

APPLICABLE SELECTIONS OF ANCHORAGE MUNICIPAL CODE

TITLE 4 - BOARDS AND COMMISSIONS

Chapter 4.05 APPOINTMENTS, MEETINGS AND PROCEDURES¹

4.05.010 Applicability of chapter.

- A. *Generally.* Unless otherwise provided, a board, commission or public authority board of directors is governed by each of the provisions set forth in this chapter.

(CAC 2.64.010; AO No. 84-10(S); AO No. 91-173(S); AO No. 2015-23(S) , § 19, 3-24-15)

4.05.020 Powers and duties.

- A. The assembly by ordinance may provide for advisory, regulatory, appellate or quasi-judicial boards or commissions. The ordinance shall prescribe the duties and qualifications of members.
- B. The assembly by ordinance may create or designate itself to be a board of review, adjustment, or equalization. The ordinance shall prescribe the rules of procedure, including quorum and voting requirements.

Charter reference(s)—Appointment of boards and commissions, § 5.07(a), (d).

4.05.030 Appointments.

The members of boards and commissions shall be appointed as provided in the Charter. Reappointments to a board or commission must be accompanied by a record of meeting attendance during the previous term of appointment.

(AO No. 92-83)

Charter reference(s)—Appointment of boards and commissions, § 5.07(a).

4.05.035 Qualifications of members.

In addition to any other qualifications required by this Code, a board or commission member shall:

- A. If legally eligible, be a qualified voter of the municipality;
- B. Maintain domicile in the municipality while in office;
- C. If serving on an adjudicatory or regulatory board, be at least 18 years of age; and
- D. If under 18 years of age and serving on an advisory board or commission, meet the state requirements relating to employment of minors during the member's service on the board or commission.

(AO No. 78-126; AO No. 78-147(AM 1); AO No. 83-44; AO No. 89-53; AO No. 89-122(S-1))

Cross reference(s)—Arts advisory commission, § 4.60.150.

¹Charter reference(s)—Requirements for boards and commissions, § 5.07; commission on salaries and emoluments, § 5.08; equal rights commission, § 17.02.

Cross reference(s)—Anchorage parking authority, ch. 9.60; transportation commission, § 11.10.020; board of equalization, § 12.05.050; on-site wastewater system technical review board, § 4.40.150; planning and zoning commission, § 21.10.015; platting board, § 21.10.020; zoning board of examiners and appeals, § 21.10.025; urban design commission, § 21.10.028; board of adjustment, § 21.10.030.

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 of the year in which appointed and ending three years thereafter on October 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 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.

(CAC 2.64.040—2.64.050; AO No. 95-113, § 1, 5-2-95; AO No. 2001-105, § 1, 6-19-01; AO No. 2004-84, § 1, 5-18-04)
Cross reference(s)—Arts advisory commission, § 4.60.150.

4.05.050 Compensation of members.

A. Except as otherwise provided in the Code, no member of a municipal board or commission shall receive compensation for attendance at regular or special meetings.

(CAC 2.64.070; GAAB 5.05.050; AO No. 79-80(AM); AO No. 81-177(S); AO No. 84-10(S); AO No. 84-83; AO No. 87-21; AO No. 89-51(S-3); AO No. 89-122(S-1); AO No. 91-142(S-1); AO No. 91-173(S); AO No. 2003-101, § 1, 7-15-03; AO No. 2010-1, § 1, 2-2-10)

4.05.060 Attendance requirements; vacancies.

A. The office of a member of a board or commission member shall become vacant if the member:

1. Ceases to meet the qualifications prescribed for the office;
2. Resigns;
3. Dies;
4. Is judicially determined to be incompetent;
5. Is convicted of a felony;
6. Is removed from office for breach of the public trust; or
7. During any 12-month period while in office:
 - a. Is absent from three regular meetings without excuse;
 - b. Is absent from:
 - i. Six regular meetings; or
 - ii. Eight regular meetings for members of the planning and zoning commission, urban design commission, platting board, or zoning board of examiners and appeals; or
 - c. Fails to attend a two-thirds majority of the regular meetings without excuse.

B. A member intending to be absent from a regular meeting shall request of the chairman to be excused prior to the meeting proposed to be missed.

C. A board or commission chair or the chair's designated staff shall keep attendance records of all meetings, and immediately report the failure of any official to meet the attendance requirements of this section to the mayor or his designee. The mayor or his designee shall notify the official of his delinquency and remove the official from office within 15 days of receiving notification of the official's noncompliance.

D. The assembly shall be promptly notified of the removal of any official under this section. Vacancies created pursuant to the provisions of this section shall be filled by appointment to the unexpired term of the member whose office becomes vacant.

- E. Members of boards and commissions having duly appointed alternates shall not be subject to removal for failing to meet the attendance requirements of this section.
- F. *Physical and remote attendance.*
1. *Meetings.* Board and commission meetings may be held in person, or virtually, or remotely. An in-person meeting is held in a public setting with a physical location and may also provide for remote attendance. A virtual meeting is one held with no physical location and all persons participate by remote attendance.
 2. *Attendance.* Remote attendance by telephone, virtually, or through any remote means. Physical attendance is defined as a member being physically present at the location where the meeting is noticed as being held in a public setting.
 3. *Means of remote participation.* Remote participation under this section shall include any means through which a member may participate remotely, to include being able to engage in discussion, and being audible to all persons participating in the meeting. The member participating remotely must have the ability to obtain the meeting agenda and other pertinent documents to be discussed and/or acted upon.
 4. *Public in-person participation.* If one or more members of a board or commission participates in-person in a public setting, then the public must also be granted reasonable in-person access to the meeting.
 5. *In-person meeting.* The chair of a board or commission or a majority of the members may schedule an in-person meeting.
 6. *Public notice.* The public notice of the meeting must indicate whether the meeting is to be held in person, or virtually, or remotely. If held in person, the notice shall indicate if remote attendance is available. The public must have an opportunity to participate by similar or alternative means as the board or commission members.
 7. *Emergency.* When the assembly, mayor, governor or federal government has declared an emergency, all boards and commissions may provide for remote attendance by members, and provide for remote access by the public to the extent reasonable under the circumstances of the emergency.
 8. *Petitioner rights.* When no emergency has been declared, a petitioner or applicant appearing in front of a board or commission acting in an adjudicatory capacity shall be allowed at their request an in-person meeting with a quorum of the members present in person.

