

LAW OFFICES

DILLON & FINDLEY

A PROFESSIONAL CORPORATION

1049 W. 5th Ave., Suite 100
Anchorage, Alaska 99501
Telephone (907) 277-5400
Facsimile (907) 277-9896

Attorneys

Ray R. Brown, Of Counsel
Molly Brown
Jessica Dillon
Meg Simonian
John P. (JP) Wood

Legal Assistants

M. Benita Raymond
Shelley Eggert
Lisa Kusmider
Hailey J. Imlach

MEMORANDUM

To: Angoon City Council Members
Thru: Joshua Bowen, Mayor
From: Jessica Dillon, Dillon & Findley, P.C.
Date: April 24, 2020
Re: Resolution 20-18, Resident/Non-resident Travel Restrictions and Requirements

The City of Angoon requested a legal opinion on the residency requirement provided in Resolution 20-18, which was passed and approved by the Angoon City Council on April 15, 2020 and established resident/non-resident travel restrictions and requirements.

Resolution 20-18 provided exemptions to non-resident travel restrictions, including “[r]esidents returning to the resident’s home from outside of Angoon that show no signs or symptoms of COVID-19.” This exemption is consistent with the State of Alaska’s Small Community Emergency Travel Order issued on March 27, 2020 and amended on April 9, 2020.

Resolution 20-18 defined resident as “anyone who currently physically lives in Angoon and has maintained a physical presence for a minimum of 10 of the last 12 months.” This definition is inconsistent with the general residency definition under AS 01.10.055 and AS 43.23.095. While other Alaska statutes provide residency requirements for a certain periods of time, they are typically tied to an economic interest, such as the Alaska permanent fund dividend or cost-of-living adjustments, which only warrant minimum scrutiny under the Alaska and federal constitution. Whereas, travel restrictions are reviewed under a higher scrutiny standard.

We recommend that the Angoon City Council amend Resolution 20-18 to define “resident” consistent with AS 01.10.055 and AS 43.23.095:

An Angoon resident means an individual who has the intent to remain indefinitely in Angoon. A person has demonstrated the intent to remain indefinitely in Angoon if they have maintained a principal place of abode for at least 30 days or longer; has received no benefits from another state or city and does not claim residence in another state or city.