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Submitted by: AssemblymembersTesche, Taylor Prepared by: Department of Assembly For reading: June 25, 2002

ANCHORAGE, ALASKA AO NO. 2002-101

8 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
9 ANCHORAGE MUNICIPAL CODE CHAPTER 6.10, BUDGET AND APPROPRIATIONS
10 GENERALLY, BY ENACTING A NEW SECTION 6.10.033 TO PROVIDE FOR PUBLIC
11 ACCESS TO DOCUMENTS AND MATERIALS USED TO PREPARE ANNUAL AND
12 OPERATING BUDGETS
13

THE ANCHORAGE ASSEMBLY ORDAINS:

<u>Section 1</u>: That Anchorage Municipal Code Charter 6.10, Budget and Appropriations Generally, is amended by enactment of a new section .033 to read:

6.10.033 Public access to budget preparation materials.

- A. Except only where prohibited or restricted by State Statutes, the public shall be given full, free, and unrestricted access to all Municipal documents and records, including drafts, prepared by or for the Municipality in connection with annual operating and capital budgets.
- B Public access to budget preparation materials shall not be restricted or denied by any Municipal official, employee, or entity on the basis of any claim of executive or deliberative process privilege.
- C. The terms "documents" and "records" use in this section shall have the same meaning as given those terms in AMC 3.90.020.
- D. The term "budget" used in this section means and includes periodic revisions to operating and capital budgets as well as proposed legislation making, repealing, or revising appropriations.

Section 2: That this ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 16 day of , 2002.

ATTEST:

52 Municipal Clerk EGJ/2092/ORDINAJ9C



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

NO. <u>571-2002</u>

Meeting Date: June 25, 2002

From: Assemblymember Tesche

Subject: AN ORDINANCE AMENDING AMC 6.10 BY ENACTING A NEW SECTION TO PROVIDE FOR PUBLIC ACCESS TO DOCUMENTS AND MATERIALS USED TO PREPARE ANNUAL AND OPERATING BUDGETS

Since unification and with only a brief exception during 1997¹, Assembly staff and the public have been given access to Municipal documents used to prepare annual operating and capital budgets. Access to these materials during budget preparation aids in review of operating and utility budgets and is particularly important because once budgets are officially transmitted to the Assembly, the time for review and revision is necessarily limited.

Unfortunately, Assembly staff were recently advised by the Office of Management and Budget that public access to the budget preparation materials, including Assembly access through the City's Budget Preparation System has been terminated to protect the Mayor's "executive" or "deliberative process privilege." The famous federal case of *United States v. Nixon*, 418 U.S. 683 (1974) discussed the concept of "executive privilege" in the Federal context.

In order to restore public access to budget preparation information, AO 2002-101 clarifies Municipal law by guaranteeing that such information is indeed available to the public and that the so called "executive or deliberative process privileges," while applicable to State government, are not applicable to local government in Anchorage and should not bar public access to budget preparation materials.

Enactment of AO 2002-101 is recommended.

Respectfully submitted,

allan lesck

Allan Tesche, Chair Assembly Finance Committee

EGJ/2002MEMORANDUMS/AM31

¹ For a brief time in 1997, Mayor Mystrom suspended Assembly access to budget preparation information. Upon request of the Assembly Chair and following an editorial in the Anchorage *Daily News*, public access to those materials was restored.

MUNICIPALITY OF ANCHORAGE Summary of Economic Effects -- General Government

AO Number: 2002-101

Title: Amending AMC 6.10 to Provide for Public Access to Documents and Materials used to Prepare Annual and Operating Budgets

Sponsor:Assemblymember TeschePreparing Agency:Department of AssemblyOthers Impacted:All Departments

CHANGES IN EXPENDITURES AI	ND REVENUES:		(In Thousa	nds of Dollars)	
	FY02	FY03	FY04	FY05	FY06
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions 4000 Debt Service					
				•	
TOTAL DIRECT COSTS:	\$	\$	\$	\$	\$
Add: 6000 Charges from Others Less: 7000 Charges to Others					
•					
FUNCTION COST:	\$	\$	\$	\$	\$
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no substantial, if any, public sector economic effects anticipated.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no substantial, if any, private sector economic effects anticipated.

