
MUNICIPALITY OF ANCHORAGE
OFFICE OF THE OMBUDSMAN
2012 ANNUAL REPORT



Contact Information

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March 29, 2013

To the Anchorage Municipal Assembly, the Anchorage School District Board of Education, the Administration, and the citizens of Anchorage:

We are pleased to present the Anchorage Municipal Ombudsman's 2012 Annual Report.

This report, and the statistics it contains, explains the work of the Ombudsman's Office in fulfilling its role as an independent, impartial municipal office dedicated to providing information about municipal government and investigating concerns involving municipal government and employees.

The Ombudsman's Office acts as an informational resource for the public and also recognizes outstanding performance by Municipal and School District employees.

Behind the numbers are real people, both citizens who need help navigating and understanding municipal government as well as the dedicated municipal employees who serve the citizens of and visitors to Anchorage. It is our pleasure to serve, inform and empower the public.

Sincerely,



Darrel W. Hess
Municipal Ombudsman



Elizabeth A. Eisses
Deputy Ombudsman



Heather MacAlpine
Associate Ombudsman

Purpose of the Office of the Ombudsman

According to the Municipal Code, the purpose of the Office of the Ombudsman is “. . . hereby establish[ed], in addition to other remedies or rights of appeal, an independent, impartial municipal office, readily available to the public, responsible to the assembly, empowered to investigate the acts of administrative agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and equity in the provision of municipal services.” Anchorage Municipal Code (A.M.C.) 2.60.010.

How to File a Complaint

If you have a question or concern about Municipal government or the Anchorage School District, you may contact the Municipal Ombudsman’s Office and a staff person can assist you in addressing your concern. You may also file an online complaint on the Ombudsman webpage.

You may contact the Municipal Ombudsman’s Office at:

632 West 6th Avenue, Suite 160

P. O. Box 196650

Anchorage, AK 99519-6650

Phone: (907) 343-4461

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Intake and Complaint Processing Statistics

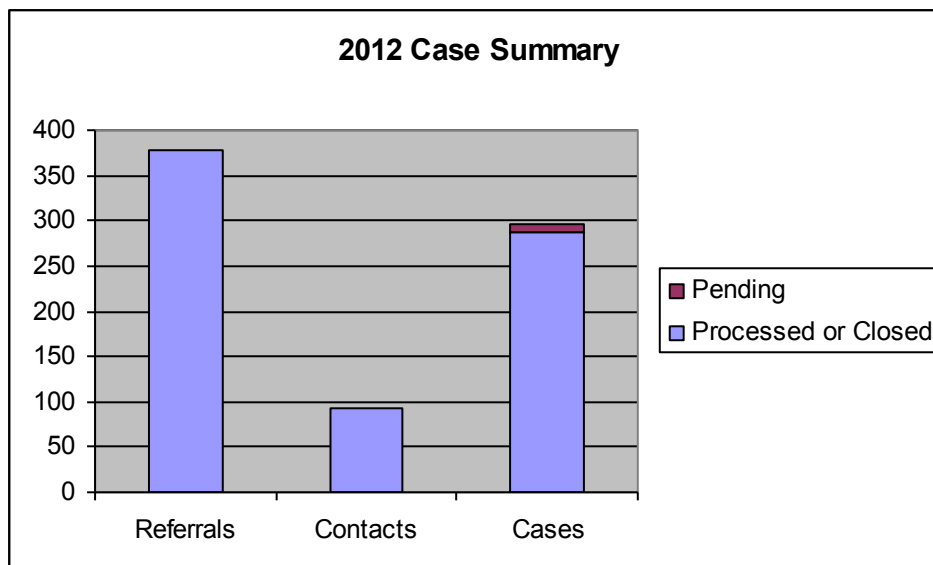
The Ombudsman's Office uses an application called "CityView" to maintain information and process statistics.

The number of **Inquiries** listed in **Table 1** indicates the total number of concerns the public raised with the Ombudsman's Office in 2012, either by telephone, email, mail, fax, or visiting the office. **Contacts** were concerns that required no further action by the Ombudsman staff. **Referrals** refer to the number of inquiries that were referred to state or federal agencies, community agencies, or transferred to Municipal agencies. **Cases** refer to inquiries that required some level of investigation by the Ombudsman's Office.

