

THE CITY AND BOROUGH OF JUNEAU, ALASKA
SPECIAL ASSEMBLY MEETING
DRAFT Meeting Minutes – July 28, 2021

I. CALL TO ORDER:

The Special Meeting #2021-18 of the City and Borough of Juneau Assembly held in person in the Assembly Chambers and virtually via Zoom webinar, was called into order by Mayor Beth Weldon at 5:30 p.m.

II. LAND ACKNOWLEDGEMENT

Assemblymember Triem acknowledge that the City and Borough of Juneau is on Tlingit land, and wished to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

III. ROLL CALL

Assemblymembers Present: Mayor Beth Weldon, Loren Jones, Wade Bryson, Carole Triem, Michelle Hale, Christine Woll, Greg Smith, and Alicia Hughes-Skandijs

Assemblymembers Absent: Maria Gladziszewski

Also Present: City Manager Rorie Watt, Deputy City Manager Robert Barr, Incident Commander Mila Cosgrove, City Attorney Robert Palmer (via Zoom), Assistant City Attorney Sherri Layne, Municipal Clerk Beth McEwen, Deputy City Clerk Diane Cathcart.

IV. APPROVAL OF AGENDA

The agenda was approved as presented.

V. SPECIAL ORDER OF BUSINESS

A. Instructions for Public Participation

The Assembly will follow COVID protocols in accordance with CDC guidelines, CBJ ordinances & resolutions, and COVID mitigation strategies at the time of the meeting. Testimony was limited to two minutes each and available via Zoom and also in-person testimony in the Assembly Chambers.

B. COVID Community Update

Incident Commander Mila Cosgrove and EOC Planning Section Chief Robert Barr provided a COVID Community Update to the Assembly.

Ms. Cosgrove reported numbers from the last 14-day period and that as of Monday, Juneau had 150 total cases which has been the highest so far during the pandemic. Within those numbers, there were two clusters; one associated with an office consisting of 9 cases and another associated with a restaurant consisting of 6 cases so far. She noted that

Public Health is reported that those with positive tests are going home and transmitting the virus to their families. Ms. Cosgrove reminded people that if they are going home with a positive case, it is recommended to stay apart from other family members if possible.

She said that there was a large amount of community spread among young adults with 44 of the cases being in the 20-29 age range and 33 cases in the 30-39 age range. She also noted that the case rates in children are climbing with 13 cases each in the 10-19 age range and in the under 13 age range. She said that children generally display milder symptoms but not always. She explained that there are some concerns with long term health impacts of the virus on children, especially with respect to circulatory and nervous systems as well as potentially impaired respiratory functioning.

Ms. Cosgrove noted of the 150 active cases, 132 were Juneau residents and 18 were non-residents. Most were travelers, for example those who are coming to visit family and spreading it to the family members they are staying with. She noted that there were a few of the non-resident cases that were attributed to the American Cruise Line Constellation.

Ms. Cosgrove reported that across the state for those communities we have been tracking the number of daily new cases per 100k population, (Kenai, Anchorage, Fairbanks, Mat-Su, Juneau, as well as King-County and Multnomah in Washington) that Juneau had the highest case percentage amongst those communities. She also noted that Sitka isn't on that usual list and that as of July 28, Sitka was reporting 228 active cases which was a very high percentage of their 8,600 population. She said that the Sitka test positivity rate is at 10% which is a very high positivity rate which is indicative of high community spread. She said that 70.4% of Sitka's age-eligible population is fully vaccinated.

Ms. Cosgrove then displayed the graph showing Juneau's population percentages with respect to vaccination status. She said that 4,479 individuals fall in the under 11 age category meaning that 14.1% of our population is not yet eligible to be vaccinated. She said that vaccination rates continue to increase. The vaccination numbers are increasing slow and steady. Currently 5,432 of the 31,773 total population is eligible but not yet vaccinated.

Mr. Barr reported that the Delta variant is now the predominant variant in Alaska at this time. He said there are three things that make the Delta variant significantly different:

- 1) The Delta variant is significantly more transmissible
 - a. According to Public Health, the amount of the viral load is much higher than other variants or the original strain of the virus.
 - b. That viral load amount is similar in unvaccinated as well as vaccinated individuals.
- 2) With respect to the Delta variant, the vaccines we currently have available to us (as is true with all vaccines) is not as effective with the Delta variant as it was against the

original strain of the virus. He said they don't know how much lower the effective rate is.