(CAC 2.64.060; AO No. 89-122(S-1); AO No. 90-70; AO No. 92-95; AO No. 93-215, § 1, 1-4-94; AO No. 95-113, §§ 1, 2, 5-2-95; AO No. 2007-63(S), § 1, 5-1-07; AO No. 2013-55, § 1, 4-23-13; AO No. 2017-148, § 1, 11-21-17; AO No. 2018-31, § 1, 4-24-18; AO No. 2020-42, § 1, 4-14-20; AO No. 2021-85, § 1, 10-28-21)

4.05.065 Removal.

- A. A member of a board or commission may be removed from service for breach of the public trust following the procedures set forth in this section:
1. For purposes of this section, actions constituting a breach of the public trust may include factors that materially and adversely affect the performance of the board or commission member or adversely affect the reputation or performance of the board or commission or the municipality.
 2. A request for review by the Ethics Board shall be initiated by the mayor or by an assembly member.
 3. The Ethics Board shall review the matter, providing the respondent with the opportunity to appear and provide information. The board will make findings and either dismiss the review or make a recommendation to the mayor and assembly for removal. Confidentiality provided by subsection 1.15.160E. applies to the board's review and report.
 4. After reviewing the board's recommendation, the mayor may remove the member from office with the consent of a majority of the assembly.

(AO No. 2018-31, § 2, 4-24-18)

4.05.070 Officers.

A board or commission shall annually elect a chairman and a vice-chairman. The vice-chairman shall act in the absence of the chairman or in the inability of the chairman to act.

(CAC 2.64.040)

4.05.080 Quorum.

A majority of the authorized members of a board or commission shall be a quorum for the transaction of business. In the absence of a quorum for the transaction of business, any number less than a quorum may recess a meeting to a later time or date.

(CAC 2.64.080; AO No. 78-69)

4.05.090 Meetings.

A board or commission shall hold regular monthly meetings at such time and place as may from time to time be designated by the board or commission, but meetings need not be held if no business is pending. Boards and commissions shall advise the public of their meeting schedules, or publicly advertise their meetings where necessitated by statutory requirements. The chair of a board or commission, or the municipal employee who is designated as an ex officio member of the board or commission pursuant to section 4.05.140, or a majority of the board or commission, may call a special meeting of the board or commission. Meetings of all boards and commissions shall be open to the public, except for an executive session or when meeting solely to make a decision on a procedural motion brought by a party in an adjudicatory proceeding, from which the public may be excluded.

Notice of meetings of boards and commissions shall be as established in section 1.25.015.

(CAC 2.64.090; AO No. 89-122(S-1); AO No. 94-132(S), § 6, 8-25-94; AO No. 2022-70, § 9, 7-26-22)

State law reference(s)—Open meetings, AS 29.20.020; open meeting act, AS 44.62.310.

4.05.100 Executive session.

A board or commission may at any time go into an executive session from which the general public may be excluded by a vote of a majority of the members taken at a public meeting, at which session only those subjects shall be considered as are mentioned in the motion for the executive session. No matter shall be voted upon during an executive session.

The following subjects may be discussed in an executive session:

- A. Matters, the immediate knowledge of which would adversely affect the finances of the government unit.
- B. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.
- C. Matters which by law, Municipal Charter or ordinance are required to be confidential.

(CAC 2.64.100) State law reference(s)—Similar provisions, AS 44.60.310.

4.05.110 Conflict of interest.

No member of a board or commission may vote on any question in violation of chapter 1.15. No member shall represent any person before the board or commission of which he is a member.

(CAC 2.64.110; AO No. 85-56) Cross reference(s)—Code of ethics, ch. 1.15.

Charter reference(s)—Conflict of interest, § 17.03; employment restrictions, § 17.04.

4.05.120 Procedural rules and order of business.

A board or commission shall establish its own procedural rules and order of business, except as otherwise provided by law. An appeal or quasijudicial board or commission shall establish reasonable rules and regulations governing proceedings before the board or commission. In all matters of procedure not covered by rules adopted by the board or commission, Robert's Rules of Order, as revised, shall be applicable and shall govern.

(CAC 2.64.120)

4.05.130 Reports, minutes and public hearing records.

A board or commission shall keep minutes of the board or commission proceedings, and such minutes shall record the vote of each member physically present upon every question formally presented to the board or commissions for its consideration. The minutes shall be maintained in the custody of the municipal agency which supplies staff support to the board or commission and shall be a public record, open to inspection by any person.

(CAC 2.64.140; AO No. 83-44; AO No. 89-51(S-3); AO No. 89-122(S-1); AO No. 91-142(S-1))

Cross reference(s)—Access to public records, ch. 3.90.

4.05.140 Ex officio members and staff.

The municipal manager may appoint an employee of the municipality who shall be an ex officio member of a board or commission for the purpose of acting as secretary to the board or commission or to furnish the board or commission with technical advice and information if not so provided in the specific provisions pertaining to the board or commission. An ex officio member is not entitled to vote on any question to be determined by the board or commission nor is an ex officio member a member for the purpose of establishing a quorum of any board or commission. An ex officio member is not entitled to any compensation for his ex officio duties or services on any board or commission. Unless otherwise provided in the section establishing the board or commission, the municipal manager shall provide or designate any required staff for the board or commission.

(CAC 2.64.150; AO No. 99-153, § 1, 12-14-99)

4.05.150 Termination.

- A. All boards and commissions established under this title, except for those mandated by the Charter or state law, or where specifically set forth in the board or commission enabling ordinance, shall terminate by operation of law every three years from the date set forth therein unless affirmatively continued by the assembly by ordinance.
- B. All new boards and commissions shall sunset within three years of creation and shall be subject to the provisions of this section.
- C. Prior to continuation or reestablishment of any board or commission, the assembly shall hold a public hearing.

