AMENDED EMERGENCY RESOLUTION NO. 20-04-06

AN EMERGENCY RESOLUTION OF THE CITY OF HOONAH FINDING THE EXISTENCE OF A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 OUTBREAK; AMENDING EMERGENCY RESOLUTION NOS. 20-03-05 AND 20-03-04 AND EMERGENCY ORDER NO. 03-26-20; INCORPORATING BY REFERENCE EMERGENCY RESOLUTION NOS. 20-03-02 AND 20-03-03 AND THE DECLARATION OF LOCAL EMERGENCY ORDER NO. 03-20-20, ISSUED BY THE MAYOR AND CITY ADMINISTRATOR ON March 20, 2020; SEEKING STATE AND FEDERAL FUNDING ASSISTANCE; AND ISSUING CERTAIN HEALTH ADVISORIES AND REQUESTS CONSISTENT WITH STATE AND FEDERAL LAW.

WHEREAS: the City Council, the Mayor and the City Administrator issued Emergency Resolution Nos. 20-03-02 and 20-03-03 and the Declaration of a Local Emergency Order No. 03-20-20 related to the outbreak of COVID-19 (herein together, the “Emergency Resolutions and Emergency Order”), consistent with all powers and duties conferred to them under the Hoonah City Code, Title 29 of Alaska Statutes, and other State and Federal Law; and

WHEREAS: the City of Hoonah concurs with all statements and findings contained in the Emergency Resolutions and Emergency Order, and seeks to fully incorporate them by reference into this Emergency Resolution as Appendix A; and

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

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

WHEREAS: the Hoonah City Council seeks to amend and restate City of Hoonah Emergency Resolution Nos. 20-03-04 and 20-03-05 and Emergency Order No. 03-26-20 with this Resolution; and

WHEREAS: the residents of Game Creek Farm, which is outside the City of Hoonah boundaries shall be treated and considered residents of the City of Hoonah for the purpose of this Emergency Resolution.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOONAH, ALASKA:

Section 1. Finding of Local Disaster Emergency. The Hoonah City Council hereby adopts and incorporates by reference the Emergency Resolutions and Emergency Order. A copy of this Emergency Resolution 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 City of Hoonah 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 Emergency Resolution, the City of Hoonah and its councilmembers, agents, officers, and employees assert and maintain all immunities and indemnifications provided for under AS 09.65.070, under the Hoonah Municipal Code, and any other immunities or indemnifications available in law or equity.

Section 4. Travel Restrictions. 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 Hoonah City Council advises and requires that:

a) Consistent with State Health Mandates 10.1 and 12 and the Alaska Small Community Emergency Travel Order all travel of persons to and from the City of Hoonah boundaries is prohibited, unless travel is permitted under one of the following exceptions:

   i) Emergency First Responders (includes fire, ambulatory services, and other similar emergency first responders);

   ii) Law Enforcement acting within their official duties (this includes federal, state and local law enforcement personnel, as well as corrections personnel);

   iii) Office of Children’s Services personnel responding to reports of child abuse and neglect and insuring child safety;

   iv) Essential governmental services personnel needed to ensure the continuing operations of government agencies including to provide for the health, safety, and welfare of the public, and that emails a signed copy of the Hoonah Essential Government Services Personnel COVID-19 Agreement to the Hoonah City Administrator at dgray@cityofhoonah.org, 24-hours prior to arrival at the City of Hoonah, for consideration by the Hoonah City Administrator, Hoonah Mayor and Hoonah Chief of Police;

