From: MAYOR

Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.80, CIVIL EMERGENCY, TO ENSURE THAT EMERGENCY POWERS CAN BE EXERCISED IN THE TEMPORARY ABSENCE OR INCAPACITY OF THE MAYOR OR OTHER DELEGATED AUTHORITY, TO MODERNIZE VARIOUS PROVISIONS, AND TO PROVIDE THAT A PROCLAMATION OF EMERGENCY SHALL TERMINATE AFTER SEVEN DAYS, UNLESS EXTENDED BY THE ASSEMBLY.

The attached ordinance would enact a framework to ensure that the mayor’s emergency powers may be exercised during a period of temporary mayoral absence or incapacity. It would provide that, to the extent permitted by law, the powers would be exercised by the municipal manager, or a person designated by the mayor. In the absence of those individuals, the ordinance would set a default rule for how emergency powers would pass. The default rule would provide that mayoral powers would be assumed during a period of temporary mayoral absence only by an assembly-confirmed department head. Because emergency powers codified in present AMC 3.80 include the ability to issue orders the violation of which is a crime, the default rule would preclude the municipality’s chief law enforcement and legal officers from assuming the mayor’s emergency powers.

The attached ordinance would also provide that a local proclamation of emergency expires after seven, rather than two days. The change is more practical, and better aligns with state law. The extension of the timeframe does not change the power of the Assembly to terminate a mayoral proclamation of emergency, at any time, by resolution passed by simple majority vote.

The ordinance would also expand the description of the Office of Emergency Management, to better describe its actual functions.

Last, the ordinance would also remove gendered language, and update dated references.

THE ADMINISTRATION RECOMMENDS APPROVAL.
Prepared by: Deitra L. Ennis, Acting Municipal Attorney
Concur: Lance Wilber, Director, Office of Management and Budget
Concur: Alexander Slivka, CFO
Concur: William D. Falsey, Municipal Manager
Respectfully submitted: Ethan A. Berkowitz, Mayor