

**ANCHORAGE, ALASKA
EO No. 2023-1**

1 **AN EMERGENCY ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
2 **EXTENDING FOR AN ADDITIONAL 60 DAYS THE TERMS OF MUNICIPAL**
3 **BOARD AND COMMISSION MEMBERS WHOSE TERMS EXPIRED OCTOBER**
4 **14, 2022, AND ARE IN AN AUTOMATIC 120-DAY EXTENSION PERIOD OR**
5 **UNTIL A NEW APPOINTMENT IS CONFIRMED, BY AMENDING CERTAIN**
6 **SECTIONS OF ANCHORAGE MUNICIPAL CODE CHAPTER 4.05.**

7
8 **WHEREAS**, the Anchorage Home Rule Charter, Article X, Section 10.03, provides
9 that, in case of an emergency as defined in Charter § 17.13(c), "an ordinance may
10 be introduced and adopted at the same meeting," provided the Assembly makes a
11 finding in the emergency ordinance that an emergency exists and provides a
12 statement of the facts constituting the emergency; and

13
14 **WHEREAS**, Charter § 17.13(c) states that "*Emergency*" means an unforeseen
15 occurrence or condition which results or apparently will result in an insufficiency of
16 services or facilities substantial enough to endanger the public health, safety or
17 welfare"; and

18
19 **WHEREAS**, the Anchorage Municipal Code section 4.05.040, regarding terms for
20 Municipal boards and commissions, states in pertinent part: "Except as otherwise
21 specified in this Code, the regular term of each member of a board or commission
22 is three years commencing on October 15 of the year in which appointed and ending
23 three years thereafter on October 14, ***provided however, to avoid a vacancy until***
24 ***new appointments can be made and confirmed, an appointed member's term***
25 ***is extended until a new appointment is confirmed or a maximum of 120 days***
26 ***which ever occurs first.***" (emphasis added); and

27
28 **WHEREAS**, several boards and commissions crucial to Municipal operations and
29 governance, or with regulatory and adjudicatory powers, have seats that are vacant
30 and/or members with recently expired terms as of October 14, 2022; and

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32 **WHEREAS**, for board and commission members with terms expired October 14,
33 2022 the automatic 120-day extension provided by AMC section 4.05.040 ends on
34 February 11, 2023; and

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36 **WHEREAS**, in recent years, several board and commission members have reported
37 they are unable to meet due to difficulties establishing a quorum of members for a
38 meeting; and

39
40 **WHEREAS**, vacant seats on a board or commission are a main contributing factor
41 to the difficulty of meeting quorum, which is defined in Anchorage Municipal Code

1 section 4.05.080 as “a majority of the authorized members of a board or
2 commission”; and
3

4 **WHEREAS**, by way of examples, if expired terms are not extended beyond
5 February 11, 2023, the following boards and commissions will not be able to have
6 a quorum due to vacancies or if a single seated member is absent:

- 7 • Board of Ethics (5 seats): 1 vacant, 2 expiring February 11.
- 8 • Employee Relations Board (3 seats): 1 vacant, 1 expiring February 11.
- 9 • Anchorage Equal Rights Commission (9 seats): 2 vacant, 3 expiring
10 February 11.
- 11 • Zoning Board of Examiners and Appeals (9 seats): 1 vacant, 3 expiring
12 February 11.

13
14 **WHEREAS**, historically, recruitment efforts indicate it is a challenge to fill vacancies
15 on boards and commissions; and
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17 **WHEREAS**, over the past year several of the appointments submitted by the mayor
18 for confirmation were vetted by the Assembly and found unqualified for the position
19 or unexperienced in the subject area and as a result not confirmed by a vote; and
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21 **WHEREAS**, in a January 11 letter from Cashion Gilmore & Lindemuth, the law firm
22 representing former Municipal Manager Amy Demboski in her wrongful termination
23 claim against Mayor Bronson, several allegations of legal and ethical lapses in the
24 mayor’s actions or endorsement of actions by subordinates are detailed and these
25 call into question the mayor’s ability to lawfully and ethically execute the duties of
26 the office including timely selecting qualified persons for appointment to boards and
27 commissions and submitting them for confirmation by the Assembly before
28 vacancies due to expired terms prevent any action for lack of quorum; and
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30 **WHEREAS**, many boards and commissions fulfill an important regulatory and
31 adjudicatory role, or as a panel of subject matter experts advising the Assembly
32 and Mayor, recommending actions, policy or code changes, some of which
33 Municipal Code requires their review prior to Assembly action; and
34

