

CITY OF BETHEL, ALASKA

Ordinance #20-09

AN EMERGENCY ORDINANCE BY THE BETHEL CITY COUNCIL FINDING THE EXISTENCE OF A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 OUTBREAK; INCORPORATING BY REFERENCE THE DECLARATION OF LOCAL DISASTER EMERGENCY ISSUED BY THE ACTING CITY MANAGER AND MAYOR ON MARCH 24, 2020; SEEKING STATE AND FEDERAL FUNDING ASSISTANCE; AND ISSUING CERTAIN HEALTH ADVISORIES, AND REQUESTS CONSISTENT WITH STATE AND FEDERAL LAW

WHEREAS, pursuant to AS 26.23.140, the Mayor of the City and the Acting City Manager issued a Declaration of Local Disaster Emergency on March 24, 2020 related to the outbreak of COVID-19, consistent with all powers and duties conferred to them under the Bethel Municipal Code, Title 29 of the Alaska Statutes, and other State and Federal Law;

WHEREAS, the Bethel City Council concurs with all statements and findings contained in the above-referenced Declaration of Local Disaster Emergency, and seeks to fully incorporate it by reference into this Emergency Ordinance as Appendix A;

WHEREAS, under AS 29.25.030, "to meet a public emergency," the Bethel City Council "may adopt an emergency ordinance effective upon adoption," provided such ordinance contains a finding by the Council that an emergency exists and may be adopted, amended and adopted, or rejected at the meeting at which it is introduced;

WHEREAS, the Bethel City Council seeks to exercise the maximum degree of local authority available to the City in order to contain and mitigate the outbreak of COVID-19 in the City of Bethel and its surrounding communities;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA:

Section 1. Finding of Local Disaster Emergency. The Bethel City Council hereby adopts and incorporates by reference the Acting City Manager and Mayor's Declaration of Local Disaster Emergency, dated March 24, 2020 and attached hereto as Appendix A; finds and affirms that a Local Disaster Emergency exists within the City of Bethel; and confers all powers on the Acting City Manager and incoming City Manager described in the Declaration of Local Disaster Emergency dated March 24, 2020, and not otherwise

prohibited by State or Federal law. A copy of this Emergency Ordinance and Appendix A shall be filed promptly with the Alaska Division of Homeland Security and Emergency Management.

Section 2. Request for State and Federal Funding Assistance. The Bethel City Council requests that the Governor of Alaska provide such State assistance as may be available to meet the ongoing emergency created by COVID-19 and to request additional assistance from Federal agencies where State capability is not adequate.

Section 3. Civil Immunity Asserted. In adopting and enforcing this ordinance, the City and its agents, officers, and employees assert and maintain all immunities and indemnifications provided for under AS 09.65.070, BMC 2.48, and any other immunities or indemnifications available in law or equity.

Section 4. Travel and Business Advisories and Requests. To prevent the spread of COVID-19, and consistent with all current State and Federal health laws, advisories, mandates, and guidelines to protect the public health and welfare, the Bethel City Council advises and requests that:

- (a) Consistent with State Health Mandate 10.1, all persons arriving into the City of Bethel from another state or country, whether worker, resident, or visitor, **must self-quarantine for a period of 14 days**; and
- (b) Consistent with State Health Mandate 10.1, businesses and employees of critical infrastructure as defined in Attachment A to State Health Mandate 10.1 **must follow all protocols and procedures described in State Health Mandate 10.1 with respect to any business conducted in the City of Bethel**; and
- (c) Consistent with State Health Mandate 9.1., with the exception of urgent and emergent health care needs and facilities, **all businesses, congregations, or gatherings in the City of Bethel where individuals are within six feet of each other must cease all operations**; and
- (d) Consistent with State Health Mandate 9.1, **no gatherings of more than 10 people may take place**, and if such a gathering does take place, people must be and remain six feet apart from each other; and
- (e) The mandates in (a) through (d) of this section remain in effect until the State of Alaska lifts them; and

- (f) The City is authorized to use the full force available to it under the law, including its police power, to “suppress unlawful assemblies” which come to the City’s knowledge, and “generally keep the peace” (BMC 2.20.020) and to exercise the City’s power to “promot[e] the public, health, safety, and welfare of the present and future inhabitants of the city” (BMC 18.04.020), with respect to activities on City land;
- (g) That travelers **cease all non-essential travel** into the City of Bethel, unless they are returning home or arriving for a medical, personal, or business emergency, or to work in critical workforce infrastructure as defined by the State; and
- (h) That travelers returning to Bethel from any other part of Alaska, **regardless of whether they have previously quarantined elsewhere in the State, immediately and voluntarily self-quarantine** for a period of 14 days;
- (i) Consistent with applicable State guidelines and mandates, that all persons in the City of Bethel **stay home as much as possible**, except to work in critical workforce infrastructure as defined by the State; to receive or provide health care; and to get fresh air without contacting others. On the limited occasions when individuals leave home, they should maintain social distancing of at least six feet from any person outside their household wherever possible. Individuals are also recommended to practice hygiene, including regular handwashing.

