

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 _ IN FAVOR AND _ OPPOSED.

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

Perry Barr, Mayor

ATTEST:

Lori Strickler, City Clerk