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CLERK'S OFFICE
AMENDED AND APPROVED
Date: 2-11-14

Submitted by: ASSEMBLY MEMBER TRAINI
Reviewed by: Municipal Ombudsman
Prepared by: Assembly Counsel
For reading: February 11, 2014

**ANCHORAGE, ALASKA
AO NO. 2014-3(S)**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.40 PROVIDING FOR THE ESTABLISHMENT, RECOGNITION, DUTIES, AND RESPONSIBILITIES RELATED TO COMMUNITY COUNCILS IN REFERENCE TO CHARTER SECTION 8.01.

WHEREAS, a comprehensive review of community council district boundaries is required to occur at least once every ten years, following the release of the decennial U.S. Census results and after Assembly redistricting is acted upon and any court appeals are disposed of;

WHEREAS, in anticipation of review of community council district boundaries after Alaska redistricting is finalized, review of Anchorage Municipal Code Chapter 2.40 is timely and helpful;

WHEREAS, the Assembly's Community Council Committee, supported by the Office of the Ombudsman, has been meeting over the course of more than 7 months with volunteer community council members and officers, staff and board members of the Federation of Community Councils, Community Development Department staff, interested members of the public and the business community, all of whom have given valuable input to the process;

WHEREAS, the facilitation of Community Council Bylaws and clarification of municipal code requirements are timely; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Chapter 2.40 is hereby amended to read as follows: *(For purposes of present code amendment, boundaries are unchanged and corresponding map inserts are unchanged and not reproduced. Language indicating no change is included for full context only.)*

Chapter 2.40 - COMMUNITY COUNCILS

2.40.010 - [ESTABLISHMENT] Community councils and procedures.

2.40.020 - Purpose of chapter.

2.40.030 - Definitions [AND RECOGNITION OF COMMUNITY COUNCILS].

2.40.035 - Recognition of community councils; special ex officio community council recognition for Girdwood board of supervisors.

2.40.036 - Community council bylaws.

2.40.040 - Establishment of community council districts.

2.40.050 - Functions.

2.40.060 - Municipal responsibilities to community councils.

- 1 2.40.070 - Additional citizen participation in municipal government.
- 2 2.40.080 - Capacity to sue or be sued.
- 3 2.40.090 - Community council maps.

4
5 **2.40.010 – [ESTABLISHMENT] Community councils and procedures.**

6
7 The establishment of community councils is recognized in §8.01 of the municipal
8 charter: *The assembly by ordinance shall provide for establishment of community*
9 *councils to afford citizens an opportunity for maximum community involvement and*
10 *self-determination. The ordinance shall include procedures for negotiation between the*
11 *local government and each community council with respect to the duties and*
12 *responsibilities of the community council. In this chapter 2.40, the assembly*
13 *establishes basic community council procedures to implement self-determination and*
14 *maximize community involvement through independent community councils.*

15
16 *Charter reference— Establishment of community councils, § 8.01*

17
18 **2.40.020 - Purpose of chapter.**

19
20 The purpose of this chapter is to implement the charter by providing [E] a direct and
21 continuing means of citizen participation in government and local affairs. Community
22 councils are intended to give:

- 23
24 A. The people a method by which they can work together for expression and
25 discussion of their opinions, needs and desires in a manner that will have an
26 impact on their community's development and services.
- 27
28 B. Governmental agencies a method for receiving opinions, needs, desires and
29 recommendations of residents and groups.
- 30
31 C. Local governing bodies an improved basis for decision-making assignment of
32 priorities for all programs affecting community development and individual well-
33 being.

34
35 (GAAB 5.75.010)

36
37 **2.40.030 - Definitions and [RECOGNITION OF] community council[s] membership.**

38
39 [A. COMMUNITY COUNCILS DEFINED.] These words and terms shall have meaning for
40 purposes of this chapter and community council membership as follows:

41
42 *Business owner* shall mean the record owner or agent of a professional or commercial
43 *entity currently licensed by the State of Alaska and having a physical premises located*
44 *within the boundaries of a community council.*
45

1 Business owner community council memberships are single memberships. When two
2 or more individuals own a business, or more than one business is owned by the same
3 entity, the business owner shall designate a primary representative for community
4 council membership and may designate an alternate.