Section 5. Effective Date. Consistent with AS 29.35.030(c), this Emergency Ordinance shall be effective immediately upon adoption by the Bethel City Council and shall remain in effect for sixty (60) days, or until the virus is no longer declared a Federal or State emergency, whichever occurs first. The Council may meet in sixty (60) days to assess the status of the outbreak emergency and consider renewing this Emergency Ordinance, as necessary and appropriate, to protect the public health, safety, and welfare.

SECTION 6. Classification.

This ordinance is not permanent in nature and is a non-codified ordinance that shall not become part of the Bethel Municipal Code.

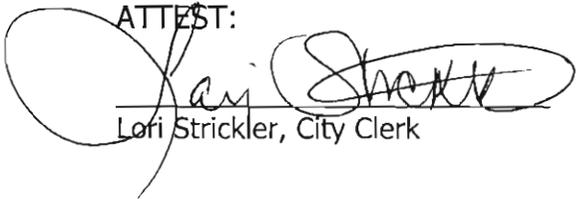
ENACTED THIS 25 DAY OF MARCH 2020 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.

Introduced by: Mayor Barr
Introduction Date/Adoption Date in Accordance with 29.25.030: March 25, 2020
Action: Passed
Vote: 6-0



Perry Barr, Mayor

ATTEST:



Lori Strickler, City Clerk

Introduced by: Mayor Barr
Introduction Date/Adoption Date in Accordance with 29.25.030: March 25, 2020
Action: Passed
Vote: 6-0

Appendix A



CITY OF BETHEL

P.O. Box 1388 • Bethel, Alaska 99559
907-543-2047
Fax # 907-543-4171

CITY OF BETHEL BETHEL, ALASKA

DECLARATION OF LOCAL DISASTER EMERGENCY IN RESPONSE TO COVID-19 AND REQUESTING STATE AND FEDERAL ASSISTANCE

WHEREAS, coronavirus or COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus ("COVID-19" or "virus"), which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person;

WHEREAS, on March 11, 2020, the World Health Organization declared the global coronavirus crisis to be a pandemic;

WHEREAS, on March 11, 2020, the State of Alaska declared a statewide public health emergency under AS 26.23 in response to an anticipated outbreak of COVID-19 in Alaska and since the declaration was announced, the State received confirmation of a positive case of COVID-19 on March 12, 2020;

WHEREAS, on March 11, 2020, President Donald J. Trump declared a national emergency in response to the pandemic;

WHEREAS, on March 13, 2020, the State of Alaska Legislature announced initial actions to limit the spread of COVID-19, and Governor Dunleavy closed all schools in Alaska for two weeks and suspended visitation to residential State facilities;

WHEREAS, on March 16, 2020, Governor Dunleavy closed to the public all State-operated libraries, archives, and museums through March 31, 2020; and directed residential school programs to begin the process of returning students to their families and home communities no later than March 27, 2020;

WHEREAS, on March 17, 2020, Governor Dunleavy mandated the closure of all food or beverages establishments in the State to public dine-in service, closed all entertainment facilities to the public, including theaters, gyms, fitness centers, bowling alleys, and bingo halls, beginning March 18 at 5:00 p.m. through April 1 at 5:00 p.m., and directed that travelers entering Alaska from Outside self-isolate for a period of 14 days;

WHEREAS, on March 19, 2020, Governor Dunleavy mandated the suspension of all elective medical and dental procedures in the State for a period of three months;

"Alaska's Arctic River Sea Port"

Introduced by: Mayor Barr
Introduction Date/Adoption Date in Accordance with 29.25.030: March 25, 2020
Action: Passed
Vote: 6-0

WHEREAS, on March 20, 2020, Governor Dunleavy closed all public schools in the State to students through May 1; mandated restricted movement and stricter business closures in the Fairbanks North Star Borough and the Ketchikan Gateway Borough;

WHEREAS, on March 23, 2020, Governor Dunleavy stated that he is seeking to "establish consistent mandates across the State in order to mitigate the impact of COVID-19;

WHEREAS, on March 23, 2020, Governor Dunleavy mandated that all travelers entering the State of Alaska from another country or State self-quarantine for a period of 14 days and that this quarantine order supersedes all local government travel restrictions;

WHEREAS, on March 23, 2020, Governor Dunleavy mandated that all businesses, congregations, or gatherings in the State of Alaska where individuals are within six feet of each other must stop all operations, and that no gatherings of 10 or more persons may take place and if such gatherings do take place, that persons maintain a six-foot distance from each other;

