
MUNICIPALITY OF ANCHORAGE
OFFICE OF THE OMBUDSMAN
2021 ANNUAL REPORT



"Auditur et altera pars.(The other side shall be heard as well.)"
— Seneca

Municipality of Anchorage, Office of the Ombudsman

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Dedication

“The Anchorage Municipal Ombudsman’s Office dedicates our 2021 Annual Report to the hardworking, dedicated Municipal and School District employees.

Thank you for your service.”

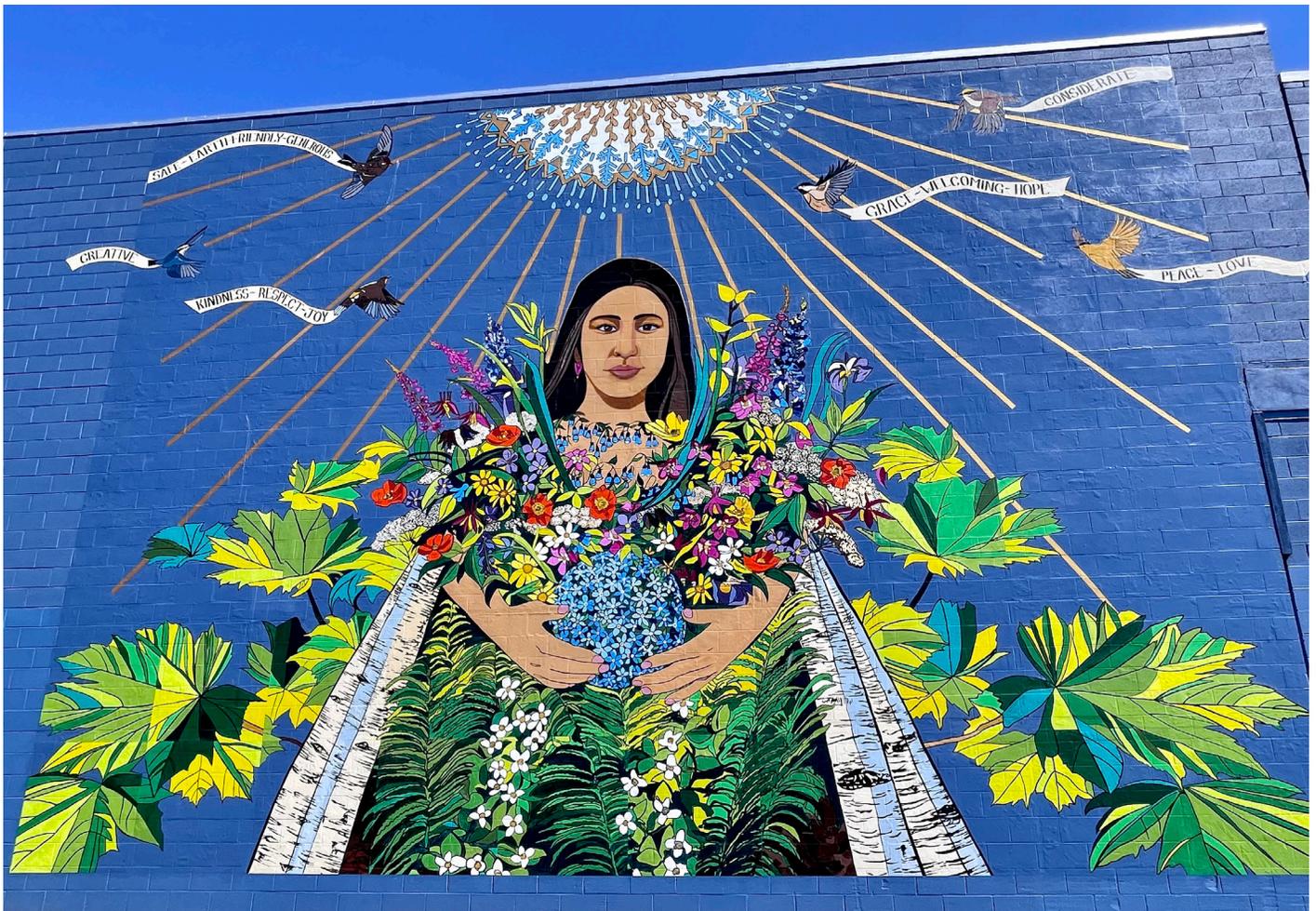


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July 26, 2022

To the Anchorage Municipal Assembly, the Anchorage School District Board of Education, the Mayor and Administration, and the people of Anchorage:

We are pleased to present the Anchorage Municipal Ombudsman's 2021 Annual Report. This report explains how the Ombudsman's Office fulfills its role as an independent, impartial office that provides information about municipal government, while investigating concerns involving municipal government offices, agencies, and employees, including the Anchorage School District.

Over the past two years our office has had to adapt our business model to meet the needs of constituents during an ongoing global health pandemic – leveraging technology as we continue to respond to the public in a timely and efficient manner.

In 2021 we opened 150 new cases and made 786 referrals, while recording 1,382 constituent contacts. Behind these cases and statistics are real people – individuals who needed help navigating and understanding municipal government, as well as the dedicated Municipal and School District employees who serve the people of Anchorage. It is our pleasure to serve, inform, and empower the public.

Sincerely,



Darrel W. Hess
Municipal Ombudsman



May Ramirez-Xiong
Deputy Ombudsman

"Right is right, even if everyone is against it, and wrong is wrong, even if everyone is for it."

— William Penn

PURPOSE

The Office of the Municipal Ombudsman is mandated by the Anchorage Home Rule Charter. The Charter's Bill of Rights guarantees the people of Anchorage "The right to the assistance of a municipal ombudsman in dealing with grievances and abuses." The Office of the Ombudsman is governed by Anchorage Municipal Code, Chapter 2.60 which established the Office as "...an independent, impartial municipal office, readily available to the public, responsible to the assembly, empowered to investigate the acts of administrative agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and equity in the provision of municipal services." (AMC 2.60.010)

The goal of the Ombudsman's Office is to serve the people of Anchorage, by providing information or referrals, or investigating complaints and concerns regarding Municipal and School District departments, agencies and employees. The Ombudsman's Office has limited jurisdiction over Anchorage charter schools. If issues and concerns are not jurisdictional to the Ombudsman's Office, we do our best to direct persons to the appropriate person or organization.

"It takes a great deal of courage to stand alone even if you believe in something very strongly."

— Reginald Rose, *Twelve Angry Men*

HOW TO FILE A COMPLAINT

When people have questions or concerns regarding Municipal government or the Anchorage School District, the Ombudsman's Office is here to assist you. You may contact our office in-person, or by phone, email, or postal service. Our staff will assess whether your issue is jurisdictional to our office. If an issue is not jurisdictional to our office, we will do our best to provide a referral to another agency or entity that may be able to address the issue. In 2021, the Ombudsman's Office provided information and referrals to 1,232 individuals and opened 150 cases.

