

Municipality of Anchorage

Chin'an gu ninyu
Thank you, you came here

Suzanne LaFrance

Chair

Kevin Cross

Robin Dern

Kameron Perez-Verdia

Pete Petersen

Austin Quinn-Davidson



Dave Bronson

Mayor

Christopher Constant

Vice-Chair

Felix Rivera

Randy Sulte

Joey Sweet

Daniel Volland

Meg Zaletel

Barbara A. Jones, Municipal Clerk

Jennifer Veneklasen, Deputy Municipal Clerk

Assembly Agenda

April 18, 2023

Special Meeting

5:00 p.m. – 9:00 p.m.

Assembly Chambers

Loussac Library

3600 Denali, Room 108

Live Streaming and Archived meetings/Podcasts at <http://www.muni.org/watchnow>

Live on Yukon TV streaming service; Rebroadcast Wednesday/Friday at 5:00 p.m.

How to Testify: The Assembly receives public comments during Audience Participation, as well as public testimony on all open Public Hearing items. Audience Participation (Agenda Section 5) lasts, as time allows, until adjournment.

The public may submit written comments at www.muni.org/testimony and may also participate (1) in-person, or (2) by phone. If you would like to provide comments or testimony ***over the phone***, please sign up online at this link www.muni.org/testimony by 5:00 p.m. the day before the meeting. There is no sign-up list for in-person testimony – the Chair will invite the public to speak on a first come basis. Please do not sign up to provide phone testimony if you plan to attend in person.

1. CALL TO ORDER
2. ROLL CALL

3. PLEDGE OF ALLEGIANCE AND LAND ACKNOWLEDGMENT

A land acknowledgement is a formal statement recognizing the Indigenous people of a place. It is a public gesture of appreciation for the past and present Indigenous stewardship of the lands that we now occupy. It is an actionable statement that marks our collective movement towards decolonization and equity.

The Anchorage Assembly would like to acknowledge that we gather today on the traditional lands of the Dena'ina Athabascans. For thousands of years the Dena'ina have been and continue to be the stewards of this land. It is with gratefulness and respect that we recognize the contributions, innovations, and contemporary perspectives of the upper Cook Inlet Dena'ina.

4. UNFINISHED BUSINESS

- 4.A.** Assembly Memorandum No. AM 276-2023, Recommendation of Grant Award to **various non-profits for development of and sustainably operating a project or service for residents of the Municipality of Anchorage targeting early childhood education, and/or the prevention and mitigation of child maltreatment, domestic violence, and sexual assault** for the Municipality of Anchorage (MOA), Anchorage Health Department (AHD) (RFGP 2022GP004) (\$273,576.09), Purchasing Department. (ACTION WAS POSTPONED FROM 4-11-2023. NO MOTION PENDING.)
- 4.B.** Resolution No. AR 2023-123, a resolution of the Anchorage Municipal Assembly **recognizing Yom HaShoah and affirming the importance of Holocaust and antisemitism education**, Assembly Member Dern.
(ACTION WAS POSTPONED FROM 4-11-2023. NO MOTION PENDING.)
4.B.1. Resolution No. AR 2023-123(S), a resolution of the Anchorage Municipal Assembly recognizing Yom HaShoah and affirming the importance of Holocaust and antisemitism education, Assembly Members Dern, Volland, and Quinn-Davidson.
- 4.C.** Ordinance No. AO 2022-104, an ordinance of the Municipality of Anchorage, Alaska, **authorizing the negotiation by the Municipal Manager and the execution and delivery by the Municipality of an Acquisition Agreement for a facility located at 716 West 4th Avenue**, and a ground lease and a facility leaseback, authorizing the Chief Fiscal Officer to determine the terms and conditions, including financing terms, relating to the ground lease and the facility leaseback, and appropriating the proceeds of such ground lease, Finance Department.
4.C.1. Assembly Memorandum No. AM 666-2022.
(PUBLIC HEARING WAS CLOSED 1-10-2023. ACTION WAS POSTPONED FROM 1-10-2023. NO MOTION PENDING.)
4.C.2. Information Memorandum No. AIM 31-2023, AO 2022-104 – acquisition of the building located at 716 West 4th Avenue, Additional Financial Comparison, Office of Management and Budget.
(ACTION WAS CARRIED OVER FROM 2-7-2023 AND 3-7-2023 . ACTION WAS POSTPONED FROM 2-21-2023, 3-7-2023 AND 4-11-2023. NO MOTION PENDING.)
4.C.3. Ordinance No. AO 2022-104(S), an ordinance of the Municipality of Anchorage, Alaska, authorizing the negotiation by the Municipal Manager and the execution and delivery by the Municipality of an Acquisition Agreement for a facility located at 716 West 4th Avenue, and a ground lease and a facility leaseback, authorizing the Chief Fiscal Officer to determine the terms and conditions, including financing terms, relating to the ground lease and the facility leaseback, and appropriating the proceeds of such ground lease.
4.C.4. Assembly Memorandum No. AM 284-2023.
- 4.D.** Ordinance No. AO 2023-35, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Chapter 3.102, Municipal Use of Surveillance Technologies, **to ban the acquisition, use, or accessing of facial recognition technology with limited exceptions**, and to reorganize the chapter, Assembly Members Sweet, Rivera and Volland.
4.D.1. Assembly Memorandum No. AM 195-2023.

(PUBLIC HEARING WAS CLOSED 4-11-2023. MR. SWEET MOVED TO APPROVE AO 2023-35, SECONDED BY MR. RIVERA. MOTION TO APPROVE IS ON THE FLOOR (JOEY SWEET, DANIEL VOLLAND); JOEY SWEET AMENDMENT NO. 2 ON THE FLOOR.)

- 4.E. Ordinance No. AO 2023-38, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapters 3.20, 3.30, 3.35, and 14.60 to **update the municipal health and safety program, establish the director of health and safety as the principal workplace safety officer for the municipality**, and enforce through civil fines to ensure compliance with federal, state and municipal occupational health and safety regulations to protect the employees, assets and interests of the municipality, Assembly Chair LaFrance.
4.E.1. Assembly Memorandum No. AM 269-2023.
(PUBLIC HEARING WAS CLOSED 4-11-2023. NO MOTION PENDING.)

5. NEW PUBLIC HEARINGS

- 5.A. Ordinance No. AO 2023-45, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section (AMC) 2.30.020 to **recognize the decision making authority of the assembly with respect to uncodified mayoral directives, policies and procedures**, and other uncodified policies and administrative practices as applied to the legislative branch, and amending AMC section 3.50.010 accordingly, Assembly Vice-Chair Constant.
- 5.B. Ordinance No. AO 2023-46, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 10.80 to **require renewal of Marijuana Establishment Licenses every two years rather than annually**, Assembly Member Petersen and Assembly Vice-Chair Constant.
5.B.1. Assembly Memorandum No. AM 265-2023.
- 5.C. Ordinance No. AO 2023-47, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 6.10.085 to **reinstate the public hearing requirements in AMC Section 2.30.060, Public Hearings and Actions on Resolutions**, Assembly Chair LaFrance and Assembly Vice-Chair Constant.
5.C.1. Assembly Memorandum No. AM 266-2023.
- 5.D. Ordinance No. AO 2023-48, an ordinance: **repealing Anchorage Municipal Code (AMC) Chapter 3.97, Naming of Municipal Buildings, Other Fixed Facilities and Public Places; enacting AMC Chapter 1.80, Naming of Public Places**; amending Chapter 4.60, Program Advisory Boards, to add Section 4.60.035, Public Naming Commission and amend Section 4.60.090 accordingly; and amending Section 21.03.185, Street Name Alterations, Assembly Members Perez-Verdia, Quinn-Davidson, and Volland.
5.D.1. Assembly Memorandum No. AM 267-2023.

6. ITEMS FOR ACTION

- 6.A. Assembly Memorandum No. AM 285-2023, Amendment No. 2 to **non-encumbering contract with APUN, LLC. (#4400001130) providing liquid magnesium chloride** for the Municipality of Anchorage (MOA) Maintenance and Operations Department (M&O) (\$209,650.00).

- 6.B. Resolution No. AR 2023-137, a resolution of the Anchorage Assembly **condemning the threat or use of political violence and promoting civil discourse in our community**, Assembly Member Dern.
- 6.C. Resolution No. AR 2023-135, a resolution of the Anchorage Assembly **approving the continued temporary delegation of the acting Anchorage Health Department (AHD) director position to Kim Rash** pursuant to Anchorage Municipal Code 3.20.020., Department of Law.
- 6.D. Resolution No. AR 2023-136, a resolution of the Anchorage Assembly **approving the temporary delegation of the acting Human Resources Department (HR) director position to Raylene Griffith** pursuant to Anchorage Municipal Code 3.20.020, effective retroactively as of April 7, 2023, Department of Law.
- 6.E. Resolution No. AR 2023-138, a resolution of the Anchorage Assembly **approving the continued temporary delegation of the acting Anchorage Municipal Manager position to Kent Kohlhasse** pursuant to Anchorage Municipal Code 3.20.020., Department of Law.

- 7. AUDIENCE PARTICIPATION
- 8. ASSEMBLY COMMENTS
- 9. ADJOURNMENT

ALL DOCUMENTS LISTED ON THIS AGENDA EXCEPT LAID ON THE TABLE ITEMS ARE AVAILABLE ONLINE www.muni.org/watchnow AND IN THE MUNICIPAL CLERK'S OFFICE, 632 WEST 6TH AVENUE, SUITE 250, ANCHORAGE, ALASKA, TELEPHONE (907) 343-4311. LAID ON THE TABLE ITEMS ARE AVAILABLE AT THE MEETING.

FOR AUXILIARY AIDS, SERVICES, OR SPECIAL MODIFICATIONS TO PARTICIPATE PLEASE CONTACT THE MUNICIPAL CLERK'S OFFICE 48 HOURS BEFORE THE MEETING TO REQUEST REASONABLE ACCOMMODATIONS AT (907) 343-4311 OR wwmasmc@anchorageak.gov.

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM



No. AM 276-2023

Meeting Date: April 11, 2023

FROM: MAYOR

SUBJECT: RECOMMENDATION OF GRANT AWARD TO VARIOUS NON-PROFITS FOR DEVELOPMENT OF AND SUSTAINABLY OPERATING A PROJECT OR SERVICE FOR RESIDENTS OF THE MUNICIPALITY OF ANCHORAGE TARGETING EARLY CHILDHOOD EDUCATION, AND/OR THE PREVENTION AND MITIGATION OF CHILD MALTREATMENT, DOMESTIC VIOLENCE, AND SEXUAL ASSAULT FOR THE MUNICIPALITY OF ANCHORAGE (MOA), ANCHORAGE HEALTH DEPARTMENT (AHD) (RFGP 2022GP004) (\$273,576.09).

At the request of AHD, the MOA solicited grant proposals to develop and sustainably operate a project or service for residents of the MOA, targeting early childhood education, and/or the prevention and mitigation of child maltreatment, domestic violence, and sexual assault funded by the Alcohol Tax. Individual awards are limited to a maximum of \$100,000 per year including indirect costs. This RFP was open to organizations that have an operating budget of less than \$500,000.00 per year.

The Alcohol Tax, known as Proposition 13, was approved by registered voters on April 7, 2020. This ballot measure authorized the MOA to levy a five percent tax on all retail sales of alcoholic beverages. One of the intended uses of the funding is to focus on early childhood education and/or combating and addressing child abuse, sexual assault, and domestic violence, all of which are Adverse Childhood Experiences (ACES).

Four requests for funding were received and reviewed by an Evaluation Committee, which was approved by the Purchasing Director. Each proposal was scored by the Evaluation Committee. At the completion of that process the scores were tabulated, and a rank order list was created from the highest to the lowest score proposal. The Evaluation Committee recommended funding proposals at 100% of their proposal budgets starting at the highest ranked proposal and moving to the next ranked proposals, until funding is expended, resulting in partial funding for the final funded proposal. Funding is recommended for three of the four proposers but is not awarding the one low-scoring proposal:

4.A.

Total Points-474	Christian Health Associates	\$75,000.00
Total Points-471	New Life Development, Inc.	\$100,000.00
Total Points-459	Anchorage Youth Court	\$98,576.09
Total Points-366	Aurora House Community, Inc.	\$0.00

Based upon the above information and the attached Department Memorandum, it is recommended the Grant Agreement to various non-profits be approved in the amounts documented for a total of \$273,576.09 for the contract term from execution of the Grant Agreement through December 31, 2023, with an option to renew for two additional one-year periods, upon mutual consent of both parties and lawful appropriation of funds.

Recommended by:	Kimberly Rash, Acting Director
Concurrence:	Rachelle A. Alger, Purchasing Director
Fund Certification:	Grant Yutrzenka, CFO
	206000-244600-540100 \$273,576.09
	(Operating Budget)
Concur:	Kent Kohlhase, Acting Municipal Manager
Respectfully submitted:	Dave Bronson, Mayor



**Anchorage
Health
Department**

4.A.

Date: February 24, 2023
To: Rachelle Alger, Purchasing Director
Thru: Kimberly Rash, Acting Health Department Director *KR*
Thru: Alexis D. Johnson, Homelessness Services Division Manager
From: Allison Turnbull, Grants and Contracts Administrator *AT*
Subject: 2023 Alcohol Tax RFP 2022GP004 Recommendation of Award *aj*

The Anchorage Health Department (AHD) requests approval of the below Recommendation of Award for Request for Proposal (RFP) 2022GP004-Early Childhood Education and Prevention Grants. Four qualified non-profit organizations submitted proposals for projects and services to prevent and reduce Adverse Childhood Experiences (ACES) through early childhood education and/or combatting and addressing child abuse, sexual assault, and domestic violence.

The proposals were evaluated and scored by a seven-member evaluation committee approved by the Purchasing Director. The proposals were scored using qualitative rating factors for each criterion outlined in the RFP and ranked highest to lowest.

Funding for this project was appropriated in AO 2022-87(S), as amended with Mayoral Vetoes and Veto Overrides, as part of the Alcoholic Beverages Retail Sales Tax Program. The funding amount available to distribute through RFP 2022GP004 to the highest ranked organizations is \$273,576.09. This will fully fund the top 3 proposals as listed below.

Total Points	Rank	Agency	Awarded Project	Proposed Amount	Award Amount
474	1	Christian Health Associates (Anchorage School Based Health Centers)	Coordinated health services to students at sites within Anchorage School District.	\$ 75,000.00	\$ 75,000.00
471	2	New Life Development, Inc.	Housing for mother and children	\$100,000.00	\$100,000.00
459	3	Anchorage Youth Court	Provide defendant cases for low-income referral, Registration for youth members, and training for staff.	\$ 98,576.09	\$ 98,576.09
366	4	Aurora House Community, Inc.	N/A	\$100,000.00	\$0
				Total	\$273,576.09

The grant agreement period will be from the date of execution to December 31, 2023.

If you have any questions, please call me at 907-343-4807.

ANCHORAGE, ALASKA
AR No. 2023-123

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY RECOGNIZING
YOM HASHOAH AND AFFIRMING THE IMPORTANCE OF HOLOCAUST AND
ANTISEMITISM EDUCATION.**

WHEREAS, the Holocaust was the state-sponsored systematic murder of approximately six million Jews by the Nazis and their collaborators. Sinti-Roma, Poles, people with physical and mental disabilities, LGBTQ+, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents were also targeted by the Nazis; and

WHEREAS, Yom HaShoah – Holocaust Remembrance Day – marks the anniversary of the Warsaw Ghetto Uprising; and

WHEREAS, 78 years after the conclusion of World War II, with the decreasing number of eyewitnesses and growing distance of students and their families from this history, it is important to institutionalize education about the events of the Holocaust, such as the German Nazis' racist ideology, propaganda, and plan to lead a state to war and, with their collaborators, kill millions-- including the systematic murder of six million Jewish people; as well as the persecution and murder of millions of others in the name of racial purity, political, ideological, and behavioral grounds, among them Sinti-Roma, Poles, people with physical and mental disabilities, LGBTQ+ people, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents; and

WHEREAS, Alaska is one of only nine states in our country which does not have legislation requiring some level of K-12 Holocaust education, according to the Anti-Defamation League (ADL) 's Echoes and Reflections website; and

WHEREAS, racism exists in Alaska. Years of external influence on the state have resulted in what many views as outright discrimination against and marginalization of the indigenous population. Only those directly affected by inequity have had any awareness of it. Still, the publicity of recent hate-influenced events has made the recognition of discrimination and hatred inescapable; and

WHEREAS, the Municipality of Anchorage hopes to promote Holocaust education as a means to understand the historical significance of the tragedy and combat genocide in any form; and

WHEREAS, antisemitism is on the rise. The ADL's most recent Audit of Antisemitic Incidents in the United States recorded 3,697 acts of assault, vandalism, and harassment in 2022 alone, a 36-percent increase from 2021 and the highest year on record since ADL began tracking antisemitic incidents in 1979; and

WHEREAS, Awareness of the Holocaust is in decline. According to a survey done in 2020 by the Claims Conference, 63 percent of U.S. Millennials and Gen Z do not know that six million Jews were killed during the Holocaust. Additionally, 12 percent of U.S.

1 Millennials and Gen Z have never heard or don't think they heard the word "Holocaust"
2 before; and

3
4 **WHEREAS**, according to the ADL, inappropriate Holocaust comparisons are
5 becoming more commonplace, as politicians, activists, and other public figures invoke
6 Holocaust comparisons to highlight the ostensible "danger" of various social or
7 political acts; and

8
9 **WHEREAS**, Holocaust denial and distortion are proliferating more broadly. Today,
10 those who deny that the Holocaust occurred or distort its true nature continue to find
11 forums, especially online; this denial and distortion dishonors those who were
12 persecuted and murdered, making it even more, an imperative to educate students in
13 the United States so that they may explore the lessons that the Holocaust provides
14 for all people, sensitize communities to the circumstances that gave rise to the
15 Holocaust, and help youth be less susceptible to the falsehood of Holocaust denial
16 and distortion and to the destructive messages of hate that arise from Holocaust denial
17 and distortion; and

18
19 **WHEREAS**, the term "Holocaust denial and distortion" means discourse and
20 propaganda that deny the historical reality and the extent of the extermination of the
21 Jews by the Nazis and their accomplices during World War II, known as the Holocaust.
22 Holocaust denial refers specifically to any attempt to claim that the Holocaust did not
23 take place. Holocaust distortion refers to efforts to excuse or minimize the events of
24 the Holocaust or its principal elements, including collaborators and allies of Nazi
25 Germany, to blame the Jews for causing their own genocide, or to portray the
26 Holocaust as a positive historical event; and

27
28 **WHEREAS**, ADL's 2020 survey of hate, harassment, and positive social experiences
29 in online games found that 10 percent of American adult gamers have encountered
30 Holocaust denial in online games; and

31
32 **WHEREAS**, as intolerance, antisemitism, and bigotry are promoted by hate groups,
33 Holocaust education provides a context in which to learn about the danger of what
34 can happen when hate goes unchallenged and there is indifference in the face of the
35 oppression of others, learning how and why the Holocaust happened is an important
36 component of the education of members of our society; and

37
38 **WHEREAS**, according to a 2020 study from Echoes and Reflections, an ADL
39 educational program, Holocaust education encourages empathy and tolerance.
40 Students who have participated in Holocaust education have more pluralistic attitudes
41 and are more open to differing viewpoints and report a greater willingness to challenge
42 intolerant behavior in others. Students who learned about the Holocaust through
43 survivor testimony showed higher critical thinking skills and a greater sense of social
44 responsibility and civic efficacy; and

45
46 **WHEREAS**, by learning about the Holocaust, students have the opportunity to
47 explore how stereotypes, prejudice, and religious and ethnic hatred can escalate to
48 atrocity. When students do not understand the history of the Holocaust and other
49 genocides, or the elements leading to these tragedies, they cannot fully grasp the
50 significance of bias and bigotry today or the lasting impact that hateful words and
51 conduct can have on their school community or the community at large; and

4.B.

NOW, THEREFORE, be it resolved that the Anchorage Assembly recognizes Yom HaShoah and affirms the importance of Holocaust and antisemitism education, including:

- Calling on elected officials, faith leaders, and civil society leaders to condemn and combat any and all denials and distortions of the Holocaust and to promote Holocaust and antisemitism education.
- Recognizing the importance of Holocaust and antisemitism education and the impact it has on students, including encouraging empathy, tolerance, and more pluralistic attitudes.
- Recognizing Yom HaShoah – Holocaust Remembrance Day – as a day to commemorate the victims of the Holocaust.
- Calling on social media platforms to mitigate the spread of Holocaust denial on their platforms.
- Committing to teaching about the Holocaust before, during, and after Yom HaShoah to combat these rising trends and ensure the promise of Never Again.

PASSED AND APPROVED by the Anchorage Assembly this 11th day of April 2023.

