
MUNICIPALITY OF ANCHORAGE
OFFICE OF THE OMBUDSMAN
2011 ANNUAL REPORT



Contact Information

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mbudsman

Municipality of Anchorage

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June 30, 2012

To the Anchorage Municipal Assembly, the Administration, the Anchorage School District Board of Education and the public:

I'm pleased to present the 2011 Anchorage Municipal Ombudsman's Annual Report.

The report and statistics explain the work of the Ombudsman's Office to fulfill its responsibility to be an independent, impartial municipal office to provide information about municipal government, to investigate concerns about municipal government, and to recognize outstanding performance.

Behind the statistics, you'll find the real citizens who need help navigating their way through municipal government and the many municipal employees who work hard to serve the citizens of and visitors to Anchorage.

Sincerely,

Barbara A. Jones
Municipal Ombudsman

Purpose of the Office of the Ombudsman

According to the Municipal Code, the purpose the Office of the Ombudsman is “. . . hereby establishe[d], in addition to other remedies or rights of appeal, an independent, impartial municipal office, readily available to the public, responsible to the assembly, empowered to investigate the acts of administrative agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and equity in the provision of municipal services.” Anchorage Municipal Code (A.M.C.) 2.60.010.

How to File A Complaint

If you have a question or concern about Municipal government or the Anchorage School District, you may contact the Municipal Ombudsman’s Office and speak to a staff person to see if the Ombudsman’s Office can assist you in addressing your concern or if you may file a complaint with the Ombudsman’s Office.

You may contact the Municipal Ombudsman’s Office at

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Intake and Complaint Processing Statistics

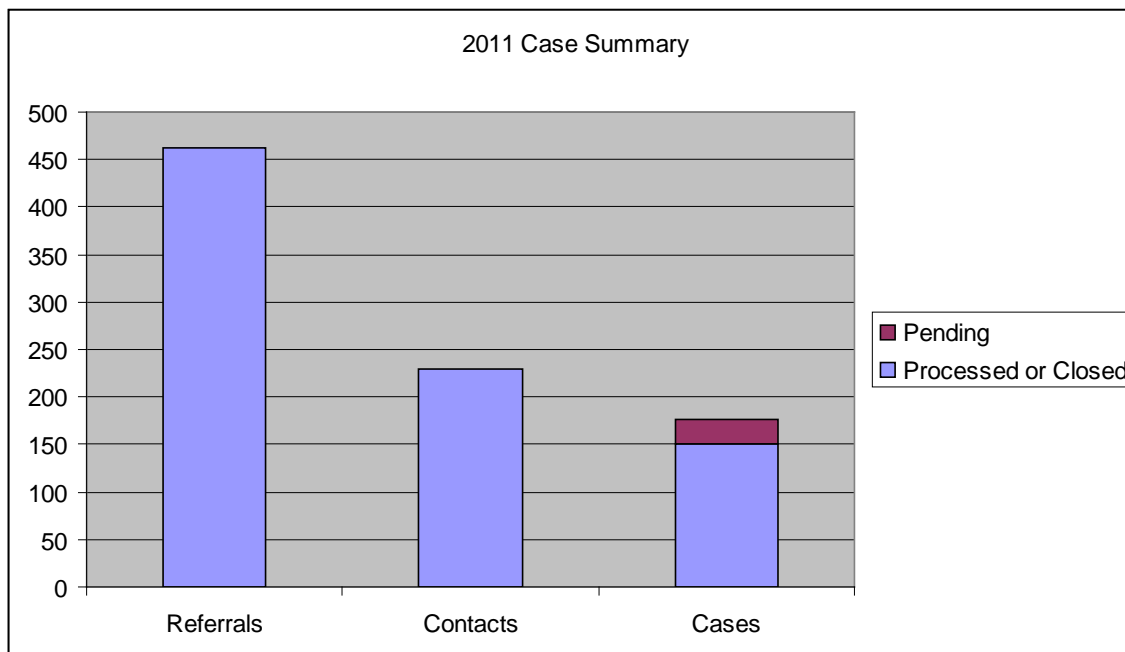
The Ombudsman's Office uses an application called "CityView" to maintain information on process statistics.