(AO No. 80-119; AO No. 80-120; AO No. 81-4; AR No. 81-16; AO No. 82-30; AO No. 83-203; AO No. 83-204; AO No. 83-205; AO No. 83-206; AO No. 83-207; AO No. 83-208; AO No. 84-10(S); AO No. 85-109; AO No. 86-98; AO No. 86-213; AO No. 86-189(S); AO No. 86-212; AO No. 86-214; AO No. 87-26; AO No. 87-95; AO No. 88-159; AO No. 88-182; AO No. 89-11; AO No. 89-12; AO No. 89-55; AO No. 89-84; AO No. 89-87; AO No. 89-149; AO No. 89-150; AO No. 89-151; AO No. 89-152; AO No. 92-29(S); AO No. 92-30(S); AO No. 92-34; AO No. 92-46; AO No. 92-48; AO No. 92-64; AO No. 92-65; AO No. 92-101; AO No. 92-102; AO No. 93-3; AO No. 93-64(S); AO No. 93-214, § 1, 1-4-94; AO No. 94-156, 8-23-94; AO No. 94-159, 9-6-94; AO No. 95-90, 4-11-95; AO No. 95-91, 4-11-95; AO No. 95-95, 4-26-95; AO No. 95-96, 7-25-95; AO No. 95-97, 8-22-95; AO No. 95-98, 9-12-95; AO No. 95-99, 9-12-95; AO No. 95-153, 7-25-95; AO No. 99-153, § 1, 12-14-99; AO No. 2000-34, § 1, 3-21-00; AO No. 2000-35, § 1, 4-18-00; AO No. 2000-36, § 1, 4-18-00; AO No. 2001-148, § 1, 8-28-01; AO No. 2001-149, § 1, 8-28-01; AO No. 2001-154, § 1, 9-25-01; AO No. 2001-155, § 1, 9-25-01; AO No. 2001-156, § 1, 9-25-01; AO No. 2002-38, § 1, 4-9-02; AO No. 2002-39, § 1, 4-9-02; AO No. 2004-96, § 1, 6-8-04; AO No. 2011-64(S-1), § 1, 6-28-11)

4.05.155 Assembly notification.

- A. All boards and commissions established under this title, and members thereof, shall be listed and named in an informational memoranda submitted to the assembly annually by the mayor at the first meeting during the month of October.
 - 1. To the extent the information is voluntarily provided by appointed members, the informational memoranda shall include a summary of the composition, the aggregate, of all boards and commissions by gender, ethnic diversity, and disability.

(AO No. 2004-120, § 1, 9-21-04; AO No. 2008-44, § 1, 6-10-08)

4.60.200 Heritage Land Bank Advisory Commission.

There is established a Heritage Land Bank Advisory Commission, to perform those functions assigned to it by chapter 25.40.

- A. The Heritage Land Bank Advisory Commission shall be composed of seven voting public members appointed by the mayor and confirmed by the assembly. When appointing members to the Heritage Land Bank advisory commission, the mayor shall consider public members selected from a diversity of geographic residence, occupations, and civic involvement in the Anchorage community. At least one member shall reside in the Girdwood area and at least one member shall reside in the Eagle River-Chugiak area. No more than three members shall have professional interests in acquisition, financing or development of private real property within the municipality. Those persons appointed and confirmed shall serve a term of three years. No person may serve more than two consecutive three-year terms on the commission.
- B. The Heritage Land Bank Advisory Commission shall directly involve in its functions the Anchorage School District, Parks and Recreation Commission, Planning and Zoning Commission, other affected municipal agencies, community councils and the public. The commission may initiate actions with other boards and commissions when deemed necessary to perform its functions.
- C. The members of the Heritage Land Bank Advisory Commission specified in this section shall be filled by appointment upon expiration of the terms of office of those persons presently serving on the commission.
- D. This commission shall terminate on October 14, 2024, unless affirmatively continued by the assembly in accordance with section 4.05.150.

(AO No. 83-86; AO No. 86-108(S); AO No. 87-98(S); AO No. 95-198(S-3), § 1, 12-5-95; AO No. 98-76, § 1, 7-14-98; AO No. 2004-96, § 1, 6-8-04; AO No. 2011-64, § 5, 6-28-11; AO No. 2012-60(S), § 8, 10-9-12; AO No. 2015-61, § 9, 10-13-15 ; Ord. No. 2018-47 , § 8, 10-9-18; AO No. 2021-60(S) , § 8, 10-12-21)

Cross reference(s)—Heritage Land Bank, ch. 25.40.

TITLE 25 - PUBLIC LANDS

Chapter 25.10 GENERAL PROVISIONS

25.10.010 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means any department, office or subdivision of the municipality.

Contract means an agreement of any kind, including an option, regardless of what it may be called.

Motor vehicle means any vehicle propelled by a force other than electric current, human muscular power, gravity or wind, including, without limitation, automobiles, jet skis, hydroplanes, boats, all-terrain vehicles, three-wheelers, motorcycles, high-speed electric bicycles, snowmachines and model cars and boats, and airplanes. For purposes of this title, low-speed electric bicycles are not motor vehicles, and the definitions of high- and low-speed electric bicycles are as provided in section 9.04.010.

Municipal land means any real property owned by the municipality, including real property to which the school district has been granted management authority pursuant to section 25.10.050.

Real property means any interest in real property under the law of the state, including but not limited to a fee, easement or leasehold interest, but excluding a revocable license or permit to use real property.

(AO No. 79-170; AO No. 86-102; AO No. 2016-67, § 5, 6-21-16)

Cross reference(s)—Definitions and rules of construction generally, § 1.05.020.

25.10.020 Applicability of title.

- A. This title shall govern all acquisitions and disposals of real property by the municipality and the designation of management authority over all municipal land.
- B. No contract, lease or conveyance pertaining to the acquisition or disposal of real property by the municipality may be enforced against the municipality, unless the contract, lease or conveyance was awarded, approved and executed in accordance with this title.
- C. This title shall not be construed to invalidate any legal or equitable interest in real property existing prior to its enactment.