WHEREAS, the City of Bethel ("City") is a political subdivision outside the organized borough, with a population of approximately 6,000 people located in the Yukon-Kuskokwim Delta ("YK Delta"), an area with a population of approximately 25,000 people;

WHEREAS, neither the City nor any community in the Yukon Kuskokwim Delta Area is connected to the State of Alaska road system and there are no direct flights to the Lower 48 States to or from Bethel;

WHEREAS, the Bethel City Council recently hired a new City Manager whose start date at work is April 6, 2020, and the City is currently being managed by an Acting City Manager until the new City Manager can take over;

WHEREAS, COVID-19 poses a grave and imminent threat to the health, safety, order, and welfare to the residents and visitors of the City;

WHEREAS, this novel coronavirus has the potential to cause the death or injury of persons to such an extent that extraordinary measures must be taken to protect the health, safety, order, and welfare of those in the community of Bethel;

WHEREAS, it is essential to implement local emergency powers given the potential ability of the virus to cause death or injury to people, necessitating measures to protect the public health, safety, order, and welfare;

WHEREAS, without emergency powers available, City infrastructure and resources will likely be inadequate to cope with the consequences of a COVID-19 20 outbreak and its resultant effects on the health, safety, order, and welfare of the residents and visitors in the City;

WHEREAS, in order to contain any potential harm that may be caused by COVID-19, State and Federal Assistance is needed to supplement local efforts to respond to this public health emergency;

WHEREAS, the Acting City Manager and/or Mayor may declare a local emergency;

WHEREAS, the Acting City Manager and Mayor deem it necessary to declare a local emergency at this time to protect the health, safety, order, and welfare of the residents and visitors in the City;

Introduced by: Mayor Barr
Introduction Date/Adoption Date in Accordance with 29.25.030: March 25, 2020
Action: Passed
Vote: 6-0

WHEREAS, the Acting City Manager and Mayor request State assistance to the City in its response to COVID-19, including assistance for fire protection, law enforcement, and the provision of other funds, services, functions, supplies, or materials determined by the City Manager, in consultation with local emergency agencies, to be necessary to meet the public safety and welfare needs arising from or incidental to COVID-19, and to recover from the damages caused;

WHEREAS, to the extent not otherwise prohibited by law, the Acting City Manager, incoming City Manager, and Mayor seek to cooperate with the State and Federal Government with respect to any State or Federal orders, directives, mandates, or guidelines issued for the purpose of preventing the transmission of infectious disease and ensuring that all contagious disease are subject to proper control and treatment, while exercising the maximum authority available under the Bethel Municipal Code for these purposes;

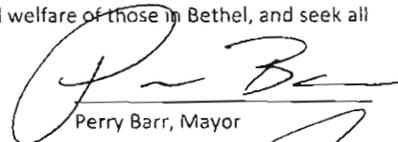
WHEREAS, the provisions of BMC chapter 4.20 related to purchasing may be suspended as provided under BMC 4.20.180 for the purchase of supplies, services, and items during, and for the purpose of addressing a public health emergency;

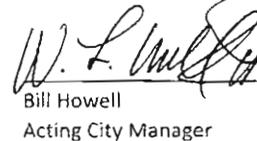
WHEREAS, all resources of the City government, including City personnel, should be made available as necessary to deal with the emergency, and City departments, agencies, and/or personnel may be transferred or altered in function for the purpose of performing or facilitating performance services in response to this emergency;

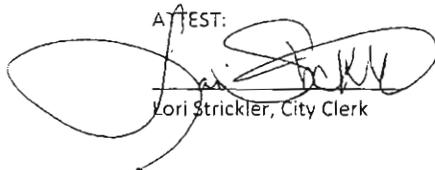
WHEREAS, while the potential extent and effect of COVID-19 cannot yet be known, it remains vital for the City to be prepared and to take all needed precautions throughout the entire timeframe of the emergency related to COVID-19;

WHEREAS, because of the ongoing nature of the emergency, this declaration of local emergency shall remain in effect until November 24, 2020, or until the virus is no longer declared a federal or state emergency, whichever occurs first.

NOW THEREFORE, the City of Bethel Mayor and Acting City Manager hereby declare a Local Disaster Emergency and ask the Council to adopt an Emergency Ordinance incorporating by reference the foregoing Declaration, and empowering the Acting City Manager and incoming City Manager to act in all necessary manners to protect the health, safety, order, and welfare of those in Bethel, and seek all necessary funding available, as described herein.


Perry Barr, Mayor


Bill Howell
Acting City Manager

ATTEST:

Lori Strickler, City Clerk