



City and Borough of Wrangell
Special Assembly Borough Assembly Meeting
AGENDA

Thursday, November 18, 2021
5:30 PM

Location: ZOOM Teleconference

Due to the increased positive COVID cases in the community, the **Thursday, November 18, 2021, Special Assembly meeting (starting at 5:30 PM) will be held by Zoom Teleconference.**

For PERSONS TO BE HEARD: Robbie Marshall, Acting Borough Clerk will maintain a Persons to be Heard Sign-up Sheet for Persons who wish to call in and speak under this item. If you would like to speak at the meeting, **please contact Robbie Marshall at 907-874-2381 or email rmarshall@wrangell.com by 3:00 PM on Thursday, November 18, 2021, so that your name can be added to the list of Persons to be Heard.**

To Join by Computer:

<https://zoom.us/j/9078742381?pwd=MTNqSEdncjRyakh2UCtMVUNxMndYUT09>

And Enter the Meeting ID: 907 874 2381

Then Enter Password: 99929

1. CALL TO ORDER

2. ROLL CALL

3. PERSONS TO BE HEARD - Section WMC 3.05.040 (C) states that: *The chair may call to order any person who is breaching the peace or being disorderly by speaking without recognition, engaging in booing or catcalls, speaking vulgarities, name calling, personal attacks, or engaging in other conduct which is determined by the chair to be disruptive of the meeting. Any person so disrupting a meeting of the assembly may be removed and barred from further attendance at the meeting unless permission to return or remain is granted by a majority vote of the assembly.*

4. AMENDMENTS TO THE AGENDA

5. CONFLICT OF INTEREST

6. NEW BUSINESS

- a. EMERGENCY ORDINANCE No. 1014 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCE 1011 AND REENACTING THE REQUIREMENT OF FACE COVERINGS IN CERTAIN INDOOR SETTINGS, AND THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS**

7. ADJOURNMENT

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	November 18, 2021
	<u>Agenda Section</u>	6

EMERGENCY ORDINANCE No. 1014 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCE 1011 AND REENACTING THE REQUIREMENT OF FACE COVERINGS IN CERTAIN INDOOR SETTINGS, AND THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS

<u>SUBMITTED BY:</u>
Jeff Good, Interim Borough Manager

<u>FISCAL NOTE:</u>		
Expenditure Required: \$XXX Total		
FY 20: \$	FY 21: \$	FY22: \$
Amount Budgeted:		
FY20 \$XXX		
Account Number(s):		
XXXXX XXX XXXX		
Account Name(s):		
Enter Text Here		
Unencumbered Balance(s) (prior to expenditure):		
\$XXX		

<u>Reviews/Approvals/Recommendations</u>	
<input type="checkbox"/>	Commission, Board or Committee
Name(s)	
Name(s)	
<input type="checkbox"/>	Attorney
<input type="checkbox"/>	Insurance

ATTACHMENTS: 1. Emergency Ordinance 1014

RECOMMENDATION MOTION:

Move to approve Emergency Ordinance No. 1014.

SUMMARY STATEMENT:

Given the local surge of cases, and the situation around the region and state with case counts and ICU beds, the EOC and Administration felt is prudent to bring a mandatory face covering requirement back to the Assembly for consideration. This ordinance calls for the mandate to be in place throughout the holidays and sunset on January 11th (1st meeting in January). The Assembly

has the ability to cancel it before that date by a majority vote of its body. This ordinance carries the same enforcement penalties as the previous face covering ordinances.

CITY AND BOROUGH OF WRANGELL, ALASKA
ORDINANCE NO. 1014

AN EMERGENCY ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCE 1011 AND REENACTING THE REQUIREMENT OF FACE COVERINGS IN CERTAIN INDOOR SETTINGS, AND THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS

WHEREAS, Wrangell is experiencing an outbreak of COVID-19 with many attributed to community spread; and

WHEREAS, Wrangell is currently at a HIGH risk rating due to the number of positive cases; and

WHEREAS, Wrangell has no community restrictions in place regarding personal, work or economic activities; and

WHEREAS, the community desires unimpeded personal, work and economic activities; and

WHEREAS, there are several very important large group gatherings scheduled in May which the community desires to hold unimpeded; and

WHEREAS, Alaska, along with the rest of the United States, and World, has been fighting the global COVID-19 pandemic since March 2020; and

WHEREAS, On March 17, 2020 the Assembly approved Emergency Ordinance No. 976 declaring an emergency related to the COVID-19 Pandemic; on October 13, 2020 approved Emergency Ordinance 980 extending the declaration to December 21, 2020; on January 12, 2021 approved Emergency Ordinance 985 extending the declaration to March 31, 2021; and on April 13, 2021 approved Emergency Ordinance 994 extending the declaration to May 25, 2021; and on June 22, 2021 approved Emergency Ordinance 1003; and on October 1, 2021 approved Emergency Ordinance 1011; and

WHEREAS, the Wrangell EOC believes it is of paramount importance that Wrangell stop the outbreak and reduce our risk level to ensure continued unrestricted economic, group, and individual activities; and

WHEREAS, the most effective, and easiest mitigation measure to keep our residents, economy and active lifestyle safe is a fully vaccinated population; and

WHEREAS, the Assembly finds mandating the use of face coverings in public necessary for the immediate preservation of the public health and safety; and

WHEREAS, Wrangell's COVID-19 Risk Mitigation Matrix outlines several additional mitigation efforts to help stop the spread of COVID-19; and

WHEREAS, the Borough Assembly is declaring an emergency.

