

PRESS RELEASE



Assembly Leadership Clarifies Assembly Meeting Rules of Procedure for Testimony on Behalf of Community Councils

FOR IMMEDIATE RELEASE

June 10, 2022

Following the Regular Anchorage Assembly Meeting on June 7, 2022, Assembly Leadership verified the Rules of Procedure concerning testimony by speakers representing Community Councils.

Please be advised that, per Anchorage Municipal Code 2.30.040B Appearance Requests, 2.30.040G Audience Participation and 2.30.055B Public Hearings, speakers giving testimony representing Community Councils are provided the following allotments of time:

AMC 2.30.040B	Appearance Requests	3 min – chair <i>may</i> extend
AMC 2.30.040G	Initial and Final Audience Participation	3 min – chair <i>may not</i> extend
AMC 2.30.055B	Public Hearings	5 min – chair <i>may not</i> extend

Sections 2.30.040B Appearance Requests and 2.30.055B Public Hearings were updated in the last year per Anchorage Ordinance 2021-117, an omnibus ordinance to update the code provisions that govern Assembly meetings and procedures, which was amended and passed on January 19, 2022. Section 2.30.040.G. concerning initial and final audience participation was not changed when AO 2021-117 was passed.

“This AO amended the Assembly rules of procedure and clarified the existing discretion of the Chair to extend time for individuals representing groups to make clear that time could be extended for appearance requests and testimony during public hearings. The allotted time of five minutes to Community Council representatives for testimony on public hearing items was not changed in any section of the code,” said Chair Suzanne LaFrance.

“At the regular Assembly meeting on June 7, 2022, the Mayor asserted a speaker representing a community council should be allotted five minutes during audience participation. While five minutes is allotted for speakers representing Community Councils during public hearings, there are different rules for portions of the meeting where members of the public may participate and representatives are not entitled to additional time during initial or final audience participation,” said Vice Chair Christopher Constant.

PRESS RELEASE

The ordinance as amended is attached for reference and available online via the Public Portal to Assembly Documents. While the updated information is not yet reflected in the Municode Library, updates will be published soon.

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Contact: Legislative Services wwmasls@anchorageak.gov, 907-538-2259

Municipal Clerk's Office

Amended

Date: **January 11, 2022**

Amended and Approved

Date: **January 19, 2022**

Mayoral Veto Overridden

Date: **January 28, 2022**

Submitted by: Assembly Chair LaFrance,
Vice Chair Constant, Member
Perez-Verdia

Prepared by: Assembly Counsel

For reading: November 23, 2021

**ANCHORAGE, ALASKA
AO No. 2021-117, As Amended**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE CHAPTER 2.30 RULES OF PROCEDURE FOR ASSEMBLY**
3 **TO CODIFY ADDITIONAL RULES OF PROCEDURE FOR THE ASSEMBLY AND**
4 **PRESIDING OFFICER TO PROMOTE THE EFFICIENT, SAFE AND ORDERLY**
5 **CONDUCT OF ASSEMBLY BUSINESS.**

6
7 **WHEREAS**, Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly
8 by ordinance shall determine its own rules and order of business”;

9
10 **WHEREAS**, Anchorage Municipal Charter section 4.04(a) provides “[t]he assembly
11 shall elect annually from its membership a presiding officer known as ‘chair’”;

12
13 **WHEREAS**, the Anchorage Municipal Assembly has adopted Rules of Procedure
14 codified in Anchorage Municipal Code chapter 2.30 *Rules of Procedure for Assembly*;

15
16 **WHEREAS**, Anchorage Municipal Code section 2.30.030l. provides that “In all
17 matters not covered by this chapter, Robert’s Rules of Order, Newly Revised, shall
18 govern”;

19
20 **WHEREAS**, some of the Assembly’s customary practices, such as those relating to
21 immediate reconsideration of an item, are addressed only in Robert’s Rules, and not
22 in municipal code;

23
24 **WHEREAS**, some of the rules and nomenclature contained in Robert’s Rules of
25 Order, Newly Revised, depart from traditional Assembly practice (e.g., to “lay [an
26 item] on the table,” in Assembly parlance, has been used to add an item to the
27 agenda, whereas the motion is used in Robert’s Rules to “lay [a] main motion aside
28 temporarily”);

29
30 **WHEREAS**, further codification of the Assembly’s rules of procedure in municipal
31 code can reduce confusion and provide greater clarity to the public;

32
33 **WHEREAS**, this ordinance will not have significant economic effects; now, therefore,

34
35 **THE ANCHORAGE ASSEMBLY ORDAINS:**

36
37 **Section 1.** Anchorage Municipal Code chapter 2.30 is hereby amended to read as
38 follows (*the remainder of the section is not affected and therefore not set out*):

39 * * * * *

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41 **2.30.020 Presiding officer.**

- 1 A. The chair of the assembly shall be the presiding officer of the assembly.
 2 B. The vice-chair of the assembly shall be the presiding officer of the
 3 assembly in the case of unavailability of the chair.
 4 C. The presiding officer shall be addressed as "Chair."
 5 D. The presiding officer shall be a member of the assembly with all of the
 6 power and duties of that office.
 7 E. The chair shall have the authority to make rulings, subject to being
 8 overruled by vote of the assembly, to promote the efficient, safe and
 9 orderly conduct of Assembly business. That authority shall include:
 10 1. Establishment of a seating chart~~[arrangement of chambers]~~.
 11 The chair shall have the authority to establish a seating chart for
 12 assembly members and assembly staff ~~[individuals]~~
 13 participating in an Assembly meeting. [, and to prescribe how
 14 the physical space of a premise used for an assembly
 15 meeting may be used].
 16 2. Arrangement of chambers. The chair shall have the
 17 authority to prescribe how the physical space of a premise used
 18 for an assembly meeting may be used.
 19 3~~2~~. Prohibited items. The chair shall have the authority to prohibit
 20 members of the public from bringing dangerous or distracting
 21 items to Assembly premises, or to require an item to be removed
 22 from Assembly premises if it is being used to create an actual
 23 disturbance.
 24 4~~3~~. Removal for actual disturbance. The chair shall have the right to
 25 order a person to be removed from a meeting for creating an
 26 actual disturbance to the meeting.
 27 5~~4~~. Direction to security. The chair shall have the right to direct
 28 security guards at Assembly chambers, in furtherance of
 29 Assembly meeting purposes.
 30 6~~5~~. Signage. The chair shall authorize signage posted at Assembly
 31 meetings, related to the Assembly meeting.
 32 7~~6~~. Safety rules. The chair may adopt rules to promote the safety of
 33 members and attendees of assembly meetings.
 34 8~~7~~. Dilatory motions, points of order, and requests for information.
 35 The chair shall rule out of order motions, points of order, and
 36 requests for information that are dilatory.
 37 9~~8~~. Non-germane requests for information. The chair shall rule that
 38 a request for information is out of order if it is not germane to the
 39 pending motion or public hearing.
 40 10~~9~~. Recess. The chair may temporarily recess a meeting for
 41 convenience, to restore order, or to resolve a technical issue.
 42 11~~10~~. Committee, liaison, and other assignments. The chair
 43 shall appoint assembly members to subcommittees of the
 44 assembly, and appoint a member to chair, vice-chair, or
 45 members to co-chair, each subcommittee. The chair shall
 46 appoint assembly members as liaisons to other