   v) Persons engaged in subsistence fishing and in the fishing industry including the fisherman, processors, guides, and transporters of the fish as well of those under contract with the fisherman, processors, guides, and transporters for provisioning, that show no signs or symptoms of COVID-19, and that emails the Hoonah City Administrator at dgray@cityofhoonah.org, 48-hours prior to arrival at the City of Hoonah, for consideration by the Hoonah City Administrator, Hoonah Mayor and Hoonah Chief of Police, the following documents: (A) a signed copy of the Hoonah Subsistence Fishing and Fishing Industry COVID-19 Agreement, (B) the travel plan or protocol that the person or business submitted to the Alaska Department of Commerce, Community and Economic Development pursuant to State Health Mandate 010 or 012, (C) the plan for how the person or business intend to quarantine personnel who develop a fever, cough or shortness of breath while in the City of Hoonah, and (D) the plan for how the person or business intend to provide their own medical evacuation, if necessary;
vi) Persons engaged in essential services and critical workforce infrastructure under State Health Mandate 10, Attachment A, that show no signs or symptoms of COVID-19, and that emails the Hoonah City Administrator at dgray@cityofhoonah.org, 48-hours prior to arrival at the City of Hoonah, for consideration by the Hoonah City Administrator, Hoonah Mayor and Hoonah Chief of Police, the following documents: (A) a signed copy of the Hoonah Essential Services and Critical Workforce Infrastructure COVID-19 Agreement, (B) the travel plan or protocol that the person or business intend to quarantine personnel who develop a fever, cough or shortness of breath while in the City of Hoonah, and (D) the plan for how the person or business intend to provide their own medical evacuation, if necessary;

vii) A resident of the City of Hoonah departing or returning for medical care, that show no signs or symptoms of COVID-19, and that emails the Hoonah City Administrator at dgray@cityofhoonah.org, 24-hours prior to departure from or returning to the City of Hoonah, for consideration by the Hoonah City Administrator, Hoonah Mayor and Hoonah Chief of Police, a written statement from the resident’s doctor stating that the resident cannot receive the necessary medical care in the City of Hoonah and/or the services are allowed by healthcare providers under State Health Mandate 015 and a signed copy of the Hoonah Mandatory 14-day Quarantine Agreement;

viii) A resident caregiver of the City of Hoonah departing or returning to assist another resident with medical care, that show no signs or symptoms of COVID-19, and that emails the Hoonah City Administrator at dgray@cityofhoonah.org, 24-hours prior to departure from or returning to the City of Hoonah, for consideration by the Hoonah City Administrator, Hoonah Mayor and Hoonah Chief of Police, a written statement from the resident’s doctor stating that the resident caregiver must accompany and assist another resident with travel for the medical care, as described in Section 4, paragraph (a)(vii) of this Resolution, outside the City of Hoonah and a signed copy of the Hoonah Mandatory 14-day Quarantine Agreement;

ix) A resident guardian and child of the City of Hoonah departing or returning because of a legally enforceable agreement or order for a child custody exchange, that show no signs or symptoms of COVID-19, and that emails the Hoonah City Administrator at dgray@cityofhoonah.org, 24-hours prior to departure from or returning to the City of Hoonah, for consideration by the Hoonah City Administrator, Hoonah Mayor and Hoonah Chief of Police, a signed copy of the Hoonah Mandatory 14-day Quarantine Agreement;

x) A resident of the City of Hoonah returning to the resident’s home in the City of Hoonah that show no signs or symptoms of COVID-19 and that emails the Hoonah City Administrator at dgray@cityofhoonah.org, 24-hours prior to returning to the City of Hoonah, for consideration by the Hoonah City Administrator, Hoonah Mayor and Hoonah Chief of Police, a signed copy of the Hoonah Mandatory 14-day Quarantine Agreement;

xi) A resident of the City of Hoonah, that is not required to self-quarantine under this Emergency Resolution, may depart and return from the City of Hoonah boundaries for recreational purposes and commercial fishing on or around Chichagof Island, Alaska; and
b) Consistent with State Health Mandates 10.1 and 12 and the Alaska Small Community Emergency Travel Order, a person permitted to travel to and from the City of Hoonah under this Emergency Resolution from any other part of Alaska and another state or country, regardless of whether they have previously quarantined elsewhere in the State, upon arrival in Hoonah, must sign and be bound by a quarantine agreement, which says that the person will self-quarantine at their place of residence for a period of 14 days – self-quarantine is defined in Section 4(e) of this Emergency Resolution; and

c) If a person returning to Hoonah is not able to self-quarantine at their place of residence, required by Section 4(b) of this Emergency Resolution, because of the proximity of other persons, all persons at the residence must immediately and voluntarily self-quarantine for a period of 14 days – self-quarantine is defined in Section 4(e) of this Emergency Resolution; and

d) If a person enters a place of residence where a person is in self-quarantine, required by Section 4(b) and (c) of this Emergency Resolution, the person must immediately and voluntarily self-quarantine for a period of 14 days – self-quarantine is defined in Section 4(e) of this Emergency Resolution; and

e) Self-quarantine is defined as using standard hygiene and washing hands frequently, not sharing things like towels and utensils with other household members, staying at your place of residence, not going to public places, not having visitors at your place of residence, and staying at least six feet from other people in your household.

