

ANCHORAGE, ALASKA

AO No. 2023-90(S), As Amended

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 3.20.140, OFFICE OF EQUITY AND JUSTICE, AND SECTION 7.10.030, POWERS AND DUTIES OF PURCHASING OFFICER, TO ADD REQUIREMENTS REGARDING LANGUAGE ACCESS PLANS, PERIODIC REVIEWS AND REPORTING, COMPLIANCE WITH FEDERAL LANGUAGE ACCESS AND DISADVANTAGED BUSINESS ENTERPRISE (DBE)[AND WOMEN-OWNED BUSINESS (D/WBE)] REGULATIONS, AND RELATED MATTERS.

WHEREAS, in 2014 Anchorage joined the Welcoming Cities project, a collection of cities from across the United States that recognizes the economic, cultural and social contributions that immigrants and refugees make to our communities; and

WHEREAS, on August 26, 2020, the Anchorage Assembly established the Office of Equity and Justice by enacting AO 2020-79(S) As Amended; and

WHEREAS, AO 2020-79(S) As Amended created the position of Chief Equity Officer with the responsibilities of “developing, supporting, and implementing the municipality’s equity agenda”; and

WHEREAS, it is inherently the role of the Assembly to set and declare policy of the Municipality of Anchorage; and

WHEREAS, the Assembly remains committed to the Welcoming Anchorage Roadmap and to removing the inequities which still create barriers to educational success, economic opportunity and wellness, and undermine the collective prosperity of residents in the Municipality of Anchorage; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code 3.20.140 Office of Equity and Justice is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

3.20.140 Office of equity and justice.

A. There is established an office of equity and justice including a chief equity officer, office of equal opportunity director, and disadvantaged business enterprise compliance officer.

1. Chief equity officer.

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c. The chief equity officer may be dismissed by the mayor

1 only for cause shown, and only with the concurrence of
2 a majority of the assembly.

3
4 d. The chief equity officer shall be responsible for analyzing
5 and identifying systemic inequities in the municipality,
6 specifically addressing, but not limited to, the following:

7
8 i. Educational opportunities and outcomes;

9
10 ii. Economic opportunities and outcomes;

11
12 iii. Physical and mental wellness and access to
13 resources; and

14
15 iv. The overall access to and provision of municipal
16 services.[1]

17
18 Based on this analysis, the chief equity officer shall
19 establish, collect, and evaluate equity baseline data
20 targets, performance indicators, and progress
21 benchmarks for addressing systemic disparities and
22 shall submit a semiannual report to the assembly and
23 the mayor in the form of a memorandum with accurate
24 data and recommendations for continued improvement
25 regarding race and equity policy issues and long-range
26 plans.

27
28 e. The chief equity officer shall be responsible for an
29 annual review of all office of equal opportunity business
30 enterprise activities to ensure compliance and shall
31 submit a report to the assembly **and the mayor** with the
32 results of this review in the form of a memorandum.

33
34 **f. Reports and data submitted under sections (d) and**
35 **(e) shall not include identifying information, or**
36 **release protected health information.**

37
38 2. *Office of equal opportunity director.*

39
40 a. On program and policy matters relating to minority
41 business and contract compliance and equal
42 employment opportunity, the director of the office of
43 equal opportunity shall have direct and independent
44 access to the mayor.

45
46 b. The director shall monitor the performance of duties
47 of the disadvantaged business enterprise program
48 office in Chapter 7.60 and maintain a log of all
49 municipal contracts, and of subcontracts to a prime
50 with a municipal contract, awarded to certified DBE
51 businesses and shall submit an annual report of

these contracts to the assembly and the mayor in the form of a memorandum.

c. The director shall be responsible for an annual review of all departmental and contractor language access plans to ensure compliance with language access laws and shall establish procedures to receive and investigate complaints regarding a department's, agency's, or contractor's language access plan. The director shall submit an annual report to the assembly and the mayor in the form of a memorandum with the results of this review and any suggested changes to department language access plans.

d. The director shall, in coordination with the department of human resources and the department of law, submit an annual memorandum to the assembly and the mayor reporting on the Municipality's affirmative action plan and progress toward achieving the goals of the plan, increasing diversity in the municipal workforce and improving municipal personnel practices. The report shall include the results of any agency audits since the last report to the assembly, and statistical data, without individual employee identifying information, as to the number and resolution of employee discrimination claims, including the types of discrimination claimed and whether the claims were filed with a state or federal agency or in court.

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(AO No. 2020-79(S), § 3, 8-26-20; AO No. 2021-114 , § 2, 1-31-22)

Section 2. Anchorage Municipal Code 7.10.030 Powers and Duties of Purchasing Officer is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

7.10.030 Powers and duties of purchasing officer.

Except as this Code provides otherwise, the purchasing officer shall have the following authority and responsibilities:

*** *** ***

F. To compile and maintain a log of all contracts awarded for supplies, services, professional services or construction, together with any amendments thereto; [AND]

G. ~~To monitor the performance of duties of the disadvantaged and women-owned business enterprise program office in Chapter 7.60 and maintain a log of all municipal contracts, and of~~

subcontractors to a prime with a municipal contract, awarded to a certified D/WBE businesses.

