



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 278-2022

Meeting Date: May 10, 2022

1 **FROM:** Assembly Vice Chair Constant
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3 **SUBJECT:** AN ORDINANCE OF THE ANCHORAGE ASSEMBLY
4 AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS
5 3.10 *GENERAL PROVISIONS (RESERVED)* AND 27.20
6 *SUPERVISORY BOARDS*, AND SECTIONS 2.70.030 AND
7 29.10.060, TO FULFILL THE REQUIREMENT OF
8 ANCHORAGE MUNICIPAL CHARTER SECTION 7.01(b)
9 THAT THE ASSEMBLY BY ORDINANCE MUST ESTABLISH
10 SPECIFIC PROCEDURES FOR REMOVAL OF ELECTED
11 OFFICIALS FOR BREACH OF THE PUBLIC TRUST.
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14 The ordinance submitted with this memorandum would fulfill a requirement
15 of the Anchorage Municipal Charter that, to date, has been only partially
16 addressed.
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18 Anchorage Municipal Charter section 7.01(b) provides, in part, “[t]he
19 assembly by ordinance shall establish procedures for removal of elected officials
20 for breach of the public trust, including provision for notice, a complete statement
21 of the charge, a public hearing conducted by an impartial hearing officer, and
22 judicial review.”
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24 In 1994, Assembly adopted AO 93-54(S-1) to adopt Charter-required
25 provisions for members of the Assembly and Anchorage School Board. See
26 attached. The ordinance was codified at (for Assembly Members) Anchorage
27 Municipal Code section 2.70.030 *Removal from office*, and (for School Board
28 members) AMC 29.10.060 *Removal of members from office*.
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30 The ordinance submitted with this memorandum applies like provisions to
31 elected members of service area boards, and to the mayor. Provisions applicable
32 to Assembly members, providing that “unexcused absence from three consecutive
33 meetings” and “Failure to attend 75 percent of meetings in a 24-month period,” are
34 “actions constituting breach of the public trust” would not apply to either service
35 area board members (who must comply with the attendance requirements in
36 AMC 27.20.070), or to the mayor. In lieu of those provisions, actual or attempted

1 “official misconduct,” which is defined Alaska Statute 11.56.850¹ and, as to the
2 mayor, ordering or knowingly allowing a person appointed by the mayor to order a
3 municipal employee to engage in an unlawful act are enumerated as executive-
4 specific actions that would constitute breach of the public trust.

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6 Last, the ordinance also amends Title 2 and Title 29 to clarify potential
7 procedural ambiguities, and to better conform to section 7.01(b) of the Charter,
8 which provides that proceedings for removal of an elected official may be initiated
9 by “a majority” of all members of the assembly (or the school board in the case of
10 removal of a school board member), rather than a super-majority.

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12 There are no anticipated economic effects from this Code change.

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14 I request your support for the ordinance.

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16 Prepared by: Assembly Counsel’s Office

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18 Respectfully submitted: Assembly Vice Chair Christopher Constant
19 District 1, Downtown Anchorage
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1 See AS 11.56.850 *Official Misconduct*

(a) A public servant commits the crime of official misconduct if, with intent to obtain a benefit or to injure or deprive another person of a benefit, the public servant

(1) performs an act relating to the public servant's office but constituting an unauthorized exercise of the public servant's official functions, knowing that that act is unauthorized; or

(2) knowingly refrains from performing a duty which is imposed upon the public servant by law or is clearly inherent in the nature of the public servant's office.

(b) Official misconduct is a class A misdemeanor

Criminal conviction under AS 11.56.850 requires proof beyond a reasonable doubt. As expressed in the ordinance, facts established by a preponderance of the evidence that a mayor engaged in actual or attempted official misconduct would establish breach of the public trust.