The number of **Inquiries** listed in **Table 1** indicates the total number of concerns the public has raised with the Ombudsman's Office, either by telephone, email, mail, fax, or visiting the office. The number of **Referrals** is the subset of inquiries where citizens were referred to state or federal agencies, or community agencies, or even transferred to other Municipal agencies. The number of **Cases** is the subset of inquiries that typically required investigation by the Ombudsman and staff.

Table 1. 2011 Processing Statistics.

2011 Processing Statistics	Open	Processed or Closed	Pending
Referrals	462	462	0
Contacts	229	229	0
Cases	177	151	26
Total Inquiries	868	842	26

Graph 1. 2011 Processing Statistics.



In 2011, the Ombudsman's Office closed a number of cases from prior years and those statistics are reflected in **Table 2** and **Graph 2**. The Ombudsman's Office was audited for the year 2010 in the spring of 2011; the Ombudsman's Audit is 2011-07. The audit is posted on the Internal Audit page at http://www.muni.org/Departments/internal_audit/Pages/2011AuditReportpage.aspx.

Table 2. Case Closures and Pending Inventory from 2009-June 30, 2012.

Case Inventory	2009	2010	2011	2012 (1/1/12-6/30/12)
Pending Cases Start of Period	675	1026	1236	293
Opened Cases	417	233	247	173
Closed Cases	66	23	1190	441
Pending Cases End of Period	1026	1236	293	25

Graph 2. Case Closures and Pending Inventory from 2009-June 30, 2012.

