

Presented by: The Manager  
Presented: 5/24/2021  
Drafted by: R. Palmer III

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2953**

**A Resolution Repealing Emergency Ordinance 2021-11 and Re-establishing the COVID-19 Risk Mitigation Strategies as Recommendations.**

WHEREAS, on March 22, 2020, the City and Borough of Juneau (“CBJ”) received its first positive case of COVID-19; and

WHEREAS, the Juneau International Airport and the Juneau ferry terminal are the primary point-of-entries for persons traveling into Juneau; and

WHEREAS, on February 14, 2021, the State of Alaska identified that non-residents traveling into the State no longer had to pay the \$250 for a COVID-19 test upon arrival and fully vaccinated people did not have to follow strict social distancing requirements while awaiting test results; and

WHEREAS, while more community members are getting vaccinated for COVID, the community has not reached herd immunity, children are not eligible for vaccines, a variants of concern (B.1.1.7, P1) have recently been detected in Juneau; and

WHEREAS, Alaska continues to experience COVID-19 outbreaks and multiple regions in Alaska are at moderate or high alert levels; and

WHEREAS, as of May 19, 2021, there have been more than 1,486 confirmed cases in the City and Borough of Juneau, of which a substantial percentage are travel related or attributable to community spread; and

WHEREAS, the current COVID-19 Mitigation Strategies were reestablished with Emergency Ordinance 2021-11 (April 26, 2021) and section 4 of that ordinance allows it to be terminated by motion; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) recently revised its guidance for fully vaccinated people and still requires all people to wear a face covering on public transit, on airplanes, and at airports; and

WHEREAS, any business or facility is free to require masks at their business or facility; and

1  
2 WHEREAS, the updated COVID-19 Mitigation Strategies will help provide better  
3 structure and certainty as the community balances the needs to mitigate harm from COVID-  
4 19 and keep the economy open.

5  
6 NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF  
7 JUNEAU, ALASKA:

8  
9 **Section 1. COVID-19 Mitigation Strategies.**

10  
11 (a) **Adoption.** The City and Borough of Juneau COVID-19 Mitigation Strategies  
12 identified in Exhibit A are adopted.

13  
14 (b) **Determination of Incident Risk Level.** The Manager is authorized to determine  
15 which Incident Risk Level best fits the City and Borough of Juneau based on a  
16 comprehensive range of public health factors related to COVID-19.

17  
18 (c) **Public Notice.** The Manager shall conspicuously identify the Incident Risk Level on  
19 the City and Borough of Juneau's webpage and widely distribute public notice when the  
20 level changes.

21  
22 (d) **Reserved. Exemptions.**

23 (1) ~~**Reserved. Exemption Request.** An entity or person may request an exemption~~  
24 ~~from the COVID-19 Mitigation Strategies by submitting a site specific COVID-19~~  
25 ~~Mitigation Plan to the CBJ Emergency Operations Center by emailing~~  
26 ~~[covidquestions@juneau.org](mailto:covidquestions@juneau.org). The Emergency Operations Center may issue an~~  
27 ~~exemption if the COVID-19 Mitigation Plan has sufficient measures and policies~~  
28 ~~to mitigate the spread of COVID-19 in light of the Incident Risk Level.~~

29  
30 (2) ~~**Reserved. Public Records.** All exemption requests, communication, and~~  
31 ~~responses are presumptively public records. If an entity or person requests that~~  
32 ~~the City and Borough of Juneau withhold any information contained in your~~  
33 ~~COVID-19 Mitigation Plan from public release because the information is~~  
34 ~~protected under AS 40.25.120(a), you must submit the following information with~~  
35 ~~the request:~~

36  
37 (A) ~~Identify each set of discrete information that the entity or person asserts~~  
38 ~~is confidential;~~

39  
40 (B) ~~Identify each specific legal authority that the entity or person asserts~~  
41 ~~applies to each such set of information; and~~

42  
43 (C) ~~For each such set of information, explain why the entity or person asserts~~  
44 ~~the information is confidential based on each legal authority the entity or~~  
45 ~~person asserts applies to that information.~~  
46

1           Should the City and Borough of Juneau receive a request for records under the  
2           Public Records Act applicable to any item marked confidential, the City and  
3           Borough of Juneau should notify the person or entity asserting confidentiality as  
4           soon as practicable prior to making any disclosure. The person or entity asserting  
5           confidentiality acknowledges it has five (5) calendar days after receipt of notice to  
6           notify the City and Borough of Juneau of its objection to any disclosure, and to file  
7           any action with any competent court to protect its interests. Should the person or  
8           entity asserting confidentiality fail to notify the City and Borough of Juneau of its  
9           objection or fail to file suit within five (5) calendar days, the CBJ may disclose the  
10          records.

