

ANCHORAGE, ALASKA
AR No. 2021-303

1 **A RESOLUTION OF THE ANCHORAGE ASSEMBLY REQUESTING THE**
2 **MAYOR TO DIRECT THAT MASKS OR FACE COVERINGS ARE REQUIRED IN**
3 **PUBLIC INDOOR AREAS OF MUNICIPAL BUILDINGS AND PROMOTING**
4 **MITIGATION MEASURES WHEN THE MUNICIPALITY OF ANCHORAGE IS IN A**
5 **SUBSTANTIAL RISK OR HIGH ALERT LEVEL FOR COMMUNITY**
6 **TRANSMISSION OF COVID-19.**
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8
9 **WHEREAS**, on July 27, 2021 the Centers for Disease Control and Prevention (CDC)
10 updated their public health recommendations given new evidence on the highly
11 transmissible B.1.617.2 (Delta) variant of the virus that causes COVID-19, which is
12 now the dominant variant circulating in Alaska and around the United States; and
13

14 **WHEREAS**, the CDC's updated guidance includes a recommendation that all
15 people, including fully vaccinated people, wear a mask in public indoor settings in
16 areas of substantial or high transmission of COVID-19; and
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18 **WHEREAS**, the CDC notes that until vaccination coverage is high, communities and
19 organizations should regularly assess the need for prevention strategies, based on
20 five critical factors, including: 1) level of SARS-CoV-2 community transmission;
21 2) health system capacity; 3) vaccination coverage; 4) capacity for early detection
22 of increases in COVID-19 cases; and 5) populations at risk for severe outcomes
23 from COVID-19; and
24

25 **WHEREAS**, despite drops in case counts this past spring and early summer, the
26 Municipality of Anchorage (MOA), and all of Alaska, has seen a marked increase in
27 COVID-19 cases over the past two months, and the Municipality, and most of
28 Alaska, is currently in high alert status for per capita incidence of new cases of
29 COVID-19, based on the total number of new reported cases per 100,000 persons
30 in the past 7 days; and
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32 **WHEREAS**, the Alaska State Hospital & Nursing Home Association, as well as
33 representatives from hospitals in Anchorage, have expressed concerns about the
34 capacity of our local health care system to respond to rapid increases in COVID-19
35 cases and related hospitalizations; and
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37 **WHEREAS**, on September 1st, a record 30 patients were holding in the
38 emergency department at Providence Hospital and the emergency room waiting
39 area was past capacity for safe distancing, so some patients waited in their cars;
40 and

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2 **WHEREAS**, on September 1st, Jared Kosin, president and CEO of the Alaska
3 State Hospital and Nursing Home Association told the Anchorage Daily News, “I
4 want to be clear and on the record: We are in crisis”; and

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6 **WHEREAS**, on September 2nd during testimony at a hearing of the State
7 Legislature’s House Health and Social Services Committee describing the current
8 crisis situation to state legislators, Dr. Robert Onders of the Alaska Native Tribal
9 Health Consortium said “We are not doing well at all,” Dave Wallace, CEO of Mat-
10 Su Regional Medical Center said, “We are in disaster mode here,” and Preston
11 Simmons, CEO of Providence Alaska said “We are being tested like never before”;
12 and

13
14 **WHEREAS**, on September 8th, there were 208 people hospitalized with the virus
15 around the state, higher than at any other point in the pandemic, and 117 in
16 Anchorage hospitals, according to the official Anchorage Municipal COVID-19
17 Data dashboard; and

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19 **WHEREAS**, on August 30th, the Anchorage School District had to suspend certain
20 student bus routes on an alternating schedule due to a shortage of drivers related
21 to COVID-19 concerns, on September 1st the ASD Superintendent reported four
22 classrooms in the district have had to transition to at-home learning as a result of
23 COVID-19 spread, and on September 10th the ASD COVID-19 dashboard reports
24 338 active confirmed self-reported positive COVID-19 cases among enrolled
25 students; and

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27 **WHEREAS**, over the past two weeks hospitals have begun instituting additional
28 restrictions such as pausing all visitation except for several specific exemptions:
29 children under 18 can have one caregiver with them; women in labor can have one
30 partner; and families can visit patients who are dying; and