- a. They are quite effective at preventing hospitalization and death.
 - b. The vaccine is still the top preventative measure to prevent severe symptomatic COVID hospitalization and death.
- 3) Another key factor to be aware of with the Delta variant, is that it has a faster incubation period.
- a. The original strain of the virus, it was advised to seek a test 5-7 days after exposure.
 - b. With the Delta variant, the incubation period is two days faster so they are now advising individuals who may have been exposed, to test within 3-5 days of their exposure. He said those are the preliminary recommendations with respect to the Delta variant testing period.

Mr. Barr noted that the "R0 number" (reproductive number which indicates how many people on average will contract the disease from a single individual) with the original virus were at 2.4 and with the Delta variant it is at 5.8.

Lastly, Mr. Barr showed a slide of the numbers of deaths and hospitalizations in the State of Alaska from January 1 – July 24, 2021. The number of deaths from COVID-19 during that period included 86 cases of unvaccinated individuals (97% of the cases) and 3 cases of vaccinated individuals (3%) of the cases. With respect to hospitalizations there were 94% unvaccinated (552) individuals and 6% vaccinated (37) individuals.

Mr. Barr said that as things change with the Delta variant, they will be updating the Assembly and the community as that information becomes available.

Ms. Cosgrove noted that the CDC has updated its guidance for people who are vaccinated. They are recommending people vaccinated or unvaccinated to wear a masks in indoor settings for those communities where there is substantial or high transmission. CDC is recommending universal masking for indoor school settings as it is projected that children under the age of 11 may be eligible for vaccines around November.

Ms. Cosgrove then provided updates on what is happening operationally amongst CBJ staff. She noted that Public Health is still trying to do contact tracing but many of the calls are not being answered or responded to. Another concern is that when they do contact people who have been in proximity to a positive case, many times those individuals do not know who they have been in contact with during the exposure period. Ms. Cosgrove also explained the concerns with respect to hospital capacity in beds, in those communities that we tend to medevac'd to, are filling up and may not have beds available. She went on to talk about concerns related to staffing shortages in the hospitals and public health arenas.

Ms. Cosgrove then answered questions from Assemblymembers about the presentation and the graphs provided.

VI. AGENDA TOPICS

Mayor Weldon noted that the process was going to be a little different for the following agenda item. She noted that after the Clerk and Manager provide the information about the ordinance, she would then ask Ms. Cosgrove or Mr. Barr to speak to the memo in the packet to help clear up any confusion as to the differences between the previous ordinance and this ordinance up for action. She said for clarification, the Assembly is not considering a “hunker down, close business up” ordinance tonight, which seems to be a common theme of the e-mails the Assembly has received.

A. Public Hearing: Emergency Ordinance 2021-33 An Emergency Ordinance Reestablishing the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

The existing COVID-19 Community Mitigation Strategies (Ord 2021-22) are set to expire on July 31, 2021. Due to a recent uptick in case activity, increased community spread, significantly restricted medevac capacity, and the presumptive spread of the more transmissible Delta variant, the Emergency Operations Center believes it is in the best interest of the community to extend the current COVID mitigation measures until October 31, 2021.

The Community Mitigation Measures are substantively as they were before, although a few restrictions have been lightened to take into account the community’s current vaccination rate. In addition, a level green has been added to define when the community is back to normal. A memo outlining the specific changes is included in this packet.

The City Manager recommends the Assembly adopt this ordinance.

Staff Report:

Ms. Cosgrove said what they are asking the Assembly to do is to extend the current COVID mitigation strategy measures. Those are what governs community responses depending on what level the case load is at. She said that the Assembly is not being asked to determine what level the community is at as that is a function of the Emergency Operations Center (EOC). What they are asking is to extend the framework that already exists to a longer period of time. She said that in taking a look at that framework, it made sense to make some adjustments to the framework with respect to the current level of vaccination rates but also taking into consideration the Delta variant factors. She said that Mr. Barr will be addressing the actual changes themselves.

Mr. Barr, hitting the high points from the memo contained in the packet, said they have added a green level at which the community would be considered “fully open.” They also combined the three minimal levels (1c and 1b) into one minimal level. They added language recommending masking for fully vaccinated individuals at the Moderate level. They added language permitting

small group fitness classes in gyms for fully vaccinated individuals at the Moderate and High risk levels. They changed the “waiting areas” language under Personal Services from none to 50% at the Moderate risk level. They also added language allowing for no size limits for fully vaccinated gatherings at the High risk level. Lastly, they increased gym capacity from 25% to 50% at the High risk level.