35 **WHEREAS**, most board and commission members know about the extension of
36 their terms for 120 days until February 11, but many of those board and commission
37 members may be making other plans for the time after their extended terms end
38 and may not be planning to attend meetings as early as February 12; so it is
39 imperative to make this emergency code change to ensure that these members
40 know as soon as possible about the extension so are able to make plans for the
41 next 60 days to confirm that there is a quorum on these boards and commissions;
42 and
43

44 **WHEREAS**, due to repeated mistakes and alleged code violations related to
45 contracts, and a pattern of errors with the Administration’s appointment documents,
46 more oversight and controls are needed. The legislative branch does not have the

1 immediate capacity to provide the level of the oversight needed to ensure that
2 qualified people are properly appointed, and slowing down the appointment
3 process, while preserving the ability of boards and commissions to meet and advise,
4 will also enable the Administration to focus on procedures and contracting code to
5 reverse the costly pattern of purchasing and contracting error; and
6

7 **WHEREAS**, this emergency ordinance will immediately prevent crippling the ability
8 of several boards and commissions to meet quorum and fulfill their duties for an
9 additional sixty days providing time for confirming appointments or taking other
10 legislative action to address the circumstances described herein; now, therefore,
11

12 **THE ANCHORAGE ASSEMBLY ORDAINS:**
13

14 **Section 1.** Pursuant to Anchorage Municipal Charter Section 10.03, the
15 Assembly hereby specifically finds that the inability of many municipal boards and
16 commissions to meet for lack of a quorum due to existing vacancies or to those
17 created by expiration of extended terms on February 11, 2023 has the potential to
18 significantly delay decisions on individual rights, property rights, ethics questions
19 from public officials, processing legislation in accordance with Code, and
20 substantially and significantly disrupt Municipal governance and operations to the
21 extent it is an emergency and now requires immediate action. Failure to
22 immediately address these issues will likely result in an insufficiency of services
23 substantial enough to endanger the public health, safety, or welfare.
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25 **Section 2.** Anchorage Municipal Code chapter 4.05 is hereby amended to read
26 as follows (*the remainder of the chapter is not affected and therefore not set out*):
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28 **Chapter 4.05 - APPOINTMENTS, MEETINGS AND PROCEDURES**
29

30 *** *** ***

31 **4.05.040 - Terms.**
32

33 Except as otherwise specified in this Code, the regular term of each member
34 of a board or commission is three years commencing on October 15 of the
35 year in which appointed and ending three years thereafter on October 14,
36 provided however, to avoid a vacancy until new appointments can be made
37 and confirmed, an appointed member's term is extended until a new
38 appointment is confirmed or a maximum of 120 days which ever occurs first.
39 In addition to the foregoing automatic extension, all board and commission
40 members whose term expired October 14, 2022 and not yet replaced are
41 extended an additional 60 days to April 12, 2023 or until a new appointment
42 is confirmed to a member's designated seat, which ever occurs first. The
43 terms of initial or subsequent appointments to a board or commission shall
44 be staggered so that, as nearly as possible, a pro rata number of its members
45 shall be appointed each year of the established regular term of office.
46

(CAC 2.64.040—2.64.050; AO No. 95-113, § 1, 5-2-95; AO No. 2001-105, § 1, 6-19-01; AO No. 2004-84, § 1, 5-18-04)

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Section 3. Upon the affirmative vote of all Assembly Members present or of three-fourths of the total membership, whichever is less, this Emergency Ordinance shall be effective at 12:01 a.m. on February 11, 2023, and remain in effect for sixty (60) days pursuant to Charter § 10.03, unless sooner repealed by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 20th day of January, 2023.

Suzanne LaFrance

Chair

ATTEST:

Barbara A. Jones

Municipal Clerk

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