Table 1. 2012 Processing Statistics

2012 Processing Statistics	Open	Processed or Closed	Pending
Contacts	92	0	0
Referrals	378	378	0
Cases	296	287	9
Total Inquiries	766	757	9

Graph 1. 2012 Processing Statistics



In 2012 the Ombudsman's Office closed a number of cases from prior years (See Table 2 and Graph 2). In the spring of 2011, the Ombudsman's Office was audited for the year 2010. The Ombudsman's Audit is #2011-07, and is posted on the Internal Audit page at http://www.muni.org/Departments/internal_audit/Pages/2011AuditReportpage.aspx.

Table 2. Case Closures and Pending Inventory from 2010-2012

Case Inventory	2010	2011	2012
Pending Cases Start of Period	1026	1236	293
Open Cases	233	247	296
Closed Cases	23	1190	580
Pending Cases End of Period	1236	293	9

Graph 2. Case Closures and Pending Inventory from 2010-2012

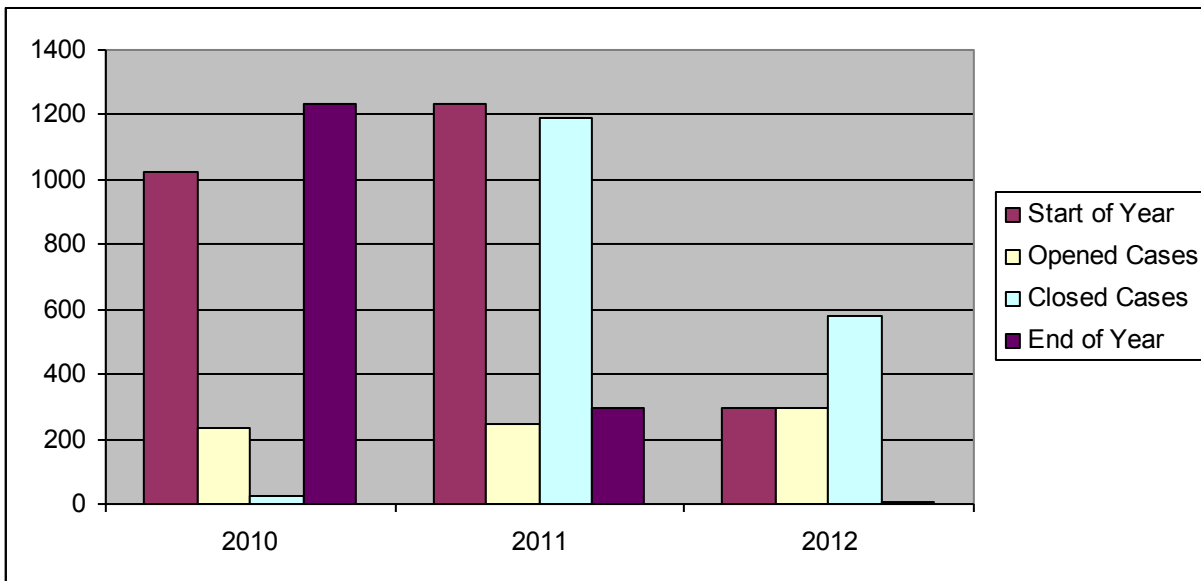
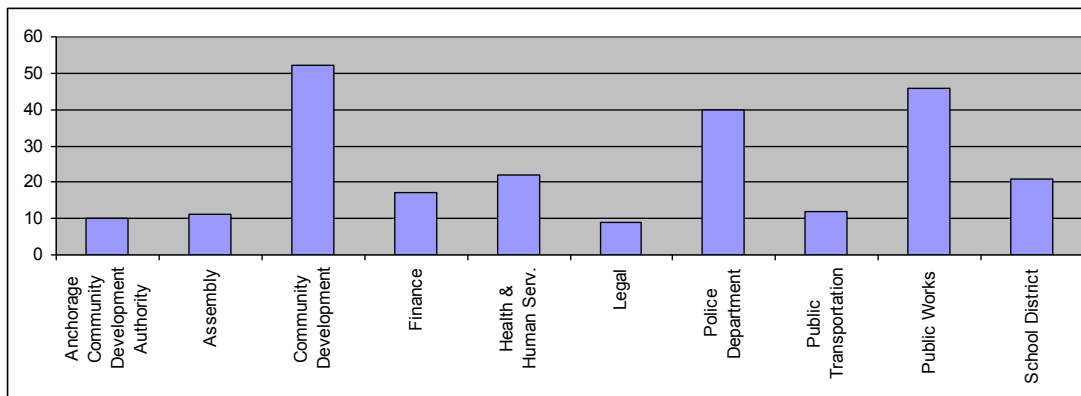


