

**SPECIAL ASSEMBLY MEETING
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

July 28, 2021 5:30 PM

Assembly Chambers/Zoom Webinar/FB Livestream

Meeting No. 2021-18; Zoom Webinar <https://juneau.zoom.us/j/95363057451> or 1-253-215-8782 Webinar ID: 95363057451

- I. CALL TO ORDER**
- II. LAND ACKNOWLEDGEMENT**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. SPECIAL ORDER OF BUSINESS**

A. Instruction 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. **Assemblymembers will be meeting in person, to the extent possible. Masks are required for all in person attendees/participants. In-person public participation will be limited on a first come, first served basis to no more than 8 persons in the public audience seats. Attendees in excess of that number will be requested to participate via Zoom webinar.**

Testimony time will be limited by the Mayor based on the number of participants. Members of the public are encouraged to send their comments in advance of the meeting to BoroughAssembly@juneau.org.

When attending the Zoom webinar [login info listed at top of agenda] to speak on an item up for public hearing or a non-agenda item please hit the 'raise hand' button if participating via a computer/tablet; if participating by phone press *9 on your phone; this will place a 'raised hand' icon next to your phone number and will add you to the queue.

VI. AGENDA TOPICS

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.

B. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. SUPPLEMENTAL MATERIALS

A. Emergency Operations Center COVID-19 Update Slides

VIII. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

MEMORANDUM

CITY/BOROUGH OF JUNEAU

City & Borough Manager's Office
155 S. Seward St., Juneau, Alaska 99801
robert.barr@juneau.org



Voice (907) 586-5240
Fax (907) 586-5385

DATE: July 26, 2021

TO: Mayor Beth Weldon & Assembly

FROM: Robert Barr, Deputy City Manager

SUBJECT: Updated COVID-19 Community Mitigation Strategies

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, we are requesting the Assembly review and approve EO 2021-33, re-authorizing the Community Mitigation Strategies through October 31, 2021.

The following changes were made to the Community Mitigation Strategies in light of our relatively high vaccination rate as well as the introduction of the Delta variant:

- Added a green, “Fully Open” level. The community would enter this level when 97% of the population has the opportunity to become fully vaccinated. In Juneau, that would occur roughly 6-7 weeks after everyone age 2 and over becomes eligible for vaccination.
- Combined levels 1c and 1b into a single Minimal level. The difference between 1c and 1b became minor when the CDC updated its guidance to advise fully vaccinated individuals could refrain from mask wearing in most situations, subject to community risk level. The social distancing elements of 1b were retained due to the increased transmissibility of the Delta variant.
- Added language recommending masking for fully vaccinated individuals at the Moderate risk level.
- Added language permitting small group fitness classes in gyms for fully vaccinated individuals at the Moderate and High risk levels.
- Changed “waiting areas” under Personal Services from none to 50% capacity at the Moderate risk level, in line with other capacity restrictions at this level.
- Added language allowing for no size limits for fully vaccinated gatherings at the High risk level.

- Increased gyms capacity from 25% to 50% at the High risk level.

The EOC requests the Assembly adopt the revised Community Mitigation Strategies with an expiration date of October 31, 2021.

Presented by: The Manager
Presented: 07/28/2021
Drafted by: Sherri Layne

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2021-33

**An Emergency Ordinance Reestablishing the City and Borough of Juneau
COVID-19 Mitigation Strategies and Providing for a Penalty.**

WHEREAS, CBJ Charter 5.4(a) provides the Assembly may adopt an emergency ordinance to meet a public emergency by an affirmative vote of at least six assembly members; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and is caused by the SARS-Cov-2 virus ("virus"), a new strain of the coronavirus that has not been previously identified in humans and is easily transmittable person to person; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") declared the virus a pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency in response to the virus pandemic; and

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

WHEREAS, the number of travelers has greatly increased and is expected to continue to increase as the Juneau economy reopens; and

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

WHEREAS, while more community members are getting vaccinated for COVID, the community has not reached herd immunity, children under 12 are not eligible for vaccines, and variants of concern (Alpha/B.1.1.7, Beta/B.1.351, Gamma/P1, and Delta/B.1.617.2/AY.1) including the highly transmittable Delta variant have recently been detected in Juneau; and

WHEREAS, Southeast Alaska has seen a resurgence of COVID-19 outbreaks, including the highly transmittable Delta variant that is resulting in a significant increase in positive cases; and

WHEREAS, as of July 26, 2021, there have been more than 1,717 confirmed cases in the City and Borough of Juneau, which are travel related, secondary transmission, or attributable to community spread; and

WHEREAS, as of July 26, 2021 the 14 day and seven day case rates have elevated to the very high alert level and testing is at a six percent positivity rate, including 101 new COVID positive cases in the past seven days; and

WHEREAS, other communities in the country and Alaska, including Anchorage, have experienced recent and sudden demands on healthcare services that resulted in a relatively permanent insufficiency of healthcare services that has endangered the public; and

WHEREAS, the existing COVID-19 Mitigation Strategies were reestablished with Emergency Ordinance 2021-22 and currently expire on July 31, 2021; and

WHEREAS, upon balancing the economic impacts and the personal impacts of whether to reestablish the COVID-19 Mitigation Strategies given the current circumstances, the public health and welfare is best served by reestablishing the COVID-19 Mitigation Strategies beyond July 31, 2021; and

WHEREAS, the updated COVID-19 Mitigation Strategies continue to provide structure and certainty as the community balances the needs to mitigate harm from COVID-19 and its evolving variants and keep the economy open; and

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

THEREFORE BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Public Emergency. The current local, regional, state-wide, and national surge in COVID-19 cases and the associated hospitalizations and deaths has created a public emergency for the purposes of CBJ Charter 5.4 and 15.14.