organizations, and to roles identified in Charter or this code requiring appointment of an assembly member by the assembly.

12[11]. Office assignments. The chair shall assign members office space.

13[12]. Direction to municipal clerk. The chair shall provide direction to the municipal clerk.

(AO No. 13-75; AO No. 78-49; AO No. 2017-53, § 4, 4-11-17)

Charter and Code reference: Assembly AMATS Policy Committee Members, Charter § 12.03; ACDA Board of Directors, section 25.35.030B.

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2.30.035 Meeting agenda.

A. *Order of business.* The order of business at all regular meetings of the assembly shall be as follows:

1. Call to order.
2. Roll call.
3. Pledge of allegiance and land acknowledgment.
4. Minutes of previous meetings.
5. Mayor's report.
6. Assembly Chair's report.
7. Committee and liaison reports.
8. Addendum to agenda.
9. Appearance requests and initial audience participation (shall begin no earlier than 5:15 p.m. and testimony by the last person for initial audience participation shall begin no later than 6:00 p.m.).
 - a. Appearance requests shall be in accordance with section 2.30.040.
 - b. Following appearance requests, members of the public may be heard under initial audience participation, in accordance with subsection 2.30.040G.
10. Consent agenda.

Routine items requiring assembly action may be placed on the consent agenda for approval upon a single motion and vote. Prior to approval, on the request of any member of the assembly, an item placed on the consent agenda may be pulled from the consent agenda and considered with a separate vote.

 - a. Resolutions for action - proclamations and recognitions.
 - b. Resolutions for action - other.
 - c. Bid awards.
 - d. New business.

- 1 e. Appropriation items.
 2 f. Information and reports.
 3 g. Ordinances and resolutions for introduction. All
 4 ordinances and those resolutions requiring a public
 5 hearing will be placed on the consent agenda for
 6 introduction and will be set for public hearing at a future
 7 meeting.
- 8 11. Unfinished business and unfinished action on public hearing
 9 items.
- 10 12. **Unfinished business and unfinished action on quasi-**
 11 **judicial matters after public hearing, or other administrative**
 12 **matters, and special orders[RESERVED].**
- 13 13. Continued public hearings (shall begin no earlier than 6:00 p.m.,
 14 and shall be taken up immediately following completion of
 15 unfinished business and unfinished action on public hearing
 16 items).
- 17 14. New public hearings (shall begin no earlier than 6:00 p.m. and
 18 shall be taken up immediately following completion of continued
 19 public hearings).
- 20 15. **New and continued q[Q]uasi-j[J]udicial public hearings[OR**
 21 **ADMINISTRATIVE MATTERS AND SPECIAL ORDERS].**
- 22 16. Final audience participation.
- 23 17. Assembly comments.
- 24 18. Executive sessions.
- 25 19. Adjournment shall be promptly at 11:00 p.m.; provided,
 26 however, by two-thirds vote of the assembly, adjournment and
 27 business before the assembly may be continued past 11:00 p.m.
 28 until 12:00 midnight.
- 29 B. *Laid-on-the-table items.* Upon passage of a motion to amend the
 30 agenda duly made and seconded, any member of the assembly may
 31 request action on items not included in the regular or addendum
 32 agenda. A motion to “lay an item on the table” may be taken as a motion
 33 to amend the agenda.
- 34 1. *Ordinances.* Ordinances for introduction may be laid on the table
 35 at any time, pursuant to Charter Section 10.01. Ordinances shall
 36 be set for a public hearing following introduction and upon
 37 approval of three assembly members. The required approval
 38 may be in the form of a motion by an assembly member to
 39 introduce an ordinance, accompanied by both a second and a
 40 third.
- 41 2. *Resolutions to be set for a public hearing at a future meeting.* A
 42 resolution may introduced and be laid on the table at any time if
 43 the member introducing the resolution moves to set the
 44 resolution for public hearing at a future meeting and the motion
 45 is approved by majority vote.
- 46 3. *All other assembly items, including resolutions not set for a*

- 1 public hearing at a future meeting. Upon an affirmative vote of
 2 at least eight members, the assembly may take action on these
 3 items only under circumstances that require immediate
 4 assembly action, such as financial necessity, natural disasters,
 5 or when time is of the essence for assembly action on an item.
- 6 C. Supplemental materials. Additional materials on an item included on a
 7 properly published and distributed agenda may be added at any time.
- 8 D. Public notice of agenda. The agenda for the regular assembly meetings
 9 shall be published no fewer than 36 hours prior to any regular assembly
 10 meeting.
- 11 E. Agenda distribution. The agenda for regular assembly meetings shall
 12 be distributed to each assembly member and the mayor not less than
 13 72 hours prior to the regular assembly meeting.
- 14 F. Agenda for special meeting. The agenda for a special meeting shall
 15 include such items as are necessary to accomplish the purpose of the
 16 meeting, and at least the following:
- 17 1. Call to order.
 18 2. Roll call.
 19 3. Pledge of allegiance and land acknowledgment.
 20 4. Items of business.
 21 5. Audience participation.
 22 6. Assembly comments.
 23 7. Adjournment.
- 24 G. Public hearings at continued and special meetings. Continued and new
 25 public hearings at special meetings, if any, may be opened or resumed
 26 at any time during the pendency of the meeting.
- 27 H. Adoption. A published agenda applies to the meeting for which it was
 28 published, subject to amendment at the meeting, and does not need to
 29 be formally adopted or approved by vote.

