



<b>TRANSMITTAL MEMORANDUM</b>
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TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: June 24, 2020

RE: **Ordinance No. 20-1916 – Declaring An Emergency And Requiring Cloth Face Coverings in Public Due To The COVID-19 Pandemic; And Establishing An Effective Date**

At its meeting of June 18, 2020, the City Council directed staff to prepare an emergency ordinance requiring face coverings be worn in public places within City limits. The attached ordinance was prepared by City Attorney Mitch Seaver, who requested that it be placed before the City Council for consideration at its meeting of July 2, 2020. If adopted, Ordinance No. 20-1916 provides for mandating cloth coverings be worn in public places through November 1, 2020.

Following the June 18, 2020 City Council meeting, Councilmember Bergeron contacted my office to inquire if it would be possible for the City to supply facemasks to residents should Ordinance No. 20-1916 be adopted. Attached for City Council review are EOC Incident Commander Abner Hoage's initial thoughts regarding how facemasks might be provided.

Pursuant to Section 2-14 of the City Charter, at least five affirmative votes will be required to pass the ordinance.

Attorney Seaver will attend the City Council meeting of July 2, 2020, in order to address any questions and/or concerns that Councilmembers may have.

### **RECOMMENDATION**

It is recommended the City Council adopt the motion approving Ordinance No. 20-1916 declaring an emergency and requiring cloth face coverings in public due to the COVID-19 pandemic; and establishing an effective date.

**Recommended Motion:** I move the City Council approve Ordinance No. 20-1916 declaring an emergency and requiring cloth face coverings in public due to the COVID-19 pandemic; and establishing an effective date.

**THE CITY OF KETCHIKAN, ALASKA**

**ORDINANCE NO. 20-1916**

**AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE  
CITY OF KETCHIKAN DECLARING AN EMERGENCY AND  
REQUIRING CLOTH FACE COVERINGS IN PUBLIC DUE TO  
THE COVID-19 PANDEMIC; AND; ESTABLISHING AN  
EFFECTIVE DATE;**

**RECITALS**

**A. WHEREAS**, the United States Centers for Disease Control (CDC) has determined that COVID-19, is a respiratory disease that can result in serious illness or death and that it is a new strain of coronavirus not previously identified in humans; and

**B. WHEREAS**, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 on January 31, 2020, retroactively applicable to January 27, 2020; and

**C. WHEREAS**, on March 11, 2020 Alaska Governor Mike Dunleavy issued a declaration of public disaster emergency in response to the anticipated outbreak of COVID-19 in Alaska, in order to ensure that the public is educated about the public risk; and

**D. WHEREAS**, the United States Centers for Disease Control and Prevention and the Alaska Department of Health and Social Services have recommended that members of the public, when they need to interact with others outside the home, should cover the mouth and nose to prevent inadvertently spreading COVID-19; and

**E. WHEREAS**, one key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, speak, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others; and

**F. WHEREAS**, wearing a cloth face covering, in combination with physical distancing of at least 6 feet and frequent hand-washing, may reduce the risk of transmitting the COVID-19 virus when in public and engaged in necessary activities by reducing the spread of respiratory droplets; and

**G. WHEREAS**, reopening Alaska's economy has increased the risk of the spread of COVID-19; and

**H. WHEREAS**, the adoption of an ordinance requiring all persons within the City to wear cloth face coverings when in public places where adequate physical distancing cannot be maintained is necessary to protect public health and safety.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:**

**Section 1: Findings.** The matters set forth in the above Recitals are hereby adopted as the findings of the Council.

**Section 2: Emergency.** Pursuant to Charter Section 2-14 the Council hereby declares that a public health disaster emergency exists due to the COVID-19 pandemic and that the provisions of this ordinance are necessary to immediately respond to that emergency in the interest of public health, safety and welfare.