Section 3. COVID-19 Mitigation Strategies.

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

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

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

(d) **Exemptions.**

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

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

- (A) Identify each set of discrete information that the entity or person asserts is confidential;
- (B) Identify each specific legal authority that the entity or person asserts applies to each such set of information; and
- (C) For each such set of information, explain why the entity or person asserts the information is confidential based on each legal authority the entity or person asserts applies to that information.

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

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

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

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

(1) **Requirement.** All individuals must wear a mask or a face covering over their nose and mouth (i) as provided for in Exhibit A; (ii) when using public transportation, like Capital Transit; and (iii) when entering an area that is posted requiring use of a mask or face covering. This ordinance is subject to the conditions and exceptions stated below.

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

(A) Any individual who cannot tolerate a mask due to a physical or mental disability;

(B) Individuals who are communicating with someone who is deaf or hard of hearing; or

(C) Individuals performing an activity that cannot be conducted or safely conducted while wearing a mask (for example a driver experiencing foggy glasses, a dental patient receiving care, or an equipment operator where there is a risk of dangerous entanglement).

(3) **Employment.** Employers are responsible to make sure employees who are present in the workplace have access to and wear masks or face coverings as required by this ordinance.

(4) **Exceptions.** This ordinance does not apply to the following categories of people or activities:

(A) Any child under the age of 2 years. These very young children should not wear a face covering because of the risk of suffocation. Additionally, masks are recommended, but not required for children ages 2-5. Daycare settings that serve preschool children are encouraged but not required to enforce mask usage for children age 2 and older.

(B) Individuals who are incarcerated, in police custody, or inside a courtroom; these individuals should follow guidance particular to their location or institution.

- (C) Musicians, presenters, ministers, and others communicating to an audience or being recorded, for the duration of their presentation/practice/performance where mask usage impairs communication, and so long as safe physical distancing is maintained.
- (D) Individuals removing their mask or face covering to eat, drink, or briefly scratch an itch.
- (E) Employees within their own fully enclosed office or workspace, and employees within an unenclosed workspace if they are totally alone.
- (F) Individuals doing high intensity exercise outdoors.

(5) **Denial of Service.** A person violating this ordinance is prohibited from entering, occupying, or remaining in the setting in which a mask or face covering is required. Provided, however, that this ordinance shall be applied in a manner consistent with the Americans with Disabilities Act (ADA) and any other applicable provision of law. Businesses and the City Manager for City and Borough of Juneau facilities, may choose to allow individuals who request an accommodation under the ADA to wear a face shield, or may consider accommodating these individuals through alternative means of providing goods or services, such as curbside, delivery, or telephonic service.

(6) **Proof of Medical Reason or Disability.** If a person declines to wear a mask or face covering because of a medical condition or disability as described above, this ordinance does not require them to produce medical documentation verifying the stated condition or disability.

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

- (A) **Notice.** The City Manager is required to identify and conspicuously post notices for those City and Borough of Juneau public facilities or areas of public facilities in which people are required to wear a mask or face covering. The Manager should post face covering notices in public facilities and areas of public facilities in which maintaining six feet separation between people is difficult or where there are insufficient physical barriers to keep people six feet apart.
- (B) **Provision of Face Covering.** For people who cannot afford or locate a face covering, the Manager shall make a face covering available on every Capital Transit bus and at any facility owned by the City and Borough of Juneau that requires a mask or face covering.

(8) **Definitions.**

- (A) "Mask" means a medical grade mask (i.e. N95).

- 1 (B) "Face covering" means a cloth, polypropylene, paper, or other face covering that
2 covers the nose and the mouth and that rests snugly above the nose, below the
3 mouth, and on the sides of the face. The following are not face coverings because
4 they allow droplets to be released: a covering with a valve designed to facilitate
5 easy exhalation; mesh masks; lace masks; other coverings with openings, holes,
6 or visible gaps in the design or material.
7
8 (C) "Face shield" means a clear plastic shield that covers the forehead, extends
9 below the chin, and wraps around the sides of the face.
10

11 **Section 4. Repeal of Ordinance 2021-22.** Ordinance 2021-22 is repealed.
12

13 **Section 5. Effective Date.** This ordinance shall be effective immediately after adoption.
14 This ordinance expires at 12:01 a.m. on October 31, 2021, unless terminated earlier by the
15 Assembly by motion.
16