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 31 (AO No. 2017-53 , § 6, 7-1-17; AO No. 2020-30(S) , § 2, 4-28-20)

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 34 **2.30.040 Appearance requests and audience participation.**

- 35 A. A person wishing to speak before the assembly under "appearance
 36 requests" must file an appearance request with the municipal clerk
 37 specifying the topic on which the person intends to speak.
- 38 B. Appearance requests will be heard by the assembly when placed on
 39 the agenda by the municipal clerk. A person may only file one
 40 appearance request per meeting. Each speaker is limited to three
 41 minutes of testimony. The chair may, at the chair's discretion, extend
 42 the time for remarks beyond three minutes when the speaker is
 43 representing a group.
- 44 C. In determining whether or not appearance requests are placed on the
 45 agenda, the municipal clerk, in conjunction with the assembly chair,
 46 shall adhere to the following:

- 1 1. If the appearance request has clearly defined administrative
2 channels of resolution that have not yet been utilized by the
3 person requesting an appearance before the assembly, the
4 municipal clerk shall refer the person to the appropriate
5 administrative channels of resolution.
6 2. Except under special circumstances as determined by the chair,
7 appearance requests which involve the following shall not be
8 accepted.
9 a. Items that have clearly defined administrative channels of
10 resolution that have not yet been utilized by the person.
11 b. Items that the assembly or administration has no
12 jurisdiction over and/or responsibility or authority to
13 resolve per the Municipal Charter, Municipal Code, or
14 Municipal Code of Regulations.
15 c. Subjects currently under labor negotiations.
16 d. An item upon which litigation involving the person or the
17 person's representative is currently pending.
18 3. To ensure that sufficient time remains available for the Assembly
19 to conduct its business, not more than three appearance
20 requests will typically be granted for any single meeting.
21 D. Appearance requests accepted by the municipal clerk must be placed
22 before the assembly no later than 14 days after acceptance.
23 E. In lieu of appearance requests, the assembly will accept brief written
24 communications on any subject at the electronic transmission address
25 assigned to assembly members by the Municipality of Anchorage.
26 Other written communications directed to the assembly will be
27 reproduced, if necessary, and distributed to assembly members by the
28 municipal clerk no later than 14 days after receipt.
29 F. Persons who do not wish to speak before the assembly under
30 "appearance requests," persons who had their appearance request
31 denied under subsection C.2 of this section, or persons who do not wish
32 to submit written communications, may be heard under "audience
33 participation."
34 G. If time is available, final audience participation shall be scheduled at
35 each regular meeting. Audience participation is limited to three minutes
36 of testimony per speaker, whether during initial or final scheduled
37 audience participation. A person may testify on any topic; however, a
38 person shall not testify on the speaker's own appearance request at the
39 same meeting.

40 (AO No. 78-49; AO No. 79-137, 10-18-79; AO No. 94-177(S), § 2, 10-27-94;
41 AO No. 2014-2(S), § 1, 2-25-14; AO No. 2017-53 , § 7, 4-11-17; AO No. 2020-
42 30(S) , § 4, 4-28-20)

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44 **2.30.055 Conduct of public hearing.**

- 45 A. The chair or presiding member of the assembly meeting may request
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1 persons testifying at public hearing to give their name, and to identify
2 their neighborhood or community of residence.

- 3 B. Each individual giving testimony shall be allocated three minutes. The
4 time limit for a designated representative of a community council is five
5 minutes. The time limit for a designated representative of the Native
6 Village of Eklutna is five minutes. The chair may, at the chair's
7 discretion, extend the time for remarks beyond three minutes when the
8 speaker is representing a group. The speaker must focus testimony to
9 the topic of the public hearing. An individual may use a portion of their
10 allocated time to engage in silent protest, but while doing so, must not
11 prevent or delay other members of the public from providing[the
12 assembly from receiving other] testimony while the individual's silent
13 protest continues.

14 * * * * *

- 15 E. If any time scheduled for public hearing proves inadequate to hear all
16 persons present to testify, the public hearing shall be continued.
17 1. Continued public hearing may be scheduled for any day of the
18 week.
19 2. If the date, time, and location of continued public hearing cannot
20 be announced when the public hearing is continued, public
21 notice shall be given as soon as practicable.
22 F. If the assembly anticipates public hearing or assembly deliberation will
23 draw more people than the assembly chambers will accommodate,
24 additional space with audio or audio and video in the Wilda Marston
25 Theater or other location will be used, if available, to facilitate seating
26 for additional members of the public.
27 G. Notwithstanding subsection E. of this section, the assembly may close
28 a public hearing: [.]
29 1. In order to meet a deadline imposed by law, [OR]
30 2. If necessary to pass an [BUDGET OR APPROPRIATION] item which
31 is, in the sole discretion of the assembly, time sensitive[.], or
32 3. If the item for which the public hearing is being conducted is
33 postponed indefinitely.
34 H. Questions posed by assembly members should be to provide
35 clarification or additional information on testimony provided. Members
36 shall not engage in debate with members of the public. Questions
37 should not be used as an attempt to lengthen or expand the testimony
38 of an individual. Assembly members shall use restraint and be
39 considerate of the meeting time of the Assembly in exercising the
40 option to pose questions. The chair may intervene if a member is
41 violating the spirit of this subsection, or if questions become so
42 numerous as to impair expeditious conduct of the public hearing.

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44 (AO No. 2014-2(S), § 3, 2-25-14; AO No. 2017-53, § 10, 4-11-17; AO No.
45 2020-137(S), § 2, 1-14-21)
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2.30.060 Public hearings and action on resolutions.

- A. The assembly may set public hearings on resolutions at such time and with such public notice as the assembly may determine.
- B. Public hearings [AND ACTION] on proposed resolutions shall be conducted in compliance with section 2.30.055[THE PROCEDURES FOR ORDINANCES PURSUANT TO THE CHARTER AND THIS CHAPTER].
- C. Action on proposed resolutions shall be governed by this chapter.

(AO No. 78-49; AO No. 92-162; AO No. 94-176, § 3, 9-27-94; AO No. 95-227, 1-2-96; AO No. 2014-2(S), § 4, 2-25-14; AO No. 2017-53 , § 11, 4-11-17)
State Law reference— Permanent file required, AS 29.25.060.