5
6 Community council members and community council membership shall mean
7 collectively each resident and the representatives designated by the **non-resident**
8 property owners, business owners and nonprofit organizations, within the geographical
9 areas established as community council districts under this chapter, who attend a
10 community council meeting in their district and sign the member attendance roster. A
11 person may qualify and hold membership in more than one community council.

12
13 Council and community councils shall mean the not-for-profit voluntary, self-governing
14 associations within geographical areas designated as districts and recognized in
15 ordinance by the assembly under this chapter. A community council may, but is not
16 required to, incorporate under the Alaska Nonprofit Corporations Act.

17
18 Ex officio membership shall mean non-voting membership.

19
20 Government entity membership. If a local, state, tribal, or federal government
21 entity does not meet the definition of business owner, nonprofit organization, or
22 non-resident property owner to qualify for community council membership, the
23 government entity's membership shall be ex officio unless the community
24 council's bylaws provide otherwise.

25
26 Nonprofit community council memberships are single memberships available to
27 nonprofit organizations. The nonprofit organization shall designate a primary
28 representative for community council membership and may designate an alternate.

29
30 Nonprofit organization shall mean a not-for-profit entity having a physical premises
31 located within the council boundaries and one or more of the following: Status
32 recognized under law as a not-for-profit organization by incorporation under the Alaska
33 Nonprofit Corporations Act, or a current Alaska business license, or tax-exempt status
34 under federal law, or other bona fide affiliation.

35
36 Non-resident [p]roperty owner shall mean the record owner of real property within the
37 council boundaries **when the record owner does not qualify as a resident**. **Non-**
38 **resident** [p]roperty owner community council memberships are single memberships.
39 When two or more **non-resident** individuals own a property, or more than one property
40 is owned by the same entity, the **non-resident** property owner shall designate a
41 primary representative for community council membership and may designate an
42 alternate.

43
44 Resident shall mean each person **eighteen** [SIXTEEN] years of age or older whose
45 habitual, physical dwelling address is within the council boundaries, and includes
46 homeowners and tenants. If more than one qualifying resident shares the same

1 habitual, physical dwelling address, each may be a community council member. **Proxy**
2 **and alternate designations for resident memberships shall not be recognized.**
3

4 [COMMUNITY COUNCILS ARE NONPROFIT, VOLUNTARY, SELF-GOVERNING
5 ASSOCIATIONS COMPOSED OF RESIDENTS, PROPERTY OWNERS, BUSINESS OWNERS
6 AND REPRESENTATIVES FROM NONPROFIT ASSOCIATIONS AND OTHER ENTITIES
7 LOCATED WITHIN GEOGRAPHICAL AREAS DESIGNATED AS DISTRICTS BY THE ASSEMBLY.
8 RESIDENTS, FOR THE PURPOSE OF THIS CHAPTER, ARE DEFINED AS HOMEOWNERS,
9 TENANTS, OR OTHERS DWELLING WITHIN THE COUNCIL BOUNDARIES, PROPERTY
10 OWNERS AND REPRESENTATIVES FROM NONPROFIT ASSOCIATIONS AND OTHER ENTITIES
11 LOCATED WITHIN GEOGRAPHICAL AREAS DESIGNATED AS DISTRICTS BY THE ASSEMBLY.]
12

13 **2.40.035 - Recognition of community councils; special *ex officio* community**
14 **council recognition for Girdwood Board of Supervisors.**
15

16 A [B]. *Recognition of community councils.* Upon request of one or more voluntary
17 associations and after public notice and hearing, the Assembly may recognize
18 by ordinance any one voluntary association as the community council for a
19 given district. To qualify for and maintain recognition, an association must
20 establish that it:

