MUNICIPALITY OF ANCHORAGE

ORDINANCE No. 2023-114(S)

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, THE QUESTION OF THE ISSUANCE OF NOT TO EXCEED NINE MILLION DOLLARS ($9,000,000) TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS ($12,500,000) OF GENERAL OBLIGATION BONDS OF THE MUNICIPALITY OF ANCHORAGE TO PAY THE COSTS OF AN AREAWIDE PUBLIC RESTROOM PROJECT, AND THE QUESTION OF AN INCREASE IN THE MUNICIPAL TAX CAP LIMITATION TO PAY ASSOCIATED OPERATIONS AND MAINTENANCE COSTS, AT THE ELECTION TO BE HELD IN THE MUNICIPALITY ON APRIL 2, 2024 AND APPROVING AND ADDING A PROJECT TO THE AREAWIDE 2024 CIB TO Include THE PUBLIC RESTROOM PROJECT.

Prepared by

K&L GATES LLP
MUNICIPALITY OF ANCHORAGE
ORDINANCE No. 2023-114(S)

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* This Table of Contents and the cover page are for convenience of reference and are not intended to be a part of this ordinance.
AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED
VOTERS OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, THE QUESTION
OF THE ISSUANCE OF NOT TO EXCEED NINE MILLION DOLLARS
($9,000,000) [TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS
($12,500,000)] OF GENERAL OBLIGATION BONDS OF THE MUNICIPALITY OF
ANCHORAGE TO PAY THE COSTS OF AN AREAWIDE PUBLIC RESTROOM
PROJECT, AND THE QUESTION OF AN INCREASE IN THE MUNICIPAL TAX
CAP LIMITATION TO PAY ASSOCIATED OPERATIONS AND MAINTENANCE
COSTS, AT THE ELECTION TO BE HELD IN THE MUNICIPALITY ON APRIL 2,
2024 AND APPROVING AND ADDING A PROJECT TO THE AREAWIDE 2024
CIB TO INCLUDE THE PUBLIC RESTROOM PROJECT.

WHEREAS, the Municipality of Anchorage, Alaska (the “Municipality”) is a home
rule municipality, including powers to protect public health; and

WHEREAS, the best interest of the citizens and property owners in the Municipality
require the Municipality to acquire and install areawide public restrooms, said
restrooms will be standalone, durable-construction public restroom units (the
“Project”); and

WHEREAS, the Assembly may alter the Areawide 2024 CIB by majority vote; and

WHEREAS, the Assembly desires to alter the Areawide 2024 CIB to include the
Project; and

WHEREAS, in order to provide financing for the Project, it is deemed necessary and
advisable that the Municipality issue and sell its general obligation bonds in the
principal amount of not to exceed $9,000,000 [$12,500,000] (the “Bonds”); now, therefore,
THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Purpose. The Assembly hereby determines that the Project is needed throughout the Municipality. The Assembly hereby determines that the best interest of the residents and property owners within the Municipality require the Municipality to undertake the Project at the time and in the order and in the manner deemed most necessary and advisable by the Municipality. The estimated cost of the Project, including incidental costs and costs related to issuing and selling the Bonds as provided in this ordinance, is estimated to be $9,000,000[$12,500,000].

The Assembly hereby finds it necessary to alter the Areawide 2024 CIB to include the Project.

The Project is described in more detail in the Assembly Memorandum accompanying this ordinance. The cost of all necessary planning, acquisition of property for, site preparation, construction, installing and equipping of the Project, architectural, engineering, design, and other consulting services, inspection and testing, administrative expenses, costs of issuance of the Bonds and other costs incurred in connection with the Project shall be deemed to be costs of the approved Project. The approved Project may be completed with all necessary equipment and appurtenances.

The Municipality shall determine the application of available moneys for the Project so as to accomplish, as nearly as may be, the Project described or provided for in this section.

If the Municipality shall determine that it has become impractical to accomplish any portion of the approved Project by reason of changed conditions or needs, incompatible development or costs substantially in excess of those estimated, the Municipality shall not be required to accomplish such portions and shall apply Bond proceeds as set forth in this section.

If the approved Project has been completed in whole or in part, or its completion duly provided for, or its completion found to be impractical, the Municipality shall apply such remaining proceeds solely to payment of principal or interest on the Bonds, as provided in the Home Rule Charter. In the event that the proceeds of sale of the Bonds, plus any other monies of the Municipality legally available, are insufficient to accomplish the approved Project, the Municipality shall use the available funds for paying the cost of those portions of the approved Project deemed by the Municipality most necessary and in the best interest of the Municipality. No Bond proceeds shall be used by the Municipality for any purpose other than a capital improvement of the Municipality.