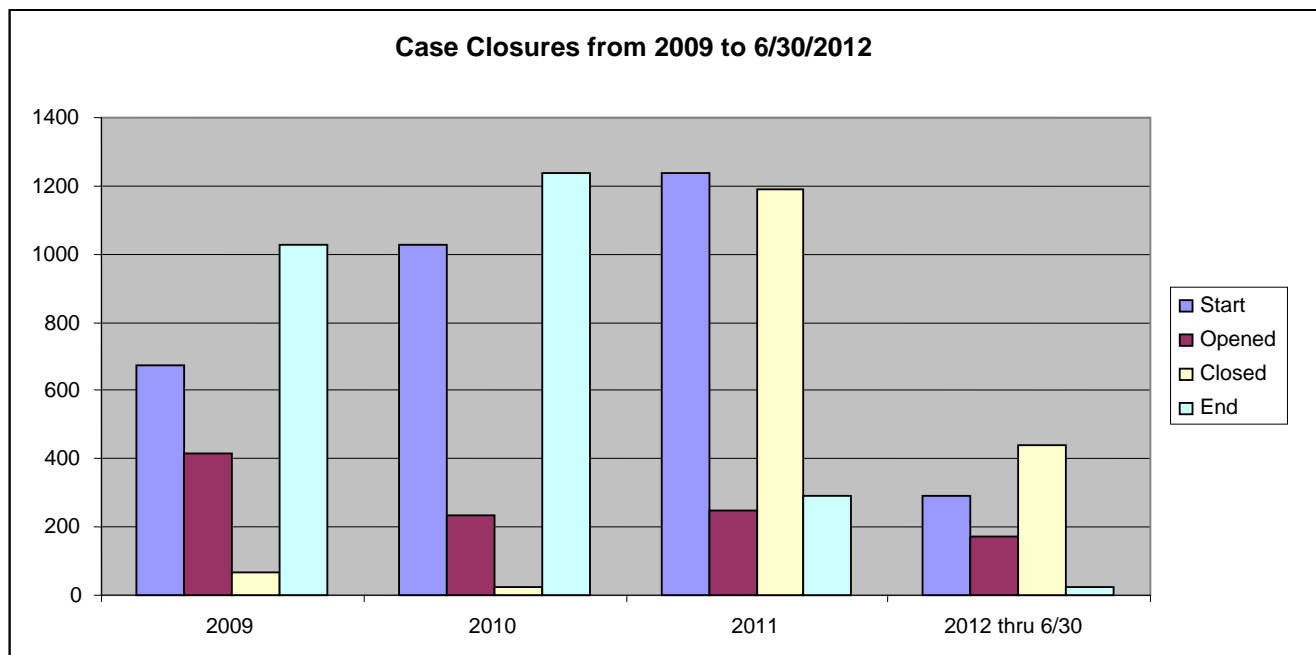


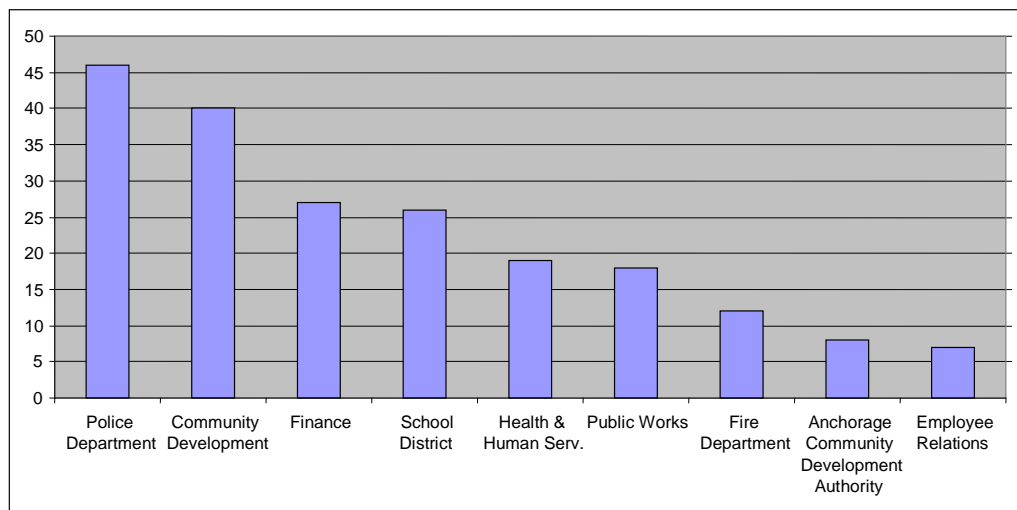
Table 3, on the following page, lists the **Cases by Department**.

Table 3. 2011 Cases by Department.

Department	Case Count 2009	Percent	Case Count 2010	Percent	Case Count 2011	Percent
ACDA - EasyPark	13	3.12	2	0.85	8	3.24
AWWU	12	2.88	4	1.72	2	0.81
Assembly	6	1.44	3	1.29	6	2.44
Board & Commissions	3	0.72	0	0.00	0	0.00
Community Development	3	0.72	0	0.00	40	16.19
Development Services	88	21.10	27	11.59	0	0.00
Planning	4	0.95	2	0.85	0	0.00
Economic & Community Development	2	0.48	1	0.43	0	0.00
Emergency Management	0	0.00	0	0.00	0	0.00
Employee Relations	6	1.44	3	1.29	7	2.84
Office of Equal Opportunity	2	0.48	0	0.00	0	0.00
Equal Rights Commission	2	0.48	0	0.00	2	0.81
Finance	31	7.43	19	8.15	27	10.93
Fire Department	9	2.16	7	3.00	12	4.86
Health & Human Serv.	25	6.00	11	4.72	19	7.69
Information Technology	2	0.48	3	1.29	0	0.00
Library	2	0.48	2	0.85	0	0.00
Mayor's Office	1	0.24	5	2.15	0	0.00
Merrill Field Airport	0	0.00	0	0.00	0	0.00
Municipal Attorney	15	3.60	13	5.58	6	2.44
Municipal Light & Power	3	0.72	2	0.85	0	0.00
Municipal Manager	4	0.95	3	1.29	2	0.81
Parks & Recreation	9	2.16	5	2.15	3	1.21
Police Department	83	19.90	41	17.60	46	18.62
Port of Anchorage	0	0.00	1	0.44	0	0.00
Public Transportation	6	1.44	15	6.44	4	1.62
Public Works	0	0.00	0	0.00	18	7.29
Maintenance & Operations	25	6.00	14	6.01	0	0.00
Project Management & Engineering	14	3.36	4	1.72	0	0.00
Traffic	7	1.68	7	3.00	0	0.00
Purchasing	1	0.24	2	0.85	1	0.40
Real Estate Services - HLB	4	0.95	4	1.72	0	0.00
Risk Management	0	0.00	0	0.00	3	1.21
School District	20	4.80	11	4.72	26	10.53
Solid Waste Service	10	2.40	5	2.15	3	1.21
Transportation Inspection	0	0.00	0	0.00	3	1.21
Not Dept. Specific	5	1.20	17	7.30	9	3.64
All Department Total	417	100	233	100	247	100

