

# STORMWATER UTILITY COMMISSION



Municipality of Anchorage  
Watershed Management Services

Ph: 907.343.8135  
Stormwater@muni.org

March 27, 2021

Dear Assemblywoman LaFrance and Assemblyman Constant:

The Anchorage Assembly passed an ordinance (AO No. 2019-113(S)) on or about September 24, 2019, directing the Mayor to appoint ten members to a Stormwater Utility Advisory Commission (Commission) that would provide an “independent review and analysis” of issues related to the possible establishment of a new Anchorage Stormwater Utility (Utility). The Mayor had appointed, and the Assembly had confirmed, nine members by October 2020. The Commission now has met, developed meeting procedures and passed its first resolution, recommending that the Assembly approve a proposed contract for the second phase of a study that would inform a decision as to the possible development of a Utility. The Commission members propose that the Anchorage Municipal Code provisions related to the Commission’s formation and activities be revised to change the number of commissioners and to allow flexibility in their appointment. Generally, the Commission is of the collective opinion that it should have nine, not ten members and that the description of the expertise of individual members be less restrictive.

The Assembly’s ordinance directs the Mayor to appoint ten members to the Commission, and those members are described by category in Section 2.A of the ordinance. The Commission is concerned about how it could consider and decide issues with an even number of members, and it is concerned about the “no less than ten members” language. Also, while the Commission agrees that Commissioners should have different areas of expertise and experience, it has proven difficult to identify individuals in each of the categories set forth in the ordinance and incorporated into the code provision. The Commission asks the Assembly to reconsider the membership of the Commission. Enclosed is draft language for the proposed revisions to the ordinance, for your consideration.

The Commission is directed by the Ordinance to undertake an “independent review and analysis” of the contracts issued to evaluate the possible Utility; to review the contractor’s work product to “advise and make recommendations” to the Assembly; and, to “engage in public outreach” by holding a public hearing to review the details of the final proposed Utility, including the CPCN, the service area boundary, the scope of services, the rate structure, the stormwater management master plan, and the capital improvement plan. The Commission looks forward to fulfilling its role in the consideration whether and how a stormwater utility might be developed.

Thank you for your consideration of these suggestions.

Tamas Deak  
Commission Chair

CC: Kristi Bischofberger, Watershed Management Services

AMC 4.70.010, Section A, B, & C Establishing SWUC  
with 20210119 changes recommended by SWUC

**AUTHORITY AND RESPONSIBILITIES**

AO 2019-113(S) establishes the SWUC by adding a new section to the Anchorage Municipal Code Chapter 4.70, Utility Commissions, and amending Anchorage Municipal Code Section 4.70.010, Section 2. A, B, and C as follows:

- A. There is established a stormwater utility commission consisting of no less than **nine** members. Commission members shall **include or represent the following areas**:
  - 1. A member in good standing of the Alaska Bar with experience in utility matters;
  - 2. A registered professional engineer in Alaska;
  - 3. A hydrologist or field related to stormwater management;
  - 4. A representative of a commercial or industrial customer in the Anchorage Roads and Drainage Service Area (ARDSA);
  - 5. A member of a road service area board in one of the following areas:
    - a. Anchorage Hillside as defined in the Hillside District Plan that is outside of the ARDSA,
    - b. Section 6/Campbell Airstrip Limited Road Service Area;
  - 6. Two members who are residents of the ARDSA; and
  - 7. Two members chosen at large.
  
- B. In addition to the general responsibilities set forth in section 4.70.010D., the commission shall:
  - 1. Conduct **public hearing(s)**, report, and make recommendations to the mayor and assembly **regarding**:
    - a. application for a certificate of public convenience and necessity and subsequent modifications,
    - b. proposed stormwater utility service area boundary,
    - c. scope of services and service level,
    - d. rate structure,
    - e. stormwater management master plan, and
    - f. capital improvement plan.

AMC 4.70.010, Section A, B, & C Establishing SWUC  
with 20210119 changes recommended by SWUC

2. Conduct public hearings when deemed appropriate on any other matters pertaining to formation and establishment of the new stormwater utility and provide a report and recommendations to the mayor and assembly.
  3. Review and make recommendations regarding drainage management practices, services, rates, and regulations; and
  4. When appropriate, recommend the assembly retain consultant services or procure studies or surveys.
- C. The Manager of the Watershed Management Section of the Project Management and Engineering Department, or designated staff of the section, shall be the executive secretary and technical advisor to the commission and provide administrative support.

**The remainder of the AMC 4.70.010 is unchanged.**