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3 **CLERK'S OFFICE**
4 **AMENDED AND APPROVED**
5 Date: 6-11-02
6

Submitted by: Assemblymember **TESCHE**,
TAYLOR, TRAINI, Tremaine, Van Etten,
Shamberg, Whittle
Prepared by: Department of Assembly
For reading: May 21, 2002

7 **ANCHORAGE, ALASKA**
8 **AO NO. 2002-87**
9

10 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
11 **ANCHORAGE MUNICIPAL CODE SECTION 5.10.040 RELATING TO THE POWERS**
12 **AND DUTIES OF THE ANCHORAGE EQUAL RIGHTS COMMISSION AND ENACTING**
13 **A NEW SECTION 5.10.050 RELATING TO STANDING COMMITTEES OF THE**
14 **COMMISSION.**
15

16
17 **THE ANCHORAGE ASSEMBLY ORDAINS:**
18

19 **Section 1:** That Anchorage Municipal Code Section 5.10.040 is amended to read
20 as follows:
21

22 **5.10.040 Powers and duties.**
23

24 **A. The Equal Rights Commission may:**
25

26 **[A]1.** Hold public hearings and issue orders under sections 5.30.030 and
27 5.30.050;
28

29 **[B]2.** Administer oaths and affirmations, certify its official acts, and issue
30 subpoenas, subpoenas duces tecum, and other legal process to
31 compel the attendance of witnesses and the production of testimony,
32 books, records, papers, accounts, documents or things in any inquiry,
33 investigation, hearing or proceeding before the commission; the
34 commission may petition the superior court of the state having
35 jurisdiction to enforce its subpoenas, subpoenas duces tecum, and
36 other legal precesses;
37

38 **[C]3.** Intervene in any court proceeding brought under this title;
39

40 **[D]4.** Enter into agreements with counterpart agencies at all governmental
41 levels to promote effective and efficient enforcement of the law;
42

43 **[E.]5.** Grant relief as described in section 5.30.050;
44

45 **[F DEVELOP PROGRAMS DESIGNED TO BRING ABOUT THE**
46 **PREVENTION AND ELIMINATION OF DISCRIMINATION];**
47

48 **[G]6.** Hire **[,SUBJECT TO APPROVAL OF THE MAYOR ,]** an Executive
49 Director who shall serve at the pleasure of the commission **and such**
50 **administrative staff as required in the execution of its duties.**

[H]Z. Delegate to the Executive Director all powers and duties given it by this title, except the power to hold hearings, issue orders and hire the Executive Director[;]. [AND]

B. The Equal Rights Commission shall:

1. Review complaints of discriminatory acts and practices made to the Commission and prioritize allocation of its staff and Commission resources among complaints received in order to best fulfill the purposes of Article XVII, Section 17 of the Home Rule Charter. By prioritizing investigatory and enforcement activities, the Commission shall seek to bring about systemic relief from prohibited discriminatory practices in the most cost efficient and effective manner possible;

2. Monitor, investigate, and speak out against unlawful discriminatory acts and practices, as well as acts of intolerance or invidious discrimination as they occur in our community;

3. Through its own activities, those of its staff and standing committees, organize and conduct such programs of community outreach and education necessary to eliminate unlawful discrimination, intolerance or invidious discrimination;

4. Through its own activities, those of its staff and standing committees, organize and conduct such programs of community outreach and education to increase the community's awareness of and appreciation for the uniqueness and diversity of the Anchorage community;

5. Recommend to the Assembly new legislation, policies, programs, and activities that will help eliminate unlawful discrimination, intolerance and invidious discrimination and to enhance the community's appreciation of our unique racial and ethnic diversity; and

[I]6. Adopt procedural and evidentiary rules necessary to fulfill the intent of this title.

Section 2: That a new Section 5.10.050 is enacted to read as follows:

5.10.050 Standing Committees

A. The Commission shall establish a Standing Committee on the Promotion of Tolerance and Diversity consisting of eleven (11) residents of Anchorage, not less than nine (9) of which shall be of a

AM 496-2002

7. *Provide an annual report to the Assembly;*
8. *Conduct exit interviews with parties to the Commission proceedings.*

Appointed from the diverse population of Anchorage
minority racial or ethnic extraction. Members of the Committee shall be appointed by the Commission and for terms as set by the Commission. The purpose of the Committee is to increase the community's awareness of and appreciation for the unique racial and ethnic diversity of Anchorage and to eliminate intolerance as well as invidious discrimination in Anchorage. The Committee shall be staffed by, and report directly to Commission.