Historically, the larger Municipal Departments and those with the greatest public contact typically generate the largest number of cases in the Ombudsman's Office. In 2011, the most this includes the Anchorage Police Dept. (18.62%), Community Development (16.19%), Finance (10.93%), the Anchorage School District (10.53%), the Health and Human Service Department (7.69%), Public Works (7.29%), Fire, (4.86%), Anchorage Community Development Authority-Easy Park (3.24%), and Employee Relations (2.84%). (See, **Graph 3.**)

Graph 3. 2011 Cases by Department (most frequent).

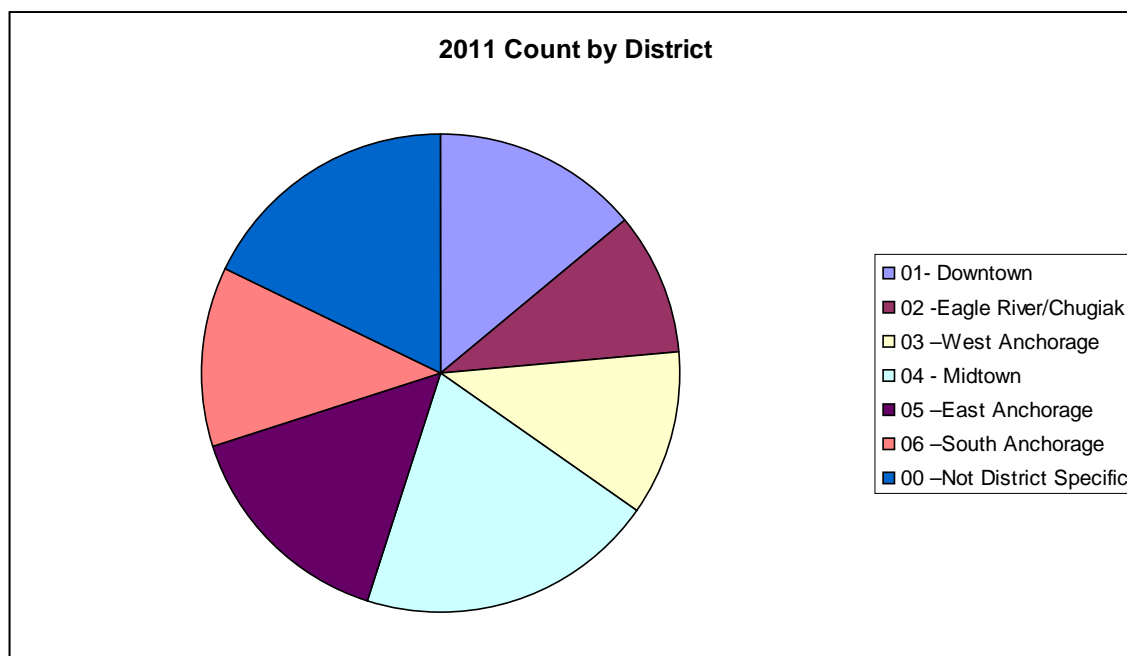


The Ombudsman's Office monitors the statistics of cases by the Assembly District of the person lodging the concern, which are reflected in **Table 4** and **Graph 4**.

Table 4. Cases by Assembly District 2009-2011.

District No. and Name	Number of Cases 2009	Percent	Number of Cases 2010	Percent	Number of Cases 2011	Percent
01- Downtown	73	17.51	22	9.44	34	13.76
02 -Eagle River/Chugiak	58	13.91	28	12.02	24	9.72
03 -West Anchorage	45	10.79	43	18.45	28	11.34
04 - Midtown	66	15.83	44	18.89	50	20.24
05 -East Anchorage	56	13.43	31	13.30	37	14.98
06 -South Anchorage	57	13.67	38	16.31	30	12.15
00 -Not District Specific	64	14.86	27	11.59	44	17.81
Total	419	100	233	100	247	100

Graph 4. Cases by Assembly District 2011.