ATTET:

Chair

Municipal Clerk

**ANCHORAGE, ALASKA
AR No. 2023-123(S)**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY RECOGNIZING
YOM HASHOAH AND AFFIRMING THE IMPORTANCE OF HOLOCAUST AND
ANTISEMITISM EDUCATION.**

WHEREAS, the Holocaust was the state-sponsored systematic murder of approximately six million Jews by the Nazis and their collaborators. Sinti-Roma, Poles, people with physical and mental disabilities, LGBTQ+, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents were also targeted by the Nazis; and

WHEREAS, Yom HaShoah – Holocaust Remembrance Day – marks the anniversary of the Warsaw Ghetto Uprising; and

WHEREAS, 78 years after the conclusion of World War II, with the decreasing number of eyewitnesses and growing distance of students and their families from this history, it is important to institutionalize education about the events of the Holocaust, such as the German Nazis' racist ideology, propaganda, and plan to lead a state to war and, with their collaborators, kill millions-- including the systematic murder of six million Jewish people; as well as the persecution and murder of millions of others in the name of racial purity, political, ideological, and behavioral grounds, among them Sinti-Roma, Poles, people with physical and mental disabilities, LGBTQ+ people, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents; and

[WHEREAS, ALASKA IS ONE OF ONLY NINE STATES IN OUR COUNTRY WHICH DOES NOT HAVE LEGISLATION REQUIRING SOME LEVEL OF K-12 HOLOCAUST EDUCATION, ACCORDING TO THE ANTI-DEFAMATION LEAGUE (ADL) 'S ECHOES AND REFLECTIONS WEBSITE; AND]

WHEREAS, Eagle River High School educator and retired Lieutenant Colonel, Kathy Campbell, who worked from 2005 to 2022 at Eagle River, and for five years at Bettye Davis East High School, taught AP Government and History courses, including Holocaust, a class dedicated to conveying the lessons of the Shoah. So dedicated to the work, Ms. Campbell paid out of her own pocket to take part in the Teacher Fellowship Program of the United States Holocaust Memorial Museum. Additionally, she and Art Educator, Jacob Bera, worked together on projects to help students best express the themes learned; and

WHEREAS Eugenia Merrifield, a Spanish and Spanish Immersion Social Studies teacher currently with Mirror Lake Elementary and formerly with Chugiak High School, has made Holocaust education the focus of her WWII education curriculum, driven to do so after trips to the Auschwitz and Birkenau camps and the Yad Vashem World Holocaust Remembrance Center in Israel; and

WHEREAS, racism exists in Alaska. Years of external influence on the state have resulted in what many views as outright discrimination against and marginalization of

1 the indigenous population. Only those directly affected by inequity have had any
2 awareness of it. Still, the publicity of recent hate-influenced events has made the
3 recognition of discrimination and hatred inescapable; and

4
5 **WHEREAS**, the Municipality of Anchorage hopes to promote Holocaust education as
6 a means to understand the historical significance of the tragedy and combat genocide
7 in any form; and

8
9 **WHEREAS**, antisemitism is on the rise. The ADL's most recent Audit of Antisemitic
10 Incidents in the United States recorded 3,697 acts of assault, vandalism, and
11 harassment in 2022 alone, a 36-percent increase from 2021 and the highest year on
12 record since ADL began tracking antisemitic incidents in 1979; and

13
14 **WHEREAS**, Awareness of the Holocaust is in decline. According to a survey done in
15 2020 by the Claims Conference, 63 percent of U.S. Millennials and Gen Z do not know
16 that six million Jews were killed during the Holocaust. Additionally, 12 percent of U.S.
17 Millennials and Gen Z have never heard or don't think they heard the word "Holocaust"
18 before; and

19
20 **WHEREAS**, according to the ADL, inappropriate Holocaust comparisons are
21 becoming more commonplace, as politicians, activists, and other public figures invoke
22 Holocaust comparisons to highlight the ostensible "danger" of various social or
23 political acts; and

24
25 **WHEREAS**, Holocaust denial and distortion are proliferating more broadly. Today,
26 those who deny that the Holocaust occurred or distort its true nature continue to find
27 forums, especially online; this denial and distortion dishonors those who were
28 persecuted and murdered, making it even more, an imperative to educate students in
29 the United States so that they may explore the lessons that the Holocaust provides
30 for all people, sensitize communities to the circumstances that gave rise to the
31 Holocaust, and help youth be less susceptible to the falsehood of Holocaust denial
32 and distortion and to the destructive messages of hate that arise from Holocaust denial
33 and distortion; and

34
35 **WHEREAS**, the term "Holocaust denial and distortion" means discourse and
36 propaganda that deny the historical reality and the extent of the extermination of the
37 Jews by the Nazis and their accomplices during World War II, known as the Holocaust.
38 Holocaust denial refers specifically to any attempt to claim that the Holocaust did not
39 take place. Holocaust distortion refers to efforts to excuse or minimize the events of
40 the Holocaust or its principal elements, including collaborators and allies of Nazi
41 Germany, to blame the Jews for causing their own genocide, or to portray the
42 Holocaust as a positive historical event; and

43
44 **WHEREAS**, ADL's 2020 survey of hate, harassment, and positive social experiences
45 in online games found that 10 percent of American adult gamers have encountered
46 Holocaust denial in online games; and

47
48 **WHEREAS**, as intolerance, antisemitism, and bigotry are promoted by hate groups,
49 Holocaust education provides a context in which to learn about the danger of what
50 can happen when hate goes unchallenged and there is indifference in the face of the
51 oppression of others, learning how and why the Holocaust happened is an important

component of the education of members of our society; and

WHEREAS, according to a 2020 study from Echoes and Reflections, an ADL educational program, Holocaust education encourages empathy and tolerance. Students who have participated in Holocaust education have more pluralistic attitudes and are more open to differing viewpoints and report a greater willingness to challenge intolerant behavior in others. Students who learned about the Holocaust through survivor testimony showed higher critical thinking skills and a greater sense of social responsibility and civic efficacy; and

WHEREAS, by learning about the Holocaust, students have the opportunity to explore how stereotypes, prejudice, and religious and ethnic hatred can escalate to atrocity. When students do not understand the history of the Holocaust and other genocides, or the elements leading to these tragedies, they cannot fully grasp the significance of bias and bigotry today or the lasting impact that hateful words and conduct can have on their school community or the community at large; and

NOW, THEREFORE, be it resolved that the Anchorage Assembly recognizes Yom HaShoah and affirms the importance of Holocaust and antisemitism education, including:

- Calling on elected officials, faith leaders, and civil society leaders to condemn and combat any and all denials and distortions of the Holocaust and to promote Holocaust and antisemitism education.
- Recognizing the importance of Holocaust and antisemitism education and the impact it has on students, including encouraging empathy, **[TOLERANCE,] and more pluralistic attitudes[.]**, **and recognizing the many teachers who spend at their own time and resources to perpetuate this learning.**
- Recognizing Yom HaShoah – Holocaust Remembrance Day – as a day to commemorate the victims of the Holocaust.
- Calling on social media platforms to mitigate the spread of Holocaust denial on their platforms.
- Committing to teaching about the Holocaust before, during, and after Yom HaShoah to combat these rising trends and ensure the promise of Never Again.

PASSED AND APPROVED by the Anchorage Assembly this 18th day of April, 2023.

ATTEST:

Chair

Municipal Clerk

MUNICIPALITY OF ANCHORAGE

ORDINANCE No. 2022-104

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.

**MUNICIPALITY OF ANCHORAGE
ORDINANCE No. 2022-104**

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* This Table of Contents and the cover page are for convenience of reference and are not intended to be a part of this ordinance.

Requested by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Cynthia Weed, Bond
Counsel
For Reading: November 9, 2022

**MUNICIPALITY OF ANCHORAGE, ALASKA
ORDINANCE No. 2022-104**

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.

WHEREAS, the Anchorage Community Development Authority (ACDA) was created by Assembly Ordinance (AO No. 2004-181(S-1), As Amended) as an instrumentality of the Municipality of Anchorage, Alaska (the "Municipality"), existing independently of and separately from the Municipality; and

WHEREAS, ACDA currently owns a facility located at 716 West 45h Avenue (the "Facility"); and

WHEREAS, the Municipality currently leases the Facility from ACDA and during the course of the Municipality's tenancy, the Municipality has made a number of leasehold improvements and furnished the Facility for use by the Anchorage Police Department ("APD"); and

WHEREAS, the Municipality has determined that it would be in the best interests of the Municipality and its APD to acquire title to the Facility including all leasehold improvements and furnishings; and

WHEREAS, the Municipality intends to enter into a purchase and sale agreement (an "Acquisition Agreement") with ACDA for the Facility; and

WHEREAS, the terms of the Acquisition Agreement will be negotiated by the Municipal Manager; and

WHEREAS, the terms of the Acquisition Agreement will include a two million dollars (\$2,000,000) down payment to be paid upon Assembly approval; and

WHEREAS, the Municipality expects to finance the total acquisition costs, and financing costs and reserve requirement, if any, pursuant to a lease and leaseback arrangement with KeyBank N.A.; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Purpose. The purpose of this ordinance is to authorize the execution and delivery by the Municipality of the Acquisition Agreement for the Facility and a ground lease and facility lease and such additional documentation as may be required in connection with the acquisition and its financing.

Section 2. Approval of Acquisition Agreement. The Assembly hereby authorizes the Municipal Manager to negotiate and execute and deliver an Acquisition Agreement providing for the acquisition of the Facility by the Municipality for a total purchase price payable to ACDA of not to exceed Eighteen Million Dollars (\$18,000,000), which approval shall be presumed by the execution thereof by the Municipal Manager. The Acquisition Agreement may include a down payment to ACDA in an amount not to exceed and Two Million Dollars (\$2,000,000) and an agreement by ACDA to pay closing costs for the Acquisition Agreement. Closing costs for the Acquisition Agreement include all escrow and recording fees, and the costs of required title insurance. In the event that the closing of the purchase of the Facility fails, the down payment will be credited to future payments under the existing lease of the Facility between ACDA and the Municipality.

Section 3. Approval of Ground Lease and Facility Leaseback. In order to finance the payment of the purchase price under the Acquisition Agreement, the Assembly further approves the negotiation, execution and delivery of a ground lease (the "Ground Lease") and a facility lease and trust agreement ("Facility Lease") each by the Municipality with U.S. Bank Trust Company, National Association in order to finance the payment of the purchase price of the Facility, including financing costs and required reserves, if any, which approval shall be presumed by the execution thereof by the Chief Fiscal Officer.

The Chief Fiscal Officer is authorized to review and approve the financing terms and documentation for the Ground Lease and the Facility Lease, including the terms with a selected bank, anticipated to be KeyBank N.A. The Chief Fiscal Officer is hereby authorized, empowered and directed to perform all such acts and things and to execute all documents as shall be necessary to carry out and comply with the provisions of the Acquisition Agreement, the Ground Lease and the Facility Lease and participate in and approve a plan of financing. The Facility Lease shall not constitute a general obligation of the Municipality to which the full faith and credit of the Municipality are pledged. The lease payments by the Municipality under the Facility Lease shall be subject to appropriation; provided, however, that the Facility Lease may include a covenant on the part of the

Municipality, through its Mayor, to include such lease payments coming due in each fiscal year in the Mayor's proposed budget to the Municipal Assembly. If the financing has not been completed and placed as of June 30, 2023, the authority and delegation granted under this ordinance shall expire and shall not be renewed unless this ordinance is amended to extend the term of the delegation or a new ordinance is approved by the Assembly.

Section 4. Appropriation of Funds. The net proceeds of the Ground Lease in an amount of not to exceed Twenty Million Three Hundred Thousand Dollars (\$20,300,000) are hereby appropriated to fund the financing costs, reserve requirements, if any, and the purchase of the Facility in accordance with the Acquisition Agreement including Two Million Dollars (\$2,000,000) in down payment to be paid on or before execution of the Acquisition Agreement.

Section 5. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the Municipality shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements shall be null and void and shall be deemed separable from the remaining covenants and agreements in this ordinance and shall in no way affect the validity of the other provisions of this ordinance.

Section 6. Effective Date. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Assembly of the Municipality of Anchorage this ____ day of _____, 2022.

By _____
Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

4.C.

ASSEMBLY MEMORANDUM

No. AM 666-2022

Meeting Date: November 9, 2022

From: MAYOR

Subject: AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.

Background

The Anchorage Community Development Authority ("ACDA") owns a facility located at 716 West 4th Avenue (the "716 Building" or the "Facility") in Anchorage, Alaska and the Municipality of Anchorage (the "Municipality") currently leases it for use by the Anchorage Police Department. The Municipality has decided it is in the best interest of the Municipality to acquire title to the 716 Building. The Municipality proposes to enter into a purchase and sale agreement with ACDA with respect to the acquisition of the 716 Building. In order to fund the payment of the purchase price, financing costs, and reserve requirements, if any, the Municipality proposes to enter into a lease / leaseback transaction through a direct placement with a financial institution.

The attached ordinance authorizes the negotiation by the Municipal Manager a purchase and sale agreement for the acquisition (the "Acquisition Agreement"), and a ground lease ("Ground Lease") and a facility lease and trust agreement (the "Facility Lease") for the financing of the purchase price, and appropriates funds for the payment of the purchase price, financing expenses and reserve requirements, if any. The determination of the structure of the financing, financing terms and conditions are delegated to the Chief Fiscal Officer (the "CFO").

Structure of the Lease / Leaseback Concept

The Lease / Leaseback Concept is commonly used by state and local governments to access funds in the capital marketplace. Generally, the CFO is authorized and directed to solicit proposals from and select a financial institution to act as the "Lessor". Under the terms of the Ground Lease, the Municipality will lease the 716 Building to the Lessor in exchange for an upfront payment. Under the terms of the Facility Lease the Lessor will lease the 716 Building back to the Municipality in exchange for the commitment of the Municipality to make lease payments to the Lessor. The CFO is authorized, empowered and directed to perform all such acts and things and to execute all documents as shall be necessary to carry out and

1 comply with the provisions of the Acquisition Agreement, the Ground Lease and the
2 Facility Lease and participate in and approve a plan for financing payment of the
3 financing costs. The financing costs, including the costs of any insurance policies,
4 if any, required, and reserve requirements, if any, may be paid from the proceeds of
5 the Ground Lease. The Facility Lease shall not constitute a general obligation of
6 the Municipality to which the full faith and credit of the Municipality are
7 pledged. Lease payments by the Municipality under the Facility Lease shall be
8 subject to appropriation. However, the Facility Lease may include a covenant on
9 the part of the Municipality, through the Mayor, to include such lease payments
10 coming due in each fiscal year in the Mayor's proposed budget to the Municipal
11 Assembly in each such fiscal year.

12
13 The proceeds of the financing will be used to acquire the 716 Building.

14
15 **Budget Impact**

16 The Municipality plans to repay the financial obligations created by this financing
17 with the annual revenue generated by leasing the 716 Building to the Anchorage
18 Police Department (APD) for continued use as APD's Headquarters.

19
20 The Administration recommends scheduling a public hearing for this proposed
21 ordinance on November 22, 2022.

22
23 **THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ORDINANCE.**

24
25 Prepared by: Ross Risvold, Public Finance & Investments Manager
26 Approved: Grant Yutrzenka, Acting CFO
27 Concur: Blair M. Christensen, Acting Municipal Attorney
28 Concur: Courtney Petersen, Director, Office of Management
29 & Budget
30 Concur: Grant Yutrzenka, Acting CFO
31 Concur: Amy Demboski, Municipal Manager
32 Respectfully submitted: Dave Bronson, Mayor

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2022-104 Title: AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.

Sponsor: Mayor
 Preparing Agency: Finance, Public Finance and Investments Division
 Others Impacted: ACDA

CHANGES IN EXPENDITURES AND REVENUES: (Thousands of Dollars)					
Fiscal Years	FY22	FY23	FY24	FY25	FY26
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 APD Rent Payments*	--	(1,843)	(1,935)	(2,032)	(2,133)
4000 Debt Issuance Costs	300	--	--	--	--
4000 New Lease Payment	--	1,483	1,483	1,483	1,483
5000 Capital Outlay					
TOTAL DIRECT COSTS:	300	(360)	(452)	(549)	(650)
ADD: 6000 Charge from Others					
LESS: 7000 Charge to Others					
FUNCTION COST:					
REVENUES:					
CAPITAL:					
POSITIONS:					

* The current APD Rent Payment is subject to increases/decreases based upon CPI. Amounts for FY2023 and beyond are forecasted at CPI increases of 8% in FY2023 and 5% thereafter.

PUBLIC SECTOR ECONOMIC EFFECTS:

The Lease / Leaseback of Municipal property will result in required lease payments under a Facility Lease with a Lender. The terms of the lease payments are yet to be negotiated. Estimated lease payments are noted above based upon a borrowed amount of \$20.3 million at an interest rate of 5.36% for a term of 25 years.

PRIVATE SECTOR ECONOMIC EFFECTS:

No effects



MUNICIPALITY OF ANCHORAGE

4.C.

ASSEMBLY INFORMATION MEMORANDUM

No. AIM 31-2023

Meeting Date: February 7, 2023

From: MAYOR

Subject: AO 2022-104 – ACQUISITION OF THE BUILDING LOCATED AT 716 WEST 4TH AVENUE, ADDITIONAL FINANCIAL COMPARISON

The Anchorage Community Development Authority (ACDA) owns a facility located at 716 West 4th Avenue in Anchorage, Alaska and the Municipality of Anchorage (MOA) currently leases it for use by the Anchorage Police Department.

The Anchorage Police Department entered into a lease agreement with ACDA for the use of the facility at 716 West 4th Avenue commencing on October 23, 2018, with nineteen (19) one-year extension options.

The lease agreement stipulates that the rent shall increase annually by the Consumer Price Index for All Urban Consumers Anchorage (CPI-U). If the CPI-U were to be 0% for the next 25 years, the potential savings from the purchase vs lease would be \$14,664,435.50. For each year that the CPI-U is above zero, the potential savings increases.

The previous financial comparison showed one scenario utilizing 5% CPI-U annual escalator in lease cost. However, because the CPI-U for the future 25 years is unknown, attachment A provides a table comparing the purchase vs lease option with multiple CPI-U escalator scenarios. Each scenario reflects the potential savings based on purchase vs lease at the different CPI-U intervals.

- The first scenario is the previously provided scenario utilizing 5% CPI-U annual escalator in lease cost and reflects a \$56,705,505.62 potential savings.
- The second scenario utilizes a 3% CPI-U annual escalator in lease cost and reflects a \$35,862,026.04 potential savings.
- The third scenario utilizes 2.15% CPI-U annual escalator in lease cost. The 2.15% is the prior 20-year CPI-U average and reflects a \$28,817,624.01 potential savings.
- The fourth scenario utilizes 2% CPI-U annual escalator in lease cost and reflects a \$27,669,233.25 potential savings,
- The fifth scenario utilizes 1% CPI-U annual escalator in lease cost and a \$20,663,774.82 potential savings.
- The last scenario reflects no change in CPI-U and the potential savings of \$14,664,435.50.

Prepared by: Courtney Petersen, Director, Office of Management & Budget
Respectfully submitted: Dave Bronson, Mayor

Table Comparing Purchase vs Lease of the 716 West 4th Avenue Building

Year	Lease cost 5 % CPI Esc	Lease cost 3 % CPI Esc	Lease cost *2.15 % CPI Esc	Lease cost 2 % CPI Esc	Lease cost 1 % CPI Esc	Lease cost 0 % CPI Esc	MESA	VS	Annual Debt Service
2023	\$1,849,821.24	\$1,849,821.24	\$1,849,821.24	\$1,849,821.24	\$1,849,821.24	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2024	\$1,942,312.30	\$1,905,315.88	\$1,889,592.40	\$1,886,817.66	\$1,868,319.45	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2025	\$2,039,427.92	\$1,962,475.35	\$1,930,218.63	\$1,924,554.02	\$1,887,002.65	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2026	\$2,141,399.31	\$2,021,349.61	\$1,971,718.33	\$1,963,045.10	\$1,905,872.67	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2027	\$2,248,469.28	\$2,081,990.10	\$2,014,110.28	\$2,002,306.00	\$1,924,931.40	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2028	\$2,360,892.74	\$2,144,449.81	\$2,057,413.65	\$2,042,352.12	\$1,944,180.71	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2029	\$2,478,937.38	\$2,208,783.30	\$2,101,648.04	\$2,083,199.16	\$1,963,622.52	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2030	\$2,602,884.25	\$2,275,046.80	\$2,146,833.48	\$2,124,863.15	\$1,983,258.75	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2031	\$2,733,028.46	\$2,343,298.20	\$2,192,990.40	\$2,167,360.41	\$2,003,091.33	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2032	\$2,869,679.88	\$2,413,597.15	\$2,240,139.69	\$2,210,707.62	\$2,023,122.25	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2033	\$3,013,163.88	\$2,486,005.06	\$2,288,302.69	\$2,254,921.77	\$2,043,353.47	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2034	\$3,163,822.07	\$2,560,585.22	\$2,337,501.20	\$2,300,020.20	\$2,063,787.00	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2035	\$3,322,013.18	\$2,637,402.77	\$2,387,757.48	\$2,346,020.61	\$2,084,424.87	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2036	\$3,488,113.83	\$2,716,524.85	\$2,439,094.26	\$2,392,941.02	\$2,105,269.12	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2037	\$3,662,519.53	\$2,798,020.60	\$2,491,534.79	\$2,440,799.84	\$2,126,321.81	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2038	\$3,845,645.50	\$2,881,961.22	\$2,545,102.79	\$2,489,615.84	\$2,147,585.03	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2039	\$4,037,927.78	\$2,968,420.06	\$2,599,822.50	\$2,539,408.16	\$2,169,060.88	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2040	\$4,239,824.17	\$3,057,472.66	\$2,655,718.68	\$2,590,196.32	\$2,190,751.49	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2041	\$4,451,815.38	\$3,149,196.84	\$2,712,816.63	\$2,642,000.24	\$2,212,659.01	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2042	\$4,674,406.14	\$3,243,672.74	\$2,771,142.19	\$2,694,840.25	\$2,234,785.60	\$1,849,821.24	\$219,755.58		\$1,483,000.00
2043	\$4,908,126.45	\$3,340,982.92	\$2,830,721.75	\$2,748,737.05	\$2,257,133.45	\$1,849,821.24	\$219,756.58		\$1,483,000.00
2044	\$5,153,532.77	\$3,441,212.41	\$2,891,582.26	\$2,803,711.80	\$2,279,704.79	\$1,849,821.24	\$219,757.58		\$1,483,000.00
2045	\$5,411,209.41	\$3,544,448.78	\$2,953,751.28	\$2,859,786.03	\$2,302,501.84	\$1,849,821.24	\$219,758.58		\$1,483,000.00
2046	\$5,681,769.88	\$3,650,782.25	\$3,017,256.93	\$2,916,981.75	\$2,325,526.85	\$1,849,821.24	\$219,759.58		\$1,483,000.00
2047	\$5,965,858.38	\$3,760,305.71	\$3,082,127.96	\$2,975,321.39	\$2,348,782.12	\$1,849,821.24	\$219,760.58		\$1,483,000.00
25 yr Lease Expense	\$88,286,601.12	\$67,443,121.54	\$60,398,719.51	\$59,250,328.75	\$52,244,870.32	\$46,245,531.00			
25 yr Lease Expense w/ MESA *	\$93,780,505.62	\$72,937,026.04	\$65,892,624.01	\$64,744,233.25	\$57,738,774.82	\$51,739,435.50	\$5,493,904.50		
Total Payments** (Purchase)	\$37,075,000.00	\$37,075,000.00	\$37,075,000.00	\$37,075,000.00	\$37,075,000.00	\$37,075,000.00			\$37,075,000.00
25 Year Savings Purchase vs Lease	\$56,705,505.62	\$35,862,026.04	\$28,817,624.01	\$27,669,233.25	\$20,663,774.82	\$14,664,435.50			

* Prior 20 year CPI average = 2.15%

** Principal and Interest, assumes a 25 year note

MUNICIPALITY OF ANCHORAGE

ORDINANCE No. 2022-104 (S)

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.

