

Submitted by: Chair of the Assembly at  
the request of the Mayor  
Prepared by: Planning Department  
For reading: April 20, 2004

CLERK'S OFFICE

APPROVED

Date: 5-18-04 ANCHORAGE, ALASKA  
AO 2004- 84

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 4.05.040 TO SET THE COMMENCEMENT AND TERMINATION OF BOARD AND COMMISSION TERMS TO OCTOBER, TO PROVIDE FOR AUTOMATIC EXTENSION OF APPOINTED MEMBERS TERMS UNTIL A NEW APPOINTMENT IS CONFIRMED BY THE ASSEMBLY OR A MAXIMUM OF 120 DAYS, AND TO EXTEND TERMS OF EXISTING BOARD AND COMMISSION MEMBERS BY 8 MONTHS.

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code section 4.05.040 is hereby amended to read as follows amended:

**4.05.040 Terms.**

Except as otherwise specified in this Code, the regular term of each member of a board or commission is three years commencing on October 15 [FEBRUARY 15] of the year in which appointed and ending three years thereafter on October 14 [FEBRUARY 14], provided however, to avoid a vacancy until new appointments can be made and confirmed, an appointed member's term is extended until a new appointment is confirmed or a maximum of 120 days which ever occurs first [THE MAYOR MAY CONTINUE THE APPOINTMENT OF MEMBERS FOR UP TO AND INCLUDING 120 DAYS AFTER EXPIRATION OF THEIR TERM]. The terms of initial or subsequent appointments to a board or commission shall be staggered so that, as nearly as possible, a pro rata number of its members shall be appointed each year of the established regular term of office.

**Section 2.** To implement this amendment, the terms of all Board and Commission members scheduled to terminate on February 14 of any given year shall automatically be extended by 8 months, to terminate on October 14.

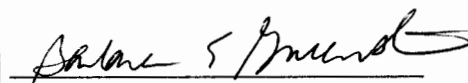
**Section 3.** This ordinance shall be effective immediately upon its passage and approval by the Anchorage Municipal Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 18<sup>th</sup> day of

May 2004.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2004- 84

Title: An Ordinance Amending Section 4.05.040 to Set the Commencement and Termination of Board and Commission Terms to October and to Provide for Automatic Extension of Appointed Members Terms Until a New Appointment is Confirmed by the Assembly or a Maximum of 120 Days.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		<b>(In Thousands of Dollars)</b>			
	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp</b>					
<b>PUBLIC SECTOR ECONOMIC EFFECTS:</b>					

Approval of this ordinance will have no significant economic impact on public sector agencies.

***SUMMARY OF ECONOMIC EFFECTS***

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**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of the ordinance should have no significant economic impact on the private sector.

**SUMMARY OF ECONOMIC EFFECTS**

**PAGE 2**

Prepared by:	<u>Donald S. Alspach, Acting Planning Director</u>	Telephone: <u>343-7909</u>
Validated by OMB:	<u></u>	Date: <u></u>
Approved by:	<u>(Director, Preparing Agency)</u>	Date: <u></u>
Concurred by:	<u>(Director, Impacted Agency)</u>	Date: <u></u>
Approved by:	<u>(Municipal Manager)</u>	Date: <u></u>



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 356 -2004

Meeting Date: April 20, 2004

From: Mayor

Subject: An Ordinance Amending Section 4.05.040 to Set the Commencement and Termination of Board and Commission Terms to October and to Provide for Automatic Extension of Appointed Members Terms Until a New Appointment is Confirmed by the Assembly or a Maximum of 120 Days.

1 The four land use regulatory boards and commissions, Planning and Zoning Commission, Platting  
2 Board, Urban Design Commission, and Zoning Board of Examiners and Appeals, believe that two  
3 changes ought to be made to Title 4 concerning the timing of appointments to boards and  
4 commissions. The first moves the term start and end from February to October. The February date  
5 was selected when the Mayor's term of office began in January. The boards and commissions believe  
6 that since the Mayor takes office in July the board and commission appointments should be closer to  
7 that date. Originally, a new Mayor had 45 days to make annual appointments. Currently, a new  
8 Mayor does not have an opportunity to appoint members for 229 days. Under the Commission's  
9 proposal a new mayor would have 106 days for his/her initial appointments which is a reasonable time  
10 to recruit members.

11 To accomplish this end, the ordinance extends the terms of current board members and commissioners  
12 by eight months from February 14 to October 14. As a result, the next annual appointment cycle will  
13 occur October 15, 2005. After passage of this ordinance, board members and commissioners  
14 appointed to fill vacancies created by resignations or other circumstances will serve terms that expire  
15 on October 14 of the same year in which the prior holder of that seat's term would have expired.