Final Investigation Report Summaries

The Ombudsman's Staff closed a number of cases and issued Final Investigation Reports as authorized by the Municipal Code. Here are several summaries of those reports:

Final Investigative Report Concerning Ombudsman Complaint 2010-0228

A complaint was filed with the Municipal Ombudsman's office in 2010 alleging that "the Fire Chief ... challenged the veracity of [a] police report" of an APD officer. The complainant was not the police officer whose report was allegedly questioned. The Anchorage Municipal Code specifies that the Ombudsman may cease an investigation when "[t]he complainant does not have a sufficient personal interest in the subject matter of the complaint." A.M.C. 2.60.120.B.4. Because the complainant did not have sufficient interest in the result of this investigation for the Ombudsman to proceed, **this complaint was closed in 2011 for lack of jurisdiction.**

Final Investigative Report Concerning Ombudsman Complaint 2011-0017

A complaint was filed with the Municipal Ombudsman's office stating that it was the third request for public records. The complainant indicated the first request was of a letter dated January 5, 2011 and the second request was emailed to the Municipal Clerk's Office on January 26, 2011. The January 5, 2011 request was referred to the Anchorage School District (ASD). The

January 26, 2011 records request was referred to the Municipal Department of Law. The records requested included personnel files, applications for employment to or with the Anchorage School District and the Municipality, as well as other materials. All responsive information to the public records request was provided on or before February 11, 2011, prior to the complaint filed with the Ombudsman's office. **The complaint was not JUSTIFIED.**

Final Investigative Report Concerning Ombudsman Complaint 2010-0023

A citizen filed a complaint with the Ombudsman's Office on February 25, 2011 stating that she filed a complaint in prior years with the Ombudsman's Office alleging that she was assaulted by an APD officer in 2009, and was issued a ticket for a minor traffic offense, and was not satisfied with prior investigation. The records indicate the complainant had contacted the Ombudsman's Office on August 5 and September 18, 2009; and on October 25, 2010. The complainant had also contacted APD and indicated she was not satisfied with APD IA's investigation. As a result, the Ombudsman's Office did a comprehensive reinvestigation of the matter. The Ombudsman's Findings included the following: (1) The allegation that the complainant was assaulted by a police officer is **INDETERMINATE**; that is, there is not sufficient evidence to determine whether the allegation is valid or not valid. (2) The allegation that the officer lied at the trial is **NOT JURISDICTIONAL** to the Ombudsman because the complainant brought the matter to the attention of the courts when she disputed the traffic offense and she could have resolved this issue on appeal. (3) The allegation that the complainant was "gender profiled" by the traffic offense is also **NOT JURISDICTIONAL** because the complainant could have filed a timely complaint with one of the compliance agencies regarding gender discrimination. The remaining issues, claiming the officer made inappropriate use of the complainant's social security number after issuing her the ticket, the information the complainant received was a threat from the officer or the municipal attorneys, and that no one at the Municipality has listened to or heard her concerns, were all **NOT JUSTIFIED OR NOT SUPPORTED.**

Final Investigative Report Concerning Ombudsman Complaint 2011-0033

A citizen was referred to the Municipal Ombudsman's Office by his Assembly representative because the citizen purchased a \$17,000 outdoor wood fired boiler on June 20, 2009. On June 23, 2009, the Assembly passed an ordinance, which became effective on July 1, 2009, that imposed certain restrictions on outdoor wood fired boilers that made this citizen's boiler illegal. The Ombudsman's Office worked with the Municipal Department of Health and Human Services (DHHS), Air Quality Division, as well as this citizen's Assembly representative, to create a waiver for citizens who purchased wood fired boilers prior to the effective date of the ordinance. The Anchorage Assembly passed the waiver provision on July 12, 2011. The citizen applied for and was granted the waiver by the Director of DHHS. **Since there became an**

adequate remedy for this citizen's concern after passage of the waiver provision, this complaint was closed.