17 Adopted this _____ day of _____, 2021.

18
19
20 _____
Beth A. Weldon, Mayor

21 Attest:

22
23
24 _____
25 Elizabeth J. McEwen, Municipal Clerk
26

**Exhibit A - Emergency Ord. 2021-33
COVID-19 Mitigation Strategies**

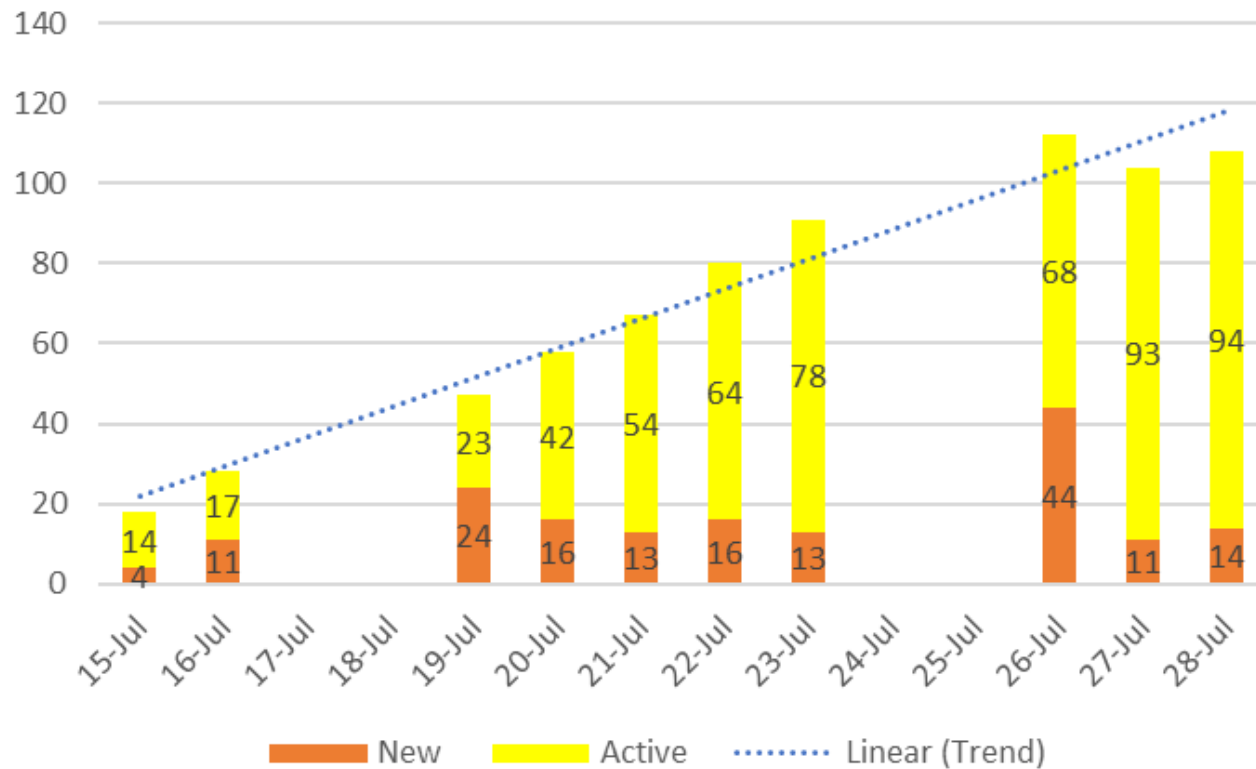
Community Risk Level	Masks / Social Distancing	Large Gatherings	Restaurants, Bars	Personal Services, Gyms	Travel
Fully Open: > than 97% of the population are able to be fully vaccintaed.	No restrictions in place. Recommended masking and testing if displaying any COVID like symptoms if interacting with unvaccinated or vulnerable populations.				
Minimal	If not fully vaccinated, masks/face coverings must 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 must be worn indoors by individuals who are not fully vaccinated.	If not fully vaccinated, patrons must 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 must 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 must be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event). If fully vaccinated, masking is highly recommended in indoor public areas. Limit social interactions.	Indoor gatherings should be limited to 50* people with safety measures (masks required). Outdoor gatherings are recommended. There are no size limits if all individuals at the gathering are fully vaccinated, masking is highly recommended.	If not fully vaccinated, patrons must 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, reduce waiting room capacity to 50%. Gyms limit capacity to 50%. Gyms limit indoor group classes to full vaccinated individuals only.	Follow State Health Advisories
High	Masks/Face coverings must 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 required). Outdoor gatherings with 6ft distancing recommended. There are no size limits if all individuals at the gathering are fully vaccinated.	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 closed at 11:00 pm.	Personal Services by appointment only, no waiting areas. Gyms limit capacity to 50%. Gyms limit indoor group classes to full vaccinated individuals only.	Follow State Health Advisories
Very High	Masks/Face coverings required outside the home. Residents are required 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 allowed.	Restaurants and bars limited to delivery and curbside pickup if allowed by law.	Personal Services and Gyms closed.	Follow State Health Advisories

**Exhibit A - Ord. 2021-22
COVID-19 Mitigation Strategies**

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 must be worn indoors in public areas and outdoors at crowded outdoor events (e.g. live performance, parade, sports event)	No size limitations; however, masks must be worn indoors by individuals who are not fully vaccinated.	R: If not fully vaccinated, patrons must wear masks when not actively eating or drinking. B: No restrictions.	If not fully vaccinated, masks/face coverings must 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 must 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 must be worn indoors by individuals who are not fully vaccinated.	If not fully vaccinated, patrons must 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 must 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 must 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 required). 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 must 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, limit capacity to 50%.	Follow State Health Advisories.
High	Masks/Face coverings must 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 required). 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 closed at 11:00 pm.	Personal Services by appointment only, one customer per service provider, no waiting areas. Gyms, no group activities, limit capacity to 25%	Follow State Health Advisories
Very High	Masks/Face coverings required outside the home. Residents are required 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 allowed.	Restaurants and bars limited to delivery and curbside pickup if allowed by law.	Personal Services and Gyms closed.	Follow State Health Advisories