16 The second proposal is to provide for automatic term extension if a Mayor fails to appoint or the  
17 Assembly fails to confirm an appointment in time to avoid a vacancy. The automatic extension would  
18 continue for 120 days or until the Assembly confirms a new member, whichever occurs first. Under  
19 current law the Mayor must initiate the extension. The regulatory boards and commissions are acutely  
20 aware that a vacant seat works a hardship on the petitioners and the public. The board and commission  
21 members believe that reasonable precautions must be taken to avoid or reduce the possibility of such  
22 vacancies. The automatic extension serves as the precautionary step.

23 The sponsoring four boards recognize that this proposal impacts all the municipality's appointed  
24 boards, but they believe it is a long term solution which has no real downside. The Administration has  
25 no objection to passage of this ordinance.

26  
27 Prepared by: Donald S. Alspach, Acting Director, Planning Department  
28 Concur: Mary Jane Michaels, Director - Office of Economic and Community  
29 Development  
30 Concur: Denis C. LeBlanc, Municipal Manager  
31 Respectively submitted: Mark Begich, Mayor  
32

**J. COMMISSIONER COMMENTS**

COMMISSIONER G. JONES stated that the Commission's discussion was reported back to the Title 21 Committee and there was no disagreement from other boards and commissions. The Zoning Board of Examiners and Appeals felt that some qualifications are needed among its members, as did the Urban Design Commission. There was quite a bit of discussion on community meetings, when a project should be required to go to a community meeting, and what constitutes a community meeting. He did not believe the Committee reached any conclusion, but the concerns raised during the Committee's discussion will be shared with the consultants. Staff currently makes informal recommendations to petitions regarding community meetings and the Committee's tendency is to recommend they have more of a formal role in that regard. There was discussion that the community meeting should be held after the application is submitted, primarily because there is nothing formal to consider until an application has been submitted. COMMISSIONER T. JONES indicated there would be further discussion on this topic.

COMMISSIONER G. JONES distributed a proposed code amendment regarding terms of board and commission members. This amendment proposes two changes to the code. The first is to change the commencement date of the term to September 15 rather than February 15. The second is to insert language to state, "to avoid a vacancy until new appointments can be made and confirmed, an appointed member's term is extended until a new appointment is confirmed or a maximum of 120 days, whichever occurs first." Currently, members of boards and commissions can, at the Mayor's behest, continue to serve for up to 120 days after expiration of their term. This change makes this continuance of service automatic.

CHAIR POULTON asked how the second change would affect members who start terms expire in February 2005. COMMISSIONER G. JONES understood that those members' terms would expire on September 15, 2005.

COMMISSIONER G. JONES moved that the Commission propose this ordinance amendment to the Assembly.

COMMISSIONER T. JONES seconded.

COMMISSIONER T. JONES supported this motion, noting that this past year proves that the current system is not working; the Commission has been 4 to 6 members down for periods of months, putting a severe hardship on the community.

COMMISSIONER G. JONES stated he spent 25 years as either staff or sitting on the Commission and then he got away from the Commission for nearly 7 years.

He became involved again when he was recently asked to return to the Commission. He believed that changing the commencement date of terms is necessary, noting that before the date of mayoral elections were changed, there were not problems with regard to vacancies on boards and commissions such as have been experienced in recent years.

AYE: T. Jones, G. Jones, Poulton, Simonian, Knepper, Pease

NAY: None

PASSED

	PM				
AllOrdinanceWorkflow	4/7/04 2:34 PM	Reject	fehlenrl	Public	001636
AllOrdinanceWorkflow	4/8/04 2:02 PM	Checkin	weaverjt	Public	001636
Planning_SubWorkflow	4/8/04 2:57 PM	Approve	alspach	Public	001636
ECD_SubWorkflow	4/8/04 3:04 PM	Approve	thomasm	Public	001636
OMB_SubWorkflow	4/9/04 8:57 AM	Approve	pearcydl	Public	001636
Legal_SubWorkflow	4/12/04 7:52 AM	Approve	bonessfh	Public	001636
MuniManager_SubWorkflow	4/12/04 10:47 AM	Approve	leblancdc	Public	001636
MuniMgrCoord_SubWorkflow	4/12/04 12:42 PM	Approve	katkusja	Public	001636

**CONSENT AGENDA - INTRODUCTION**