



Council Members

- Chris Napoli (Seat A) • Bill Rodawalt (Seat B) • Kaleb Westfall (Seat C)
- Curt Armstrong (Seat D) • Andy Anderson (Seat E) • Gregg Marxmiller (Seat F)

DILLINGHAM CITY COUNCIL

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SPECIAL COUNCIL MEETING	10:00 A.M.	MARCH 26, 2020
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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **EMERGENCY BUSINESS**
 - a. Adopt Emergency Ordinance 2020-05; An Emergency Ordinance of the Dillingham City Council; 1) Establishing a Temporary Land Use District Called the Essential Air Travel District; 2) Limiting Permitted Uses Within the Essential Air Travel District to Those Persons Engaged in Essential Air Travel and 3) Requiring Certain Persons Disembarking at Planes in Dillingham to Self-Quarantine for Fourteen Days
5. **CITIZEN'S DISCUSSION**
6. **COUNCIL COMMENTS**
7. **MAYOR'S COMMENTS**
8. **ADJOURNMENT**

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CITY OF DILLINGHAM, ALASKA

EMERGENCY ORDINANCE NO. 2020-05

AN EMERGENCY ORDINANCE OF THE DILLINGHAM CITY COUNCIL; 1) ESTABLISHING A TEMPORARY LAND USE DISTRICT CALLED THE ESSENTIAL AIR TRAVEL DISTRICT; 2) LIMITING PERMITTED USES WITHIN THE ESSENTIAL AIR TRAVEL DISTRICT TO THOSE PERSONS ENGAGED IN ESSENTIAL AIR TRAVEL AND 3) REQUIRING CERTAIN PERSONS DISEMBARKING AT PLANES IN DILLINGHAM TO SELF-QUARANTINE FOR FOURTEEN DAYS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Legislative Findings:

1. The United States Center for Disease Control and Prevention ("CDC") has identified the COVID-19 virus as a new strain of coronavirus not previously identified in humans, causing respiratory disease that can result in serious illness or death and which poses a significant public health risk.

2. On March 11, 2020, the World Health Organization declared a pandemic related to COVID-19.

3. The Covid-19 pandemic is being compared to the 1918 flu pandemic.

4. On March 11, 2020, Governor Mike Dunleavy declared a Public Health Disaster Emergency in the State of Alaska; and

5. On March 19, 2020, the Dillingham City Council approved the closure of certain public facilities through April 5, 2020 and adopted Resolution 2020-11 Declaring a Public Health Disaster Emergency per AS 26.23.140 and Dillingham Municipal Code Section 2.64.0020(B) to exist in Dillingham.

6. On March 13, 2020, President Donald Trump declared a National Emergency.

7. The CDC has recommended all persons at higher risk for COVID-19 complications avoid all nonessential air travel.

8. On March 20, 2020 the United States State Department issued a Level 4 Travel Advisor "Do Not Travel" advising all United States citizens to avoid all international travel due to the global impact of Covid-19; and

9. On March 17, 2020, the Governor of the State of Alaska issued Covid-19 Health Mandate 004 "to prevent or slow the spread of Coronavirus Disease" which mandated a 14 day self-quarantine for persons traveling from CDC Level 3 Travel Health Notice Areas

10. As of the date of adoption of this Emergency Ordinance, the only access to and from Dillingham from other places in the world is by snow machine over land and through regularly scheduled or chartered air services which use the Dillingham Airport.

11. As of the date of this Emergency Ordinance there are no known cases of Covid-19 in Dillingham.

12. As of Sunday March 22 there were 13 confirmed cases of Covid-19 in Anchorage.

13. The most effective way to prevent introduction of the Covid-19 virus to Dillingham is through prevention of persons from outside Dillingham who are infected with Covid-19 from entering Dillingham through the Dillingham Airport Terminal.

14. The CDC and federal and state health authorities have recommended all persons practice “social distancing” by remaining at least a six foot separation from other persons at all times and;

15. It is frequently not possible to maintain a six foot separation from other persons when using commercial air services between Dillingham and Anchorage or Dillingham and other cities in the Bristol Bay region due to the small size of the aircraft used to provide air transportation.

16. The President’s Coronavirus Guidelines for America recommends that people AVOID SOCIAL GATHERINGS OF MORE THAN TEN PEOPLE.

17. Traveling by air between Dillingham and other locations in Alaska frequently involves social gatherings of more than ten people.

18. The President’s Coronavirus Guidelines for America recommends persons “AVOID DISCRETIONARY TRAVEL”.

19. The President’s Coronavirus Guidelines for America recommends persons LISTEN TO AND FOLLOW THE DIRECTIONS OF YOUR STATE AND LOCAL AUTHORITIES.

