

Municipal Clerk's Office

Approved

Date: **June 20, 2023**

Submitted by: Assembly Member Cross
Assembly Member Myers

Prepared by: Assembly Counsel's Office
(S) For reading: June 20, 2023

**ANCHORAGE, ALASKA
AO No. 2023-58(S)**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 27.30.010 AND 27.40.010 TO ESTABLISH THE PROVISION OF MUNICIPAL CEMETERIES AS A POWER EXERCISED ON AN AREAWIDE BASIS AND TRANSFER SUCH POWER FROM THE CITY SERVICE AREA.

WHEREAS, the Anchorage Memorial Park Cemetery is currently the only municipal cemetery in the Municipality of Anchorage, located in the City Service Area (the boundaries of what was formerly the City of Anchorage) created during the municipal unification process in 1975-1977; and

WHEREAS, cemetery services are currently expressly provided for in the Girdwood Valley Service Area (GVSA), codified in Anchorage Municipal Code section 27.30.020; and

WHEREAS, Anchorage area cemeteries are running out of room: the Anchorage Memorial Park Cemetery is anticipated to be at maximum capacity within five years; and

WHEREAS, the Comprehensive Plan update of December 2006 identifies the development of community cemeteries as a public facilities priority; and

WHEREAS, the Girdwood Board of Supervisors and its Girdwood Cemetery Committee have invested significant time and effort to plan and advocate for the establishment of a cemetery in the Girdwood Valley area, including selection of land from Heritage Land Bank offerings, conducting an environmental study, and development of a multi-phase development plan with design and construction cost estimates; and

WHEREAS, the Chugiak Community Council, Eagle River Community Council, Eklutna Valley Community Council, and many residents of the Eagle River-Chugiak Park and Recreational Service Area (ERCPRSA) have expressed support for development of a municipal cemetery in the area; and

WHEREAS, the Chugiak-Eagle River Advisory Board, pursuant to AMC section 21.10.030, reviewed a site selection study and acknowledged the importance and need for a local cemetery at its May 19, 2021 meeting; and

WHEREAS, pursuant to Article X, section 11 of the Alaska Constitution and AS 29.35 the Municipality may exercise any power on an areawide basis not otherwise prohibited by law; and

1 **WHEREAS**, this ordinance would permit the municipality to submit to voters the
 2 question of whether to bond for the expense of constructing any new municipal
 3 cemetery; and

4
 5 **WHEREAS**, this ordinance would permit the municipality to levy an areawide tax to
 6 fund the operations and maintenance of existing and future municipal cemeteries **at**
 7 **the same level on an areawide basis**; and

8
 9 **WHEREAS**, the Assembly desires to support the construction and maintenance of
 10 municipal cemeteries in the Girdwood and Eagle River areas in the near future, and
 11 provide for future cemetery needs in the Anchorage Bowl; **and**

12
 13 **WHEREAS, there is reasonable basis for disagreement whether municipal**
 14 **cemetery services are an areawide power already or have been limited to the**
 15 **City Service Area while supported by the general fund, and this ordinance is**
 16 **intended to resolve all doubt or dissent**, by establishing cemetery services as an
 17 areawide power **in the Code**; now, therefore,

18
 19 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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 21 **Section 1.** Anchorage Municipal Code section 27.40.010 is hereby amended to
 22 read as follows (*the remainder of the section is not affected and therefore not set out*):

23
 24 **27.40.010 Areawide powers, generally.**

25
 26 The following powers may be exercised on an areawide basis:

27
 28 * * * * *

29 **R. Municipal cemeteries.**

30
 31 (AO No. 78-148; AO No. 78-158(S); AO No. 81-96; AO No. 2013-64, § 2, 5-7-
 32 13; AO No. 2018-16 , § 1, 2-27-18; AO No. 2019-136 , § 1, 11-19-19)

33
 34 **Section 2.** (*New section in the S-version*) Anchorage Municipal Code section
 35 27.30.010 is hereby amended to read as follows:

36
 37 **27.30.010 - City Service Area.**

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 39 A. There is established, pursuant to section 9.01 of the Charter, a service
 40 area within the municipality to be the City Service Area (CSA) of the
 41 municipality, as outlined on the map located in section 27.30.700. This
 42 service area consists of the area comprised of the former City of
 43 Anchorage as such area existed on September 9, 1975.
 44 B. All of those services authorized by the Charter of the former City of
 45 Anchorage or by the municipal code of the former City of Anchorage
 46 may continue to be exercised in the City Service Area, provided that
 47 services formerly provided or which could have been provided in the
 48 former City of Anchorage may be transferred to new or other service
 49 areas where the assembly, by ordinance, consolidates service areas in
 50 which services are provided by the municipality at the same level.
 51 C. Fire, roads and drainage, parks and recreation, police and solid waste

disposal functions formerly exercised by the City Service Area have been transferred to consolidated service areas established to perform those services. Library **and municipal cemetery** services formerly provided within the City Service Area are now provided on an areawide basis.

(AO No. 48-75; AO No. 18-76; AO No. 47-75; AO No. 31-76; AO No. 19-76)

Section 3. *(New section in the S-version)* **To the extent that the Municipality of Anchorage has not yet assumed them on an areawide basis by previous actions, as a matter of law the Municipality shall succeed to all assets and liabilities of the City Service Area that are used in or for the purpose of the provision of municipal cemetery services. The Municipality shall also succeed to all liabilities incurred for the purpose of acquiring the above.**

Section 4[2]. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 20th day of June, 2023.

Christopher Constant

Chair

ATTEST:

Janie King

Municipal Clerk