable given the unique circumstances described above; and

108

109 **WHEREAS**, while the Assembly further acknowledges that a person's/entities' right to work
110 and/or to engage in business are important, the significant risk posed to life, health, and welfare
111 of persons in Sitka by the COVID-19 pandemic requires the enactment of this emergency
112 ordinance.

113

114 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and
115 Borough of Sitka:

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117 **Section 1. Self-quarantine.** All people arriving in Sitka, whether resident, worker or visitor,
118 are **required to self-quarantine for 14 days** and monitor for illness. There are no
119 exceptions for "Alaska Critical Workforce Infrastructure" provided for in Attachment A to
120 State of Alaska COVID-19 Health Mandate 10 (copy attached and incorporated by
121 reference), except as provided in this emergency ordinance. Arriving residents or workers
122 may only work from their place of self-quarantine, not their place of employment, unless they
123 provide or support critical healthcare operations or infrastructure, upon application by the
124 arriving person to and as approved by the Municipal Administrator or designee, after
125 consultation with Dr. Elliott Bruhl MD, FAAP, or designee.

126

127 "Self-quarantine" is defined in Health Mandate 10, except it is expanded by this emergency
128 ordinance, if you are a worker or visitor (not a resident), to prohibit any other individual in
129 your hotel room, rented lodging, workplace provided room, or other designated self-
130 quarantine location.

131

132 **Section 2. Protection Plan.** Any business required under Attachment A of Health Mandate
133 10 to submit a plan or protocol to the State of Alaska, Department of Commerce, Community
134 and Economic Development is also **required to submit a plan or protocol to the City and**
135 **Borough of Sitka** by 3:00 pm April 24, 2020, outlining how you will avoid the spread of
136 COVID-19 in Sitka and not endanger lives in Sitka and not strain or overwhelm local medical
137 services, including medical personnel and medical infrastructure. The plan must be
138 submitted to and approved by the Municipal Administrator or designee, after consultation
139 with Dr. Elliott Bruhl MD, FAAP, or designee, and other consultants if desired. The
140 Municipal Administrator shall respond to a business submitting a plan within three business
141 days of submission, unless extended by the Municipal Administrator for good cause, and, if
142 the plan is rejected, work with the business in good faith to come up with an acceptable
143 plan. **If you have already submitted a plan pursuant to State of Alaska health**
144 **mandates, you are required to submit another plan to the City and Borough of Sitka.**
145 Failure to submit and obtain approval of a plan and to permit arriving workers to work at its
146 workplace before satisfying Section 1 will constitute a violation and subject the violating
147 individual and entity, through its managers, principals, officers and/or directors, to
148 enforcement under Section 3.

149

150 Beyond the requirements for the plan required by the State of Alaska, the plan submitted to
151 the City and Borough of Sitka must specifically include/address the following elements with
152 respect to your workers and operations in Sitka:

- 153
154 (1) the arrival of workers in small cohorts of 50 individuals or less per week;
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156 (2) the screening and testing (as feasible) of workers upon arrival;
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158 (3) the movement of workers into self-quarantine immediately upon arrival and testing;
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160 (4) the prohibition of workers sharing rooms/facilities while in self-quarantine;
161
162 (5) the daily onsite presence and continual availability (24 hours per day) of a certified
163 healthcare provider (not an EMT, a certified nurse or more highly qualified healthcare
164 provider);
165
166 (6) the protocol for triage by the onsite healthcare provider;
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168 (7) the isolation and triage of all positive test cases, with the assistance of SEARHC;
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170 (8) the re-testing (as feasible) of all workers after seven days in self-quarantine, with
171 release from self-quarantine only after confirming a negative re-testing result and
172 completion of the 14 day self-quarantine and, upon release, daily screening (in
173 accordance with CDC and Alaska DHSS protocol) with questionnaire and temperature
174 check;
175
176 (9) the designation/hiring of and fulltime (24 hours per day) onsite presence of a
177 quarantine officer responsible to oversee and direct compliance with the plan;
178
179 (10) the prohibition of workers moving within the community outside the close vicinity of
180 their workplace; and
181
182 (11) any other reasonable concerns raised by the Municipal Administrator.
183

184 The decision whether a worker is “able to work” and released from self-quarantine shall be
185 made by the Municipal Administrator, or designee, in collaboration with local medical
186 control, Dr. Bruhl, or designee.
187

188 **Section 3. Enforcement.** The failure to follow this emergency ordinance poses a
189 substantial risk to the life, health and welfare of the persons in Sitka and, accordingly, the
190 City and Borough of Sitka shall be able to and may seek an expedited court order requiring
191 a person, whether an individual or entity, not complying with this emergency ordinance to
192 comply with and enjoin any activity that violates this emergency ordinance. Further, failure
193 to follow this emergency ordinance is punishable by the maximum fines and penalties
194 permitted by law or under the State of Alaska Health Mandates.
195

196 5. **EMERGENCY DECLARATION:** As required by the Home Rule Charter of the City and
197 Borough of Sitka, Section 3.03 “Emergency Ordinances,” the Assembly hereby declares that an
198 emergency exists that affects the life, health, and welfare of persons within Sitka. COVID-19 is
199 a national pandemic that poses an emergent risk to life, health, and welfare of persons within
200 Sitka. While a person’s/entities’ right to work and/or to engage in business are important, the
201 significant risk posed to life, health, and welfare of persons in Sitka by the COVID-19 pandemic
202 requires this emergency ordinance.

203
204 **6. EFFECTIVE DATE.** This emergency ordinance shall become effective on the day it is
205 adopted, as an emergency exists as stated above. A public service announcement shall be
206 widely distributed providing public notice of this emergency ordinance.

207
208 In accordance with the Home Rule Charter of the City and Borough of Sitka, Section 3.03
209 “Emergency Ordinances,” this emergency ordinance may be adopted at the meeting which it is
210 presented and shall expire 61 days after adoption, but this shall not prevent re-enactment of this
211 emergency ordinance if the emergency still exists upon expiration. Accordingly, this emergency
212 ordinance is pre-scheduled for re-enactment under unfinished business at the June 9, 2020,
213 regular meeting of the Assembly.

214
215 **INITIALLY PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough
216 of Sitka this 14th day of April, 2020.

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218
219 _____
220 Gary L. Paxton, Mayor

221 ATTEST:
222
223 _____
224 Sara Peterson, MMC
225 Municipal Clerk

226
227 1st reading – Emergency Ordinance 4/14/2020 in accordance with Home Rule Charter, Section
228 3.03.

229
230 Re-enactment pre-scheduled for 6/9/2020 to address and extend the 61-day expiration.