



CITY OF NUIQSUT

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CITY OF NUIQSUT PROCLAMATION OF EMERGENCY ORDER EO-11 IN RESPONSE TO COVID-19

ISSUED BY THE MAYOR OF THE CITY OF NUIQSUT ("CITY") PURSUANT TO CITY OF NUIQSUT RESOLUTION 20-03.

The COVID-19 pandemic has generated a public health emergency that threatens to overwhelm the health system of the entire State of Alaska. Furthermore, the City has limited health resources and we must take steps to slow and contain the threat; such steps require coordinated community action. This order is put forward to preserve the health and safety of our community.

PURSUANT TO THE AUTHORITY GRANTED TO ME BY THE CITY COUNCIL UNDER RESOLUTION 20-03, I HEREBY PROCLAIM THE FOLLOWING EMERGENCY REGULATIONS TO BE EFFECTIVE AS OF 11:00 P.M. ON FRIDAY, MAY 7, 2021, TO PRESERVE LIFE IN AND ADJACENT TO THE CITY. THE FOLLOWING EMERGENCY REGULATIONS HAVE THE POWER OF LAW, SHALL REMAIN IN EFFECT UNTIL 11:59 P.M. ON FRIDAY, AUGUST 6, 2021, AND SHALL SUPERCEDE ALL CONFLICTING LAWS DURING THE EXISTENCE OF THIS EMERGENCY. [EO-10 IS SUPERCEDED BY THIS EO-11.]

Preamble

The City of Nuiqsut was incorporated as a Second Class City in 1975 under the laws of the State of Alaska. The State of Alaska DCRA certified population in 2018 of Nuiqsut was 481.

Article X, Local Government, Section 1, Purpose and Construction, of the Alaska Constitution, provides, "*The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.*"

The villages around Nome were decimated by the 1918/1919 Spanish Flu pandemic where on October 20, 1918, a flu virus was introduced into Nome by persons traveling to Nome on the S.S. Victoria which killed 162 Native Alaskan residents of Nome in eight days; during the same 1918 flu pandemic only 80 of 150 residents of Teller, near Nome, survived; during the 1918 flu pandemic 170 out of 310 residents of Wales, near Nome, died; however, during the 1918 flu pandemic in the Nome area, the villages of Shishmaref and Shaktoolik by posting guards and enforcing a rigid quarantine were not infected with the flu virus.

As previously posted on November 16, 2020, on the State of Alaska website, **Health Order 8: Intrastate Travel**, the City of Nuiqsut will continue to place community restrictions on Critical Infrastructure workers who will be allowed to travel into Nuiqsut, but who must follow safety plans.

CITY OF NUIQSUT EMERGENCY ORDER EO-11

1. All residents of the City of Nuiqsut shall practice social distancing, practice good personal hygiene as much as possible, and wear a mask or face covering, even if vaccinated, in all public areas in-order-to minimize the spread of COVID-19.
2. Residents should work responsibly at their places of work and observe the practices set out in 1, above.
3. It is strongly recommended, in accordance with the Center for Disease Control guidance, that certain residents should take even greater precaution: Anyone particularly at-risk from COVID-19 should reduce exposure by staying home, not physically going to work, and not doing their own shopping, if possible. These include any individuals 60 years of age and older, and individuals with a serious underlying medical condition. Members of households with these individuals should also implement these more stringent guidelines.
4. If you are sick or suspect you may have the COVID-19 virus, and have a fever, cough or difficulty breathing, call the Uyagagvik Health Clinic before you go to there and follow directions given to you by the health aides. This will help prevent the disease from spreading to people in your home and our community.
5. All residents who are returning home from any other location MUST, for their protection and the health and safety of their families, friends, and residents of Nuiqsut, obtain a COVID-19 test before departing for their trip to Nuiqsut or complete a COVID-19 test at the Uyagagvik Clinic and quarantine while waiting for results. Quarantine for 10 days if no test is done. If any signs of COVID-19 appear – fever, dry-cough and/or shortness of breath - persons shall contact the Clinic immediately. CPAI employees who reside in Nuiqsut and work at Alpine must have a negative COVID-19 test at Alpine before coming home to Nuiqsut and follow CPAI protocols for transportation to and from Alpine.
6. Visitors and guests coming to Nuiqsut shall provide negative COVID-19 test results to the City of Nuiqsut (cityclerk@cityofnuiqsut.org), practice social distancing as much as possible, follow good personal hygiene, i.e., frequent hand washing and, in appropriate settings, i.e., in the store, wear face mask or face covering when in public areas.
7. Residents should follow guidance from the U.S. Center for Disease Control (CDC) which can be found at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.
8. *Alaska Essential Services and Critical Workforce Infrastructure Order*, formerly Attachment “A” originally issued on March 27, 2020, first amended on April 10, 2020 and last amended on May 5, 2020, shall be applicable to Nuiqsut and shall be followed by all persons and entities coming into and working in the City of Nuiqsut. This former State of Alaska Order is attached hereto as Exhibit “A.”