- 21
22 1. Includes residents, **non-resident** property owners, business owners and
23 nonprofit organizations within geographical areas established as
24 community council districts under this chapter [MEETS THE DEFINITION OF A
25 COMMUNITY COUNCIL AS SET FORTH IN SUBSECTION A OF THIS SECTION];
26
- 27 2. Has a policy and practice of open membership and meetings which will
28 encourage[s] participation of persons from all segments of the
29 community;
30
- 31 3. Is committed to affording citizens an opportunity for maximum community
32 involvement and self-determination through community council
33 membership and does not engage in practices contrary to the provisions
34 of this chapter [CHARGE DUES, OR REQUIRE OTHER FINANCIAL CONTRIBUTION
35 AS A CONDITION OF MEMBERSHIP OR PARTICIPATION, IN EXCESS OF \$15.00 PER
36 MEMBER PER YEAR; HOWEVER, THE COUNCIL MAY WAIVE THE REQUIRED DUES IN
37 INDIVIDUAL INSTANCES IF THE COUNCIL DETERMINES THAT A HARDSHIP EXISTS; A
38 COMMUNITY COUNCIL MAY RECEIVE GIFTS, GRANTS, CONTRIBUTIONS, OR IN-KIND
39 DONATIONS FROM MEMBERS OR OTHERS TO MEET THE COSTS OF ITS
40 OPERATIONS];
41
- 42 4. Has [is], in the opinion of the Assembly, the capability to represent
43 [REPRESENTATIVE OF THE RESIDENTS IN] the community council district
44 membership;
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5. Has held at least two meetings in the district which resulted in a determination to seek recognition as a community council. Such meetings must have been subsequent to public notice through publication, school distribution and other means adequate to inform most, if not all, district residents of the meeting; and
 6. Has adopted and implements bylaws consistent with this chapter governing the organization, operation, and proceedings of the community council. [THESE BY-LAWS SHALL BE PRESENTED TO THE ASSEMBLY PRIOR TO RECOGNITION AND SHALL PROVIDE FOR:
 - a) DEFINITION OF THE BOUNDARIES OF THE COMMUNITY COUNCIL AS SET FORTH IN AMC 2.40.040.D AND AMC 2.40.090
 - b) DEFINITION OF MEMBERSHIP CONSISTENT WITH A OF THIS SECTION.
 - c) REGULAR MEETINGS OF THE COUNCIL AT PERIODIC INTERVALS, AT LEAST TWO TIMES IN A CALENDAR YEAR, BUT PREFERABLY ONCE EACH CALENDAR QUARTER.
 - d) THE ELECTION OF OFFICERS AND, IF DESIRED, AN EXECUTIVE COMMITTEE OR LIKE BODY TO CONDUCT THE BUSINESS OF THE COUNCIL BETWEEN MEETINGS.
 - e) THE DUTIES AND RESPONSIBILITIES OF OFFICERS, THEIR REMOVAL OR REPLACEMENT WHEN A VACANCY OCCURS, AND CRITERIA FOR ELIGIBILITY TO HOLD AN OFFICE WITH THE COUNCIL.
 - f) MINUTES SHALL BE TAKEN AT ALL MEETINGS.
 - g) THE MANAGEMENT OF THE COUNCIL'S FINANCES INCLUDING REGULAR STATUS REPORTS AND AN ANNUAL REPORT TO THE COUNCIL MEMBERS ON THE COUNCIL'S FINANCES OR A COMPILATION OF TREASURER'S REPORTS.
 - h) THE DISSOLUTION OF THE COUNCIL, AND FOR THE DISPOSITION OF THE COUNCIL'S PROPERTY UPON DISSOLUTION.
 - i) THAT THE LATEST EDITION OF ROBERT'S RULES OF ORDER, REVISED, SHALL APPLY IN ALL INSTANCES, MATTERS, AND PROCEEDINGS NOT COVERED BY THE BY-LAWS.
 - j) PROCEDURES FOR AMENDING THE BY-LAWS.
 - k) MEMBERSHIP LISTS ARE USED ONLY FOR COUNCIL BUSINESS.]
- [C. GIRDWOOD IS NOT CONSIDERED A COMMUNITY COUNCIL FOR PURPOSES OF THIS SECTION.]

[D. RESERVED.]

