MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 166-2020

Meeting Date: March 12, 2020

From: MAYOR

Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.80, CIVIL EMERGENCY, TO PROVIDE SPECIFIC AUTHORITY FOR THE MAYOR TO DECLARE A PUBLIC HEALTH EMERGENCY AND EXERCISE POWERS RELATING TO THE EXAMINATION, TREATMENT, ISOLATION, AND QUARANTINE OF PERSONS HAVING OR SUSPECTED OF HAVING A CONTAGIOUS DISEASE.

The municipality’s codified civil emergency powers do not presently include provisions specifically addressed to public health emergencies. The proposed ordinance aims to address that gap. It would:

• permit the mayor to declare a public health emergency

• require health care providers in the municipality to apprise the State of persons presenting with conditions that could cause a public health emergency

• authorize the municipality to investigate and track illnesses and conditions that could cause a public health emergency

• authorize the municipality to order examination and testing as necessary to preserve and protect public health, or order the isolation or quarantine of individuals who do not submit to examination and testing

• in the context of a declared public health emergency, authorize the municipality to order the medical treatment of persons who have or may have been exposed to a contagious diseases, or order the isolation or quarantine of individuals who do not submit to treatment

• authorize the municipality to issue isolation and quarantine orders, subject to judicial review and with codified due process protections.

The ordinance would also make conforming amendments to the municipality’s current Civil Emergency provisions in AMC 3.80. Conforming amendments to AMC 3.80.080 Termination of Emergency Proclamation were not
necessary, meaning that the Assembly would retain the same powers it has as to existing civil emergency proclamations: the Assembly could immediately terminate a public health emergency by simple majority vote, if it wished, and would have to affirmatively extend a public health emergency, else it would terminate in short order by operation of law.¹

The proposed ordinance borrows heavily from two existing models: (a) The Model State Emergency Health Powers Act prepared by The Center for Law and the Public’s Health at Georgetown and Johns Hopkins Universities in 2001, in the wake of heightened terrorism and bioterrorism concerns²; and (b) Alaska Statute 18.15.385, adopted in 2005, in the wake of the SARS epidemic.³ The municipality recently undertook a review of these models, and its own Code, as part of its preparedness activities modified by the ongoing spread of the novel coronavirus, COVID-19.

The municipality is the state’s largest population center; hosts the state’s largest hospitals; and is home to the state’s busiest airport. Local ability to declare public health emergencies and to exercise powers to contain, slow, and/or mitigate public health emergencies would complement the state’s existing public-health emergency-response framework, and attends to the reality that the municipality may be best positioned to nimbly respond to evolving local conditions.

At this time, the economic effects of this ordinance to the private sector and local government are impossible to anticipate, and thus, a Summary of Economic Effects (SEE) is not included.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by: Department of Law
Approved by: Kathryn R. Vogel, Municipal Attorney
Concur: William D. Falsey, Municipal Manager
Respectfully submitted: Ethan A. Berkowitz, Mayor

¹ See AMC 3.80.080 Termination of emergency proclamation.
The emergency proclaimed in accordance with the provisions of sections 3.80.030 through 3.80.090 shall terminate after 48 hours from the issuance of a proclamation, or upon the issuance of a proclamation or resolution of the assembly declaring that an emergency no longer exists, whichever occurs first, except that such emergency may be extended for such additional periods of time as determined necessary by resolution of the assembly.