The Ombudsman's Office is located on the ground floor of Anchorage City Hall, in Suite 100. You can find a Complaint form online on the Ombudsman webpage at www.muni.org/departments/assembly/ombudsman. Complaints can be filed online through the Municipality's CityView Portal, at www.muni.org/cityviewportal. One-time registration is required to use the portal. Although details of Ombudsman complaints are confidential, contact information entered on the portal is accessible by Municipal agents.

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STATISTICS

The Ombudsman’s Office uses an application called “CityView” to maintain information and process statistics. The number of Inquiries listed in **Table 1 and Graph 1** indicate the total number of public interactions with the Ombudsman’s Office in 2021, either by telephone, email, postal mail, fax, or in-person. Contacts were interactions with persons who may have only needed information, or who may have wanted to express their opinions or concerns regarding local government. These interactions normally require no further action by the Ombudsman’s Office. Referrals reflect inquiries that were referred to state or federal agencies, community agencies, or to Municipal or School District employees, or departments. Cases refer to inquiries that required some level of investigation by the Ombudsman’s Office.

Table 1. 2021 Processing Statistics

2021 Processing Statistics	From Prior Year	New	Processed or Closed	Remaining Open
Cases	4	150	148	6
Contacts	0	446	446	0
Referrals	0	786	786	0
Total Inquiries	4	1382	1380	6

Graph 1. 2021 Processing Statistics

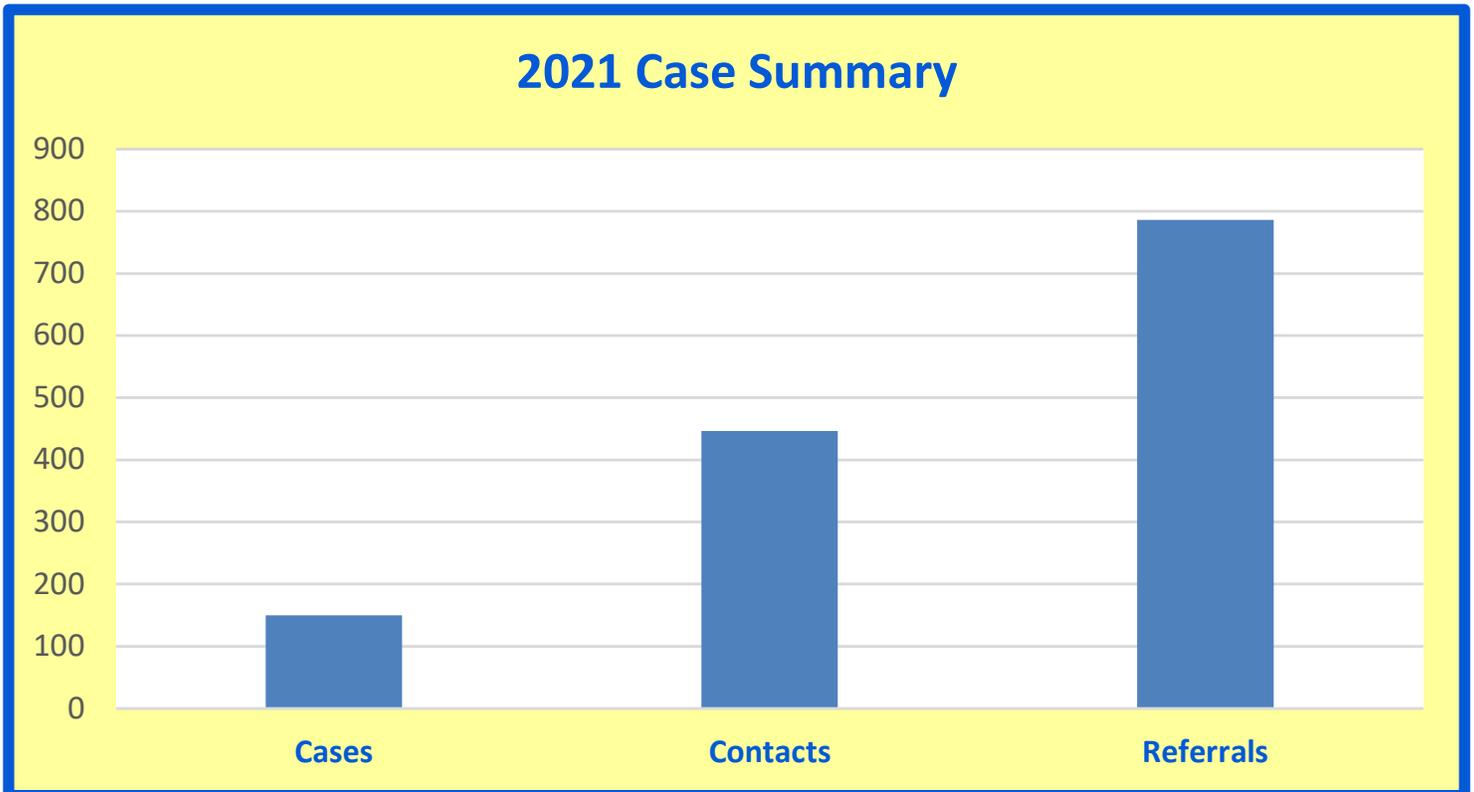
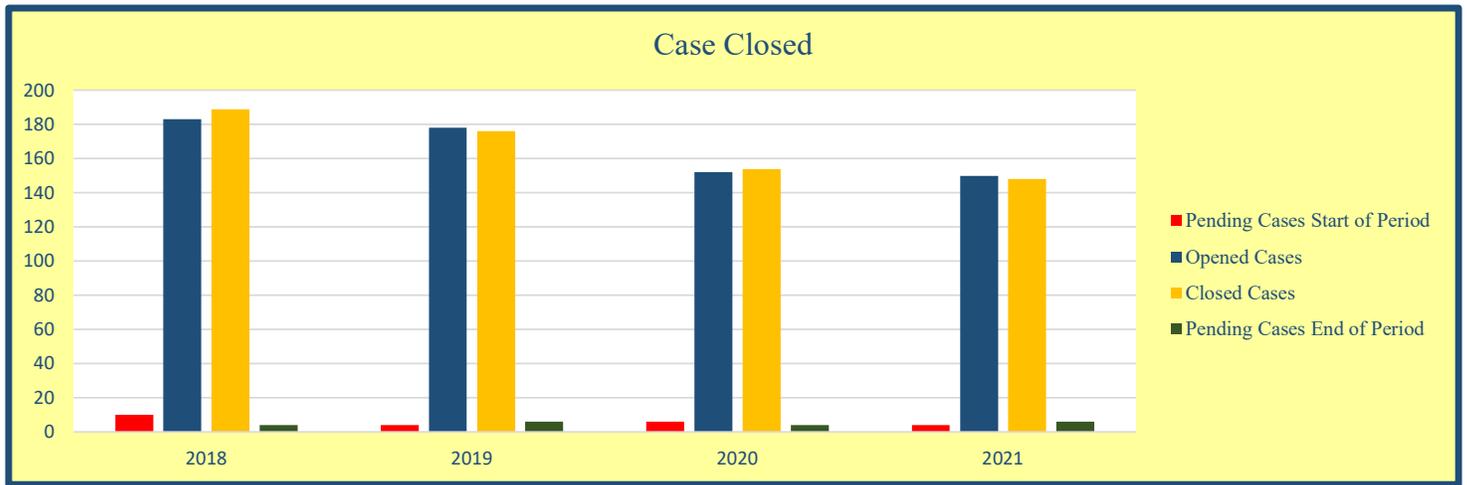


