

Submitted by: Assembly Chair Constant  
Assembly Vice Chair Zaletel  
Prepared by: Assembly Counsel's Office  
For reading: October 10, 2023

**ANCHORAGE, ALASKA  
AO No. 2023-107**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**  
2 **ANCHORAGE MUNICIPAL CODE SECTION 25.30.020 TO INCLUDE**  
3 **AGREEMENTS TRANSFERRING OPERATIONAL CONTROL OVER**  
4 **MUNICIPAL PROPERTY IN THE CATEGORY OF DISPOSALS OF AN INTEREST**  
5 **IN MUNICIPAL LAND REQUIRING APPROVAL BY ORDINANCE.**  
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8 **WHEREAS**, from time to time the Municipality enters an agreement with a third party  
9 to operate a municipal building or property on its behalf, with terms that confer  
10 management and control to the contractor; and  
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12 **WHEREAS**, the Municipality also occasionally enters use agreements that allow the  
13 contractor to occupy and use municipal buildings or property to the exclusion of the  
14 public or others; and  
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16 **WHEREAS**, Section 10.02(8) of the Anchorage Municipal Charter requires an  
17 ordinance to authorize the conveyance or lease of "any interest in lands of the  
18 municipality"; and  
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20 **WHEREAS**, Section 17.13 of the Charter, *Definitions*, states that "interest in lands  
21 means ***any estate in real property or improvements thereon*** excluding revocable  
22 permits or licenses, rights-of-way, or easements which the assembly finds to be  
23 without substantial value to the municipality," (emphasis added); and  
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25 **WHEREAS**, the Anchorage Assembly has implemented the above Charter  
26 provisions and provided more clarity to its directives through enactment of  
27 Anchorage Municipal Code section 25.30.020, *Disposal by Ordinance*; and  
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29 **WHEREAS**, the aforementioned agreements for operations or use of municipal  
30 property, convey to the contractor a long-term interest in the municipal property or  
31 improvements often to the exclusion of others, but may not be captured within the  
32 scope of AMC section 25.30.020; now, therefore,  
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34 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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36 **Section 1.** Anchorage Municipal Code section 25.30.020 is hereby amended to  
37 read as follows:  
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39 **25.30.020 - Disposal by Ordinance**

- 40  
41 A. Except as required or provided otherwise by law, the municipality may  
42 dispose of municipal land or any interest therein only by ordinance.  
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- 1 B. For purposes of this section, an interest in municipal land means any  
2 estate in real property or improvements thereon, but excluding the  
3 following if found by the assembly to be without substantial value to  
4 the municipality:  
5 1. Revocable permits.  
6 2. Licenses.  
7 3. Rights-of-way.  
8 4. Easements.  
9
- 10 C. Revocable permits or licenses, rights-of-way or easements are  
11 deemed to be without substantial value to the municipality if the  
12 agreement meets the following conditions:  
13 1. The stated value to the municipality for the term of the  
14 agreement is \$50,000.00 or less;  
15 2. The term of the agreement is for one year or less; and  
16 3. If a structure or improvement is authorized, it must be  
17 removable within 30 days of termination of the agreement.  
18
- 19 D. Any conveyance, disposal, contract or other agreement that transfers  
20 or conveys substantial or total control over the operation or use of a  
21 municipal property or facility shall be treated as a disposal for  
22 purposes of this subsection and require an ordinance, excluding the  
23 following:  
24 1. Short term rental or use agreements for less than 90 days,  
25 including options and renewals.  
26 2. Rental or use agreements limited to a small portion of a facility,  
27 such as a room or rooms, or a particular or area for a  
28 designated use.  
29 3. Agreements for operation or use limited to interests in land  
30 identified in Subsection B. and C.  
31 4. Operating agreements and similar agreements to the extent the  
32 agreement is competitively procured under Title 7 and is  
33 subject to assembly approval and public process under Title 7.  
34
- 35 E. Subsequent material amendments to the scope, term, or control of a  
36 disposal under Subsection D. shall also require assembly approval of  
37 an ordinance.  
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- 39 F. An ordinance disposing of municipal land formally dedicated to  
40 permanent or long-term park or recreational purposes is valid only  
41 upon approval by a majority of those voting on the questions at a  
42 regular or special election. When municipal land disposal requires  
43 voter approval, public notice of the proposed disposal of municipal  
44 land shall meet the requirements of section 25.30.025 prior to  
45 assembly action authorizing the ballot proposition.  
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47 (AO No. 79-170; AO No. 80-48(S); AO No. 2007-102, § 1, 8-14-07; AO No.  
48 2015-47, § 2, 5-14-15 )  
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50 **Section 2.** This ordinance shall be effective immediately upon passage and  
51 approval by the Assembly.

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PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

Chair \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Municipal Clerk





**MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM**

No. AM 777-2023

Meeting Date: October 10, 2023

1 **From: Assembly Chair Constant and Vice Chair Zaletel**

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3 **Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**  
4 **AMENDING ANCHORAGE MUNICIPAL CODE SECTION 25.30.020**  
5 **TO INCLUDE AGREEMENTS TRANSFERRING OPERATIONAL**  
6 **CONTROL OVER MUNICIPAL PROPERTY IN THE CATEGORY OF**  
7 **DISPOSALS OF AN INTEREST IN MUNICIPAL LAND REQUIRING**  
8 **APPROVAL BY ORDINANCE.**  
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10 Charter Section 10.02 has always required that the Assembly use ordinances to  
11 “convey or lease, or authorize the conveyance or lease, of any interest in the lands  
12 of the municipality.” An “interest in land” is defined in the charter as “any estate in  
13 real property or improvements thereon excluding revocable permits or licenses,  
14 rights-of-way, or easements which the assembly finds to be without substantial  
15 value to the municipality.” Charter Sec.17.13(e). These sections of the Charter were  
16 implemented in Title 25, specifically at 25.30 .020 – Disposal by ordinance.  
17

18 Essentially, all conveyances of any interest in land must be approved by ordinance  
19 except identified smaller types of conveyances such as revocable permits, licenses,  
20 rights-of-way, and easements, with limited value and terms. See AMC subsections  
21 25.30.020B and C. For example, all leases require assembly approval by ordinance.  
22 The framers of the Charter recognized the importance of public process, including  
23 both public input, public hearing, and assembly approval, when dealing with  
24 municipal land and improvements (buildings and facilities). The framers carved out  
25 less substantial interests, which the Assembly then codified.  
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27 Over time, additional types of conveyances have evolved such as use or operating  
28 agreements wherein a contractor is awarded the control of a substantial municipal  
29 facility, such as the Sullivan Arena, library, or Performing Arts Center. Many of the  
30 larger operating agreements are procured under Title 7 with public process and  
31 approval requirements.  
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33 This ordinance serves to clarify that these other types of agreements which involve  
34 the use of municipal facilities require Assembly approval, if not under Title 7, then  
35 under Title 25. The ordinance continues to recognize and carve out smaller, less  
36 substantial interests.  
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38 Prepared by: Assembly Counsel's Office

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40 Respectfully submitted: Christopher Constant, Assembly Chair  
41 District 1, North Anchorage

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43 Meg Zaletel, Assembly Vice Chair  
44 District 4, Midtown