For the purpose of providing funds for the undertaking of the Project, which is hereby found to be a public purpose and in the public interest, the Municipality hereby proposes to issue general obligation bonded indebtedness in an amount not
Section 2. Details of Bonds. The Bonds shall be sold in such amounts and at such time or times as deemed necessary and advisable by the Assembly and as permitted by law and shall mature over a period of up to 20 years from date of issue. The Bonds shall be issued in an aggregate principal amount of not to exceed $9,000,000 [$12,500,000]. The Bonds shall bear interest to be fixed at the time of sale or sales thereof. The exact form, terms, conditions, contents, security, options of redemption, and such other matters relating to the issuance and sale of said Bonds as are deemed necessary and advisable by the Assembly shall be as hereinafter determined and/or delegated by ordinance and/or resolution of the Assembly.

The full faith and credit of the Municipality is pledged for the payment of the principal of and interest on the Bonds, and ad valorem taxes upon all taxable property in the Municipality shall be levied without limitation as to rate or amount to pay the principal and interest on the Bonds when due.

Section 3. Ballot Proposition. The Assembly hereby submits to the qualified voters of the Municipality the proposition of whether or not the Municipality should issue the Bonds for the purpose of financing the costs of the approved Project at the regular municipal election to be held on April 2, 2024.

The Clerk shall prepare the ballot proposition to be submitted to the voters as provided by this ordinance and the Municipal Code and shall perform all necessary steps in accordance with law to place this proposition before the voters at the regular election. The proposition must receive an areawide majority vote of those in the Municipality voting on the question to be approved. The proposition shall be substantially in the following form:

PROPOSITION NO. ___

AREAWIDE PUBLIC RESTROOM BONDS

For the purpose of providing areawide public restrooms within the Municipality of Anchorage, of The Portland Loo type or similar, as provided in AO 2023-___, shall Anchorage borrow money and issue up to $9,000,000 [$12,500,000] in principal amount of general obligation bonds and increase the municipal tax cap by an annual amount not to exceed $900,000 to pay for associated annual operations and maintenance costs?
Voter approval of this bond proposition authorizes for each $100,000 of assessed taxable property value (based on the estimated 2024 areawide assessed valuation in Anchorage): (i) an annual increase in taxes of approximately $1.83 [$2.54] to retire the proposed bonds, and (ii) an annual increase in the municipal tax cap (Charter 14.03(b)(2)) of approximately $2.38 to pay for annual operation and maintenance costs related to the proposed capital improvements.

The debt shall be paid from real and personal property taxes levied and collected areawide within Anchorage. The Municipality will also pledge its full faith and credit for payment of the bonds.

☐ YES   ☐ NO

Section 4. Areawide 2024 CIB. The Assembly hereby alters the Areawide 2024 CIB to include the Project and increase the amount of the Areawide 2024 CIB by Nine Million Dollars ($9,000,000) [Twelve Million Five Hundred Thousand Dollars ($12,500,000)].

Section 5. Effective Dates. Section 2 of this ordinance shall become effective only if the proposition described in Section 3 is approved by a majority of the qualified voters voting on the proposition at the regular election held on April 2, 2024. The remaining sections of this ordinance shall become effective upon passage and approval by the Assembly.

PASSED AND APPROVED by the Assembly of the Municipality of Anchorage, this ___ day of ___________, 2023.

By ______________________
Chair of the Assembly

ATTEST:

______________________________
Municipal Clerk
The attached ordinance will place a general obligation bond proposition for the Areawide Public Restroom Project (the “Project”) on the ballot for the regular Municipal election to be held on April 2, 2024. The ordinance will also alter the Areawide 2024 CIB Budget.

The Project bond proposal will address the ongoing lack of public restrooms in the Municipality of Anchorage. Public restrooms have been a common feature in cities, along with other public health and hygiene amenities such as drinking fountains, seating areas, and indoor and outdoor recreational facilities such as parks, transit stations, and community centers. However, communities in the United States have a significant lack of public restrooms compared to cities in other countries; a 2021 study found that there are only 8 public restrooms per 100,000 people, compared with Iceland having 56 public restrooms per 100,000 people.¹

Public restrooms provide relief for a basic human need, but also specifically benefit diverse segments of the population who live or are visitors to the city:

- Elders

• Pregnant women
• Parents with toddlers and young children
• People who experience disabilities, including who use wheelchairs
• People with a variety of medical conditions that affect bladder and digestive tract function, including bladder cancer, irritable bowel syndrome, ulcerative colitis, prostate issues, and side effects of some medications.²

In addition to benefits to individuals for these amenities in public spaces, provision of public restrooms has broader economic and environmental benefits. Providing more amenities in public spaces supports economic activity for residents, tourists, and other visitors; availability of public restrooms complements popular private business activities such as food concessions in public parks and along trails. Having public restrooms also offsets demand for, and associated costs with, the public using businesses’ and organizations’ restrooms, from routine cleaning to repairing damage from misuse. Increasing concern and frustration from business owners about these impacts to their own facilities has led to a trend of reducing public access to restroom facilities, such as requiring a purchase to use the restroom, use of keys and door codes to limit access, or simply not providing this convenience.