Table 2. Case Closures and Pending Inventory from 2018-2021

Case Inventory	2018	2019	2020	2021
Pending Cases Start of Period	10	4	6	4
Opened Cases	183	178	152	150
Closed Cases	189	176	154	148
Pending Cases End of Period	4	6	4	6

Graph 2. Case Closures and Pending Inventory from 2018-2021



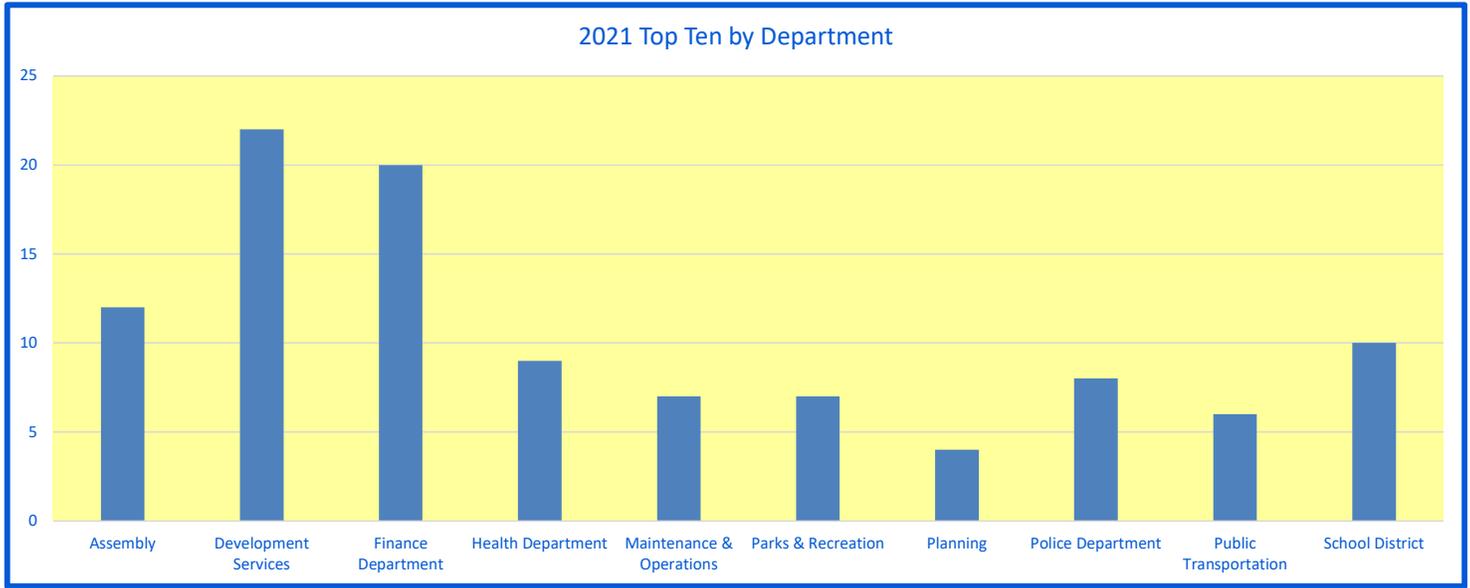
Historically, the larger Municipal Departments and those with the greatest public contact generate the largest number of cases in the Ombudsman’s Office. In 2021 the Development Services Department (14.67%), Finance Department (13.33%), School District (6.67%), Police Department (5.33%), and Parks & Recreation Department and Maintenance & Operations Department (tied at 4.67%), ranked 1-5. (See Table 3 and Graph 3).



Table 3. 2019-2021 Cases by Department

Department	2019	Percent	2020	Percent	2021	Percent
Anchorage Community Development Authority	3	1.69%	2	1.32%	2	1.33%
Assembly	4	2.25%	9	5.92%	12	8%
Development Services	26	14.61%	29	19.08%	22	14.67%
Economic & Community Development	0	0%	1	0.66%	0	0%
Emergency Management	0	0%	0	0%	3	2%
Equal Rights Commission	0	0%	1	0.66%	0	0%
Finance Department	16	8.99%	14	9.21%	20	13.33%
Fire Department	2	1.12%	3	1.97%	4	2.67%
Health Department	17	9.55%	6	3.95%	9	6%
Human Resources	6	3.37%	5	3.29%	3	2%
Information Technology	1	0.56%	1	0.66%	0	0%
Legal Department	1	0.56%	1	0.66%	0	0%
Library	0	0%	0	0%	3	2%
Maintenance & Operations	10	5.62%	11	7.24%	7	4.67%
Mayor's Office	2	1.12%	8	5.26%	4	2.67%
Municipal Light & Power	5	2.81%	1	0.66%	0	0%
Municipal Manager	0	0%	0	0%	3	2%
Not Department Specific	7	3.93%	6	3.95%	4	2.67%
Office of Management & Budget	1	0.56%	0	0%	0	0%
Parks & Recreation	14	7.87%	8	5.26%	7	4.67%
Planning	3	1.69%	1	0.66%	4	2.67%
Police & Fire Retirement System	0	0%	0	0%	1	0.67%
Police Department	26	14.61%	26	17.11%	8	5.33%
Project Management & Engineering	0	0%	2	1.32%	0	0%
Public Transportation	7	3.93%	1	0.66%	6	4%
Public Works Administration	0	0%	2	1.32%	2	1.33%
Purchasing Department	1	0.56%	0	0%	3	2%
Real Estate Department	0	0%	0	0%	1	0.67%
Risk Management	3	1.69%	2	1.32%	3	2%
School District	8	4.49%	4	2.63%	10	6.67%
Solid Waste Services	2	1.12%	3	1.97%	2	1.33%
Traffic Engineering	3	1.69%	1	0.66%	3	2%
Transportation Inspection	3	1.69%	0	0%	1	0.67%
Water & Wastewater Utility	7	3.93%	4	2.63%	3	2%
All Departments	178	100%	152	100%	150	100%

