Submitted by: Assembly Member Weddleton Prepared by: Assembly Counsel Reviewed by: Department of Law For reading: October 27, 2020

ANCHORAGE, ALASKA AO No. 2020-122

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 3.20.030 TO PROVIDE THAT A MAYOR-ELECT TAKES OFFICE EARLIER THAN JULY 1 WHEN THE MAYOR'S SEAT IS VACANT AT THE TIME OF A REGULAR, SPECIAL, OR RUNOFF ELECTION THAT FILLS THE VACANCY.

WHEREAS, Mayor Ethan Berkowitz resigned from office effective October 23, 2020; and

WHEREAS, the Home Rule Charter of Anchorage, Article VII, Section 7.02(c) requires that if the office of mayor becomes vacant, it "shall be filled at a regular or special election held not less than 90 days from the time the vacancy occurs" and that "the chair of the assembly shall serve as acting mayor until a successor is elected *and takes office*." (emphasis added); and

WHEREAS, the process to transition from the current mayor to mayor-elect is set forth in Anchorage Municipal Code section 3.20.030 and establishes that the mayorelect takes office "on July 1, or as soon thereafter as practicable, following his [*sic*] certification as mayor-elect at a regular municipal election or a runoff election," and

WHEREAS, that Code section refers to the mayor continuing to serve until the mayor-elect takes office, and either does not contemplate a vacancy with an acting mayor serving, or intends an acting mayor to also serve until July 1 before returning to the person's role as Chair of the Assembly; and

WHEREAS, the Assembly desires that the transition period before the mayor-elect takes office should end sooner than July 1, allowing the Chair/Acting Mayor to return to their Assembly role and representation and the person the people elected areawide to be Mayor may assume office sooner; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 3.20.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.20.030 - Qualifying of mayor; transition period for mayor-elect.

A. The mayor shall be deemed qualified and shall take office by taking and subscribing to the oath required by section 17.07 of the Charter on July 1, or as soon thereafter as practicable, following <u>the</u> [HIS] certification as mayor-elect at a regular municipal election or a runoff

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	election held in accordance with the Charter and section 28.20.010 however, if the mayor's office was vacant and filled at a regular
	election in the last months of the mayoral term or at a special election
	or the subsequent runoff election if required, then the mayor-election
	shall take office upon certification of the election results, or as soor
	thereafter as practicable. The mayor or acting mayor shall continue to
	serve and to exercise all powers of the [HIS] office until the [HIS]
	successor <u>mayor-elect</u> qualifies and takes office in accordance with this section. <u>Any service of a mayor as provided in this subsection</u>
	that is to serve the remaining balance of a mayoral term when the
	office was vacated does not count against term limits and does not
	change the date of taking office of any subsequent mayor's term.
***	*** ***
C.	The mayor-elect shall work with the mayor <u>or acting mayor</u> during the transition period established by this section to ensure that the orderly administration of municipal affairs is maintained.
(AO	No. 78-45; AO No. 79-27; AO No. 93-137, § 1, 9-21-93)
Section 2	This ordinance shall be effective immediately upon passage and
	y the Assembly.
	SSED AND APPROVED by the Anchorage Assembly this day
JT TC	, 2020.
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