

Municipal Clerk's Office

Approved

Date: 12/19/2017

Submitted by: Assembly Members
Weddleton and LaFrance
Prepared by: Assembly Counsel
For reading: December 19, 2017

**ANCHORAGE, ALASKA
AO No. 2017-165(S)**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
2 **SUBMITTING TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF**
3 **ANCHORAGE AT THE NEXT REGULAR MUNICIPAL ELECTION, A BALLOT**
4 **PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARTER TO**
5 **ALLOW EMPLOYEES OF ANY POLICE DEPARTMENT TO ENFORCE**
6 **PARKING VIOLATIONS AND THEREBY ENABLE THE ASSEMBLY TO**
7 **DELEGATE PARKING ENFORCEMENT IN THE GIRDWOOD VALLEY**
8 **SERVICE AREA TO THE WHITTIER POLICE DEPARTMENT.**

9
10 **WHEREAS**, currently Article XXI of the Anchorage Municipal Charter restricts
11 enforcement of parking violations outside the downtown area “only to employees
12 of the Anchorage Police Department,” including police officers, parking
13 enforcement officers and peace officers;

14
15 **WHEREAS**, when the enforcement restriction above was approved by the voters
16 at the regular election in April 2014, the Anchorage Police Department was
17 providing police protection services in the Municipality, and Alaska State Troopers
18 was providing some services from its post in Girdwood which closed in July 2016;

19
20 **WHEREAS**, since that time the Girdwood Valley Service Area (GVSA), which is
21 now taxed to fund police protection services in its boundaries, has contracted with
22 the Whittier Police Department (WPD) to provide police protection services; and

23
24 **WHEREAS**, it is an unintended consequence of the April 2014 proposition that
25 police officers or employees of other police departments, such as WPD, are barred
26 from enforcement of parking violations in the Girdwood area by Charter, while
27 able to enforce all other state and local criminal laws and traffic offenses within a
28 service area for which they are contractually obligated to provide police protection;
29 now therefore,

30
31 **THE ANCHORAGE ASSEMBLY ORDAINS:**

32
33 **Section 1.** Subject to the approval of the voters as described in Section 2, the
34 Charter amendment is hereby approved. The Assembly’s intent and purpose in
35 submitting this Charter amendment to the voters is to enable the Assembly to
36 delegate parking enforcement within the Girdwood Valley Service Area to the
37 Whittier Police Department which is currently under contract to provide police
38 protection services generally within the GVSA.
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Section 2. Pursuant to Article XVIII of the Anchorage Municipal Charter, a ballot proposition to amend the Charter in substantially the following form and substance shall be submitted to the qualified voters of the Municipality of Anchorage at the next regular Municipal election (new language to be added is in ***italics, underlined and bold***; original AO language to be deleted is ~~***[bracketed, italics, strikethrough and bold]***~~; current Charter language the original AO deleted and is to be restored is indicated by ~~**f**~~bold, italics and strikethrough of the brackets and plain text of the current Code language to remain unchanged~~f~~):

PROPOSITION NO. _____

CHARTER AMENDMENT TO ALLOW THE ASSEMBLY TO DELEGATE PARKING ENFORCEMENT IN THE GIRDWOOD VALLEY COMMUNITY TO EMPLOYEES OF ANY POLICE DEPARTMENT, ENABLING A DELEGATION TO THE WHITTIER POLICE DEPARTMENT FOR PARKING ENFORCEMENT IN THE GIRDWOOD VALLEY SERVICE AREA.

The Anchorage Municipal Charter currently provides that, except for violations that occur within a specified area in downtown, parking violations may only be enforced by employees of the Anchorage Police Department. This proposition would amend the Anchorage Municipal Charter to allow the Assembly to delegate the enforcement of parking violations in the Girdwood Valley community ~~[outside of the downtown area]~~ to the employees of any police department where police protection services are authorized to be provided in a service area.

The Anchorage Assembly stated in AO 2017-~~165(S)~~ ~~[—]~~ the purpose of this Charter Amendment submitted to the voters is to enable the Assembly to delegate the enforcement of parking violations that occur within the Girdwood Valley Service Area (GVSA) to the Whittier Police Department, which is currently providing police protection services to the GVSA on a contractual basis. If approved, the proposition would allow, but not require, the Assembly to delegate the enforcement of parking violations that occur within the Girdwood Valley Service Area to the Whittier Police Department ~~f~~ and allow any other delegations permissible under the language for parking enforcement in service areas where the voters approved police protection services].

Specifically, this proposition would amend sections 21.01 and 21.02 of the Charter to read as follows: **(Underlined and bolded words** are proposed new words; ~~strikeouts~~ are proposed deletions.)