Table 3. 2010-12 Cases by Department

Department	2010	Percent	2011	Percent	2012	Percent
Anchorage Community Development Authority	2	0.85	8	3.24	10	3.38
AWWU	4	1.72	2	0.81	4	1.35
Assembly	3	1.29	6	2.44	11	3.72
Board & Commissions	0		0		0	
Community Development	29	12.44	40	16.19	52	17.57
Economic & Community Development	1	0.43	0		0	
Emergency Management	0		0		0	
Employee Relations	3	1.29	7	2.84	3	1.01
Office of Equal Opportunity	0		0		2	0.68
Equal Rights Commission	0	0.00	2	0.81	0	
Finance	19	8.15	27	10.93	17	5.74
Fire Department	7	3.00	12	4.86	2	0.68
Health & Human Serv.	11	4.72	19	7.69	22	7.43
Information Technology	3	1.29	0		2	0.68
Legal	0		0		9	3.04
Library	2	0.85	0		1	0.34
Mayor's Office	5	2.15	0		0	
Merrill Field Airport	0	0.00	0		0	
Municipal Attorney	13	5.58	6	2.44	0	
Municipal Light & Power	2	0.85	0		0	
Municipal Manager	3	1.29	2	0.81	0	
Parks & Recreation	5	2.15	3	1.21	3	1.01
Police Department	41	17.60	46	18.62	40	13.51
Port of Anchorage	1	0.44	0		1	0.34
Public Transportation	15	6.44	4	1.62	12	4.05
Public Works	25	10.73	18	7.29	46	15.54
Traffic	7	3.00	0			
Purchasing	2	0.85	1	0.40	2	0.68
Real Estate Services - HLB	4	1.72	0		4	1.35
Risk Management	0		3	1.21	3	1.01
School District	11	4.72	26	10.53	21	7.09
Solid Waste Service	5	2.15	3	1.21	7	2.36
Transportation Inspection	0		3	1.21	5	1.69
Not Dept. Specific	17	7.30	9	3.64	17	8.78
All Department Total (calculated)	233	100	247	100	296	100

Historically, the larger Municipal Departments and those with the greatest public contact generate the largest number of cases in the Ombudsman's Office. In 2012 Community Development (17.57%), Public Works (15.54%), the Police Department (13.51%), Health and Human Services (7.43%), and the Anchorage School District (7.09%), ranked 1-5. (See Table 3 and Graph 3)

Graph 3. 2012 Cases by Department (most frequent)

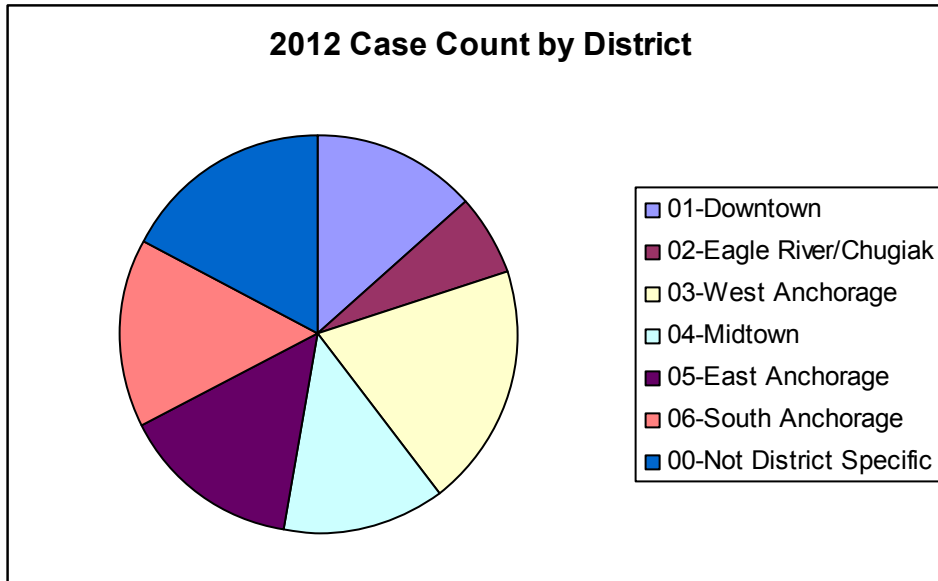


The Ombudsman's Office tracks Cases by Assembly District. These numbers are reflected in **Table 4** and **Graph 4**.