**MUNICIPALITY OF ANCHORAGE
ORDINANCE No. 2022-104 (S)**

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* This Table of Contents and the cover page are for convenience of reference and are not intended to be a part of this ordinance.

Requested by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Cynthia Weed, Bond
Counsel
For Reading: ~~November 9, 2022~~April
18, 2023

**MUNICIPALITY OF ANCHORAGE, ALASKA
ORDINANCE No. 2022-104 (S)**

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.

WHEREAS, the Anchorage Community Development Authority (ACDA) was created by Assembly Ordinance (AO No. 2004-181(S-1), As Amended) as an instrumentality of the Municipality of Anchorage, Alaska (the "Municipality"), existing independently of and separately from the Municipality; and

WHEREAS, ACDA currently owns a facility located at 716 West 4th Avenue (the "Facility"); and

WHEREAS, the Municipality currently leases the Facility from ACDA and during the course of the Municipality's tenancy, the Municipality has made a number of leasehold improvements and furnished the Facility for use by the Anchorage Police Department ("APD"); and

WHEREAS, under the current lease agreement the MOA is responsible for all utility, grounds, and non-structural repair and maintenance costs for the Facility excepting only "capital expenses reasonably required to extend the useful life of" the Facility; and

WHEREAS, the Municipality has determined that it would be in the best interests of the Municipality and its APD to acquire title to the Facility including all leasehold improvements and furnishings; and

WHEREAS, the Municipality intends to enter into a purchase and sale agreement (an "Acquisition Agreement") with ACDA for the Facility; and

1
2 **WHEREAS**, the terms of the Acquisition Agreement will be negotiated by the
3 Municipal Manager; and

4
5 ~~**WHEREAS, the terms of the Acquisition Agreement will include a two million**~~
6 ~~**dollars (\$2,000,000) down payment to be paid upon Assembly approval; and**~~
7 **WHEREAS**, the Municipality expects to finance the total acquisition costs, and
8 financing costs and reserve requirement, if any, pursuant to a lease and leaseback
9 arrangement with KeyBank N.A.; now, therefore,

10
11 **THE ANCHORAGE ASSEMBLY ORDAINS:**

12
13 **Section 1. Purpose.** The purpose of this ordinance is to authorize the execution
14 and delivery by the Municipality of the Acquisition Agreement for the Facility and a
15 ground lease and facility lease and such additional documentation as may be
16 required in connection with the acquisition and its financing.

17
18 **Section 2. Approval of Acquisition Agreement.** The Assembly hereby authorizes
19 the Municipal Manager to negotiate and execute and deliver an Acquisition
20 Agreement providing for the acquisition of the Facility by the Municipality for a total
21 purchase price payable to ACDA of not to exceed Eighteen Million Dollars
22 (\$18,000,000), which approval shall be presumed by the execution thereof by the
23 Municipal Manager. The Acquisition Agreement ~~**will**~~ **[may]** include ~~**[a down**~~
24 ~~**payment to ACDA in an amount not to exceed Two Million Dollars (\$2,000,000)**~~
25 ~~**and]**~~ an agreement by ACDA to pay closing costs for the Acquisition Agreement.
26 Closing costs for the Acquisition Agreement include all escrow and recording fees,
27 and the costs of required title insurance. ~~**[In the event that the closing of the**~~
28 ~~**purchase of the Facility fails, the down payment will be credited to future**~~
29 ~~**payments under the existing lease of the Facility between ACDA and the**~~
30 ~~**Municipality.]**~~

31
32 **Section 3. Approval of Ground Lease and Facility Leaseback.** In order to finance
33 the payment of the purchase price under the Acquisition Agreement, the Assembly
34 further approves the negotiation, execution and delivery of a ground lease (the
35 "Ground Lease") and a facility lease and trust agreement ("Facility Lease") each by
36 the Municipality with U.S. Bank Trust Company, National Association in order to
37 finance the payment of the purchase price of the Facility, including financing costs
38 and required reserves, if any, which approval shall be presumed by the execution
39 thereof by the Chief Fiscal Officer.

40
41 The Chief Fiscal Officer is authorized to review and approve the financing
42 terms and documentation for the Ground Lease and the Facility Lease, including
43 the terms with a selected bank, anticipated to be KeyBank N.A. The Chief Fiscal
44 Officer is hereby authorized, empowered and directed to perform all such acts and
45 things and to execute all documents as shall be necessary to carry out and comply
46 with the provisions of the Acquisition Agreement, the Ground Lease and the Facility

1 Lease and participate in and approve a plan of financing. The Facility Lease shall
2 not constitute a general obligation of the Municipality to which the full faith and credit
3 of the Municipality are pledged. The lease payments by the Municipality under the
4 Facility Lease shall be subject to appropriation; provided, however, that the Facility
5 Lease may include a covenant on the part of the Municipality, through its Mayor, to
6 include such lease payments coming due in each fiscal year in the Mayor's
7 proposed budget to the Municipal Assembly. If the financing has not been
8 completed and placed as of **August 31 [June 30]**, 2023, the authority and
9 delegation granted under this ordinance shall expire and shall not be renewed
10 unless this ordinance is amended to extend the term of the delegation or a new
11 ordinance is approved by the Assembly.

12
13 **Section 4. Appropriation of Funds.** The net proceeds of the Ground Lease in an
14 amount of not to exceed **Eighteen [Twenty]** Million Three Hundred Thousand
15 Dollars **\$18,300,000 [(\$20,300,000)]** are hereby appropriated to fund the financing
16 costs, reserve requirements, if any, and the purchase of the Facility in accordance
17 with the Acquisition Agreement **[including Two Million Dollars (\$2,000,000) in**
18 **down payment to be paid on or before execution of the Acquisition**
19 **Agreement]**.

20
21 **Section 5. Severability.** If any one or more of the covenants or agreements
22 provided in this ordinance to be performed on the part of the Municipality shall be
23 declared by any court of competent jurisdiction to be contrary to law, then such
24 covenant or covenants, agreement or agreements shall be null and void and shall
25 be deemed separable from the remaining covenants and agreements in this
26 ordinance and shall in no way affect the validity of the other provisions of this
27 ordinance.

28
29 **Section 6. Purchase Price for the Facility. Notwithstanding prior sections**
30 **of this ordinance, the purchase price for the Facility shall be Eighteen Million**
31 **Dollars (\$18,000,000).**

32
33 **Section 7. Financing Costs. Notwithstanding prior sections of this**
34 **ordinance, the financing costs shall be paid for with the proceeds of the**
35 **ground lease, net of the purchase price of Eighteen Million Dollars**
36 **(\$18,000,000).**

37
38 **Section 8. Responsibility. Notwithstanding prior sections of this ordinance,**
39 **the sole responsibility of managing the process to acquire the Facility is**
40 **delegated to the Municipal Manager. The Municipal Manager is hereby**
41 **authorized to sign all documents on behalf of the Municipality for the**
42 **acquisition of the Facility, except any document that requires the signature of**
43 **the Municipal Attorney (or Acting Municipal Attorney) or the Risk Manager (or**
44 **the Acting Risk Manager).**
45

Section 9. Report to the Municipal Assembly. Notwithstanding prior sections of this ordinance, within 60 days of the closing of the acquisition of the Facility by the Municipality, the CFO shall report to the Municipal Assembly via Assembly Information Memorandum (AIM) with the final terms of the acquisition.

Section 10. Authorization to Sell Real Property. Notwithstanding prior sections of this ordinance, Anchorage Municipal Code (AMC) Section 25.35.060 requires Municipal Assembly approval for ACDA to sell real property with a value over Six Million Dollars (\$6,000,000). The Municipal Assembly hereby authorizes ACDA to sell the Facility to the Municipality.

Section 11. [Section 6.] Effective Date. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Assembly of the Municipality of Anchorage this ____ day of _____, 2023.

By _____
Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

4.C.

Assembly Memorandum

No. AM 284-2023

Meeting Date: April 18, 2023

From: MAYOR

Subject: AO 2022-104(S): AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.

This substitute ordinance and supplemental memorandum is intended to provide additional information in response to questions raised during discussions with the assembly.

Purchase Price for the Facility

The purchase price for the Facility has been agreed to between the Municipality and the ACDA. The Municipality will contract a third-party real estate consultant that will review the Acquisition Agreement and verify that the terms and conditions therein are in the best interests of the Municipality and will make such modifications as may be necessary. The Municipality will submit to the Assembly via Assembly Information Memorandum (AIM) the real estate consultant's analysis.

Terms and Conditions of the Lease Leaseback Transaction

The terms and conditions of the lease-leaseback transaction are expected to be in line with those listed on the Term Sheet dated October 27, 2022, attached to this Assembly Memorandum, A-Version. This Term Sheet has expired; however, KeyBank bankers have indicated they are still willing to finance this acquisition under the same terms with an updated interest rate. Such terms are subject to modification by the CFO and will be in the best interests of the Municipality. If KeyBank decides not to participate in this transaction, the Public Finance Staff has other commercial banks that are interested in this transaction.

Expertise to Execute the Financing of the Acquisition

The CFO, Public Finance Division Staff, Bond Counsel to the Municipality, KeyBank Bankers, Legal Counsel to KeyBank, Risk Manager, Department of Law, and US Bank Staff as Trustee for the Municipality have the expertise to complete

1 the financing of the acquisition of the Facility. These are the professionals that will
2 execute the financing of the Facility, most of whom were involved in the execution # 4.C.
3 of the existing lease-leaseback transaction for ACDA's original purchase of the
4 Facility.

5
6 Impact on Municipal Departments

7 Upon completion of the proposed transaction, there will be very little if any impact
8 on municipal departments. The Anchorage Police Department (APD) is already
9 responsible under the current lease for the operation & maintenance costs to
10 include utilities, janitorial, grounds & parking lot maintenance, snow removal,
11 telecommunication, and maintenance of the building. ACDA's only maintenance
12 responsibility under the current lease is for "Major Maintenance" defined as "capital
13 expenses reasonably required to extend the useful life of the Premises" such as
14 "roof replacement, structural work, and replacement of portions or the entirety of
15 building systems" not including electrical, ventilation, or lighting systems. APD will
16 pay the insurance premium directly to the insurer rather than reimbursing ACDA
17 for the payment.

18
19 Budget and Savings Impact

20 The current annual rent payment to ACDA by APD for use of the Facility under the
21 existing lease equals \$1,849,824. This amount increases or decreases with the
22 U.S. Department of Labor Consumer Price Index for Urban Consumers (CPI-U)
23 each year in October pursuant to the current lease. The annual fixed payment to
24 KeyBank by the Municipality under the proposed lease-leaseback agreement is
25 estimated to be \$1.3 million. The average CPI-U of the past four years has been
26 3.93%. If we assume future increases of CPI-U equals 3.93% for the next five
27 years and zero percent thereafter, the APD will pay \$14.4 million more in rent to
28 ACDA over the remaining fifteen years of the lease than would be due to KeyBank
29 under the current lease-leaseback agreement.

30
31 If the annual payments by APD (or the Municipality on APD's behalf) to KeyBank
32 are equal to the estimated fixed annual payment amount required under the
33 proposed lease-leaseback transaction, this will be a material saving for the
34 taxpayers and a reduction in municipal budget obligations over the next fifteen
35 years.

36
37 Additionally, a new Summary of Economic Effects (SEE) is attached to this
38 Assembly Memorandum.

39
40
41 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

42
43 Prepared by: Benjamin Bowman, Department of Law
44 Approved by: Anne Helzer, Municipal Attorney
45 Concur: Courtney Peterson, Director, OMB
46 Concur: Kent Kohlhasse, Acting Municipal Manager
47 Respectfully submitted: Dave Bronson, Mayor
48

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2022-104(S) Title: **AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, AUTHORIZING THE NEGOTIATION BY THE MUNICIPAL MANAGER AND THE EXECUTION AND DELIVERY BY THE MUNICIPALITY OF AN ACQUISITION AGREEMENT FOR A FACILITY LOCATED AT 716 WEST 4TH AVENUE, AND A GROUND LEASE AND A FACILITY LEASEBACK, AUTHORIZING THE CHIEF FISCAL OFFICER TO DETERMINE THE TERMS AND CONDITIONS, INCLUDING FINANCING TERMS, RELATING TO THE GROUND LEASE AND THE FACILITY LEASEBACK, AND APPROPRIATING THE PROCEEDS OF SUCH GROUND LEASE.**

Sponsor: Municipal Assembly
 Preparing Agency: Finance, Public Finance and Investments Division
 Others Impacted: ACDA

CHANGES IN EXPENDITURES AND REVENUES:		(Thousands of Dollars)			
Fiscal Years	FY23	FY24	FY25	FY26	FY27
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 APD Current Rent Payments*	--	(1,923)	(1,998)	(2,077)	(2,158)
4000 Debt Issuance Costs	300	--	--	--	--
4000 New Lease Payment	--	1,353	1,353	1,353	1,353
5000 Capital Outlay					
TOTAL DIRECT COSTS:	300	(570)	(645)	(724)	(805)
ADD: 6000 Charge from Others					
LESS: 7000 Charge to Others					
FUNCTION COST:					
REVENUES:					
CAPITAL:					
POSITIONS:					

* The current APD Rent Payment is subject to increases/decreases based upon CPI-U. Amounts for FY2024 and beyond are forecasted at CPI-U increases of 3.93%, the average increase over the past four years.

PUBLIC SECTOR ECONOMIC EFFECTS: The Lease / Leaseback of Municipal property will result in required lease payments under a Facility Lease with a Lender. Estimated lease payments are noted above based upon a borrowed amount of \$18.3 million at an interest rate of 5.48% for a term of 25 years.

PRIVATE SECTOR ECONOMIC EFFECTS: No effects

4.C.

Term Sheet, dated as of October 27, 2022



SUMMARY TERMS AND CONDITIONS – DATED October 27, 2022

**Municipality of Anchorage, Alaska
Direct Purchase Tax Exempt Facilities Lease Obligation**

Key Government Finance, Inc., ("KGF") is pleased to provide the following proposal for a tax-exempt facilities installment purchase financing available to the Municipality of Anchorage, Alaska ("MOA").

Lessee:	Municipality of Anchorage, Alaska ("MOA or "Lessee")
Lessor:	Key Government Finance, Inc. ("KGF" or "Lessor")
Facility Amount:	Privately Placed Installment Purchase Agreement in an approximate amount of \$18,300,000.00 est.
Purpose:	Proceeds will be used for the purchase of a building located 716 west fourth avenue, Anchorage, Alaska including the prepayment of the Facility Lease and Trust Agreement by and Between Anchorage Community Development Authority and U.S. Bank National Association, as Trustee dated 07/27/18, and to pay costs associated with the financing (the "Property").
Leased Property:	716 West Fourth Avenue, Anchorage, Alaska (the "Leased Property"), subject to KGF's lease to value test, under which the proceeds provided by KGF for the Leased Property shall not exceed 100% of the insured value of the of the Leased Property (the "LTV").
Lease Type/Documentation:	Title to the Leased Property and improvements will be in MOA. MOA will enter into a base/sight lease (the "Site Lease") for a term of not less than 10 years beyond the Maturity (i.e. if a 25 year Maturity is selected, the Site Lease will be for a term of not less than 35 years.) The Site Lease will lease the Leased Property to a Trustee (third party financial institution) on behalf of KGF as the beneficiary of the trust. The property will be leased back to MOA by the Trustee pursuant to a Facility Lease and Trust Agreement, or other documentation agreeable to KGF and the MOA (the "Agreement"). In an event of default or nonappropriation under the Agreement, KGF would have the ability to direct the trustee to take possession of the Leased Property, sell the Site Lease interest or sublease said Leased Property and use proceeds to repay the Agreement. The documentation will be attorney prepared by bond counsel, in a form acceptable to KGF.
Net Lease:	The Agreement will be a triple net lease in that the MOA will be responsible for (a) sales, transfer, use and property taxes, and any other taxes, assessments, levies, fees and charges of any governmental authority imposed against the Property or the Agreement, with the exception of Federal and state taxes on the interest income of KGF, (b) maintenance and repair of the Property, (c) loss, damage or casualty to the Property, (d) insurance as described below, (e) removal of all liens (other than permitted liens) against the Property, and (f) and all costs, fees, charges and expenses related to any of the foregoing or otherwise relating to the installation, use, possession, operation, maintenance, repair and return of the Property.
Maturity:	The maturity date of the Agreement will be not more than 25 years from closing.

Payments and Amortization: Semi-annual payments of principal and interest beginning not more than six months from closing assuming level payments of principal and interest to maturity. Any revision in the amortization that results in an increase in the average life of the financing may also require adjustment to the interest rate quoted.

Tax Status: Tax-Exempt Interest Rate

Interest Rate: The interest rate options are provided as of October 27, 2022 and are subject to adjustment based on the change KeyCorp cost of funds until the closing date of the financing or earlier interest rate lock agreement.

Option A: 5.39% - 20 Year Maturity 15-year fixed interest rate
Option B: 5.48% - 25 Year Maturity 15-year fixed interest rate

The interest rate needs to be selected and accepted by the Borrower no later than November 3, 2022 and would be valid for closing on or before February 1, 2023 (the "Anticipated Closing Date"). If not accepted by November 3, 2022, the interest rate provided above will be subject to index based on market conditions and KeyCorp cost of funds index between the date of this letter and the final closing date.

The interest rates above are provided for an initial fixed interest rate period of 15-years, after the initial fixed interest rate period the interest rate will be subject to adjustment based on an index to the change in the 10-year US Treasury Note rate, for every 1% change in the index, the interest rate will be adjusted by 0.79% and will then be fixed to maturity.

Mandatory Tender: KGF will purchase the Agreement for an initial fixed rate period of 15 years ("Tender Date"). The Agreement will be subject to mandatory tender for purchase on the Tender Date, KGF may elect to waive the mandatory tender on the Tender Date and continue to hold the Agreement to Maturity at an interest indexed per agreement between the parties. If the parties do not enter into such a written agreement prior to the Tender Date, the Agreement will be tendered by the KGF and the MOA shall have the obligation to purchase the Agreement on the Tender Date, at a purchase price equal to the outstanding principal amount plus accrued but unpaid interest. Failure to do so will be a default and will allow the Trustee, at KGF's direction to take action with respect to the Lease Property, including taking possession, subleasing the Leased Property or selling the Site Lease interest.

Optional Redemption: Optional Redemption - The Agreement may be prepaid in whole only on any date, subject to a prepayment premium calculated on the outstanding principal balance at the time of the termination as follows:

Months 1 – 12	not callable
Months 13 – 60	2.00%
Months 61 – 96	1.00%
Months 97 to maturity	0%

Prepayment shall require 60 days prior written notice to KGF and Trustee.

Commitment Fee: KGF will charge a commitment fee of \$15,000.00 payable at closing.

Insurance: MOA will provide adequate property, liability, workers compensation insurance with endorsements and in amounts in accordance with the terms and condition of the Agreement. KGF will be named as a loss payee under such property insurance policies and as an additional insured under such liability policies.

Leasehold Policy: An ALTA commitment for a lender's policy with respect to the Site Lease in an amount at least equal to the principal amount of the Agreement will be required prior to the Closing Date to confirm the description of the Leased Property and the status of title to and any easements, lien, or other encumbrances of record with respect to the Leased Property.

The title policy shall be from a firm that is approved by KGF. All net proceeds received under such title insurance policy will be required to be credited towards the prepayment of the Agreement.

Environmental Indemnity:

Prior to the Closing Date, the MOA will provide KGF with an environmental questionnaire of the Leased Property satisfactory to the KGF and Trustee in all regards. If the environmental questionnaire reveals the need for additional review, the MOA will provide additional environmental assessments as recommended by 3rd party environmental engineer as selected by KGF. Prior to the Closing Date, all necessary environmental filings will be made, and approvals obtained with the appropriate regulatory bodies. The MOA shall indemnify KGF and Trustee for any losses incurred by KGF or Trustee as a result of any environmental contamination of the Leased Property, subject to standard exceptions and rights of contest.

Flood Certificate:

Prior to closing, the KGF shall require the receipt of a satisfactory survey of the Leased Property. The survey must provide certification that the improvements are not located in a special flood hazard area. If the Leased Property is in a flood zone, flood insurance in form and amount satisfactory to KGF will be required.

Financial Reporting and Covenants:

(1) Default Interest Rate - At the election of the KGF, the interest rate will increase while the Event of Default is continuing by 400 basis points (4.00%). "Event of Default" means the declaration by the KGF of an event of default as a result of a determination by the KGF that there has been: (i) a failure to pay principal or interest on the Agreement when due, as provided in the Agreement; or (ii) a failure by the MOA to comply with any of its obligations, or to perform any of its duties, under the Agreement, which failure continues, and is not cured, for a period of more than 60 days after KGF has made written demand on the MOA to cure such failure; or, (iii) a material misrepresentation to KGF by the MOA in the purchase of the Agreement, as reasonably concluded by KGF after investigation and discussion with the MOA; or other customary events of default.