Graph 3. 2021 Cases by Department (most frequent)

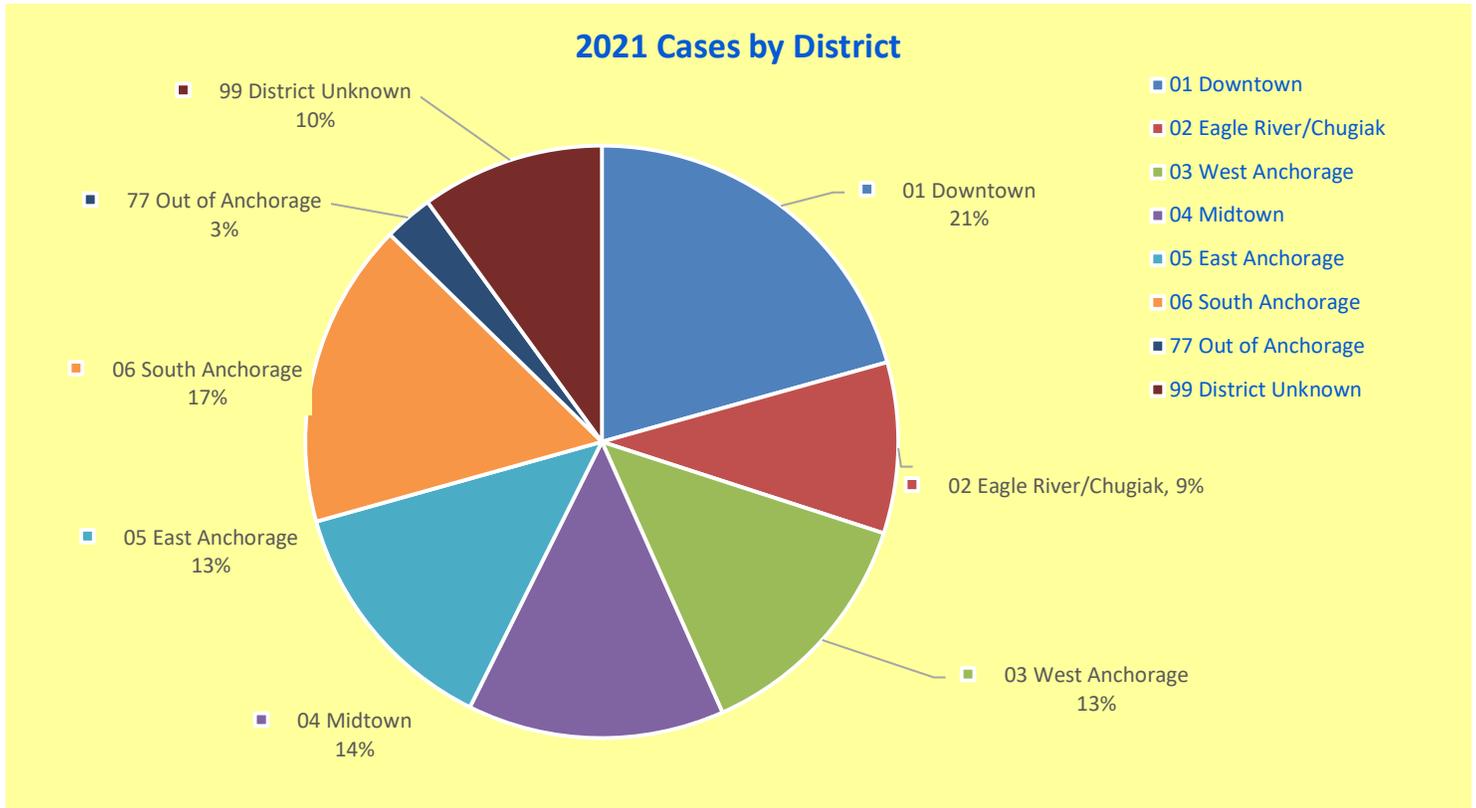


The Ombudsman’s Office also tracks Cases by Assembly District. These numbers are reflected in **Table 4** and **Graph 4**.

Table 4. Cases by Assembly District 2019-2021

District No./Name	Cases 2019	Percent	Cases 2020	Percent	Cases 2021	Percent
01 Downtown	45	25.28	27	17.76	31	20.67
02 Eagle River/Chugiak	14	7.87	16	10.53	14	9.33
03 West Anchorage	23	12.92	16	10.53	20	13.33
04 Midtown	29	16.29	29	19.08	21	14
05 East Anchorage	23	12.92	17	11.18	20	13.33
06 South Anchorage	23	12.92	24	15.79	25	16.67
77 Out of Anchorage	7	3.93	5	3.29	4	2.67
99 District Unknown	14	7.87	18	11.84	15	10
Total	178	100	152	100	150	100

Graph 4. Cases by Assembly District 2021



2021 CASE RESOLUTION SUMMARIES

In 2021, the Ombudsman’s Office opened 150 cases, and processed or closed 148 (with 4 cases carried over from 2020). We ended 2021 with 6 open cases. Most Ombudsman investigations are resolved informally, and final investigative reports are not required. Frequently the Ombudsman’s Office achieves good results, including changes to Municipal Code, policies, and procedures, through informal case resolutions working with Municipal employees and departments, as well as complainants. Below are summaries of some of our 2021 cases:

OM2021-0057

An individual contacted the Ombudsman's Office alleging that the MOA, Property Appraisal Division had removed his residential property tax exemption two years ago. The constituent stated that Property Appraisal had removed the exemption because he did not file for an Alaska Permanent Fund Dividend. The constituent believes that Property Appraisal should not have removed the exemption.

The residency requirements to qualify for a residential property tax exemption mirror the residency requirements to qualify for an Alaska Permanent Fund Dividend. The State Legislature did this to give local governments a way to red-flag potential fraudulent applications for residential property tax exemptions. If a person who has applied for and received a residential property tax exemption does not file for a Permanent Fund Dividend, the system flags them, and Property Appraisal will contact those

persons to verify their eligibility to receive a residential property tax exemption. The Ombudsman's Office contacted Property Appraisal to review their interactions with the constituent. A Property Appraisal supervisor then contacted the constituent and reviewed the history of their interactions with him. The constituent acknowledged that he had failed to return the form and documentation necessary for him to retain his residential exemption. The exemption was restored, and the constituent was approved for a senior exemption. The Ombudsman's Office determined that the constituent had been made aware in 2019 that he needed to provide proof of eligibility for the residential exemption and had failed to provide the requested information, after he had met with Property Appraisal, and had been provided with guidance regarding what was required to retain the exemption.

