

ANCHORAGE, ALASKA
AO No. 2022-77(S-1)*, As Amended

1 AN ORDINANCE OF THE ANCHORAGE ASSEMBLY SUBMITTING TO THE
2 QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE A BALLOT
3 PROPOSITION AMENDING THE ANCHORAGE MUNICIPAL CHARTER
4 REGARDING FILLING VACANCIES ON THE ASSEMBLY AND IN THE OFFICE
5 OF THE MAYOR, AND TO EXCLUDE THE COSTS FOR SPECIAL ELECTIONS
6 FOR THESE OFFICES FROM THE TAX INCREASE LIMITATION (“THE TAX
7 CAP”).

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9 **THE ANCHORAGE ASSEMBLY ORDAINS:**

10
11 **Section 1.** Pursuant to state law and the Anchorage Municipal Charter, a ballot
12 proposition in substantially the form and substance as set forth in Section 2 below
13 with proposed amendments to the Charter shall be submitted to the qualified voters
14 of the Municipality at the next regular election to be held April 4, 2023.

15
16 **Section 2.** The following proposition shall be presented to the voters:

17
18 **PROPOSITION NO. __**

19
20 This proposition will amend the Anchorage Municipal Charter regarding filling
21 vacancies on the Assembly and in the office of Mayor. It will (1) change the
22 period for holding a special election to fill a vacancy on the Assembly from
23 “not more than 60 days” after the occurrence of the vacancy to no sooner
24 ~~[not more]~~ than 90 days, (2) revise the requirements for electing a successor
25 when there is a vacancy in the office of the Mayor, ~~[and]~~ (3) allow the
26 assembly to appoint a person to the chair’s Assembly District seat during
27 service as acting mayor, (4) at the end of that service direct that the Assembly
28 chair and vice chair positions return to those holding them at the time the
29 vacancy in the office of mayor occurred, and (5) allow [exclude] costs for
30 special elections for these offices to be paid for by property taxes collected
31 above the “Tax Cap,” excluding these costs from the tax increase limitation
32 calculation in Section 14.03 of the Charter. [, or “tax cap.”]

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34 The proposition would amend Anchorage Municipal Charter Sections 7.02
35 and 14.03(b) as follows (additions shown in **underline and bold**, deletions
36 indicated by **[brackets, strikethrough, and bold]**; current text of the Charter
37 omitted indicated by ***):

38
39 **Section 7.02. - Filling vacancies in elective office.**

40 ***

* Changes in the S-1 from the original AO or the AO(S) are shown in italics and underline for new language, and deletions of ~~existing or AO(S) language are italicized and strikethrough~~.

1 (b) If a vacancy occurs on the assembly, the remaining members
 2 may appoint a qualified person to fill the vacancy within 30
 3 days. The person appointed shall serve until the next regular
 4 or special election, at which time a successor shall be elected
 5 to serve the balance of the term. If the vacancy occurs more
 6 than six months before the next regular election, the assembly
 7 shall provide for a special election to fill the vacancy **no**
 8 **sooner than [NOT MORE THAN] 90 [60]** days after the
 9 occurrence of the vacancy. If less than 30 days remain in a
 10 term when a vacancy occurs, the vacancy shall not be filled.
 11 However, if at any time, the membership is reduced to **less**
 12 **[fewer]** than a quorum, the remaining members, within seven
 13 days, shall appoint a number of qualified persons sufficient to
 14 constitute a quorum.

15
 16 (c) ~~If [A vacancy in the office of mayor shall be filled at a~~
 17 ~~regular or special election held not less than 90 days from~~
 18 ~~the time the vacancy occurs. If less than 90 days remain~~
 19 ~~in the term when the vacancy occurs, the vacancy shall~~
 20 ~~not be filled. When]~~ a vacancy occurs in the office of mayor,
 21 the chair of the assembly shall serve as acting mayor until a
 22 successor is elected and takes office. The acting mayor has
 23 the veto power but may not vote on assembly action. The
 24 assembly may appoint a person to temporarily fill the district
 25 seat to which the chair was elected during the time of the
 26 chair's service as acting mayor. When a successor mayor is
 27 elected and takes office, the chair shall return to the assembly
 28 district seat and as the chair, the person's temporary
 29 appointment is terminated, and the assembly's organization
 30 shall revert to the time the vacancy occurred. The assembly
 31 by ordinance shall provide for further succession to the office
 32 of acting mayor. **An elected successor shall serve the**
 33 **balance of the term, except as otherwise stated in this**
 34 **section, and shall take office 30 days after certification of**
 35 **the election. If the vacancy occurs more than 270 days**
 36 **before the next regular election, the assembly shall call**
 37 **for a special election to fill the vacancy. The special**
 38 **election shall be held not less than 90 days and not more**
 39 **than 120 days after the occurrence of the vacancy. If a**
 40 **vacancy occurs less than 270 days before the next regular**
 41 **mayoral election but more than 90 days before the end of**
 42 **the mayoral term, the assembly may determine to fill the**
 43 **vacancy at a special election or the next regular mayoral**
 44 **election. If less than 90 days remain in the term when the**
 45 **vacancy occurs, the vacancy shall not be filled. [A**
 46 **vacancy in the office of mayor shall be filled through a**
 47 **special election held no sooner than 90 days but not more**

than 120 days after the occurrence of the vacancy, except:

(1) If it is the final year of the mayor's term of office when the vacancy occurs and:

(A) less than 150 days remain until the next regular mayoral election: the vacancy shall not be filled and the acting mayor shall serve until the person elected mayor to a new term takes office.