(2) Waiver of Jury Trials – The MOA and KGF will agree to irrevocably waive all right to trial by jury in any action, proceeding or counterclaim (whether based on contract, tort or otherwise) arising out of or relating to the Agreement or the actions of the MOA or KGF in the negotiation, administration, performance, or enforcement.

(3) Financial Reporting - (a) Receipt of full-year audited financial statement within 270 days of the fiscal year end. (b) Receipt of the MOA's budget for each fiscal year promptly after it is adopted by the Board. (c) Material Event Disclosures that are required to be filed on EMMA (and if filings are made on EMMA, no additional disclosure will be required to be made to the financial institution). (d) other information as Lender may from time-to-time reasonably request.

Cost of Issuance:

MOA will be responsible for all financing costs, including but not limited to Bond Counsel, Trustee, KGF Counsel, title insurance, environmental review if needed, MOA's financial advisor. Financing costs can be included in the borrowing amount. KGF will use Davis Wright Tremaine LLP as outside legal counsel (fee \$25,000.00), Attorney contact information is provided below:

George Mardikes
1300 SW Fifth Avenue, Suite 2400
Portland, OR 97201
Tel: (503) 778-5323, Mobile: (503) 887-3514
Email: georgemardikes@dwt.com
Website: www.dwt.com

Conditions:

Subject to credit approval and valid for closing on or before February 1, 2023 (the "Anticipated Closing Date").

Documents: All documents relating to the Agreement shall be prepared by Bond Counsel and shall be in a form and substance acceptable to KGF and its legal counsel, including legal opinions customary for transactions of this nature including a Tax and Validity Opinion from Bond Counsel regarding the validity and nature of the financing in a form acceptable to KGF.

Other: KGF will enter into the Agreement under the following additional conditions: (i) the Agreement is not being registered under the Securities Act of 1933 and is not being registered or otherwise qualified for sale under the "Blue Sky" laws and regulations of any state; (ii) the KGF will hold the Agreement as one single instrument; (iii) no CUSIP numbers will be obtained for the Agreement; (iv) no final official Statement has been prepared in connection with the private placement of the Agreement; (v) the Agreement will not close through the DTC or any similar repository and will not be in book entry form; (vi) certificates of participation shall not be used; and (vii) the Agreement is not listed on any stock or other securities exchange. The documents will contain a provision to the effect that failure of Trustee or lender to enforce a covenant that MOA has made under financing documents shall not prevent Trustee or lender from subsequently enforcing such covenant against MOA.

This financing term sheet is provided for discussion purposes only and does not represent a commitment from KGF. It is to be used for internal use only and not to be disclosed to outside third parties without KGF's consent. This financing term sheet is intended as an outline of certain of the material terms of the Agreement and does not purport to summarize all the conditions, covenants, representations, warranties, and other provisions which would be contained in definitive documentation for the lease agreement contemplated hereby.

This term sheet is issued in reliance upon the accuracy of all information presented by you to us and is contingent upon the absence of any material adverse change in your condition, financial or otherwise, from the condition as it was represented to us at the time of this term sheet. This term sheet is subject to our formal approval and the execution of documentation acceptable to each of us. It is not a commitment by us to engage in this transaction. (a) Key Government Finance ("KGF") is not acting as an advisor to you and does not owe a fiduciary duty pursuant to Section 15B of the Exchange Act to you with respect to the information and material contained in this communication; (b) KGF is acting for its own interests; and (c) you should discuss any information and material contained in this communication with any and all internal or external advisors and experts that you deem appropriate before acting on this information or material.

Thank you for allowing us the opportunity to present this Proposal. If you have any questions, or would like to discuss additional structure options, please call me at 720-904-4037.

Sincerely,



Kristen M. Sundin, Vice President
Key Government Finance, Inc.
West Regional Manager
1000 South McCaslin Blvd, Superior, CO 80027
Phone: 720.904.4037
Cell: 720.219.6918
Kristen.Sundin@Key.com

Cc: Tracy S Morris, Vice President, Commercial Banking,
KeyBank, National Association
101 West Benson Boulevard, Suite 401, Anchorage, AK 99503
Phone: 907-564-0310
Mobile: 907-727-5414
Fax: 907-564-0200
tracy.morris@key.com

**ANCHORAGE, ALASKA
AO No. 2023-35**

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.102, *MUNICIPAL USE OF SURVEILLANCE TECHNOLOGIES*, TO BAN THE ACQUISITION, USE, OR ACCESSING OF FACIAL RECOGNITION TECHNOLOGY WITH LIMITED EXCEPTIONS, AND TO REORGANIZE THE CHAPTER.

WHEREAS, Facial Recognition Technology has become increasingly common in society, despite the efficacy of its use still remaining largely unknown; and

WHEREAS, there currently exist no federal or Alaska state law or administrative regulations governing the use of Facial Recognition Technology nor any clearly established guidelines or best practices; and

WHEREAS, unlike established forensic scientific evidence techniques, Facial Recognition Technology uniquely lends itself to potential abuse or manipulation as its users can lower “confidence levels” until they get a positive result, leading to even lower accuracy for identification; and

WHEREAS, multiple studies have determined that Facial Recognition Technology disproportionately misidentifies people of color most frequently of all demographics; and

WHEREAS, in general the Facial Recognition Technologies establish a unique identifier for each person with the data collected, often without a person’s consent, and as biologically unique information it is inherently private to the individual; and

WHEREAS, an individual’s right to privacy is protected by the Fourth Amendment of the U.S. Constitution and is explicitly immortalized in Alaska Constitution Art. 1, § 22, known as one of the strongest guarantees of privacy in the country; and

WHEREAS, the Assembly desires to protect the right to privacy by codifying certain restrictions on the use of Facial Recognition Technologies by any municipal department or agency in a manner that’s improper, surreptitious, or oversteps an individual’s privacy rights; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 3.102 Municipal Use of Surveillance Technologies hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

Chapter 3.102 - MUNICIPAL USE OF SURVEILLANCE TECHNOLOGIES

4.D.

3.102.005. Definitions

Facial Recognition means an automated or semi-automated process that assists in identifying or verifying an individual, or capturing information about an individual, based upon analysis of the individual's face.

Facial Recognition Technology means any computer software or application that performs facial recognition.

Surveillance or Surveil means to observe or analyze the movements, behavior, data, or actions of individuals. Individuals include those whose identity can be determined through use of information maintained by the department of motor vehicles either independently or when combined with any other record.

Surveillance Technology means any software, electronic device, system utilizing an electronic device, or similar used, designed, or primarily intended to collect, retain, analyze, process, or share audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group.

UAS/Unmanned aircraft systems means a system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.

UA/Unmanned aircraft means an aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called a remotely piloted aircraft (RPA), remotely operated vehicle (ROV), or drone.

(AO No. 2018-5, § 1, 2-13-18)

3.102.010 - Restrictions on the use of unmanned aircraft systems by the municipality.

*** *** ***

[B. NO LATER THAN JUNE 1 OF EACH YEAR, THE MAYOR OR A DESIGNEE SHALL TRANSMIT TO THE ASSEMBLY AND CAUSE TO BE PUBLICLY POSTED ON THE MUNICIPAL WEBSITE A REPORT WITH THE ALL FOLLOWING INFORMATION:

1. FOR EACH MUNICIPAL DEPARTMENT AND AGENCY THAT USED A UAS IN THE PRECEDING CALENDAR YEAR:

a. THE NUMBER OF INSTANCES IN WHICH A UAS WAS USED;

b. A GENERAL DESCRIPTION OF THE TYPE AND

PURPOSE OF EACH USE THAT SUFFICIENTLY #4.D.
EXPLAINS HOW THE USE WAS NOT PROHIBITED
BY THIS SECTION, AND, IF APPLICABLE, WHETHER
THE USE WAS PURSUANT TO A SEARCH
WARRANT, A COURT ORDER, OR A JUDICIALLY
RECOGNIZED EXCEPTION TO THE WARRANT
REQUIREMENT; AND

c. ANY NEW POLICY, OR CHANGE IN DEPARTMENT
OR AGENCY POLICY, RELATED TO THE USE OF
UAS.

2. THE ANNUAL REPORT FROM THE ANCHORAGE POLICE
DEPARTMENT SHALL ALSO INCLUDE:

a. THE NUMBER OF ARRESTS MADE WHERE UAS
WAS UTILIZED IN A RELATED INCIDENT RESPONSE
OR INVESTIGATION, REGARDLESS OF WHETHER
THE INFORMATION GATHERED FROM THE UAS
WAS USED TO ESTABLISH PROBABLE CAUSE.

C. DEFINITIONS.

1. UAS/UNMANNED AIRCRAFT SYSTEMS MEANS A SYSTEM
THAT INCLUDES THE NECESSARY EQUIPMENT,
NETWORK, AND PERSONNEL TO CONTROL AN
UNMANNED AIRCRAFT.

2. UA/UNMANNED AIRCRAFT MEANS AN AIRCRAFT THAT IS
INTENDED TO NAVIGATE IN THE AIR WITHOUT AN ON-
BOARD PILOT. ALSO ALTERNATIVELY CALLED A
REMOTELY PILOTED AIRCRAFT (RPA), REMOTELY
OPERATED VEHICLE (ROV), OR DRONE.]

(AO No. 2018-5, § 1, 2-13-18)

3.102.020. - Restrictions on the use of facial recognition technology.

A. Notwithstanding any other provision of this chapter except for the
exceptions provided in section 3.102.030, it shall be unlawful for the
municipality or any municipal staff to obtain, retain, request, access,
or use:

1. Facial Recognition Technology; or

2. Information obtained from Facial Recognition Technology.

B. Municipal staff's inadvertent or unintentional receipt, access of, or use
of any information obtained from Facial Recognition Technology shall
not be a violation of this section, provided that:

#4.D.

1. Municipal staff did not request or solicit the receipt, access of, or use of such information: and
2. Municipal staff logs such receipt, access, or use in its Annual Surveillance Report as referenced by Section 3.102.040. Such report shall not include any personally identifiable information or other information the release of which is prohibited by law.

3.102.030. Exceptions.

A. Nothing in this chapter shall prevent the Municipality from:

1. Acquiring, obtaining, retaining, or accessing facial recognition technology on an electronic device intended for a single user, such as a mobile communication device, cellular phone or tablet, when the facial recognition technology is used solely for the purpose of the user;
2. Acquiring, obtaining, retaining, or accessing social media or communications software or applications intended for communication with the general public that include facial recognition technology, as long as the municipality does not intentionally use the facial recognition technology;
3. Having custody or control of electronic devices that include facial recognition technology when such electronic devices are held by the municipality solely for evidentiary purposes;
4. Acquiring, obtaining, retaining, or accessing facial recognition technology solely for the purpose of using automated or semiautomated redaction software;
5. Complying with the National Child Search Assistance Act, 34 U.S.C. §§ 41307-413087, or other federal statutes requiring cooperation in the search for missing or exploited children; or
6. Participate in, coordinate with, or otherwise be involved with multi-agency law enforcement investigations, working groups or task forces.

B. It shall not be a violation of this chapter for the municipality to acquire, obtain, or retain facial recognition technology when all the following conditions exist:

1. The facial recognition technology is an integrated, off the shelf capability, bundled with software or stored on a product or device;
2. Other functions of the software, product, or device are necessary or beneficial to the performance of municipal functions;

4.D.

3. The software, product, or device is not acquired for the purpose of performing facial recognition;

4. The facial recognition technology cannot be deleted from the software, product, or device;

5. The municipality does not use the facial recognition technology; and

6. The municipal department, agency or official seeking to acquire the software, product, or device discloses the integrated, off the shelf facial recognition technology that cannot be deleted to the Assembly when seeking to acquire the software, product, or device.

C. Recognizing that changes in technology and circumstances may require additional exceptions to the requirements of this section, the assembly may approve such additional exceptions by resolution, under the following conditions:

1. Any municipal department that requests an exception to the restrictions of section 3.102.020 shall include in its request to the assembly an explanation of the need for an exception, a description of how the technology or information will be used, and a plan for monitoring the technology or information to ensure that its use remains within the approved parameters.

2. The assembly may approve the proposed exception by resolution, with or without revisions and conditions, for a period of no longer than 90 days, if it finds that the exception is consistent with the stated goals of preventing discrimination and promoting privacy, transparency, and the public trust.

3. Upon conclusion of the period of temporary exception, the department shall submit a report of its uses of the technology or information to the assembly. The department may at that time or subsequently request the assembly make the exception permanent by ordinance adding it under section 3.102.030D.

4. A department that has obtained a permanent exception shall submit an annual summary of its uses of the technology or information as part of the Annual Surveillance Report under Section 3.102.040 to the assembly. This summary shall not include personally identifiable information.

D. Additional permanent exceptions.

1. Reserved.

3.102.040. - Reports of municipal use of surveillance technologies

4.D.**required.**

A. No later than June 1 of each year, the mayor or a designee shall transmit to the assembly and cause to be publicly posted on the municipal website an Annual Surveillance Report with all the following information:

1. For each municipal department and agency that used a UAS in the preceding calendar year:

a. The number of instances in which a UAS was used;

b. A general description of the type and purpose of each instance that sufficiently explains how the use was not prohibited by this chapter, and, if applicable, whether the use was pursuant to a search warrant, a court order, or a judicially recognized exception to the warrant requirement, and the final disposition of evidence resulting from each instance; and

c. Any new policy, or change in department or agency policy, related to the use of UAS or Facial Recognition Technology

2. For each municipal department or agency using Facial Recognition Technology under an exception under section 3.102.030:

a. The number of instances in which Facial Recognition Technology was used or information derived from Facial Recognition Technology was received or used under exceptions in subsections 3.102.030A.4., A.5., A.6., C. and D.;

b. A general description of the type and purpose of each instance that sufficiently explains how the use was not prohibited by this chapter, and, if applicable, whether the use was pursuant to a search warrant, a court order, or a judicially recognized exception to the warrant requirement, and the final disposition of evidence resulting from each instance; and

c. Any new policy, or change in department or agency policy, related to the use of Facial Recognition Technology

3. The annual report shall also include the following information:

a. The number of arrests made by APD where UAS was utilized in a related incident response or investigation,

1 regardless of whether the information gathered from the **#4.D.**
2 UAS was used to establish probable cause.

- 3
4 b. The detailed log of every unauthorized receipt, access,
5 or use of Facial Recognition Technology or information
6 derived from Facial Recognition Technology. The log
7 shall denote how the unauthorized access occurred,
8 what corrective steps have been taken, and the final
9 disposition of any evidence or information improperly
10 received.

11
12 (AO No. 2018-5, § 1, 2-13-18)

13
14 **3.102.050. Enforcement.**

15
16 A. Any municipal employee who violates a provision of this chapter may
17 be subject to discipline in accordance with the municipality's
18 disciplinary policies and procedures and applicable collective
19 bargaining agreements. Violation of this ordinance by any official or
20 employee of the municipal is grounds for suspension or termination.
21 The disciplinary action may require the violator to participate in
22 retraining.

23
24 B. Private cause of action.

25
26 1. Any violation of this article constitutes an injury and any person
27 so injured may institute proceedings in the Superior Court in a
28 civil action seeking injunctive relief, declaratory relief,
29 damages, and attorney's fees. Any action instituted under this
30 paragraph shall be brought against the municipality. If
31 applicable, such action may also be brought against any third
32 party with whom the municipality contracted or entered into an
33 agreement.

34
35 2. Any person who has instituted proceedings under the previous
36 paragraph and is found to have been subjected to face
37 surveillance in violation of this article, or about whom data or
38 information is found to have been obtained, retained, stored,
39 possessed, accessed, used, or collected in violation of this
40 article, shall be entitled to recover actual damages not less than
41 the greater of:

42
43 a. \$1,000 for each violation of this article; or

44
45 b. \$10,000.

46
47 3. Any prevailing plaintiff in any action brought under this
48 subsection shall be entitled to the award of costs and
49 reasonable attorney's fees.
50
51

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly. **#4.D.**

PASSED AND APPROVED by the Anchorage Assembly this _____ day
of _____, 2023.

Chair _____

ATTEST:

Municipal Clerk



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

4.D.

No. AM 195-2023

Meeting Date: March 21, 2023

From: Assembly Members Joey Sweet, Felix Rivera and Daniel Volland

Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.102, *MUNICIPAL USE OF SURVEILLANCE TECHNOLOGIES*, TO BAN THE ACQUISITION, USE, OR ACCESSING OF FACIAL RECOGNITION TECHNOLOGY WITH LIMITED EXCEPTIONS, AND TO REORGANIZE THE CHAPTER.

Facial recognition surveillance technology is gaining popularity across the country and its use becoming more and more pervasive with law enforcement. Unfortunately, oversight on the federal and state levels is lagging as no real regulatory framework has been developed to address the harmful effects of the technology. The Municipality of Anchorage does not yet possess or use any facial recognition technology, other than the common features on mobile devices for unlocking by the user, nor does it currently have any policies regarding the technology, making now the best time to be proactive and adopt responsible, comprehensive legislation like this proposed ordinance.

This ordinance accomplishes two main objectives: (1) it prohibits the Municipality from acquiring and using facial recognition technology, with narrow exceptions; and (2) it creates an enforcement mechanism that allows for discipline against municipal employees found violating the ordinance and assesses liability against the municipality for such misuse. This latter tool is by creation of a private cause of action allowing persons subjected to facial recognition surveillance to seek relief in Superior Court and establishes presumptive amounts for damages.

Facial recognition surveillance technology works by mapping individual faces gathered through surveillance technology and compares faces to available databases such as driver's licenses, mug shots, etc. However, the technology is notoriously unreliable as it does not always accurately recognize faces, and use of the technology is an area ripe for abuse.¹ In particular, it has the lowest ability to recognize the faces of people of color and women. According to a report by the National Institute of Standards and Technology following its testing of face recognition algorithms used by developers around the globe, the technology disproportionately affects people of color by mis-identifying people of color most frequently out of all demographics.² Even more jarring, technology users can lower

¹ See DeGeurin, Mack, "The FBI Tested Facial Recognition Software on Americans for Years, New Documents Show," Gizmodo, March 7, 2023 (<https://gizmodo.com/fbi-facial-recognition-janus-horus-1850198100> accessed March 9, 2023).

² Bushwick, Sophie, "How NIST Tested Facial Recognition Algorithms for Racial Bias," Scientific American, December 27, 2019 (<https://www.scientificamerican.com/article/how-nist-tested-facial->

confidence levels if they do not get matches at higher confidence levels, leading to even lower accuracy for identification.

The lack of regulation and oversight ensures a lack of transparency from facial recognition companies and providers. The approach of this ordinance is to prohibit municipal departments from contracting with such companies or purchasing their products for use, unless it's an exception approved by the Assembly and codified, or temporarily by resolution, and require transparency by the reporting of these municipal uses.

Moreover, the technology brings with it pernicious data privacy concerns. Unlike other forms of data, faces cannot be encrypted. Thus, any data breach involving facial recognition data would increase potential for identity theft, stalking, and harassment. While users subjected to other data breaches can change passwords and financial data, people cannot change their faces and unequivocally would not consent to such invasion of their likeness. Beyond the individual desire to maintain personal privacy, the potential for abuse of this technology is limitless and would open the Municipality up to liability if responsible regulation is not implemented now.

This ordinance is simple, yet comprehensive. It draws from examples of similar local bans enacted by the cities of Portland, Oregon, Oakland, California, and Portland, Maine. It bans the Municipality from acquiring the technology or conducting business with facial recognition companies; it also considers the nature of public safety and has some narrow, limited exceptions for law enforcement such as for partnership with other agencies and use of facial recognition on personal devices. Any exception must be codified, or if time is of essence approved temporarily by resolution.

We request your support for the ordinance.

