

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: February 25, 2020

**ANCHORAGE, ALASKA
AO No. 2020-21**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 3.80, CIVIL EMERGENCY, TO**
3 **ENSURE THAT EMERGENCY POWERS CAN BE EXERCISED IN THE**
4 **TEMPORARY ABSENCE OR INCAPACITY OF THE MAYOR OR OTHER**
5 **DELEGATED AUTHORITY, TO MODERNIZE VARIOUS PROVISIONS, AND TO**
6 **PROVIDE THAT A PROCLAMATION OF EMERGENCY SHALL TERMINATE**
7 **AFTER SEVEN DAYS, UNLESS EXTENDED BY THE ASSEMBLY.**
8

9
10 **WHEREAS**, it is in the best interest of the municipality that the mayor's emergency
11 powers remain available to be exercised during a period of temporary mayoral
12 absence or incapacity;

13
14 **WHEREAS**, the current code contains a dated reference to a municipal "bulletin
15 board," which has been replaced by the municipal website;

16
17 **WHEREAS**, state law provides that "local disaster emergency [declaration]. . . may
18 not be continued or renewed for a period in excess of seven days, except by or with
19 the consent of the governing board of the political subdivision" (AS 26.23.140);

20
21 **WHEREAS**, Anchorage Municipal Code presently provides that a local emergency
22 proclamation expires after only 48 hours, unless extended by the Assembly;

23
24 **WHEREAS**, the November 30, 2018 earthquake occurred at 8:29am on a Friday
25 morning, resulting in a mayoral proclamation of emergency at 10:45am;

26
27 **WHEREAS**, the 48-hour requirement in current code required the Assembly to gather
28 and meet early on a Sunday morning to extend the Nov. 30 earthquake proclamation
29 of emergency;

30
31 **WHEREAS**, in an emergency, it may not be practical to gather a quorum of the
32 Assembly in a 48-hour period;

33
34 **WHEREAS**, if the Assembly desires to terminate a mayoral proclamation of
35 emergency, it may do so at any time;

36
37 **WHEREAS**, the limited description of the role of the Office of Emergency
38 Management currently contained in code does not fully capture the office's present
39 functions, and has not been updated since at least 1975 (the current language having
40 been imported from the old code of the Greater Anchorage Area Borough that applied
41 to the precursor "Civil Defense Organization," which was simply renamed the "Office
42 of Emergency Management "in 1983);
43

1 **WHEREAS**, certain references in existing code are inappropriately gendered;

2
3 **WHEREAS**, this ordinance would have no significant economic effects; now,
4 therefore:

5
6 **THE ANCHORAGE ASSEMBLY ORDAINS:**

7
8 **Section 1.** Anchorage Municipal Code chapter 3.80 Civil Emergency is hereby
9 amended to read as follows (*the remainder of the chapter is not affected and*
10 *therefore not set out*):

11
12 **3.80.010 Office of emergency management.**

13
14 There is established an office of emergency management for the municipality
15 as an agency of that government, to be composed of the mayor and such
16 other persons as the mayor[HE] may appoint. The mayor shall appoint an
17 emergency management director or may serve in the capacity and appoint a
18 staff to serve at the pleasure of the mayor.

19
20 The office of emergency management, and all officers and employees of the
21 municipality, together with those volunteer forces enrolled to aid them prior to
22 or during a disaster, shall constitute the office of emergency management as
23 provided by law.

24
25 [THE PURPOSE OF THE OFFICE OF EMERGENCY MANAGEMENT IS TO
26 PROVIDE AN ORDERLY MEANS FOR PLANNING TO MEET
27 EMERGENCIES THREATENING LIFE OR PROPERTY.]

28
29 The functions and responsibilities of the Office Emergency Management shall
30 include the following:

- 31
32 A. Establish and maintain an emergency management program and
33 organization and coordinate emergency operations.
34
35 B. Develop and implement emergency plans for emergency management
36 and emergency resource management in accordance with federal, state
37 and local requirements.
38
39 C. Develop and maintain an Emergency Operations Plan (EOP) and All-
40 Hazard Mitigation Plan.
41
42 D. Coordinate emergency management efforts with all departments,
43 incorporated cities, neighboring jurisdictions, and with other appropriate
44 local, regional, state, federal, tribal, quasi-governmental, and
45 nongovernmental agencies.
46
47 E. Review all emergency plans and annexes prepared by departments
48 and submit comments relative to the submitted annex/plans to the
49 appropriate entity.
50

- 1 F. Maintain the Emergency Operations Center (EOC) in a constant state
2 of readiness for coordination of jurisdictional emergency response.
- 3
- 4 G. Provide leadership and primary liaison of disaster recovery operations
5 in coordination with departments and State agencies.
- 6
- 7 H. Participate in disaster drills/exercises conducted, and/or contemplated,
8 by any departments.
- 9
- 10 I. Formulate educational programs that will provide the public with
11 information on how to prepare themselves for and survive disasters and
12 national emergencies.
- 13
- 14 J. Administer and coordinate the domestic security program with
15 department and regional partners to include development of integrated
16 plans for domestic security and management of homeland security
17 grant programs in coordination with municipal and regional partners.
- 18
- 19 K. Provide guidance, develop the review processes, and oversee
20 municipal Continuity of Operations Plans.