1. The Standing Committee on the Promotion of Tolerance and Diversity shall advise and assist the Commission on issues relating to racial and ethnic diversity as well as the elimination of intolerance and invidious discrimination within Anchorage.

2. The Standing Committee on the Promotion of Tolerance and Diversity shall:

a. Act as a clearinghouse to receive and coordinate information on and the status of racial and ethnic issues as well as elimination of intolerance and invidious discrimination in Anchorage;

b. Serve as the Municipality's informational resource on issues of diversity-related conflict as situations arise;

c. Hear, review, and respond to public concerns on racial and ethnic issues as well as the elimination of intolerance and invidious discrimination;

d. Develop programs and community outreach designed to increase appreciation of the value of racial and ethnic diversity and to eliminate intolerance and invidious discrimination in Anchorage;

e. Recommend policies and activities that will enhance appreciation of racial and ethnic diversity and eliminate intolerance and invidious discrimination within Anchorage.

f. Collaborate with other agencies and community programs to raise the consciousness of the community to prevent or alleviate intolerance.

B. The Commission may establish such other standing committees as the Commission deems necessary to carry out its duties and responsibilities.

1 **Section 3:** That this ordinance shall become effective immediately upon passage
2 and approval.

3
4 PASSED AND APPROVED by the Anchorage Assembly this 11th day of
5 June, 2002.
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11 Chair

12 ATTEST:

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17 Municipal Clerk
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EJ/2002/ORDINANCES/A03

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2002-87

Title: Amending. AMC Sec. 5.10 Relating to Powers and Duties of the ERC and
Enacting a New Section 5.10.050 Relating to Standing Committees.

Sponsor: Assemblymembers Tesche, et.al.

Preparing Agency: Assembly

Others Impacted: Equal Rights Commission

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

| | <u>FY02</u> | <u>FY03</u> | <u>FY04</u> | <u>FY05</u> | <u>FY06</u> |
|-------------------------------|--------------|---------------|---------------|---------------|---------------|
| Operating Expenditures | | | | | |
| 1000 Personal Services | \$ 66 | \$ 165 | \$ 165 | \$ 165 | \$ 165 |
| 2000 Non-Labor | 30 | 25 | 25 | 25 | 25 |
| 3900 Contributions | | | | | |
| 4000 Debt Service | | | | | |
| TOTAL DIRECT COSTS: | \$ 96 | \$ 190 | \$ 190 | \$ 190 | \$ 190 |
| Add: 6000 Charges from Others | | | | | |
| Less: 7000 Charges to Others | | | | | |
| FUNCTION COST: | \$ 96 | \$ 190 | \$ 190 | \$ 190 | \$ 190 |

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

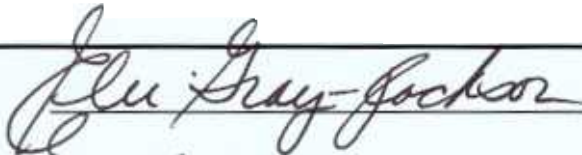
PUBLIC SECTOR ECONOMIC EFFECTS:

The Equal Right Commission's appropriation for 2002 will be increased by \$66,000 for personnel costs which will fund an additional human relations specialist, a community outreach education coordinator, and an Administrative Assistant. In addition, \$5,000 will be appropriated for non-labor costs, and \$25,000 to support the Standing Committee on the Promotion of Tolerance and Diversity for costs incurred to provide community education and outreach activities as approved by the Commission. In out years, the estimated annual budget increase will be \$190,000.

PRIVATE SECTOR ECONOMIC EFFECTS:

The benefits to the community will outweigh the anticipated costs due to the increase in the effectiveness of the Equal Rights Commission. The Commission will have the resources to conduct community outreach and education necessary to eliminate unlawful discrimination, intolerance or invidious discrimination, and recommend programs and activities that will enhance the community's appreciation of our uniqueness and diversity within the Municipality of Anchorage.