Reviewed by: Assembly Counsel's Office

Respectfully submitted: Joey Sweet, Assembly Member
District 5, East Anchorage

Felix Rivera, Assembly Member
District 4, Midtown Anchorage

Daniel Volland, Assembly Member
District 1, North Anchorage

**ANCHORAGE, ALASKA
AO No. 2023-38**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTERS 3.20, 3.30, 3.35, AND 14.60 TO**
3 **UPDATE THE MUNICIPAL HEALTH AND SAFETY PROGRAM, ESTABLISH THE**
4 **DIRECTOR OF HEALTH AND SAFETY AS THE PRINCIPAL WORKPLACE**
5 **SAFETY OFFICER FOR THE MUNICIPALITY, AND ENFORCE THROUGH CIVIL**
6 **FINES TO ENSURE COMPLIANCE WITH FEDERAL, STATE AND MUNICIPAL**
7 **OCCUPATIONAL HEALTH AND SAFETY REGULATIONS TO PROTECT THE**
8 **EMPLOYEES, ASSETS AND INTERESTS OF THE MUNICIPALITY.**
9

10
11 **WHEREAS**, it is the responsibility of the Municipality to provide a safe working
12 environment for all municipal employees to ensure compliance with best practices
13 for workplace safety and health programs and to focus on empowering employees
14 to prevent workplace injuries and illnesses, which in the long run can improve
15 productivity and reduce costs; and
16

17 **WHEREAS**, it is in the best interest of the Municipality to provide municipal
18 employees with a safe working environment, including training in best standards and
19 practices for preventing occupational accidents, injuries and illnesses; and
20

21 **WHEREAS**, there is a Director of Health and Safety who is tasked with maintaining
22 a municipal health and safety program aimed at promoting a culture of safety
23 through implementation of reasonable measures and cooperation between
24 management and leadership to achieve the goal of zero workplace incidents; and
25

26 **WHEREAS**, although AMC section 3.20.070C. states "risk management and safety"
27 is "within the office of the municipal manager," the Director of Health and Safety
28 appears nowhere in the Administration's organizational chart, and the only other
29 substantive reference to Municipal workplace safety in Anchorage Municipal Code
30 (AMC) was adopted in 1987 and is under Personnel Rules in AMC section
31 3.30.1610, which states that municipal employees "are responsible for following
32 federal and state occupational safety and health regulations and municipal law and
33 policy regarding occupational safety and health"; and
34

35 **WHEREAS**, the Administration was contacted in September, 2021 by the Alaska
36 Occupational Safety and Health Enforcement Section (AKOSH) and informed it
37 would be issued citations totaling \$627,637 due to its extensive violation history, and
38 that the Municipality would be enrolled in the Severe Violator Enforcement Program
39 (SVEP); and
40

41 **WHEREAS**, in March 2022, AKOSH agreed to reduce or reclassify several citations
42 in exchange for the Municipality's agreement to obtain a third party safety consultant
43 to meet the terms of SVEP; and
44

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WHEREAS; the Administration did not contract with a third party safety consultant until nearly a year later, when it submitted AM 109-2023 to the Assembly for approval of a contract with Beacon Occupational Health and Safety Services, Inc. for \$14,000 (not-to-exceed), which was unanimously approved at the Special Meeting of February 14, 2023; and

WHEREAS, on February 24, 2023, the State of Alaska Department of Labor and Workforce Development, in a letter emailed to the Mayor and Assembly, asserted that the Municipality has “not only failed to obtain the third-party safety evaluation” but also failed to abate 26 citations, and stated

This letter serves formal notice to the Municipality that if the outstanding items are not satisfied within 30 days of the date of the letter, AKOSH will be forced to take one or both of the following actions:

1. Rescind the Informal Settlement Agreement, restoring all violations and penalty amounts to their original state as issued.
2. Conduct a Failure to Abate inspection. Each citation that is found to not have been corrected may be assessed a penalty of up to \$14,502 per citation, per day, for a period of up to 30 days.;

and

WHEREAS, AMC section 3.30.1610 does not provide the Director of Health and Safety any explicit responsibility or authority necessary to implement a comprehensive workplace health and safety program; and

WHEREAS, it is the inherent responsibility of the Administration to empower the Director of Health and Safety to bring its various departments and agencies into compliance with federal and state occupational safety rules and regulations; and

WHEREAS, the Anchorage Municipal Charter section 5.06(a) authorizes the Assembly to, by ordinance adopt or amend its administrative code, provide for “[t]he identity, function, and responsibility of each executive department and agency”; and

WHEREAS, the Assembly desires to act swiftly to establish functions and responsibilities of the Director of Health and Safety and empower that position immediately in order to address the AKOSH citations, protect municipal workers, and mitigate the large fines coming due if action is not taken; now, therefore

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 3.20.010 is hereby amended to replace the 2020 Executive Branch Organization chart with the 2023 Executive Branch Organization chart, attached as Exhibit A:

3.20.010 - Executive and administrative order; organizational chart.

The executive branch of the municipal government shall be organized as provided in this chapter and the following plan:

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[Replace chart with Exhibit A]

(AO No. 79-27; AO No. 82-49; AO No. 88-82; AO No. 90-15(S); AO No. 9111173(S); AO No. 94-135(S), § 2, 7-12-94; AO No. 2000-105(S), § 2, 6-27-00; 12AO No. 2000-141(S), § 2, 9-26-00; AO No. 2002-130, § 4, 9-10-02; AO No. 132003-109, § 1, 9-9-03; AO No. 2004-136, § 1, 12-7-04; AO No. 2005-142, § 141, 10-25-05; AO No. 2009-21, § 1, 2-24-09; AO No. 2009-101, § 1, 8-25-09; 15AO No. 2010-64, § 1(Exh. A), 9-28-10; AO No. 2010-93, § 1(Exh. A), 1-11-1611; AO No. 2011-22(S), § 1, 3-29-11; AO No. 2011-25, § 1, 5-24-11; AO 17No. 2012-106, § 1(Exh. A), 11-13-12; AO No. 2013-34, § 1(Exh. A), 2-26-1813; AO No. 2015-112(S), § 1, 1-1-16; AO 2018-108(S), § 1, 12-31-18)

Section 2. Anchorage Municipal Code 3.20.070 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.20.070 Executive branch organization.

*** *** ***

C. Office of the municipal manager. Within the office of the municipal manager and reporting to the municipal manager or designee are: the office of equal opportunity, the office of emergency management; risk management[AND]; health and safety; transportation inspection; culture, entertainment, and arts venues (including the Egan Center, the Dena'ina Civic and Convention Center, the Anchorage Museum at Rasmuson Center, the Anchorage Golf Course, the Sullivan Sports Arena, the Alaska Center for the Performing Arts, and the Boeke and Dempsey Ice Arenas); and the following departments:

*** *** ***

Section 3. Anchorage Municipal Code section 3.30.1610 is hereby amended to read as follows:

3.30.1610 Workplace health and [S]safety program.

All municipal employees, including those employed by a municipal authority or utility, are responsible for following federal and state occupational safety and health regulations and municipal law and policy regarding occupational safety and health.

(AO No. 86-207(S-1))

Section 4. Anchorage Municipal Code is amended by adding a new chapter 3.35, Workplace safety and health, to read as follows (*requiring no legislative formatting*):

3.35 – WORKPLACE HEALTH AND SAFETY

3.35.010 Director of health and safety.

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- A. The director of health and safety shall be the municipality's principal safety officer, and shall have the following authorities and responsibilities necessary to implement and the provisions of this chapter:
1. Enter without notice to inspect the premises of a department, agency, authority, or utility, during normal business hours and when departmental, agency, authority, or utility personnel are present;
 2. Review any municipal document or conduct employee interviews, including any interviews with agents of collective bargaining units and municipal contractors, which the director deems relevant to an investigation. Under no circumstances, however, shall the director make public comment upon or otherwise publicly disseminate any material or information received by the director during the course of an investigation which is accorded confidential or privileged status by federal, state or local law, or which would otherwise result in an unwarranted invasion of personal privacy if released;
 3. Any other provisions of law notwithstanding, have access to and examine and copy, without payment of a fee, any municipal or agency records, including records which are confidential by law, including, but not limited to, accident and injury reports, legal settlements and loss control documents, subject to applicable state or federal laws. The director shall not have access to legally privileged records held by the Municipal Attorney, legal counsel for any municipal department or other authority, or attorney-client records held by clients of the Municipal Attorney or other legal counsel to the municipality. The director shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure. The same access in the foregoing applies to personnel files, human resources department records, or any other records which are confidential by law but they may not be copied or removed; and
 4. Train, direct, supervise, and set minimum qualifications for department safety officers to implement and comply with municipal workplace safety and health program. Department safety officers shall report to both the director of health and safety as well as the director of their respective departments, however they shall be directed in the performance of their duties exclusively by the director of health and safety.
- B. The director shall submit quarterly reports to the assembly by memorandum which shall include key performance indicators as

4.E.

they shall establish, all workplace safety and health claims and settlements by municipal department, department logs, and any other relevant matter.

Cross reference—Executive branch organization, workplace safety and health, § 3.20.070F.

3.35.020 Workplace health and safety program.

A. The functions and responsibilities of the director shall include but are not limited to the development, implementation, and updating of a unified, municipal safety and health program to include:

1. Adoption of municipality-wide safety policies conforming to federal and state occupational safety regulations;
2. Periodic unannounced safety and health walk-through inspections of all workplace facilities and correction of identified hazards;
3. Periodic safety observations;
4. A published matrix of specifically required training for employees and training frequency schedule;
5. Investigation of accidents and injuries to root cause, communication of findings and correction of deficiencies;
6. Investigation into employee inquiries, suggestions, and complaints;
7. Maintenance of health and safety documents and files;
8. Periodic inspections of all municipal owned motorized vehicles;
9. Establishment and monitoring of a program for reporting and investigating “near miss” situations, as defined by the Occupational Safety and Health Administration;
10. Maintenance of correct department log information and publication of the annual summary from January 1 through December 31 at each department location; and
11. Procedures for reporting employee non-compliance to the employee’s supervisor, the safety department or the human resources department.

B. The human resources department shall establish a policy for disciplinary action, up to and including dismissal, for failure to comply with the workplace health and safety program.

4.E.

3.35.030 Refusal to comply with the workplace health and safety program.

A person who willfully hinders the lawful actions of the director of health and safety or other safety officer, or who willfully refuses to comply with the workplace safety program, is subject to a civil penalty as set forth in section 14.60.030 or, if such violation is not listed in the fine schedule set forth in section 14.60.030, a civil penalty as set forth in section 1.45.010.

Section 5. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
***	***	***
2.60.180	Hindering ombudsman	75.00
<u>3.35.030</u>	<u>Refusal to comply with the workplace health and safety program</u>	<u>300.00</u>
***	***	***

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-

4.E.

11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15; AO No. 2015-54, § 1, 5-26-15; AO No. 2015-65, § 4, 6-9-15; AO No. 2015-111(S-1), § 2, 1-1-16; AO No. 2016-16(S), § 4, 2-9-16; AO No. 2016-76(S), § 7, 7-12-16; AO No. 2016-81(S), § 4, 8-25-16; AO No. 2016-83(S), § 9, 7-26-16; AO No. 2016-82, § 3, 8-9-16; AO No. 2016-116, § 2, 10-18-16; AO No. 2016-115(S), § 2, 11-15-16; AO No. 2016-124(S), § 11, 12-20-16; AO No. 2017-26, § 2, 5-1-17; AO No. 2017-29(S), § 61, 6-1-17; AO No. 2017-30, § 3, 3-21-17; AO No. 2017-31(S), § 5, 5-26-17; AO No. 2017-119(S), § 4, 11-9-17; AO No. 2017-101, § 2, 2-5-18; AO No. 2017-161(S), § 3, 2-27-18; AO No. 2017-16, § 3, 2-14-17; AO No. 2017-129, § 2, 1-23-18; AO No. 2018-63(S), § 2, 8-28-18; AO No. 2018-100(S), § 2, 1-1-19; AO No. 2018-110, § 2, 12-18-18; AO No. 2019-9(S), § 2, 2-12-19; AO No. 2019-12, § 2, 3-5-19; AO No. 2019-15(S), § 2, 3-19-19; AO No. 2019-34, § 5, 4-18-19; AO No. 2019-50(S), § 2, 6-6-19; AO No. 2019-66, § 26, 6-18-19; AO No. 2019-74(S), § 2, 6-18-19; AO No. 2019-79(S), § 2, 7-9-19; AO No. 2019-90(S), § 7, 8-20-19; Ord. No. 2020-4(S), § 3, 6-24-20; AO No. 2020-65, § 2, 9-25-20; AO No. 2020-103, § 2, 11-4-20)

Section 6. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

4.E.

No. AM 269-2023

Meeting Date: April 11, 2023

From: Assembly Chair LaFrance

Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 3.20, 3.30, 3.35, AND 14.60 TO UPDATE THE MUNICIPAL HEALTH AND SAFETY PROGRAM, ESTABLISH THE DIRECTOR OF HEALTH AND SAFETY AS THE PRINCIPAL WORKPLACE SAFETY OFFICER FOR THE MUNICIPALITY, AND ENFORCE THROUGH CIVIL FINES TO ENSURE COMPLIANCE WITH FEDERAL, STATE AND MUNICIPAL OCCUPATIONAL HEALTH AND SAFETY REGULATIONS TO PROTECT THE EMPLOYEES, ASSETS AND INTERESTS OF THE MUNICIPALITY.

This ordinance addresses long existing shortcomings in the municipal safety program that have culminated in our enrollment in the Alaska Occupational Safety and Health Enforcement Section's (AKOSH's) Severe Violator Enforcement Program (SVEP).

The Assembly's leadership has met multiple times with AKOSH to determine the root causes of the municipality's current enrollment in SVEP. Enrollment in this program generally occurs as a result of an organization repeatedly violating the same provisions of code within a five year period. In the case of the municipality AKOSH indicated these repeated violations were the result of a number of factors, including:

- Lack of continuity in the safety director's position.
- Lack of clear reporting channels within the municipality and clear authorities for the safety director. Although the municipality has a P&P in place, it was largely outdated (dated Feb 2010) and is largely not adhered to.
- Lack of dedicated safety officers at the departmental level.
- A "siloeing" effect within the municipality where safety infractions are not reported outside departments and best practices are not shared, allowing for multiple departments to violate the same provisions of code. Additionally, this siloeing allowed departments to communicate independently with AKOSH, preventing any one person from addressing the entirety of the municipality's safety issues, but also from knowing what information has/has not been communicated between the municipality and the State's regulating body.

In light of these shortcomings, the ongoing risk of injury to our worker's safety, and the mounting fiscal exposure of the municipality through fines and workman's compensations claims, this ordinance seeks to codify structural changes within the administration to both elevate the safety program to the position of prominence

commensurate with its importance and to provide it the authorities and resources necessary to build a culture of safety within the municipality.

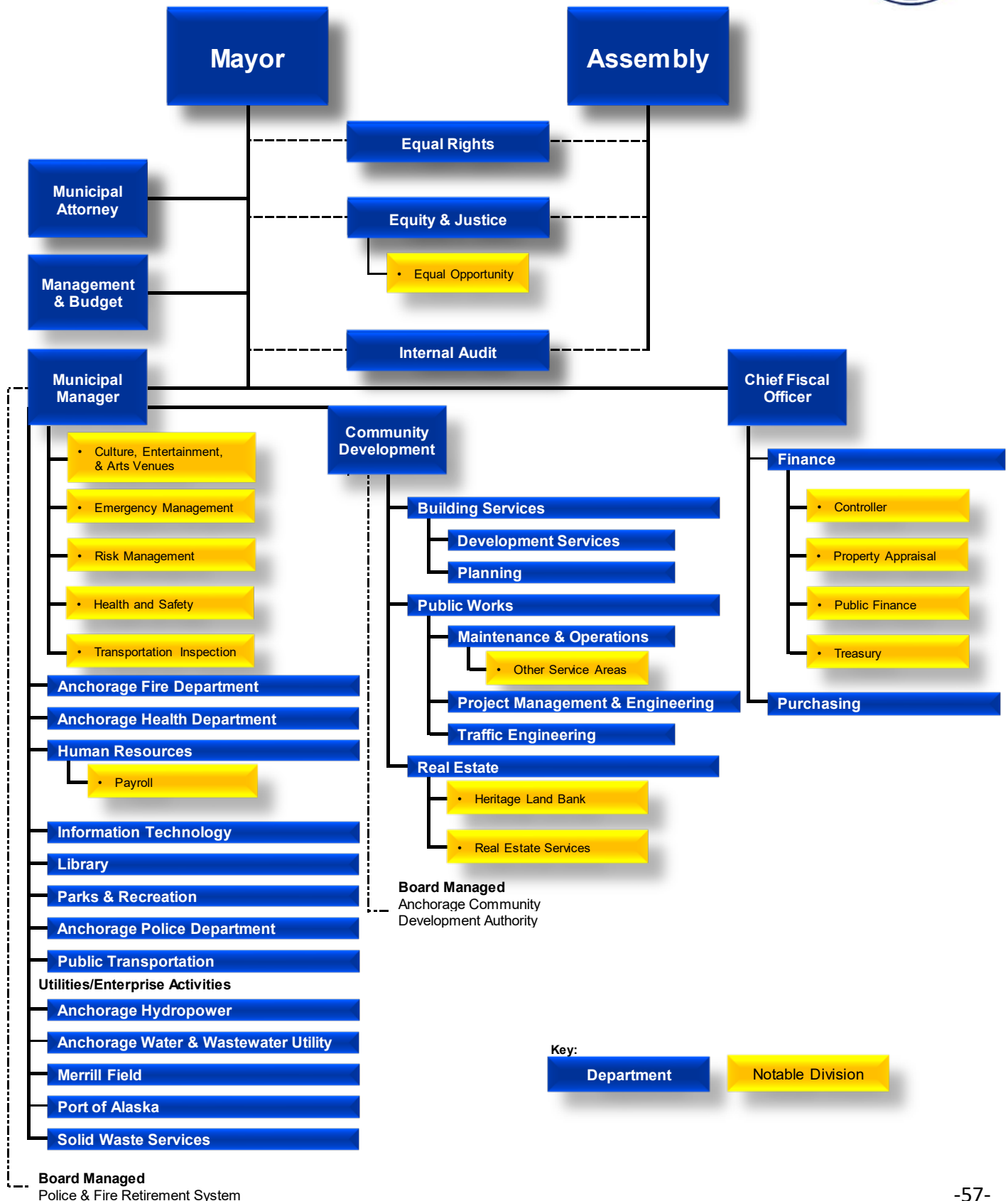
I request your support for the ordinance.

Reviewed by: Assembly Counsel's Office

Respectfully submitted: Suzanne LaFrance, Assembly Chair
District 6, South Anchorage, Girdwood & Turnagain Arm



Municipality of Anchorage



ANCHORAGE, ALASKA
AO No. 2023-45

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE SECTION (AMC) 2.30.020 TO RECOGNIZE THE DECISION**
3 **MAKING AUTHORITY OF THE ASSEMBLY WITH RESPECT TO UNCODIFIED**
4 **MAYORAL DIRECTIVES, POLICIES AND PROCEDURES, AND OTHER**
5 **UNCODIFIED POLICIES AND ADMINISTRATIVE PRACTICES AS APPLIED TO**
6 **THE LEGISLATIVE BRANCH, AND AMENDING AMC SECTION 3.50.010**
7 **ACCORDINGLY.**

8
9 **WHEREAS**, the mayor is authorized under AMC section 3.50.010 to adopt
10 directives and policies and procedures "which relate primarily to the internal
11 operations of the various agencies of the municipality..." Some of these are
12 published on Muniverse, the internal network of the Municipality; and
13

14 **WHEREAS**, there exist an extensive number of policies and procedures not yet
15 updated or published on Muniverse; and
16

17 **WHEREAS**, in addition to the mayoral policies and procedures, there exist
18 throughout the municipality countless policies and administrative practices that are
19 not codified; and
20

21 **WHEREAS**, many of these uncoded policies and practices are also not published
22 on a site available or readily accessible by the assembly; and
23

24 **WHEREAS**, with centralized operations of the municipality, many services such as
25 IT, Human Resources, and Purchasing are provided by executive branch
26 departments or agencies to the Assembly branch; and
27

28 **WHEREAS**, the assembly branch has been subject to application of these
29 uncoded and often unpublished policies and practices in conducting assembly
30 business; and
31

32 **WHEREAS**, a number of these policies and practices call for executive decision
33 making in matters involving discretion, including approval and waivers; and
34

35 **WHEREAS**, the assembly chair or other assembly executive decision maker is not
36 included or identified as an executive approving authority in mayoral policies and
37 procedures nor in the executive branch unpublished policies and procures; and
38

39 **WHEREAS**, this ordinance is intended to better inform the assembly of uncoded
40 policies and practices, as well as unpublished policies and practices; and to provide
41 and recognize the authority of assembly executive decision makers in conducting
42 the internal affairs of the legislative branch; and
43

#5.A.
WHEREAS, the decision making authority of the assembly is not intended to disrupt routine administrative practice and policies; now, therefore

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 2.30.020 – Presiding Officer, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

2.30.020 – Presiding officer.

*** *** ***

G. When exercising executive decision-making authority and implementing administrative policies and practices, the chair shall make those decisions on behalf of the legislative branch of government.

(AO No. 13-75; AO No. 78-49; AO No. 2017-53 , § 4, 4-11-17; AO No. 2021-117 , § 1, 1-19-22)

Section 2. Anchorage Municipal Code section 3.50.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.50.010 - Adoption; codification.

- A. The mayor may promulgate administrative directives which relate primarily to the internal operations of the various agencies of the municipality and may designate standard operating procedures, forms, manuals, instructions or other guidelines to ensure the coordinated and efficient administration of municipal government.
- B. The mayor may codify administrative rules promulgated under this chapter, known as the Mayor's Directives or Policies and Procedures.
- C. Unless codified, the applicability and implementation of the Mayor's Directives and Policies and Procedures, including administrative practices, to the legislative branch shall be determined by the assembly chair under section 2.30.020G or by the assembly as a whole. Upon request by the chair, the executive branch shall provide the chair with information and a recommended decision based on the executive branch policy, practice, or procedure for the chair's consideration.

(AO 154-76; AO No. 79-27; AO No. 91-173(S); AO No. 2015-23(S) , § 12, 3-24-15)

Section 3. This ordinance shall be effective immediately upon passage and

5.A.

approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day
of _____, 2023.

Chair _____

ATTEST:

Municipal Clerk

Submitted by: Assembly Member # 5.B.
Petersen and Assembly
Vice-Chair Constant
Prepared by: Municipal Clerk's Office,
Dept. of Law, and Assembly
Counsel's Office
For reading: April 7, 2023

ANCHORAGE, ALASKA
AO No. 2023-46

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE CHAPTER 10.80 TO REQUIRE RENEWAL OF
MARIJUANA ESTABLISHMENT LICENSES EVERY TWO YEARS RATHER
THAN ANNUALLY.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 10.80.036 is hereby amended to read as follows:

10.80.036 Municipal application for renewal of license or endorsement; failure to timely renew results in potential closure; expiration results in termination of license, endorsement and special land use permit.

A. Marijuana establishment licenses must be renewed every two years. On or before May 1 of each year, the municipal clerk shall send notice that a marijuana establishment with a license in active and operating status, which is requiring renewal, must file a renewal application not later than June 30 of the current year. Renewal applications filed after that date are delinquent and subject the marijuana establishment to potential closure pending approval of the application as described in subsection G. Renewal applications for the next license period will be accepted by the municipal clerk's office only between May 1 and August 31, inclusive.

B. A marijuana establishment's renewal application must include:

1. Identification of the license sought to be renewed by license number, endorsement, license type, establishment name, and premises address;
2. The information required for a state license renewal application under 3 AAC 306.035 and a municipal license under AMC section 10.80.021, except for information regarding the previously approved special land use permit as required by subsection 10.80.021C.;
3. Any change from the marijuana establishment's original license application or last renewal application for any change in:
 - a. The name of the marijuana establishment business;
 - b. The licensed premises from the last diagram submitted;

5.B.