**Section 3: Face Coverings Required.** Effective July 12, 2020 at 8:00 a.m. every person must wear a cloth face covering that completely and snugly covers the person's nose and mouth when the person is in public and cannot easily maintain a continuous distance of at least six feet from all other persons. For purposes of the ordinance:

- A. A "cloth face covering" may be manufactured, sewn by hand or improvised such as a scarf or bandana and does not include any mask that incorporates a one-way valve that is designed to facilitate easy exhaling.
- B. The term "in public" means in any place, indoors or outdoors, other than a person's own home (including residing in a domestic abuse shelter) which includes, but is not limited to, businesses or other establishments or locations where people congregate or members of the general public may enter; offices; public buildings; highways; parks; motor vehicles, watercraft and public transportation, including taxicabs and ride sharing.

**Section 4: Exemptions.** The following persons are exempt from the requirements set forth in Section 3 of this ordinance:

- A. Children under the age of 5. Parents, guardians or others with custody or control are responsible for ensuring that children between the ages of 5 and 17 wear appropriate face coverings when required under this ordinance. Any child age two years or less must not wear a face covering due to the risk of suffocation.
- B. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes, but is not limited to, persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.
- C. Persons who are hearing impaired and use face and mouth movements as part of communication and persons who are communicating with a person who is hearing impaired, where the ability to see the face and mouth is essential for communication.

- D. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- E. Persons who are obtaining a service that requires for temporary removal of the face covering.
- F. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household as the person.
- G. Any member of a group of persons who are in a public place together and live in the same household so long as the group can easily maintain a continuous physical distance of at least 6 feet from all other persons not part of the same household.
- H. Persons who are engaged in outdoor work, recreation or exercise, when alone or as part of a group of people who live in the same household so long as they are able to easily maintain a continuous physical distance of at least 6 feet from all other persons not part of the same household.
- I. Persons who are incarcerated.
- J. Persons who are swimming.

#### **Section 5: Refusal of Entry.**

Persons with the authority to control places open to the public and in which continuous physical distancing of at least 6 feet between persons cannot be easily maintained may refuse to allow a person who is not exempt under Section 4 and who is not wearing a cloth face covering to enter the premises and may request that a person on the premises leave if the person is not exempt under Section 4 and is not wearing a cloth face covering.

#### **Section 6: Violations - Penalty.**

(a) It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this ordinance shall upon conviction thereof be punished by a fine of not more than \$500.00. Each such person shall be guilty of a separate offense for each separate instance that any violation of any provision of this ordinance is committed, continued, or permitted by such person and shall be punished accordingly.

(b) In addition to any fines or other penalties imposed under this ordinance, any person violating any of the provisions of this ordinance shall pay any surcharges required

by law. Such surcharges shall be collected in the same manner as fines or by such other means as may be practical.

**Section 7: Savings Clause.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

**Section 8: Effective Date - Duration.** This ordinance shall become effective immediately upon final passage and remain effective until November 1, 2020 unless earlier extended by the Council by ordinance or rescinded by a motion of the Council.

FINAL PASSAGE \_\_\_\_\_.

\_\_\_\_\_  
Robert Sivertsen, Mayor

ATTEST:

\_\_\_\_\_  
Kim L. Stanker  
City Clerk

FYI: Bracketed language is intended to be removed from the existing ordinance, and underlined language in bold type is intended as an addition to the existing Ketchikan Municipal Code.

EFFECTIVE DATE: *			
ROLL CALL	YEA	NAY	ABSENT
BERGERON			
CHAPEL			
COOSE			
FLORA			
GAGE			
KIFFER			
ZENGE			
MAYOR			

## Karl Amylon

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**From:** Abner Hoage  
**Sent:** Tuesday, June 23, 2020 4:56 PM  
**To:** Karl Amylon  
**Subject:** Masks for Public

Karl,

We currently have about 4,000 masks which could be made available to the public. In my opinion the best way to do this would be to distribute them at the various public facilities where hand sanitizer refill stations are located and maybe through the major retail and customer service type locations like Walmart, A&P, Safeway, the Plaza, etc.