11  
12          (e)     ~~**Reserved. Violation.**~~ A person who violates a mitigation strategy in Exhibit A shall  
13          be subject to a civil fine not to exceed \$25.00 per violation, which shall be considered  
14          incorporated into CBJC 03.30.070(a); payment of the civil fine shall be accepted in  
15          satisfaction of the violation; and the violation shall be subject to CBJC 03.30.070(b) (c) and  
16          CBJC 03.30.075 03.30.085. In addition to a civil fine, the City and Borough of Juneau may  
17          use all available civil enforcement options (i.e. injunction, revocation of certificate of  
18          occupancy, civil lawsuit, etc.) to assure compliance with this ordinance.

19  
20          (f)     **Amendments.** The Manager shall keep Exhibit A consistent with Centers for  
21          Disease Control and Prevention (CDC) guidance and present the revisions to Exhibit A at  
22          regular or special Assembly meetings for ratification.

23  
24          (g)     **Mask or Face Covering Mandate.**

25                (1) ~~**Guidance Requirement.**~~ Except when masks are required to be worn by federal  
26                law (public transit, airplanes, airport, etc.) or when entering an area that is  
27                ~~posted requiring use of a mask or face covering~~ all All individuals should ~~must~~  
28                wear a mask or a face covering over their nose and mouth (i) as provided for in  
29                Exhibit A; (ii) when using public transportation, like Capital Transit; and (iii)  
30                ~~when entering an area that is posted requiring use of a mask or face covering.~~  
31                ~~This ordinance is subject to the conditions and exceptions stated below.~~

32  
33                (2) **Face Shield.** A face shield is generally not permitted in lieu of a mask or face  
34                covering because face shields are less effective in stopping the spread of COVID-  
35                19. However, a face shield may be permitted in lieu of a mask or face covering for  
36                the following individuals, who must wear a face shield whenever a mask or face  
37                covering would be required unless it is impossible to do so:

- 38  
39                    (A) Any individual who cannot tolerate a mask due to a physical or mental  
40                    disability;
- 41  
42                    (B) Individuals who are communicating with someone who is deaf or hard of  
43                    hearing; or
- 44                    (C) Individuals performing an activity that cannot be conducted or safely  
45                    conducted while wearing a mask (for example a driver experiencing foggy

1 glasses, a dental patient receiving care, or an equipment operator where  
2 there is a risk of dangerous entanglement).

- 3  
4 (3) **Employment.** Employers are responsible to make sure employees who are  
5 present in the workplace have access to and wear masks or face coverings as  
6 recommended ~~required~~ by this resolution ~~ordinance~~.  
7
- 8 (4) **Exceptions.** This resolution ~~ordinance~~ does not apply to the following categories  
9 of people or activities:  
10
- 11 (A) Any child under the age of 2 years. These very young children should not  
12 wear a face covering because of the risk of suffocation. Additionally,  
13 masks are recommended, but not required for children ages 2-5. Daycare  
14 settings that serve preschool children are encouraged but not required to  
15 enforce mask usage for children age 2 and older.
  - 16
  - 17 (B) Individuals who are incarcerated, in police custody, or inside a courtroom;  
18 these individuals should follow guidance particular to their location or  
19 institution.
  - 20
  - 21 (C) Musicians, presenters, ministers, and others communicating to an  
22 audience or being recorded, for the duration of their  
23 presentation/practice/performance where mask usage impairs  
24 communication, and so long as safe physical distancing is maintained.
  - 25
  - 26 (D) Individuals removing their mask or face covering to eat, drink, or briefly  
27 scratch an itch.
  - 28
  - 29 (E) Employees within their own fully enclosed office or workspace, and  
30 employees within an unenclosed workspace if they are totally alone.
  - 31
  - 32 (F) Individuals doing high intensity exercise outdoors.
  - 33
- 34 (5) ~~**Reserved. Denial of Service.** A person violating this ordinance is prohibited~~  
35 ~~from entering, occupying, or remaining in the setting in which a mask or face~~  
36 ~~covering is required. Provided, however, that this ordinance shall be applied in a~~  
37 ~~manner consistent with the Americans with Disabilities Act (ADA) and any other~~  
38 ~~applicable provision of law. Businesses and the City Manager, for City and~~  
39 ~~Borough of Juneau facilities, may choose to allow individuals who request an~~  
40 ~~accommodation under the ADA to wear a face shield, or may consider~~  
41 ~~accommodating these individuals through alternative means of providing goods or~~  
42 ~~services, such as curbside, delivery, or telephonic service.~~
- 43  
44 (6) **Proof of Medical Reason or Disability.** If a person declines to wear a mask or  
45 face covering because of a medical condition or disability as described above, this

1            ~~resolution ordinance~~ does not require them to produce medical documentation  
2            verifying the stated condition or disability.  
3