(AO No. 79-170; AO No. 91-173(S); AO No. 79-170; AO No. 91-173(S); AO No. 2015-23(S) , § 21, 3-24-15)

25.10.030 Powers and duties of Real Estate Department.

- A. Except as this title provides otherwise, the real estate department has exclusive authority and responsibility to administer the acquisition and disposal of real property for the municipality.
- B. The power and duties of the real estate department shall include but are not limited to the following:
 - 1. Negotiating all acquisitions of real property for the municipality.
 - 2. Administering all disposals of municipal land.
 - 3. Preparing and securing the execution of all contracts, leases, conveyances and other documents pertaining to the acquisition and disposal of real property under subsections B.1 and B.2 of this section.
 - 4. Maintaining all records, except those maintained by the treasury division, in connection with foreclosure proceedings, pertaining to the acquisition, ownership and status of municipal land and pertaining to the management of that municipal land for which it is responsible under subsection B.6 of this section.

5. Maintaining a current inventory of all municipal land.
6. Managing all municipal land for which no other managing agency has been designated under section 25.10.050.
7. In leasing or renting facilities or floor space, proceeding in accordance with Section 7.20.020 or 7.20.060, with the relevant section to be determined by the purchasing officer, except this requirement shall not apply if the space being acquired for municipal use is in a facility or project in which the Anchorage Community Development Authority holds a financial interest.

(AO No. 79-170; AO No. 82-49; AO No. 88-163; AO No. 90-31; AO No. 2004-181(S-1), § 3, 1-18-05; AO No. 2015-47, § 1, 5-14-15)

25.10.040 Ownership of municipal land.

- A. The municipality may own any real property except as prohibited by law.
- B. All municipal land shall be held in the name of the municipality.

(AO No. 79-170)

25.10.050 Designation of managing agency.

- A. Except as to property described in section 25.40.020 (relating to Heritage Land Bank lands), to the extent inconsistent with section 2.30.030H. (relating to Assembly premises), and subject to subsection B. of this section, the mayor may in writing designate any municipal agency as the managing authority of a specific parcel of municipal property. Management authority and responsibility shall rest with the designated agency until such authority is transferred pursuant to this section. Any land for which no such managing agency has been designated shall be managed by the Real Estate Department. The designation of management authority shall not confer authority over the disposal of land provided that any agency appointed to manage space leased for municipal offices may in addition be granted authority to acquire and dispose of a leasehold interest in such space.
- B. The assembly shall approve by resolution the transfer of the managing authority for any parcel of municipal property to or from any utility. The resolution shall contain the amount of compensation the utility will pay or receive, if any, and any rate impact to the utility's ratepayers, if any.

(AO No. 79-170; AO No. 90-31; AO No. 90-112; AO No. 91-173(S); AO No. 2015-23(S) , § 22, 3-24-15; AO No. 2015-47, § 1, 5-14-15 ; AO No. 2021-113(S) , § 2, 11-10-21)

25.10.060 Use of municipal land.

- A. The municipality shall use municipal land in any manner not prohibited by law.
- B. Except as otherwise provided by law, and in addition to all other municipal powers, the municipality shall exercise the same control over municipal land and its use as it could if it held the land as a private person.
 1. The municipality's powers explicitly include the right to close any parcel of municipal land, or any portion thereof, which is normally open to the public to access by the public as required to clean and clear the property of litter, garbage, rubbish, junk, or other refuse resulting from prohibited or permitted use. In the event that such property contains a prohibited campsite, a vacant or abandoned vehicle, or any other use or personal property protected from immediate disposal by law, closure may not occur until the campsite, vehicle, use or property has been removed in compliance with municipal code.
- C. Revocable licenses and permits for the use of municipal land may be issued by a department or agency which has been delegated management authority under the provisions of section 25.10.050. Permits for the improvement, use, excavation or encroachment of public street, right-of-way and utility easements shall be issued under the authority set forth in title 24.

- D. In addition to the authority otherwise granted by this section, the director of a municipal department or agency responsible for managing municipal land under section 25.10.050 may promulgate regulations pursuant to chapter 3.40 governing the use of that land by others.
- E. Regulations promulgated by the director of parks and recreation charging use permit fees for parks or facilities managed by the department shall not require payment of fees based in whole or in part on a percentage of revenues received through concessions operated on the property. Instead, regulations setting fees required in connection with use permits issued by the department shall state a specific sum to be paid for activities identified in use permits issued by the department. The fee structure may also provide for an optional amount of fee reduction, refund, or future credit available to the user in consideration for maintenance responsibilities satisfactorily rendered by the user.

(AO No. 79-170; AO No. 2007-43, § 1, 1-1-08; AO No. 2020-17, § 1, 3-10-20)

25.10.070 Conformance with comprehensive plan.

It shall be the policy of the municipality, except where the public interest otherwise requires, to acquire, manage and dispose of real property in conformity with the comprehensive plan of the municipality.

(AO No. 79-170)

25.10.080 Use of municipal property for park or recreational purposes.

- A. Any municipal agency designated to manage property under the provisions of section 25.10.050 may permit the use of the subject property for park and recreational purposes as an interim use, provided that such action shall not be deemed to be a formal designation of the property for such use under the meaning of Charter section 10.02(8).
- B. The assembly, by ordinance, may dedicate specifically described property for permanent or long-term park or recreational purposes under the meaning of Charter section 10.02(8). Following October 16, 1979, no municipal lands may be formally dedicated to permanent or long-term public park or recreational use except as provided by ordinance.
- C. Except as otherwise prohibited by law or by conditions of ownership, the assembly, with recommendations from the planning and zoning commission and the parks and recreation commission, by ordinance, may allow the use of municipal land formally dedicated to public park or recreational purpose for another municipal purpose. The special procedure required by this subsection applies only to land dedicated by ordinance under this section.

(AO No. 79-170; AO No. 81-88) Charter reference(s)—Disposal of real property, § 10.02.