*Abner L Hoage*

Incident Commander  
Ketchikan Emergency Operations Center/Unified Command  
KTN 2020 COVID-19  
Phone: 907-228-2361

**Section 2-14 Ordinances: Emergency**

An emergency ordinance is an ordinance which, in the judgment of the council, is necessary for the immediate preservation of the public peace, health or safety, and which should become effective before an ordinary ordinance would become effective. Every such ordinance shall contain, as a part of its title, the words, "and declaring an emergency"; and in a separate section, herein called the emergency section, shall declare the emergency. An affirmative vote of at least five members of the council shall be required for the final passage of an emergency ordinance.



# "UNAPPROVED"

June 18, 2020

## Exempting the Procurement of the Electric Division Supervisory Control and Data Acquisition (SCADA) System Upgrade from the Competitive Bidding/Written Quotation Requirements of the Ketchikan Municipal Code – Award of Contract No. 20-14 to Open Systems International Inc. (OSI)

Moved by Zenge, seconded by Gage pursuant to subparagraph 6 of Section 3.12.050(a) of the Ketchikan Municipal Code, the City Council exempt the procurement of the Electric Division Supervisory Control and Data Acquisition (SCADA) System Upgrade from the competitive bidding and written quotation requirements of the Ketchikan Municipal Code; authorize the general manager to enter into Contract No. 20-14 for the acquisition of such SCADA upgrade services with Open Systems International Inc. in the amount of \$385,230; approve additional funding in the amount of \$8,770 for Electric Division staff participation in Factory Acceptance Training at the OSI facility located in Minneapolis, Minnesota, bringing the total procurement cost to \$394,000; and authorize funding from the Electric Division's OSI SCADA Upgrade Capital Account.

Motion passed with Gage, Zenge, Flora, Chapel, Coose, Bergeron and Kiffer voting yea.

UNFINISHED BUSINESS - None

## NEW BUSINESS

### Introduction of New PeaceHealth Ketchikan Medical Center Chief Administrative Officer Dori Stevens

Dori Stevens said she is the new Chief Administrative Officer (CAO) at PeaceHealth Ketchikan Medical Center. She indicated she has more than 30 years' experience in healthcare leadership. She said she joined PeaceHealth Ketchikan as health systems across the country faced the challenges presented by COVID-19, and as the virus impacted the Ketchikan community. She stated she has approached this stressful time in healthcare as a leader of a united team, and plans to assist any way she can during this difficult time. She informed she looked forward to sharing an update on the medical center's COVID-19 response and recovery efforts with you on July 2, 2020 during our scheduled quarterly presentation. She said she welcomed any questions or concerns from the Council may have, and thanked them for their time.

### Ongoing Review and Discussion of Cruise Related Issues – Councilmember Bergeron

Placeholder - no discussion.

### Ongoing Review and Discussion of State of Alaska COVID-19 Health Mandates – Councilmember Bergeron

Councilmember Bergeron said with the increased traffic from the lower forty-eight and the spike in the number of local COVID-19 cases, he would like support from the Council to bring an emergency ordinance forward for the first meeting in July to mandate the wearing of facemasks in public places. He felt with everything he has read indicates the wearing of facemasks would drastically reduce the spread of COVID-19. He felt that wearing a facemask would help the people who have weakened immune systems and breathing issues from contracting COVID-19. He said as we now know there are people out there that don't follow the rules, which put all of us in danger.



## "UNAPPROVED"

June 18, 2020

EOC Manager Hoage said the EOC has updated their dashboard and daily testing count format, and some of the numbers are recorded slightly different and some of the graphs have gone away. He pointed out changes where they report the number of cumulative cases, and the number of cases that are local and non-local. He shared information on why the elderly are on continued lock down, noting he has contacted Juneau about this and has spoken with Dee Wright a couple of times. He felt this is an issue that needs to be addressed. He indicated what Ms. Wright is referring to is regarding a health advisory that closed the congregate care settings, and the state office that funds and licenses those programs cannot open up services because of that health advisory. He felt Ms. Wright makes an important point regarding the mental health and well-being of those individuals, and will update the Council as the information becomes available. He re-summarized the current state mandates regarding the quarantine periods and testing for individuals arriving in Ketchikan.

Mayor Sivertsen questioned the number of individuals arriving in Ketchikan per day. He indicated as we open up for business in Alaska with regards to the impacts of the small cruise ships versus the same number of passengers arriving at the airport every day, noting the cruise ships have a plan in place where the passengers arriving at the airport don't.