OM2021-0058

A constituent contacted the Ombudsman's Office questioning whether it was appropriate for a member of the Acting Mayor's staff to serve as an officer of a community council.

Community councils are not part of Municipal government - they are private entities. While community councils are part of the local government process and are recognized in code and in the Anchorage Home Rule Charter, they are not part of local government. Any person can serve as an officer or board member of a community council, if they meet the requirements for membership in the council that are in the code, and if they meet the requirements for holding office that are found in the council's bylaws. If a community council tried to prohibit a person from being eligible to serve as an officer or board member of the council because they worked for the Municipality, that would be a membership limitation that would violate AMC 2,40 -Community Councils, and if the issue were not corrected, the Assembly could potentially revoke their recognition of the council as the community council for that district.

OM2021-0369

A constituent alleged that the Municipal Clerk did not "accommodate" her by allowing her to wear a face shield in lieu of a mask, while she was acting as an election observer at the MOA Election Center. The constituent believed that this violated the Mayor's Emergency Order 13, Version 4.

The Ombudsman's Office reviewed the relevant emergency order, and determined that the Mayor's EO 13 V4 states that face shields may be worn in lieu of masks, if a person has a disability that prevents them from wearing a mask. However, it is up to the person who controls the space to determine if a face shield may be worn in lieu of a mask. The Ombudsman believes that the Clerk's decision, based on guidance from the Centers for Disease Control regarding face masks vs. face shields, was prudent. The municipal code gives the Clerk the authority to take action to protect the integrity of MOA elections. If persons showed up to vote wearing a face shield, or refused to wear a mask or shield, they would be allowed to vote. Voting is a fundamental right - observing an election is not a fundamental right.

OM2021-0425

A constituent disagreed with a decision by the MOA Platting Board. The constituent raised concerns regarding the amount of time allowed for the public to testify and whether the Board considered certain evidence. The constituent also believed that the Board did not give adequate weight to the comments from the MOA, Traffic Engineering Department.

The Platting Board is a quasi-judicial body listed under AMC 4.40. The Ombudsman's Office cannot inquire into decisions of bodies listed under AMC 4.40, nor opine on any of the processes and evidentiary issues related to their actual proceedings. The Ombudsman's Office can look at whether their meetings are properly noticed, site postings are done per code, and other process matters not directly related to their proceedings and decisions. The Ombudsman's Office determined that the Platting Board meeting in question adhered to the requirements of AMC 1.25 – Public Meetings and the Alaska Open Meetings Act, and met the requirements of Title 21. The Platting Board's decision in this case would be final (signed) at their next meeting. Persons have a specified number of days from the date the decision is final to file an appeal with the Board of Adjustment. Appeals of decisions of the Board of Adjustment are filed with the Superior Court. The constituent was referred to the MOA, Current Planning Manager with any questions regarding the appeal process.

OM2021-0707, 0793, 0809

A constituent contacted the Ombudsman's Office because they believed that "...the laws regarding vehicle noise (15.70.090.A) and modified vehicle exhaust systems (9.44.330.C) are unenforced." Two other constituents contacted the Ombudsman's Office with similar concerns.

The Ombudsman's Office reviewed the applicable sections of code and spoke with staff at the Anchorage Police Department and the Anchorage Health Department, and determined that, as written, the applicable sections of Title 9 and Title 15 are difficult to enforce. The standard in the code requires the measurement of exhaust noise 50 feet from the center of the travel lane, or the nearest property line, whichever is closer. The codes need to be revised to make it easier for them to be enforced. The Ombudsman's Office recommended to Legal, the Anchorage Police Department, and the Anchorage Health Department that they work together to draft necessary code revisions. The Ombudsman's Office also recommended that the Anchorage Police Department, Traffic Unit purchase their own noise meters to use in enforcing the applicable sections of Title 9.

OM2021-0759

A constituent, who was the primary sponsor of a Municipal recall petition, contacted the Ombudsman's Office alleging that the Clerk's Office should have provided him, free-of-charge, an unlimited number of petitions. The Clerk's Office had provided him with 900 copies of the petition, free of charge. This was enough petitions to gather more than twice as many signatures as required to advance the petition. The constituent had requested 1,800 additional copies of the petition, and the Clerk's Office had charged him for the printing of the additional copies of the petition. The constituent believed that the charges and time frame to produce the copies of the petition inhibited the ability of the public to "effectively utilize the recall process..."

The Ombudsman's Office reviewed the relevant codes and statutes. The Municipality's recall code, AMC 2.50.100, simply states that "An elected official may be recalled by the voters in the manner provided by AS 29.26.240 – 29.26.360". The code and the referenced statute do not provide any guidance regarding the issue raised by constituent. The statute regarding municipal recall elections is not very robust. However, based on the provisions in statute for state recall elections, the Clerk's Office charging for additional copies of the recall petition is not unfair or unreasonable - the state charges for copies above the minimum number required to be provided for state recall elections. The Ombudsman recommended to the Municipal Clerk & Deputy Clerk – Elections that the Municipality's recall code be revised to address the issue that the constituent raised regarding how many copies of a recall petition are provided at no cost to the sponsors, and how much should be charged for copies of a petition beyond the minimum number that is provided at no cost.

OM2021-0975

A constituent contacted the Ombudsman's Office and expressed concerns that neighbors in the Airport Heights neighborhood were not made aware that a local pest company applied glyphosate-based herbicide to mayday trees in and around Tikishla Park. The constituent questioned the Parks & Recreation Department using a pesticide not allowed in code to eradicate and control an invasive plant species, and the Anchorage Health Department's delegation of decision-making to the Parks & Recreation Department regarding the use of non-allowed pesticides in MOA parklands.

The Ombudsman's Office reviewed the relevant sections of code and policies. A written determination is required for the use of non-allowed pesticides. The Ombudsman's Office determined that the Parks & Recreation Department did not place a written determination in one document, and while all the relevant information can be found in various documents and emails, the code envisions that this information would be in one document. The Ombudsman's Office recommended to the Parks & Recreation Department, Director that in the future he or his designee draft a determination document as envisioned by the code - the Director agreed to implement the recommendation. The Ombudsman's Office informed the constituent that the definition of "Department" in the code allows the Anchorage Health Department to delegate decision-making authority to another department.

OM2021-1123

A constituent contacted the Ombudsman's Office regarding "the hundreds of small white flags" that the Municipal Manager ordered removed from the lawn of the Loussac Library. Persons placed the flags to represent Alaskans who have died from COVID - 19. The constituent questioned if it was appropriate to remove the flags, since the Loussac Library is a Municipal public space.