H.1 To ensure contractors with the municipality comply with all federal regulations regarding language access plans, pursuant to chapter 7.50, by requiring that every municipal contract for services involving regular and substantive contact with the public via in person, virtual, or telephonic communication shall include language substantially the same as the following: The contractor shall be subject to the Municipal Language Access Policy and will be required to have a written Language Access Plan.

H. T[he] director shall, in coordination with the director of the office of equal opportunity, submit an annual report to the assembly and the mayor in the form of a memorandum on EEO contract compliance; and

I./H/H Any other authorities and responsibilities which this title assigns the purchasing officer.

(AO No. 79-203, 1-1-80)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 10th day of October, 2023.

Christopher Constant

Chair

ATTEST:

Jasmine Acres

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 757-2023

Meeting Date: September 26, 2023

From: Assembly Members Rivera and Martinez

Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 3.20.140, OFFICE OF EQUITY AND JUSTICE, AND SECTION 7.10.030, POWERS AND DUTIES OF PURCHASING OFFICER, TO ADD REQUIREMENTS REGARDING LANGUAGE ACCESS PLANS, PERIODIC REVIEWS AND REPORTING, COMPLIANCE WITH FEDERAL LANGUAGE ACCESS AND DISADVANTAGED BUSINESS ENTERPRISE (DBE)[AND WOMEN-OWNED BUSINESS (D/WBE)] REGULATIONS, AND RELATED MATTERS.

This substitute (S) version of AO 2023-90 proposes several changes to the original ordinance.

Section 1 moves the responsibilities for monitoring the DBE program office and maintaining a log of contracts awarded to certified DBE businesses from the Purchasing Officer, as proposed in the original AO, to the Director of OEO. Also, this version uses the correct updated language to refer to "Disadvantaged Business Enterprises (DBE)" as opposed to the now obsolete term, "Disadvantaged and Women-Owned Business (D/WBE)".

Additionally, this section adds a requirement to the OEO Director's position that they provide an annual report to the Assembly and the Mayor on the Municipality's affirmative action plan and progress toward achieving the goals of the plan, increasing diversity in the municipal workforce and improving municipal personnel practices.

Section 2 adds a requirement that the Purchasing Officer provide an annual report to the Assembly and the Mayor on the Municipality's EEO Contract compliance.

I request your support for the ordinance.

Reviewed by: Assembly Counsel's Office

Respectfully submitted: Felix Rivera, Assembly Member District 4, Midtown

George Martinez, Assembly Member District 5, East Anchorage



MUNICIPALITY OF ANCHORAGE
OFFICE OF THE MAYOR
MEMORANDUM

Date: October 17, 2023
To: Anchorage Assembly
From: Mayor Dave Bronson
Subject: Veto of Ordinance No. AO 2023-90(S), as amended.



Today, pursuant to Section 2.30.100 of the Anchorage Municipal Code (AMC) and Section 5.02 of the Municipal Charter, I hereby veto AO 2023-90(S), as amended, which passed at the Assembly's regular meeting of October 10, 2023.

This ordinance is a solution in search of a problem. Our Office of Equal Opportunity and Office of Equity and Justice recently passed their annual audit with flying colors. In addition, both offices have public visibility in advocating for their respective missions: equal opportunity, and equity for those who are disadvantaged. There is no good reason to burden these offices – and, by extension, Anchorage taxpayers – with additional data requirements as contemplated in the ordinance.

The Assembly has imposed this burden because some members want Anchorage to become a Certified Welcoming City, as determined by the national nonprofit Welcoming America. This is a misguided policy decision. Welcoming America is a grantee of George Soros' Open Society Foundation. As the founder of Welcoming America wrote on the Open Society Foundation webpage over 10 years ago, this nonprofit attempts to attract "thousands of individuals and organizations who want to replicate the Welcoming work in their own communities." (<https://www.opensocietyfoundations.org/voices/building->

more-welcoming-america). In other words, Certified Welcoming City is a product, and the Assembly would like Anchorage to be its newest customer.

The Assembly has already suggested the terms. At the regular meeting on September 26, 2023, it was openly discussed that contractors would be sought to obtain and mine this new data for the OEO and OEJ Departments in the Assembly's proposed budget revisions. (Regular Meeting of Sep. 26, 2023 at 3:28:25 – 3:28:40, available at <https://meetings.muni.org/AgendaOnline/Meetings/ViewMeeting?id=5236&doctype=1>)

As I have said before and will say again, Anchorage is already a welcoming city. We have the most diverse schools in the country and vibrant immigrant communities. Many members of these communities serve in this administration. Our OEO and OEJ offices are firing on all cylinders. We don't need to divert Anchorage tax dollars to a national non-profit to repeat what we already know.

I hereby veto AO 2023-90(S), as amended.

A handwritten signature in black ink, appearing to read "Dave Bronson", is written over a solid horizontal line.

Dave Bronson, Mayor of Anchorage