Table 4. Cases by Assembly District 2010-2012

District No./Name	Cases 2010	Percent	Cases 2011	Percent	Cases 2012	Percent
01- Downtown	22	9.44	34	13.76	39	12.16
02-Eagle River/Chugiak	28	12.02	24	9.72	20	6.08
03-West Anchorage	43	18.45	28	11.34	58	17.91
04 - Midtown	44	18.89	50	20.24	39	11.82
05 -East Anchorage	31	13.30	37	14.98	42	11.82
06-South Anchorage	38	16.31	30	12.15	46	13.85
00 -Not District Specific	27	11.59	44	17.81	52	26.34
Total	233	100	247	100	296	100

Graph 4. Cases by Assembly District 2012



2012 Final Investigation Report Summaries

In 2012 the Ombudsman's Staff issued several Final Investigation Reports as authorized by the Municipal Code. Below are summaries of some of those reports:

Final Investigative Report Concerning Ombudsman Complaint 2011-0240

An Anchorage resident contacted the Ombudsman's Office regarding noise created by an adjacent business's late night snow plowing and snow removal. The citizen alleged that the noise levels exceeded the threshold allowed by the business's noise permit, and that the Department of Health and Human Services, Environmental Services Division did not respond adequately to her concerns. A.M.C. Chapter 15.70.040.B mandates that DHHS develop and promulgate standards, testing methods and procedures, and investigate and pursue possible violations under Chapter 15.70, "Noise Control". Unfortunately, DHHS was unable to measure the noise levels at the citizen's home because their noise measuring equipment fails in cold weather. An investigation of DHHS's records showed that the citizen had filed eleven separate complaints, and that DHHS had responded to each appropriately. **Because of the cold weather failure of DHHS's**

equipment, the complaint that DHHS did not accurately measure noise levels to determine if noise permits were violated was found to be **JUSTIFIED**. Because DHHS did respond appropriately to each of the citizen's complaints, the complaint that DHHS did not adequately respond to the citizen's complaints was found to be **NOT SUPPORTED**.

Final Investigative Report Concerning Ombudsman Complaint 2012-0239

A complaint was filed with the Municipal Ombudsman's office in 2012 alleging that the Heritage Land Bank (HLB) had violated provisions of the Municipal Code (A.M.C. 25.40) by not providing the required notification to the affected community council regarding the proposed disposal (sale) of the old National Guard Armory property. Investigation by the Ombudsman determined that the HLB had provided postal mail and email notification to the president of the affected community council, and that the proposed disposal had been noticed on the HLB Advisory Commission web page. The HLB mailed notices to all property owners within 500 feet of the property proposed for disposal, and posted a notice on the property, as required by the Municipal Code. **Because HLB provided the required notice and posted in accordance with the Anchorage Municipal Code, Chapter 25.40, this complaint was found to be NOT SUPPORTED.**

Final Investigative Report Concerning Ombudsman Complaint 2012-0075

A complaint was filed with the Municipal Ombudsman's office in March 2012 alleging that a municipal contractor had posted a job opening that offered a Native shareholder hiring preference. Anchorage Municipal Code, Chapter 7.60.060 prohibits municipal contractors from discriminating on the basis of race or national origin in making employment decisions. While federal law carves out an exemption for employers on or near Indian lands, the Alaska Supreme Court has ruled that this federal law does not preempt the Alaska Constitution's guarantee of equal protection of our own Codes. **Because Anchorage Municipal Code, Chapter 7.60, specifically prohibits racial discrimination or preference in municipal hiring, this complaint alleging that a municipal contractor may not advertise job openings with a Native shareholder preference was found to be JUSTIFIED.**

Final Investigative Report Concerning Ombudsman Complaint 2012-0109

A citizen filed a complaint with the Ombudsman's Office alleging "electioneering" at his polling place, a local elementary school. A sign and informational materials regarding a ballot bond proposal that would benefit the school had been placed inside the building on Election Day. Title 28 of the Anchorage Municipal Code regulates municipal elections and specifically prohibits persons who "attempt to persuade" others to be within 200 yards of a polling location, but does not prohibit "informational" material, nor define "electioneering." **Because the Anchorage Municipal Code prohibits persons who "attempt to persuade" others from being at or within 200 yards of polling locations, but does not prohibit "informational" material and does not define "electioneering," this complaint was found to be INDETERMINATE**