- c. The marijuana establishment's operating plan; and
 - d. Any new product a licensed marijuana product manufacturing facility wishes to produce;
 4. A report, for each licensee:
 - a. Any criminal charge on which that licensee has been convicted in the current and previous calendar years;
 - b. Any civil violation of AS 04, AS 17.38, or this chapter in the current and previous calendar years; and
 - c. If a current holder of a marijuana establishment license has a change in ownership or transfer of a controlling interest, it must submit a change report or an application for transfer at the same time as the application for renewal is submitted, if such report or application has not been submitted before the renewal application; and
 5. A declaration under penalty of unsworn falsification that:
 - a. The application is true, correct and complete;
 - b. The applicant has read and is familiar with AS 17.38 and this chapter; and
 - c. The applicant will provide all information the municipal clerk requires in support of the renewal application; and
 6. Any other information required by the municipal clerk.
- C. If the municipal clerk determines that the renewal application is complete, the municipal clerk shall give notice of a renewal application to:
 1. The applicant; and
 2. Reserved;
 3. The community council in which the licensed premises is located;
 4. Reserved.
- D. If a marijuana establishment has received approval for its original license and special land use permit by the assembly, but it is not effective before July 1 of the current year because all conditions have not been met, a renewal application is not required to be submitted.
- E. On or before May 1 of each year, the municipal clerk shall notify each community council of all the marijuana establishment licenses located within its boundaries that are due to expire in August that calendar year, and advise councils they may request a public hearing before the assembly on any renewal within its boundaries. Requests for a hearing made by a community council under this section shall be made no later than June 15 of that same year, and shall be submitted to the assembly as part of its packet before action is taken on those renewals.
- F. On or before August 15 of each year, the municipal clerk shall deliver a notice of expiration to each marijuana establishment which requires renewal that has not filed a complete application for renewal of a license, along with any applicable affidavit unless the marijuana

5.B.

establishment has notified the municipal clerk that it does not intend to seek a renewal of its license. A marijuana establishment is not excused from filing a license renewal application not later than August 31 of each year in which the establishment requires renewal even if the marijuana establishment does not receive the notice of expiration described in this section.

G. Expiration. All marijuana establishment licenses and endorsements expire at 12:00 midnight on August 31 of each year in which the establishment requires renewal, unless a different date is set in the assembly resolution approving the license or endorsement.

1. If a marijuana establishment fails to file a complete license renewal application on or before August 31 of a year in which the establishment requires renewal, the holder of that expired license shall, within ten days of expiration, surrender the license to the municipal clerk. Any holder of an expired license with no renewal application pending that seeks authority to operate must file a complete new application under sections 10.80.020 and 10.80.026, along with the required fee.

2. If a marijuana establishment files a complete license renewal application between May 1 and on or before August 31:

a. Filed on or before June 30. The marijuana establishment may continue operating under the current license notwithstanding the expiration date until the renewed license is approved and effective, or until the assembly denies the application for renewal, only if its renewal application was filed on or before June 30.

b. Filed on or after July 1. The marijuana establishment shall not operate after August 31 until the renewed license is approved and effective, if the renewal application was filed on or after July 1. Such an establishment may retain possession of the marijuana or marijuana product that is otherwise compliant with this chapter on its premises, during the period it is prohibited from operations pending a decision on the renewal application and, if approved, compliance with all conditions.

c. Notwithstanding subsection 21.03.105C.10.a., the special land use permit for marijuana shall not expire unless the renewal application is denied.

H. Nothing in this section supersedes any proceeding to suspend or revoke a license.

(AO No. 2016-16(S), § 1, 2-9-16; 2017-71(S), § 4, 4-25-17; AO No. 2017-95(S), § 2, 5-1-17; AO No. 2019-66, § 5, 6-18-19)

Section 2. Anchorage Municipal Code section 10.80.045 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

5.B.

10.80.045 Application for license transfer; procedures for change in or transfer of a controlling interest in a license issued to non-natural persons, for a transfer of license, transfer of a license with an endorsement, and for temporary operation following the death of an individual.

*** *** ***

E. *Renewal application may be required.* If a licensed marijuana establishment submits an application for transfer after April 30 and before July 1 of a year in which the establishment requires renewal, it must also submit an application for renewal.

(AO No. 2016-16(S), § 1, 2-9-16; AO No. 2017-71(S), § 6, 4-25-17; AO No. 2017-95(S), § 3, 5-1-17; AO No. 2018-96(S), § 1, 11-7-18; AO No. 2019-66, § 6, 6-18-19)

Section 3. Anchorage Municipal Code section 10.80.061 is hereby amended to read as follows:

10.80.061 Protest to State Marijuana Control Board by municipality.

A. The municipal clerk shall protest a state marijuana establishment license or endorsement application if:

1. The applicant proposes to operate a marijuana establishment within the municipality, and
2. Does not possess all licenses, permits and approvals needed to operate a marijuana establishment or endorsement activity within the municipality.

B. The assembly may recommend that the State Marijuana Control Board approve an application for a new state license, renewal of a state license, transfer of a state license with or without an associated endorsement to another person, or application for a new endorsement subject to a condition or conditions. In such circumstances, the municipal clerk shall request that a protest to the State Marijuana Control Board be lifted upon fulfillment of such condition or conditions.

C. For those marijuana establishments not requiring renewal, the municipal clerk may prepare a memorandum for the assembly's approval stating its non-objection or waiver of the right to protest.

D[C]. A motion to reconsider may not be made regarding the assembly's action on whether to protest the state marijuana license application.

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2018-96(S), § 1, 11-7-18; AO No. 2019-66, § 7, 6-18-19; AO No. 2019-84, § 3, 7-9-19)

Section 4. Anchorage Municipal Code section 10.80.100 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set*

5.B.

out):

10.80.100 Fees; refund.

*** *** ***

D. The [ANNUAL] license operating fee to be paid with each application for a new marijuana establishment facility license and each license renewal application is \$0, except as further described in this subsection. If the state Marijuana Control Board fails to issue a timely response to an application as described in AS 17.38.210(f), and the municipality acts on the application, the applicant must pay an annual license operating fee to the municipality as follows:

*** *** ***

F. If the assembly denies an application for a license or for renewal of a license, the municipality will refund the [ANNUAL] license operating fee received with the denied application for a license or renewal. The municipality will not refund a license operating fee after the license has been issued.

*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 11, 4-25-17; AO No. 2017-95(S) , § 6, 5-1-17; AO No. 2018-96(S) , § 1, 11-7-18; AO No. 2019-66 , § 13, 6-18-19)

Section 5. Anchorage Municipal Code section 10.80.306 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.306 On-site consumption endorsement for retail marijuana stores.

*** *** ***

F. The holder of an on-site consumption endorsement must apply for renewal [ANNUALLY] at the time of renewal of the underlying retail marijuana store license.

(AO No. 2019-66, § 15, 6-18-19)

Section 6. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

5.B.

Assembly Memorandum

No. AM 265-2023

Meeting Date: April 7, 2023

**From: ASSEMBLY MEMBER PETERSEN AND VICE-CHAIR
CONSTANT**

**Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL
ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.80
TO REQUIRE RENEWAL OF MARIJUANA ESTABLISHMENT LICENSES
EVERY TWO YEARS RATHER THAN ANNUALLY.**

This proposed ordinance will amend Anchorage Municipal Code (AMC) Chapter 10.80 to change the license period of municipal marijuana facility licenses from one year to a two-year (biennial) license period.

Municipal marijuana license renewals were set to be annually renewed, following the State of Alaska processes. The Municipality has seen very few infractions or problems with the marijuana industry over the years since 2016. The need to review applications every year is no longer necessary in regard to monitoring for and addressing compliance issues.

The associated workload of Municipal Departments to receive, process, review, inspect and issue marijuana licenses and their facilities would be greatly reduced if changed to a biennial renewal. The many departments involved annually review and inspect over 100 marijuana facilities each year.

At the Community and Economic Development Committee (CEDC) meeting of January 19, 2023, the Committee discussed this proposal and continued to discuss it periodically. Included in the discussions were municipal departments such as Land Use Enforcement, Planning, and members of the public and industry. All involved agreed that the change would be beneficial.

Information received from Jana Weltzin, in her role as a member of the Governor's Advisory Task Force on Recreational Marijuana, informed the members of the CEDC that the task force had recommended that the State of Alaska move to a biennial license period and understood that it was a likely outcome.

The Municipal Clerk's Office provided Exhibit A attached to this memorandum, showing the original issuance year of all municipal marijuana licenses. The proposal for transitioning to biennial licensing under this AO is for license renewals to be required based on the original issuance year. Licenses originally

5.B.

1 issued in an odd number year, would renew every odd year and licenses issued
2 in an even number year, would renew every even year. As the Exhibit A shows,
3 this allows for an almost even split of current licenses and is a reasonable and
4 fair method to initiate the biennial renewal program.

5
6 The Assembly, as the government issuing Municipal Marijuana Licenses, would
7 still retain the ability to address concerns related to the licensed facilities
8 throughout the time between a license's renewal period, under Article VIII of
9 Chapter 10.80, *Enforcement, Civil Penalties*, which includes the ability to
10 suspend or revoke a license with appropriate due process.

11
12 **We request your support for the ordinance.**

13
14 Prepared by: Mandy Honest, Municipal Clerk's Office
15 Approved by: Barbara A. Jones, Municipal Clerk
16 Concur: Department of Law
17 Concur: Dean T. Gates, Assembly Counsel
18 Respectfully submitted: Pete Petersen, Assembly Member, CEDC Chair
19 District 5, East Anchorage
20
21 Christopher Constant, Assembly Vice-Chair
22 District 1, North Anchorage
23

24 Attachments: Exhibit A, Municipal Marijuana License Status

Municipal Marijuana License Status

License#	Marijuana License Type	Applicant Name	DBA/License Name	Premises Address	Original License Iss
M10009	Marijuana Testing Facility	Canntest, LLC	CANNTTEST, LLC	620 E Whitney Rd.	10/21/2016
M10035	Marijuana Cultivation Facility	7107 Ventures, LLC	ARCTIC HERBERY	7107 Arctic Blvd.	12/8/2016
M10037	Retail Marijuana Store	7107 Ventures, LLC	ARCTIC HERBERY	7107 Arctic Blvd.	12/8/2016
M10306	Retail Marijuana Store	Dankorage, LLC	DANKORAGE, LLC	2812 Spenard Rd.	12/20/2016
M11614	Retail Marijuana Store	Alaska Joint Ventures, LLC	AK JOINT	7801 Schoon St., Unit F	1/9/2018
M10828	Marijuana Manufacturing Facility	Glacier Extracts, LLC	GLACIER EXTRACTS	8639 Toloff St., Ste. 3	1/10/2018
M10237	Marijuana Cultivation Facility	AlaskaSense, LLC	ALASKASENSE, LLC	521 W Tudor Rd., Unit 202	1/11/2018
M10302	Retail Marijuana Store	BAM Greeneries, LLC	THE HOUSE OF GREEN	3105 Minnesota Dr.	1/16/2018
M10671	Marijuana Cultivation Facility	Alaska Cannabis Exchange	ALASKA CANNABIS EXCHANGE	1805 & 1807 W 47th Ave.	1/23/2018
M11638	Retail Marijuana Store	Broken Dirt, LLC	CATALYST CANNABIS COMPANY	9900 Old Seward Hwy., Unit 4	2/14/2018
M10301	Marijuana Manufacturing Facility	Great Northern Manufacturing, Inc.	GREAT NORTHERN MANUFACTURING	7801 King St.	2/16/2018
M13503	Marijuana Cultivation Facility	Alaska GreenWorks, LLC	ALASKA GREENWORKS, LLC	10263 Nigh Rd., Unit 7	3/14/2018
M13503	Marijuana Cultivation Facility	Alaska GreenWorks, LLC	G2 LAB	10263 Nigh Rd., Unit 7	3/14/2018
M10080	Marijuana Cultivation Facility	DGF Interprises, Inc.	DREAM GREEN FARMS	2939 Porcupine Dr.	4/9/2018
M10097	Retail Marijuana Store	Raspberry Roots, LLC	RASPBERRY ROOTS	501 Raspberry Rd., Ste. 101	4/11/2018
M11303	Retail Marijuana Store	YNY Investment, LLC	HOLLYWEED 907	2429 E 88th Ave.	5/1/2018
M14073	Marijuana Cultivation Facility	Denali Fire Black, LLC	DENALI FIRE	6209 Mike St., Ste. 2C	5/24/2018
M10162	Retail Marijuana Store	The Frost Farms, LLC	THE FROST FARMS	8535 Dimond D Cir., #B	6/7/2018
M11411	Retail Marijuana Store	Denali Dispensaries	DENALI DISPENSARIES	225 E 5th Ave.	8/3/2018
M14083	Retail Marijuana Store	Denali Fire Green, LLC	ALASKA WEEDS	6209 Mike St.	8/7/2018
M14619	Marijuana Manufacturing Facility	Denali Fire Brown, LLC	DENALI FIRE EXTRACTS	6209 Mike St., Ste. 2B	8/7/2018
M15594	Marijuana Manufacturing Facility	Cold Creek Extracts, LLC	COLD CREEK EXTRACTS	7801 Schoon St., Unit L	8/15/2018
M12808	Marijuana Cultivation Facility	ACF Ventures, Inc.	TUNDRA JANE	2429 E 88th Ave.	8/17/2018
M10272	Marijuana Cultivation Facility	Lightening Strike Organics	LIGHTENING STRIKE ORGANICS	9400 Old Seward Hwy.	8/24/2018
M10856	Marijuana Manufacturing Facility	Raspberry Roots, LLC	RASPBERRY ROOTS	501 Raspberry Rd., Ste. 101	9/12/2018
M16610	Retail Marijuana Store	Great Northern Retail Stores, Inc.	GREAT NORTHERN CANNABIS	1901 W Dimond Blvd.	10/30/2018
M11920	Marijuana Cultivation Facility	Alaska Joint Ventures, LLC	VOODOO CANNABIS CO.	7801 Schoon St., Unit F	12/10/2018
M10107	Marijuana Cultivation Facility	Ferguson & Smith Enterprises, Inc.	ARCTIC EARTH	151 A Street Lp.	12/11/2018
M11304	Marijuana Manufacturing Facility	YNY Investment, LLC	HIGHER ALTITUDE MANUFACTURING	2429 E 88th Ave.	12/19/2018
M10890	Retail Marijuana Store	T.M.T., LLC	PAKALOLO OCEANSIDE	735 W 4th Ave.	12/27/2018
M20151	Retail Marijuana Store	Canna Get Happy, LLC	CANNA GET HAPPY	810 E 6th Ave.	2/13/2020
M14359	Retail Marijuana Store	Tip Top, LLC	TIP TOP, LLC	233 E 5th Ave., Ste. 1	3/12/2020
M22713	Retail Marijuana Store	Red Run Holdings, LLC	RED RUN CANNABIS COMPANY	910 W International Airport Rd.	4/17/2020
M10254	Retail Marijuana Store	ClaSim, LLC	CANNABASKA	217 E 4th Ave., Ste. D	4/27/2020
M12437	Retail Marijuana Store	Alaska Cannabis Exchange, LLC	ALASKA CANNABIS EXCHANGE	2906 Spenard Rd.	5/26/2020
M20865	Retail Marijuana Store	Eden Management Group, LLC	UNCLE HERB'S	360 Boniface Pkwy., #A5	6/9/2020
M18117	Retail Marijuana Store	2KT, Inc.	MARY JANE'S CANNABIS EMPORIUM	8851 Jewel Lake Rd.	6/24/2020
M23821	Retail Marijuana Store	Catalyst Retail, LLC	CATALYST CANNABIS COMPANY	317 Muldoon Rd.	6/26/2020
M11547	Retail Marijuana Store	J. Shimek; L. Shimek	CLOUDBERRY CANNABIS	3307 Spenard Rd.	7/1/2020
M11731	Retail Marijuana Store	L&J Ventures, LLC	SCORPION GRASS	1551 E Tudor Rd.	7/2/2020
M12471	Marijuana Manufacturing Facility	Alaska Wild Coyote, Inc.	AMG CONCENTRATES	838 Bonanza Ave.	7/7/2020
M15019	Retail Marijuana Store	B2H, LLC	THE TREE HOUSE AK	341-d Boniface Pkwy.	7/7/2020
M12125	Marijuana Cultivation Facility	Alaska Wild Coyote, Inc.	ALASKA MARIJUANA GARDENS	838 Bonanza Ave.	7/8/2020
M22150	Retail Marijuana Store	Top Shelf Herbs of Alaska, LLC	TOP SHELF HERBS OF ALASKA	901 Photo Ave., Ste. A	7/15/2020
M23468	Retail Marijuana Store	SHFT, LLC	GREEN MARKET	301 E Dimond Blvd., Ste. 1A	9/10/2020
M21725	Marijuana Cultivation Facility	AKGLD, LLC	THE RED LIGHT DISTRICT	407 E Northern Lights Blvd., 1B	9/23/2020
M21724	Retail Marijuana Store	AKGLD, LLC	THE RED LIGHT DISTRICT	407 E Northern Lights Blvd., 1A	10/27/2020
M20532	Marijuana Manufacturing Facility	CC Enterprises, Inc.	CULTIVATED CONFECTIONS	7731 Schoon St., #A	11/9/2020
M18702	Retail Marijuana Store	Tundra Farms 2, Inc.	COLD CITY CANNABIS	1210 E 70th Ave., #1	5/4/2022
M18706	Marijuana Manufacturing Facility	Tundra Farm 1, Inc.	TUNDRA FARMS	1210 E 70th Ave., #3	5/4/2022
M15016	Retail Marijuana Store	Shotnine, LLC	CLEAR CUT CANNABIS	1133 E 68th Ave.	6/6/2022
M25693	Marijuana Cultivation Facility	Alaska GreenWorks, LLC	ALASKA GREENWORKS, LLC	8860 Arlon St.	6/22/2022
M27922	Marijuana Cultivation Facility	Alaska Joint Ventures, LLC	BAD HABITS	7731 Schoon St., #D	7/1/2022
M10252	Retail Marijuana Store	Popeye's Emporium II, LLC	POPEYE'S EMPORIUM II, LLC	3231 Spenard Rd., Unit 1	7/13/2022
M27854	Marijuana Cultivation Facility	Caribbean Dreams, LLC	GANJA GUYS OF ALASKA	101 E International Airport Rd.	7/26/2022
M10190	Retail Marijuana Store	Midtown Roots, LLC	MIDTOWN ROOTS	360 E International Airport Rd.	8/16/2022
M29054	Marijuana Manufacturing Facility	The Frost Frontier, LLC	THE FROST FRONTIER	8535 Dimond D Cir., #B	9/13/2022
M24541	Retail Marijuana Store	One Stop, LLC	RELEAF	910 W International Airport Rd.	9/14/2022
M31418	Retail Marijuana Store	Catalyst Retail, LLC	CATALYST CANNABIS COMPANY	4708 Spenard Rd.	12/16/2022
M10322	Marijuana Manufacturing Facility	Babylon Company, LLC	BABYLON COMPANY, LLC	6820 Rosewood St., #9	1/6/2017
M10239	Marijuana Cultivation Facility	Alaska Rustic, LLC	ALASKA RUSTIC, LLC	184 Ray Halla Ln.	1/10/2017
M10021	Retail Marijuana Store	Enlighten Alaska, LLC	ENLIGHTEN ALASKA, LLC	2600 Spenard Rd.	1/24/2017
M10082	Marijuana Manufacturing Facility	Einstein Labs	EINSTEIN LABS	2939 Porcupine Dr.	2/8/2017
M10248	Marijuana Cultivation Facility	Isidore, LLC	ISIDORE	5200 A St.	2/13/2017
M10094	Retail Marijuana Store	Alaskabuds, LLC	ALASKABUDS, LLC	1005 E 5th Ave.	2/14/2017
M10747	Marijuana Cultivation Facility	Great Northern Cultivation, Inc.	GREAT NORTHERN CULTIVATION	2341 Cinnabar Lp.	2/16/2017
M10903	Marijuana Manufacturing Facility	JMP, LLC	MOMO'S BAKERY	2917 Spenard Rd., Ste. 102	3/6/2017
M10236	Retail Marijuana Store	Sima Enterprises, LLC	CANNABASKA	521 W Tudor Rd.	3/14/2017
M10267	Retail Marijuana Store	AM Frontier, LLC	AM DELIGHT	3902 Spenard Rd.	3/28/2017
M10174	Marijuana Cultivation Facility	Parallel 64, LLC	PARALLEL 64, LLC	2132 N Post Rd.	4/26/2017
M10577	Retail Marijuana Store	Alaskan Leaf, LLC	ALASKAN LEAF, LLC	1211 W 36th Ave., Ste. A	5/26/2017
M10866	Retail Marijuana Store	AK Frost, LLC	AK FROST, LLC	5200 A St., Ste. 102	6/8/2017
M10865	Marijuana Manufacturing Facility	AK Rime, LLC	AK RIME, LLC	5200 A St., Ste. 102	6/8/2017
M10161	Marijuana Cultivation Facility	The Frost Frontier, LLC	THE FROST FRONTIER	8535 Dimond D Cir., #C	6/16/2017
M10959	Marijuana Cultivation Facility	Green Go, LLC	GREEN GO, LLC	101 N Post Rd.	6/19/2017
M10284	Marijuana Cultivation Facility	Broken Dirt, LLC	CATALYST CANNABIS COMPANY	5001 Eagle St., Ste. B	6/27/2017
M10245	Retail Marijuana Store	Double Eagle Farms, LLC	DOUBLE EAGLE CANNABIS	2042 E 3rd Ave., Ste. A	7/31/2017
M11966	Retail Marijuana Store	Great Northern Retail Stores, Inc.	GREAT NORTHERN CANNABIS	541 W 4th Ave.	7/31/2017
M11118	Marijuana Cultivation Facility	B2C2LH, LLC	MERCY TREE OF ALASKA	1648 N Post Rd.	8/25/2017
M11778	Marijuana Cultivation Facility	Old School & Buffie, LLC	OLD SCHOOL & BUFFIE, LLC	10263 Nigh Rd., Unit 5	10/2/2017
M10299	Marijuana Cultivation Facility	Great Northern Cultivation, Inc.	GREAT NORTHERN CULTIVATION	7801 King St.	10/26/2017
M10303	Marijuana Cultivation Facility	BAM Alaska, LLC	BAM ALASKA	3105 Minnesota Dr.	11/1/2017
M10648	Retail Marijuana Store	Eden Management Group, LLC	UNCLE HERB'S	6511 Arctic Spur Rd.	11/1/2017
M10098	Marijuana Cultivation Facility	Raspberry Roots, LLC	RASPBERRY ROOTS	501 Raspberry Rd., Ste. 101	11/17/2017
M10837	Retail Marijuana Store	Hillside Natural Wellness, LLC	HILLSIDE NATURAL WELLNESS	8639 Toloff St., Ste. 1	12/29/2017
M10647	Marijuana Cultivation Facility	Eden Management Group, LLC	ALASKA HERB GARDEN	6511 Arctic Spur Rd.	2/1/2019
M10646	Retail Marijuana Store	Ferguson & Smith Enterprises, Inc.	THE GREEN ROOM AK	610 C St., #A7	2/6/2019
M17480	Retail Marijuana Store	Tundra Herb Company, LLC	TUNDRA HERB COMPANY	520 W 6th Ave., Ste. 200	5/17/2019

5.B.

