



City and Borough of Wrangell
2021-04-17 EMERGENCY Borough Assembly Meeting
AGENDA

Saturday, April 17, 2021
10:00 AM

Location: Teleconference

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. CONFLICT OF INTEREST

5. NEW BUSINESS

- a. EMERGENCY ORDINANCE NO 987** OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCES 976, 980, 985 AND 994 AND REQUIRING A FACE COVERING IN CERTAIN INDOOR SETTINGS, ACTIVATING THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS

6. ADJOURNMENT

CITY & BOROUGH OF WRANGELL, ALASKA BOROUGH ASSEMBLY AGENDA STATEMENT

<u>AGENDA ITEM TITLE:</u>	<u>DATE:</u>	April 17, 2021
	<u>Agenda Section</u>	5

EMERGENCY ORDINANCE NO 987 OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCES 976, 980, 985 AND 994 AND REQUIRING A FACE COVERING IN CERTAIN INDOOR SETTINGS, ACTIVATING THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS

<u>SUBMITTED BY:</u>
Lisa Von Bargaen, Borough Manager

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

<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>ATTACHMENTS:</u> 1. Emergency Ordinance 997
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RECOMMENDATION MOTION:

Move to approve Emergency Ordinance No. 997.

SUMMARY STATEMENT:

We are in the midst of a COVID outbreak in Wrangell with 15 active cases – 11 within the past seven days. As this agenda statement is being written notice was received of a new 16th case. It is imperative that Wrangell take least invasive action to help arrest the spread of COVID while continuing to allow personal, work and economic activity to continue as normal. That means a two-week reinstatement of face coverings being required in all indoor public and communal spaces.

Based on Wrangell's Risk Assessment Matrix, the community is at a level HIGH risk and continuing to climb.

Stopping the continued spread is important for many reasons. In May there are several very important large gatherings scheduled, like graduation and prom. May will also mark the start of fish processing season in Wrangell with an influx of workers to the community. The list can go on and on. Getting a handle on this now will make all the difference in the coming months for maintaining personal, work and economic activity in town.

The EOC is respectfully requesting the approval of this ordinance requiring face coverings and providing for a penalty. It contains all the same provisions as the ordinance approved in March. The ordinance was reviewed and approved by the attorney.

The ordinance is scheduled to be in place for two weeks only and sunset at 11:59pm on April 30th. That date was picked as it is the timeframe in which the community will be out of the red or high risk level if we have no additional positive cases between now and then.

CITY AND BOROUGH OF WRANGELL, ALASKA
ORDINANCE NO. 997

AN EMERGENCY ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA REAFFIRMING THE DECLARATION OF EMERGENCY IN EMERGENCY ORDINANCES 976, 980, 985 AND 994 AND REQUIRING A FACE COVERING IN CERTAIN INDOOR SETTINGS, ACTIVATING THE PENALTY IN THE WRANGELL MUNICIPAL CODE, AND STRONGLY URGING OTHER MITIGATION ACTIONS

WHEREAS, Wrangell is experiencing an outbreak of COVID-19 with 15 active positive cases, 11 within the past seven days, and 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

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 wearing a face covering; 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 EOC is strongly urging these other mitigation efforts in addition to the face-covering requirement; 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 REQUIREMENT.

- A. Requirement.** All individuals must wear a mask or cloth face covering over their nose and mouth 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, in conformance with the Federal Mandate.
 4. Personal care facilities.
 5. Childcare facilities.
 6. Communal areas and 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 masks or cloth face coverings when in direct contact with customers, members of the public, or other employees. Masks are not required when the only direct contact is between members of the same household.
- 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, or cloth face covering 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 due to a physical or mental disability. Any individual in this category capable of wearing and tolerating a protective face shield shall be required to do so.
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. Any individual in this category capable of wearing and tolerating a protective face shield shall be required to do so.
5. Individuals who are exercising, if mask 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 (for example, a driver experiencing foggy glasses, a dental patient receiving care, an equipment operator where there is a risk of dangerous entanglement).
8. Musicians, presenters, ministers, and others communicating to an audience or being recorded, for the duration of their presentation/practice/performance where mask 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 or a face covering 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.

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 before and 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 29.25.072(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) Restaurants and bars should reduce capacity 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 at 11:59pm on April 30, 2021 unless terminated earlier or extended by action of the Assembly.

PASSED AND APPROVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA THIS 17th DAY OF APRIL, 2021.

CITY & BOROUGH OF WRANGELL, ALASKA

Stephen Prysunka, Mayor

ATTEST:

Kim Lane, Borough Clerk