TITLE 25 - PUBLIC LANDS

Chapter 25.40 HERITAGE LAND BANK²

25.40.010 Heritage Land Bank established—Purpose and mission.

There is established a Heritage Land Bank. It is the mission of the Heritage Land Bank to manage uncommitted municipal land and the Heritage Land Bank fund in a manner designed to benefit the present and future citizens of Anchorage, promote orderly development, and achieve the goals of the comprehensive plan. The Heritage Land Bank shall acquire, inventory, manage, withdraw, transfer and dispose of municipal land which has not been dedicated or transferred to a specific municipal agency for one or more municipal uses. Acquisition, inventory, management, retention, withdrawal, transfer and disposal of Heritage Land Bank land shall be governed solely by this chapter and the regulations and policies adopted pursuant thereto.

- A. The acquisition responsibility of the Heritage Land Bank is to apply for and acquire, in the name of the municipality, all lands to be transferred to the municipality from the state as part of the municipality's land entitlement under the Municipal Entitlement Act, AS 29.65.010—29.65.130, as well as other land acquired by the municipality by purchase, donation, exchange or other means which is to be managed by the Land Bank on behalf of the municipality pursuant to section 25.40.015.A. Land acquired under this section shall be added to the Heritage Land Bank inventory.
- B. The inventory responsibility of the Heritage Land Bank is to identify all land and interests in land to be managed and/or retained by the Heritage Land Bank for future municipal use or disposal. The inventory shall identify each parcel of Land Bank land, including all related information which may be useful for proper land management. The Heritage Land Bank will perfect the municipality's title to all land in the Heritage Land Bank inventory and maintain complete and accurate public records regarding the location, size and classification of all such parcels of land, including their planning and zoning status and the identification of valid existing rights. The inventory shall be updated by the Heritage Land Bank at least once every three years.
- C. Where land is retained, it shall be managed in a manner which will protect and enhance its economic and other municipal values, consistent with section 21.05.020. The Heritage Land Bank shall seek to ensure that the economic and other public values of this land are not diminished as a result of ongoing land management activities. It shall be the responsibility of the Heritage Land Bank to work with the school district, public works department, community planning and development department, department of cultural and recreational services, and other municipal agencies to contribute to the long range analysis of the need of the municipality to retain various properties in the Heritage Land Bank for future municipal needs. The Heritage Land Bank may enter into cooperative land management agreements with other public agencies to achieve municipal purposes and to enhance the management of Heritage Land Bank land. Such agreements shall be consistent with section 25.40.020. The decision to enter into such an agreement shall be made after public notice and hearing as specified in this chapter. The recommendations of the Heritage Land Bank advisory commission shall be supported by the record that it is in the municipality's best interests.
- D. Consistent with section 25.40.015.B., the Heritage Land Bank may, at the direction of the mayor and assembly, withdraw and transfer to municipal agencies or to the school district, land from the Heritage

²Editor's note(s)—AO No. 95-198(S-3), § 2, effective December 5, 1995, repealed chapter 25.40 in its entirety and reenacted to read as herein set out. Formerly, such chapter pertained to similar provisions and derived from AO No. 79-170; AO No. 83-86; AO No. 86-108(S); AO No. 87-98(S); AO No. 94-99, §§ 1, 2, 6-7-94.

Cross reference(s)—Public meetings, ch. 1.25; boards and commissions, tit. 4; Heritage Land Bank advisory commission, § 4.60.200.

Land Bank inventory needed for the location of public facilities or purposes, including schools and designated or dedicated parks or open space lands. The Heritage Land Bank shall condition such withdrawals and transfers upon a reverter clause which specifies that the land will be returned to the Heritage Land Bank inventory if it is not managed by the affected municipal agency for its intended purpose.

- E. The disposal responsibility of the Heritage Land Bank is, at the direction of the mayor and assembly, to convey from municipal ownership Heritage Land Bank land or interests in land which is not needed for specific public facilities or purposes. Each disposal shall be in the municipal interest, and based at or above appraised fair market value or for other equivalent municipal values or objectives, under the procedures specified in section 25.40.025.
- F. The Heritage Land Bank is the municipal agency designated the exclusive grantee of conservation easements and recipient of funds generated by compensatory mitigation agreements with the U.S. Army Corps of Engineers.

(AO No. 95-198(S-3), § 2, 12-5-95; AO No. 2009-68, § 1, 6-16-09)

25.40.015 Heritage Lands—Designation for and withdrawal from, the Heritage Land Bank for public purposes.

- A. In addition to the municipal land which is by this chapter designated for the Heritage Land Bank, the mayor, with assembly approval, may designate additional municipal land or interest in land for placement in the Heritage Land Bank. Such land or interests in land designated for the Heritage Land Bank shall be consistent with the Heritage Land Bank's purpose and mission specified in section 25.40.010, and will generally be:
 - 1. Land to be reserved for a specific future municipal use, or needed for future municipal uses.
 - 2. Land determined to be excess to specific municipal needs but which is unsuitable for municipal development or for disposal, including wetlands and lands subject to geophysical and terrain limitations, such as seismic or avalanche hazards or other severe development constraints. Such land shall be retained by the Heritage Land Bank pending its future designation as parks, open space, or other appropriate classification.
 - 3. Land determined to be excess to those present or future municipal needs and which may have present or future market value for industrial, commercial, residential, recreational, institutional, park, open space, or other municipal use.
- B. The mayor, with assembly approval, may withdraw land from the Heritage Land Bank inventory for any lawful municipal purpose, consistent with the comprehensive plan and implementing measures or applicable site specific land use studies. Such a withdrawal shall become effective only after at least 30 days' prior written notice to the Heritage Land Bank advisory commission, to the affected community council and to the public as specified in section 25.40.030, and after at least one public hearing regarding the proposed withdrawal. If land is withdrawn from the Heritage Land Bank inventory for use and management by a public agency which is not supported by municipal taxes, compensation shall be paid to the Heritage Land Bank for at least the current appraised fair market value of the land, unless otherwise provided in this chapter.
- C. The mayor shall periodically review the current land holdings of all municipal agencies, including the school district, to determine whether any land is excess to present or future needs and uses. After completion of such review, the mayor, upon written findings and with assembly approval, shall transfer qualifying land to the Heritage Land Bank inventory.
- D. *School lands.*
 - 1. Acquisition. Until formally designated as school land, and compensation is paid according to this section, all land acquired by the municipality for a potential school site shall be held in inventory and managed by the Heritage Land Bank.

