



## **CITY COUNCIL SPECIAL MEETING**

Wednesday, February 16, 2022 at 7:30 PM

### **AGENDA**

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.*

#### **MEETING INFORMATION**

##### **CITY COUNCIL SPECIAL MEETING CITY HALL COUNCIL CHAMBERS / 7:30 PM**

*Limited Seating Available - Mask Required*  
141 Main Street, Dillingham, AK 99576 (907) 842-5211

This meeting will also be available at the following online location:

[www.zoom.us](http://www.zoom.us)

Meeting ID: 820 2056 1568; Participant #; passcode: 040725  
or dial (346) 248-7799, or (669) 900-6833

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **APPROVAL OF AGENDA**

#### **CITIZEN'S DISCUSSION (Prior Notice or Agenda Items)**

#### **SPECIAL BUSINESS**

1. Introduce Ordinance 2022-01; An Ordinance of the Dillingham City Council to Remove, and or Repeal Ordinance 2020-11, 2020-19 2020-20, 2020-21, 2020-22, 2020-22(S), EO-4, and all like, enforceable ordinances, resolutions, emergency orders, orders and or "emergency" actions taken by the Dillingham City Council, and the Manager relating to Covid-19
2. Introduce Ordinance 2022-02; An Ordinance of the Dillingham City Council to adhere to state policy statutes, nor to create, adopt, or enforce any Policy that is more oppressive, strict, and or more regulated than the State of Alaska's Policy on global, national, and state health concerns
3. Adopt Resolution 2022-06; A Resolution of the Dillingham City Council to recommend a personal health initiate, to encourage citizens to seek advice from Public Health, BBAHC, along with seeking State of Alaska resources, for the purpose to aid in personal health, health goals, healthy lifestyle options, healthy choices, and positive living outcomes. Also, to recommend following the CDC guidelines for global health concerns.

#### **COUNCIL COMMENTS**

#### **MAYOR'S COMMENTS**

#### **ADJOURNMENT**

NON CODE EMERGENCY ORDINANCE

Requested by: City Council  
Introduced: May 7, 2020  
Public Hearing Scheduled for: May 7, 2020  
Enacted: May 7, 2020

CITY OF DILLINGHAM, ALASKA

**EMERGENCY ORDINANCE NO. 2020-11**

**AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL 1) ESTABLISHING A TEMPORARY LAND USE DISTRICT CALLED THE FISHERIES RELATED USE DISTRICT; 2) LIMITING PERMITTED USES WITHIN THE FISHERIES RELATED USE DISTRICT; AND 3) REQUIRING PERSONS ENTERING THE FISHERIES RELATED USE DISTRICT TO COMPLY WITH STATE MANDATES AND CITY RULES.**

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BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Legislative Findings:**

The legislative findings contained in Emergency Ordinance 2020-07 Section 1 numbered 1-46 are adopted by reference as if fully set forth herein. In addition Council makes the following legislative findings:

47. As of May 5, 2020 Dillingham still had 0 reported cases of COVID-19.

48. As of May 5, 2020 there had been 371 reported cases of COVID-19 in the State of Alaska.

49. As of May 5, 2020, the number of confirmed cases of COVID-19 infections in Oregon, Washington and California was:

- California - 54,937
- Oregon - 2,759
- Washington - 15,594

**Section 2. Finding of Emergency.** The City Council hereby finds the facts set forth in Section 1 constitute an emergency.

**Section 3. Authority.** This ordinance is enacted pursuant to the general police powers of the City of Dillingham to protect the public health and general welfare of persons in Dillingham, the City's authority to establish land use regulations to protect the public health and general welfare of persons in Dillingham under Section 18.08.010 of the Dillingham Municipal Code, and the City's authority to regulate use of public facilities such as streets and highways and the Dillingham Small Boat Harbor.

**Section 4. Establishment of Fisheries Related Use District.** The Fisheries Related Use District is hereby created. The Fisheries Related Use District encompasses property whose primary use is commercial fish processing, storage of commercial fishing vessels and mooring of commercial fishing vessels.

**Section 5. Permitted Uses by Individuals.** No person may enter a Fisheries Related Use District unless that person either:

1. is in quarantine within that district.
2. owns a commercial fishing vessel stored within that district.
3. is a Commercial Fishing Vendor providing services to a commercial fishing vessel stored within that district.
4. is a Commercial Fishing Vendor providing goods or materials to a commercial fishing vessel stored within that district that cannot be delivered to a designated delivery area immediately adjacent to that district.
5. owns or works at a place of business within that district.
6. is employed by a person who owns a commercial fishing vessel stored within that district

**Section 6. Prohibited Use of Property.** All property and structures within the Fisheries Related Use District may only be used for purposes of providing Essential Fisheries Services and accessory uses for Essential Fisheries Services. All other uses within the Fisheries Related Use District are prohibited.

**Section 7. Definitions.** For the purposes of this ordinance, the words and terms defined herein shall be defined and interpreted as follows:

A. "Essential Fisheries Services" means maintenance, operation, and supply of fish processing facilities and commercial fishing vessels including housing persons employed in fish processing and commercial fishing and transporting and launching commercial fishing vessels by persons who have been issued a Travel Use Permit.

B. "Commercial Fishing Vendor" means a person who has or is required to have a City of Dillingham business license, and is providing services or supplies to a commercial fishing vessel or a fish processing facility. All Commercial Fishing Vendors must sign an acknowledgement of receipt of the City of Dillingham Harbor, Dock and Commercial Fishing Vendor rules.

**Section 8. Limitation on Entry to Fisheries Related Use District.** Any permitted entry to the Fisheries Related Use District is limited to a single entry each day.

