

Submitted by: Assembly Member
Brawley
Assembly Member Perez-
Verdia
Prepared by: Legislative Services Office
and Assembly Counsel's
Office
For reading: May 21, 2024

**ANCHORAGE, ALASKA
AO No. 2024-61**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE CHAPTER 4.60 TO ADD A NEW SECTION, AMENDING AMC**
3 **TITLE 16 TO ADD A NEW CHAPTER, AND AMENDING AMC SECTIONS**
4 **1.35.010, 3.20.010, 3.30.012, AND 3.30.172 TO ESTABLISH THE**
5 **ACCOUNTABILITY BOARD FOR CHILD CARE AND EARLY EDUCATION AND**
6 **THE PRINCIPAL EXECUTIVE OFFICER FOR THE CHILD CARE AND EARLY**
7 **EDUCATION FUND, TO IMPLEMENT CHARTER § 6.06.**

8
9 **WHEREAS**, in April 2023 Anchorage voters approved Proposition 14, creating the
10 Anchorage Child Care and Early Education (ACCEE) Fund and dedicating the
11 Municipality of Anchorage's annual marijuana sales tax revenue to child care and
12 early childhood education; and
13

14 **WHEREAS**, Proposition 14 also directed that an Accountability Board of Child Care
15 and Early Education be established, with members appointed by the Anchorage
16 Mayor and confirmed by the Anchorage Assembly. The board is intended to serve
17 as an advisory body to the Mayor and Assembly on use of the Fund and to present
18 a proposed budget to both annually; and
19

20 **WHEREAS**, to ensure these funds are used effectively, a private-public partnership
21 was formed by the Municipality and the Alaska Children's Trust (ACT) to establish
22 an Implementation Team (IT). The IT has met at least monthly since October 2023,
23 and is comprised of two Assembly Members, a School Board Member,
24 representatives from Head Start, thread Alaska, JBER, the Anchorage Health
25 Department, community leaders, child care and early education providers, the
26 business community and parents; and
27

28 **WHEREAS**, on November 21, 2023, the Assembly approved Resolution AR No.
29 2023-404, As Amended, establishing an implementation plan and timeline for the
30 ACCEE Fund and seating of the Accountability Board of Child Care and Early
31 Education. The AR noted that the IT, through its two participating Assembly
32 Members, would bring forward an ordinance with recommendations as to the
33 composition, operations, and responsibility of the Accountability Board; and
34

35 **WHEREAS**, on April 9, 2024, the Assembly accepted AIM 45-2024, an information
36 memorandum updating the Assembly on the work of the IT and its varied public
37 outreach including community presentations, public meetings, and survey; and
38

39 **WHEREAS**, the Implementation Team assisted in drafting and reviewing the
40 language proposed in this ordinance, and on May 15, 2024, recommended the draft

1 be sent to the Assembly for consideration; and
2

3 **WHEREAS**, the IT encourages the ACCEE Fund Accountability Board to
4 collaborate with Anchorage School District on effective, strategic use of these funds,
5 including opportunities for utilization of existing ASD and other facilities as directed
6 in the Proposition language, leveraging other fund sources to match or amplify
7 impact, and addressing known gaps in services offered; now, therefore,
8

9 **THE ANCHORAGE ASSEMBLY ORDAINS:**

10
11 **Section 1.** Anchorage Municipal Code chapter 4.40 is hereby amended to add a
12 new section to read as follows (*requiring no legislative markup for a new section*):
13

14 **4.40.180 Accountability Board of Child Care and Early Education.**

15
16 A. There is established an Accountability Board of Child Care and Early
17 Education with powers and duties more particularly set forth in
18 Chapter 16.57 of this code.
19

20 B. The sunset provisions in section 4.05.150 shall not apply to this board.
21

22 **Charter reference—** Accountability Board of child care and early education,
23 § 6.06(b).

24 **Cross reference—** Child care and early education fund, Ch. 16.57.
25
26

27 **Section 2.** Anchorage Municipal Code Title 16 is hereby amended to add a new
28 chapter to read as follows (*requiring no legislative markup for a new chapter*):
29

30 **CHAPTER 16.57 Child Care and Early Education Fund.**

31
32 **16.57.005 Purpose and applicability.**
33

34 This chapter is intended to implement Charter Section 6.06 and the
35 management and budgeting of the dedicated fund established by that voter
36 approved measure. The provisions of this chapter are intended to ensure the
37 fund expenses are used exclusively for resources for supporting and
38 advancing child care and early education in the Municipality and the
39 permissible administrative costs for the Accountability Board of Child Care
40 and Early Education's operations.
41

42 **16.57.010 Accountability Board of Child Care and Early Education.**
43

44 A. There is established, in accordance with Charter Section 6.06, an
45 Accountability Board of Child Care and Early Education with the
46 powers and duties described herein. The board's mission and
47 activities shall be for the purpose of supporting and advancing child
48 care and early education in the municipality, and recommending
49 funding priorities or specific appropriations pursuant to the dedication

1 of funds under Charter Section 6.06(a).
2

3 B. The Board shall consist of nine members. All Board members shall be
4 citizens of the United States, and residents of and registered voters in
5 the municipality while in office. No board member may serve in any
6 elected office, except on a service area board established pursuant to
7 section 9.01 of the Charter. Members of the board shall be appointed
8 by the mayor and confirmed by the assembly.