2. Lands held for potential school sites may be managed and used by the Heritage Land Bank for any purpose not inconsistent with their ultimate use as a school site.
3. Land identification.
 - a. Following a determination of need by the Anchorage school district, and approval by the Anchorage School Board, the school district shall make a request in writing to the Heritage Land Bank to identify municipal lands available for use as potential school sites.
 - b. If no land available in inventory meets the need of the school district, the municipality may utilize any method set out in Chapter 25.20 to identify and acquire property for potential school sites.
 - c. Such acquisitions shall be available for consideration as potential school sites, subject to Section 21.15.015.
 - d. Upon assembly designation of a school site, and compensation as described in this section, management authority shall be delegated to the school district.
4. Compensation. At the time of delegation of management authority, Heritage Land Bank shall provide the mayor and school district an accounting showing all costs and fees associated with the land acquisition, including whether the costs were paid by the school district or by the municipality.
 - a. Notwithstanding the disposal provisions in Section 25.40.025, the school district shall pay the Heritage Land Bank for all land acquisition costs incurred by the municipality, except the assembly may, in its discretion, waive some or all of the acquisition costs.
 - b. Compensation may occur by cash payment, exchange, credit, or any combination thereof, as mutually agreed between Heritage Land Bank and the school district, and approved by the assembly.
5. Lands determined by the school district and approved by the school board to be excess to school needs shall be returned to the Heritage Land Bank inventory, upon assembly approval and compensation to the school district pursuant to this section.

(AO No. 95-198(S-3), § 2, 12-5-95; AO No. 2007-124(S), § 3, 9-25-07)

25.40.020 Management of Heritage Land Bank lands.

The Heritage Land Bank advisory commission shall recommend, and submit for assembly action, a comprehensive land and fund management program, including written policies and procedures, to accomplish the purpose and mission of the Heritage Land Bank specified in section 25.40.010. Such a program shall contain, at a minimum, the following elements:

- A. *Five-year management plan.* The advisory commission, following public notice and hearing as specified in this chapter, shall recommend, and submit for assembly approval, a five-year Heritage Land Bank management plan. The plan shall identify those land acquisition, inventory, management, transfer, and disposal objectives anticipated during this time frame. The plan shall also contain the five-year revenue and expenditure projections of the Heritage Land Bank Fund. The plan shall be maintained and updated when necessary, but at least once every five years.
- B. *Annual work program.* The advisory commission, following public notice and hearing as specified in this chapter, shall recommend, and submit annually for assembly approval, a work program which conforms to the current or proposed five-year management plan and which includes detailed descriptions of the proposed land acquisition, inventory, management, transfer and disposal activities of the Heritage Land Bank for the coming year, including revenue and expenditure projections of the Heritage Land Bank Fund, and proposed budget for the Heritage Land Bank. A public notice, as set forth in this chapter, of not less than 45 days, is required prior to a hearing by the Heritage Land Bank advisory commission on the annual work program. All new proposed land sale activities not currently in the program will require

an assembly approved amendment. The annual work program shall include a review of Heritage Land Bank activities during the prior year, including but not limited to:

1. A financial audit, if available, of all Heritage Land Bank accounts, including income, expenditures and investments;
 2. A summary of each transaction involving Heritage Land Bank land or the Heritage Land Bank fund; and
 3. An inventory of all Heritage Land Bank fund expenditures.
- C. *Policies and procedures.* The Heritage Land Bank advisory commission shall develop, adopt and maintain comprehensive policies and procedures to govern the management of Heritage Land Bank land and fund. These policies and procedures shall be submitted for assembly action, following public notice and hearing as specified in this chapter.

(AO No. 95-198(S-3), § 2, 12-5-95)

25.40.025 Heritage Land Bank disposals.

- A. The Heritage Land Bank advisory commission shall hold a public hearing, with public notice as specified in this chapter, prior to making a recommendation to the mayor and assembly regarding the disposal of Heritage Land Bank land or an interest in land. Land disposals under this chapter include land sales, land exchanges, leases, and easements.
- B. After the public hearing, the advisory commission shall submit a written finding and recommendation to the mayor and assembly, stating whether or not a proposed land disposal is in the best interest of the municipality, and consistent with the Heritage Land Bank's purpose and mission. The written finding shall identify the proposed land disposal, including details regarding its method, timing, and terms, its projected effects on the neighborhood and on public facilities, and other relevant information. All proposed land disposals shall also specify those terms and conditions necessary to ensure that the Heritage Land Bank receives the maximum overall benefit for the disposal of its land, including equivalent non-monetary public benefits, consistent with the municipality's best interests.
- C. The Heritage Land Bank shall determine which land or interests in land should be disposed of; consistent with section 25.40.020 and the comprehensive plan and implementing measures. If the information in the comprehensive plan and implementing measures is insufficient to determine whether the disposal of a parcel or parcels is consistent with the plan or measures, the Heritage Land Bank shall complete a site specific land use study for the use of the land which has been adopted through the public process specified in this chapter. Each site specific land use study shall address; a) the need for community facilities such as roads, parks, trails, schools, satellite municipal offices, etc; b) identify historical and natural landmarks, natural hazards, and environmentally sensitive lands; c) public utility needs; d) potential residential, commercial and industrial uses; e) land use compatibility with adjacent areas; and f) consistency with land uses identified in the Comprehensive Plan and zoning for the area.
- D. Except as otherwise provided in this section, all proposed Heritage Land Bank land sales shall occur by an open competitive bid process for at least the appraised fair market value of the land, as determined by a State of Alaska certified real estate appraiser designated by, and given appropriate written instructions from, the Heritage Land Bank. An application to purchase Heritage Land Bank land shall grant the applicant no right of preference or priority. Should the open competitive bid process fail to result in the sale of the Heritage Land Bank parcel, the Heritage Land Bank may continue attempts to sell the parcel by choosing one of the following methods:
 1. The Heritage Land Bank may enter into direct negotiations with interested parties who seek to acquire municipal land in HLB inventory.
 2. The Heritage Land Bank may invite sealed bids for municipal land in HLB inventory, specifying the time and place for receiving bids and the minimum acceptable bid.