**Section 9. Limitation on Leaving the Fisheries Related Use District.**

A. Any person authorized to enter the Commercial Fisheries Use District shall remain within the Fisheries Related Use District except to:

1. receive nonelective medical care
2. move directly from one place within the Commercial Fisheries Use District to another place within the Commercial Fisheries Use District.
3. return directly to their residence
4. return directly to their quarantine location
5. be tested for COVID-19

6. use designated portable toilets and shower facilities

B. Any authorized travel while in quarantine other than to use portable toilets is limited to a single trip each day directly to and from the quarantine location.

C. Person who have left the district to be tested for COVID-19 upon return from the testing site shall not leave the district for any reason other than to use designated portable toilets until they have received negative test results.

**Section 10. Compliance with Harbor, Dock and Commercial Fishing Vendor Rules.** All persons shall comply with the City of Dillingham Harbor, Dock and Commercial Fishing Vendor Rules.

**Section 11. Compliance with Health Mandates.** All persons authorized to be present in the Commercial Fisheries Related Use District shall comply with all requirements of Health Mandates 17, Health Mandate 10, Health Mandate 11 and Health Mandate 12 as in effect on April 30, 2020. This requirement shall survive any subsequent changes to or suspensions of Health Mandates 10, 11, 12 or 17.

**Section 12. Face Mask Requirement.** All persons within the Fisheries Related Use District must wear face masks covering their nose and mouth to provide additional protection from spread of COVID-19. The face coverings need not be medical-grade masks or N95 respirators, but can be cloth face coverings. 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 face coverings as required by this ordinance.

**Section 13. Social Distancing.**

A. All persons in the fisheries related use district shall practice social distancing while in the district to the maximum extent possible.

B. All persons entering the fisheries related use district shall practice social distancing while in the district to the maximum extent possible.

**Section 14. Enforcement.**

A. Violations of this Emergency Ordinance shall be a Minor Offense. In accordance with AS 29.25.070(a), citations for violation of this ordinance may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a one-thousand dollar (\$1,000) fine, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies. This fine may not be judicially reduced. Each day of violation shall be considered a separate offense.

B. Violations of this Emergency Ordinance shall be a Minor Offense. In accordance with AS 29.25.070(a), citations for violation of this ordinance may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a one-hundred dollar (\$100) fine for a first offense, a five-hundred dollar (\$500) fine for a second offense and a one-thousand dollar (\$1,000) fine for all subsequent offenses, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of

Minor Offense Procedures applies. This fine may not be judicially reduced. Each day of violation shall be considered a separate offense.

**Section 15. Code Provisions Superseded.** This ordinance supersedes any inconsistent ordinances, rules, or regulations of the City of Dillingham including any inconsistent requirements of Emergency Ordinance No. 2020-07. However, in the event of any conflict between the requirements of this emergency ordinance and any other emergency ordinance the more stringent ordinance provision shall apply.

**Section 16. Effective Date.** This ordinance is effective May 7 at 11:59 p.m. and shall continue in effect until June 29, 2020 unless extended by action of the city council. The adoption of this ordinance shall not in any manner affect any prosecution for violations of any other Emergency Ordinance) committed prior to the effective date hereof.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 7, 2020.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Lori Goodell, City Clerk

**FAILED**

NON CODE EMERGENCY ORDINANCE

Introduced: August 6, 2020  
Public Hearing: August 6, 2020  
Adopted: August 6, 2020

CITY OF DILLINGHAM, ALASKA

**EMERGENCY ORDINANCE NO. 2020-19**

**AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL CONTINUING THE ESSENTIAL TRAVEL DISTRICT AND REQUIRING TRAVELERS TO SUBMIT A TRAVEL FORM**

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Legislative findings.** The legislative findings contained in Emergency Ordinance 2020-14 Sections numbered 1-52 are adopted by reference as if fully set forth herein. The City Council additionally makes the following findings:

53. Transmission of COVID-19 remains a public health emergency affecting the City of Dillingham.

54. With greater understanding of COVID-19 and the impact and burdens of restrictive mandates, requiring Essential Travel Permits is not presently believed to represent the best balance between economic activity and personal liberty, on the one hand, and inhibiting transmission of COVID-19 on the other.

55. Emergency Ordinance 2020-15, which extended the effective date of the emergency ordinances creating the Essential Travel District and Travel Permit requirement, is set to expire on August 8, 2020.

56. Rather than extend the Travel Permit requirement, the City Council has determined that, under the current conditions and circumstances, the public interest is best served by requiring persons to submit information regarding their travel, information which can be used to inhibit the spread of COVID-19.

**Section 2. Finding of Emergency.** The City Council hereby finds the facts set forth in Section 1 constitute an emergency.

**Section 3. Authority.** This ordinance is enacted pursuant to the general police powers of the City of Dillingham, and the City's authority to regulate use of public facilities such as streets and highways and the Dillingham Small Boat Harbor.

**Section 4. Classification.** This is an emergency non-code ordinance.

**Section 5. Continuation of Essential Travel District.** The Essential Travel District, created by Emergency Ordinance 2020-06(A), amended by Emergency Ordinance 2020-7 and extended by Emergency Ordinance 2020-15, consists of the entire City of Dillingham including Kakanak Beach, and shall remain in effect for a long as this ordinance remains in effect.

## Section 6. Travel Form Required.

- A. Except as provided in this section, no person may enter the Essential Travel District to travel to the City of Dillingham without completing and submitting to the city a Travel Form prior to or upon arrival.
- B. Persons, including personnel of certificated air carriers, may enter the Essential Travel District to travel to the City of Dillingham without completing and submitting a Travel Form if:
  - 1. The person enters the Essential Travel District at the Dillingham Airport and for the duration of the person's stay in the Essential Travel District remains inside airport terminal buildings or on the airport runway;
  - 2. The person has a charter flight reservation that departs from a location other than the Dillingham Airport, the charter is scheduled to depart within three hours after the person's arrival into Dillingham, the person proceeds directly from the point of entry to the place from where the charter departs, and the person departs Dillingham on the charter; or
  - 3. The person enters the Essential Travel District to travel to the City of Dillingham from the Dillingham Census Area.

