

**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**

**RESCINDED 5/12/2020**

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

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

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

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

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

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

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

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

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

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

**WHEREAS**, the Assembly further acknowledges that the City and Borough of Sitka will need additional protections than provided by the State of Alaska Health Mandates to respond to the unique emergency circumstances posed by the expected ingress of seasonal workers and the expected strain on the local medical capacity; and

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

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

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

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

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

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

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

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

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

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

5. **EMERGENCY DECLARATION:** As required by the Home Rule Charter of the City and Borough of Sitka, Section 3.03 “Emergency Ordinances,” the Assembly hereby declares that an emergency exists that affects the life, health, and welfare of persons within Sitka. COVID-19 is a national pandemic that poses an emergent risk to life, health, and welfare of persons within

Sitka. While a person's/entities' right to work and/or to engage in business are important, the significant risk posed to life, health, and welfare of persons in Sitka by the COVID-19 pandemic requires this emergency ordinance.

**6. EFFECTIVE AND EXPIRATION DATES.** This emergency ordinance shall become effective on the day it is adopted, as an emergency exists as stated above. This emergency ordinance shall expire when the State of Alaska COVID-19 Health Mandate 10 is rescinded or 61 days after adoption, whichever occurs first. A public service announcement shall be widely distributed providing public notice of this emergency ordinance.

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

**INITIALLY PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka this 14<sup>th</sup> day of April, 2020.

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Gary L. Paxton, Mayor

ATTEST:

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Sara Peterson, MMC  
Municipal Clerk

1<sup>st</sup> reading – Emergency Ordinance 4/14/2020 in accordance with Home Rule Charter, Section 3.03.

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

Sponsors: Christianson / Wein