3. The Heritage Land Bank may offer municipal land in HLB inventory for sale at public auction, specifying a minimum acceptable bid, or specifying that if no higher price is offered, the land may be sold pursuant to a preexisting contract for sale for the minimum bid amount.
 4. The Heritage Land Bank may invite proposals to purchase municipal land in HLB inventory for a fixed price. The invitation shall specify the basis upon which proposals shall be evaluated, which may include but need not be limited to the quality of proposed development of the land and its benefit to the community, the qualifications and organization of the proposers, the value of the proposed improvements to the land and the rents or resale prices to be charged by the proposer.
- E. The Heritage Land Bank may exchange Heritage Land Bank land for other land on at least an equal value basis, as determined by a fair market value appraisal.
- F. The Heritage Land Bank may lease Heritage Land Bank land.
1. The leases shall be awarded by open competitive bid process in one of the following ways:
 - a. for at least appraised fair market rental rates, as determined by a certified real estate appraiser designated by, and given appropriate written instructions from, the Heritage Land Bank;
 - b. percentage of receipts; or
 - c. user fee equivalent.
 2. Where leases are based on appraised fair market rental rates under subsection F.1.a above, the lease rates shall be adjusted at intervals of no more than five years to reflect current market conditions. An application to lease shall grant the applicant no right of preference or priority. Heritage Land Bank land may be leased non-competitively to a non-profit agency for less than its appraised fair market value if the municipal benefits which are projected to accrue are found by the mayor and the assembly to be in the best interest of the municipality.
- G. "Appraised fair market value," for purposes of this chapter with respect to land sales or exchanges but not leases, means the most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress. If the appraised fair market value would be increased by a rezoning of a parcel of land prior to its disposal, the Heritage Land Bank may seek a rezoning under applicable municipal procedures, taking into account the compatibility with the surrounding neighborhood.
- H. In order to assist development that will provide public benefits and notwithstanding any other provision of this section, Heritage Land Bank land may be disposed of by lease, sale or other disposition, for the purpose of facilitating a specific project. The project shall provide public benefits. In addition to and consistent with the applicable requirements of titles 21, 23 and 24 of this Code, the disposition shall include additional requirements and conditions to insure the proper development and completion of the project in the public interest. Disposals pursuant to this subsection shall be through requests for proposals or through invitations to bid. The disposition of property pursuant to this subsection may be for less than fair market value or less than fair market rental rate. However, the Heritage Land Bank shall, for informational purposes only:
1. provide a descriptive summary of the public benefits expected from the project; and
 2. obtain an appraisal of the value of the property, determined by a certified real estate appraiser, if it were disposed of without the development requirements imposed pursuant to this subsection. Assembly approval of a disposition under this subsection shall include a finding that the disposition provides public benefits.
 3. A summary listing and description of estimated economic and non-economic benefits and costs associated with the project. This summary should be succinct, concise, and quantified where appropriate, and should not exceed two pages in length.

- I. The competitive bid process shall not apply to disposals of easements on municipal land in HLB inventory. The Heritage Land Bank shall dispose of these easements pursuant to the methods described in subsections D.1—D.4 for at least the appraised fair market value of the easement, as determined by a State of Alaska certified real estate appraiser designated by, and given appropriate written instructions from, the Heritage Land Bank.

(AO No. 95-198(S-3), § 2, 12-5-95; AO No. 2002-135(S), § 1, 10-29-02; AO No. 2014-69, § 1, 5-20-14)

25.40.030 Public notice procedures.

- A. All public notices required by this chapter for actions proposed to be taken regarding Heritage Land Bank land or fund shall be given in substantial compliance with this section.
- B. All Heritage Land Bank activities requiring notice to the public shall be preceded by notice by publication calculated to achieve the greatest reasonable notice.
- C. A proposed action shall be noticed by a sign conspicuously placed upon the land proposed for action. The sign shall generally identify the proposed action and include the information specified in section 25.40.030(F), the sign shall be easily visible to the public and be placed upon the land no less than 14 days prior to a public hearing by the Heritage Land Bank Advisory Commission on the proposed action.
- D. In addition to notice by publication and signage, notice by mail shall be given to:
 - 1. The community council for the area where the land is located, including the Girdwood Board of Supervisors, as well as any other community council which requests notice of Heritage Land Bank activities; these community councils shall be given an opportunity to provide public input prior to the Heritage Land Bank advisory commission taking action.
 - 2. All persons listed in the records of the municipal assessor as owners of land abutting the parcel proposed for Heritage Land Bank action and all owners of:
 - a. The parcels of property within 500 feet of the outer boundary of the parcel proposed for action; or
 - b. The 50 parcels nearest the outer boundary of the parcel proposed for action;whichever is the greater number of parcels, at the addresses of record according to the municipal assessor's files; and
 - 3. All persons requesting general notice of proposed Heritage Land Bank actions, from a standing list of names and addresses which the Heritage Land Bank shall maintain.
- E. All public notices of proposed Heritage Land Bank Advisory Commission actions, including public hearings regarding proposed actions, shall precede a hearing before the advisory commission on the proposed action by at least 14 days.
- F. All required public notices concerning proposed Heritage Land Bank advisory commission public hearings and actions shall describe the proposed action, and shall give the location of the land proposed for action, including the legal description and reference to nearby streets or other landmarks, a map of the area, and a statement of the date, time, and location for any public hearing or other public response to the proposal.