M12768	Retail Marijuana Store	Axion Enterprises, LLC	SECRET GARDEN CANNABIS	726 E 15th Ave.	6/4/2019
M12770	Marijuana Cultivation Facility	Axion Enterprises, LLC	SECRET GARDEN CANNABIS	726 E 15th Ave.	6/26/2019
M17336	Marijuana Manufacturing Facility	Great Northern Manufacturing, Inc.	GREAT NORTHERN MANUFACTURING	7031 Arctic Blvd., Ste. 100	6/28/2019
M19277	Retail Marijuana Store	The Herbal Cache, LLC	THE HERBAL CACHE	158 Holmgren Pl., Ste. 101	7/8/2019
M12769	Marijuana Manufacturing Facility	Axion Enterprises, LLC	SECRET GARDEN CANNABIS	726 E 15th Ave.	7/15/2019
M12317	Marijuana Cultivation Facility	Anchorage Bowl, LLC	ANCHORAGE BOWL, LLC	4000 Spenard Rd.	8/7/2019
M12318	Marijuana Manufacturing Facility	Anchorage Bowl, LLC	ANCHORAGE BOWL, LLC	4000 Spenard Rd.	8/7/2019
M12316	Retail Marijuana Store	Anchorage Bowl, LLC	ANCHORAGE BOWL, LLC	4000 Spenard Rd.	8/7/2019
M20983	Retail Marijuana Store	King Street Management, Inc.	KING STREET CANNABIS CO.	8430 Laviento Dr., Ste. A	11/13/2019
M21552	Marijuana Manufacturing Facility	Enlighten Extractions, LLC	ENLIGHTEN EXTRACTS	525 E 48th Ave., 1A	1/11/2021
M21551	Marijuana Cultivation Facility	Enlighten Alaska Greenery, LLC	ENLIGHTEN GARDENS	524 E 48th Ave., 1B	1/11/2021
M24238	Retail Marijuana Store	Caribbean Dreams, LLC	GANJA GUYS OF ALASKA	101 E International Airport Rd.	1/15/2021
M25309	Retail Marijuana Store	Alaska Joint Ventures, LLC	VOODOO CANNABIS CO.	930 Gambell St.	2/16/2021
M20984	Marijuana Cultivation Facility	Jack Ventures, LLC	QUINTESSENCE FARMS	8430 Laviento Dr., Ste. B	3/2/2021
M22716	Retail Marijuana Store	Baby Bull, LLC	CANNABLISS	2001 E 5th Ave.	5/3/2021
M24383	Retail Marijuana Store	Primo Farms North, LLC	PRIMO	12870 Old Seward Hwy., Ste. 105	6/8/2021
M26609	Marijuana Cultivation Facility	5031 Eagle Street, LLC	EAGLE STREET PLANT	5031 Eagle St., Unit C	8/25/2021
M18704	Marijuana Cultivation Facility	Tundra Farm 1, Inc.	TUNDRA FARMS	1210 E 70th Ave., #2	10/7/2021
M20366	Retail Marijuana Store	Great Northern Retail Stores, Inc.	GREAT NORTHERN CANNABIS	2600 E Tudor Rd.	10/13/2021
M23652	Retail Marijuana Store	SupHerb, LLC	SUPHERB	2121 N Post Rd.	2/2/2023
M23653	Marijuana Cultivation Facility	SupHerb, LLC	SUPHERB	2121 N Post Rd.	2/2/2023
M30154	Marijuana Cultivation Facility	Eden Management Group, LLC	ALASKA HERB GARDEN	209 King Cir., Ste. 2	2/22/2023
M30153	Retail Marijuana Store	Eden Management Group, LLC	UNCLE HERB'S	209 King Cir., Ste. 1	2/22/2023

Submitted by: Assembly Chair #5.C.
LaFrance and Assembly
Vice-Chair Constant
Prepared by: Assembly Budget Analyst
Reviewed by: Assembly Counsel's
Office
For reading: April 7, 2023

ANCHORAGE, ALASKA
AO No. 2023-47

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE
MUNICIPAL CODE SECTION 6.10.085 TO REINSTATE THE PUBLIC HEARING
REQUIREMENTS IN AMC SECTION 2.30.060, PUBLIC HEARINGS AND
ACTIONS ON RESOLUTIONS.**

WHEREAS, Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly
by ordinance shall determine its own rules and order of business”; and

WHEREAS, Anchorage Municipal Code chapter 2.30, *Rules of Procedure for
Assembly*, includes section 2.30.050 on requirements for introduction, public
hearing, and action on ordinances, and subsection 2.30.060 on the corresponding
requirements for resolutions; and

WHEREAS, Anchorage Municipal Code section 6.10.085, *Appropriations during
fiscal year*, provides that the Assembly may, by resolution, reduce or increase
appropriations during the course of the fiscal year, and that amounts in excess of
\$500,000 shall require a public hearing; and

WHEREAS, although AMC section 6.10.085 provides that appropriations are made
by resolution, it then refers to the requirements of the code regarding ordinances, in
AMC section 2.30.050, *Introduction of ordinances; action on ordinances*; and

WHEREAS, the *Appropriation* code should be changed to refer to the requirements
of resolutions in section 2.30.060, *Public hearings and actions on resolutions*, which
reflects some less stringent requirements for introduction and public notice similar
to those in place since 1978, before adoption of AO 2020-29; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 6.10.085, *Appropriations during
fiscal year*, is hereby amended to read as follows (*the remainder of the section is
not affected and therefore not set out*):

6.10.085 – Appropriations during fiscal year.

A. *Resolution.* The assembly may, by resolution, reduce or increase
appropriations during the course of the fiscal year.

B. *Public hearing.*

5.C.

1. *Public hearing.*

- a. A resolution reducing or increasing appropriations by an amount in excess of \$500,000.00 shall be subject to a public hearing and shall comply with the requirements of section 2.30.060 [2.30.050].
- b. Any resolutions reducing or increasing appropriations may be subject to a public hearing at the discretion of the assembly.

*** *** ***

(AO No. 78-56; AO No. 86-12; AO No. 88-60; AO No. 2020-29, § 1, 4-28-20)

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk



Assembly Memorandum

No. AM 266-2023

Meeting Date: April 7, 2023

From: ASSEMBLY CHAIR LAFRANCE AND VICE CHAIR CONSTANT

Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 6.10.085 TO REINSTATE THE PUBLIC HEARING REQUIREMENTS IN AMC SECTION 2.30.060, PUBLIC HEARINGS AND ACTIONS ON RESOLUTIONS.

Anchorage Municipal Code chapter 2.30, *Rules of Procedure for Assembly*, includes section 2.30.050, *Introduction of ordinances; action on ordinances*, and section 2.30.060, *Public hearings and action on resolutions*, and both sections include public hearing requirements for their respective legislative action. This ordinance amends AMC section 6.10.085, *Appropriations during fiscal year*, to change the public hearing requirement code cite from 2.30.050 (ordinances) to 2.30.060 (resolutions).

When the Assembly last amended AMC section 6.10.085 by adoption of AO 2020-29, it increased the dollar amount threshold for a required public hearing for an appropriation resolution from \$100,000 to \$500,000, and changed the public hearing requirements for such a resolution from “need not” comply with the requirements of section 2.30.050 (ordinance) to “shall” comply with the public hearing requirements for ordinances. Prior to that change by AO 2020-29, two members could introduce by a motion and second, the Assembly had discretion to determine the time and how much prior public notice publication, and an AM was not required.

The prior language “but need not” in AMC section 6.10.085 had been in place since 1978 with adoption of AO 78-56. The accompanying AM 154-78 stated “For amounts in excess of one hundred thousand dollars, a public hearing would be required, but the resolution would not need to go through the formal introduction and notice procedures used for ordinances. The inefficiencies faced in 1978 are applicable today.

The change to “shall” comply with the published notice requirement of at least 7 days prior to the public hearing date has at times been problematic when high priority public projects or expenditures were urgently needed. Before 2020, the Assembly could introduce an appropriation AR and set a public hearing at a special meeting a couple days later, satisfying the “reasonable notice” standard that applies under the Open Meetings Act (AS 44.62.310 *et seq.*) and providing sufficient time for the Municipal Clerk to publish a public hearing notice more than the 24-hours required for a special meeting under AMC section 1.25.015A.2. in the

1 Municipality's Public Meetings code. Since 2020, the mandated longer 7 days' **#5.C.**
2 notice has from time to time frustrated the Assembly's and Administration's goals
3 to quickly appropriate funds for time sensitive projects, such as to make funds
4 available for construction projects before freeze up.

5
6 This ordinance is a code change only, and implementation costs are not expected
7 to exceed \$30,000, so pursuant to AMC subsection 2.30.053B.1., no summary of
8 economic effects is required.

9
10 **We request your support of this ordinance.**

11
12 Prepared by: Desirea C. Camacho, Assembly Budget Analyst

13 Reviewed by: Dean T. Gates, Assembly Counsel

14 Concur: Barbara A. Jones, Municipal Clerk

15
16 Respectfully submitted: Suzanne LaFrance, Assembly Chair
17 District 6, South Anchorage, Girdwood & Turnagain
18 Arm

19
20 Christopher Constant, Assembly Vice Chair
21 District 1, North Anchorage

ANCHORAGE, ALASKA
AO No. 2023-48

AN ORDINANCE: REPEALING ANCHORAGE MUNICIPAL CODE (AMC) CHAPTER 3.97, NAMING OF MUNICIPAL BUILDINGS, OTHER FIXED FACILITIES AND PUBLIC PLACES; ENACTING AMC CHAPTER 1.80, NAMING OF PUBLIC PLACES; AMENDING CHAPTER 4.60, PROGRAM ADVISORY BOARDS, TO ADD SECTION 4.60.035, PUBLIC NAMING COMMISSION AND AMEND SECTION 4.60.090 ACCORDINGLY; AND AMENDING SECTION 21.03.185, STREET NAME ALTERATIONS.

WHEREAS, Anchorage Municipal Code (AMC) chapter 3.97 establishes a procedure for the naming of municipal buildings and public places, including a process for establishing the membership of naming panels; and

WHEREAS, AMC section 3.97.020 states that when considering the naming or renaming of facilities, the preferred practice is to give a public place a name with historical, cultural, or geographical significance considering location, function, prior Indigenous name, and natural features; and

WHEREAS, despite these broader guidelines, current practice appears most often to result in naming public places after individuals selected by naming panels consisting of persons interested in a particular name, including grieving family members; and

WHEREAS, as a result, very little recognition of traditional Indigenous place names has occurred in practice, and naming often lacks consistency, continuity, or vision; and

WHEREAS, the naming of a public place should be thoughtful, intentional, and reflect community vision and values; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Chapter 3.97 is hereby repealed. In accordance with AMC section 1.05.050B., a copy of the existing text of Chapter 3.97 being repealed is attached as Exhibit A.

Section 2. Anchorage Municipal Code Title 1 – General Provisions, is hereby amended to add a new chapter to read as follows:

Chapter 1.80 - NAMING OF PUBLIC PLACES

5.D.**1.80.010 - Purpose.**

- A. The municipality hereby establishes a policy and set of procedures to govern the naming and renaming of a public place, including renaming of streets and roads.
- B. A sound naming policy adds meaning, significance, and uniformity to public facilities, minimizes conflict, and provides a forum for meaningful discussion regarding naming. Further, a consistent municipal naming policy results in continuity and a sense of community.
- C. This process prioritizes a number of naming principles, including the recognition of traditional Indigenous place names of the Dena'ina Athabascans or other Alaska Native groups, natural elements, local identity and vision, and historical events.
- D. The selection of a name that is purposeful, suitable, and symbolic should be approached in a systematic, fair, and consistent way. This process can generate opportunities to build community identity and awareness, create a lasting public dialogue, express appreciation, and be reflective of Anchorage's vision for itself.

1.80.020 – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public place – For purposes of this chapter, a public place means any building, facility, municipal or park lands, owned by or under the control of the municipality, including interior and component spaces integral to the whole, and excluding Anchorage School District buildings and facilities.

Traditional Indigenous place name means the Dena'ina Athabaskan name or other Alaska Native name for a place generally accepted amongst the members of the Native Village of Eklutna or the culturally appropriate Tribe or village.

1.80.030 – Naming policy.

When considering the naming or renaming of a public place, the preferred practice shall be to impart public property with a sense of historical, cultural, or geographical significance considering location, function, the traditional Indigenous place name, or natural features. Considerations in the selection of a name shall include:

- A. The existing name of any public place, including a traditional Dena'ina or other Indigenous place name. Continuity of name and common usage are presumed to increase a sense of neighborhood.
- B. Influences from adopted plans or a municipally sponsored process (such as 1% for Art at the same location, Commission Annual Plan,

#5.D.

- or mission/vision, Title 21 subdivision platting, etc.), or an established vision for Anchorage or the area of Anchorage in which the public place or real property exists.
- C. Natural features of the area, including but not limited to geographical, geological, and anthropological features.
 - D. Events, both contemporary and historic.
 - E. Cultural significance to a group or groups of people who have positively impacted the community.
 - F. Positive impact of an individual or group on the local community and the history of Anchorage in an ongoing and transformative way. When considering honoring a person or persons with naming of a public place, the Commission should document their efforts to:
 - 1. Identify the person or persons' connection to the municipality if considering an outstanding local, state, national or international civic leader(s);
 - 2. Consider the historical significance of the person and or connection with the municipality.
 - 3. Limit honorary naming to a single use of an individual's name at any one point in time when not in conjunction with a monetary or in-kind sponsorship.
 - 4. Support the preferred practice of honoring individuals through naming of internal areas, fixtures, and features integral to public spaces.
 - 5. Avoid naming a public building, facility, or park for a person.

1.08.040 – Public Naming Commission.

- A. Duties of the public naming commission shall include:
 - 1. Responsibility for implementing the naming policy of the municipality through review of all requests and actions for compliance with this policy and honorary naming criteria under this chapter.
 - 2. Review of proposed names and public places, including holding public hearings, and identifying additional potential names or public places as appropriate to the request. The panel will assess all requests once a year as part of the annual naming plan.
 - 3. Meeting at least once annually for the sole purpose of naming implementation goals and strategy, and monthly as needed for the purpose for regular commission business.
 - 4. Filing an annual naming plan with the mayor and the assembly by August 31 of each year, which shall include:
 - a. Activities of the prior year.
 - b. Commission's statement of vision for naming of public places.
 - c. List of public places proposed for consideration of naming or renaming in the coming year.
 - d. Summary of naming requests from the public from the prior year and proposed disposition of those requests, including how the proposed names meet the

5.D.

requirements in section 1.80.030.

B. A naming project may be initiated by:

1. Referral to the Commission from the mayor or the assembly identifying the proposed public place.
2. Nominations from the public or resolutions of community councils. Posthumous naming in honor of a person or persons may be made no earlier than thirty-six (36) months posthumously.
3. The public naming commission by:
 - a. Identifying public places or real property of significance that have not yet been named.
 - b. Collaborating with the department of public works to recommend names for facilities in development.

C. Recommendation and approval.

1. Prior to final recommendation to the mayor and assembly, the Commission shall hold at least one public hearing to present the proposed naming recommendation and receive public comment.
2. Prior to final recommendation to the mayor and assembly for a public place under the jurisdiction of a parks and recreation board or commission, including the Anchorage Parks and Recreation Commission, the Girdwood Board of Supervisors, or the -Eagle River-Chugiak Park and Recreation Board of Supervisors, the Commission shall request an advisory opinion from the board or commission with jurisdiction.
3. The Commission shall prepare a memorandum advising the mayor and the assembly and explaining and amplifying any relevant information regarding the Commission's recommendation.
 - a. The Commission's memorandum shall include reference to the policy in section 1.08.030 and how the Commission considered those factors in its recommendation.
 - b. Every effort shall be made to adhere to the naming policy established in section 1.08.030. All recommendations involving departure from section 1.08.030 must include a detailed rationale for the departure.
 - c. The Commission's memorandum shall be attached to a resolution for consideration by the assembly. If a majority of the Commission members are unable to agree, a divided recommendation of the Commission may be submitted for assembly consideration.
4. In all naming or renaming, the assembly shall set the proposed resolution addressing the Commission's recommendation for public hearing at least 27 days after introduction to ensure appropriate information dissemination

5.D.

to the public prior to final action by the assembly.

D. Renaming.

1. Renaming shall not apply to historic names of designated landmarks listed on a state or National Register of Historic Places, unless supported by the state and/or federal government.
2. Initial naming of streets and roads are governed by Title 21 and changing these names has far reaching effects and costs. Renaming of streets and roads is subject to the requirements of section 21.03.185, as well as public safety considerations.
3. This chapter shall not apply to the naming or renaming of a public space that was donated to the municipality contingent upon assignment of a specific name or to any facility constructed or purchased from money or property donated to the municipality for the specific purpose of securing a name for the facility.

Section 3. Anchorage Municipal Code Chapter 4.60 – Program Advisory Boards, is hereby amended to add a new section to read as follows:

4.60.035 - Public naming commission.

- A. *Purpose.* There is established a public naming commission to implement the standards for public naming set forth in Chapter 1.80.
- B. *Composition and terms of members.*
 1. The commission shall consist of nine voting members, appointed by the mayor and subject to confirmation by the assembly.
 2. Each member shall be appointed pursuant to chapter 4.05.
 3. Unless otherwise provided in this section, the commission shall be governed by the provisions of Chapter 4.05.
- C. *Qualifications.* To the extent available in the municipality, commission members shall include:
 1. A historian, anthropologist, or archaeologist.
 2. An Alaska Native culture advisor with knowledge of local Indigenous history and culture.
 3. A member with real estate experience, such as a real estate developer, appraiser, or broker.
 4. A member with expertise in historic preservation.
 5. A member with experience in diversity, equity, and inclusion work.
 6. Four community at large members.
- D. *Powers and duties of commission.* The duties and powers of the commission are set forth in Chapter 1.80.

- 1 E. *Staffing.* The commission shall be staffed by the Clerk's office. **# 5.D.**
2
3 F. This commission shall terminate on October 14, 2026, unless
4 affirmatively continued by the assembly for an additional three years
5 in accordance with section 4.05.150.
6
7

8 **Section 4.** Anchorage Municipal Code section 4.60.090 is hereby amended as
9 follows (*the remainder of the section is not affected and not set out*):
10

11 **4.60.090 - Anchorage Parks and Recreation Service Area Commission.**

- 12 *** *** ***
13 D. The commission shall act in an advisory capacity to the mayor and
14 assembly in all matters pertaining to parks and recreation within the
15 service area, including but not limited to:
16 *** *** ***

- 17 5. Advising the public naming commission [PANEL] on
18 selections of names for park sites and park or recreation
19 facilities under the provisions of chapter 1.80 [3.97].
20 *** *** ***

21 (AO No. 84-28; AO No. 95-223, § 1, expires 1-20-1998; AO No. 98-25, § 1,
22 expires 3-7-2001; AO No. 99-7, § 1, 1-26-99, expires 1-20-02; AO No.
23 2001-189, § 2, expires 1-20-05; AO No. 2004-96, § 1, 6-8-04; AO No.
24 2006-51(S), § 8, 6-20-06; AO No. 2007-129, § 1, 10-9-07; AO No. 2011-
25 64(S-1), § 5, 6-28-11; AO No. 2017-98, § 2, 8-8-17)
26

27 **Section 5.** Anchorage Municipal Code section 21.03.185 is hereby amended as
28 follows (*the remainder of the section is not affected and not set out*):
29

30 **21.03.185 - Street name alterations.**

- 31
32 A. *Generally.* A street name alteration may be proposed by petition or
33 by a government agency. The petition or proposal shall be submitted
34 to the department. The department shall reject any street name
35 alteration that does not conform to the standards of section
36 21.08.030, Design Standards, and any applicable regulations. The
37 criteria established in AMC chapter 1.80 [3.97.025] for honorary
38 renaming shall apply.
39 *** *** ***

40 (AO No. 2015-131, § 2, 1-12-15)
41

42 **Section 6.** Notwithstanding AMC section 21.03.210, the text amendment to Title
43 21 in Section 5 of this ordinance is cosmetic only and shall not require Planning
44 and Zoning Commission review.
45

46 **Section 7.** This ordinance shall be effective immediately upon passage and
47 approval by the Assembly.
48
49

50 PASSED AND APPROVED by the Anchorage Assembly this _____ day
51 of _____, 2023.

5.D.

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ATTEST:

Chair _____

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
No. AM 267-2023

5.D.

