ANCHORAGE, ALASKA
AO No. 2020-21

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.

WHEREAS, it is in the best interest of the municipality that the mayor’s emergency
powers remain available to be exercised during a period of temporary mayoral
absence or incapacity;

WHEREAS, the current code contains a dated reference to a municipal “bulletin
board,” which has been replaced by the municipal website;

WHEREAS, state law provides that “local disaster emergency [declaration] . . . may
not be continued or renewed for a period in excess of seven days, except by or with
the consent of the governing board of the political subdivision” (AS 26.23.140);

WHEREAS, Anchorage Municipal Code presently provides that a local emergency
proclamation expires after only 48 hours, unless extended by the Assembly;

WHEREAS, the November 30, 2018 earthquake occurred at 8:29am on a Friday
morning, resulting in a mayoral proclamation of emergency at 10:45am;

WHEREAS, the 48-hour requirement in current code required the Assembly to gather
and meet early on a Sunday morning to extend the Nov. 30 earthquake proclamation
of emergency;

WHEREAS, in an emergency, it may not be practical to gather a quorum of the
Assembly in a 48-hour period;

WHEREAS, if the Assembly desires to terminate a mayoral proclamation of
emergency, it may do so at any time;

WHEREAS, the limited description of the role of the Office of Emergency
Management currently contained in code does not fully capture the office’s present
functions, and has not been updated since at least 1975 (the current language having
been imported from the old code of the Greater Anchorage Area Borough that applied
to the precursor “Civil Defense Organization,” which was simply renamed the “Office
of Emergency Management “in 1983);
WHEREAS, certain references in existing code are inappropriately gendered;

WHEREAS, this ordinance would have no significant economic effects; now, therefore:

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 3.80 Civil Emergency is hereby amended to read as follows (the remainder of the chapter is not affected and therefore not set out):

3.80.010 Office of emergency management.

There is established an office of emergency management for the municipality as an agency of that government, to be composed of the mayor and such other persons as the mayor[HE] may appoint. The mayor shall appoint an emergency management director or may serve in the capacity and appoint a staff to serve at the pleasure of the mayor.

The office of emergency management, and all officers and employees of the municipality, together with those volunteer forces enrolled to aid them prior to or during a disaster, shall constitute the office of emergency management as provided by law.

[THE PURPOSE OF THE OFFICE OF EMERGENCY MANAGEMENT IS TO PROVIDE AN ORDERLY MEANS FOR PLANNING TO MEET EMERGENCIES THREATENING LIFE OR PROPERTY.]

The functions and responsibilities of the Office Emergency Management shall include the following:

A. Establish and maintain an emergency management program and organization and coordinate emergency operations.

B. Develop and implement emergency plans for emergency management and emergency resource management in accordance with federal, state and local requirements.

C. Develop and maintain an Emergency Operations Plan (EOP) and All-Hazard Mitigation Plan.

D. Coordinate emergency management efforts with all departments, incorporated cities, neighboring jurisdictions, and with other appropriate local, regional, state, federal, tribal, quasi-governmental, and nongovernmental agencies.

E. Review all emergency plans and annexes prepared by departments and submit comments relative to the submitted annex/plans to the appropriate entity.
F. Maintain the Emergency Operations Center (EOC) in a constant state of readiness for coordination of jurisdictional emergency response.

G. Provide leadership and primary liaison of disaster recovery operations in coordination with departments and State agencies.

H. Participate in disaster drills/exercises conducted, and/or contemplated, by any departments.

I. Formulate educational programs that will provide the public with information on how to prepare themselves for and survive disasters and national emergencies.

J. Administer and coordinate the domestic security program with department and regional partners to include development of integrated plans for domestic security and management of homeland security grant programs in coordination with municipal and regional partners.

K. Provide guidance, develop the review processes, and oversee municipal Continuity of Operations Plans.

(GAAB 3.20.010; AO No. 83-159)

Cross reference—Executive organization, ch. 3.20; office of the mayor, § 3.20.010.

