

Introduced by: Mayor Springer
Introduction and Public Hearing Date: February 8, 2022
Action: Does not carry
Vote: 4-3

CITY OF BETHEL, ALASKA

ORDINANCE #22-08

AN ORDINANCE BY THE BETHEL CITY COUNCIL EXTENDING TRAVEL TO BETHEL TESTING AND STRICT SOCIAL DISTANCING MANDATES AND EXEMPTIONS

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, Bethel City Council finds it is necessary to apply 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 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;

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- 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;
- 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.

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

WHEREAS, becoming up to date with the COVID-19 vaccine is highly recommended by our medical and health professionals it is a significant way to lower the positivity rate, reducing the likelihood of transmitting the illness to others and resulting in hospitalizations;

WHEREAS, up to date with the COVID-19 vaccination is when you have followed the current recommendations provided by the CDC;

WHEREAS, although molecular testing is more accurate, relaxing the requirement for travelers to have a molecular test prior to travel to Bethel will help ensure compliance from travelers as many communities that surround Bethel may not have access to molecular tests;

WHEREAS, on January 27, 2022, the CDC released new [Domestic Travel During COVID-19](#) recommendations for travelers as follows:

Travelers NOT Up to Date with COVID-19 Vaccines:

- Get a viral test as close to the time of departure as possible (no more than 3 days) before you travel.
- Get a viral test 3-5 days after returning from travel.
- Stay home and self-quarantine for a full 5 days after travel.

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All Travelers After Travel:

- Self-monitor for COVID-19 symptoms; isolate and get tested if the traveler develops symptoms.
- Follow all state, tribal, local, and territorial recommendations or requirements after travel.

Traveler Recently Recovered from COVID-19:

- Do not need to get tested or quarantine if travelers have recovered from COVID-19 in the past 90 days.

Do NOT Travel if:

- Sick.
- Tested positive for COVID-19.
- Until a full 10 days after symptoms started or the date of positive test was taken if the traveler had no symptoms.
- Waiting on results of a COVID-19 test.
- Had close contact with a person with COVID-19 and are recommended to quarantine.
 - Do not travel until a full 5 days after last close contact. Make sure test result is negative and remain without symptoms before traveling. If traveler does not get tested, avoid travel until a full 10 days after the last close contact with a person with COVID-19.

WHEREAS, the CDC also recommends people that have come into close contact with someone with COVID-19 should be tested to check for infection at least 5 days after they last had close contact with someone with COVID-19, the date of the last contact is considered day 0 (recommendation does not apply to individuals that have recovered from COVID-19 in the past 90 days);

WHEREAS, the CDC's recommendations are to check with the state or territorial and local health department, because the CDC is establishing recommendations for the nation as a whole;

WHEREAS, The Yukon Kuskowkim Health Corporation, through its [January 5, 2022 Community Advisory Update for Vaccinated and Unvaccinated People suggests:](#)

Before travel testing

- If you are vaccinated or unvaccinated.

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After travel for all travelers

- Testing 5 days after travel

WHEREAS, the Bethel City Council finds that a combination of the recommendations are necessary at this time as our community and region are seeing the highest case rates since the start of the pandemic;

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

The Bethel City Council hereby adopts the following "City of Bethel Emergency COVID-19 Rules for Travel to Bethel"

Section 1. Travel to Bethel Prohibited.

- i. Anyone who is currently infected with the 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.
- ii. Anyone who has come into close contact with someone with COVID-19 and is recommended to quarantine must not travel to Bethel until a full 5 days after the last exposure 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 Requirements for Travelers Not Up to Date with Their Vaccinations.

When traveling to Bethel:

- i. The traveler should get a viral test as close to departure as possible prior to travel to but no more than 72 hours prior to departure. The traveler should avoid commencing travel to Bethel without a negative test result. If a traveler is unable to get a viral test within 72 hours prior to travel, and/or the traveler does not have a negative test result prior to departure, the traveler shall get a viral test for SARS-CoV-2 as soon as possible following arrival to Bethel.
- ii. Upon arrival to Bethel the traveler shall quarantine for a full 5 days after travel and on the 5th day the traveler shall get a molecular test for SARSCoV-2. The date of travel is considered day 0.
- iii. If the traveler does not get a viral test for SARS-CoV-2, they shall quarantine for 10 days following arrival into Bethel.

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Section 3. Testing and Quarantine Exemptions for Travelers Not Up-To-Date with Their Vaccinations.

- i. Critical Infrastructure Workers (CI) are exempt from quarantine requirements when traveling or returning to Bethel; however, CI workers shall stay masked and socially distance from community residents, and 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.
- i. An asymptomatic traveler who has recovered from a documented SARS-CoV-2 infection within the past 90 days is exempt from travel testing and quarantine.
- ii. Children ages 2 and under are exempt from travel testing.

Section 4. Definitions

- i. "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 \(cisa.gov\)](https://www.cisa.gov/essential-critical-infrastructure-workforce-ensuring-community-and-national-resilience-in-covid-19-response)
- ii. "Quarantine" means avoiding contact with other people.
- iii. "Socially Distance" means:
- iv. An individual may not enter restaurants, bars, gyms, community centers, sporting facilities, office buildings, or schools or daycare facilities, and/or may not participate in group activities with people outside of their immediate household.
- v. To be in outdoor public place, an individual must remain six feet away from anyone not in their immediate household, and must wear a face covering. The individual may arrange curbside shopping or have food delivery.
- vi. "Traveler/Traveling" means any person arriving or returning into Bethel regardless of point of entry, point of departure, whether by air or ground but only if the traveler has come in contact with people that do not reside in Bethel during their travel.
- vii. "Up to Date with COVID-19 Vaccinations" means the most recent recommendations provided by the Centers for Disease Control and Prevention: [Stay Up to Date with Your Vaccines | CDC](https://www.cdc.gov/vaccines/imz/downloads/#/stay-up-to-date-with-your-vaccines).

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.