

Debra Thompson

From: Mark Coonrad <mcoonrad78@gmail.com>
Sent: Monday, April 27, 2020 12:45 PM
To: Debra Thompson; Emergency Operations Center
Subject: Borough Health Mandate #7 draft edits and comments
Attachments: mandate page1 edit.JPG; mandate page2 edit.JPG

To Whom It May Concern,

I want to discuss the latest draft Health Mandate (#7 – Non-Congregate Sheltering). State of Alaska Health Mandate #14 ordered communities to put into place quarantine and isolation solutions to prevent the spread of COVID-19 among vulnerable populations. It seems that by omission (no clear direction), the State mandate gave wide leeway to individual communities to implement policies and procedures that make the most sense for each individual community.

For some reason, the Petersburg Borough has decided that not only should it plan and prepare the facilities and processes regarding this mandate, but it should also take the step of allowing the Incident Commander (IC), in conjunction with the Borough Health Office, to have the overreaching power to “isolate or quarantine an individual that (1) has tested positive for COVID-19, (2) is symptomatic and awaiting testing or test results, or (3) has been determined to have been exposed to an individual who meets criteria of (1) or (2).”

I have many issues with the proposed language, but most of it can be expressed below. The Fourth Amendment to the US Constitution proscribes unreasonable seizure of any person without a warrant. If an individual that falls into one of the three categories above chooses to not take advantage of the quarantine and isolation solutions so mandated, then let the courts issue a warrant for their arrest and detention. Giving the IC and Borough Health Officer the power to isolate (detain) and individual without that person’s clear consent is a clear violation of the 4th Amendment.

I have attached two pictures of the draft documents and my suggested edits to them. I am no lawyer, so perhaps someone else can craft the language in a better way that is still in line with my suggestions.

For what it's worth, I applaud your efforts to produce a plan for how we as a community should deal with the unfortunate situation of a health care worker, first responder or homeless person being COVID-19 positive. Just leave out the clear violations of individual freedoms, and I'm sure it will be received in a more positive light.

Thanks for you time,

Mark Coonrad

PETERSBURG BOROUGH PUBLIC HEALTH MANDATE #7
(Non-Congregate Sheltering)

Under State of Alaska Health Mandate #14 and in order to combat the transmission of COVID-19, the State is preparing to implement a temporary quarantine and isolation program utilizing non-congregate shelter solutions for the vulnerable population, including first responders, healthcare workers and those experiencing homelessness. The Petersburg Borough has very limited options in this regard, as there are no dormitories within the Borough and the hospitality sites have been hesitant to provide adequate space to fill the potential need. Accordingly, the Borough is in the process of arranging for non-congregate shelter areas, to consist of primary sites, where hotel rooms are available, and a secondary site, if it is subsequently deemed necessary, consisting of separate trailer facilities, to be placed directly adjacent to the Petersburg Aquatic Center.

Due to this ongoing public health emergency and to provide necessary solutions under State of Alaska Health Mandate #14, it is in the best interest of the safety and health of Petersburg that non-congregate shelter areas be established. The conditions of this Mandate are designed to provide the least necessary restrictions.

UNDER THE AUTHORITY OF PETERSBURG MUNICIPAL CODE CHAPTER 3.72,
THE BOROUGH ASSEMBLY HEREBY ORDERS:

Isolation and quarantine in non-congregate sheltering.

Authorization.

During this public health emergency, the Incident Commander, with the concurrence of the Borough Health Officer, may isolate or quarantine an individual who (1) has tested positive for COVID-19, (2) is symptomatic and awaiting testing or test results, or (3) has been determined to have been exposed to an individual who meets the criteria of (1) or (2). The Commander is hereby authorized and mandated to contract for, or establish and maintain, such places of isolation and quarantine as are required to protect the public health and safety of the Petersburg Community.

Insert "offer to"

Add to bottom of this paragraph. "This service will only be provided with the expressed written consent of the individual in question (or their court appointed legal guardian or medical POA), or through a court ordered authorization for someone that is otherwise incapacitated."

The Commander's April 24, 2020 Non-Congregate Sheltering Planning Document for the homeless population and first responders/health care workers is hereby approved. The Commander is authorized to establish places of isolation and quarantine at Petersburg hotels, and, if needed, on Borough property at the northeast corner of the Third Street parking lot, directly adjacent to the Petersburg Aquatic Center. He is further authorized to establish additional owned or leased places of isolation and quarantine as the Commander determines necessary to meet the Borough's public health needs. The

Commander shall establish rules and make orders for the effective and efficient operation of all places of isolation and quarantine.

This authorization and mandate to locate places of isolation and quarantine where necessary within the Borough shall supersede any conflicting zoning or building code ordinances or regulations.

General Principles of Isolation and Quarantine.

Persons isolated and quarantined shall be provided adequate food and shelter. Premises used for isolation and quarantine shall be maintained in a safe and hygienic manner and be designed to minimize the likelihood of transmission of infection to others.

To the extent possible, cultural and religious beliefs should be considered in addressing the needs of quarantined and isolated individuals.

Persons subject to isolation or quarantine shall comply with established rules and orders and shall not go beyond the isolation or quarantine premises except to obtain medical care. The Commander may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet their needs and shall ensure that those who enter the premises have personal protective gear determined to be adequate by the Borough Health Officer. No person, other than a person authorized by the Commander or Borough Health Officer, shall enter isolation or quarantine premises.

Before isolating or quarantining an individual, the Commander shall obtain a consent to the quarantine or isolation signed by the individual, or a written order from a public health official or court authorizing the isolation or quarantine. An individual shall be immediately released from isolation or quarantine when the individual poses no substantial risk of transmitting the virus to others, as determined by the Borough Health Officer.

It is the responsibility of Petersburg Medical Center to make arrangements to provide necessary medication and medical care to sheltered persons. Petersburg Mental Health (PMH) and/or Working Against Violence for Everyone (WAVE) are responsible for ensuring that the isolated or quarantined individual has a means of communication.

Other Places of Isolation and Quarantine/Alternative Housing Arrangements.

All individuals are encouraged to isolate or quarantine from home, if that is available and it is feasible to adequately isolate or quarantine the individual from other members of the household. The Incident Commander is authorized to provide Borough law enforcement, EMS, or other critical employees with alternative housing arrangements when the home of any such employee is being used for isolation or quarantine purposes by a member of the employee's household.

Effective Date and Duration. This Ordinance shall be effective immediately upon adoption and shall remain in effect during the effective period of State Health Mandate #14, unless extended or earlier terminated.

Remove "shall" and
Insert "will be asked to"

Remove "shall" and
Insert "will be asked to"

Add "or legal guardian/medical POA
a written order from a public health
add for an individual that is otherwi:
incapacitated, has no legal guardian
means of making this decision them

Remove last sentence and insert
signing the consent to quarantine
individual agrees to end their qu:
only after consultation with the f
Health Officer."