

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 649-2013

Meeting Date: November 19, 2013

1 **From: ASSEMBLY MEMBER STEELE**

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3 **Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**
4 **ANCHORAGE MUNICIPAL CODE SECTION 25.30.025 TO REVISE**
5 **THE TIME REQUIRED FOR PUBLIC NOTICE BEFORE A VOTE ON**
6 **THE DISPOSAL OF MUNICIPAL PARK LAND; AND SHORTENING**
7 **THE NOTICE PERIOD FOR A PROPOSED LEASE OF LAND IN**
8 **URE PARK TO THE SPENARD LIONS CLUB.**
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10 Anchorage Municipal Charter §10.02(8) requires any disposal of land dedicated as
11 public park to be approved at a regular municipal election by a majority of those
12 voting on the question. In order to present the disposal question to the voters,
13 municipal code first requires Assembly approval of the ballot proposition. Under
14 AMC 28.20.015, the Assembly must take final action on ballot propositions at least
15 63 days prior to the election. Under AMC 25.30.025, before the ballot proposition
16 can reach the Assembly for a vote, the proposed disposal of municipal park land
17 must be noticed at least 180 days prior to the Assembly vote. The end result is that
18 disposals have to be noticed at least 243 days prior to the election.
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20 By definition, disposals include leases, lease renewals, land exchanges and similar
21 conveyances, many of which are non-controversial.
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23 Before AMC 25.30.025 was added to the code in 2007, disposal of municipal park
24 land was subject to the general notice requirements for introduction and enactment
25 of ordinances under Charter § 10.01 and the notice period required under AMC
26 28.20.015 (in 2007, this was a 49-day rule but under current AMC it is a 63-day
27 rule). The 180-day notice requirement was added to the code through AO 2007-
28 102, an ordinance submitted by former Assembly Chair, Dan Coffey. The
29 accompanying Memorandum (AM 444-2007) explains that the proposed addition of
30 the 180-day requirement was intended to “parallel the notice requirements in place
31 for Heritage Land Bank properties.” According to the Memorandum, AMC
32 25.40.030 requires “substantial public notice procedures” for disposal of Heritage
33 Land Bank properties and the addition of a 180-day notice period for disposal of
34 public park property would make the two procedures “consistent.”
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36 However, the Heritage Land Bank disposal process under AMC 25.40.030 does not
37 require 180 days of public notice. Rather, subsection B provides much more general
38 guidance:
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40 All Heritage Land All Heritage Land Bank activities requiring notice to
41 the public shall be preceded by notice by publication calculated to

1 achieve the greatest reasonable notice.
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3 In addition, subsection C requires public notice by a posted sign no less than 14
4 days prior to a public hearing by the Heritage Land Bank Advisory Commission.
5 Subsection E requires public notice of Heritage Land Bank Advisory Commission
6 actions no less than 14 days prior to a hearing before the Commission. The 14-day
7 notice period for Heritage Land Bank properties has not been amended since 2002,
8 when the Assembly amended the notice period from 21 days to 14 days through AO
9 2002-136.

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11 The 180-day notice period under AMC 25.30.025 is inconsistent with the disposal
12 process required under AMC 25.40.030 for Heritage Land Bank properties, or any
13 other land disposal under the Code. Combined with the 63-day requirement under
14 AMC 28.20.015 to present the ballot proposition to the voters, this notice period
15 presents an unworkable deadline. Public notice and public participation are doubly
16 ensured for disposals of public park property through the Assembly's process of
17 approving the ballot proposition and the public vote.

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19 As a practical matter, the timeframe is much too long. Projects are unduly delayed
20 a year, even if they are non-controversial or have strong community support, are
21 well-known, and have been thoroughly vetted in a public process. An amended
22 notice period of 30 days is more consistent with Code provisions on disposal of
23 public land. This would mean the notice period would typically start in late
24 December, with Assembly action in January. If 30 days is adopted, notice would
25 have to start December 28 because Assembly final action is scheduled for January
26 28.
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