## Section 7. Contents and Use of Travel Form.

- A. The Travel Form shall contain:
  - 1. information sufficient for the city to verify that the person understands applicable quarantine and hygiene requirements;
  - 2. information sufficient for the city to verify the person's quarantine plan, if required;
  - 3. information sufficient for the city to locate and contact the person during the duration of any quarantine period; and
  - 4. other information the city manager deems reasonably necessary to inhibit transmission of COVID-19.
- B. Travel Forms, and the information contained therein, shall be used by the city only to enforce this ordinance, other COVID-19 related emergency ordinances and mandates, and to inhibit the transmission of COVID-19, such as through contract tracing. The city may provide Travel Forms, or disclose the information therein, to public health and public safety officials. Complete Travel Forms shall otherwise be considered confidential information, as defined by DMC 2.01.010 and, on that basis, shall not be subject to inspection under DMC 2.01.050.

**Section 8. Definitions.** For the purposes of this ordinance, the words and terms defined herein shall be defined and interpreted as follows:

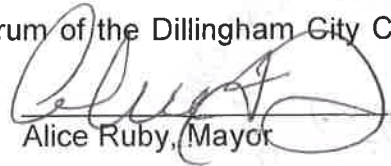
"Upon arrival" means that period of time after arrival but before departing from the airport terminal, if arriving through the Dillingham Airport, or before departing Small Boat Harbor premises, if arriving through the Small Boat Harbor. For arrival into the city other than through the Dillingham Airport or Small Boat Harbor, "upon arrival" shall mean promptly following arrival, a period that shall not exceed three hours.

**Section 9. Enforcement.** Violations of this Emergency Ordinance shall be a Minor Offense. In accordance with AS 29.25.070(a), citations for violation of this ordinance may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a \$300 fine, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies. This fine may not be judicially reduced.

**Section 10. Code Provisions Superseded.** This ordinance supersedes any inconsistent ordinances, rules or regulations of the City of Dillingham including, but not limited to, Section 18.20.040 procedures for changing land use districts.

**Section 11. Effective Date.** This ordinance is effective upon expiration of Emergency Ordinance 2020-15 and remain in effect through October 7, 2020, unless adjusted by action of the City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on August 6, 2020.

  
\_\_\_\_\_  
Alice Ruby, Mayor

[SEAL]

ATTEST:  
  
\_\_\_\_\_  
Lori Goodell, City Clerk





# WELCOME TO DILLINGHAM!

## DILLINGHAM TRAVEL FORM

Submit form via email at: [travelpermit@dillinghamak.us](mailto:travelpermit@dillinghamak.us) or fax to: (907) 842-2060  
Questions: (907) 842-2321

**FORM MUST BE PRESENTED UPON ARRIVAL TO CITY PERSONNEL**

**FINAL DESTINATION:   DILLINGHAM   REGIONAL VILLAGE**  
(Other restrictions may apply – please check local requirement of all your destinations)

FULL NAME (PLEASE PRINT) \_\_\_\_\_  
MINOR (YES) OR (NO) IF YES, PRINT NAME OF GUARDIAN: \_\_\_\_\_ AGE: \_\_\_\_\_  
HOME ADDRESS (STREET, NOT POB): \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE NO. \_\_\_\_\_  
EMAIL: \_\_\_\_\_ TODAY'S DATE \_\_\_\_\_  
ADDRESS OF QUARANTINE: \_\_\_\_\_

**TRAVELING FROM – PLEASE CHOOSE ONE:**  
IN-STATE TRAVEL    OUT OF STATE TRAVEL    INTERNATIONAL TRAVEL

**QUARANTINE – PLEASE CHOOSE ONE:**  
2 COVID TESTS 10-DAYS APART (ONE LOCAL) 14-DAY QUARANTINE  
DESCRIBE QUARANTINE

**Per Emergency Ordinance 2020-20, Dillingham has a mandatory quarantine in place. Follow your quarantine plan** until you obtained two negative COVID-19 test administered no less than 10 days apart, one done in Dillingham no less than 72 hours after arrival, or have completed a 14-day quarantine without testing. Any working quarantine requires that you are able to do so in an isolation environment.

By signing this form: I swear or affirm, under penalty of perjury, that: the above information I provided on this document is true and correct. I am familiar with the City of Dillingham's COVID-19 mitigation requirements, specifically those set forth in EO 2020-14. I will comply with the requirements of the City of Dillingham, the requirements of my employer's protective plan (if applicable), this Travel Form, and my stated plan of quarantine.

If filled out on-line, a printed signature will be treated in all respects as having the same force and effect as original signatures.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

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If unable to submit electronically please place in the drop box at city hall



Travel Form Receipt, keep this portion for your records

Signature \_\_\_\_\_ Arrival Date: \_\_\_\_\_

## **WHAT IS QUARANTINE – WHY IS IT IMPORTANT?**

A quarantine is meant to decrease the number of interactions newly arrived travelers have with community members who have been in Dillingham and not traveled. Please do not visit the grocery store, bank, post office, bars, restaurants, and other areas community members congregate until your quarantine period has ended. Please have friends / family / co-workers / business deliver necessary supplies while quarantining from community members.