The Ombudsman's Office reviewed the relevant sections of code and consulted with the Municipal Attorney's Office. The grounds of the Loussac Library are a public space, and persons can hold rallies and demonstrations on the lawn, in exercise of their free speech rights. Persons have every right to stand in the grounds of the Loussac Library and to hold and wave the flags. However, persons cannot stick flags, signs, banners, etc. up on the Loussac Library lawn and leave them in place after a demonstration or rally ends. The MOA requires permits to place items in municipal rights-of-way or in municipal public spaces. Otherwise, Municipal public spaces would become cluttered with signs, flags, placards, banners, etc. The constituent was informed of the Ombudsman Office's determination.

OM2021-1178

A constituent filed an online complaint with the Ombudsman's Office regarding a sign that was displayed on the outside of a People Mover bus. The constituent believed that the sign was political and inappropriate for display on a People Mover bus. The sign read:

CNN, MSNBC, FOX & THE MAINSTREAM MEDIA
WILL NOT TELL YOU
GO TO FRANKSPEECH.COM
TRUTH ON THE 2020 ELECTION FRAUD

The Ombudsman's Office reviewed the contract and policy for advertising on People Mover buses and consulted with the Municipal Attorney's Office. The MOA has created a limited public forum for the purposes of advertising on People Mover buses. As such, the limitations on advertising are extremely narrow. Trying to censor ads for a space that is a limited public forum raises constitutional free speech issues, which is why the standards are so broad, and the restrictions are limited to advertising liquor, tobacco products, marijuana, pornography, etc. The Ombudsman's Office determined that the sign does not violate the standards for advertising on People Mover buses and is not a political sign that would require the sponsors to be identified on the sign. The MOA contractor had requested that the Municipal Attorney's Office review the sign before they signed the contract to place the signs – the Municipal Attorney's Office reached the same conclusions as the Ombudsman's Office.

OM2021-1244, 1245, & 1246

Three constituents contacted the Ombudsman's Office to file complaints alleging that the Anchorage School District violated the Alaska Open Meetings Act, by making the meetings of the Inlet View Elementary Building Design Committee "private", and not open to the public.

The Ombudsman's Office reviewed the requirements of the Alaska Open Meetings Act and reviewed the Anchorage School District's online calendar for public meetings. The Ombudsman's Office determined that the Inlet View Elementary Building Design Committee is subject to the requirements of the Alaska Open Meetings Act, and meetings of the committee need to be open to the public and publicly noticed. Had the committee been comprised of only District staff, the meetings would not have been subject to the Open Meetings Act – members of the public serving on the committee triggered the requirements of the Open Meetings Act. The District's Chief Operating Officer concurred with the Ombudsman's determination - subsequent meetings of the committee were open to the public and were publicly noticed.

OM2021-1290

A retired Anchorage firefighter contacted the Ombudsman's Office regarding concerns with the MOA, Police & Fire Retirement System. The constituent was a candidate for the MOA, Police & Fire Retiree Medical Funding Program, Board of Trustees. At the time he was serving on the MOA, Police & Fire Retirement System Board. The constituent alleged that the Trustees had a policy manual that included a provision that Trustees cannot simultaneously serve as members of the Retirement System Board. The constituent believed that this policy did not conform to the criteria in municipal code for persons to be eligible to serve as Trustees.

The Ombudsman's Office reviewed the relevant code, and the Trustee's policy manual, and determined that the Trustee's policy was more restrictive regarding eligibility to serve, than the eligibility criteria found in the municipal code. The Ombudsman's Office discussed the situation with the Municipal Attorney's Office and the constituent drafted a memo to the Municipal Attorney outlining his concerns, and recommending that Legal review the matter, to prevent potential legal challenges to the current and future Trustee elections. The Municipal Attorney's Office provided legal guidance to the Trustees, and the policy manual was subsequently revised to remove the restriction involving concurrent service.

OM2021-1376

An MOA employee contacted the Ombudsman's Office regarding signs that the MOA, Traffic Engineering had placed at multiple street intersections. The signs stated that panhandling is prohibited in the median or roadway. The constituent questioned if panhandling is illegal in the MOA.

The Ombudsman's Office reviewed the relevant sections of code and interviewed several MOA employees regarding the formatting and placement of the signs. The signs cited AMC 14.70.160 - the Ombudsman's Office determined that the Superior Court held in 2014 that the code section cited on the signs violates Article 1, Section 5 of the Alaska Constitution (Free Speech). The Anchorage Police Department has not been enforcing the code section since the court's ruling. The State regulation that was cited on the signs, 13AAC.02.180, has been on the books since before statehood, and it is doubtful that the MOA could enforce it. The Municipal Attorney's Office and the Anchorage Police Department were not consulted regarding the signs and the verbiage that was used. The Ombudsman's Office requested that the Municipal Attorney's Officer review the matter – the signs were subsequently removed, modified, and re-installed.

OM2021-1377

An MOA employee expressed concerns to the Ombudsman's Office regarding signs that had been placed in the stairwells of the MOA H Street Parking garage. The signs stated that the facility is "Private Property" and they prohibited trespassing, loitering, and soliciting. The signs stated that violators would be prosecuted to the full extent of the law, and cited AMC 8.45.010. The employee questioned if the facility is private property.

The Ombudsman's Office reviewed the relevant codes. The H Street Parking Garage is a public facility that was constructed with MOA bond money. The MOA has no general loitering laws on the books, as multiple courts across the nation have struck them down. AMC 8.45.010 has strict standards regarding enforcing trespassing in public spaces – enforcement cannot infringe on First Amendment rights. The Ombudsman's Office requested that the Municipal Attorney's Office review the signs and assist the Anchorage Community Development Authority/Easy Park to ensure that the verbiage on the signs is legally sound. The signs were subsequently removed, modified, and re-installed.

OM2021-1426

A constituent emailed the MOA, ADA Coordinator, Municipal Manager, and other MOA employees, and copied the members of the Anchorage Assembly. The constituent alleged that the Anchorage Police Department and Parks & Recreation Department had broken the law by violating the provision of the Americans With Disabilities Act of 1990, as amended, by directing vehicles to park on a sidewalk and by not enforcing the ADA. The constituent alleged that "Parks and Rec shut down only sidewalk connecting DeBarr to Mountain View for queueing cars for firewood (clear ADA violation). APD called and

APD said no problem as cars were not on Boniface. Complaint filed. I asked that P&R and APD admit they violated law, that training be provided, and some process implemented so it would not happen again. I got excuses and promises. And no compliance with the MOA ADA complaint process. The MOA ignores the ADA regularly with impunity. It has to stop!". The constituent also alleged that the MOA, ADA Coordinator had failed to follow the guidelines for dealing with ADA complaints that are posted on the municipal website. An Assembly member forwarded the email to the Ombudsman's Office for review.