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

SECTION 1: AUTHORIZATION. This is a non-codified EMERGENCY ORDINANCE provided for in the Home Rule Charter of the City & Borough of Wrangell, Alaska Section 2-11.

SECTION 2: FACE COVERING MANDATE.

- A. Requirement.** All individuals must wear a mask, cloth face covering over their nose and mouth, or a face shield when they are indoors in public settings or communal spaces outside the home. This ordinance is subject to the conditions and exceptions stated below.
- B. Context.** The settings included in this ordinance include, but are not limited to, the public and communal spaces within the following:
1. Grocery stores, pharmacies, and all other retail stores.
 2. Restaurants, cafes, and bars – including food preparation, carry-out, and delivery food operations. There is a limited exception for customers while they are eating or drinking in one of these settings.
 3. Buses, taxis, and other forms of public transportation when passengers are present.
 4. Personal care facilities.
 5. Child care facilities.
 6. Communal areas of offices where people from multiple households are present.
 7. Elevators and indoor communal spaces in other buildings.
- C. Employment.** Employers are responsible to make sure employees who are present in the workplace have access to and wear mask, cloth face coverings, or face shield when in direct contact with customers, members of the public, or other employees. Masks or face shields are not required when the only direct contact is between members of the same household or when employees are not near others (within six feet).
- D. Exceptions.** This ordinance does not apply to the following categories of people or activities:
1. Any child under the age of 2 years. These very young children should not wear a face covering because of the risk of suffocation;
 2. Any individual for whom wearing a mask, cloth face covering, or face shield would be contrary to his or her health or safety because of a

- medical condition or mental health condition, and any individual unable to tolerate a mask or face shield due to a physical or mental disability;
3. Individuals who are speech impaired, deaf, or hard of hearing, or individuals communicating with someone who is deaf or hard of hearing, where facial or mouth movements are an integral part of communication;
 4. Any individual who has trouble breathing or otherwise unable to remove the face covering without assistance;
 5. Individuals who are exercising, if mask or face shield wearing would interfere with their breathing;
 6. Individuals who are incarcerated, in police custody, or inside a courtroom; these individuals should follow guidance particular to their location or institution;
 7. Individuals performing an activity that cannot be conducted or safely conducted while wearing a mask or face shield (for example, a driver experiencing foggy glasses, a dental patient receiving care, an equipment operator where there is a risk of dangerous entanglement); and
 8. Musicians, presenters, ministers, and others communicating to an audience or being recorded, for the duration of their presentation/practice/performance where mask or face shield usage impairs communication, and so long as safe physical distancing is maintained.

E. Proof of Medical Reason or Disability. If a person declines to wear a mask, face covering, or face shield because of a medical condition or disability as described above, this ordinance does not require them to produce medical documentation verifying the stated condition or disability. Businesses may wish to consider accommodating such individuals through curbside or delivery service or by allowing the individual inside without a mask or face shield if doing so will not place others at risk.

F. Enforcement Policy. The City and Borough of Wrangell reserves the right to use all available enforcement options to assure compliance with this ordinance. However, employers will not be subject to fines based on non-compliance by customers so long as there is a clearly posted sign informing customers that they are required to wear face coverings. Brief removal of a face covering, such as is necessary to eat, drink, or scratch an itch does not constitute a violation of this ordinance (although hand washing/sanitizing is recommended after such activities). Additionally, violation of this ordinance does not create grounds for residents to harass individuals who do not comply with it.

G. Violation. Violation of the face covering requirement in Section 2 shall be a minor offense. In accordance with AS 29.25.0709(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 fine of \$25.00 plus any surcharge required to be imposed by AS 12.55.039 and 29.25.074584019, which shall be considered incorporated into Wrangell Municipal Code (WMC)

Section 1.20.050; payment of the fine shall be accepted in satisfaction of the violation; and the violation shall be subject to the provisions outlined in WMC Section 1.20.050.

SECTION 3: OTHER MITIGATION EFFORTS ENCOURAGED: 1) Avoid gatherings if possible, but if necessary limit indoor gatherings to as few non-household members as possible (preferably 20 or less); 2) Reduce capacity in restaurants and bars to ensure the ability for six feet of separation between parties; 3) Use pick-up/take-out options for dining; 4) Personal services should be by appointment only with one customer per provider and no waiting areas; 5) Eliminate group gym or exercise activities and reduce capacity; 6) Follow state or local advisories, mandates and ordinances related to International, Interstate and Intrastate travel testing and social distancing protocols upon arrival in Wrangell; 7) City and Borough of Wrangell facilities will follow individual facility mitigation plans.

SECTION 4: EFFECTIVE DATES. This ordinance shall be effective upon adoption and shall sunset January 11, 2022 at 11:59pm unless terminated sooner or extended by action of the Assembly.

PASSED AND APPROVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA THIS 18th DAY OF NOVEMBER, 2021.

CITY & BOROUGH OF WRANGELL, ALASKA

Stephen Prysunka, Mayor

ATTEST: _

Kim Lane, MMC, Borough Clerk