31
32 **WHEREAS**, in late August, 26 out of 136 COVID-positive people hospitalized in
33 Alaska were vaccinated, according to the Alaska State Hospital and Nursing Home
34 Association, and of 33 COVID-19 patients in the ICU, five were vaccinated, and
35 out of 18 on ventilators, one was vaccinated; and

36
37 **WHEREAS**, the CDC recognizes that increasing COVID-19 vaccination coverage
38 remains the most important public health action to end the pandemic; and

39
40 **WHEREAS**, 59.3% of MOA residents age 12 and older have completed the full
41 vaccination series; and

42
43 **WHEREAS**, children under the age of 12 are not eligible for vaccination at this time
44 and the CDC recommends implementing other protection strategies to protect
45 people who are not fully vaccinated; and
46

1 **WHEREAS**, the CDC reports that proven effective strategies against SARS-CoV-2
2 (COVID-19) transmission, beyond vaccination, include using masks consistently
3 and correctly, maximizing ventilation, maintaining physical distance, and avoiding
4 crowds; and

5
6 **WHEREAS**, the CDC recommends to maximize protection from the Delta variant to
7 wear a mask indoors in public if in an area of substantial or high transmission, and
8 to follow basic public health measures such as staying home when sick,
9 handwashing, and regular cleaning of high-touch surfaces are also encouraged; and

10
11 **WHEREAS**, it is in the best interest of the MOA and its residents to update protocols
12 at Municipal buildings to align with new public health guidance, in order to minimize
13 preventable illness and death during the current surge of COVID-19 cases; and

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15 **WHEREAS**, the Anchorage Health Department issues COVID-19 risk assessments
16 and has consistently made the following recommendations to the public: (1) Get
17 vaccinated; (2) Wear a mask in public indoor settings if in an area of substantial or
18 high transmission; (3) Practice social distancing; (4) Wash hands for at least 20
19 seconds or sanitize hands frequently; and (5) Get tested if experiencing COVID-19
20 symptoms or are exposed to someone with COVID-19, regardless of vaccination
21 status; and

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23 **WHEREAS**, the Anchorage Health Department's risk assessment also include
24 recommendations for local businesses that Dr. Savitt, Chief Medical Officer for the
25 Municipality, further indicated should also apply to the Municipal workforce as well:
26 (1) Encourage and continue to support telework when feasible; (2) Encourage use
27 of virtual meetings versus in-person meetings when feasible; (3) Encourage event
28 organizers to consider keeping number of participants small, encourage mask
29 wearing and hosting events outside whenever feasible; (4) Encourage unvaccinated
30 front line workers to get tested weekly and anyone experiencing symptoms of
31 COVID-19 to get tested as needed to ensure continuity of critical services;
32 (5) Consider allowing employees to get tested or vaccinated on work time; and
33 (6) Encourage all employers to review OSHA's Guidance on Mitigating and
34 Preventing the Spread of COVID-19 in the Workplace; and

35
36 **WHEREAS**, the Pfzier BioNTech COVID-19 vaccine, to be marketed as Comirnaty,
37 received the Food and Drug Administration's first full approval for individuals age 16
38 and older starting on August 23, 2021, taking it out of emergency use authorization
39 status for adults, now that it has met the high standards for safety, effectiveness,
40 and manufacturing quality the FDA requires; and

41
42 **WHEREAS**, Mayor Bronson when interviewed about the challenges the Municipality
43 is facing with regard to the effects of COVID-19, especially hospital capacity, he
44 responded "I don't know what more we can do," consistent with his stance to not to
45 institute Municipal areawide mandates applicable to individuals and private
46 businesses; and

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2 **WHEREAS**, management authority over Municipal buildings is vested in the
3 Executive Branch under the Mayor per Anchorage Municipal Code section
4 25.20.050, and he may exercise control over Municipal land including issuing
5 directives regulating their use; and

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7 **WHEREAS**, on September 9, 2021, President Biden issued new directives to the
8 Occupational Safety and Health Administration to require all employers with over
9 100 employees to mandate workers to be vaccinated or face weekly testing and will
10 also mandate that the businesses offer employees paid time off to get vaccinated;
11 and