20. On March 19 the Emergency Room medical directors of Joint-Base Elmendorf Richardson Hospital, Providence Alaska Medical Center, Alaska Regional Hospital, the Alaska Native Medical Center, Fairbanks Memorial Hospital, Bartlett Regional Hospital, the Mat-Su Regional Medical Center, the Central Peninsula Hospital, the President of the Alaska Chapter of the American College of Emergency Physicians and the Immediate Past President of the Alaska Chapter of the American College of Emergency Physicians recommended an immediate statewide ban on non-essential air travel to and from Alaska and immediate consideration of a similar ban on non-essential air travel within Alaska as a reasonable and prudent measure to reduce the impact and spread of coronavirus.

Section 2. Finding of Emergency. The City Council hereby finds the facts set forth in Section 1 constitute an emergency.

Section 3. Authority. This ordinance is enacted pursuant to the general police powers of the City of Dillingham and the City’s authority to establish land use regulations to protect the public

health and general welfare of persons in Dillingham under Section 18.08.010 of the Dillingham Municipal Code.

Section 4. Establishment of Essential Air Travel District. The Essential Air Travel District is hereby created. The Essential Air Travel District encompasses that property beginning at the southerly intersection of West Airport Road and Airport Road then continuing on West Airport Road until the intersection of West Airport Road and North Airport Boundary Road then southerly along Airport Road until again intersecting with West Airport Road and those parcels of property adjacent thereto numbered 620, 638, 708, 720, 732, 750, 812 and 820 on the City of Dillingham Public Map.

Section 5. Permitted Use. No person intending to fly out of Dillingham may enter the Essential Air Travel District unless that person is:

A. Identified as a critical infrastructure worker in the Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 1.0 issued by the Department of Homeland Security dated March 19, 2020 (Critical Infrastructure Workers) and is traveling solely to perform critical infrastructure work; or

B. Is being flown to Anchorage for critical medical care; or.

C. Is providing transportation to the Essential Air Travel District for a Permitted Use.

Section 6. Prohibited Use. No person other than a Critical Infrastructure Worker or a person who has been flown to Dillingham to receive critical medical care may disembark at the Dillingham Airport and enter the Essential Air Travel District.

Section 7. Finding of Probable Cause. There is probable cause to believe that the circumstances set forth in this Order mean any delay in seeking a state-ordered or judicially-ordered quarantine would pose a clear and immediate threat to public health such that a limited quarantine of a group of individuals is the least restrictive alternative and is necessary to prevent, reduce or limit the spread of the corona virus within Dillingham.

Section 8. Mandatory Quarantine. In addition to the limitations on use of property within the Essential Air Service District set forth above, this order imposes a quarantine on the following identified group of individuals (“Quarantine Group”):

Any person disembarking at the Dillingham Airport whose air transportation originated from another location within Alaska and who has entered the Essential Air Travel District in violation of Section 6 shall self-quarantine for a period of 14 days upon arriving at their destination and, monitor for symptoms of illness.

Section 9. State Mandated Quarantine. Persons arriving at Dillingham whose air transportation originated outside Alaska shall comply with the State ordered quarantine issued by Governor Dunleavy on March 23, 2020.

Section 10. Court Hearing. Any individuals in the Quarantine Group may request a court hearing to challenge the limitations imposed by this order within forty-eight hours after their arrival in Dillingham using procedures set forth in AS 18.15.385(f), (g) and (h) incorporated herein by reference.

Section 11. Enforcement. Violations of this Emergency Ordinance shall be enforced pursuant to Chapter 18.60.010(D) based on personal observation of city police officers or on information supplied to city police officers by the city manager or planning director.

Section 12. Code Provisions Superseded. This ordinance supersedes any inconsistent ordinances, rules or regulations of the City of Dillingham including, but not limited to Section 18.20.040 procedures for changing land use districts.

Section 13. Effective Date. This ordinance is effective March __, 2020 at __: __ .m. and shall continue in effect until April __, 2020 unless extended by action of the city council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on March 26, 2020.

SEAL:

Alice Ruby, Mayor

ATTEST:

Lori Goodell, City Clerk

2.15.020 Emergency ordinances.

The council may adopt ordinances effective on adoption for a period of sixty days under AS 29.25.030. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The council must print and make available copies of adopted emergency ordinances pursuant to Section 2.12.050.

Emergency ordinances shall not be incorporated into the Dillingham Municipal Code unless the council, by resolution, determines that rights, duties or liabilities established during the effective period of the emergency ordinance will continue after the expiration of the emergency ordinance and be of substantial continuing importance to the city and community after expiration. The resolution shall specify a date beyond which the ordinance need not be incorporated in the Dillingham Municipal Code or a statement setting forth the reasons why the emergency ordinance will have a continuing effect, despite its expiration date. All emergency ordinances shall be included in a Temporary and Special Acts compilation of city ordinances.

An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services. (Ord. 84-8, 1984; Ord. 86-8 § 1, 1986.)