### **PROTECTIVE MEASURES OBSERVED TO DECREASE THE SPREAD OF COVID-19:**

- **Wear a face mask** when in public spaces.
- **Wash your hands often** with soap and water for at least 20 seconds, especially after coughing, blowing your nose, or sneezing.
- If soap and water are not available use **hand sanitizer with at least 60% alcohol**.
- **Don't touch your eyes, nose or mouth**.
- **Avoid close contact with people in the community**. Put 6 feet of distance between yourself and people who don't live in your household.
- **Clean and disinfect frequently touched surfaces**, such as doorknobs, handles, faucets, toilets, phones, light switches and countertops, at least daily.
- **Monitor for symptoms** such as fever, cough, or shortness of breath. Alert a healthcare provider via phone if infection is suspected.

Thank you for traveling to our community. The City of Dillingham's goal is to keep the community safe from the spread of COVID-19 while allowing travel for essential services, critical personal needs & infrastructure work, subsistence, and visits until the COVID-19 threat subsides.



**Failure to provide a completed travel form could result in a fine**

NON CODE EMERGENCY ORDINANCE

Introduced: August 3, 2020  
Public Hearing Scheduled for: August 3, 2020  
Adopted: August 3, 2020

CITY OF DILLINGHAM, ALASKA

**EMERGENCY ORDINANCE NO. 2020-20**

**AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL MANDATING QUARANTINE, PROTECTIVE MEASURES, TESTING, ISOLATION, AND RESTRICTING THE USE OF CITY FACILITIES AND PROPERTY FOR HEALTH AND SAFETY OF ALL USERS AND TO FACILITATE OPENING UP OF THE LOCAL ECONOMY**

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BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Legislative findings.**

The legislative findings contained in Emergency Ordinance 2020-07 Section 1 numbered 1-46 are adopted by reference as if fully set forth herein. In addition Council makes the following legislative findings:

47. As of May 20, 2020, Dillingham had 1 reported case of COVID-19.

48. As of May 20, 2020, there had been 399 reported cases of COVID-19 in the State of Alaska, with 356 recovered cases.

49. As of May 20, 2020, the number of confirmed cases of COVID-19 infections in California, Oregon, and Washington was:

California	80,430
Oregon	3,687
Washington	18,611

50. It is the goal of the City to promote sustainable opening of the economy.

51. Unrestricted use of City property and facilities is likely to result in unhygienic practices and, in turn, COVID-19 outbreaks, which would require complete closure of the facilities and result in significant economic loss.

51. To ensure that city property and facilities remain available for public use and to ensure that economic activity is sustainable, restrictions on the use of city property and facilities are desirable.

52. To further federal, state, and city goals of "opening the economy" and ensuring that it can remain open, the city council has determined that short-term use restrictions are necessary.

**Section 2. Finding of Emergency.** The City Council hereby finds the facts set forth in Section 1 constitute an emergency.

**Section 3. Authority.** This ordinance is enacted pursuant to the general police powers of the City of Dillingham, and the City's authority to regulate use of public facilities such as streets and highways and the Dillingham Small Boat Harbor.

**Section 4. Classification.** This is an emergency non-code ordinance.

**Section 5. Mandatory Quarantine.** This ordinance imposes a fourteen day self-quarantine on individuals arriving in Dillingham from places outside the Dillingham Census Area. Persons mandated to quarantine upon arrival in Dillingham will proceed directly to their quarantine site.

A. The following will be considered to have already completed a mandatory quarantine:

1. Persons that have completed a quarantine immediately prior to arrival in Dillingham and received a negative COVID-19 test within 72 hours of arrival in Dillingham. (Time spent in quarantine on a vessel or at an employer designated and supervised quarantine site immediately prior to arrival in Dillingham after initially entering Alaska shall be credited towards completion of the required quarantine.)
2. Persons that have chosen to, and obtained two negative COVID-19 tests administered no less than ten days apart. One COVID-19 test must be done in Dillingham no less than 72 hours after arrival.
3. Persons identified by the State of Alaska in the Essential Services and Critical Workforce Infrastructure Order dated April 10, 2020 whose travel to Dillingham originated from elsewhere in Alaska. State of Alaska Mandate 18 and Mandate 17 will be observed.

B. Quarantine Location: any location identified to the City in writing by the person quarantining or their employer that is safe, offers sanitary facilities, and can provide necessary space for quarantine purposes.

C. Social Distancing will be maintained within quarantine locations to the maximum extent possible, including but not limited to the use of face masks, as recommended by the CDC.

D. Any person required to quarantine shall not leave their quarantine location during their quarantine period for any reason other than to:

1. Receive non-elective medical care.
2. Go to their worksite if their work is identified on the State of Alaska Essential Service and Critical Workforce Infrastructure Order dated April 10, 2020.
3. Use designated portable toilets and shower facilities.
4. Be tested for COVID-19.
5. Leave Dillingham.

E. Entry to Quarantine Location is limited to the following:

1. Persons in quarantine.
2. Persons providing required goods or services for critical personal needs, and critical infrastructure needs.
3. Persons providing medical care to a person in that location.
4. All persons residing at the quarantine site if the quarantine location is their usual place of residence while in Dillingham. Those persons shall be subject to the same quarantine requirements with the quarantine period beginning from the date of arrival of the person quarantining at that residence.

F. Quarantine requirements established by this ordinance shall survive any subsequent changes to or suspensions of Health Mandates 10, 17 or 18.

**Section 6. Protective Measures.** Protection identified by the CDC, and AK DHSS as instrumental in slowing / stopping the spread of COVID-19 to be implemented:

A. Cloth Face Coverings. All customers, employees and visitors of businesses and organizations that are open must wear face masks covering their nose and mouth to provide additional protection from spread of COVID-19 when entering and when inside those premises. Face masks shall also be worn in public settings where other social distancing measures are difficult to maintain.