3.80.015 Assumption of emergency powers during a period of temporary mayor absence or incapacity.

To the extent permitted by law, during the temporary absence or incapacity of the mayor, the mayor's emergency powers shall be assumed by the manager, or a subordinate designated by the mayor. In the absence or incapacity of both the manager and persons designated by the mayor, the mayor’s emergency powers shall be assumed by the first individual listed below that is available to exercise the powers:

A. Director of the Office of Management and Budget.

B. Chief of the Anchorage Fire Department.

C. Director of the Anchorage Health Department.

D. Director of the Department of Maintenance and Operations.

E. Director of the Department of Project Management & Engineering.

F. Chief Fiscal Officer.

G. The assembly-confirmed head of a general-government municipal department with the longest total period of continuous service as
department head, excluding the Chief of the Anchorage Police
Department and the Municipal Attorney. If more than one assembly-
confirmed head of a general-government municipal department shall
have the same total period of continuous service as department head,
emergency powers shall be assumed by the head of the department
with the greater number of employees.

Charter reference— Municipal manager assumes duty of mayor, § 5.03(c).

3.80.020 Succession to office of [MAYOR AND] acting mayor.

If the office of acting mayor becomes vacant, or if the [MAYOR AND] acting
mayor is absent or unable to perform the duties of the office of acting
mayor, the order of interim succession shall be determined as follows:

A. The assembly member with the longest total period of tenure in office
shall assume the office of acting mayor.

B. If more than one assembly member shall have the same total period of
tenure in office, that assembly member who received the largest
number of votes at the last election at which such assembly members
were elected shall assume the office of acting mayor.

(AO No. 114-76)

[CHARTER REFERENCE— MUNICIPAL MANAGER ASSUMES DUTY OF
MAYOR, § 5.03(C).]

Charter reference – Chair of the Assembly becomes acting mayor when office
of the mayor is vacant, § 7.02(c).

3.80.030 Definitions.

The following words, terms and phrases, when used in sections 3.80.040
through 3.80.090, shall have the meanings ascribed to them in this section,
except where the context clearly indicates a different meaning:

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Intoxicating liquor means whiskey, brandy, rum, gin, wine, ale, porter,
beer and all other spirituous, vinous, malt and other fermented or distilled
liquors intended for human consumption and containing more than one percent
alcohol by volume.

Mayor means the mayor or person who has lawfully assumed the
powers and duties of the mayor during a temporary absence or incapacity of
the mayor, or the acting mayor.

(CAC 2.08.100)
AO regarding assumption of emergency powers during temporary mayoral absence
and providing that proclamations terminate after 7 days, unless extended by the Assembly

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

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3.80.050 Dissemination and posting of emergency proclamation.

The proclamation of an emergency as provided in sections 3.80.030 through
3.80.090 shall become effective upon its issuance to the newspapers of
general circulation published in the municipality, and [THE] radio and television
stations located in the metropolitan area of the municipality. A copy of the
proclamation shall be posted [ON THE BULLETIN BOARD AND] at such other
places in the municipality as may be directed in the proclamation. The
certificate of the mayor that the proclamation was duly declared, issued,
disseminated and posted shall be prima facie evidence that all required actions
have been fully performed.

(CAC 2.08.050)

State Law reference—Local disaster emergencies, AS 26.23.140; declaration
of local disaster emergencies, AS 26.23.140(a); AS 26.23.020(d)
dissemination of local emergency orders and proclamation).

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3.80.080 Termination of emergency proclamation.

The emergency proclaimed in accordance with the provisions of sections
3.80.030 through 3.80.090 shall terminate after 168[48] hours from the
issuance of a proclamation, or upon the issuance of a proclamation or
resolution of the assembly declaring that an emergency no longer exists,
whichever occurs first, except that such emergency may be extended for such
additional periods of time as determined necessary by resolution of the
assembly.

(CAC 2.08.080)

Section 2. This ordinance shall be effective immediately upon passage and
approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ______ day of
__________________, 2020.

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Chair of the Assembly

ATTEST:

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Municipal Clerk