PUBLIC COMMENT:

An unidentified caller (phone number ending in -5829) from Douglas asked questions about the mitigation measures. She expressed her concerns about the restrictions imposed on gyms and fitness classes. She also expressed her concern that people on cruise ships as well as airline travelers were being allowed without being required to test and quarantine upon arrival to Juneau.

Mr. Bruce Simonson, a downtown resident, spoke in favor of the Assembly keeping all the tools they can in place in light of the Delta variant to keep from losing whatever ground we may have gained during the pandemic.

Mr. Dan DeBartelo, a valley resident, said that anecdotally the wide range of rules and recommendations from CDC, the State, and CBJ are rather confusing. He noted that one thing still on the docket are fines. He said that with the community being 70% vaccinated that maybe being punitive during this next round of the pandemic may not be helpful at all. He encouraged the Assembly to think about that as they make a decision on the ordinance.

Ms. Rochelle Brossart, a valley resident, expressed her concerns regarding the mental health issues related to the pandemic. She spoke in opposition to the masking requirements from those who are vaccinated as well as requiring masks in schools. She said that we will have to learn to live with COVID as it is not going to go away. She asked that the mask mandates not be extended. Assemblymember Smith asked Ms. Brossart if she had to decide between a mask mandate with in school classes vs. homeschooling and no mask mandate, which she felt would be the best for students’ mental health. Ms. Brossart said that she resigned for her position with the school district at the end of the last school year because she could not do another year in masks. She said that she didn’t believe it was a choice of one or the other of those two choices. She said that she believes it should be up to the parents and students to make their own decision and the same for the teachers.

Mr. Sterling Salisbury, a valley resident, spoke to the fact that COVID and the flu are both issues and will both be around for quite a while. He said that COVID-19 will keep mutating like the flu does. He said that he is tired of being locked down and tired of all these mandates. He said that if they test for the flu the same way they test for COVID, they would see a lot of cases of flu rise. He said that the entire population has had an opportunity to get a vaccine, with the exception of the younger kids, and it is their choice to make one way or another. He said that with respect to Mr. Smith’s question, he doesn’t see this affecting children in the same way that it has been affecting others.

Ms. Aubrey Ruschmann, an Auke Bay resident, said she feels a lot of frustration with all the rules that the city has implemented. Small businesses, children, and every family is hurting. She said that these Zoom meetings with the Assembly are hard to participate in and she asked the Assembly to come up with a different way to hear the comments from the community members as she feels the community is not being heard with respect to their concerns and wishes to end these restrictions.

Ms. Kayla Miller, a valley resident, said she echoed the testimony of the previous three speakers. She said that the mitigation measures have caused stress, depressions, and have been disruptive of everyone's lives. There is no end date in sight and it is very discouraging of the never ending tunnel of the mitigation plan. She said the death toll has not be rising and she agrees that the Assembly needs to provide more opportunity for community input. She said she didn't know if that should be in the form of surveys, or emails or the ability to vote on this issue.

Ms. Jessica Wombrot, a valley resident, said that the timing of this spike is suspicious, that BRH has only two COVID patients from the recent spike. She said that the typical mask you can buy in a drug store is not all that effective. She said that the vaccines are available to those who want it and that N95 masks are available if they want/need them. She said that the notion of extending the mandate is ludicrous and fundamentally unethical for local government to coerce a portion of the population into getting vaccinated by threatening mitigation restrictions for businesses and others. She spoke to the civil liberties of citizens and also the harassment that she received, despite being medically exempt from having to wear a mask.

Mr. Zachary Wombrot, a valley resident, spoke to his first amendment rights to speak as long as he want before this body. He said that if the Assembly votes in favor of the ordinance, he would consider them a group of tyrants. He said that emergency orders are designed to only be used in extreme times of war to suspend the rights of citizens. He said that they want to continue to suspend the rights of the citizens. He compared these actions with those of communist China, Nazi Germany, or Soviet Russia. He encouraged the Assembly remember the oaths they swore and the constitutions and allow the citizens to remain free citizens.

Ms. Martinson, a Douglas resident, said she has some confusion about the use of mandates that were developed prior to the introduction of mandates. She asked at what point the mandates need to be updated to take into consideration the vaccinations. She said that she feels that the science is important and that measures need to be available such as the vaccination and masking but she also thinks the mandates need to catch up to the medical advancements over the past year.