Final Investigative Report Concerning Ombudsman Complaint 2012-0271

An 81-year old citizen contacted the Ombudsman because, although he possessed a valid handicapped parking permit, he had forgotten to display the placard when parking in a designated handicapped parking spot and he had been issued a \$250 citation by Easy Park. The citizen had contacted Easy Park and appealed the citation; his appeal was denied. After reviewing Alaska Statutes and the Anchorage Municipal Code, the Ombudsman determined that "the \$250 fine...reflects the desire to ensure that designated handicapped (accessible) parking spaces are reserved for and used only by persons who meet the criteria...Evidence of an objective to punish citizens who possess a valid handicapped parking placard, but forget to display it...is absent." **Because Anchorage Municipal Code and Easy Park's policies did not offer an adequate, fair and reasonable administrative remedy for persons with disabilities who possess a valid State issued handicapped placard but fail to display it and are cited for illegally parking in a designated handicapped parking space, this complaint was found to be JUSTIFIED.**

In response to the Ombudsman's recommendations, in February 2013 the Assembly passed an ordinance making a handicapped parking violation a correctable offense upon presentation of a handicap parking placard that was valid at the time of the offense.

Public Outreach

In 2012 the Ombudsman's Staff worked to improve the office's interface with the public, including;

- Upgrading and expanding the Ombudsman page at www.muni.org. Copies of the Ombudsman's 2011 Annual Report and 2010-2012 Final Investigative Reports are available, as well as links to the Municipal Departments and outside agencies and organizations that are the office's most frequent referrals.
- Developing a new informational brochure that explains the functions, jurisdiction and purpose of the Ombudsman's Office.
- Developing and implementing a complaint form, including a fillable online version that is available on the Ombudsman webpage.
- Designing new business cards with the Office's "Top 20 Citizen Frequent Flyer" phone numbers listed on the back, including "Hotline" numbers for Pothole and Street Light repair, Code Enforcement and the People Mover Rideline.
- Developing a PowerPoint presentation to share with community groups.
- Doing outreach to local community organizations, including the Downtown, Turnagain and Spenard Community Councils, Alaska Association of Paralegals, Anchorage East Rotary, Spenard Chamber of Commerce., NAACP, Anchorage Coalition to End Homelessness, and others.



"Your Independent Voice For Fairness"

WHAT DOES THE OMBUDSMAN DO?

The Ombudsman Office

- › Acts as a resource for citizens, by answering questions and providing information regarding Municipal government.
- › Recommends to the Assembly, the School Board and the Mayor, changes in policies and procedures and Anchorage Municipal Code, to make the Municipality and School District more responsive to the needs of individuals and the community.
- › Responds in an independent, impartial and confidential manner, while safeguarding the rights of persons and promoting higher standards of competency, efficiency and equity.
- › Investigates complaints against agencies, departments and employees of the Municipality and the School District, as authorized by Anchorage Municipal Code, Chapter 2.60.
- › Makes findings and recommendations through formal investigations about the fairness of official actions by the Municipality or the School District.

Before you contact the Ombudsman

- › Be prepared. Gather any needed information and write down your questions before calling a government office.
- › Don't hesitate to exercise your right to call or write government offices for assistance.
- › Ask for the names of employees you speak with, take notes and save all correspondence.
- › If you are having problems getting answers, or are being treated discourteously, be sure to speak with a supervisor. If a supervisor cannot satisfactorily address your concerns, you can contact the Ombudsman.
- › Courtesy works both ways; be pleasant. Everyone appreciates being treated courteously.



FREE and CONFIDENTIAL Services
Walk-ins Welcome



Betsy, Heather and Darrel

632 West 6th Avenue, Suite 160
Anchorage, Alaska 99501

343-4461

*For Deaf and Hard of Hearing
Persons*

Dial **711** for Alaska Relay Services

Fax: 343-4464

OMBUD@muni.org
www.muni.org/ombudsman

Mail: P.O. Box 196650
Anchorage, AK
99519-6650



Brochure

Recognizing that, for the average citizen, government is often difficult to navigate, the authors of Anchorage's Home Rule Charter provided for a Municipal Ombudsman, who would act as an independent, impartial reviewer of citizen complaints.