2.30.065 Motions.

- A. By a member with the floor. A motion that is in order may be made at any time by a member who has been granted the floor by the chair.
- B. Rules applicable to specific motions.
1. Motion to postpone indefinitely. Any main motion may be **postponed**[~~proposed~~] indefinitely.
 2. Motion to lay on the table. A motion to lay an item on the table may be taken as a motion to amend the current agenda.
 3. Motion to change the order of the day. The assembly may re-order an agenda and take up any item by motion of a member to change the order of the day. A motion to change the order of the day requires a second, and a majority vote.
 4. Motion to continue. A public hearing and action on an item can be continued to any date.
 5. Motion to reopen a public hearing. A motion to reopen a public hearing requires a majority vote.
 6. Motion to reconsider. A motion to reconsider a vote may be made only by a member who voted with the prevailing side and seconded by any other member of the assembly. The motion must be made and seconded during the meeting at which the action to be reconsidered was taken, or by written notification to the municipal clerk within 24 hours of the adjournment of the meeting by the moving party and second. A motion to reconsider may not be made regarding the assembly's action on whether to protest a state liquor license or marijuana license application, or on the assembly's certification of an election. Any member of the assembly may call up a motion to reconsider which has been duly made and seconded at any time during the meeting at which made, or at the next meeting of the assembly.
 6. Motion to reconsider and enter upon the minutes. A motion to reconsider and enter upon the minutes is out of order, except in circumstances:
 - a. Absent members. When one or more assembly members is absent from the meeting; and

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- b. Vote could have changed. The absent members could have changed the outcome of the vote to be reconsidered, had the absent members been present and voted in the negative.
 - 8. Effect of motion to reconsider. A proper motion to reconsider, once seconded, suspends implementation and effect of the decision for which reconsideration is sought, until the assembly takes action on that motion.
 - 9. Second motions to reconsider that are not in order. No motion or item can be reconsidered twice, unless it was materially amended during the first reconsideration. The failure of an immediate vote for reconsideration precludes a further motion for reconsideration.
 - 10. Motion for a division of the assembly. A motion for a division of the assembly is out of order whenever the outcome of the immediately prior assembly vote is clear.
 - 11. Motion to rescind or amend something previously adopted. A motion to rescind or to amend something previously adopted may be moved by any member, but must be seconded. An ordinance, resolution or memorandum may not be rescinded or amended by motion **[AFTER] if a provision of the measure has been carried out or implemented and after the effective date of the ordinance, resolution, or memorandum has passed.** Other actions that cannot be rescinded or amended by motion to amend something previously adopted are as defined in Robert's Rules of Order, Newly Revised.
 - a. Approval. A motion to rescind or to amend something previously adopted requires the approval of two-thirds of the entire assembly unless previous notice of the motion has been given at the regular meeting immediately preceding that meeting during which the motion is to be considered. If previous notice of the motion has been given, only a majority of the assembly is required for approval.
 - b. Further motions if motion fails. Upon failure of a motion to rescind for which previous notice has once been given, no further motions or notices of intent to rescind the same action are in order. Upon failure of a motion to amend something previously adopted for which no previous notice has been given, no further motions or notices of intent to amend the same action, substantially similar in substance to the failed motion to amend, are in order.
 - c. Time limit and suspension. There is no time limit on making either a motion to rescind or to amend something previously adopted. The making of either motion or the notice of intent to do so does not operate to suspend the

implementation or effect of any prior Assembly action, in contrast to a proper motion to reconsider, and the effective date of action is not delayed.

12. Motion to suspend the rules. A motion to suspend the rules may be applied to a procedural rule in Chapter 2.30 of this code, provided it does not in effect suspend a fundamental principle of parliamentary law or violate a federal or state law, municipal Charter, or another municipal code provision prescribing procedural rules applicable to the subject matter.

- C. No Committee Motions. Motions may not be referred to the assembly by committee.
- D. Withdrawal. A motion may be withdrawn by the mover at any time before it is voted upon without the consent of the second, or the assembly.

2.30.070 Voting and disclosure of financial and private interests.

- A. *Duty to vote.* All assembly members present shall vote on each question before the assembly for determination, unless excused by the chair or a quorum of the assembly as provided in subsection B.
- B. *Duty to disclose financial or private interests.* Prior to participation in official action, each member shall disclose financial or private interests for determination of whether they are substantial. No member of the assembly may vote or participate in any official action of the assembly on any question in violation of Chapter 1.15, Code of Ethics.
- C. Stating the question. The chair formally places a motion before the assembly by stating the question. The chair may state the question by referencing written items or amendments, which are incorporated into the chair's statement as if read in full.
- D. Announcing the vote; tie vote. On completion of the vote, the chair of the assembly shall announce the number of affirmative votes, the number of negative votes and whether the action has carried or has failed. If the votes on a motion result in a tie, the motion fails.
- E.[D.] Votes required.
1. An affirmative vote of six members of the assembly is required to carry any measure or motion before the assembly, unless a greater number is required by ordinance or the Charter. Any lesser number, even though it constitutes a majority of the members present, shall not carry and the measure shall be defeated.
 2. Some assembly actions require a supermajority of eight votes of the assembly. Motions or actions that require eight votes (a supermajority or two-thirds) include:
 - a. The Charter:
 - § 5.02(c) - motion to override mayoral veto;

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- § 7.01(b) - motion to remove an elected official (see also AMC 2.70.030B);
- § 18.02 - motion to approve an ordinance for voters to amend the Charter;
- b. Anchorage Municipal Code:
 - 2.30.035A.14. & 20. - motion to extend the time of the meeting;
 - 2.30.080H. - motion to rescind or amend something previously adopted without prior notice;
 - 2.70.030B. - motion to remove an elected official (see also Charter at § 7.01(b));
 - 3.70.100C.10.- motion to approve decision by arbitrator after impasse;
 - 14.20.010. - motion to remove administrative hearing officer prior to expiration of term without cause requires affirmative vote of the mayor and six assembly members or eight members of the assembly;
 - 21.10.030.- motion to approve appointment of members of the board of adjustment;
 - 21.20.120.- motion to approve zoning map amendment if the amendment is protested by owners in the area under certain specific circumstances;
 - 21.20.140. - motion to approve an overlay district zoning map amendment if the overlay district amendment is protected by owners in the area under certain specific circumstances;
 - 21.40.240T. - motion to approve a T zone use if the T zone land use determination is protested by the owners in the area under certain specific circumstances;
 - 25.20.027E. - motion to approve an ordinance on the

1 limitations on the exercise of eminent
2 domain;

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4 • 25.35.065A. - motion to designate and withdrawal of
5 municipal land to the Anchorage
6 Community Development Authority;

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8 • 31.10.020 - motion to remove member of the board of
9 directors of the Anchorage Waste Water
10 Utility (AWWU) affirmative vote of the
11 mayor and six assembly members or eight
12 members of the assembly;

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14 c. Other motions or actions as detailed in the Charter and
15 code.