9. Persons and companies travelling into the City of Nuiqsut for critical infrastructure jobs shall submit a travel, protective and work plan to the City of Nuiqsut [cityclerk@cityofnuiqsut, mayor@cityofnuiqsut.org and joe@jwevanslaw.com] for review and approval. This plan shall include, *inter alia*, self-monitoring by employees, wearing of masks by employees, social distancing, the number of employees coming into the City and how long the employees will be in the City of Nuiqsut.
10. Critical Infrastructure Workers (CI) shall limit social mixing, pre-travel test before coming to Nuiqsut, stay masked and socially distant from community residents, and limit access to facilities that are not part of the CI workers' worksite or lodging. CI Workers traveling to Nuiqsut in support of emergency requirements must coordinate access with the City of Nuiqsut if the situation does not allow time for pre-travel testing, such as a power outage, communications failure, damage to infrastructure, or other situations that require emergency travel.
11. Because the COVID-19 pandemic is still with us and will be for the foreseeable future, the “new normal” must be as set out herein. Relaxing our vigilance and returning to pre-pandemic norms will allow the deadly virus to return to our Village with deadly consequences.

Dated this 7th day of May 2021, at Nuiqsut, Alaska.



The Honorable Carl Brower
Vice Mayor, City of Nuiqsut

Attachment: Exhibit “A” - former *Alaska Essential Services and Critical Workforce Infrastructure Order* [5 pages]

By: Governor Mike Dunleavy,^{mi}
Commissioner Adam Crum, Alaska Department of Health and Social Services
Dr. Anne Zinky, Chief Medical Officer, State of Alaska

To prevent the spread of Coronavirus Disease 2019 (COVID-19), the State of Alaska is issuing this Order based on its authority under the Public Health Disaster Emergency Declaration signed by Governor Mike Dunleavy on March 11, 2020.

This Order amends and supersedes the document formerly referenced to as "Mandate 010, Attachment A," and continues to apply to any Health Mandate referencing Attachment A or Critical Workforce Infrastructure. This Order remains in effect until amended, rescinded, or superseded by further order of the Governor.

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety, as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

I. MANDATORY CLOSURES

- a. All businesses within Alaska, except those specifically exempted below or by other Health Mandates or Attachments, are required to cease all activities at facilities located within the state, except Minimum Basic Operations, as defined in Section I.c.
- b. For purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or corporate or entity structure.
- c. "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

II. EXEMPTIONS FOR ESSENTIAL SERVICES AND CRITICAL INFRASTRUCTURE

- a. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
- b. Quarantine: workers arriving in Alaska from out of state must self-quarantine for 14 days, pursuant to Health Mandate 010. Businesses exempted from Section I are *not* exempt from Health Mandate 010. See <https://covid19.alaska.gov/unified-command/protective-plans/> for further guidance.

- c. Plan Submissions: Businesses with workers who travel from out of state or who travel between communities within the state of Alaska must submit a plan or protocol outlining procedures for avoiding the spread of COVID-19, pursuant to Health Mandates 010 and 012. This plan must be submitted to akcovidplans@ak-prepared.com for review.
- d. Businesses exempted from Section I are strongly encouraged to remain in operation. Such businesses shall, to the extent reasonably feasible, comply with social distancing requirements by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
- e. For purposes of this Order, Essential Services and Critical Infrastructure industries and entities in Alaska include:
 - i. **“Healthcare Operations and Public Health,”** which includes:
 1. Hospitals, clinics, home healthcare services and providers, mental health providers, dental emergency services, and other healthcare facilities.
 2. Pharmacies, companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, consumer health products, medical devices, diagnostics, equipment, services, or any related and/or ancillary healthcare services.
 3. Veterinary care and healthcare services provided to animals.
 4. Businesses performing mortuary, funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers. These businesses are required to maintain compliance with Health Mandates relating to social distancing.
 5. “Healthcare Operations” does **not include** fitness and exercise gyms or similar facilities.
 - ii. **“Critical Infrastructure,”** which includes:
 1. **Public Works**, including businesses providing any services or performing any work necessary to the operations and maintenance of public works, such as the Port of Alaska, public works construction, airport operations, water, sewer, gas, electrical, oil production, mining, logging, roads and highways, public transportation, and solid waste collection and removal.
 2. **Transportation/Logistics**, including airlines, railroads, taxis, private transportation providers, and public and private mail and shipping services.
 3. **Technology/Communications**, including businesses providing any services or performing any work necessary to the operations and maintenance of internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).
 4. **Essential Construction**, commercial construction, renovation or repair, including construction of housing.
 5. **Critical Manufacturing**, including manufacture of products needed for medical supply chains and supply chains associated with transportation,

energy, communications, information technology, food and agriculture, chemical manufacturing, wood products, commodities used as fuel for power generation facilities, operation of dams, water and wastewater treatment, processing of solid waste, emergency services, and defense. Manufacturing of materials and products needed for medical equipment and personal protective equipment. Businesses necessary for mining and production of minerals, oil, and associated essential supply chains.