It is my honor to serve the citizens of Anchorage as your Municipal Ombudsman. The Anchorage Ombudsman's office is your independent voice for fairness in local government. Our office strives to assist citizens in navigating the agencies and departments of the Municipality of Anchorage and the Anchorage School District, responding to your concerns and questions.

Our goal is to assist, in some fashion, every person who contacts our office. Many of the issues brought to us are non-jurisdictional, but we will attempt to direct you to the correct person, agency, department, business or nonprofit, who can help you.

We look forward to informing, assisting and empowering you regarding local government policies, procedures and codes. Our services are free of charge, and available to anyone within the Municipality. It is our privilege to serve you.

WHAT IS AN OMBUDSMAN?

Ombudsman is a Swedish term, which means "protector or defender of citizen's rights." The Anchorage Ombudsman is appointed by the Assembly and is an independent, impartial reviewer of citizen complaints and concerns. The Municipal Ombudsman is authorized by the 1975 Anchorage Home Rule Charter, and is governed by Anchorage Municipal Code, Chapter 2.60.

The Ombudsman is nominated by an Assembly selection committee, and if confirmed by the Assembly, serves a two year term. Reappointment is allowed. The Ombudsman investigates complaints of unfair treatment and unreasonable actions by the Municipality of Anchorage and the Anchorage School District, and their employees.

Complaints may result from the action, or lack of action, by a Municipal or School District employee. Often complaints are based on misunderstandings of Municipal or School District policies and procedures, Municipal Codes or individual rights. The Ombudsman can interview Municipal and School District Employees, examine confidential documents, inspect agency and department premises, and issue subpoenas.

The Ombudsman is a neutral fact finder when reviewing and researching complaints and the Ombudsman is not an advocate. If an Ombudsman investigation determines that an agency, department or employee made a mistake, or acted unfairly or arbitrarily, the Ombudsman may recommend corrective action. While the Municipality and School District do not have to follow the Ombudsman's recommendations, they usually do.

The Ombudsman does not investigate

The Assembly

The Mayor

The School Board

State or Federal Agencies or Employees

Disputes between private parties

Tenant/Landlord disputes

Decisions more than one year old (generally)

Matters being adjudicated by the courts

MUNICIPALITY OF ANCHORAGE



COMPLAINT FORM

The Ombudsman's Office was established in addition to other remedies or rights of appeal, as an independent, impartial municipal office, readily available to the public, responsible to the Assembly, empowered to investigate the acts of Municipal agencies and Anchorage School District, and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency, and equity in the provision of municipal services.

Please fill out and mail to:

Municipal Ombudsman
PO Box 196650
Anchorage, AK 99519-6650

Name		Date
Address		
City	State	Zip
Phone Number	Alt. Phone Number	
Email Address:		
Name of municipal department you are complaining about:		
Have you tried to resolve the complaint with the department? <input type="checkbox"/> YES <input type="checkbox"/> NO		
<div>*It is important to try to resolve your issue with the agency's help before involving the ombudsman.</div>		
Please provide names and contact information for people you have spoken with and what their response was to your complaint.		
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MUNICIPALITY OF ANCHORAGE OMBUDSMAN COMPLAINT FORM

"The Ombudsman may investigate the administrative acts of agents of the municipality,...The ombudsman shall be barred from inquiry into acts of the mayor, the assembly or school board." **AMC 2.60.110.A. D**

What did the department do that you think is wrong? _____

What do you want from the department? _____

Please provide any other information we may need to help us investigate your complaint. _____

***IMPORTANT** We will not give out your name without your consent. Do you give permission to use your name when talking to the agency? ☐ YES ☐ NO Initial _____

Use this space to provide any further information you feel may be useful in our investigation. **Remember: The Municipal Ombudsman only investigates complaints about municipal agencies.** Use extra paper if necessary.

What do you want the Ombudsman to do for you? _____

Signature _____ Date _____

Acknowledgment

This annual report was prepared by the following members of the Ombudsman's Staff:

Darrel W. Hess, Municipal Ombudsman
Elizabeth A. Eisses, Deputy Ombudsman
Heather MacAlpine, Associate Ombudsman

Special thanks to former Ombudsman Barbara Jones and former Associate Ombudsman Kristina Posini.

A very special thanks to the Municipal Reprographics Team, Ruth, Bob, Tiny and Brandon, for their professionalism and invaluable assistance.