1. Face coverings should not be placed on children under age 2, anyone who has trouble breathing, is unconscious, incapacitated, or is otherwise unable to remove the mask without assistance.
2. A business owner or operator of a building open to the public may refuse admission or service to any individual who fails to wear face coverings as required by this ordinance.
3. A cloth face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts or towels.

B. Social Distancing as recommended by the CDC and Alaska DHSS shall be observed when in public or in a work area to the maximum extent possible.

1. The City of Dillingham may issue additional rules and regulations governing use of city facilities to implement social distancing. All persons utilizing the City of Dillingham Harbor dock shall comply with all dock, Harbor, and commercial fishing vendor rules.
2. The owners or operators of all commercial fishing vessels in Dillingham shall comply with applicable social distancing requirements set forth in State Health Mandate 17, Appendix 1 issued April 23, 2020 which are incorporated herein by reference as if fully set forth. This requirement shall survive the subsequent repeal or modification of Mandate 17 or Appendix 1 and Appendix 3.

C. Cleanliness Standards.

1. All businesses in Dillingham shall comply with applicable hygiene, cleaning and disinfecting requirements and protocols set forth in State Health Mandate 16 Attachments D, E, F, G and H, which are incorporated herein by reference as if fully set forth. This requirement shall survive the subsequent repeal or modification of Mandate 16 or any of Attachments D, E, F, G and H.
2. The owners or operators of all commercial fishing vessels in Dillingham shall comply with applicable hygiene, cleaning and disinfecting requirements and protocols set forth in State Health Mandate 17 Appendix 1 and Appendix 3 issued April 23, 2020 which are incorporated herein by reference as if fully set forth. This requirement shall survive the subsequent repeal or modification of Mandate 17 or Appendix 1.

**Section 7. Testing.** If quarantine is being completed while in Dillingham, a COVID-19 test must be taken in Dillingham on the thirteenth day of quarantine. Persons shall continue in quarantine for an additional day after this test is administered unless the test is positive in which case the person shall immediately self-isolate and comply with the isolation requirements of Section 8.

A. Seafood Processors who have an approved plan filed with the State of Alaska may fulfill testing requirements as outlined in Health Mandate 10, Appendix 01.

B. Persons required to quarantine who are leaving Dillingham prior to completion of a 14 day quarantine shall complete a COVID-19 test in Dillingham, and receive a negative result prior to departure returning to Dillingham, or complete a 14 day quarantine.

### **Section 8. Mandatory Isolation.**

A. Any person who tests positive for COVID-19 shall immediately self-isolate and monitor for signs of sickness. Persons shall isolate at one the following:

1. in a home with a specific 'sick room', or
2. in a designated isolation site managed by their employer, or
3. at a designated isolation site managed and supervised by the City of Dillingham or an authorized representative of the City of Dillingham if available.
4. a separate bathroom facility shall be used for isolation when possible. If not available strict cleanliness procedures must be maintained.
5. if a location outside the boundaries of the City is used for isolation, the person must obtain a negative COVID-19 test within 72 hours of arrival in Dillingham.

B. Adherence to CDC procedures; period of isolation shall be a minimum of; 1) seventy-two hours after the person has had resolution of a fever, without use of fever-reducing medications, and has improvement in respiratory symptoms (cough, shortness of breath); and 2) ten days after the date of the person's first positive COVID-19 diagnostic test without developing symptoms of COVID-19.

### **Section 9. Restricted Use of City Facilities for Health and Safety of All Users.**

A. No person may use any city facilities, including, but not limited to, all city port facilities governed by DMC 2.42, unless the person:

1. Does not present with any symptoms of COVID-19; and
2. Has completed any required quarantine and/or testing mandated by City of Dillingham Emergency Ordinances, or
3. Is using city facilities to leave Dillingham to complete their required quarantine outside the City.

B. It is unlawful for a person to aid, abet, incite, compel, or coerce the doing of an act forbidden under subsection A. of this section or to attempt to do so; such act shall be deemed a violation of subsection A.

C. An organization shall be deemed to have violated this section if the violation was committed by or with the knowledge of any person with a fiduciary relationship to the organization, or other members of the organization, or where such relationship would exist if there were other members of the organization and specifically includes any officer, director of a corporation, member or manager of an LLC, partner in a partnership, and any person holding 10% or more of the equity or control of the organization.

### **Section 10. Penalties and Remedies.**

A. Violations of Section 5, 6, 7, and 8 of this Emergency Ordinance shall be a minor offense. In accordance with AS 29.25.070(a), citations for violation of this ordinance may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a one-hundred dollar (\$100) fine for a first offense, a five-hundred dollar (\$500) fine for a second offense,

and a one-thousand dollar (\$1,000) fine for all subsequent offenses plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies. This fine may not be judicially reduced. Each day of violation shall be considered a separate offense.

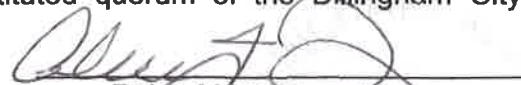
B. Violation of Section 9 of this Ordinance constitutes criminal trespass upon city property, in violation of Dillingham Municipal Code section 9.50.010 and may be charged as such provided:


- a. that notice against trespass under this section is personally communicated to a person so charged by a city official, including any city police officer; or
  - b. that notice that violation of A. of this section constitutes criminal trespass upon city property is given by posting in a reasonably conspicuous manner under the circumstances; or
  - c. for vessel owners or captains, that notice that violation of A. of this section constitutes criminal trespass upon city property is given through any method of communication or transmission customarily use by mariners and of which mariners have a duty to remain informed, such as published notices to mariners.
1. In addition to any remedy or penalty, violation of this section, provided that notice described in Section 10.subsection B. has been given, shall be chargeable as a criminal violation of municipal code and punishable upon conviction by:
    - a. up to 10 days in jail and a \$1,000 fine, if the offender is a natural person, or
    - b. up to a \$10,000 fine and forfeiture of any instrument or property used in the commission of the offense if the offender is an organization.
  2. In addition to any remedy or penalty, except those set forth in Section 10. Subsection B., which shall not be cumulative, violation of this section, provided that notice described in subsection B.1 has been given, may be remedied following an administrative hearing by:
    - a. A civil fine of not more than \$1,000, if the violator is a natural person, or \$10,000 if the violator is an organization;
    - b. Forfeiture of any instrument or property used in the commission of the offense; and
    - c. If the violator is an organization, forfeiture of any profits or benefits the violator obtained in connection with or proximately related to the violation, including, but not limited to, any fish caught or obtained in connection with or proximately related to the violation.
  3. A natural person found to have violated this section shall be placed on the denied services list established by DMC 4.40.010 and shall remain on such list for 365 days for violation of this section.
  4. An organization found to have violated this section, and any vessel belonging to the organization at the time of the violation, shall be placed on the denied services list established by DMC 4.40.010 and shall remain on such list for five years for violation of this section.

**Section 11. Code Provisions Superseded.** This Emergency Ordinance supersedes Emergency Ordinance 2020-08, 2020-09, and 2020-10(A) and any inconsistent ordinances, rules, or regulations of the City of Dillingham including the mandatory quarantine requirements of Section 15 of Emergency Ordinance No. 2020-07.

**Section 12. Effective Date.** This ordinance shall go into effect at 11:59 p.m. on August 3, 2020 and remain in effect through October 2, 2020, unless adjusted by action of the City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on August 3, 2020.

  
Alice Ruby, Mayor

ATTEST:  
  
Lori Goodell, City Clerk

[SEAL]



NON CODE EMERGENCY ORDINANCE

Introduced: October 1, 2020  
Public Hearing: October 1, 2020  
Adopted: October 1, 2020

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2020-21**

**AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL EXTENDING ORDINANCE 2020-19 AND 2020-20, MANDATING QUARANTINE, PROTECTIVE MEASURES, TESTING, ISOLATION, RESTRICTING THE USE OF CITY FACILITIES AND PROPERTY FOR HEALTH AND SAFETY OF ALL PERSONS IN DILLINGHAM AND CONTINUING THE TRAVEL NOTIFICATION FORM REQUIREMENT**

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Finding of Emergency.** The City Council finds that the increase of Coronavirus cases across the United States and specifically in the State of Alaska continue to constitute an emergency as declared in Resolution 2020-11.

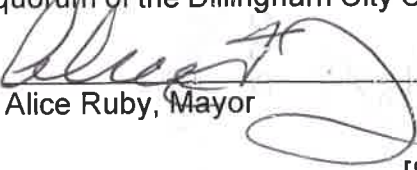
**Section 2. Authority.** This ordinance is enacted pursuant to the general police powers of the City of Dillingham, and the City's authority to regulate use of public facilities such as streets and highways and the Dillingham Port.


**Section 3. Classification.** This is an emergency non-code ordinance.

**Section 4. Code Provisions.** This Emergency Ordinance as amended extends Emergency Ordinances 2020-19, and 2020-20 in their entirety.

**Section 5. Effective Date.** This ordinance shall go into effect at 11:59 p.m. on October 1, 2020 and remain in effect through 11:59 pm, November 5, 2020, unless adjusted by action of the City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on October 1, 2020.

  
\_\_\_\_\_  
Alice Ruby, Mayor [SEAL]

ATTEST:  
  
\_\_\_\_\_  
Lori Goodell, City Clerk

NON CODE ORDINANCE

Introduced: October 15, 2020  
Public Hearing: November 5, 2020  
Adopted: November 5, 2020

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2020-22(S)

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO UTILIZE THE EMERGENCY OPERATIONS CENTER TO PROMULGATE AND ENFORCE REGULATIONS TO STOP THE SPREAD OF COVID-19 IN ACCORDANCE WITH THE RECOMMENDATIONS IN THE CITY OF DILLINGHAM COVID-19 MITIGATION PLAN**

WHEREAS, on March 11, 2020, Governor Mike Dunleavy declared a Public Health Disaster Emergency in the State of Alaska; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency; and

WHEREAS, on March 19, 2020, the Dillingham City Council approved the closure of certain public facilities through April 5, 2020 and adopted Resolution 2020-11 Declaring a Public Health Disaster Emergency per AS 26.23.140 and Dillingham Municipal Code Section 2.64.0020(B) to exist in Dillingham; and

WHEREAS, positive COVID-19 cases continue to rise in the State of Alaska and nationwide, including a record high of 526 new coronavirus infections on October 25, 2020; and

WHEREAS, transmission of COVID-19 remains a public health emergency affecting the City of Dillingham; and

WHEREAS, it is the goal of the City to promote the local economy as pandemic indicators allow; and

WHEREAS, the City has retained Pearson Consulting to draft a COVID-19 Mitigation Plan, taking into consideration State and CDC guidance and regulations, as well as the unique local and regional needs to effectively prepare and respond to the COVID-19 pandemic; and

WHEREAS, the principal recommendation of the plan is that the City utilize the Emergency Operations Center as the proven structure for timely and effective emergency response and that it would be the most effective structure for responding to the COVID-19 pandemic; and

WHEREAS, the City of Dillingham Emergency Operations Plan ("EOP"), adopted by Resolution No. 2018-10, recognizes that for emergency management organization in serious emergencies the City may be required to operate in a manner different from normal, day-to-day routines; and