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13 **WHEREAS**, even though the Municipality has over 100 employees, on September
14 9th in response to the announcement about the new federal directives to OSHA,
15 Mayor Bronson issued a statement that if the Municipality is not constitutionally
16 required to comply with the President's directive, then he would not require it of the
17 Municipal workforce, pending legal advice; and

18
19 **WHEREAS**, a state report by the Alaska Division of Public Health released in
20 January 2021, on Anchorage's restrictions last summer, have shown that masking,
21 capacity restrictions and gathering limitations help ease the burden on hospitals
22 and prevent deaths by slowing the spread of COVID-19;

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24 **NOW, THEREFORE, BE IT RESOLVED THAT THE ANCHORAGE ASSEMBLY**

25
26 **Section 1.** Requests the Mayor to direct the following requirements for use of
27 Municipal buildings:

- 28
29 A. When the Municipality of Anchorage is in the substantial or high alert level
30 for community transmission of COVID-19, as defined in Section B, all persons
31 shall wear a mask while in public indoor portions of Municipal-owned
32 buildings, or of buildings leased and under the control and management of
33 the Municipality.
34
35 B. Substantial or high alert occurs when either of the following two criteria are
36 met: there are more than 50 new cases of COVID-19 per 100,000 persons in
37 the MOA over the past 7 days; or the percentage of positive COVID-19 tests
38 in the past 7 days exceeds 8%.
39
40 C. The Municipal Manager, Real Estate Department Director, and head of the
41 department with management authority over a Municipal building described
42 in Section A. has authority to interpret and apply limited exceptions to this
43 directive (e.g. individuals removing their mask or face covering to eat or drink,
44 individuals performing an activity that cannot be conducted or safely
45 conducted while wearing a mask, individuals who cannot tolerate a mask due
46 to physical or mental disability, etc.). This directive shall not apply to children

1 under the age of 2 years.

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3 **Section 2.** Requests the Mayor to institute the following requirements regarding
4 Municipal employees:

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6 A. When the Municipality of Anchorage is in the substantial or high alert level
7 for community transmission of COVID-19, as defined in Section B,
8 implement the Anchorage Health Department's recommendations to:

- 9 1. Support telework when feasible;
10 2. Use virtual meetings versus in person meetings when feasible;
11 3. Keep all events and gatherings to a small number of participants,
12 encourage mask wearing and hosting events outside when
13 feasible;
14 4. Encourage front line workers to get tested weekly and also when
15 experiencing COVID-19 symptoms; and
16 5. Allow employees to get tested and vaccinated on work time.

17 B. Substantial or high alert occurs when either of the following two criteria
18 are met: there are more than 50 new cases of COVID-19 per
19 100,000 persons in the MOA over the past 7 days; or the percentage of
20 positive COVID-19 tests in the past 7 days exceeds 8%.

21
22 **Section 3.** In addition to instituting policies to protect the Municipal workforce and
23 public within Municipal buildings, the Anchorage Assembly requests the Mayor
24 strongly encourage through public health messaging, as well as through messaging
25 and actions on his own behalf as Mayor, the use of masks in public indoor spaces
26 regardless of vaccination status, those residents who are eligible to get vaccinated,
27 and observance of physical distancing and limiting gatherings and avoiding crowds.

28
29 **Section 4.** In addition to wearing masks, consistent with the recommendations
30 recently provided by the Anchorage Health Department, the Anchorage Assembly
31 recommends and encourages all people entering any indoor public space to wear a
32 mask or face covering, and to practice other effective strategies to prevent the
33 spread of COVID-19, including getting vaccinated, maintaining physical distance,
34 avoiding crowds, and practicing basic public health measures such as staying home
35 when sick, handwashing, and regular cleaning of high-touch surfaces. The
36 Assembly requests the Mayor issue public health information, including periodic
37 briefings, to the public consistent with these recommendations.

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39 **Section 5.** This resolution shall be effective immediately upon passage and
40 approval by the Assembly.

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42 PASSED AND APPROVED by the Anchorage Assembly this _____ day
43 of _____, 2021.

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Chair of the Assembly

ATTEST:

Municipal Clerk

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