(B) there are less than 270 days and 150 days or more until the next regular mayoral election: the vacancy shall be filled through a special election held no sooner than 90 days and not more than 120 days after the occurrence of the vacancy, and the elected successor shall serve the balance of the term and the next full term, Charter section 5.01 notwithstanding. There shall be no election for mayor at the next regular election.

[(2) In other years, if the vacancy occurs 90 days or more but less than 150 days before the next regular election, a successor shall [may] be elected at a special election held concurrently with the regular election.]

Section 14.03. - Tax increase limitation.

(b) The limitations set forth in subsection (a) do not apply to the following:

(7) Taxes required to pay the costs of special elections to fill vacancies in the office of mayor or the assembly.

Shall the Anchorage Municipal Charter be amended as set forth above?


Yes [] No []

Section 3. The Municipal Clerk shall incorporate amendments to the AO and adjust the formatting for printing the proposition on the ballot to clearly show voters only the changes to the Charter language by the final passed and approved AO version as amended.

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Section 4. The amendments to the Charter shall be effective 30 days after certification of the election, subject to approval of the proposition contained in Section 2 of this ordinance. The remainder of this ordinance shall be effective immediately upon passage and approval of the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 25th day of October, 2022.



Chair

ATTEST:



Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 624-2022

Meeting Date: October 25, 2022

1 **From: ASSEMBLY MEMBERS CROSS AND ALLARD**

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3 **Subject: AO 2022-77(S-1): AN ORDINANCE OF THE ANCHORAGE**
4 **ASSEMBLY SUBMITTING TO THE QUALIFIED VOTERS OF THE**
5 **MUNICIPALITY OF ANCHORAGE A BALLOT PROPOSITION**
6 **AMENDING THE ANCHORAGE MUNICIPAL CHARTER**
7 **REGARDING FILLING VACANCIES ON THE ASSEMBLY AND IN**
8 **THE OFFICE OF THE MAYOR, AND TO EXCLUDE THE COSTS**
9 **FOR SPECIAL ELECTIONS FOR THESE OFFICES FROM THE TAX**
10 **INCREASE LIMITATION (“THE TAX CAP”).**

11
12 This proposed S-1 version of the ordinance incorporates changes following
13 discussion at the Assembly work session held October 7, 2022. Several suggested
14 amendments and an alternative approach offered by AO 2022-95 were discussed,
15 and some, but not all, of them are incorporated in this S-1 version.

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- 18 • Changes to the ballot proposition summary/introductory paragraph to reflect
19 the additional features added as described below and revise the explanation
20 of costs for special elections being outside the Tax Cap for readability and
21 clarity, and other corrections. (p. 1 lines 24 to 34)
 - 22 • Allows the Assembly to appoint a person to temporarily fill the Assembly
23 district seat that the Chair held during the time of service as Acting Mayor.
24 The appointed person would not become the chair, but only a voting member.
25 The Vice-Chair will serve as Acting Chair during this period, pursuant to AMC
26 section 2.30.020B.
 - 27 • When a successor mayor is elected, the Chair’s service as Acting Mayor
28 ends, as well as the temporarily appointed person’s service, and the
29 Assembly organization reverts to the roles at the time the mayoral vacancy
30 occurred. (p. 2 lines 25-32) This proposed addition to the Charter § 7.02(b)
31 implements the intent of the 1975 Charter Commission, as they stated in the
32 Commission Commentary:
33 “This paragraph provides for accession of the chairman of the
34 assembly to the position of acting mayor during a vacancy in the office
35 of mayor. It is intended that the acting mayor cease to function as an
36 assemblyman during his tenure as acting mayor. However, when the
37 office of mayor is filled by election, the acting mayor reverts to his
38 status as chairman of the assembly in all respects.”
 - 39 • To provide clarity, the regular election held at the end of a mayor’s term is
40 referenced as the regular “mayoral” election. (p. 2 lines 45 and 50)
 - 41 • “Shall” replaces “may” in the proposed new Charter subsection regarding
42 holding a special election concurrently with the regular election when the
43 vacancy occurs in the first or second year of a mayor’s term, to make it
44 mandatory rather than discretionary. (p. 3 line 10)

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We request your support for the (S-1) version of the ordinance.

Respectfully submitted: Kevin Cross, Assembly Member
 District 2 – Eagle River, Chugiak, Eklutna and JBER

 Jamie Allard, Assemblywoman
 District 2 – Eagle River, Chugiak, Eklutna and JBER