B [E]. Girdwood [DISTRICTS] recognized; special provision. The municipality recognizes the Girdwood Board of Supervisors as the community council, ex-officio, which serves the Girdwood Community Association/Land Use Committee boundary area depicted on Map 10 located in section 2.40.090.

(GAAB 5.75.020; AO No. 88-85, § 1, 7-19-88; AO No. 2003-75, § 1, 7-22-03; AO No. 2003-113, § 1, 8-12-03; AO No. 2005-1(S-1), § 1, 4-12-05; AO No. 2009-134, § 1, 1-12-10)

2.40.036 – Community council bylaws.

A. Community councils shall file bylaws through the office of municipal clerk for acceptance by the assembly:

1. In conjunction with community council recognition under this chapter;
2. In timely response to the requirements of this chapter and subsequent code changes as specified in the ordinance; and
3. Within 45 days of a change in the bylaws.

B. Pre-approved bylaw provisions. Community council bylaw provisions meeting the requirements of this chapter are set out for the convenience and use of community councils in Exhibit A. Exhibit A provisions may be adopted by individual councils. Revisions and adaptations of Exhibit A provisions consistent with this chapter may be adopted by a community council subject to acceptance by the Assembly.

EXHIBIT A
COMMUNITY COUNCIL BYLAWS

(INSERT NAME) COMMUNITY COUNCIL BYLAWS

ARTICLE I: NAME

The name of this organization shall be the (INSERT NAME) Community Council, hereinafter referred to as the "Council."

ARTICLE II: BOUNDARIES

The geographical boundaries adopted by the Anchorage Assembly on July 8, 2003 (AO 2003-11), and appropriate associated map listed under municipal code §2.40.040 shall apply to this Council, subject to any comprehensive review

1 of community council boundaries to occur every ten years
2 following the decennial U.S. Census, as required by
3 municipal code §2.40.040. The findings of the boundary
4 review are communicated to the Planning and Zoning
5 Commission and to the Assembly for final review and
6 approval; community council boundary amendments adopted by
7 Anchorage Municipal Code are hereby incorporated by
8 reference.

9
10 **ARTICLE III: DESCRIPTION**

11
12 The Council is an independent, not-for-profit, voluntary,
13 self-governing association composed of residents 18 ~~16~~
14 years of age or older, non-resident property owners,
15 business owners, and nonprofit organizations who meet the
16 qualifications for membership as outlined in Article VI of
17 these bylaws and municipal code chapter 2.40. Community
18 councils are created by the Anchorage Municipal Charter to
19 "afford citizens an opportunity for maximum community
20 involvement and self-determination." There shall exist
21 between the Council and local government a cooperative
22 relationship. The Council shall not endorse any candidate
23 for local, state or federal elected office.

24
25 **ARTICLE IV: PURPOSE**

26
27 The purpose of the Council is to provide a direct and
28 continuing means of citizen participation in local affairs.
29 The Council is intended to give:

30
31 A. Local people a method by which they can work together
32 for expression and discussion of their opinions, needs and
33 desires in a manner that will have an impact on their
34 community's development and services;

35
36 B. Governmental agencies a method for receiving opinions,
37 needs, desires and recommendations of residents and groups;
38 and

39
40 C. Local governing bodies an improved basis for decision-
41 making and assignment of priorities for all programs
42 affecting community development and individual well-being.

43
44 **ARTICLE V: FUNCTION**

45
46 The Council has a policy and practice of open membership
47 and meetings to encourage participation of persons from all

1 segments of the community. The Council shall have the
2 following functions:

3
4 A. In regard to the Anchorage Comprehensive Plan;

5
6 1. Evaluate compliance with the plan, alerting
7 Municipal officials to, or proposing appropriate action
8 regarding any inconsistencies with the plan and its adopted
9 elements as described in municipal code §21.01.080 and
10 listed in Table 21.01-1; and

11
12 2. Conduct a continuing review and study of the plan
13 to determine its workability within the Council's
14 geographical boundaries and to advise Municipal officials
15 on appropriate action regarding proposed modifications or
16 additions to the plan;

17
18 B. Assume leadership and propose action in regards to
19 enforcement of existing laws or ordinances, pursuit of
20 rights under existing rights or ordinances, desired or
21 opposed changes in or additions to laws or ordinances, or
22 any matter of policy regulation;