This bond would provide resources for approximately 18 sturdy, standalone public restroom units, intended to be utilized across the Municipality, as a pilot project for potential expansion of this service, if successful, in a future year. The unit contemplated is the Portland Loo, a well-tested public facility designed for safety, cleanliness, and resistance to damage that has performed successfully in over 20 cities, including Ketchikan and Kodiak, since being first installed in Portland, Oregon in 2004.³ These units are ADA-compliant and designed to balance privacy and safety, with ground-level visibility to determine if a unit is occupied.

Based on the assumptions of 18 standalone Portland loos in place and an annual Operations and Maintenance (O&M) cost of $50,000 per unit, we are assuming an increase in O&M of $900,000 in the bond ballot proposition.

The Assembly desires to schedule a public hearing for this bond ordinance on December 5, 2023[November 7, 2023].

Please see the attached Project List, attached as Exhibit A.

Prepared by: Assembly Members Chris Constant, Meg Zaletel and Anna Brawley
Acknowledged by: Alden Thern, CFO
Acknowledged by: Anne Helzer, Municipal Attorney

² https://americanrestroom.org/who-are-the-restroom-challenged/
Acknowledged by: Sharon Lechner, Acting OMB Director
Acknowledged by: Kent E. Kohlhase, Municipal Manager
Submitted by: Assembly Members Chris Constant,
              Meg Zaletel and Anna Brawley
## EXHIBIT A

### Areawide Public Restrooms
#### 2024 Bond Project List

(000)'s

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<thead>
<tr>
<th>Project</th>
<th>Amount</th>
<th>O&amp;M</th>
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</thead>
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<tr>
<td>The Portland Loo, or similar, stand alone bathrooms</td>
<td>$9,000$$12,500$$</td>
<td>$900$$</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$9,000$$12,500$$</strong></td>
<td><strong>$900$$</strong></td>
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MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2023-114(S) Title: AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE MUNICIPALITY OF ANCHORAGE, ALASKA, THE QUESTION OF THE ISSUANCE OF NOT TO EXCEED NINE MILLION DOLLARS ($9,000,000) TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS ($12,500,000) OF GENERAL OBLIGATION BONDS OF THE MUNICIPALITY OF ANCHORAGE TO PAY THE COSTS OF AN AREAWIDE PUBLIC RESTROOM PROJECT, AND THE QUESTION OF AN INCREASE IN THE MUNICIPAL TAX CAP LIMITATION TO PAY ASSOCIATED OPERATIONS AND MAINTENANCE COSTS, AT THE ELECTION TO BE HELD IN THE MUNICIPALITY ON APRIL 2, 2024 AND APPROVING AND ADDING A PROJECT TO THE AREAWIDE 2024 CIB TO INCLUDE THE PUBLIC RESTROOM PROJECT.

Sponsors: Assembly Members Chris Constant, Meg Zaletel and Anna Brawley
Prepared By: Assembly Members Chris Constant, Meg Zaletel and Anna Brawley and Public Finance Staff
Others Impacted: Areawide Service Area: Public Restrooms

CHANGES IN EXPENDITURES AND REVENUES: (Thousands of Dollars)

<table>
<thead>
<tr>
<th></th>
<th>FY23</th>
<th>FY24</th>
<th>FY25</th>
<th>FY26</th>
<th>FY27</th>
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<tr>
<td>Operating Expenditures</td>
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<td>1000 Personal Services</td>
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<tr>
<td>2000 Supplies</td>
<td>690.4[958.8]</td>
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<td>3000 Other Services</td>
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<td>4000 Debt Service</td>
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<td>690.4[958.8]</td>
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<td>5000 Capital Outlay</td>
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<td>1,590.4[958.8]</td>
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<td>1,590.4[958.8]</td>
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</tbody>
</table>

ADD: 6000 Charge from Others
LESS: 7000 Charge to Others

FUNCTION COST:

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp.

PUBLIC SECTOR ECONOMIC EFFECTS:
Estimated annual debt service of $690,366 ($958,842) assumes bonds are sold as a single bond issue with an interest rate of 4.475% with bond repayments corresponding to the expected life of the assets financed up to 20 years.

When projects are completed and fully functioning, increased annual operations and maintenance costs are estimated at $900,000.

PRIVATE SECTOR ECONOMIC EFFECTS:
Estimated annual debt service payments of approximately $690,366 ($958,842) equate to an estimated property tax increase of 0.0183[0.0254] mills or $1.83 [$2.54] per year on $100,000 of assessed valuation in the Municipality areawide.

When fully operational, increased annual operations and maintenance costs are estimated at $900,000 and equate to an estimated property tax increase of 0.0238 mills or $2.38 per year on $100,000 of assessed valuation in the Municipality areawide and an increase in the Municipal tax cap limitation.

The total private sector economic effect would therefore be a total of $4.21 per $100,000 of assessed valuation.

SEE 2024 Areawide Public Restrooms.doc