Meeting Date: April 7, 2023

From: Assembly Members Perez-Verdia, Quinn-Davidson and Volland

Subject: AN ORDINANCE: REPEALING ANCHORAGE MUNICIPAL CODE (AMC) CHAPTER 3.97, NAMING OF MUNICIPAL BUILDINGS, OTHER FIXED FACILITIES AND PUBLIC PLACES; ENACTING AMC CHAPTER 1.80, NAMING OF PUBLIC PLACES; AMENDING CHAPTER 4.60, PROGRAM ADVISORY BOARDS, TO ADD SECTION 4.60.035, PUBLIC NAMING COMMISSION AND AMEND SECTION 4.60.090 ACCORDINGLY; AND AMENDING SECTION 21.03.185, STREET NAME ALTERATIONS.

In an effort to improve the application of the current policy for public place naming, this ordinance reestablishes a Title 4 public naming commission and codifies additional standards.

Historical Context

An early naming policy was codified in 1987, prioritizing naming for prominent Alaskans with “care not to overlook the contributions of women or minorities” and to consider “geographical influences.” Names were selected by a citizen naming panel.

Later enactments included priorities focused on historical, cultural, or geographical significance, as opposed to the previous focus on people. AO 2006-51(S). The responsibility for recommending a name was moved to a Public Facilities Advisory Commission but then shifted back again to citizen panels. AO 2007-95(S).

In 2007, the current policy was codified, requiring the traditional Dena’ina or other Alaska Native name be presumed to be the best name of a public place and offering a number of factors to consider. The practice of naming panels was continued.

Application of Current Policy.

The naming of public places after individuals still occurs overwhelmingly without regard to historical, cultural, or geographical significance, and regardless of an existing traditional Indigenous place name. Naming panels often include interested persons, including grieving families, who request a naming panel, with the result that the outcome is often a foregone conclusion.

Public Naming Commission.

To address these gaps in implementing the naming policy, this ordinance proposes to re-establish a long-term Title 4 advisory commission. In addition to four community members at large, five members would be required to possess relevant experience and education, such as a background in history, archeology, or anthropology, a Native culture advisor with knowledge of local Indigenous history

and culture, a member with knowledge of real estate or historic preservation, and a member familiar with equity and inclusion.

The advantages of a long term commission include:

- Required expertise in history and culture
- More impartial review of naming requests
- Continuity with experience in applying code criteria
- Permanent record of requests and recommendations
- Creation of a panel that can build out a vision for naming in our community, resulting in naming that is driven by strategic vision and more accurately reflects the spirit of Anchorage
- Additional public process

Not only can the public attend commission meetings, but the ordinance also requires that the commission and assembly each hold at least one public hearing before selecting a name for a public place.

The commission is also required to submit its recommendation to the mayor and the assembly by a memorandum setting forth in detail the factors that were considered and the commission's rationale if the recommendation is not consistent with the naming policy. The commission must also submit a detailed annual report.

Finally, the ordinance provides that the commission cannot act on a nomination for naming a deceased individual for at least 36 months posthumously.

The costs to the municipality to support the new commission are expected to be less than \$30,000 annually so a summary of economic effects is not provided.

We ask for your support of this ordinance.

Prepared by: Legislative Services

Reviewed by: Assembly Counsel's Office

Respectfully submitted: Kameron Perez-Verdia, Assembly Member
District 3 – West Anchorage

Austin Quinn-Davidson, Assembly Member
District 3 – West Anchorage

Daniel Volland, Assembly Member
District 1 – North Anchorage

Chapter 3.97 NAMING OF MUNICIPAL BUILDINGS, OTHER FIXED FACILITIES AND PUBLIC PLACES¹

3.97.010 Purpose.

- A. The municipality hereby establishes a policy and set of procedures to govern the naming of a public place and the honorary renaming of streets and roads. A sound naming policy adds meaning, significance and uniformity to public facilities, minimizes conflict and provides a forum for meaningful discussion regarding naming. Further, a consistent municipal naming policy lends continuity and a sense of community, and establishes a means of appropriately recognizing prominent individuals and those who have substantially contributed to the municipality, the state or the nation.
- B. The selection of a name that is purposeful, suitable, and symbolic should be approached in a systematic and creative way. This process can generate opportunities to induce dynamic community impact, create sensitivity and lasting public relations, express appreciation, and educate.
- C. For purposes of this chapter, a public place means any building, facility, municipal or park lands, owned by or under the control of the municipality, including interior and component spaces integral to the whole, and excluding Anchorage School District buildings and facilities.

(AO No. 87-73; AO No. 2006-51(S), § 1, 6-20-06; AO No. 2007-95(S), § 1, 9-25-07)

3.97.020 Policy.

When considering the naming or renaming of municipal buildings, other fixed facilities, and public places, the preferred practice shall be to give public property historical, cultural or geographical significance considering location, function, prior indigenous name, and natural features. The existing name of any public place, including a traditional Dena'ina or other Alaska Native name, is presumed to be the best name of that public place. Continuity of name and common usage are presumed to increase sense of neighborhood.

(AO No. 87-73; AO No. 2006-51(S), § 2, 6-20-06; AO No. 2007-95(S), § 2, 9-25-07; AO No. 2017-98, § 1, 8-8-17)

3.97.025 Criteria.

- A. *Honorary naming.* Naming of a public place will:
 - 1. Demonstrate that the policy objectives under section 3.97.020 have been considered and will specify findings for an exception;
 - 2. Identify the individual's connection to the municipality if considering an outstanding local, state, national or international civic leader;
 - 3. Consider the historical significance of the person and the duration of residence in the municipality, or connection with the municipality if a nonresident;

¹Cross reference(s)—Historic preservation board, § 4.60.030.

4. Consider the history of the location in relation to the history of the present name, when proposing to rename an existing public place;
 5. Not change the name of a public place bearing an historic Anchorage family name;
 6. Not change historic names of designated landmarks listed on a state or National Register of Historic Places, unless supported by the state or federal government;
 7. Limit honorary naming to a one time present use of an individual's name;
 8. Support the preferred practice of honoring individuals through naming of internal areas, fixtures, and features integral to public spaces. Naming a public building, facility, or park for a living person is not favored.
 9. Renaming of a public place, road or street should not be considered within 20 years of the previous naming.
- B. *Public places under the jurisdiction of a parks and recreation board or commission.* In naming a public place, including a trail, within the control and supervision of the Anchorage Parks and Recreation Department, the Girdwood Board of Supervisors, or the Chugiak-Eagle River Parks and Recreation Board of Supervisors, these additional factors shall be considered:
1. Names of persons who, through exemplary and substantial effort, have made a significant contribution to the community or the parks and recreation department or who have made a substantial donation to acquisition or development of the property;
 2. Organizations that have made a substantial donation to the acquisition or development of the property;
 3. The indigenous name for the location or its features, from the Dena'ina or other Alaska Native group, and its cultural significance to them; and
 4. Incorporating the geographic, natural or geological feature as part of the name to assist the public in recognizing the location.
- C. *Honorary renaming of streets and roads.* Subject to the requirements of AMC 21.15.133, AMC 21.80.260, and public safety considerations, the following criteria shall apply in the honorary renaming of streets and roads:
1. The individual whose name is proposed for honorary renaming shall be worthy of long-term recognition by virtue of special efforts, accomplishments, or contributions which have benefited the municipality or the state.
 2. No street name bearing an Anchorage historic family name will be eligible for renaming.

(AO No. 2006-51(S), § 3, 6-20-06; AO No. 2007-95(S), § 3, 9-25-07; AO No. 2008-92, § 1, 9-16-08; AO No. 2017-98, § 1, 8-8-17)

3.97.030 Procedures.

- A. *Public naming panel.* Preliminary action in naming a public place may be initiated by memorandum of the mayor or resolution of the assembly, identifying the proposed public place or individual, for referral to a public naming panel. If any request covers a public place in a municipal park, the request shall be referred to the parks and recreation commission or service area board with jurisdiction over the public place either before appointing the panel or by the panel after appointment. The four-member panel shall be appointed to proceed as follows:
1. The mayor shall appoint two members for the panel; and

2. The assembly chair shall appoint two members for the panel.
 3. The naming panel may be composed of members of recognized boards and commissions.
 4. An informational memorandum shall be submitted identifying the four members of the panel.
 5. Municipal staff support to the panel shall be identified in the memorandum or resolution.
 6. The panel shall review proposed names and public places, hold public hearing, and identify additional potential names or public places as appropriate to the request.
 7. The panel shall review all requests for compliance with policy and honorary naming criteria under this chapter.
- B. Upon agreement of at least three of the four panel members, a letter advising the mayor and the assembly chair shall be dispatched on behalf of the panel. The letter shall include reference to each criteria identified in section 3.97.025 and how the panel considered those factors in its recommendation. The panel's letter shall be attached to a resolution for consideration by the assembly. Memoranda as appropriate may be appended to the resolution to explain or amplify relevant information for the assembly. If at least three of the four panel members are unable to agree, a divided recommendation of the panel may be submitted for assembly consideration.
- C. Final action by the assembly shall be no earlier than one year posthumously for naming of a building, facility, or park. In all naming or renaming, the assembly shall set the proposed resolution addressing the panel's recommendation for public hearing at least one month after introduction to ensure appropriate information dissemination to the public prior to final action by the assembly.

(AO No. 87-73; AO No. 2006-51(S), § 4, 6-20-06; AO No. 2007-95(S), § 4, 9-25-07; AO No. 2008-92, § 2, 9-16-08; AO No. 2017-98, § 1, 8-8-17)

3.97.040 Changing of names. (Repealed)

(AO No. 87-73; AO No. 2006-51(S), § 5, 6-20-06)

3.97.050 Naming facility for other than an individual. (Repealed)

(AO No. 87-73; AO No. 2006-51(S), § 6, 6-20-06)

3.97.060 Applicability of chapter.

This chapter shall not apply to the naming or renaming of facilities which were donated to the municipality contingent upon assignment of a specific name or to any facility constructed or purchased from money or property donated to the municipality for the specific purpose of securing a name for the facility. Further, this chapter does not apply to the naming of streets or roads, except in the application criteria for honorary renaming in section 3.97.025, or to naming rights for municipal buildings, facilities or public places sold pursuant to Title 7, which shall be subject to assembly approval.

(AO No. 87-73; AO No. 91-173(S); AO No. 2005-114, § 1, 9-13-05; AO No. 2006-51(S), § 7, 6-20-06; AO No. 2007-95(S), § 5, 9-25-07)

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 285-2023

Meeting Date: April 18, 2023

FROM: MAYOR

SUBJECT: AMENDMENT NO. 2 TO NON-ENCUMBERING CONTRACT WITH APUN, LLC. (#4400001130) PROVIDING LIQUID MAGNESIUM CHLORIDE FOR THE MUNICIPALITY OF ANCHORAGE (MOA) MAINTENANCE AND OPERATIONS DEPARTMENT (M&O) (\$209,650.00).

On February 2, 2021, the MOA awarded a non-encumbering vendor contract to Apun, LLC. (4400001130) for an annual amount NTE \$209,650.00 to provide “as needed” liquid magnesium for M&O Street Maintenance Division. The contract was awarded for the contract period March 02, 2021, through February 28, 2022, with an option to renew for four (4) additional one (1)-year periods.

On February 23, 2022, Amendment No. 1 was executed to exercise the first annual option period extending the contract to February 28, 2023, and increase the contract NTE amount to \$419,300.00 an increase of \$209,650.00.

Proposed Amendment No. 2 will exercise the second renewal option and extend the contract to February 28, 2024, and increase the non-encumbering vendor contract NTE amount to \$628,950.00 an increase of \$209,650.00.

M&O is requesting to purchase 70,000 gallons (55,000 gallons for Anchorage at \$2.98/gal., and 15,000 gallons for Eagle River at \$3.05/gal.) of liquid magnesium chloride with corrosion inhibitors on an “as needed basis” for annual winter treatment, spring dust control, and summer street sweeping seasons. The NTE amount is \$628,950.00.

As this Contract is non-encumbering, funding sources will be identified prior to the issuance of purchase orders authorizing the individual notices to proceed with services.

Prepared by: Deirdre Reich-Owens, Junior Accountant
Public Works Administration

Recommended by: Saxton Shearer, Director
Maintenance and Operations Department

Concur: Rachelle Alger, Purchasing Director

Concur: Anne Helzer, Municipal Attorney

Fund concurrence: Grant Yutzenka, CFO

Non-Encumbering Vendor Contract \$209,650.00
(Operating 2023)

Concur: Kent Kohlhasse, Acting Municipal Manager

Respectfully submitted: Dave Bronson, Mayor

ANCHORAGE, ALASKA
AR No. 2023-137

**A RESOLUTION OF THE ANCHORAGE ASSEMBLY CONDEMNING THE
THREAT OR USE OF POLITICAL VIOLENCE AND PROMOTING CIVIL
DISCOURSE IN OUR COMMUNITY.**

WHEREAS, The Municipality of Anchorage is committed to defending democratic institutions, the integrity of our elections, and the security of people and facilities that carry out the democratic process; and

WHEREAS, the Municipality of Anchorage is committed to ending the spread of hate, bigotry, and harassment based on race, color, religion, national origin, ethnicity, sex, gender, gender identity, sexual orientation, disability, or any other protected characteristic as defined by law, and as identified in:

- Article II, *Bill of Rights*, Section 7, of the Municipality's Home Rule Charter;
- Section 17.01 of the Municipality's Home Rule Charter,
- Anchorage Municipal Code section 3.30.011C., in the *Personnel Rules*;
- AMC Title 5, *Equal Rights*, section 5.10.010; and
- AMC Chapter 7.50, *Equal Employment Opportunity Contract Compliance*;

and

WHEREAS, the Municipality of Anchorage has a public policy in Title 5 which states in part "It is the express intent of this title to guarantee fair and equal treatment under law to all people of the municipality, consistent with federal and state constitutional freedoms and laws, including freedom of expression, freedom of association and the free exercise of religion"; and

WHEREAS, the Municipality of Anchorage wishes to affirm its commitment to the well-being and safety of all of its community members and to ensure that they will be protected and their rights respected; and

WHEREAS, the Municipality of Anchorage wishes to affirm its commitment to cultivating an inclusive community, including within Municipal operations and institutions; and

WHEREAS, the diversity of our community is beneficial to all within it, making us stronger, more welcoming, and more resilient; and

WHEREAS, each of our elected leaders has the ability and obligation to promote inclusiveness; celebrate diversity; work to ensure equitable opportunities in all major facets of society; prevent the spread of misinformation and disinformation; and reject hate and bias in all forms and set a positive example for their constituents in this regard; and

6.B.

1
2 **WHEREAS**, the Anti-Defamation League (ADL) Report for 2022 on Murder and
3 Extremism in the United States states that “Domestic extremists—extremists who
4 are U.S. citizens or longtime permanent residents—regularly commit murders to
5 further their causes, using deadly force against perceived enemies. In addition,
6 extremists also often commit murders in the service of a group or gang they may
7 belong to—targeting a rival group member, for example, or even a suspected
8 informant in their own ranks”; and

9
10 **WHEREAS**, the ADL found that the rate of murders by domestic extremists ranged
11 from 22 to 78 per year between 2015 and 2022; and

12
13 **WHEREAS**, disinformation, misinformation, and online conspiracy theories such as
14 Q-Anon are spreading and inspiring real-world political violence; and

15
16 **WHEREAS**, some members of the Anchorage Equity Committee of the Assembly,
17 a Special Assembly Committee whose members represent a variety of community
18 and faith-based groups and others offering perspectives from underrepresented
19 groups who have lived experience of systemic inequities, have reviewed and
20 support this resolution as a means to advance equitable outcomes by advising the
21 Anchorage Assembly in planning, policy formation, legislative work, budgeting and
22 programming, thereby empowering equity leaders to serve within the government
23 process; and

24
25 **WHEREAS**, the Municipality of Anchorage supports the peaceful exercise of free
26 speech, free assembly, and freedom to worship safely for all people; now, therefore,

27
28 **THE ANCHORAGE ASSEMBLY RESOLVES:**

29
30 **Section 1.** That the following public policy positions are adopted for the
31 Municipality of Anchorage, and the Assembly hereby:

- 32
33 1. Affirms its ongoing commitment to cultivating an inclusive, welcoming, safe,
34 and just society and culture – including within MOA operations and
35 institutions – that values the diversity of our community, works to ensure
36 equitable opportunities in all major facets of society, and celebrates both our
37 individuality and commonality.
38
39 2. Denounces the threat, advocacy, or use of political violence or domestic
40 terrorism in any form as a means of effecting societal or political change.
41
42 3. Denounces extremism in all its forms, as described in this resolution,
43 specifically those ideologies which promote the supremacy or inferiority of
44 any group on the basis of ethnicity, religion, gender, sexual orientation,
45 physical ability, or national origin, and all hateful speech intended and likely
46 to incite imminent violent action in our community.
47
48 4. Denounces extremist conspiracy theories, misinformation, and
49 disinformation designed to cultivate an alienated and mistrustful electorate,

6.B.

undermine democratic institutions and processes, and increase the likelihood of political violence.

5.. Commits to fostering an environment within the MOA workplace, its operations and institutions, that does not tolerate anti-government extremist, white supremacist, racist, antisemitic, misogynist, Islamophobic, anti-LGBTQ+, ableist, and other hateful speech and actions.

6. Commits to countering hate and extremism through engagement with community leaders, governmental transparency and public information-sharing regarding efforts to fight extremism, and the investigation and prosecution of those who commit criminal acts, consistent with civil liberties protections.

7. Urges residents to join us by adopting these values in their own lives, calling attention to these harms, denouncing hate and extremism, and committing to the resolution of political disputes through an active peaceful civil discourse which acknowledges the worth of all human beings and the value of diverse viewpoints.

Section 2. That it recognizes the omission of some protected classes from the Anchorage Municipal Charter and supports efforts to bring forth a Charter amendment for the voters at an areawide municipal election to include sexual orientation, gender identity, and mental disability in the list of prohibited discrimination grounds.

Section 3. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk

ANCHORAGE, ALASKA
AR No. 2023-135

**A RESOLUTION OF THE ANCHORAGE ASSEMBLY APPROVING THE
CONTINUED TEMPORARY DELEGATION OF THE ACTING ANCHORAGE
HEALTH DEPARTMENT (AHD) DIRECTOR POSITION TO KIM RASH
PURSUANT TO ANCHORAGE MUNICIPAL CODE 3.20.020.**

WHEREAS, the Mayor is responsible for appointing an individual as the Director of the Anchorage Health Department, subject to Assembly confirmation; and

WHEREAS, Anchorage Municipal Code 3.20.020 limits the length of time the AHD Director position can be delegated for 60 days unless the Administration determines that it is in the best interest of the Municipality to continue the temporary delegation and the Assembly concurs; and

WHEREAS, Kim Rash was approved as Acting Director of AHD on November 9, 2022 (AR 2022-350, As Amended), which was later extended to February 21, 2023 (AR 2023-55, As Amended) for an additional 60 days; and

WHEREAS, the Administration recommends approval of this resolution as it is in the best interest of the Municipality; now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. Kim Rash shall remain Acting Director of AHD until such time as a new Anchorage Health Department Director is appointed by the Mayor, or for a period of no longer than sixty (60) days from the effective date of this resolution, whichever occurs first. The Mayor may, if needed, submit a subsequent request for Assembly concurrence to continue the temporary delegation beyond this period.

Section 2. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk

ANCHORAGE, ALASKA
AR No. 2023-136

**A RESOLUTION OF THE ANCHORAGE ASSEMBLY APPROVING THE
TEMPORARY DELEGATION OF THE ACTING HUMAN RESOURCES
DEPARTMENT (HR) DIRECTOR POSITION TO RAYLENE GRIFFITH
PURSUANT TO ANCHORAGE MUNICIPAL CODE 3.20.020, EFFECTIVE
RETROACTIVELY AS OF APRIL 7, 2023.**

WHEREAS, the Mayor is responsible for appointing an individual as the Director of the Human Resources Department, subject to Assembly confirmation; and

WHEREAS, while the Mayor's Office continues its search for the Municipality's next HR Director, Raylene Griffith has been "Acting" HR Director; and

WHEREAS, Anchorage Municipal Code 3.20.020 limits the length of time the HR Director position can be delegated for 60 days unless the Administration determines that it is in the best interest of the Municipality to continue the temporary delegation and the Assembly concurs; and

WHEREAS, the Administration recommends approval of this resolution as it is in the best interest of the Municipality; now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. Raylene Griffith shall remain Acting Director of HR until such time as a new Human Resources Director is appointed by the Mayor, or for a period of no longer than sixty (60) days from the effective date of this resolution, whichever occurs first. The Mayor may, if needed, submit a subsequent request for Assembly concurrence to continue the temporary delegation beyond this period.

Section 2. This resolution shall be effective retroactively as of April 7, 2023, upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk

ANCHORAGE, ALASKA
AR No. 2023-138

**A RESOLUTION OF THE ANCHORAGE ASSEMBLY APPROVING THE
CONTINUED TEMPORARY DELEGATION OF THE ACTING ANCHORAGE
MUNICIPAL MANAGER POSITION TO KENT KOHLHASE PURSUANT TO
ANCHORAGE MUNICIPAL CODE 3.20.020.**

WHEREAS, the Mayor is responsible for appointing an individual as the Municipal Manager, subject to Assembly confirmation; and

WHEREAS, Anchorage Municipal Code 3.20.020 limits the length of time the Municipal Manager position can be delegated for 60 days unless the Administration determines that it is in the best interest of the Municipality to continue the temporary delegation and the Assembly concurs; and

WHEREAS, the Mayor appointed Kent Kohlhasse as Acting Municipal Manager on December 19, 2022 and extended the appointment for 60 days effective February 21, 2023; and

WHEREAS, the Administration recommends approval of this resolution as it is in the best interest of the Municipality; now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. Kent Kohlhasse shall remain Acting Municipal Manager until such time as a new Municipal Manager is appointed by the Mayor, or for a period of no longer than sixty (60) days from the effective date of this resolution, whichever occurs first. The Mayor may, if needed, submit a subsequent request for Assembly concurrence to continue the temporary delegation beyond this period.

Section 2. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk