



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 390-2022

Meeting Date: July 26, 2022

1 **From: Assembly Chair LaFrance**

2
3 **Subject: AO 2022-70 – AN ORDINANCE OF THE ANCHORAGE MUNICIPAL**
4 **ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE**
5 **SECTIONS 21.03.050 APPEALS, 2.20.065 ASSEMBLY COUNSEL,**
6 **4.05.090 MEETINGS; AND ANCHORAGE MUNICIPAL CODE OF**
7 **REGULATIONS 21.10.304, 21.10.503, 21.11.304, 21.11.503,**
8 **21.13.340, AND 21.13.530 TO SIMPLIFY AND STREAMLINE LAND**
9 **USE APPEALS, PLANNING DEPARTMENT.**

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11 In preparing this ordinance, the Planning Department worked closely with the
12 Municipal Clerk's Office, Assembly Counsel, and Counsel for the Board of
13 Adjustment. The Legislative Branch offices and Board of Adjustment reviewed the
14 draft ordinance and provided comments to improve the process of Board of
15 Adjustment appeals for appellants, appellees, and staff in the Planning Department
16 and Clerk's Office.

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18 The ordinance incorporates changes in Title 2 regarding processing appeals to the
19 Board of Adjustment, which the Legislative Branch began the internal transfer of
20 duties from the Clerk's Office to Assembly Counsel's Office in January 2022 and
21 completed it in February 2022. As detailed in the attached memorandum, the
22 rational for the change is that Assembly Counsel serves as counsel to the Board of
23 Adjustment and because the appeals are similar to litigation, Assembly Counsel's
24 Office is more equipped to handle these appeals than the Clerk's Office. As to the
25 Title 2 changes, the Chair recommends approval.

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27 As to the Administration's proposed changes to Title 21, the Chair anticipates further
28 information will come at the worksession.

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30 Prepared by: Assembly Counsel's Office & Municipal Clerk's Office

31 Respectfully submitted: Assembly Chair LaFrance



Municipality of Anchorage



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Office of the Municipal Clerk

DATE: February 23, 2022

TO: Dean Gates, Assembly Counsel

THROUGH: Suzanne LaFrance, Chair, Anchorage Assembly

FROM: Barbara Jones, Municipal Clerk 
Jennifer Veneklasen, Deputy Clerk 

SUBJECT: Assembly Branch Board of Adjustment Case Management

Thank you for meeting with us on January 13, 2021, to discuss and make official the transfer to your office of certain duties regarding the Board of Adjustment, specifically case management responsibilities. The discussion and decision was unanimous, between the Clerk's Office, Assembly Counsel, and Chair LaFrance, that these tasks which had been performed in the Clerk's Office are better situated in Assembly Counsel's Office.

Board of Adjustment Case Management

It has become clear that the split of duties between Assembly Counsel serving as the Board Counsel for the Board of Adjustment and the Clerk's Office accepting the many filings in Board matters was resulting in an inefficient division of labor and less than optimal case management for the Board of Adjustment. Most of the recent filings for the Board of Adjustment – from whether the initial Filing of the Notice of Appeal was timely or jurisdictional, to requests for reconsideration or to relax the rules, and numerous requests to waive the fees – required legal review. Since Assembly Counsel serves as counsel to the Board of Adjustment and due to the complicated legal nature of many of the filings, we discussed and agreed that processing these cases is better administered in Assembly Counsel's Office with a skilled paralegal handling the pleadings and the attorney serving the Board overseeing it. It makes sense to consolidate these functions in Assembly Counsel's Office. Historically, we believe case management for the Board of Adjustment was handled in Assembly Counsel's Office, but approximately five years ago moved to the Clerk's Office because an employee from Assembly Counsel's Office began working in the Clerk's Office. The Municipal Clerk's Office will continue to staff the Board of Adjustment, publicly notice any meetings, maintain the recordings, and keep the minutes. The hard copy of the case files can also continue to be maintained in the Clerk's Office in an area accessible to Assembly Counsel.

Again, we are very grateful to you for recognizing it makes sense for Assembly Counsel's Office to handle these tasks related to the Board of Adjustment and that it is a more rational

assignment of duties. These changes of assignment are already underway, but this memo serves as an official handoff.

I anticipate that the Clerk's Office will continue to work with Assembly Counsel's Office regarding any records or pending issues. Please let us know if you have any questions.

cc: Suzanne LaFrance, Chair, Anchorage Assembly
Christopher Constant, Vice Chair, Anchorage Assembly