4            **(7) Additional City and Borough of Juneau Facility Provision.**  
5

6            (A) **Notice.** The City Manager is required to identify and conspicuously post  
7            notices for those City and Borough of Juneau public facilities or areas of  
8            public facilities in which people are required to wear a mask or face  
9            covering. The Manager should post face covering notices in public  
10           facilities and areas of public facilities in which maintaining six feet  
11           separation between people is difficult or where there are insufficient  
12           physical barriers to keep people six feet apart.  
13

14           (B) **Provision of Face Covering.** For people who cannot afford or locate a  
15           face covering, the Manager shall make a face covering available on every  
16           Capital Transit bus and at any facility owned by the City and Borough of  
17           Juneau that requires a mask or face covering.  
18

19           **(8) Definitions.**  
20

21           (A) “Mask” means a medical grade mask (i.e. N95).  
22

23           (B) “Face covering” means a cloth, polypropylene, paper, or other face  
24           covering that covers the nose and the mouth and that rests snugly above  
25           the nose, below the mouth, and on the sides of the face. The following are  
26           not face coverings because they allow droplets to be released: a covering  
27           with a valve designed to facilitate easy exhalation; mesh masks; lace  
28           masks; other coverings with openings, holes, or visible gaps in the design  
29           or material.  
30

31           (C) “Face shield” means a clear plastic shield that covers the forehead,  
32           extends below the chin, and wraps around the sides of the face.  
33

34           **Section 2. Repeal of Emergency Ordinance 2021-11.** Emergency Ordinance  
35           2021-11 is repealed.  
36

37           **Section 3. Effective Date.** This resolution shall be effective immediately after  
38           its adoption.  
39

40           Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
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42  
43           Attest:

\_\_\_\_\_  
Beth A. Weldon, Mayor

44  
45           \_\_\_\_\_  
46           Elizabeth J. McEwen, Municipal Clerk

Res. 2953 Exhibit A

Community Risk Level	Masks / Social Distancing	Large Gatherings	Restaurants, Bars	Personal Services, Gyms	Travel
Minimal: 1c - >70% of total population fully vaccinated	If not fully vaccinated, masks/face coverings should be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	No size limitations; however, masks should be worn indoors by individuals who are not fully vaccinated.	R: If not fully vaccinated, patrons should wear masks when not actively eating or drinking. B: No restrictions.	If not fully vaccinated, masks/face coverings should be worn indoors in public areas.	Follow State Health Advisories.
Minimal: 1b - 50 - 69.9% of total population fully vaccinated -	If not fully vaccinated, masks/face coverings should be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	Indoor gatherings should be limited to the number of participants that will allow 6 ft of social distancing to be maintained if individuals who are not fully vaccinated are present. Masks should be worn indoors by individuals who are not fully vaccinated.	If not fully vaccinated, patrons should wear masks when not actively eating or drinking. Recommend capacity restrictions that allow 6 ft of social distancing between parties.	If not fully vaccinated, masks/face coverings should be worn indoors in public areas. Recommend capacity restrictions that allow 6 ft of social distancing between individuals.	Follow State Health Advisories.
Moderate	If not fully vaccinated, masks/face coverings should be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	Indoor gatherings should be limited to 50* people with safety measures (masks recommended). Outdoor gatherings are recommended. There are no limits or required safety measures if all individuals at the gathering are fully vaccinated.	If not fully vaccinated, patrons should wear masks when not actively eating or drinking. Bars not to exceed 50% indoor capacity. Strongly recommend restaurants reduce capacity to ensure physical distancing between parties, recommend reservations required. Recommend delivery/ curbside pick up if allowed by law.	Personal Services by appointment only, no waiting areas. Gyms, small group activities outdoors, should limit capacity to 50%.	Follow State Health Advisories.
High	Masks/Face coverings should be worn indoors and outdoors in public areas where 6ft of social distancing cannot be maintained. Keep social bubble contained to family members.	Indoor gatherings should be limited to 20* people with safety measures (masks recommended). Outdoor gatherings with 6ft distancing recommended.	Bars and Restaurants reduce capacity to ensure at least 6 feet of physical distancing between parties and not to exceed 50% with reservations / contact list required. Delivery/curbside pickup if allowed by law. Bars and restaurants should closed at 11:00 pm.	Personal Services should be by appointment only, one customer per service provider, no waiting areas. Gyms, no group activities, should limit capacity to 25%	Follow State Health Advisories
Very High	Masks/Face coverings recommended outside the home. Residents are recommended to stay at home except as needed for groceries, medical care, and essential workforce needs.	Outdoor gatherings limited to no more than 10 people with proper social distancing. Indoor communal events not recommended.	Restaurants and bars recommended to limit to delivery and curbside pickup if allowed by law.	Personal Services and Gyms should close.	Follow State Health Advisories