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Prepared by:	Blu hay Jackson Telepho	one:	4751	
Approved by:		ate:	6/21/02	
	Director/Menicipal Clerk			

2002SEE/SEE09

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

A0 2002-101

(SEE	REVERSE SIDE FOR FURTHER INFORMATION)			710 -00-10	
	SUBJECT OF AGENDA DOCUMENT		DATE PREPARI		
1					
	An Ordinance Amending AMC Chapter 6.10, Budget and			02	
			1	ndicate Documents Attached	
	Appropriations			: 2. 2. 1일 : 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2.	
1					
	DEPARTMENT NAME		DIRECTOR'S NAME		
2	Assembly		Greg Moyer		
	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER		
3	Elvi Gray-Jackson		343-4751		
4	COORDINATED WITH AND REVIEWED BY	INIT	IALS	DATE	
	Mayor			성상 - 1919년 2017년 1월 1919년 1월 1 2월 1919년 - 1919년 1월 1	
	Heritage Land Bank	<u>an an a</u>			
	Merrill Field Airport			2월 1999년 1월 20일 - 1997년 1998년 2월 1998년 1997년 1997년 1997년 1997년 - 1997년 1 1997년 - 1997년 1	
- 48 Mar. - 97 Mar.	Municipal Light & Power			사 : 2012년 2013년 1월 27일 전자 2012년 1월 2012년 1월 2012년 1월 - 11월 2012년 2월 2월 2월 2012년 1월 2012년	
	Port of Anchorage				
	Solid Waste Services				
	Water & Wastewater Utility	n an an tha an tha Tha an tha an t			
	Municipal Manager				
	Cultural & Recreational Services			그는 이 것은 것 같아요? 그는 이 이 것을 많이 가지 않는다. 에 이는 그는 것은 이야지를 통하는 것을 하는 것은 것을 것을 했다.	
	Employee Relations				
	Finance, Chief Fiscal Officer			<u>에 알려진 것 같아요. 이상</u> 에 가지 않는 것이 같아요. 것이 가지 않는 것이 있다. 이 같이 많이 있는 것이 같아요. 것이 같아요. 것이 같아요. 것이 같아요. 것이 같아요.	
na na seo Tanàna	Fire			<u>에 다 데 데 데 데 가 다 하는 것 같아. 이가 봐</u> 나 가 나라. 1월 동 2월 1일은 다 가 다 가 다 한 것 같아. 이가 다 다 가 다 다 다 다 다.	
	Health & Human Services				
	Office of Management and Budget				
	Management Information Services			에는 이상 가격 이상 위험을 가지 않았다. 정말 것은 것은 것은 것은 것을 수 있는 것을 것을 가지 않았다. 것은 것은 것은 것을 가지 않았다. 가지 하는 것은 것은 것은 것이 같아. 가지 않았다. 가지	
	Police			11. [12] 이상 이상 전 2019년 11일 - 11g -	
	Planning, Development & Public Works				
	Development Services				
	Facility Management				
	Planning	and the second s		11월 - 21일 - 12일 전 2018년 11월 - 12일 전 2018년 11월 11월 11일 전 2018년 11월 11일 전 2018년 11월 11일 전 2018년 11월 11일 전 2018년 1 12월 11일 - 12일 전 2018년 11월 11일 전	
	Project Management & Engineering			· · · · · · · · · · · · · · · · · · ·	
and the second s	Street Maintenance			사람이 이 이상 가장 전쟁을 가지 않는 것이 있는 것이 있는 것이 있는 것이 있다. 같은 것이 이 이상 사람이 같은 것이 같은 것이 있는 것이 있는 것이 있는 것이 같은 것이 없다.	
2	Traffic			에는 사람이 있는 것이 같은 것이 있는 것은 것이 같은 것이 있는 것이 있다. 이 방법 방법은 것이 같은 것이 있는 것이 같은 것이 같은 것이 같은 것이 같은 것이 있는 것이 같이 있다.	
	Public Transportation Department		<u>in a sa si</u> Tab	에는 것은 가지가 많은 것은 가지가 있는 것이 가지가 있는 것은 것이 가지가 있다. 	
and and a second se	Purchasing				
	Municipal Attorney				
	Municipal Clerk		ender all the second	<u>방법은 영상 전체 이 가격을 가지 않는 것 같은 것은 가격을 가려 가</u> 입니다. 이 사실은 모든 이 가격을 가지 않는 것이 있는 것이 없는 것이 생활을 가지 않는 것이다.	
	Other			가 가려 있는 것은 것이 있는 것이 있는 것이 있는 것이 있는 것이 있다. 같은 것은 것은 것은 것이 같은 것이 있는 것이 있는 것이 같은 것이 없는 것이 같이 있다.	
	and the second				
5	Special Instructions/Comments				
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	ASSEMBLY HEARING DATE REQUESTED		EARING DATE RE	QUESTED	
6	6/20102	1	11	16/02	
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MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 672-2002