WHEREAS, the EOP provides guidance for preparedness, protection, response and recovery from emergencies that occur in or near the community of Dillingham, said Plan has been activated, and the City Manager is designated as Incident Commander (“IC”) to operate under a Unified Command (“UC”) structure; and

WHEREAS, the IC is currently convening the UC on a regular basis, allowing for coordination of resources and responses, and the collective input of existing local government, agencies and resources and selected volunteer and private resources within the City to develop and implement the City’s response and management of this disaster; and

WHEREAS, management successfully navigated the City through the early phases of the pandemic by utilizing a modified EOP and UC structure, and a “Coronavirus Task Force” of qualified subject matter experts to form a Coronavirus Operations Plan; and

WHEREAS, Dillingham Municipal Code Chapter 2.64 currently provides the City Manager to have certain emergency powers during a disaster, including an epidemic or similar public calamity; and

WHEREAS, the Council finds that in order to provide for timely response to situational development, it is in the best interest of the City of Dillingham to authorize the City Manager, as Incident Commander, to promulgate and enforce regulations and for timely response to reduce the impact and spread of COVID-19;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a non-Code ordinance.

**Section 2. Declaration of Emergency.** The council declares that the coronavirus threat and impact are a public health emergency.

**Section 3. Authorization of Emergency Authority.**

- A. In addition to any other powers confirmed on the City Manager by law, in order to prepare and position city resources in order to reduce the impact and spread of the coronavirus, the City Manager, after consultation with the EOC and local and regional medical professionals, is authorized to issue and enforce regulations intended to prevent the spread of COVID-19. Such regulations include, but are not limited to, required use of facemasks, limiting travel into Dillingham, traveler quarantine requirements and reasonable restrictions, such as occupancy limits, for businesses and public spaces.
- B. The City Manager, through consultation with the EOC and public health experts, shall implement metrics for determining when to increase or decrease required mitigation measures. The metrics should be clearly communicated to the public.
- C. At all times when orders made and promulgated pursuant to this declaration of emergency shall be in effect, they shall supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

- D. Orders made and promulgated pursuant to this declaration of emergency shall be posted in at least three public places as soon as possible, but no later than three days after enactment. Orders will be posted on the City website.
- E. The City Manager shall report to the City Council at the next meeting, whether it be regularly scheduled or a special session, on actions taken, under authority conferred in section A above, that were found necessary and prudent to address this emergency, including those which were promulgated by Emergency Order or Mandate. The City Council may by motion ratify or vacate any or all actions, or provide direction to the City Manager for rescinding or amendment. Orders are valid upon compliance with the notice requirements in subsection D and are enforceable prior to presentation to the City Council.

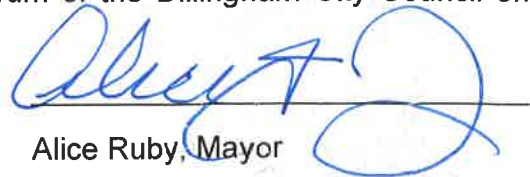
**Section 4. Essential Travel District.** The Essential Travel District, created by Emergency Ordinance 2020-06(A), and amended by 2020-07 and 2020-19, consists of the entire City of Dillingham including Kanakanak Beach, and shall remain in effect for as long as this ordinance remains in effect.

**Section 5. Enforcement.** Violation of any order made and promulgated by the city manager pursuant to this ordinance shall be a Minor Offense. In accordance with AS 29.25.070(a), citations for violation of this ordinance may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of a three hundred dollars (\$300) fine, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Alaska Court System's Rule of Minor Offense Procedures applies. This fine may not be judicially reduced.

**Section 6. Code Provisions Superseded.** This Ordinance supersedes Emergency Ordinances 2020-19, 2020-20, 2020-21 and any inconsistent ordinances, rules, or regulations of the City of Dillingham including but not limited to, Section 18.20.040 Procedures for changing land use districts.

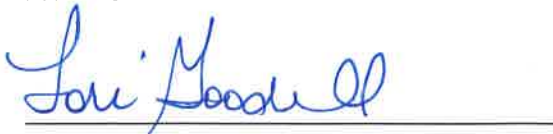
**Section 7. Effective Date.** This ordinance is effective upon passage and expires on March 31, 2021 unless otherwise rescinded or extended by the Dillingham City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on November 5, 2020.

  
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 Alice Ruby, Mayor

ATTEST:

[SEAL]

  
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Lori Goodell, City Clerk



## **EMERGENCY ORDER NO. 4.0 REINSTITUTING MANDATORY MASKING REQUIREMENTS.**

**Emergency Order No 4.0 – Effective 11:59 p.m., August 19, 2021.**

**Cases have been on the rise throughout the State of Alaska and also here in Dillingham and the Dillingham Census area. The number of positive cases now requires that the City put this Emergency Order in place requiring masks in public places. EO was created in concert with Public Health Experts and State of Alaska Epidemiology.**

- 1) Face Coverings.** Measures identified by the CDC, and AK DHSS as instrumental in slowing / stopping the spread of COVID-19 to be implemented:
  - a) Cloth Face Coverings. All persons must wear well-fitting masks or cloth coverings over their noses and mouths when they are indoors in public settings around people who don't live in your household or communal spaces outside the home where physical distancing is not possible and in all places of business. This order is subject to the following conditions and exceptions:
  - b) Face coverings should not be placed on children under age 2, or young children who are unable to wear one without assistance.
  - c) Face coverings should not be worn by anyone who has a valid medical reason that causes trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
  - d) A person may decline to wear a face covering because of a valid medical condition or disability. The person must avoid all public locations. The person shall make other arrangements to have someone buy groceries, pick-up their mail, and any location where close proximity to others is possible.
  - e) Brief removal of face covering, such as necessary to eat, drink, or scratch an itch does not constitute a violation of this order.
  - f) A business owner or operator of a building open to the public may refuse admission or service to any individual who fails to wear face coverings as required by this ordinance.
  - g) A cloth face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts or towels.
  - h) Exception: This section does not apply to the Dillingham City School District (DCSD) physical education courses and/or DCSD athletic/student activities. During these periods of increased student physical exertion, the DCSD will have oversight of and will implement mitigations as recommended by the Alaska School Activities Association (ASAA) and will also utilize district-developed mitigation strategies.

