

**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.**

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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.

Submitted by: Assembly Members  
Chris Constant, Meg  
Zaletel and Anna  
Brawley

Prepared by: Cynthia M. Weed, Bond  
Counsel  
K&L GATES LLP

For Reading: **November 21,**  
**2023**~~October 24, 2023~~

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**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,

1 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
2

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

10  
11 The Assembly hereby finds it necessary to alter the Areawide 2024 CIB to  
12 include the Project.  
13

14 The Project is described in more detail in the Assembly Memorandum  
15 accompanying this ordinance. The cost of all necessary planning, acquisition of  
16 property for, site preparation, construction, installing and equipping of the Project,  
17 architectural, engineering, design, and other consulting services, inspection and  
18 testing, administrative expenses, costs of issuance of the Bonds and other costs  
19 incurred in connection with the Project shall be deemed to be costs of the approved  
20 Project. The approved Project may be completed with all necessary equipment and  
21 appurtenances.  
22

23 The Municipality shall determine the application of available moneys for the  
24 Project so as to accomplish, as nearly as may be, the Project described or provided  
25 for in this section.  
26

27 If the Municipality shall determine that it has become impractical to  
28 accomplish any portion of the approved Project by reason of changed conditions or  
29 needs, incompatible development or costs substantially in excess of those  
30 estimated, the Municipality shall not be required to accomplish such portions and  
31 shall apply Bond proceeds as set forth in this section.  
32

33 If the approved Project has been completed in whole or in part, or its  
34 completion duly provided for, or its completion found to be impractical, the  
35 Municipality shall apply such remaining proceeds solely to payment of principal or  
36 interest on the Bonds, as provided in the Home Rule Charter. In the event that the  
37 proceeds of sale of the Bonds, plus any other monies of the Municipality legally  
38 available, are insufficient to accomplish the approved Project, the Municipality shall  
39 use the available funds for paying the cost of those portions of the approved Project  
40 deemed by the Municipality most necessary and in the best interest of the  
41 Municipality. No Bond proceeds shall be used by the Municipality for any purpose  
42 other than a capital improvement of the Municipality.  
43

44 For the purpose of providing funds for the undertaking of the Project, which  
45 is hereby found to be a public purpose and in the public interest, the Municipality  
46 hereby proposes to issue general obligation bonded indebtedness in an amount not

1 to exceed **Nine Million Dollars (\$9,000,000)**~~**Twelve Million Five Hundred**~~  
2 ~~**Thousand Dollars (\$12,500,000)**~~.

3  
4 **Section 2.** Details of Bonds. The Bonds shall be sold in such amounts and at  
5 such time or times as deemed necessary and advisable by the Assembly and as  
6 permitted by law and shall mature over a period of up to 20 years from date of issue.  
7 The Bonds shall be issued in an aggregate principal amount of not to exceed  
8 **\$9,000,000**~~**\$12,500,000**~~. The Bonds shall bear interest to be fixed at the time of  
9 sale or sales thereof. The exact form, terms, conditions, contents, security, options  
10 of redemption, and such other matters relating to the issuance and sale of said  
11 Bonds as are deemed necessary and advisable by the Assembly shall be as  
12 hereinafter determined and/or delegated by ordinance and/or resolution of the  
13 Assembly.  
14

15 The full faith and credit of the Municipality is pledged for the payment of the  
16 principal of and interest on the Bonds, and ad valorem taxes upon all taxable  
17 property in the Municipality shall be levied without limitation as to rate or amount to  
18 pay the principal and interest on the Bonds when due.  
19

20 **Section 3.** Ballot Proposition. The Assembly hereby submits to the qualified  
21 voters of the Municipality the proposition of whether or not the Municipality should  
22 issue the Bonds for the purpose of financing the costs of the approved Project at  
23 the regular municipal election to be held on April 2, 2024.  
24

25 The Clerk shall prepare the ballot proposition to be submitted to the voters  
26 as provided by this ordinance and the Municipal Code and shall perform all  
27 necessary steps in accordance with law to place this proposition before the voters  
28 at the regular election. The proposition must receive an areawide majority vote of  
29 those in the Municipality voting on the question to be approved. The proposition  
30 shall be substantially in the following form:  
31

32 PROPOSITION NO. \_\_\_\_

33  
34 **AREAWIDE PUBLIC RESTROOM BONDS**

35  
36 For the purpose of providing areawide public restrooms  
37 within the Municipality of Anchorage, of The Portland  
38 Loo type or similar, as provided in AO 2023-\_\_\_\_, shall  
39 Anchorage borrow money and issue up to  
40 **\$9,000,000**~~**\$12,500,000**~~ in principal amount of general  
41 obligation bonds **and increase the municipal tax cap**  
42 **by an annual amount not to exceed \$900,000 to pay**  
43 **for associated annual operations and maintenance**  
44 **costs?**  
45

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



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 909-2023

Meeting Date: November 21~~[October 24]~~, 2023

1 **Submitted by:** Assembly Members Chris Constant, Meg Zaletel and  
2 Anna Brawley  
3