9 1. Board composition and qualifications. The Board should reflect
10 the broad range of those involved in and affected by early
11 education and child care services and the diversity of
12 Anchorage. Board members shall be qualified as follows at the
13 time they are seated:

14 a. At least 1 and no more than 4 members shall be actively
15 employed in the early education or child care sector.

16 b. At least 1 member shall be employed in or retired from
17 a social services profession, including behavioral health
18 services.

19 c. At least 1 member shall be a parent or legal guardian
20 utilizing a program that provides early education or child
21 care to a member of their household.
22

23 2. Terms.

24 a. Appointed members are subject to a term limit of three
25 consecutive full terms beginning when a board member
26 has been appointed to a full three-year term. Time
27 served by a board member during any initial partial term
28 less than three years shall not be counted in connection
29 with the term limit. After serving three consecutive full
30 terms, the same member may be appointed to the board
31 if three full years have transpired since their previous
32 term limit date.

33 b. Member terms shall be staggered so that not more than
34 three member terms expire each year.
35

36 C. The Board shall have the responsibilities outlined in Charter Section
37 6.06. In addition, the Board may exercise the following responsibilities
38 and operations, but is not limited to those listed:

39 1. Serve as an advisory body to the Assembly and Mayor on
40 topics related to child care and early education.

41 2. Oversee the administration of the Anchorage Child Care and
42 Early Education (ACCEE) Fund.

43 3. Solicit ideas for funding, request research and analysis,
44 prepare and issue procurements and grant solicitations,
45 evaluate responses to procurement solicitations and requests
46 for grant proposals, and make procurement and grant award
47 decisions. Notwithstanding any provisions of Title 7, the Board
48 shall review and evaluate responses to requests for proposals
49 and grant solicitations; the purchasing officer shall provide

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support.

4. Establish guidelines for the management of the ACCEE fund in a transparent manner with the highest standards of care and accountability to the public.
5. Review financial reports and audits to confirm that spending from the ACCEE Fund is consistent with all relevant rules and regulations, and that the ACCEE Fund is being managed responsibly.
6. Commission an annual evaluation to ensure that programs funded are impactful and meet established outcomes. The Board may retain an external independent evaluator.
7. Facilitate coordination, communication, and collaboration within the Municipality, with the Anchorage School District, and with entities or government agencies that oversee child care and early education programs to promote nonduplication and coordination of services, and to inform the structure for existing programs and any new programs.
8. Promote local community support and public awareness of child care and early education programs, and of the actions and strategies of the ACCEE Fund itself.

D. *Budget and funding.* The Board shall adhere to budget and funding standards and restrictions set forth in Charter Section 6.06(c). In addition, the Board may take the following actions for budgeting and strategic direction of the Anchorage Child Care and Early Education Fund:

1. Adopt written policies related to the ACCEE Fund;
2. Develop and recommend adoption of an initial comprehensive long-range strategic investment plan for the development, implementation, and expansion of child care and early education programs in the municipality. The Board shall review and update the plan every three years;
3. Hold at least one public hearing annually, prior to the required public hearing on the board's draft budget recommendations, to solicit ideas from the public for funding, programming and policy; and
4. Prepare a recommended annual budget for use of the funds to be presented to the mayor and assembly. The board shall hold at least one public hearing on a draft budget prior to transmitting the recommended budget to the mayor and Assembly.

E. *Expenditures and administrative limit.* The Board shall adhere to expenditure and administrative limits set forth in Charter Section 6.06(d). In addition, the Board shall publish a report describing the amounts spent and the results achieved. Reports that are provided to the mayor and assembly shall also be made available to the public.

