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

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

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

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

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

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Subject to the approval of the voters as described in Section 2, the
Charter amendment is hereby approved. The Assembly’s intent and purpose in
submitting this Charter amendment to the voters is to enable the Assembly to
delegate parking enforcement within the Girdwood Valley Service Area to the
Whittier Police Department which is currently under contract to provide police
protection services generally within the GVSA.
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 [bold, italics and strikethrough of the brackets and plain text of the current Code language to remain unchanged]):

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 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.)
Section 21.01. Vehicle violation enforcement.

(a) **Except as otherwise provided in the Charter, no** enforcement of any vehicle violation, whether the vehicle is parked or in motion may be performed in by the Municipality of Anchorage by any persons other than a regularly sworn police officer who meets the standards set forth in A.S. 18.65.290(75)(A) or (B). Such enforcement includes, but is not limited to, any and all civil or criminal statutes, codes, ordinances or regulations which apply to the regulation of vehicles and which currently exist or may exist in the future.

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

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

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

Section 21.02. Prohibited vehicle impound, towing and transportation from public streets and emergency exception.

No vehicle may be impounded, towed, or transported from upon the public streets in the Municipality of Anchorage without the written permission of either the owner or the operator of the vehicle, a valid court order, or unless an impound notice is placed on the vehicle by a police officer qualified as set forth in Section 21.01 above, or by other employees of [any] [the Anchorage] Police Department as may be delegated by ordinance. This shall not prohibit necessary
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
From: ASSEMBLY MEMBER WEDDLETON

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

This S-version of the proposed ordinance takes a different approach to the Charter amendment to reach the objective of allowing a delegation of parking enforcement in Girdwood to the Whittier Police Department. Instead of changing the allowable delegation outside of the defined downtown area to “any police department,” the S-version leaves intact the “Anchorage Police Department” language and inserts a specific allowable delegation within the Girdwood community to “any police department.” The addition of a new subsection 21.01(c) is straightforward and more understandable to the reader and the voters. The Anchorage Police Department Employees Association and members of the Girdwood Board of Supervisors expressed support for this approach in the S-version as preferred over the original proposal. In fairness to stakeholders affected by this proposal, the S-version is presented as an alternative to the original proposed ordinance for the Assembly’s consideration.

Prepared by: Assembly Counsel
Respectfully submitted: John Weddleton, Assembly Member
District 6—South Anchorage