- 16 • 2.30.080I. - other motions or actions not covered by
17 Chapter 2.30 are governed by Robert's
18 Rules of Order, Newly Revised, shall
19 govern.
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21 F.[E.] *Numbers of members for determining a majority or supermajority (two-*
22 *thirds).* Whenever this title refers to a vote of a majority or other greater
23 designated portion of the assembly, the vote required shall be the
24 designated portion of the number of members authorized to serve on
25 the assembly (11 members). A majority is not determined by a majority
26 of the members present.
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28 (AO No. 13-75; AO No. 78-49; AO No. 79-137; AO No. 80-56; AO No. 85-56;
29 AO No. 87-17(S); AO No. 94-191, § 1, 10-25-94; AO No. 2001-58, § 1, 3-20-
30 01; AO No. 2002-61, § 1, 3-19-02; AO No. 2005-79, § 1, 6-28-05; AO No.
31 2006-140(S-1), § 3, 1-1-07; AO No. 2017-53 , § 12, 4-11-17; AO No. 2020-
32 30(S) , § 6, 4-28-20)
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34 Editor's note— Subsection H. is repealed effective March 20, 2002 unless
35 renewed prior thereto.
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37 Charter reference—Voting, §§ 4.02(d), 10.03; quorum, § 4.04(e); ordinances,
38 § 10.01.
39

40 Cross reference— Code of ethics, ch. 1.15.
41

42 State Law reference— Requirements for voting, AS 29.20.010.
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44 **2.30.075 Absences, excused absences, and telephonic**
45 **participation.**

46 A. Unless a member is participating telephonically with advance approval

of the chair, a member of the assembly who is physically absent from a regular or special meeting, including an executive session, will be recorded as absent. A member of the assembly who is physically absent from a regular or special meeting, including an executive session, and not approved to participate telephonically, must obtain approval from the chair for the absence to be an excused absence.

B. A member of the assembly who is participating telephonically under this section may participate in and vote at the meeting by telephone or other electronic means under the following circumstances:

1. The meeting is held with a quorum of members physically present, except as expressly provided in subsection D. of this section;
2. Reasonable technical capabilities are available at the meeting location to allow the member to participate, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting;
3. The member participating telephonically has the ability to obtain the meeting agenda and other pertinent documents to be discussed and/or acted upon; and
4. A member who is participating telephonically will have a voice vote.

C. Telephonic participation under this section shall include any means through which a member may participate remotely, to include being able to hear and engage in discussion, and being audible to all persons participating in the meeting.

D. When the mayor, governor, or federal government has declared an emergency, or for good cause by ruling of the chair, a quorum of assembly members may be established with the combined total of members physically or telephonically present.

(AO No. 2017-53 , § 13, 4-11-17; AO No. 2020-31 , § 1, 3-20-20)

2.30.080 Conduct of debate and discussion; general parliamentary authority.

A. Obtaining the floor. The mayor or any assembly member, when desiring to speak at an assembly meeting, shall respectfully address the chair as "Chair," and shall refrain from speaking until recognized.

B. Order of recognition. Debate on any question before the assembly may be initiated by any member, but the moving party shall be given first opportunity to do so. When two or more members request recognition at the same time, the chair shall determine which one shall speak first. The chair may call on members in the order in which they indicated their desire to speak, or may attempt to alternate between those favoring and opposing a motion. No one is entitled to the floor a second time in debate on the same motion on the same day as long as any other member who has not spoken on this motion desires the floor.

C. Order and decorum; rulings of the chair. The chair shall be charged

1 with the responsibility of maintaining order and decorum at all times.
 2 The chair shall make such rulings as deemed necessary concerning
 3 points of order or concerning spectators. [THE CHAIR SHALL INSTRUCT THE
 4 MEMBERS OF THE PUBLIC TO BE AS BRIEF AS POSSIBLE AND, WHEN SPEAKING
 5 AS AN INDIVIDUAL OR FOR A GROUP, TO CONTAIN THEIR REMARKS TO THREE
 6 MINUTES. THE CHAIR MAY, AT THE CHAIR'S DISCRETION, EXTEND THE TIME
 7 FOR REMARKS BEYOND THREE MINUTES WHEN THE SPEAKER IS
 8 REPRESENTING A GROUP.]

9 D. Overruling a chair's ruling. Any assembly member may challenge a
 10 ruling of the chair by motion to overrule the ruling of the chair.[,] [AND,
 11 IF DULY SECONDED, T]The chair's ruling shall stand unless the motion to
 12 overrule receives a second and is passed[DISAPPROVED] by a majority
 13 vote of the assembly.

14 E. Member comments; chair's participation in debate. Every member,
 15 while speaking, shall confine the member' **s comments** to the subject
 16 under debate, and shall not refer to any other member except in a
 17 respectful manner. Members shall generally speak while seated. If the
 18 chair of the assembly wishes to speak in debate, the chair shall
 19 temporarily relinquish control of the meeting to the vice chair or, in the
 20 absence of the vice chair, to any other member present. At the
 21 conclusion of the chair's remarks, the chair shall resume control of the
 22 meeting.

23 F. Total time for debate. [DEBATE ON ANY QUESTION BEFORE THE ASSEMBLY
 24 MAY BE INITIATED BY ANY MEMBER, BUT THE MOVING PARTY SHALL BE GIVEN
 25 FIRST OPPORTUNITY TO DO SO.] Total debate on any question before the
 26 assembly shall not be permitted to exceed one hour unless such time
 27 is extended by a majority vote of the assembly.

28 G. Amendments and preambles. When an ordinance or resolution
 29 contains a preamble consisting of one or more statements beginning
 30 "whereas," the preamble may be amended before or after amendment
 31 of the resolving or ordaining clauses has been completed.

32 H. Previous question. Debate on any pending motion may be ended by
 33 motion to call the previous question. A member may make the motion
 34 by stating, "I call the question." A motion to call the question on a main
 35 motion to adopt a resolution or ordinance with a preamble applies to
 36 debate and amendment of a preamble, unless otherwise stated by the
 37 member making the motion.

