Introduced by: Mayor DeWitt
Introduction and Public Hearing Date: February 9, 2021
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

EMERGENCY ORDINANCE #21-05

AN ORDINANCE BY THE BETHEL CITY COUNCIL REPEALING AND REPLACING TESTING AND QUARANTINE MANDATES IN EMERGENCY ORDINANCES 20-39, 20-36, 20-33

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has identified COVID-19 as a significant public health risk;

WHEREAS, the Yukon-Kuskokwim Delta region is home to over fifty (50) small and remote communities which are located off the road system and which have limited medical infrastructure;

WHEREAS, since May 2020, the Yukon-Kuskokwim Health Corporation (YKHC) has offered voluntary COVID-19 testing at the Bethel Airport for all persons arriving from outside the Yukon-Kuskokwim Delta region to Bethel and has increased accessibility to testing on its campus;

WHEREAS, Bethel City Council finds it is necessary to apply state public health mandates regarding travel to Bethel in order to contain the transmission of COVID-19 within its borders;

WHEREAS, Bethel City Council has the authority to implement temporary local travel mandates relating to air travel to Bethel from outside the Yukon-Kuskokwim Delta region to mitigate COVID-19 within its borders and to protect the health of its residents based upon the following:

- Federal, State, and Local authorities have declared COVID-19 to be a public health disaster emergency;
- AS 26.23.020(e), the State of Alaska Operations Plan, and the City of Bethel Emergency Operations Plan enable the City of Bethel to respond in times of a public health emergency;
- According to AS 26.23.060(h), a "political subdivision" permitted to act under AS 26.23 includes a municipality like Bethel, which has adopted and exercised certain "health and safety" and "public peace, morals, and welfare" powers both through its Emergency Operations Plan and under Titles 1, 8, and 9 of the Bethel Municipal Code;

- The "City of Bethel COVID-19 Emergency Rules and Procedures" adopt temporary requirements that are necessary and reasonable to protect public health and safety within the City and are narrowly tailored to limit the impact of these measures on the economic and personal liberties of all individuals and entities to which they apply;
- The Alaska Constitution, article X, section 1, provides that a liberal construction shall be given to the powers of local government units.
- Alaska Statute 29.25.030 expressly grants local communities the authority to adopt an emergency ordinance to meet a public emergency;
- Alaska Statute 29.35.260 permits a city outside a borough to exercise a power not otherwise prohibited by law;
- The Alaska Attorney General issued a guidance statement supporting a second-class city's authority to enact local mitigation measures during a public health emergency;
- In COVID-19 Outbreak Health Order No. 8, issued January 15, 2021, the Governor expressly delegated the power to enact local travel restrictions to local communities, with the exception of measures that prevent travel for Critical Personal Needs or the Conduct of Essential Services/Critical Infrastructure;
- The Governor and the Department of Health and Social Services have recognized the heightened risk of COVID-19 to residents of small, remote communities with limited medical infrastructure, and have supported a policy that provides small communities with the flexibility to enact public health mandates tailored to their particular circumstances. See COVID-19 Outbreak Health Order No. 8, as amended.

WHEREAS, the Bethel Census area still has one of the highest COVID-19 case rates per capita in the nation; we have lost many people and the long-term health problems of those who have recovered are still unknown;

WHEREAS, we must take steps to continue to protect our community and region from further harm and loss;

WHEREAS, nothing in this order is enacted to prevent, delay, or limit emergency travel by Law Enforcement Officers, healthcare workers, or personnel from the Office of Children's Services.

NOW, THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, as follows:

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The Bethel City Council hereby adopts the City of Bethel Emergency COVID-19 Rules for Traveler Testing upon arrival to Bethel as follows:

Section 1. Travel Prohibited. Anyone who is currently infected with SARS-CoV-2 virus must not travel to Bethel until they are cleared from isolation by a medical professional or unless otherwise authorized by a medical professional for medical reason or detained by State of Alaska Department of Corrections.

Section 2. Testing and Quarantine Requirement. When traveling to Bethel:

i. Travelers shall get a molecular test for SARS-CoV-2 within 72 hours prior to travel to Bethel and be able to present upon arrival into Bethel proof of that negative test. The traveler should not commence travel to Bethel without a negative test result in hand. If traveler remains in Bethel for five days, on the fifth day, the traveler shall get a molecular test for SARSCoV-2 and follow strict social distancing until negative test results are received.
ii. If travel to Bethel cannot be delayed until the test result is available, or if the traveler was outside of Bethel for less than 72 hours, the traveler must get a molecular test for SARS-CoV-2 upon arrival to Bethel. If at the time of arrival, a testing location is not open or available, the traveler must get tested at the next available opportunity. All travelers without a negative test upon arrival to Bethel shall follow strict social distancing until they receive a negative result. If traveler remains in Bethel for seven days, on the seventh day, the traveler shall get a molecular test for SARSCoV-2 and follow strict social distancing until negative test results are received.
iii. If the traveler does not get a molecular test for SARS-CoV-2 in accordance with Subsection 2 i. or 2 ii., the traveler must conduct a full 14-day self-quarantine in their home upon their return, along with all other family members sharing the home.

Section 3. Testing Exemptions.

i. An asymptomatic traveler who has recovered from a documented SARS-CoV-2 infection within the past 90 days is exempt from travel testing.
ii. Children age 10 and under are exempt from the testing requirement.

Section 4. Quarantine Exemptions.

i. Critical Infrastructure Workers (CI) are exempt from strict social distancing requirements when traveling or returning to Bethel however, CI workers shall stay masked and socially distance from community residents, limit entry to facilities that are not part of the CI workers worksite or lodging. CI workers do not need to coordinate entry with the City of Bethel.

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Section 5. Definitions

"Critical Infrastructure Workers" means the Cyber and Infrastructure Security Agency (CISA) "Guidance on the Essential Critical Infrastructure Workforce." Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response (cisa.gov)

"Strict Social Distancing" means:

a. An individual may not enter restaurants, bars, gyms, community centers, sporting facilities, office buildings, and schools or daycare facilities, and/or may not participate in group activities with people outside of your immediate household.
b. To be in outdoor public place, an individual must remain six feet away from anyone not in their immediate household, and they must wear a face covering. The individual may arrange curbside shopping or have food delivery.

"Traveler" means any person arriving into Bethel regardless of point of entry, point of departure, whether by air or ground.

Section 5. Classification. This ordinance is not permanent in nature and is a non-codified ordinance that shall not become part of the Bethel Municipal Code.

Section 6. Effective and Expiration Date. This ordinance is effective immediately upon adoption by the City Council and shall remain in effect for a period of sixty (60) days.

ENACTED THIS 9 DAY OF FEBRUARY, 2021 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.

Michelle DeWitt (Feb 12, 2021 23:24 AKST)

Michelle DeWitt, Mayor

ATTEST:

Lori Strickler, City Clerk

Emergency Ordinance 21-05 Repealing And...ng Testing And Quarantine Mandates

Final Audit Report 2021-02-13

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