## 2) Cleanliness Standards.

- a) All businesses in Dillingham shall implement the plan incorporated in the Dec 2020 as required by EO 1.1, CDC standards for applicable hygiene, cleaning and disinfecting procedures as circumstances necessitate; including but not limited to:
- b) Clean and disinfect frequently touched surfaces regularly. This includes tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.
- c) All Critical Infrastructure businesses must provide the City of Dillingham a copy of the Community/Workforce Protective Plan (CWPP) required by and submitted to the State of Alaska and any amendments thereafter.

## 3) Quarantine. All persons entering the City should get tested 1-3 days before traveling and test 3-5 days after arriving. If a test is positive the person must isolate as described in Section 5. A newly arriving person who is unvaccinated should also stay home and quarantine for 7 days, per CDC travel guidelines.

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

- a) Per Alaska DHSS Testing Guidance: All unvaccinated persons who are identified as a “close contact” to a confirmed case using CDC’s definition of close contact must quarantine (see 3 b for quarantine requirements). Discontinuation of quarantine should follow direction of public health
- b) Quarantine requirements.
  - i) Symptom Monitoring: People should monitor for symptoms for 14 days; if symptoms arise, they should self-isolate and get tested promptly. All protective measures must be continued for the full 14 days when outside the quarantine location.
  - ii) Quarantine Location: That location identified by the person quarantining that is safe, offers sanitary facilities, and can provide necessary space for quarantine purposes.
  - iii) Social Distancing will be maintained within quarantine locations to the maximum extent possible, including but not limited to the use of face masks, as recommended by the CDC.
- c) While in quarantine no person shall leave their quarantine location for any reason other than:
  - i) To receive non-elective medical care.
  - ii) To be tested for COVID-19.
  - iii) To engage in subsistence activities provided the same can be accomplished in a manner that avoids the potential spread of the virus to others in the community.
  - iv) To travel in your personal vehicle or vessel, individually or with members of your household, so long as you go directly from the quarantine location to the vehicle or vessel and directly back to the quarantine location without contacting others.
  - v) To get outside for fresh air, walk, and exercise as long as all mandated protective measures are followed.
  - vi) To leave Dillingham.
- d) Persons who leave the quarantine location pursuant to Section 3 c shall follow all measures in Section 1.
- e) Entry to quarantine location is limited to the following:
  - i) Persons in quarantine.

- ii) Persons providing required goods or services for critical personal needs, and critical infrastructure needs.
- iii) Persons providing medical care to a person in that location.
- f) Quarantine requirements established by this order shall survive any subsequent changes to or suspensions of State of Alaska Health Orders.

**4) Testing.** Testing shall be obtained in the following circumstances. *If testing is refused a mandatory quarantine of 14 days should be observed.*

- a) People who have had close contact (as defined by the CDC and AK DHSS) with someone confirmed with COVID-19.
- b) People who have been asked or referred to get testing by healthcare providers.

**5) Mandatory Isolation.** Any person who tests positive for COVID-19 shall immediately self-isolate and monitor for symptoms.

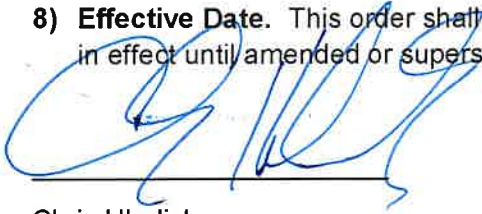
- a) Persons shall isolate at one the following:
  - i) In a home with a specific 'sick room', or
  - ii) In a designated isolation site managed by their employer, or
  - iii) A separate bathroom facility shall be used for isolation when possible. If one is not available, strict cleanliness procedures must be maintained.
- b) In adherence to CDC procedures, the period of isolation shall be a minimum of;
  - i) For persons with COVID-19 illness, isolation and precautions can be discontinued 10 days after symptom onset and resolution of fever for at least 24 hours, without the use of fever-reducing medications, and with improvement of other symptoms.
  - ii) For persons who never develop symptoms, isolation and other precautions can be discontinued 10 days after the date of their first positive test for SARS-CoV-2.
  - iii) Discontinuation of isolation prior to 10 days for asymptomatic COVID positive persons may be done with direction by public health with additional testing.

**6) Restricted Use of City Facilities for Health and Safety of All Users.**

- a) No person may use any city facilities, including, but not limited to, all city port facilities governed by DMC 2.42, unless the person:
  - i) Does not present with any symptoms of COVID-19; and
  - ii) Has completed any required quarantine and/or testing mandated by City of Dillingham Emergency Ordinances, or
  - iii) Is using city facilities to leave Dillingham to complete their required quarantine outside the City.

**7) Implementation Process.** Periodically this Emergency Order will be updated as the pandemic situation changes across the nation and the State of Alaska. The Interim City Manager will convene and consult with local medical authorities, on an as needed basis to review response activities and assess the situation. He will also consult with the City Attorney, and other local and state experts as necessary

**8) Effective Date.** This order shall go into effect at 11:59 p.m. on August 19, 2021 and remain in effect until amended or superseded.



Chris Hladick

Interim City Manager