4 **Subject:** AN ORDINANCE PROVIDING FOR THE SUBMISSION TO  
5 THE QUALIFIED VOTERS OF THE MUNICIPALITY OF  
6 ANCHORAGE, ALASKA, THE QUESTION OF THE  
7 ISSUANCE OF NOT TO EXCEED NINE MILLION DOLLARS  
8 (\$9,000,000)~~[TWELVE MILLION FIVE HUNDRED~~  
9 ~~THOUSAND DOLLARS (\$12,500,000)]~~ OF GENERAL  
10 OBLIGATION BONDS OF THE MUNICIPALITY OF  
11 ANCHORAGE TO PAY THE COSTS OF AN AREAWIDE  
12 PUBLIC RESTROOM PROJECT, AND THE QUESTION OF  
13 AN INCREASE IN THE MUNICIPAL TAX CAP LIMITATION  
14 TO PAY ASSOCIATED OPERATIONS AND MAINTENANCE  
15 COSTS, AT THE ELECTION TO BE HELD IN THE  
16 MUNICIPALITY ON APRIL 2, 2024 AND APPROVING AND  
17 ADDING A PROJECT TO THE AREAWIDE 2024 CIB TO  
18 INCLUDE THE PUBLIC RESTROOM PROJECT.  
19

20 The attached ordinance will place a general obligation bond proposition for the  
21 Areawide Public Restroom Project (the "Project") on the ballot for the regular  
22 Municipal election to be held on April 2, 2024. The ordinance will also alter the  
23 Areawide 2024 CIB Budget.  
24

25 The Project bond proposal will address the ongoing lack of public restrooms in the  
26 Municipality of Anchorage. Public restrooms have been a common feature in cities,  
27 along with other public health and hygiene amenities such as drinking fountains,  
28 seating areas, and indoor and outdoor recreational facilities such as parks, transit  
29 stations, and community centers. However, communities in the United States have  
30 a significant lack of public restrooms compared to cities in other countries; a 2021  
31 study found that there are only 8 public restrooms per 100,000 people, compared  
32 with Iceland having 56 public restrooms per 100,000 people.<sup>1</sup>  
33

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

- 36 • Elders

<sup>1</sup> <https://www.bloomberg.com/news/features/2021-11-05/why-american-cities-lost-their-public-bathrooms>

- 1 • Pregnant women
- 2 • Parents with toddlers and young children
- 3 • People who experience disabilities, including who use wheelchairs
- 4 • People with a variety of medical conditions that affect bladder and digestive
- 5 tract function, including bladder cancer, irritable bowel syndrome, ulcerative
- 6 colitis, prostate issues, and side effects of some medications.<sup>2</sup>
- 7

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

19  
20 This bond would provide resources for approximately 18~~between 20 and 30~~  
21 sturdy, standalone public restroom units, intended to be utilized across the  
22 Municipality, as a pilot project for potential expansion of this service, if successful,  
23 in a future year. The unit contemplated is the Portland Loo, a well-tested public  
24 facility designed for safety, cleanliness, and resistance to damage that has  
25 performed successfully in over 20 cities, including Ketchikan and Kodiak, since  
26 being first installed in Portland, Oregon in 2004.<sup>3</sup> These units are ADA-compliant  
27 and designed to balance privacy and safety, with ground-level visibility to determine  
28 if a unit is occupied.

29  
30 **Based on the assumptions of 18 standalone Portland loos in place and an**  
31 **annual Operations and Maintenance (O&M) cost of \$50,000 per unit, we are**  
32 **assuming an increase in O&M of \$900,000 in the bond ballot proposition.**  
33

34 The Assembly desires to schedule a public hearing for this bond ordinance on  
35 **December 5, 2023**~~**November 7, 2023**~~.

36  
37 Please see the attached Project List, attached as Exhibit A.

38  
39 Prepared by: Assembly Members Chris Constant,  
40 Meg Zaletel and Anna Brawley  
41 Acknowledged by: Alden Thern, CFO  
42 Acknowledged by: Anne Helzer, Municipal Attorney

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<sup>2</sup> <https://americanrestroom.org/who-are-the-restroom-challenged/>

<sup>3</sup> <https://www.bloomberg.com/news/features/2021-11-05/why-american-cities-lost-their-public-bathrooms>



1	Acknowledged by:	Sharon Lechner, Acting OMB Director
2	Acknowledged by:	Kent E. Kohlhase, Municipal Manager
3	Submitted by:	Assembly Members Chris Constant,
4		Meg Zaletel and Anna Brawley

**EXHIBIT A**

**Areawide Public Restrooms  
2024 Bond Project List  
(000)'s**

<u>Project</u>	<u>Amount</u>	<u>O&amp;M</u>
The Portland Loo, or similar, stand alone bathrooms	<u>\$9,000</u> <del>[\$12,500]</del>	<u>\$900</u> <del>[-]</del>
<b>Total</b>	<b><u>\$9,000</u></b> <del>[\$12,500]</del>	<b><u>\$900</u></b> <del>[-]</del>

**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)

	FY23	FY24	FY25	FY26	FY27
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services	--	<u>900.0</u>	<u>900.0</u>	<u>900.0</u>	<u>900.0</u>
4000 Debt Service	--	<u>690.4</u> <del><u>[958.8]</u></del>	<u>690.4</u> <del><u>[958.8]</u></del>	<u>690.4</u> <del><u>[958.8]</u></del>	<u>690.4</u> <del><u>[958.8]</u></del>
5000 Capital Outlay					
<b>TOTAL DIRECT COSTS:</b>	--	<u><b>1,590.4</b></u> <del><u><b>[958.8]</b></u></del>	<u><b>1,590.4</b></u> <del><u><b>[958.8]</b></u></del>	<u><b>1,590.4</b></u> <del><u><b>[958.8]</b></u></del>	<u><b>1,590.4</b></u> <del><u><b>[958.8]</b></u></del>

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.**