F. *Accountability Board Staff.*

1. In accordance with Charter Section 6.06 (f), the Board may

- 1 *** *** ***
2 4. Members of regulatory and adjudicatory boards and
3 commissions as set forth in AMC 4.40, including, but not limited
4 to:
5 *** *** ***
6 r. Accountability Board of Child Care and Early Education.
7 *** *** ***

8
9 (AO No. 2000-131, § 1, 9-12-00; AO No. 2002-69, § 1, 5-14-02; AO No. 2018-
10 24, § 1, 4-10-18; AO No. 2021-114, § 1, 1-31-22; AO No. 2022-40(S), § 1, 3-
11 22-22; AO No. 2023-68, § 3, 6-20-23; AO No. 2023-73, § 2, 7-25-23; AO
12 No. 2023-111(S), § 1, 11-7-23)

13
14 **Section 4.** Anchorage Municipal Code section 3.20.010 is hereby amended to
15 replace the 2020 Executive Branch Organization chart with the 2023 Executive
16 Branch Organization chart, attached as Exhibit A:

17
18 **3.20.010 - Executive and administrative order; organizational chart.**

19
20 The executive branch of the municipal government shall be organized as
21 provided in this chapter and the following plan:

22
23 *{Note: Replace chart with Exhibit A}*

24
25 (AO No. 79-27; AO No. 82-49; AO No. 88-82; AO No. 90-15(S); AO No. 91-
26 173(S); AO No. 94-135(S), § 2, 7-12-94; AO No. 2000-105(S), § 2, 6-27-00;
27 AO No. 2000-141(S), § 2, 9-26-00; AO No. 2002-130, § 4, 9-10-02; AO No.
28 2003-109, § 1, 9-9-03; AO No. 2004-136, § 1, 12-7-04; AO No. 2005-142, §
29 1, 10-25-05; AO No. 2009-21, § 1, 2-24-09; AO No. 2009-101, § 1, 8-25-09;
30 AO No. 2010-64, § 1(Exh. A), 9-28-10; AO No. 2010-93, § 1(Exh. A), 1-11-
31 11; AO No. 2011-22(S), § 1, 3-29-11; AO No. 2011-25, § 1, 5-24-11; AO No.
32 2012-106, § 1(Exh. A), 11-13-12; AO No. 2013-34, § 1(Exh. A), 2-26-13; AO
33 No. 2015-112(S), § 1, 1-1-16; AO 2018-108(S), § 1, 12-31-18; AO No. 2020-
34 79(S), § 1, 8-26-20; AO No. 2020-109, § 1, 10-13-20; AO No. 2020-121, § 1,
35 1-1-21; AO No. 2021-114, § 2, 1-31-22; AO No. 2022-40(S), § 2, 3-22-22;
36 AO No. 2023-38(S), § 1, 4-18-23)

37
38 **Section 5.** Anchorage Municipal Code section 3.30.012 is hereby amended to
39 read as follows (*the remainder of the section is not affected and therefore not set*
40 *out*):

41
42 **3.30.012 - Scope of coverage; amendment of chapter.**

43
44 A. *Applicability to nonrepresented employees.* This chapter shall apply to
45 all nonrepresented employees except that:

- 46 1. The executive directors of the equal rights commission and of
47 the child care and early education fund shall be appointed,
48 terminated and paid in a manner determined by the equal
49 rights commission or the accountability board of child care and

2002-100, § 1, 7-16-02; AO No. 2002-111, § 1, 8-6-02; AO No. 2002-130, §
1, 9-10-02; AO No. 2003-29, § 1, 2-11-03; AO No. 2004-3, § 1, 1-20-04; AO
No. 2004-85, § 1, 5-18-04; AO No. 2004-87, § 1, 6-8-04; AO No. 2004-132,
§ 3, 10-12-04; AO No. 2005-6, § 1, 2-15-05; AO No. 2005-119, § 1, 9-27-05;
AO No. 2005-151(S), § 1, 10-25-05; AO No. 2009-84, § 1, 7-7-09; AO No.
2015-112(S), § 6, 1-1-16; AO No. 2016-39, § 1, 4-12-16; AO No. 2017-107,
§ 1, 8-8-17; AO No. 2018-17, § 1, 2-27-18; AO No. 2018-108(S), § 4, 12-31-
18; AO No. 2020-79(S), § 4, 8-26-20; AO No. 2021-66, § 2, 7-27-21; AO
No. 2023-111(S), § 3, 11-7-23)

Section 7. Transitional measures. Until such time that the principal executive officer (executive director) is employed and has secured office space, the Municipal Manager, Anchorage Health Department and Assembly Legislative Services Office shall provide staff support and arrange for work space for the Accountability Board of Child Care and Early Education, and assist with procurement and hiring functions as reasonable and necessary to notice, solicit, and engage contracted services and an executive director.

Section 8. Notwithstanding AMC section 3.30.018, if the Personnel Rules Committee is unable to meet to review and provide recommendations before the public hearing on this ordinance regarding changes to AMC Chapter 3.30, Personnel Rules, herein, then such review requirement is waived.

Section 9. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day
of _____, 2024.

Chair

ATTEST:

Municipal Clerk