38 [A MOTION TO RECONSIDER A VOTE MAY BE MADE ONLY BY A MEMBER WHO
 39 VOTED WITH THE PREVAILING SIDE AND SECONDED BY ANY OTHER MEMBER
 40 OF THE ASSEMBLY. THE MOTION MUST BE MADE AND SECONDED DURING THE
 41 MEETING AT WHICH THE ACTION TO BE RECONSIDERED WAS TAKEN, OR BY
 42 WRITTEN NOTIFICATION TO THE MUNICIPAL CLERK WITHIN 24 HOURS OF THE
 43 ADJOURNMENT OF THE MEETING BY THE MOVING PARTY AND SECOND. A
 44 MOTION TO RECONSIDER MAY NOT BE MADE REGARDING THE ASSEMBLY'S
 45 ACTION ON WHETHER TO PROTEST A STATE LIQUOR LICENSE OR MARIJUANA
 46 LICENSE APPLICATION.

1
2 ANY MEMBER OF THE ASSEMBLY MAY CALL UP A MOTION TO RECONSIDER
3 WHICH HAS BEEN DULY MADE AND SECONDED AT ANY TIME DURING THE
4 MEETING AT WHICH MADE, OR AT THE NEXT MEETING OF THE ASSEMBLY; A
5 MOTION TO RECONSIDER AND ENTER ON MINUTES MAY BE CALLED UP ONLY AT
6 THE NEXT MEETING OF THE ASSEMBLY.
7

8 A PROPER MOTION TO RECONSIDER, ONCE SECONDED, SUSPENDS
9 IMPLEMENTATION AND EFFECT OF THE DECISION FOR WHICH
10 RECONSIDERATION IS SOUGHT, UNTIL THE ASSEMBLY TAKES ACTION ON THAT
11 MOTION.
12

13 H. *MOTION TO RESCIND OR AMEND SOMETHING PREVIOUSLY ADOPTED.* A
14 MOTION TO RESCIND OR TO AMEND SOMETHING PREVIOUSLY ADOPTED MAY
15 BE MOVED BY ANY MEMBER, BUT MUST BE SECONDED. AN ORDINANCE,
16 RESOLUTION OR MEMORANDUM MAY NOT BE RESCINDED OR AMENDED BY
17 MOTION AFTER THE EFFECTIVE DATE OF THE ORDINANCE, RESOLUTION, OR
18 MEMORANDUM. OTHER ACTIONS THAT CANNOT BE RESCINDED OR AMENDED
19 BY MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED ARE AS DEFINED IN
20 ROBERT'S RULES OF ORDER, NEWLY REVISED.

21 1. *APPROVAL.* A MOTION TO RESCIND OR TO AMEND SOMETHING
22 PREVIOUSLY ADOPTED REQUIRES THE APPROVAL OF TWO-THIRDS OF
23 THE ENTIRE ASSEMBLY UNLESS PREVIOUS NOTICE OF THE MOTION HAS
24 BEEN GIVEN AT THE REGULAR MEETING IMMEDIATELY PRECEDING
25 THAT MEETING DURING WHICH THE MOTION IS TO BE CONSIDERED. IF
26 PREVIOUS NOTICE OF THE MOTION HAS BEEN GIVEN, ONLY A MAJORITY
27 OF THE ASSEMBLY IS REQUIRED FOR APPROVAL.

28 2. *FURTHER MOTIONS IF MOTION FAILS.* UPON FAILURE OF A MOTION TO
29 RESCIND FOR WHICH PREVIOUS NOTICE HAS ONCE BEEN GIVEN, NO
30 FURTHER MOTIONS OR NOTICES OF INTENT TO RESCIND THE SAME
31 ACTION ARE IN ORDER. UPON FAILURE OF A MOTION TO AMEND
32 SOMETHING PREVIOUSLY ADOPTED FOR WHICH NO PREVIOUS NOTICE
33 HAS BEEN GIVEN, NO FURTHER MOTIONS OR NOTICES OF INTENT TO
34 AMEND THE SAME ACTION, SUBSTANTIALLY SIMILAR IN SUBSTANCE TO
35 THE FAILED MOTION TO AMEND, ARE IN ORDER.

36 3. *TIME LIMIT AND SUSPENSION.* THERE IS NO TIME LIMIT ON MAKING
37 EITHER A MOTION TO RESCIND OR TO AMEND SOMETHING PREVIOUSLY
38 ADOPTED. THE MAKING OF EITHER MOTION OR THE NOTICE OF INTENT
39 TO DO SO DOES NOT OPERATE TO SUSPEND THE IMPLEMENTATION OR
40 EFFECT OF ANY PRIOR ASSEMBLY ACTION, IN CONTRAST TO A PROPER
41 MOTION TO RECONSIDER, AND THE EFFECTIVE DATE OF ACTION IS NOT
42 DELAYED.]

43 I. *General adoption of Robert's Rules.* In all matters not covered by this
44 chapter, Robert's Rules of Order, Newly Revised, shall govern.

45 J. *Minor deviations.* Minor deviations from the rules and procedures
46 contained in this chapter and incorporated by the adoption of Robert's

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Rules of Order, Newly Revised, shall not be a basis for invalidating any otherwise valid assembly action.

K. Non-member participation in debate. The rules may be suspended to allow a person other than an Assembly member or the mayor to speak in debate, except that:

1. Counsel. The municipal attorney and assembly counsel may give an opinion, either written or oral, on legal questions; and

2. Municipal Staff. Municipal employees may obtain the floor to respond to a question from an assembly member. As a courtesy to the mayor, when the mayor exercises the mayor’s right under the Charter to participate in an assembly meeting to the same extent as an assembly member (except that the mayor may not vote), the mayor also may call upon a municipal employee to make comments on the mayor’s behalf.

(AO No. 13-75; AO No. 78-49; AO No. 91-178(S); AO No. 2017-53 , § 14, 4-11-17; AO No. 2019-84 , § 1, 7-9-19; Ord. No. 2019-97 , § 1, 8-20-19)

*** *** ***

2.30.083[20.100] Minutes.

Minutes of assembly meetings shall be prepared by the municipal clerk. The minutes shall be in any form acceptable to the assembly that accurately reflects members’ attendance, motions, amendments, and votes.

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

PASSED AND APPROVED by the Anchorage Assembly this 19th day of January, 2022.