EOC Manager Hoage informed since we began testing the inbound flights that are northbound they have met 33 flights since June 6, 2020. He informed 488 initial screening tests have been given to people arriving and 48 voucher tests have been given at the airport site. He informed we are testing between 30 and 50 people arriving per day, and the daily arrivals are between 100 and up to 140 passengers, noting that number includes southbound flights too. He said a good number are arriving with a test that turn their paperwork in with a greeter on either side and can be on their way.

Councilmember Coose indicated we have a problem of not being able to move our elders out where they want to go and questioned why can't we use some of the CARES Act Relief funding or City money to get them a cab.

In answer to Councilmember Coose, EOC Manager Hoage stated the programs the elders are going to are currently not funded or operating. He indicated if they started operating without permission they would risk the loss of their licensing to continue operating. He said he would reach out to Ms. Wright to see if there is something we can do to help solve this issue locally, and in the meantime wait for a response from the email he sent to the Department of Health and Social Services (DHSS) and to Commissioner Adam Crum asking for updated information on what they plan on doing in relation to the current health advisory and allowing these places to re-open.

Mayor Sivertsen informed the Alaska Commission on Aging held a meeting today with several staff members of the DHSS to talk about this issue. He indicated the State is aware of the issue and the mental health of our seniors that are affected by this health advisory, and they are moving with caution because national statistic shows this group of people has a higher mortality rate once infected. He stated they are very aware of the issue, and are talking with providers.

Councilmember Flora questioned if the people who are arriving at the airport that are being tested are honoring the mandate period until they get their test results.

In answer to Councilmember Flora, EOC Manager Hoage said they are supposed to, but it is on an honor system for quarantining.



## "UNAPPROVED"

June 18, 2020

Councilmember Flora asked what we can do to improve the process so we don't have a repeat of what happened last weekend.

Manager Amylon said relative to the incident that Councilmember Flora is referring to, that matter is currently under investigation with possible prosecution forth coming by the Police Department and the District Attorney's office.

Councilmember Flora said like it or not this may be the risk we are going to take as we open Ketchikan up for business, and felt the community needs to be aware of it. He said this may speak to Councilmember Bergeron's suggested ordinance regarding facemask be worn. He said he has concerns there could be a repeat of this past incident.

Councilmember Bergeron explained if we want to get back into the cruise lines business, have our schools in regular session and control the outbreaks we need to require the use of facemasks. He said as time has passed he has seen less and less folks wearing masks and they are becoming too relaxed.

Councilmember Chapel felt we could have done more to prevent this as we have already had this same conversation several months ago. She indicated we should support Councilmember Bergeron's ordinance request to prevent another outbreak. She said she would like to continue to be proactive in that sense and if things have changed can we now get a list of persons coming into Ketchikan. She felt we could be more proactive and positive by doing wellness checks for these people, or maybe just picking up groceries for them.

EOC Manager Hoage said the only thing they are allowed to do with the traveler's declaration at this point is turn them over to public health.

Councilmember Chapel questioned if there is a way to create a second list.

In answer to Councilmember Chapel, EOC Manager Hoage said he would have to check with the attorney's office to see if this something we are allowed to do or not.

Councilmember Gage asked for clarification regarding Councilmember Bergeron's support for an ordinance if wearing of a facemask would be a requirement.

In answer to Councilmember Gage, Councilmember Bergeron stated he would like it mandated in public places. He informed there are many at risk people in this town and the fact it is just a suggestion, people aren't doing it.

Mayor Sivertsen suggested the possibly of installing mask station at stores, and possibly doing a campaign and/or PSA's.

Councilmember Bergeron said he was in favor of mandating mask, which means people would be protecting each other, and that it is the responsible thing to do. He felt by doing this we are doing our part and would like the ordinance to move forward along with a discussion at the July 2, 2020 meeting.

Councilmember Zenge asked for a show of four hands to move forward with a draft ordinance to mandate the wearing of facemasks in public places, and at least four hands were shown.