



MEMORANDUM

To: Dick Traini, Community Council Committee Chair
From: Darrel Hess, Municipal Ombudsman
Date: January 2, 2014
Subject: Outline of Proposed Changes to Anchorage Municipal Code, Chapter 2.40, Community Councils

Beginning with a draft document in or about June 2013, the Assembly Community Council Committee has met over the past seven months with members of interested community councils, Community Development staff members, and members of the public who have volunteered their time to give substantive support and construction comment to update Chapter 2.40. Prior to this work, Chapter 2.40 was most recently updated in 2005.

Bylaws are of particular concern and the Assembly's Community Council Committee requested assistance from Assembly staff, including the Ombudsman, to provide some guidance and review of the myriad of bylaw provisions collected over the years from some, but not all, the Community Councils. To assist Community Councils, the proposed ordinance includes by Exhibit A, a set of pre-reviewed and acceptable bylaws for adoption and amendment to fit the individual community council.

Members of the Assembly Community Council Committee, and the Ombudsman, together brought many years of hands-on community council experience and in turn, were supported by current community council officers, staff and board members of the Federation of Community Councils, and other persons and entities interested in this vital feature of our Municipality, recognized in the Home Rule Charter.

At the request of participating Community Councils and the Community Council Committee, this is an outline of the proposed changes to current code, listed by code section for ease of reference.

2.40.010-Community councils and procedures: Renamed from "Establishment and procedures." The language from Anchorage's Home Rule Charter referencing community councils (8.01) has been inserted. This subsection notes that through this chapter the Assembly will establish basic community council procedures.

2.40.020-Purpose of chapter: Language has been added which notes that the purpose of this chapter is to "implement the charter."

2.40.030 Definitions and community council membership: Renamed from "Definition and recognition of community councils." A definitions section for the chapter has been added, which defines what a community council is and who is eligible for community council membership. Major changes/additions include:

- Eligibility of 16 & 17 year olds to join community councils;
- Persons may hold membership in more than one community council;
- Nonprofits, businesses and property owners shall designate a primary representative, and may designate an alternate;
- Nonprofit, business owner and property owner memberships are single-vote memberships;
- Bylaw requirements have been moved to a new section, 2.40.036

2.40.035-Recognition of community council: The language referencing the Assembly recognition process for community councils has been moved to this new numbered section. This section recognizes the Girdwood Board of Supervisors as the ex officio community council for Girdwood. The substantive process has not been changed, but some language has been modified. The major change in this section is the deletion of language which allowed community councils to condition voting on mandatory payment of annual membership dues not to exceed \$15.00. While such a charge may seem small to some, mandatory payment for voting membership is not unlike a poll tax, and is not allowed under the revised section.

2.40.036-Community council bylaws: This newly numbered section outlines the process for acceptance of community council bylaws by the Assembly, and specific bylaw provision requirements, formerly found in 2.40.030. Changes from the previous bylaw provision requirements include:

- Councils must meet at least four times in a calendar year, and at least once each calendar quarter (previous requirement was at least twice per calendar year).
- The establishment of an executive committee to receive notice and conduct council business between meetings (previously an executive board or “like body” was optional).
- Community council officers and executive board members with financial or fiduciary responsibility must be 18 years of age or older at the time of service.
- Minutes or electronic recordings will suffice for records of meetings (previously “minutes” were required).
- Meeting and attendance rosters shall be used only for council business.
- To vote in elections for council officers and executive board members, bylaws may require prior attendance at one or two council meetings in the 12 months preceding the election (a current practice in most councils).

- Only one vote shall be granted to any member: Even if a person qualifies for membership in more than one category or owns more than one property in a council district, the member is entitled to a single vote.

2.40.040-Establishment of community council districts: Renamed from “Establishment.” The only changes are a word capitalization and the addition of the Midtown Community Council to the list of community councils.

2.40.050-Functions:

- Language referencing municipal code 21.01.080 was added to subsection A, and a new subsection E was added which references councils receiving and reviewing notices from municipal departments under specific sections of code, and as appropriate.
- A new subsection F was added which references the community council meeting process under municipal code 21.03.020.C.
- A new subsection G was added regarding the process for councils to submit a copy of their annual list of prioritized capital project lists to the assembly.

2.40.060-Municipal responsibilities to community councils:

- A new subsection B has been added which requires that on and after January 1, 2014 land use notices to community councils shall meet or exceed the requirements for community council notice in municipal code 21.03.020.H.
- The current subsection B has been renumbered to C and a “within thirty days or such shorter time as may be reasonable” timeframe has been added regarding municipal responses to community council written communications.
- A new subsection D has been added which outlines a process for the Assembly to handle items relating to actions or inactions of community councils and community council officers. This process will guide the Assembly in responding to citizen concerns and complaints regarding community councils.

2.40.070-Additional citizen participation in municipal government: No change.

2.40.080-Capacity to sue or be sued: No change.

2.40.090: Community council maps: No change.