COVID-19 UPDATE TO SPECIAL ASSEMBLY MEETING
WEDNESDAY, JULY 28, 2021
SUPPLEMENTAL MATERIALS

CBJ COVID -19 - 14 Day Active Case Trend

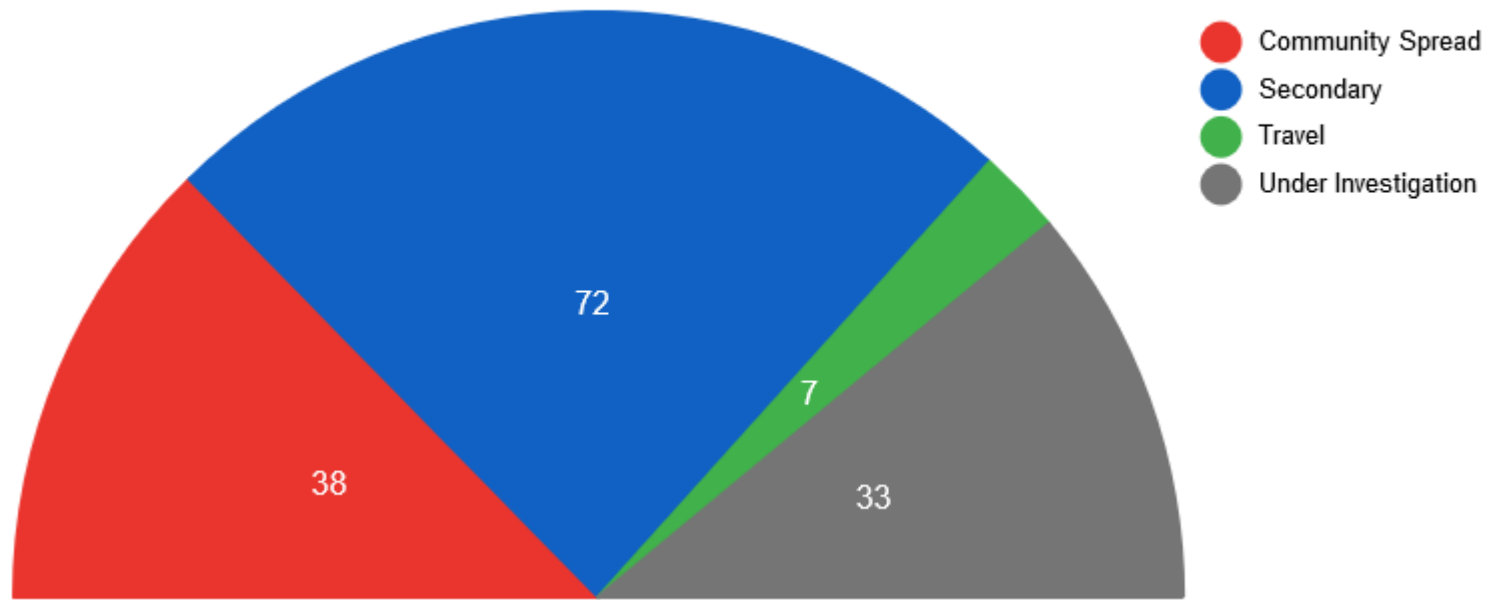


Test
Positivity
Rate*

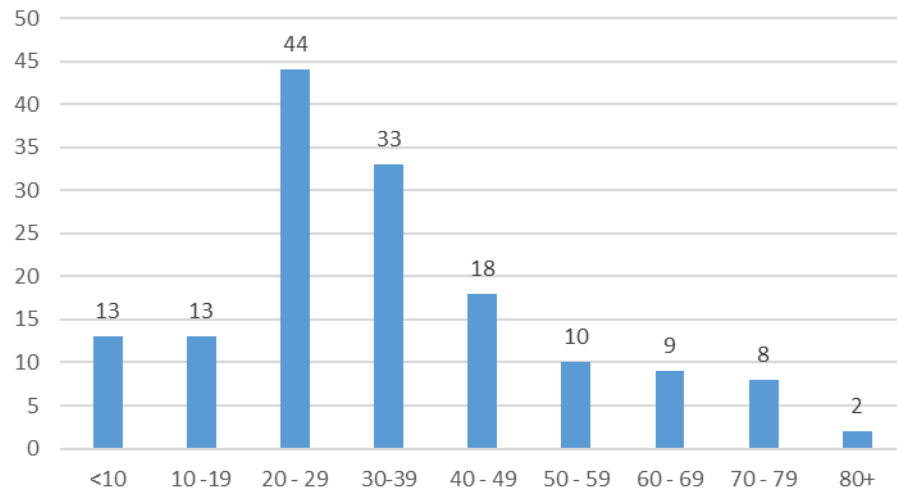
4.00%

7-day rolling
average

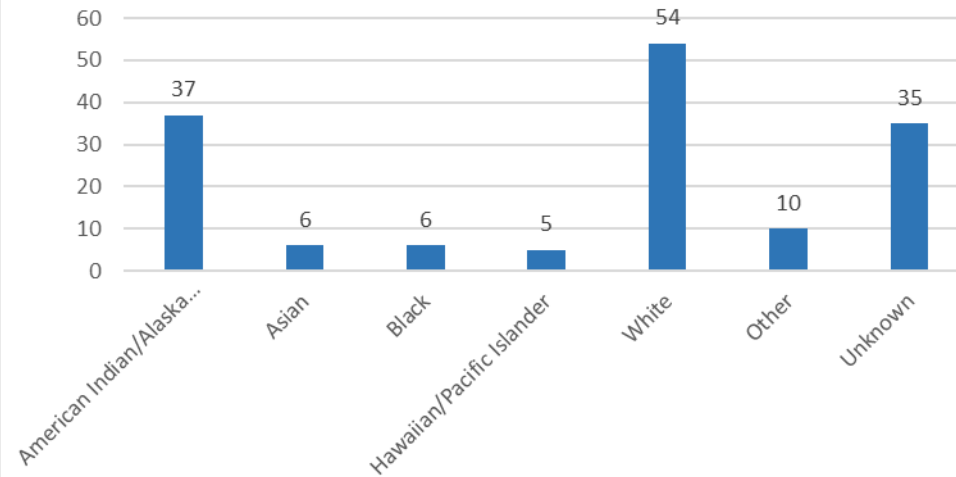
Case Acquisition 14-day (updated July 26, 2021)

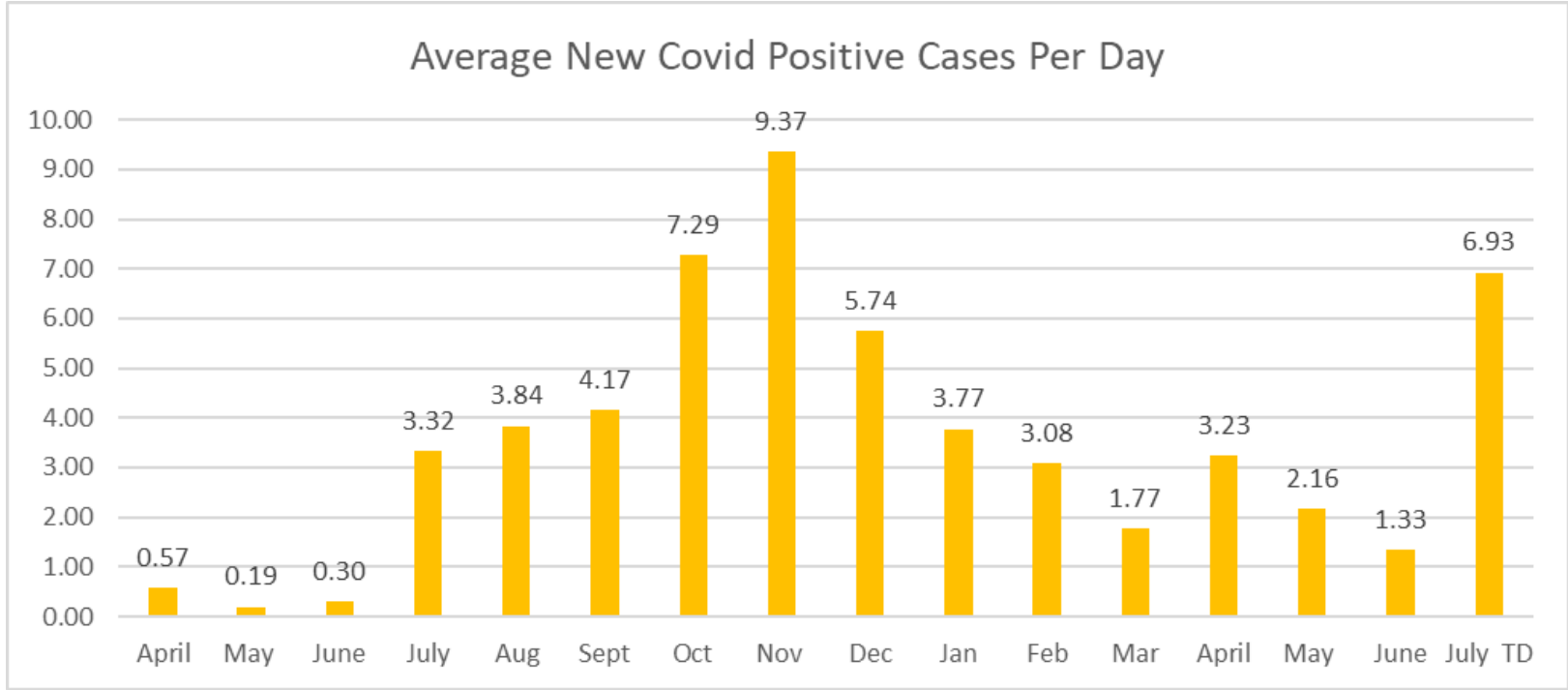


14 Day Lookback Age Profile

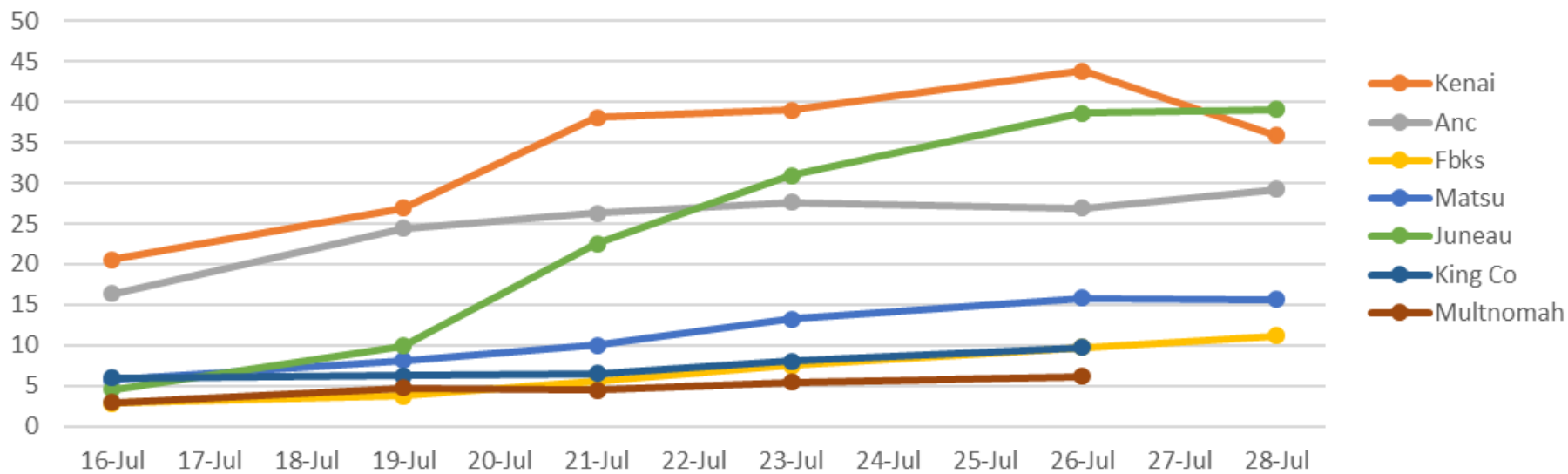


14 Day Lookback Race Profile





Daily new cases per 100k pop, 7 day moving average



Juneau Vaccinated Population

Total Population Series Complete: **65.2%**

Total Population with One Dose: **68.8%**

12+ Population Series Complete : **76.0%**

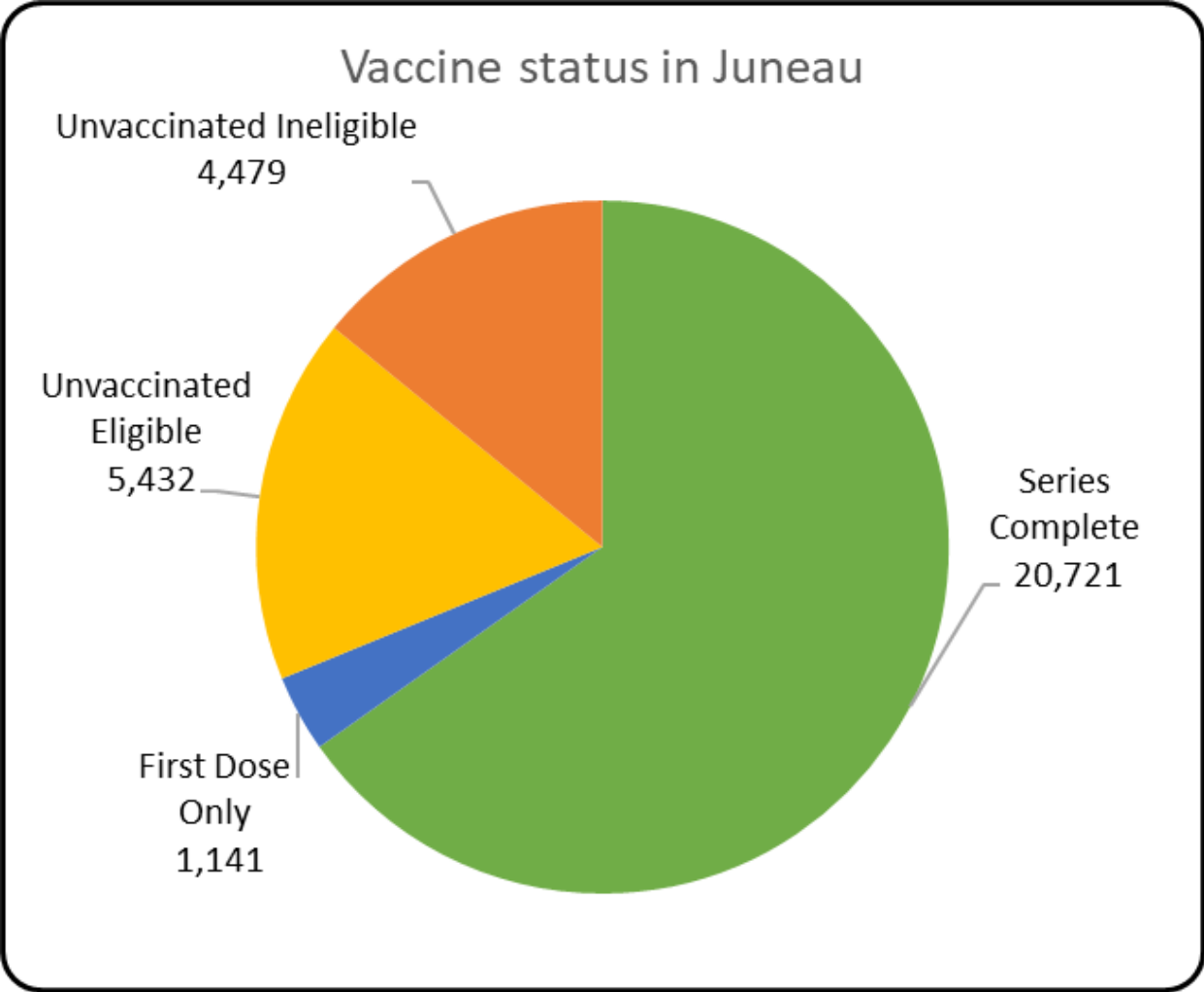
12+ Population with One Dose: **80.2%**

65+ Population Series Complete : **88.7%**

65+ Population with One Dose: **91.2%**

Juneau Population by Age Groupings

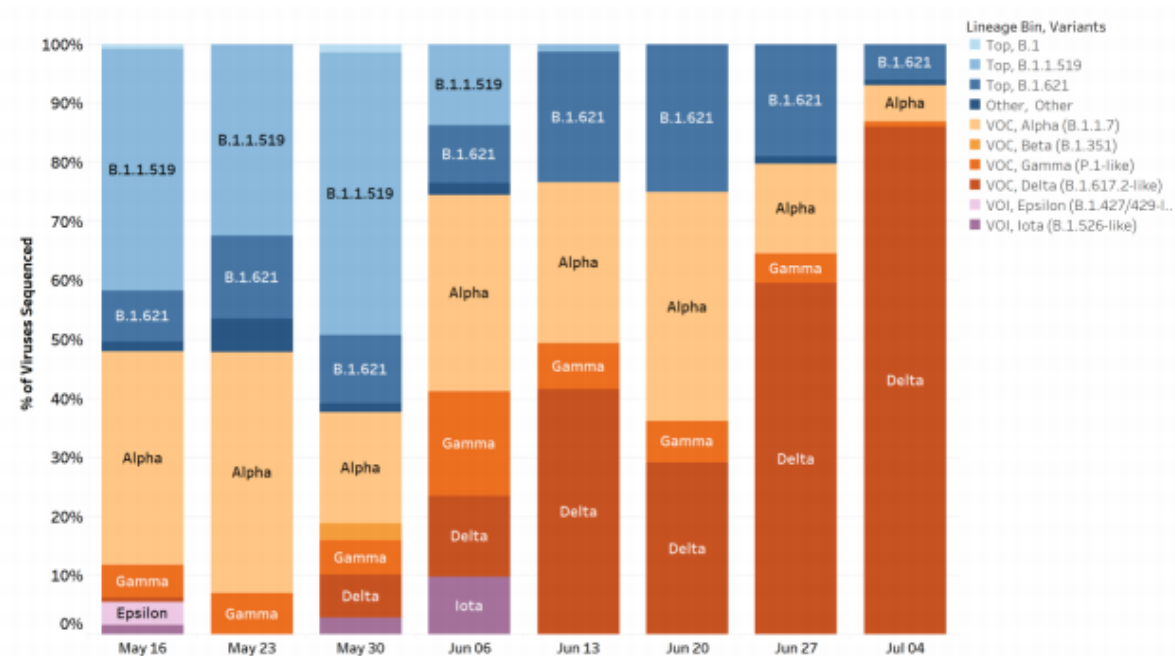
Age group	Number	% of Pop.
0 - 11	4,479	14.1%
12 - 15	1,607	5.1%
16+	25,687	80.8%
Total	31,773	



What we know:

- Delta is a variant of the virus that causes COVID-19.
- New data show Delta is very contagious and spreads more easily than other variants.
- Unvaccinated people are at highest risk.
- Second dose of mRNA increases effectiveness of vaccines against Delta.
- **The Delta variant is now the predominant variant in Alaska.**

Recent Prevalence of Variants in Alaska

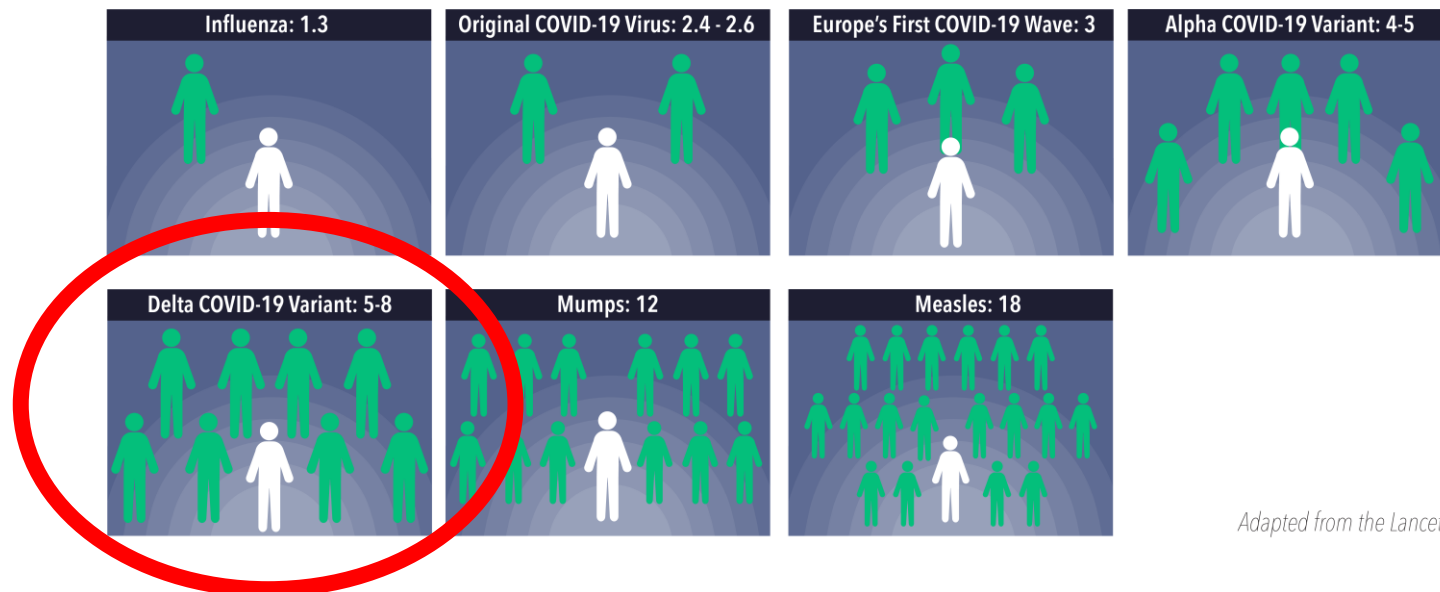


What we are learning:

- Vaccinated people can get breakthrough infections of Delta variant and may be contagious.
- Vaccinated individuals represent a very small amount of total transmission.
- In areas of high transmission, masking in public indoor settings helps prevent the spread of Delta

How the R0 Numbers of COVID-19 Variants and Other Diseases Compare

The R0 (reproductive number) indicates how many people on average will contract an infectious disease from a single person. The more contagious the disease, the higher the R0.

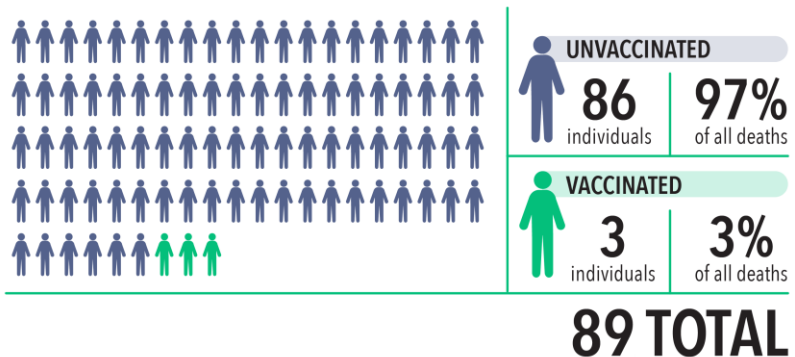


Adapted from the Lancet

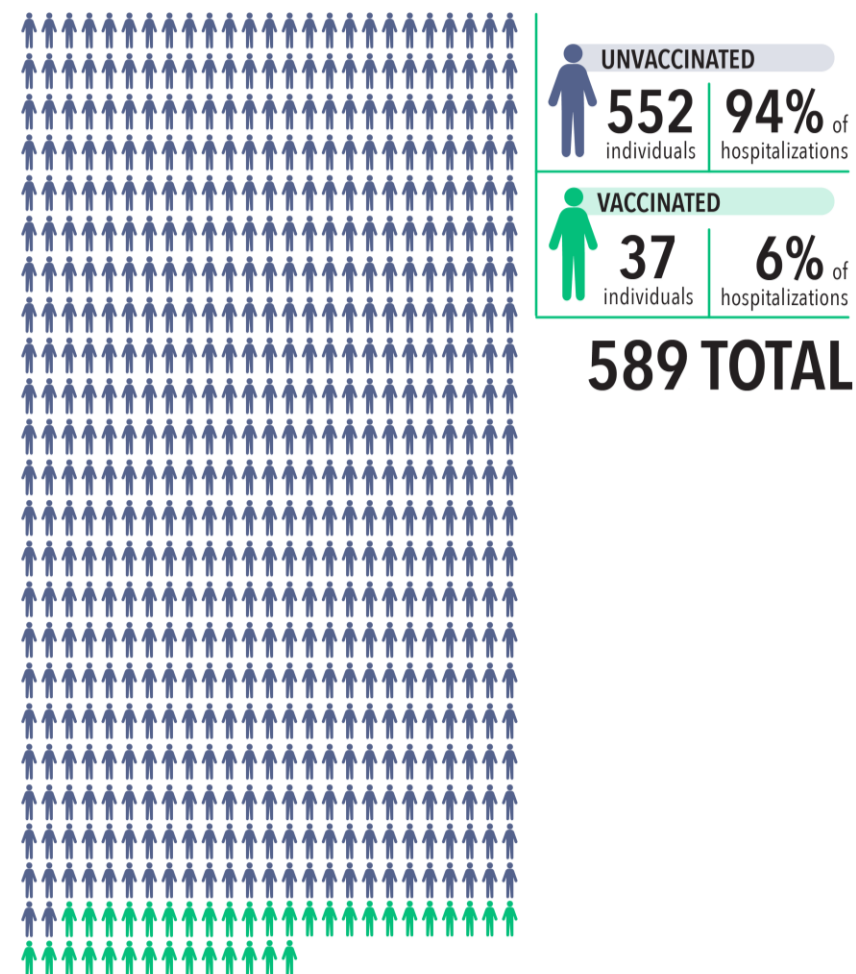
COVID-19 in Alaska

Hospitalizations and Deaths from COVID | Jan 1 - July 24, 2021

Deaths from COVID



Hospitalizations from COVID



Vaccinated individuals were fully vaccinated (series complete + two weeks).
Deaths due to COVID; some individuals also had underlying health conditions.

Summary of Recent Changes

Updates as of July 27, 2021



- Updated information for fully vaccinated people given new evidence on the B.1.617.2 (Delta) variant currently circulating in the United States.
- Added a recommendation for fully vaccinated people to wear a mask in public indoor settings in areas of [substantial or high transmission](#).
- Added information that fully vaccinated people might choose to wear a mask regardless of the level of transmission, particularly if they are immunocompromised or at [increased risk for severe disease](#) from COVID-19, or if they have someone in their household who is immunocompromised, at increased risk of severe disease or not fully vaccinated.
- Added a recommendation for fully vaccinated people who have a known exposure to someone with suspected or confirmed COVID-19 to be tested 3-5 days after exposure, and to wear a mask in public indoor settings for 14 days or until they receive a negative test result.
- CDC recommends universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status