Chair

ATTEST:



Municipal Clerk

MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM 771-2021

Meeting Date: November 23, 2021

1 **FROM: Assembly Chair LaFrance**
 2
 3 **SUBJECT: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**
 4 **ANCHORAGE MUNICIPAL CODE CHAPTER 2.30 RULES OF**
 5 **PROCEDURE FOR ASSEMBLY TO CODIFY ADDITIONAL**
 6 **RULES OF PROCEDURE FOR THE ASSEMBLY AND PRESIDING**
 7 **OFFICER TO PROMOTE THE EFFICIENT, SAFE AND ORDERLY**
 8 **CONDUCT OF ASSEMBLY BUSINESS.**
 9

10
 11 The ordinance submitted with this memorandum would further codify rules
 12 of procedure for the Assembly and its presiding officer, to promote the efficient,
 13 safe, and orderly conduct of assembly business.
 14

15 Anchorage Municipal Charter section 4.04(c) provides “[t]he assembly by
 16 ordinance shall determine its own rules and order of business,” and section 4.04(a)
 17 provides “[t]he assembly shall elect annually from its membership a presiding
 18 officer known as ‘chair’.” Pursuant to those Charter provisions, the Anchorage
 19 Municipal Assembly has adopted Rules of Procedure codified in Anchorage
 20 Municipal Code chapter 2.30 *Rules of Procedure for Assembly*, including a code
 21 provision providing that “In all matters not covered by this chapter, Robert’s Rules
 22 of Order, Newly Revised, shall govern.”
 23

24 The attached ordinance attends to the facts that: (1) some of the Assembly’s
 25 customary practices, such as those relating to immediate reconsideration of an
 26 item, are addressed only in Robert’s Rules, and not in municipal code; (2) some of
 27 the rules and nomenclature contained in Robert’s Rules of Order, Newly Revised,
 28 depart from traditional Assembly practice; and (3) that further codification of the
 29 Assembly’s rules of procedure in municipal code can reduce confusion and provide
 30 greater clarity to the public.
 31

32 Section 1 of the ordinance amends several provisions of AMC chapter 2.30.
 33

34 AMC 2.30.020 is amended to codify several customary rights and
 35 authorities of the chair. Many of the items proposed to be codified, such as the
 36 rules relating to removal of persons who are creating an actual disturbance and
 37 the duty of the presiding officer to rule on certain motions, points of order and
 38 requests for information, are addressed in Robert’s Rules, but have not been

1 expressly addressed in code. Others, such the rules relating to seat and office
2 assignments, have prevailed by long custom, but are here codified for the first time.
3

4 AMC 2.30.035 is amended to further clarify the procedure for setting a
5 proposed ordinance or resolution for a public hearing, and to clarify the mechanics
6 of agendas for special meetings.
7

8 AMC 2.30.040 is amended to codify traditional limits on appearance
9 requests.
10

11 AMC 2.30.055 is amended to permit persons testifying at a public hearing
12 to engage in silent protests, so long as the protest does not impede efficient
13 conduct of the public hearing. Some content is relocated from current
14 AMC 2.30.080C. to AMC 2.30.055B., where it more logically belongs.
15 Amendments would also permit the Assembly to close a public hearing in order to
16 pass any time sensitive item, or if the item that is the subject of the public hearing
17 is postponed indefinitely. The section is further amended to adopt guidance related
18 to Assembly members’ questions of the public, patterned on Model Rules of
19 Procedure published by the League of Oregon Cities.¹
20

21 AMC 2.30.060 is amended to better codify the current interpretation of rules
22 related to public hearings for Assembly Resolution, and to make explicit the
23 meaning of a cross reference that has, occasionally, led to confusion.
24

25 A new section, AMC 2.30.065 *Motions*, is added to: (1) clarify when motions
26 may be made, and (2) codify customary and other rules of Assembly procedure
27 that: (a) are in regular assembly use, but only contained in Robert’s Rules (such
28 as the rule stating, generally, that a motion may not be reconsidered twice, or that
29 a motion to divide the assembly is out of order where the result of a vote is clear)
30 or provisions of code other than AMC 2.30 (such as the rule contained in
31 AMC 28.85.040C that the Assembly’s certification of an election cannot be
32 reconsidered); (b) are not contained in Robert’s Rules (such as those relating to

¹ See LEAGUE OF OREGON CITIES, MODEL RULES OF PROCEDURE FOR COUNCIL MEETINGS (March 2017) at ch. 1 § VI.H(6), available at: <https://www.orcities.org/application/files/1115/7228/7626/ModelRulesofProcedure3-15-19.pdf> (“Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.”); ch.5 § III.C (“Public comment is a time for comment, it is not a time for debate[.]”).

1 public hearings) or (c) that deviate from provisions of Robert's Rules.² Portions of
2 existing AMC 2.30.080 are also relocated into the new AMC 2.30.065. The new
3 section would also permit a motion to be withdrawn without requiring the consent
4 of the second, or the assembly.³

5
6 AMC 2.30.070 is amended to codify existing assembly practice that when
7 the chair places a motion before the assembly by stating the question, the chair
8 may state the question by referencing an agenda item or written document. (For
9 example, "We now have before as a motion to approve Amendment #4" or "We
10 now have before us a motion to approve AO 2021-121 as amended").

11
12 AMC 2.30.075 is amended to provide that a quorum may be established for
13 good cause by ruling of the chair by combining total of assembly members
14 physically and telephonically present.

15
16 AMC 2.30.080 is amended to clarify that members will generally speak while
17 seated,⁴ to remove language made unnecessary by the adoption of 2.30.055, to

² Compare RONR (12th ed.) at:

- § 6:5(1) (a motion to postpone indefinitely may be made "if an embarrassing main motion has been brought")
- § 17 (a motion to "lay on the table" is a motion to "to interrupt the pending business so as to permit doing something else immediately")
- § 9:9 ("If two consecutive regular business sessions are separated by no more than a quarterly time interval, then—provided that there is no specified portion of the membership whose term expires before the start of the later session—there are several ways business can go over from the earlier session to the later one. . . "); fn.3 ("a question cannot be postponed at the May meeting until the September meeting")
- § 41:37 ("Any particular item of business can be taken up out of its proper order by adopting a motion to Suspend the Rules by a two-thirds vote")
- § 37:46 ("*Reconsider and enter upon the minutes* is a special form of the motion to *Reconsider* that has a different object from the regular motion. Its purpose is to prevent a temporary majority from taking advantage of an unrepresentative attendance at a meeting to vote an action that is opposed by a majority of a society's or a convention's membership")
- § 4:11 ("a motion [may be] made by . . . [a] duly appointed committee").

³ Cf. MODEL RULES OF PROCEDURE at ch. 5 § 1(6) ("A motion may be withdrawn by the mover at any time without the consent of the council.").

⁴ Compare *id.* § 3:12 ("...except in committees and small boards, a member never speaks while seated").