6. **Food and Agriculture**, including grocery stores, supermarkets, food banks, convenience stores, animal/pet food and supply stores, and other establishments engaged in the retail sale of food, beverages, and other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries but also sell other non-grocery products. Food and agriculture, cultivation, including farming, livestock, fishing and processing. This includes manufacturers and suppliers of food and items necessary to support of the Food and Agriculture industry.
 - a. This includes farmers markets where vendors sell directly to consumers only agricultural products, food items, soaps, and sanitizers.
 7. **Home Emergency and Safety**, including establishments that sell products necessary to maintaining the safety, sanitation, and essential operation of residences or provide home emergency/safety equipment and gear including products for personal protection.
 8. **Fishing**, including persons engaged in subsistence fishing and in the fishing industry including the fisherman, processors, guides, and transporters of the fish as well as those under contract with the fisherman, processors, guides, and transporters for provisioning.
- iii. **“Financial services sector,”** which includes workers who are needed to: process and maintain systems for processing financial transactions and services, such as payment, clearing and settlement services, wholesale funding, insurance services, and capital markets activities; provide consumer access to banking and lending services, including ATMs, movement of currency (e.g., armored cash carriers); support financial operations, such as those staffing data and security operations centers, appraisals and titling, and key, third-party providers who deliver core services.
- iv. **“Public Safety,”** which includes:
1. **“First Responders,”** including emergency management, emergency dispatch, and law enforcement.
 2. **“Corrections,”** including Department of Corrections, jails and detention facilities, and probation offices.
 3. **“Government Agencies,”** including Court systems, Office of Children's Services personnel acting in an official capacity, Public agencies responding

to abuse and neglect of children, elders, and vulnerable adults, and Department of Defense Personnel returning from temporary duty or engaging in mission essential travel.

a. This includes functions related to returning inmates begin released to the place of arrest (it is a “critical personal need” for the inmate to travel).

v. **“Essential Governmental Functions,”** which includes all services needed to ensure the continuing operation of government agencies including providing for the health, safety, and welfare of the public.

vi. **“Essential Business,”** which includes:

1. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
2. Newspapers, television, radio, and other media services;
3. Gas stations and auto-supply, auto-repair, bicycle-repair, and related facilities;
4. Hardware stores;
5. Plumbers, electricians, exterminators, mechanics, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, transportation, and critical infrastructure;
6. Businesses providing mailing and shipping services, including post office boxes;
7. Educational institutions facilitating distance learning;
8. Laundromats, dry cleaners, and laundry service providers;
9. Restaurants and other facilities that prepare and serve food, subject to other applicable Health Mandates and Attachments.
10. Businesses that supply products needed for people to work from home;
11. Businesses that supply other essential businesses with the support or supplies necessary to operate;
12. Businesses that transport goods to grocery stores, supermarkets, convenience stores, engaged in the retail sale of food, household consumer products, delivery of fuel, or other services directly to residences or other critical industries outlined in this health mandate;
13. Home-based care for seniors, adults, or children;
14. Residential facilities and shelters for seniors, adults, and children;
15. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
16. Childcare facilities, subject to new recommendations for increased hygiene and social distancing. Only those who need childcare to work at a critical job should use childcare facilities.

III. SOCIAL DISTANCING REQUIREMENTS.

- a. "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer containing at least 60 percent alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

IV. FEDERAL GUIDANCE.

- a. This Order incorporates guidance from the Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response issued by the Cybersecurity and Infrastructure Security Agency of the United States Homeland Security on March 19, 2020. That guidance is located at <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>. This order also incorporates federal guidance from the Department of the Treasury and the Department of Defense that are located at <https://home.treasury.gov/news/press-releases/sm956> and <https://media.defense.gov/2020/Mar/22/2002268024/-1/-1/1/DEFENSE-INDUSTRIAL-BASE-ESSENTIAL-CRITICAL-INFRASTRUCTURE-WORKFORCE-MEMO.PDF>

V. PENALTY FOR NONCOMPLIANCE.

A violation of a State COVID-19 Health Mandate may subject a business or organization to an order to cease operations and/or a civil fine of up to \$1,000 per violation.

- a. In addition to the potential civil fines noted above, a person or organization that fails to follow the State COVID-19 Health Mandates designed to protect the public health from this dangerous virus and its impact may, under certain circumstances, be criminally prosecuted for Reckless Endangerment pursuant to Alaska Statute 11.41.250. Reckless endangerment is defined as follows:
 - i. A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.
 - ii. Reckless endangerment is a class A misdemeanor.
- b. Pursuant to Alaska Statute 12.55.135, a defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.
- c. Additionally, under Alaska Statute 12.55.035, a person may be fined up to \$25,000 for a class A misdemeanor, and a business organization may be sentenced to pay a fine not exceeding the greatest of \$2,500,000 for a misdemeanor offense that results in death, or \$500,000 for a class A misdemeanor offense that does not result in death.