Ms. Kathy Coghill, a Douglas resident, thanked CBJ for all of the service and care from the CBJ Assembly over the past year to keep our residents safe. She encouraged them whenever possible to keep an emphasis on all individuals arriving in Juneau be required to test and stay in quarantine until they are proven to have a negative test. She said that she feels that emphasis will promote what many of the callers tonight have asked for.

Ms. Kendall Henry, a Douglas resident, thanked the Assembly for all their actions to date and she agrees with the mitigation measures. She said that she feels it is completely reasonable that as the levels of transmission increases, the mitigation measures get more restrictive. She encouraged them to continue listening to the public health professionals and the scientists on best practices for responding to the pandemic.

Ms. Mindy Shoemake, an Auke Bay resident, echoed what many of the callers expressed. She said the community is exhausted with all the mandates. She said it is not in the Assembly's power to order the restrictions. She referred to a quote from Thomas Jefferson "When tyranny becomes law, you must oppose it." She said that the Assembly's treatment of the people of Juneau has become tyrannical. She said that individuals should be able to make their own health decisions as well as for their children. As a mother, she has watched how her children have struggled being forced to stay home. She works with at-risk kids and she has seen many of our youth struggle with depression and suicidal ideation. She said that those concerns have not been taken into consideration when looking at these mitigation measures. While those measures may be taking into consideration the COVID virus, she asked where the consideration is for those with mental health concerns. Ms. Shoemake then went on to answer a question from Ms. Hale and provided more in depth information as to how she felt the Assembly should let individuals determine their own personal level of risk and mitigation measures needed.

Mr. Robert Shoemake, an Auke Bay resident, thanked the Assembly for providing an in person opportunity to testify. He said that he felt that when there is a spike, they have to push through it and not shut things down. He said that he thinks the numbers are going back down. He has listened to people who have had COVID and eventually there will be herd immunity. He said that the suffering is worse than the cure with respect to what has been done with the lock-downs and mandates. He said there is a certain amount of the population that is just done complying. He said that it will not be enforceable and people have been complying voluntarily.

Ms. Kathleen Harper, a Douglas resident, said that she appreciates everything the Assembly and the EOC has done during the pandemic. She said that if they get rid of the mitigation plan, that is not the right choice either. If things get to a bad place in town again, once you stop doing something, it is hard get started again. She said that they were pretty well on track prior to this latest spike happening. She encouraged the Assembly to keep the mitigation strategies in place. She said that she realizes these are hard decisions to make but encouraged them to stay the course. She also encouraged people to go onto the website and read the mitigation strategies as they aren't as dire as people are making out.

ASSEMBLY ACTION:

MOTION by Mr. Jones to adopt Ordinance 2021-33.

AMENDMENT: by Ms. Triem to strike Section 3(e) from the ordinance (as found on page 3). In speaking to the amendment, she noted that there was an individual who spoke to the punitive

measures and that she thought there had not been any fines imposed at this time. She said that by striking this section, it would show that it is not the Assembly's intention in adopting this ordinance to be punitive. *Hearing no objection, the amendment passed by unanimous consent.*

Mr. Smith objected to the motion for purposes of asking questions. He said that his goal is to be able to get kids back to in-person school. He asked if extending these mitigation strategies would hopefully reduce cases low which would lead to a better chance for kids getting back in school on August 16. He said that he knows that is a School District decision and not one of the EOC or Assembly but asked if that was the goal in these mitigation strategies. Ms. Cosgrove noted that is a School District decision but that yes, it was one of their goals in extending these measures to keep the case counts lower and allow for in person schooling if that was the decision of the School District.

Mr. Smith asked if Public Health supports these mitigation strategies to which Ms. Cosgrove responded in the affirmative. Ms. Cosgrove noted that it was their goal by implementing these new measures to have as much of the community stay open and operating as much as they can without spiking cases in the community. Mr. Smith removed his objections.

Ms. Hale objected for purposes of a comment. She noted that these measures have been developed such that the EOC is taking the lightest touch possible in addressing the public health needs of the community and that she appreciates that approach. She removed her objection.

Hearing no objection, Emergency Ordinance 2021-33, as amended passed by unanimous consent.

B. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VII. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 7:00 p.m.

Signed: _____
Elizabeth J. McEwen
Municipal Clerk

Signed: _____
Beth A. Weldon
Mayor