Meeting Date: July 16, 2002

Mayor

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FROM:

AO 2002-101 Making Amendments Related to Access to Budget Documents SUBJECT:

5 AO 2002-101 appears to have been prompted by OMB's decision to limit access by Assembly staff 6 to the mainframe-based Budget Preparation System that departments use to develop their 7 individual department annual operating budget. No one outside of OMB has municipal-wide 8 access, which requires a password and user identification, to the Budget Preparation System. 9 Throughout the budget development process, information in the Budget Preparation System 10 constantly changes as decisions are refined and priorities re-examined. Information extracted from 11 the Budget Preparation System during the budget development process is merely a snapshot view 12 at that point in time and may have no relationship to the final proposed budget. Distribution of such 13 information can be misleading. Municipal-wide access by the Assembly staff will be available once 14 the Administration presents its budget to the Assembly as required by Section 13.03 of the 15 16 Anchorage Municipal Charter.

The Administration has made no change to the public's access to budget documents.

19 The traditional framework of American government follows a separation of powers doctrine, with 20 governmental authority distributed among three branches: the executive, the legislative, and the 21 judicial. The Anchorage Municipal Charter embodies a strong Mayor form of government, which 22 requires the Mayor to submit a proposed operating and capital budget to the Assembly. Preparing 23 a proposed budget is a complex task. To do it properly requires a candid exchange of opinions, 24 advice, and recommendations within the administration, followed by close consideration of the 25 fiscal and policy implications of detailed budget issues, ultimately resulting in a carefully considered 26 proposed budget. Because of the importance and sensitivity of budget issues, the need for frank, 27 give-and-take communication within the administration regarding fiscal and policy issues is, 28 perhaps, greater than in any other area of executive responsibility. The proposed ordinance 29 unnecessarily and inappropriately invades the prerogative and ability of the Mayor to fully 30 discharge his responsibility under the Charter to prepare and submit a proposed budget. 31

Concur:

Harry J. Kleling Municipal Manager

Respectanly subfaitted much

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Prepared by:

charis Frisch

Cheryl Frasca **OMB** Director

Municipality of Anchorage MUNICIPAL CLERK'S OFFICE

Agenda Document Control Sheet

An 612-2002

	REVERSE SIDE FOR FURTHER INFORMATION)		.	JP 0	
	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED			
1	AO 2002-101 Making Amendments Related to Ac	July 12, 2002			
	Budget Documents				
			Ind	icate Documents Attached	
				AR X AM AIM	
	DEPARTMENT NAME		DIRECTOR'S NAME		
2	Office of Management and Budget		Cheryl Frasca		
	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER		
3	Cheryl Frasca		343-4490		
			1		
4	COORDINATED WITH AND REVIEWED BY	INIT	IALS	DATE	
Х	Mayor				
	Heritage Land Bank				
	Merrill Field Airport				
	Municipal Light & Power				
	Port of Anchorage				
	Solid Waste Services				
	Water & Wastewater Utility				
Х	Municipal Manager	M		7 15	
	Cultural & Recreational Services				
	Employee Relations				
	Finance, Chief Fiscal Officer				
	Fire				
	Health & Human Services	05		-11.102	
Х	Office of Management and Budget	CF		1/11/02	
	Management Information Services				
	Police				
	Planning, Development & Public Works				
	Development Services				
	Facility Management				
	Planning				
	Project Management & Engineering Street Maintenance				
	Traffic				
	Public Transportation Department				
	Public Transportation Department				
	Municipal Attorney				
Х	Municipal Clerk			20	
	Other			8	
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6	ASSEMBLY HEANING DATE REQUESTED 7/16/02				