21
22 (GAAB 3.20.010; AO No. 83-159)

23
24 Cross reference— Executive organization, ch. 3.20; office of the mayor, §
25 3.20.010.

26
27 **3.80.015 Assumption of emergency powers during a period of**
28 **temporary mayor absence or incapacity.**

29
30 To the extent permitted by law, during the temporary absence or incapacity of
31 the mayor, the mayor's emergency powers shall be assumed by the manager,
32 or a subordinate designated by the mayor. In the absence or incapacity of both
33 the manager and persons designated by the mayor, the mayor's emergency
34 powers shall be assumed by the first individual listed below that is available to
35 exercise the powers:

- 36
- 37 A. Director of the Office of Management and Budget.
- 38
- 39 B. Chief of the Anchorage Fire Department.
- 40
- 41 C. Director of the Anchorage Health Department.
- 42
- 43 D. Director of the Department of Maintenance and Operations.
- 44
- 45 E. Director of the Department of Project Management & Engineering.
- 46
- 47 F. Chief Fiscal Officer.
- 48
- 49 G. The assembly-confirmed head of a general-government municipal
50 department with the longest total period of continuous service as

department head, excluding the Chief of the Anchorage Police Department and the Municipal Attorney. If more than one assembly-confirmed head of a general-government municipal department shall have the same total period of continuous service as department head, emergency powers shall be assumed by the head of the department with the greater number of employees.

Charter reference— Municipal manager assumes duty of mayor, § 5.03(c).

3.80.020 Succession to office of [MAYOR AND] acting mayor.

If the office of acting mayor becomes vacant, or if the [MAYOR AND] acting mayor is[ARE] absent or unable to perform the duties of the office of acting mayor, the order of interim succession shall be determined as follows:

- A. The assembly member with the longest total period of tenure in office shall assume the office of acting mayor.
- B. If more than one assembly member shall have the same total period of tenure in office, that assembly member who received the largest number of votes at the last election at which such assembly members were elected shall assume the office of acting mayor.

(AO No. 114-76)

[CHARTER REFERENCE— MUNICIPAL MANAGER ASSUMES DUTY OF MAYOR, § 5.03(C).]

Charter reference – Chair of the Assembly becomes acting mayor when office of the mayor is vacant, § 7.02(c).

3.80.030 Definitions.

The following words, terms and phrases, when used in sections 3.80.040 through 3.80.090, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * * * *

Intoxicating liquor means whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing more than one percent alcohol by volume.

Mayor means the mayor or person who has lawfully assumed the powers and duties of the mayor during a temporary absence or incapacity of the mayor, or the acting mayor.

(CAC 2.08.100)

Cross reference— Definitions and rules of construction generally, § 1.05.020.
State Law reference— Limitation on emergency powers, AS 26.23.200.

* * * * *

3.80.050 Dissemination and posting of emergency proclamation.

The proclamation of an emergency as provided in sections 3.80.030 through 3.80.090 shall become effective upon its issuance to the newspapers of general circulation published in the municipality, and [THE] radio and television stations located in the metropolitan area of the municipality. A copy of the proclamation shall be posted [ON THE BULLETIN BOARD AND] at such other places in the municipality as may be directed in the proclamation. The certificate of the mayor that the proclamation was duly declared, issued, disseminated and posted shall be prima facie evidence that all required actions have been fully performed.

(CAC 2.08.050)

State Law reference— Local disaster emergencies, AS 26.23.140; declaration of local disaster emergencies, AS 26.23.140(a); AS 26.23.020(d) (dissemination of local emergency orders and proclamation).

* * * * *

3.80.080 Termination of emergency proclamation.

The emergency proclaimed in accordance with the provisions of sections 3.80.030 through 3.80.090 shall terminate after 168[48] hours from the issuance of a proclamation, or upon the issuance of a proclamation or resolution of the assembly declaring that an emergency no longer exists, whichever occurs first, except that such emergency may be extended for such additional periods of time as determined necessary by resolution of the assembly.

(CAC 2.08.080)

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

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2020.

Chair of the Assembly

ATTEST:

Municipal Clerk