23
24 C. Respond to local government proposals or concerns
25 submitted to the Council pursuant to municipal code
26 §2.40.060;

27
28 D. Work with local government and other governmental
29 entities, as well as with persons and groups outside the
30 government, to accomplish Council goals, including goals
31 which may have an area wide impact;

32
33 E. Receive and review notices to the Council from
34 Municipal departments including those noticed under
35 municipal code:

36
37 1. 2.30.120.C, Alcohol Beverage Control Board license
38 applications;

39
40 2. 10.55.030, Permits for teen nightclubs and cultural
41 performance venues;

42
43 3. 21.03.020.H, Land use proposals;

44
45 4. 24.35.020, National security road closures;

46

1 5. 25.30.025.E, Disposal of Municipal land requiring
2 voter approval;

3
4 6. Other notices received from Municipal departments
5 requiring input or action by the Council;

6
7 F. Advise the Assembly of the Council's annual priority
8 list of Capital Improvement Projects by filing a copy with
9 the Municipal Clerk when the list is submitted to the
10 Administration;

11
12 G. Participate in the community meeting process under
13 municipal code §21.03.020.C when the notice from the
14 developer is timely.

15
16 **ARTICLE VI: MEMBERSHIP**

17
18 A. Any person 18 ~~16~~ years of age or older whose primary
19 place of abode is within the Council's geographical
20 boundaries is eligible for membership. Residents, non-
21 resident property owners, business owners, and nonprofit
22 organizations as described in municipal code chapter 2.40
23 with a physical premise located within the Councils
24 geographical boundaries are eligible for membership.
25 Business owners and nonprofit organizations must possess
26 one or more of the following:

- 27 • a valid Alaska business license;
28 • a valid Alaska professional license;
29 • valid incorporated status under Alaska law
30 • tax exempt status under federal law.

31
32
33 If more than one qualifying resident shares the same
34 habitual, physical dwelling address, each may be a
35 community council member. Alternate designations for
36 resident memberships shall not be recognized. Non-resident
37 property owners shall be the owner of record. Per municipal
38 code §2.40.030, non-resident property owner, business
39 owner, and nonprofit organization memberships are single
40 memberships, and shall have a designated primary
41 representative, and may have a designated alternate
42 representative.

43
44 B. Any person who qualifies under section A of this
45 article is a voting member immediately after signing the
46 member attendance roster at any regular or special Council

1 meeting. The member attendance roster shall be used only
2 for council business.

3
4 C. The Council shall not charge dues or require any
5 financial contribution as a condition of membership,
6 voting, or other participation. The Executive Board may
7 establish annual voluntary dues.

8
9 **ARTICLE VII: MEETINGS**

10
11 A. There shall be a minimum of four (4) general
12 membership meetings per calendar year and at least one
13 meeting quarterly.

14
15 B. Special meetings of the membership may be called by
16 the President, or the Executive Board, or by written
17 petition of 10 council members delivered to any officer, to
18 address council business, including the accommodation of
19 community council responsibilities under municipal code
20 §21.03.020.C.

21
22 C. All meetings shall be open to the public.

23
24 D. Minutes shall be taken or recordings shall be made at
25 all regular and special Council meetings, and shall be made
26 available at the next council meeting.

27
28 E. After consulting with the officers and Executive Board
29 the President shall establish the meeting agenda.

30
31 F. Notices:

32
33 1. Whenever possible the draft agenda shall be posted
34 online and emailed to those who have signed up for the
35 Council's distribution list at least seven days in advance
36 of the meeting. Notices may also be placed in such public
37 locations as schools, libraries, and shopping centers. The
38 draft agenda may be submitted to the Federation of
39 Community Councils, or current municipal contractor, for
40 electronic distribution.

41
42 2. The meeting date and time may be submitted to the
43 media as a public service announcement.

44
45 3. For meetings where annual elections take place, public
46 notice may be done through email notification to members,
47 council newsletters, area wide mailings, newspapers,

1 publications, school distribution and other means to
2 inform as many council members as possible. Notice may
3 also be submitted to the Federation of Community Councils,
4 or current municipal contractor, for electronic
5 distribution.