The Ombudsman's Office reviewed the relevant codes, the documents submitted by the constituent, the ADA, and interviewed multiple MOA employees. Based on the available evidence, the Ombudsman's Office determined that no MOA agency or employee committed an unlawful act by violating the provisions of the ADA – the drivers of the vehicles parked on the sidewalk on their own initiative. Neither the Anchorage Police Department or the Anchorage Parks & Recreation Department can enforce the ADA, which is federal civil rights legislation that is enforced by the U.S. Department of Justice. However, inadequate event planning on the part of Parks & Recreation Department staff created a situation where individual vehicle operators queued their vehicles on the sidewalk which most likely resulted in the minimum 36" ADA sidewalk width standard not being met. The ADA Coordinator met with senior Parks & Recreation staff to counsel and advise them regarding future Parks & Recreation events, and the responding APD officer counseled Parks & Recreation staff regarding coordinating traffic control with APD for future events. The Ombudsman's Office determined that these were appropriate, adequate, and effective responses. The complaint that the Parks & Recreation Department, and the Anchorage Police Department committed unlawful acts by violating the Americans with Disabilities Act of 1990, as amended, was UNSUPPORTED.

Based on the Ombudsman Office's review of the posted ADA policy document, it appears that the process issues raised by the complainant were caused, in part, by the Human Resources Department's attempt to create a one-size-fits-all policy. The policy outlines the processes and timeframes for responding to complaints from persons who are in a protected class (disabled) who believe that they have been discriminated against by MOA agencies in access to government programs, services, and benefits. The primary purpose of the policy document appears to have been to set out a formal process for resolving complaints that involve persons who have standing, and who are "harmed" by the actions of an MOA agency. However, the policy also states that "An individual may file an ADA complaint if that individual believes that he or she or a specific class of individuals has been subjected to discrimination by a Municipal agency on the basis of a disability." This language implies that a person who is not a member of a protected class (disabled) can file a complaint if they believe that an action of an MOA agency discriminates against a particular class of individuals. These types of general ADA complaints may not necessitate the same formal complaint resolution process that is outlined in the MOA's current policy. The processes for resolving these two different types of complaints necessitate different approaches and should be separated out in the policy document. Given the nature of the complaint referenced in this report, Human Resources staff responded to the complainant as they thought appropriate. However, although their response initially conformed to the requirements of the policy document, following an initial mediation meeting, the process got off-track,

and did not strictly follow the processes, formats, and timeframes mandated by the policy. The complaint that the Municipality of Anchorage, Human Resources Department, ADA Coordinator did not comply with their office's posted policies related to how they respond to ADA complaints, related to processes, formats, and timeframes was **PARTIALLY JUSTIFIED**. The Ombudsman's Office recommended that Human Resources and the ADA Coordinator review and revise the policy document – the department accepted the recommendation.

2021 PUBLIC OUTREACH

In 2021 the Ombudsman's Office worked to improve the office's interface with the public, including:

- Continuing to use our City View Public Portal, which allows individual to file complaints online. The portal is optimized for smart phones and tablets.
- Continuing to update and make effective use of the Ombudsman's page at www.muni.org/ombud.
- Using the Anchorage Ombudsman Facebook page to engage with the public.
- Distributing Anchorage Ombudsman t-shirts, wristbands, lapel pins and ink pens at public outreach events (limited due to the COVID – 19 global health pandemic, as was in-person outreach).
- Attending selected community events to interface with the public.



THE OMBUDSMAN OFFICE

- › Acts as a resource for citizens, by answering questions and providing information regarding Municipal government.
- › Recommends to the Assembly, the School Board and the Mayor, changes in policies and procedures and Anchorage Municipal Code, to make the Municipality and School District more responsive to the needs of individuals and the community.
- › Responds in an independent, impartial and confidential manner, while safeguarding the rights of persons and promoting higher standards of competency, efficiency and equity.
- › Investigates complaints against agencies, departments and employees of the Municipality and the School District, as authorized by Anchorage Municipal Code, Chapter 2.60.
- › Makes findings and recommendations through formal investigations about the fairness of official actions by the Municipality or the School District.

BEFORE YOU CONTACT THE OMBUDSMAN

- › Be prepared. Gather any needed information and write down your questions before calling a government office.
- › Don't hesitate to exercise your right to call or write government offices for assistance.
- › Ask for the names of employees you speak with, take notes and save all correspondence.
- › If you are having problems getting answers, or are being treated discourteously, be sure to speak with a supervisor. If a supervisor cannot satisfactorily address your concerns, you can contact the Ombudsman.
- › Courtesy works both ways; be pleasant. Everyone appreciates being treated courteously. Recognizing that, for the average citizen, government is often difficult to navigate, Anchorage's Home Rule Charter provides for a Municipal Ombudsman to act as an independent, impartial reviewer of citizen complaints.

FROM DARREL HESS & MAY RAMIREZ-XIONG

It is our honor to serve the people of Anchorage as your Municipal Ombudsman and Deputy Ombudsman. The Anchorage Ombudsman's office is your independent voice for fairness in local government. Our office strives to assist citizens in navigating the agencies and departments of the Municipality of Anchorage and the Anchorage School District, responding to your concerns and questions.

Our goal is to assist, in some fashion, every person who contacts our office. Many of the issues brought to us are non-jurisdictional, but we will attempt to direct you to the correct person, agency, department, business or nonprofit, who can help you.

We look forward to informing, assisting and empowering you regarding local government policies, procedures and codes. Our services are free of charge, and available to anyone within the Municipality. It is our privilege to serve you.

WHAT IS AN OMBUDSMAN?

Ombudsman is a Swedish term, which means “protector or defender of people’s rights.” The Anchorage Ombudsman is appointed by the Assembly and is an independent, impartial reviewer of complaints and concerns. The Municipal Ombudsman is authorized by the 1975 Anchorage Home Rule Charter, and is governed by Anchorage Municipal Code, Chapter 2.60.

The Ombudsman is nominated by an Assembly selection committee, and if confirmed by the Assembly, serves a two year term. Reappointment is allowed. The Ombudsman investigates complaints of unfair treatment and unreasonable actions by the Municipality of Anchorage and the Anchorage School District, and their employees.

Complaints may result from the action, or lack of action, by a Municipal or School District employee. Often complaints are based on misunderstandings of Municipal or School District policies and procedures, Municipal Codes or individual rights. The Ombudsman can interview Municipal and School District Employees, examine confidential documents, inspect agency and department premises, and issue subpoenas.

The Ombudsman is a neutral fact finder when reviewing and researching complaints and the Ombudsman is not an advocate. If an Ombudsman investigation determines that an agency, department or employee made a mistake, or acted unfairly or arbitrarily, the Ombudsman may recommend corrective action. While the Municipality and School District do not have to follow the Ombudsman’s recommendations, they usually do.