Section 5. Social Distancing. 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 Hoonah City Council advises and requires that:

a) Consistent with State Health Mandate 11, all persons in the City of Hoonah boundaries, except for those engaged in essential health care services, public government services, and essential business activities, are required to remain at their place of residence and practice social distancing – social distancing is defined as maintaining a distance of six feet or greater from any individuals with whom you do not currently reside, and abide by the following:

i) Work from home as much as possible;

ii) Immediately isolate any family member who is ill;

iii) Outdoor activity (e.g. walking, hiking, bicycling, running, fishing or hunting) is permitted when a distance of six or more feet can be maintained between persons not in the same household;

iv) Any person who exhibits symptoms of illness must not leave their place of residence, including to work, except as necessary to seek or receive medical care;

v) Practice good hygiene, including regular handwashing; and

vi) All persons shall cease participation in public or private gatherings that include non-household members, regardless of the number of people involved; and
b) Consistent with State Health Mandate 9.1, with the exception of essential health care services, all businesses, congregations, or gatherings in the City of Hoonah where individuals are within six feet of each other must cease operations; and

c) Consistent with State Health Mandate 16 and Attachments D – H of Health Mandate 16, activities and business listed in Attachments D – H may resume in Hoonah under the conditions and guidance provided in Attachments D – H.

Section 6. Hoonah Supply Chain. Residents should have enough food in their pantry that they don’t need to go shopping frequently, residents are ordered to not panic or hoard, Hoonah’s critical supply chain is intact and no disruptions are expected, and essential businesses will remain open.

Section 7. Cloth Face Covers. Consistent with the Center for Disease Control and Prevention recommendations for cloth face covers, along with maintaining a distance of six or more feet, it is recommended that persons in the City of Hoonah wear cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery store and public docks). Cloth face coverings can be fashioned from household items or made at home from common materials.

Section 8. Education and Enforcement. 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 Hoonah City Council advises that:

a) Residents are encouraged to educate people in the City of Hoonah and request, without force, that people comply with the restrictions and recommendations in this Resolution;

b) A violation of a State Health Mandate may subject a business or organization to an order to cease operations and/or a civil fine of up to $1,000 per violation, and in addition to the potential civil fines, a person or organization that fails to follow the State Health Mandates designed to protect the public health from the dangers of COVID-19 and its impact may, under certain circumstances, also be criminally prosecuted for Reckless Endangerment pursuant to Alaska Statute 11.41.250; and

c) Reckless endangerment is defined as follows:

i) A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person; and

ii) Reckless endangerment is a class A misdemeanor (pursuant to Alaska Statute 12.55.135, a defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year, and pursuant to Alaska Statute 12.55.035, a person may be fined up to $25,000 for a class A misdemeanor, and a business organization may be sentenced to pay a fine not exceeding the greatest of $2,500,000 for a misdemeanor offense that results in death, or $500,000 for a class A misdemeanor offense that does not result in death); and
d) the City of Hoonah 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” (HCC 03.28.060) 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” (HCC 03.28.040 and 03.44.020), with respect to activities within the City boundaries.

Section 9. Effective Date. Consistent with AS 29.35.030(c), this Emergency Resolution shall be effective immediately upon adoption by the Hoonah City Council and shall remain in effect for sixty (60) days, or until COVID-19 is no longer declared a Federal or State emergency, whichever occurs first. The Council may meet to assess the status of the outbreak emergency and consider amending or renewing this Emergency Resolution, as necessary and appropriate, to protect the public health, safety, and welfare.

Section 10. Classification. This Resolution is not permanent in nature and shall not become a part of the Hoonah City Code.

PASSED AND APPROVED BY A DULY CONSTITUTED QUORUM OF THE HOONAH CITY COUNCIL THIS 23rd DAY OF April, 2020.

Gerald Byers, Mayor

ATTEST:

Jennifer Bidiman, City Clerk

VOTING:

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