

April 16, 2013

Final Investigative Report Concerning Ombudsman Complaint 2013-0034

COMPLAINT

Two citizens contacted the Ombudsman alleging that the Municipality of Anchorage was changing the name of their street, Hillside Way, contrary to Municipal Code.

FINDINGS

This complaint against the Municipality of Anchorage, Community Development Department, Development Services Division, Addressing Section, is **NOT SUPPORTED**.

ANALYSIS AND CONCLUSIONS

On March 7, 2013 the Ombudsman received an 88-page packet in the mail from two Anchorage citizens who alleged that the Municipality was changing the name of their street contrary to Municipal Code.

The Ombudsman reviewed the packet, including a January 18, 2013 letter to the citizens from the Addressing Section of the Community Development Department's Development Services Division. The letter informed the citizens that the Municipality was changing the name of their street, Hillside Way. The letter stated that the name change was necessary because there are two streets named Hillside in Anchorage, the other being Hillside Drive. The letter stated that the duplication could be confusing during an emergency and that A.M.C. 21-80.260.A requires street names to be unique in spelling and sound.

The reasoning in the letter for changing the name of Hillside Way, rather than Hillside Drive, was that Hillside Drive was originally known as Hillside Road in 1957, while Hillside Way was known as Hillside Drive in 1961. Therefore the street currently known as Hillside Drive is considered older. Another factor is that there are fewer properties on Hillside Way (26 vs. 66 on Hillside Drive).

The Ombudsman reviewed A.M.C. 21.15.133 "Approval of street name alterations", A.M.C. 21.80.260 "Design standards-Street names", and three adopted ordinances pertaining to street naming and naming standards (AO 92-160, AO 84-205, and AO 78-187). A.M.C. 21.15.133.A states "A street name alteration may be proposed by a government agency or by petition. The proposal or petition shall be submitted to the department of public works. The department of public works shall reject any street name alteration that does not conform to the standards of Section 21.80.260, and any regulations promulgated thereunder."

A.M.C. 21.80.260.A states "The subdivider shall provide names for all new streets in the subdivision, which names shall neither be duplicate, nor be subject to confusion with, the spelling or the pronunciation of any existing street names in the municipality." Based on his review the Ombudsman concluded that the Municipality can, under existing Municipal Code, change the name of Hillside Way. A.M.C. 21.15.133 allows for City initiated street name changes.

A.M.C. 21.80.260.B states “Pursuant to Chapter 3.40, the director of public works may promulgate regulation establishing a uniform street designation terminology. All street names shall conform to the terminology so established. A.M.C.R. 21.80.001 “Uniform street designations” was adopted pursuant to AO 80-79 in the early 1980’s. Under this regulation Hillside Way would need to be designated as a “Drive,” as outlined in the Municipality’s January 18, 2013 letter to owners of properties fronting on Hillside Way.

However, a review of A.M.C. 3.40.050 “Regulations not to have retroactive effect” reveals that regulations adopted under the chapter “may be applied only prospectively from the date they become effective, and may not be interpreted or applied to situations or activities of persons occurring prior to their effective date.” Because Hillside Way was platted before A.M.C.R. 21.80.001 “Uniform street designations” was promulgated, this street should still be designated as a “Way” if that is the desire of the majority of affected property owners. The department agreed to this recommendation from the Ombudsman.

Currently A.M.C 21.15.133 requires a minimal public process for street name changes initiated by the Municipality, and only requires public works to mail to all owners of property fronting on a subject street “notice of the proposed name change not less than 14 days before it is submitted to the mayor.” In actuality the department implements a public process that is to a much higher standard than what is required by the code.

The department’s unwritten policy calls for a 21-day period to submit new name suggestions, initiated with the mailing of a letter to the affected property owners. This is followed by a 21-day voting period, initiated by a “vote letter” sent by the department to affected property owners. Following the 21-day voting period the votes will be tallied and the name that receives the most votes is proposed to the mayor. Once the Mayor signs the executive order the Municipal Clerk’s Office will send affected property owners a letter stating that they have a 30-day period to appeal the name change to the Assembly. This unwritten department policy offers a much higher level of public process than is mandated by code and should be incorporated into code.

Because Anchorage Municipal Code, Chapter 21.15.133 allows for street name alterations “proposed by a government agency or by petition,” and because the Department has executed a public process to a higher standard than required by A.M.C. 21.15.133.C, the Municipal Ombudsman finds this complaint to be UNSUPPORTED.

A copy of the preliminary report was provided to the department, and some factual corrections were made based on their comments.

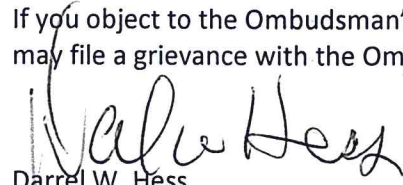
Based on the investigation of this case, the Municipal Ombudsman recommends the following:

(1) that Anchorage Municipal Code, Chapter 21.15.133, Section C be amended to incorporate and codify the unwritten public process for street name changes that the Department is currently using. *The department provided no response to this recommendation.*

(2) that the Department draft and implement policies governing the voting process for property owners whose properties front on a street that is being proposed for a name change. *The department provided mp response to this recommendation.*

Based on these findings and these recommendations, this case is closed.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specific in A.M.C.R. 2.60.006.

A handwritten signature in black ink that reads "Darrel W. Hess". The signature is written in a cursive style with a vertical line to the left of the name.

Darrel W. Hess
Municipal Ombudsman