1 clarify how the chair may participate in debate,⁵ and to codify rules relating to
 2 amendments,⁶ and calling the previous question.⁷ The section clarifies that minor
 3 deviations from the rules of procedure are not a basis for invalidating any otherwise
 4 valid assembly action, and generally permits legal counsel and municipal
 5 employees on the mayor’s behalf, to obtain the floor in debate.⁸

6
 7 Last, the ordinance would enact a new AMC 2.20.110, to address the form
 8 that minutes of assembly meetings must take.

9
 10 We request your support for the ordinance.

11
 12 Prepared by: Assembly Counsel

13
 14 Respectfully submitted: Assembly Chair Suzanne LaFrance
 15 District 6, South Anchorage

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 17 Assembly Vice Chair Christopher Constant
 18 District 1, Downtown Anchorage

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 20 Assembly Member Kameron Perez-Verdia
 21 District 3, West Anchorage
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⁵ Compare *id.* at § 43.29 (“To participate in debate, he must relinquish the chair; and in such a case he turns the chair over: a) to the highest-ranking vice-president who has not spoken on the question and does not decline on the grounds of wishing to speak to it; or b) if no such vice-president is in the room, to some other member qualified as in (a), whom the chair designates [but which can prompt a vote]. The presiding officer who relinquished the chair then may not return to it until the pending main motion has been disposed of, since he has shown himself to be a partisan as afar as that particular matter is concerned.”)

⁶ Compare *id.* at §12:23 (“When a resolution has a preamble (one or more clauses beginning “Whereas”), the preamble is not opened to amendment until after amendment of the resolving clauses has been completed.”).

⁷ Compare *id.* at § 16:8 (“When a resolution having a preamble . . . is pending, if the *Previous Question* is ordered on the resolution before consideration of the preamble has been reached . . . , the order does not apply to debate and amendment of the preamble, to which the assembly proceeds before voting on the resolution.”).

⁸ Compare *id.* at § 25:11 fn.7 (“the rules may be suspended to allow a nonmember to speak in debate.”). Cf. MODEL RULES at ch. 1 § IV.C. (“The city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions.”).

**Mayoral Veto Overridden
on January 28, 2022**



**Municipality of Anchorage
Mayor Dave Bronson**

Office of the Mayor

Date: January 26, 2022
To: Anchorage Assembly
From: Mayor Dave Bronson 
Subject: Veto of Ordinance No. AO 2021-117, as amended

Pursuant to Section 2.30.100 of the Anchorage Municipal Code (AMC) and Section 5.02 of the Municipal Charter (Charter), I hereby veto AO 2021-117, as amended, passed at the Assembly's special meeting of January 24, 2022.

I have reviewed the ordinance, heard the testimony, arguments and discussions presented for and against the ordinance, and understand the sentiments expressed during public testimony. It is apparent that AO 2021-117, as amended: (1) impermissibly infringes upon free speech; (2) is inconsistent with state laws related to the possession and carrying of firearms and knives; and (3) impermissibly transfers executive powers of executive branch to the Assembly. For these reasons, this veto should not be overridden.

First, public debate on public issues is a prized American privilege. Under Alaska law, the Charter, and municipal code, the Assembly is required to open meetings to public comment. The freedom to speak includes the freedom *not to speak* and extends to symbolic acts undertaken to communicate an idea. AO 2021-117, as amended, provides, "An individual may use a portion of their allocated time to engage in silent protest, but while doing so, must not prevent or delay other members of the public from providing testimony while the individual's silent protest continues." However, the autonomy promised by the Bill of Rights and repeatedly affirmed by Supreme Court jurisprudence protects the right not to speak or to provide expression through non-verbal means.¹

AO 2021-117, as amended, impermissibly encourages verbal expression while disfavoring non-verbal expression. In doing so, the ordinance infringes upon a speaker's ability to choose his or her own method of self-expression. For this reason, the ordinance must be vetoed.

Second, the ordinance provides the Chair of the Assembly the authority "to prohibit members of the public from bringing dangerous or distracting items to Assembly premises if it is being used to create an actual disturbance." Alaska Statute § 29.35.145 provides, however, that the "authority to regulate firearms and knives is reserved to the state, and... a municipality may

¹ *Education v. Barnette*, 319 U.S. 624, 645 (1943) ("The right of freedom of thought and of religion as guaranteed by the Constitution against State action includes both the right to speak freely and the right to refrain from speaking at all...").



Municipality of Anchorage
Mayor Dave Bronson

Office of the Mayor

not enact or enforce an ordinance regulating the possession... [or] carrying... of firearms or knives.” Because AO 2021-117 could be used by the Chair to restrict the possession or carrying of a firearm or knife if deemed “dangerous or distracting” and to be “causing an actual disturbance,” the ordinance is inconsistent with state law and must be vetoed.

Finally, AO 2021-117, as amended, is another attempt by the legislative body to divest power from the executive branch. As has been repeatedly stated, the touchstone of constitutional legitimacy lies in the maxim that legislative, executive, and judicial powers must remain separate and distinct. As James Madison explained in Federalist No. 47,² there is no political truth that has “greater intrinsic value.” This principle was accepted by the founding fathers of this great nation, and continues to be accepted today as canonical by scholars of democracy. The separation of powers doctrine applies to all levels of government. It is central to the framework of government here in Alaska, and it has been enshrined in Anchorage’s Charter since the formation of the Municipality.

In *Bradner v. Hammond*,³ the Alaska Supreme Court taught that “the underlying rationale of the doctrine of separation of powers is the avoidance of tyrannical aggrandizement of power by a single branch of government.” Anchorage’s executive and administrative power is vested in its mayor and encompasses most municipal departments, agencies, and boards and commissions.⁴ A review of Securitas Security Services USA, Inc.’s contract with the city provides, “The Contract Administrator is the Director, Maintenance and Operations Department or his designee.” As such, this contract is administered by the executive branch through the Maintenance and Operations Department. Any attempt by the Assembly to exercise control over the contractor is inappropriate. Therefore, I must veto the ordinance.

For the reasons stated above, I hereby veto AO 2021-117, as amended. I encourage the Assembly to review these concerns and ask that they work with me to develop a legally defensible and effective ordinance to accomplish the intended goals of AO 2021-117.

² The Federalist No. 47, at 239 (James Madison) (Lawrence Goldman ed., 2008).

³ *Bradner v. Hammond*, 553 P.2d 1 (Alaska 1976).

⁴ Charter, art. V; AS 29.20.220 and .250.