THE OMBUDSMAN DOES NOT INVESTIGATE:

- The Assembly
- The Mayor
- The School Board
- State or Federal Agencies or Employees
- Disputes between private parties
- Tenant/Landlord disputes
- Decisions more than one year old (generally)
- Matters being adjudicated by the courts

MUNICIPALITY OF ANCHORAGE OMBUDSMAN COMPLAINT FORM

"The Ombudsman may investigate the administrative acts of agents of the municipality,...The Ombudsman shall be barred from inquiry into acts of the Mayor, the Assembly or School Board." **AMC 2.60.110.A. D**

What did the department do that you think is wrong? _____

What do you want from the department? _____

Please provide any other information we may need to help us investigate your complaint. _____

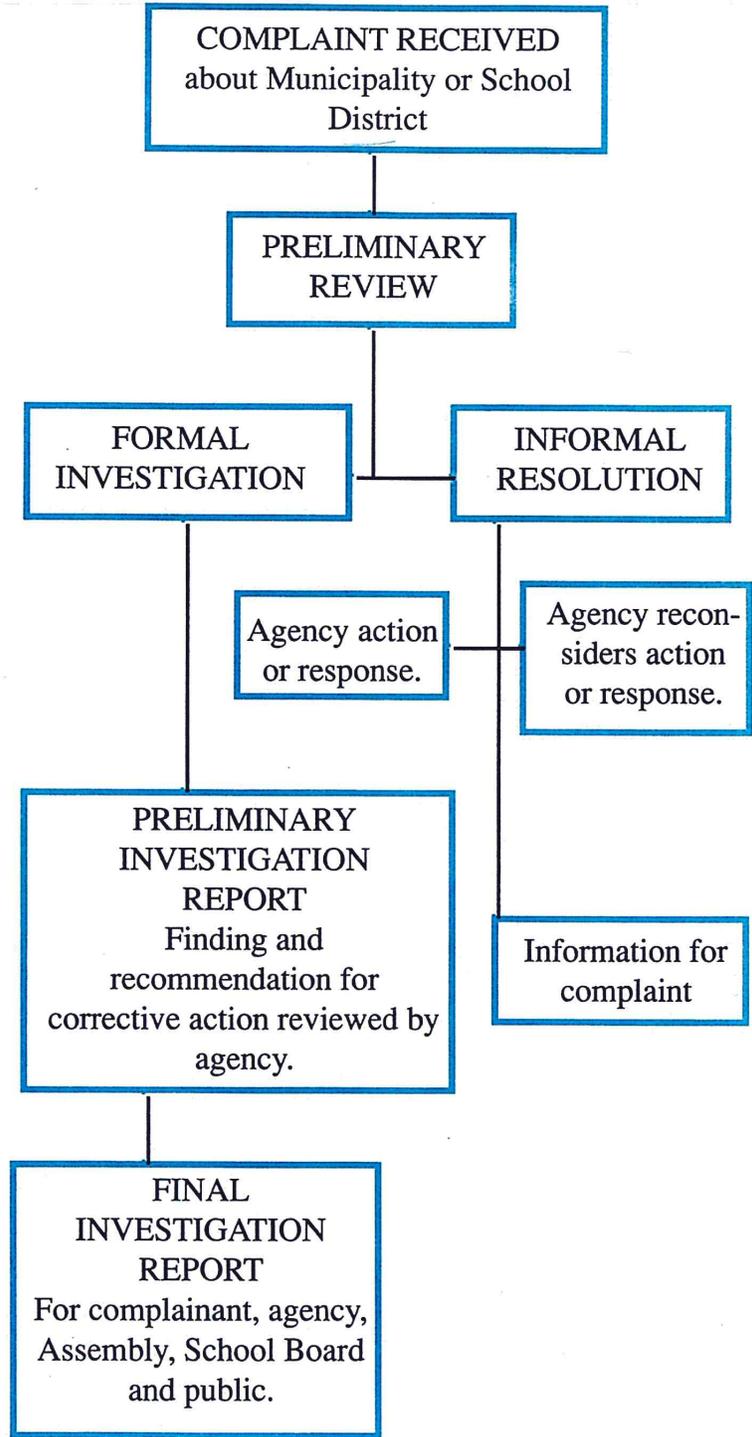
***IMPORTANT We will not give out your name without your consent. Do you give permission to use your name when talking to the agency?** **YES** **NO** Initial _____

Use this space to provide any further information you feel may be useful in our investigation. **Remember: The Municipal Ombudsman only investigates complaints about municipal agencies.** Use extra paper if necessary.

What do you want the Ombudsman to do for you? _____

Signature _____ Date _____

**COMPLAINT RESOLUTION
PROCESS**
Office of the Ombudsman, Municipality of Anchorage





WELCOMING
Anchorage
Stronger Together

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. Building on this network, Welcoming Anchorage is a collaboration between the Municipality of Anchorage, local businesses and organizations and the Anchorage Economic Development Corporation that strives to reinforce Anchorage as a place proud of our heritage and poised to position ourselves as a globally competitive, culturally vibrant 21st century community.

The Welcoming Anchorage initiative has five pillars: Employment and Entrepreneurship; Civic Engagement; Connected, Safe and Healthy Communities; Equitable Access; Education.

Employment and Entrepreneurship: Ensuring engagement in all sectors of Anchorage's economy by tearing down barriers to entry and minimizing "brain waste." Promoting entrepreneurship opportunities

Civic Engagement: Hosting annual Welcoming Week activities; hosting community wide diversity events, creating community partnerships, designing and hosting civic engagement academies

Connected, Safe and Healthy Communities: Promoting public safety, education about the law, and cultural awareness among service providers

Equitable Access: ensuring access for limited English proficient residents, eliminating barriers to community services

Education: building cradle to career opportunities for newcomers including childhood and adult education and ESL opportunities

#WelcomingAnchorage

On Facebook: www.facebook.com/WelcomingAnchorage

On muni.org: www.muni.org/departments/assembly/welcominganchorage

Contact Welcoming Anchorage: WelcomingAnchorage@muni.org



**SPECIAL THANKS TO TIGGER,
THE OMBUDSDOG**



ACKNOWLEDGMENT

This annual report was prepared by the following members of the Ombudsman's Staff:

Darrel W. Hess, Municipal Ombudsman
May Ramirez-Xiong, Deputy Ombudsman



May and Darrel



A special thank you to the Municipal Reprographics Team:
Reeve, Krista, Syd and Brandon, for their professionalism and invaluable
assistance.

"The world isn't fair, Calvin" "I know Dad, but why isn't it ever unfair in my favor?"

— Bil Watterson. The Essential Calvin and Hobbes: A Calvin and Hobbes Treasury