(AO No. 95-198(S-3), § 2, 12-15-95; AO No. 2002-136, § 1, 10-15-02; AO No. 2009-134, § 1, 1-12-10)

25.40.035 Heritage Land Bank fund.

- A. There is hereby established a Heritage Land Bank operating fund and a Heritage Land Bank capital fund. All income obtained by activities of the Heritage Land Bank, including but not limited to revenue received by the municipality from the disposal of Heritage Land Bank land, or for the use of that land, and all interest earned on funds in Heritage Land Bank accounts, shall be deposited in the Heritage Land Bank operating fund, to be applied solely to the Heritage Land Bank purposes stated in this chapter. Funds from other sources may also

be deposited in the Heritage Land Bank operating fund, but shall be separately accounted for. All monies held by the municipality in connection with any activity of the Heritage Land Bank shall be held in its capacity as a public fiduciary, and shall be accounted for in accordance with subsection B.

- B. All funds held by the municipality in connection with all activities of the Heritage Land Bank, including but not limited to revenue received by the municipality through the sale, lease, other disposal or use of land or interest in land that has been placed in the Heritage Land bank, the value of any receivables, and all interest earned on funds in the account shall be accounted for separate of all other municipal funds. The accounting for land bank funds shall be sufficiently detailed to provide an annual financial audit to the assembly, pursuant to the annual reporting requirements of this chapter.
- C. A portion of the Heritage Land Bank operating fund accounts may be appropriated annually for management of the Heritage Land Bank and the land in the Heritage Land Bank inventory, to fulfill the purpose and mission of the Heritage Land Bank as stated in this chapter.
- D. In addition to the use of the fund for the Heritage Land Bank operating budget as provided in section 25.40.035.C., revenue in the Heritage Land Bank operating fund may be appropriated by the mayor and assembly to the Heritage Land Bank capital fund only for the acquisition of land for municipal use, and for improvements to Heritage Land Bank land. The Heritage Land Bank Advisory Commission shall receive at least 30 days prior notice of any proposed assembly action regarding any proposed appropriations from the fund.
- E. Heritage Land Bank fund revenue not appropriated pursuant to subsections C. and D., above, shall be prudently invested, consistent with the municipal interest and the fiduciary nature of the fund. Interest earned from such investments shall be reinvested in the fund or appropriated pursuant to this chapter.
- F. "Improvements to Heritage Land Bank land," for purposes of this chapter, means a valuable addition to Land Bank property or an amelioration in its condition, intended to enhance its value or utility or adapt it for new or further purposes, including expenditures to extend the useful life of the property asset, to improve its performance, or for off-site mitigation necessary to improve Land Bank land.

(AO No. 95-198(S-3), § 2, 12-5-95)

Editor's note(s)—As stated in § 3 of AO No. 96-198(S-3), subsection 25.40.035.C. is effective on January 1, 1996.

25.40.040 Heritage Land Bank executive director.

An executive director of the Heritage Land Bank shall be appointed by the mayor and confirmed by the assembly, acting upon the recommendation of suitable candidates made by the Heritage Land Bank advisory commission. The executive director shall have professional experience in land and resource management, and shall be responsible for the day-to-day management of the Heritage Land Bank, the Heritage Land Bank fund, and any staff assigned to those duties. The executive director is authorized to hire and retain necessary staff; subject to approval of the mayor, and shall serve as the executive secretary and technical advisor to the Heritage Land Bank advisory commission.

(AO No. 95-198(S-3), § 2, 12-5-95)

Cross reference(s)—Principal executive personnel, boards and commissions, § 1.35.010.

25.40.045 Transition provisions.

- A. The provisions of this chapter shall, upon adoption, apply to all future actions of the Heritage Land Bank and the advisory commission, except in any instance in which, in the written opinion of the municipal attorney, private contract or property rights have already vested as the intended result of a decision or action taken prior to the effective date of this chapter with regard to a particular parcel of land in the Heritage Land Bank inventory.
- B. Notwithstanding any other provision of this chapter to the contrary:

1. The supplemental appropriation of 50 percent of the 1995 net revenues of the Heritage Land Bank made to the Areawide Capital Projects Fund in 1996 after the close of the 1995 fiscal year, accounted for as a 1995 appropriation, shall continue to be effective for the fiscal year 1996 as approved and shall not be otherwise affected contrary to its purpose by this chapter; and
2. The 1996 municipal budgets approved and adopted prior to the end of 1995, their implementation and appropriations made in furtherance thereof shall not be modified, amended or prohibited by this chapter.

(AO No. 95-198(S-3), § 2, 12-5-95)

Chapter 25.70 PROHIBITED CONDUCT; PENALTIES

25.70.040 Prohibited activities generally.

- A. Except in areas specifically designated for such use in accordance with law, no person may engage in any of the following activities on municipal land:
 1. Camping.
 2. Building fires.
 3. Operating motor vehicles of any kind.
 4. Constructing trails.
 5. Discharging firearms where there is a reasonable likelihood people, domestic animals, or property may be jeopardized.
 6. Shooting into municipal land from beyond its boundaries where there is a reasonable likelihood people, domestic animals, or property may be jeopardized.
 7. Cutting or otherwise damaging live trees, shrubbery, brush or other vegetation.
 8. Removing soil, rocks, gravel or plants of any kind.
 9. Constructing structures of any kind.
 10. Sport or commercial hunting or trapping of game animals.
- B. On any municipal land, no person may, except as otherwise authorized by law:
 1. Kill or injure any animal unless such act is necessary to protect a human being or domesticated animal from attack.
 2. Harass, torment, poison, provoke, trap or abuse any animal.
 3. Interfere with, obstruct, mutilate, conceal or tear down any official notice, sign or placard posted by any municipal officer or employee.
 4. Knowingly destroy or injure any public property.
 5. Dump, abandon, throw, scatter or burn litter, garbage, rubbish or junk.
 6. Break bottles or other glass containers in such manner that fragments of glass may be strewn upon the ground.

(AO No. 79-170; AO 2006-39, § 7, 4-11-06; AO No. 2019-50(S) , § 3, 6-6-19)