Prepared by:



Telephone:

4751

Approved by:



Director/Municipal Clerk

Date:

5-21-02



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. 496-2002

Meeting Date: May 21, 2002

1 **From:** Assemblymember Tesche

2 **Subject:** AO 2002-87 - AMENDING CHAPTER 5.10.040 OF THE ANCHORAGE
3 MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE
4 ANCHORAGE EQUAL RIGHTS COMMISSION AND ENACTING A NEW
5 SECTION 5.10.050 RELATING TO STANDING COMMITTEES OF THE
6 COMMISSION.
7
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9 Public testimony given on May 14, 2002 by the Executive Director of the Anchorage Equal Rights
10 Commission revealed that the Commission is not, by law, sufficiently empowered to aggressively seek
11 out and to eliminate discriminatory practices or to engage in community wide programs of education
12 and outreach in support of its mission. Instead, the Commission only reacts to discrimination
13 complaints filed with its staff and within its limited fiscal constraints and powers. Public testimony given
14 on May 14, 2002 before the Assembly, however, supports new efforts by the Equal Rights Commission
15 to take a more pro-active role in investigating and challenging discriminatory practices throughout
16 Anchorage. Moreover, informal remarks by U.S. Equal Employment Opportunity Commissioner Paul
17 Steven Miller on May 16, 2002 during his visit to Anchorage support a pro-active role by the
18 Commission in handling discrimination complaints as well as an active role of the Commission in
19 community education and outreach in order to eliminate unlawful discriminatory practices.
20

21 AO 2002-87 would clarify and expand the duties and responsibilities of the Equal Rights Commission
22 in several ways. A new subsection B is added to AMC 5.10.040 which enumerates new and clear
23 responsibilities for the Commission beyond its more traditional role of investigating and resolving
24 individual complaints of discrimination. For example, the new ordinance would require the Commission
25 to review discrimination complaints and prioritize allocation of staff and commission resources in order
26 to secure systemic relief from prohibited discriminatory practices in the most cost efficient and effective
27 manner possible. The ordinance also gives the Commission an effective voice, indeed the duty, to
28 speak out against unlawful discriminatory acts and practices, as well as acts of intolerance or invidious
29 discrimination in our community.
30

31 AO 2002-87 would also require the Commission to organize and conduct such programs of community
32 outreach and education necessary to eliminate unlawful discrimination, intolerance or invidious
33 discrimination, and to increase the community's awareness of and appreciation for the unique racial
34 and ethnic diversity of Anchorage. Finally, the ordinance would empower the Commission to
35 recommend new legislation, policies, and programs to the Assembly and the Mayor that will help
36 eliminate unlawful discrimination, intolerance and invidious discrimination. Similarly, the Commission
37 is mandated to recommend programs and activities that will enhance the community's appreciation of
38 our unique racial and ethnic diversity.
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40 Approval of AO 2002-87 is recommended.

41
42 Respectfully submitted

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45

46 Allan Tesche
47 Assemblymember
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49 EGJ/2002AM/AM04

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2002-87

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

| | | | | | |
|----------|--|-----------------|---|-------------------------------|--|
| 1 | SUBJECT OF AGENDA DOCUMENT | | DATE PREPARED | | |
| | AO 2002-87 - Amending AMC Section 5.10.040 | | 21-May-02 | | |
| | | | Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM | | |
| 2 | DEPARTMENT NAME | | DIRECTOR'S NAME | | |
| | Assembly | | Greg Moyer | | |
| 3 | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY | | HIS/HER PHONE NUMBER | | |
| | | | | | |
| 4 | COORDINATED WITH AND REVIEWED BY | INITIALS | DATE | | |
| | Mayor | | | | |
| | Heritage Land Bank | | | | |
| | Merrill Field Airport | | | | |
| | Municipal Light & Power | | | | |
| | Port of Anchorage | | | | |
| | Solid Waste Services | | | | |
| | Water & Wastewater Utility | | | | |
| | Municipal Manager | | | | |
| | Cultural & Recreational Services | | | | |
| | Employee Relations | | | | |
| | Finance, Chief Fiscal Officer | | | | |
| | Fire | | | | |
| | Health & Human Services | | | | |
| | Office of Management and Budget | | | | |
| | Management Information Services | | | | |
| | Police | | | | |
| | Planning, Development & Public Works | | | | |
| | Development Services | | | | |
| | Facility Management | | | | |
| | Planning | | | | |
| | Project Management & Engineering | | | | |
| | Street Maintenance | | | | |
| | Traffic | | | | |
| | Public Transportation Department | | | | |
| | Purchasing | | | | |
| | Municipal Attorney | | | | |
| | Municipal Clerk | | | | |
| | Other | | | | |
| | | | | | |
| | | | | | |
| 5 | Special Instructions/Comments | | | | |
| | <i>Addendum</i> | | | | |
| | <i>G.F. Antokushin</i> | | | | |
| 6 | ASSEMBLY HEARING DATE REQUESTED | | 7 | PUBLIC HEARING DATE REQUESTED | |
| | <i>5/21/02</i> | | | June 11, 2002 | |

2002 MAY 21 PM 2:19
 CLERK'S OFFICE
 M.O.A.