Final Investigative Report Concerning Ombudsman Complaint 2011-0041

A complaint was filed with the Municipal Ombudsman's office indicating that the Anchorage School District (ASD) does not have purchasing bid documents available electronically. The constituent is a citizen who would like to review ASD's purchasing documents electronically. This constituent indicated that there is a cost to vendors and the public when people are required to go to the ASD Purchasing Department to obtain hard copies of bid documents, as well as costs to ASD to print the bid documents and have staff available to assist people wishing to review the documents. The Anchorage School District acknowledged that it did not have its purchasing bid documents available to be accessed electronically by email or through its website, but it would do so by end of May, 2011. ASD acknowledges that its staff could have been more proactive in providing this information to the public. **The allegation was partially JUSTIFIED. Because the issues were being addressed, the matter was closed.**

Final Investigative Report Concerning Ombudsman Complaint 2011-0044

A complaint was filed with the Municipal Ombudsman's office with four allegations. **The Ombudsman declined jurisdiction on the allegation** - that the taxpayer did not receive his property tax assessment notice, and the taxpayer disputed the increase in his assessed valuation, because those matters are more appropriately resolved by hearing or appeal, detailed in Anchorage Municipal Code 12.50. **The Ombudsman found that allegations of the complaint were JUSTIFIED:** although the Division of Property Appraisal stated it does not specifically notify taxpayers submitting late filed appeals of the date of the hearing before the Board of Equalization (BOE), it committed to do so in 2012. The Division of Property Appraisal acknowledged it failed to notify a number of taxpayers, including this taxpayer, about the right to appeal or seek judicial review of BOE decisions on late filed appeals. Corrected letters were sent to 23 taxpayers, including this taxpayer, detailing the right to seek judicial review. **Since action to remedy these allegations was or was being taken, this matter was closed.**

Final Investigative Report Concerning Ombudsman Complaint 2011-0205

A complaint was filed with the Municipal Ombudsman's office alleging that a complainant was riding a People Mover bus when the driver pulled the bus over and told the complainant to get off the bus or the driver would call APD; the complainant got up to get off the bus and alleged that the driver pushed her through the back door of the bus into a snow drift. The situation was recorded by video on the People Mover bus and the video was reviewed by the Ombudsman's Office, the video confirms most of the complainant's allegations - that the People Mover driver

pulled the bus over, and told the complainant to get off the bus or the driver would call APD and the bus driver held her hand up behind the complainant. The Ombudsman's office found it more likely than not, that the bus driver touched the complainant as she exited the back of the bus. People Mover management states the video is unclear as to whether the driver touched the complainant, even so it states the driver's behavior was unacceptable. People Mover provided a written apology as well as apologized in person to this complainant. People Mover also agreed to provide training to all of its bus drivers. **This complaint was JUSTIFIED. Since action to remedy the complaint was taken, this matter was closed.**

Employee Recognition

In 2011, the Ombudsman received a complaint from a senior citizen that her next door neighbor was stealing utilities. The complaint ultimately involved a great deal more than stealing utilities. APD issued a press release describing the resolution of the case as follows:

...[Through] the **Anchorage Police Department Community Action Policing Team**, ... APD Officers charged one adult male with drug possession and one adult faces a pending charge of child neglect. ... **Code Enforcement officers** conducted a home inspection, issued a notice to vacate, and on 12-7-11 boarded the windows and doors

[The] conditions at the residence included the following: There was no power to the house, so the people staying there plugged an extension cord into the back of an adjacent house. The residence was being heated by the 4 stove top gas burners, it was filled with personal debris and it was uninhabitable due to its filthy condition. A dog and a cat had been urinating and defecating on the floors. The house had multiple broken windows. Drug paraphernalia was abundant throughout the residence. See, APD Press Release dated December 7, 2011, at

http://www.muni.org/Departments/police/PressReleases/Pages/11_1207.aspx.

Based on their hard work, perseverance and dedication throughout this investigation, the Municipal Ombudsman's Office recognizes and thanks the following Municipal Employees at APD and Code Enforcement for their "**Above and Beyond**" Service to the citizens in the Municipality of Anchorage:

APD CAP Team
Officer Nathan Mitchell
Lt. Garry Gilliam
Sgt. Ron Tidler
Sharen Walsh
Rick Thornton
Glenn Smith

Mike Woods
Howard Romig
Gary Hile
Robert Gray
Jack Frost
Renee Stewart

Thank you!

Acknowledgement

This annual report was prepared by the following members of the Ombudsman's Staff in 2012:

Barbara A. Jones, Municipal Ombudsman

Elizabeth E. Eisses, Deputy Ombudsman

Kristina N. Posini, Associate Ombudsman