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1 ***[Note to Revisor: legislative drafting marks applied, final proposition***
2 ***language shall present changes as stated in the previous sentence.]***
3

4 **Section 21.01. Vehicle violation enforcement.**
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6 (a) **Except as otherwise provided in the Charter,** ~~n~~No
7 enforcement of any vehicle violation, whether the vehicle is parked
8 or in motion may be performed ~~in~~ **by** the Municipality of Anchorage
9 by any persons other than a regularly sworn police officer who meets
10 the standards set forth in A.S. 18.65.290(~~75~~)(A) or (B). Such
11 enforcement includes, but is not limited to, any and all civil or criminal
12 statutes, codes, ordinances or regulations which apply to the
13 regulation of vehicles and which currently exist or may exist in the
14 future.
15

16 (b) The Municipality may, by ordinance only, delegate
17 enforcement of parking violations, to a municipal agency or municipal
18 authority. The allowable delegation is limited to enforcement of
19 parking violations on both sides of named streets within the area
20 bounded by Ship Creek on the north, Gambell Street on the east,
21 10th Avenue on the south, and M Street on the west. The
22 enforcement of parking violations for the area other than that
23 described above may be delegated only to employees of ~~[any] the~~
24 Anchorage] Police Department. The phrase “employees of
25 ~~[any] the Anchorage] Police Department”~~ includes, but is not limited
26 to, police officers of ~~[a] the Anchorage] Police Department.~~
27

28 **(c) The Municipality may, by ordinance only, delegate**
29 **enforcement of parking violations in the Girdwood Valley**
30 **community, when a service area in the community is authorized**
31 **to provide police protection services, to the employees of any**
32 **police department.**
33

34 (Prop. 3 of 4-15-97 election, effective 6-6-97, § 1; AO No. 2010-94(S), § 2,
35 election of 4-5-11, effective 6-1-11)
36

37 **Section 21.02. Prohibited vehicle impound, towing and**
38 **transportation from public streets and emergency exception.**
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40 No vehicle may be impounded, towed, or transported from upon the
41 public streets in the Municipality of Anchorage without the written
42 permission of either the owner or the operator of the vehicle, a valid
43 court order, or unless an impound notice is placed on the vehicle by
44 a police officer qualified as set forth in Section 21.01 above, or by
45 other employees of ~~a [any] the Anchorage Police Department~~ as
46 may be delegated by ordinance. This shall not prohibit necessary

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emergency action in the event that a vehicle presents an immediate threat to life or public safety.

(Prop. 3 of 4-15-97 election, effective 6-6-97, § 2)

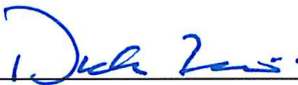
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Shall the Charter be amended as set forth above?

Yes No

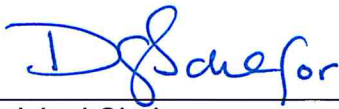
Section 3. Section 1 of this ordinance shall become effective immediately upon approval by two-thirds of the total membership of the Assembly. Section 2 of this ordinance shall become effective if, and only if, this Proposition is passed by a majority of the qualified voters in the next regular municipal election.

PASSED AND APPROVED by the Anchorage Assembly this 19th day of December, 2017.



Chair

ATTEST:



Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 814-2017(A)

Meeting Date: December 19, 2017

1 **From:** ASSEMBLY MEMBER WEDDLETON
2

3 **Subject:** AO 2017-165(S) – AN ORDINANCE OF THE ANCHORAGE
4 MUNICIPAL ASSEMBLY SUBMITTING TO THE QUALIFIED
5 VOTERS OF THE MUNICIPALITY OF ANCHORAGE AT THE
6 NEXT REGULAR MUNICIPAL ELECTION, A BALLOT
7 PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL
8 CHARTER TO ALLOW EMPLOYEES OF ANY POLICE
9 DEPARTMENT TO ENFORCE PARKING VIOLATIONS AND
10 THEREBY ENABLE THE ASSEMBLY TO DELEGATE PARKING
11 ENFORCEMENT IN THE GIRDWOOD VALLEY SERVICE AREA
12 TO THE WHITTIER POLICE DEPARTMENT.
13

14 This S-version of the proposed ordinance takes a different approach to the Charter
15 amendment to reach the objective of allowing a delegation of parking enforcement
16 in Girdwood to the Whittier Police Department. Instead of changing the allowable
17 delegation outside of the defined downtown area to “any police department,” the
18 S-version leaves intact the “Anchorage Police Department” language and inserts
19 a specific allowable delegation within the Girdwood community to “any police
20 department.” The addition of a new subsection 21.01(c) is straightforward and
21 more understandable to the reader and the voters. The Anchorage Police
22 Department Employees Association and members of the Girdwood Board of
23 Supervisors expressed support for this approach in the S-version as preferred over
24 the original proposal. In fairness to stakeholders affected by this proposal, the
25 S-version is presented as an alternative to the original proposed ordinance for the
26 Assembly’s consideration.
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28 Prepared by: Assembly Counsel
29 Respectfully submitted: John Weddleton, Assembly Member
30 District 6—South Anchorage
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