Submitted by: Assembly Members Constant, Dunbar, and Perez-Verdia
Prepared by: Department of Law
For reading: December 22, 2020

ANCHORAGE, ALASKA
AO No. 2020-137

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY TO ESTABLISH GOVERNMENT-TO-GOVERNMENT RELATIONS BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE SOVEREIGN NATIVE VILLAGE OF EKLUTNA BY AMENDING ANCHORAGE MUNICIPAL CODE.

WHEREAS, the municipality recognizes that the Municipality of Anchorage is on the traditional lands of the Dena'ina Athabascan people and that there is inherent value in recognition and formalized government-to-government relationships;

WHEREAS, the municipality passed AR 2019-426 to initiate conversations to formalize a government-to-government relationship with the Native Village of Eklutna;

WHEREAS, the Native Village of Eklutna is the only federally recognized tribal entity within the Municipality's boundaries and historically, informal agreements and memorandums have not done enough to ensure a respectful and productive relationship;

WHEREAS, the municipality endeavors to establish permanent and formal, clear and lasting government-to-government relations; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code title 1 is hereby amended to add a new chapter as follows:

1.70 – ACKNOWLEDGMENT AND RECOGNITION

1.70.010 – Land acknowledgment.

The municipality acknowledges that the Municipality of Anchorage lies within the traditional lands of the Dena'ina Athabascans. For more than a thousand years the Dena'ina have been and continue to be the stewards of this land. It is with gratefulness and respect that we recognize the contributions, innovations, and contemporary perspectives of the upper Cook Inlet Dena'ina.

1.70.020 – Recognition of sovereign tribes.

The Municipality of Anchorage recognizes the many sovereign and Indigenous tribes of Alaska and specifically, the Native Village of Eklutna, the only federally recognized tribal entity within the Municipality of Anchorage's

boundaries.

1.70.030 – Commitment to government-to-government relations.

The Municipality of Anchorage is committed to clear and lasting government-to-government relations with the Native Village of Eklutna.

1.70.040 – No private right of action.

Nothing in this chapter creates a right of action against the municipality or a right of review of municipal action.

Section 2. Anchorage Municipal Code section 2.30.055 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out)*:

2.30.055 - Conduct of public hearing.

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

B. Each individual giving testimony shall be allocated three minutes. The time limit for a designated representative of a community council is five minutes. The time limit for a designated representative of the Native Village of Eklutna is five minutes. The speaker must focus testimony to the topic of the public hearing.

*** *** ***

(AO No. 2014-2(S), § 3, 2-25-14; AO No. 2017-53 , § 10, 4-11-17)

Section 3. Anchorage Municipal Code chapter 2.30 is hereby amended to add a new section as follows:

2.30.135 – Joint conferences.

A. The assembly and school board shall meet at least four times yearly in public session to discuss and coordinate financial planning, capital improvement needs, the comprehensive plan, and other matters of mutual concern.

B. The assembly and the Native Village of Eklutna shall meet at least two times yearly in public session to discuss and coordinate matters of mutual concern.

Charter reference– Joint conferences, § 6.04.

Section 4. Anchorage Municipal Code title 3 is hereby amended to add a new chapter as follows:

3.105 – GOVERNMENT-TO-GOVERNMENT RELATIONS WITH THE NATIVE VILLAGE OF EKLUTNA.

3.105.010 – Policy required.

A. The Municipality shall develop and implement a written policy that:

1. Identifies individuals in the municipality who are responsible for developing and implementing municipal programs and projects that affect the Native Village of Eklutna;

2. Establishes a process to identify programs and projects of the municipality that affect the Native Village of Eklutna;

3. Promotes communication between the municipality and the Native Village of Eklutna;

4. Promotes clear and lasting government-to-government relations between the municipality and the Native Village of Eklutna;

5. Establishes a method for notifying municipal employees of this chapter and of any policy that the municipality adopts under this section.

3.105.015 – Points of contact.

The mayor or his/her designee shall be the point of contact between the municipality and the Native Village of Eklutna. The designee shall have direct access to the mayor on issues related to the Native Village. The chair of the assembly shall be the point of contact between the assembly and the Native Village of Eklutna.

3.105.020 – Regular training required.

At least once a year, the Municipal Office of Equity and Justice, in consultation with the Native Village of Eklutna, shall provide training to municipal employees on the history and legal status of tribes within Alaska and the municipality, and issues of concern to tribes.

3.105.025 – Report to the assembly.

Once a year the mayor shall prepare a report for the assembly which shall include copies of the policy prepared under AMC 3.105.010; a summary of efforts undertaken to promote communication between the municipality and the Native Village of Eklutna; a description of the training required by AMC 3.105.015; and the method by which the municipality has notified employees of this chapter and policies adopted under AMC 3.105.010.

3.105.030 – No private right of action.

Nothing in this chapter creates a right of action against the municipality or a right of review of municipal action.

3.105.035 – No preemption.

Nothing in this chapter is meant to preempt, supersede, or replace any responsibilities that the municipality may have under federal or state law.

Section 5. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2021.

_____
Chair of the Assembly

ATTEST:

_____
Municipal Clerk

MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 738-2020

Meeting Date: December 22, 2020

From: **Assembly Members Christopher Constant, Forrest Dunbar, and Kameron Perez-Verdia**

Subject: **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY TO ESTABLISH GOVERNMENT-TO-GOVERNMENT RELATIONS BETWEEN THE MUNICIPALITY OF ANCHORAGE AND THE SOVEREIGN NATIVE VILLAGE OF EKLUTNA BY AMENDING ANCHORAGE MUNICIPAL CODE.**

Recognizing that the Municipality of Anchorage is built on the traditional lands of the Dena'ina Athabascan people and the inherent value in recognition and in formalized relationships, the municipality passed AR 2019-426 to initiate conversations to formalize a government-to-government relationship with the Native Village of Eklutna.

Amongst the many Indigenous communities in Alaska, the Native Village of Eklutna is the only federally recognized tribal entity within the municipality's boundaries. Historically, informal agreements and memorandums have not done enough to ensure a respectful and productive relationship between the municipality and Native Village of Eklutna.

This ordinance comes at the end of a yearlong conversation to establish permanent and formal government-to-government relations. It takes important steps, codifying respect and recognition of the Native Village of Eklutna in Anchorage Municipal Code. It also codifies a formal government-to-government relationship.

Proposed changes to code include:

- Codifying a commitment to government-to-government relations with the Native Village of Eklutna;
- Granting designated representatives of the Native Village five minutes of time during a public hearing, in line with community council's time limits;
- Requiring regular and at least biannual meetings between the assembly and the Native Village (meetings with the school board are also included as set out in the Anchorage Charter for congruency);
- Formalizing government-to-government relations which includes a written policy that promotes communication and clear and lasting relations, regular training for employees, and an annual report to the assembly; and

- Identifying points of contact for the governing bodies.

WE RESPECTFULLY RECOMMEND APPROVAL.

Christopher Constant, Assembly Member, District 1
Forrest Dunbar, Assembly Member, District 5
Kameron Perez-Verdia, Assembly Member, District 3