6
7 G. The Executive Board or their designee(s) shall be
8 responsible for any meeting notices.

9
10 H. A quorum for meetings and special meetings shall be
11 those provisions contained in the Council's bylaws in
12 effect as of November 1, 2013.

13
14 I. Robert's Rules of Order, Revised, shall apply for
15 regular and special meetings for all matters not covered by
16 the bylaws.

17
18
19 **ARTICLE VIII: VOTING**

20
21 A. Any member of the Council as defined in Article VI
22 shall have one vote. If a single individual possesses
23 several kinds of property or businesses within the
24 definition for membership qualification, or meets the
25 definition of member in more than one category, s/he shall
26 still have just one vote. Nonprofit associations and
27 business owners shall have one vote each. Nonprofit
28 association, business owner, and non-resident property
29 owner memberships shall designate a primary representative
30 and may designate an alternate representative. Persons may
31 be a member of more than one community council if they
32 qualify for membership.

33
34 B. A member must be present at the time of the vote in
35 order to cast a vote. There will be no proxy voting.

36
37 C. Any vote may be challenged. The member attendance
38 roster shall serve as the official list of eligible voters.

39
40 **ARTICLE IX: REPORTING OFFICIAL COUNCIL POSITIONS**

41
42 The President or designee shall be charged with
43 communicating official positions of the Council in a timely
44 manner to the appropriate agencies and individuals. The
45 Council's official positions on community matters may be
46 communicated through resolutions, motions, position letters
47 or emails.

ARTICLE X: OFFICERS

Provisions for council officers and executive board (or like body), including qualifications and duties, election, removal and/or replacement, and terms of office shall be those provisions contained in the Council's bylaws in effect as of November 1, 2013, along with the requirement that Council officers and Executive Board members with financial or fiduciary responsibility must be 18 years old at the time of service. The Council may, in its discretion, designate non-fiduciary and non-signatory roles to younger members for leadership training.

ARTICLE XI: COMMITTEES

Committees may be established by the Executive Board at any time for whatever purpose deemed necessary. The nature and duties of the committees shall be determined by the Executive Board.

ARTICLE: XII FINANCES

A. Funds collected by the Council shall be deposited into an account or accounts at an established financial institution, with the Treasurer being responsible for all deposits and accountings.

B. The Treasurer shall sign each check or withdrawal. If the Treasurer is not available the President shall sign the check or withdrawal in place of the Treasurer.

C. A financial report signed by the Treasurer and the President and a person approved by the Membership showing all receipts and expenditures shall be made yearly to the Council prior to the election of new officers.

ARTICLE XIII: AMENDMENTS

Proposed bylaws changes must be noticed and discussed at a minimum of one Council meeting prior to the meeting at which action will be taken. The notice shall include a statement of the articles to be changed and the reason. The bylaws may be amended or repealed by a two-thirds (2/3) vote of the members present at a general or special meeting. Within 45 days of approval by the membership, bylaws amendments shall be filed with the Municipal Clerk

1 for acceptance by the Municipal Assembly as required by
2 municipal code chapter 2.40. It shall be the responsibility
3 of the Council President, or designee, to timely notify the
4 Municipal Clerk regarding bylaws amendments. .
5

6 **ARTICLE XIV: DISSOLUTION**
7

8 Unless otherwise provided by law, dissolution may occur by
9 vote of three-fourths of the members of the Council at a
10 regular Council meeting, at a special meeting called for
11 that purpose, or by mail ballot. If the Council is
12 dissolved by law or by this Article the Council's property
13 including, but not limited to, funds remaining in the
14 Council treasury after all obligations are met, may be
15 donated. The Council's donation shall be made to the
16 Federation of Community Councils, or current municipal
17 contractor, for community council use, or another nonprofit
18 organization if designated in the dissolution action.
19

- 20 C. Bylaws adopted by the community council and submitted to the municipal clerk's
21 office will be reviewed by the Assembly Rules Committee, the ombudsman, or
22 other assembly designee for conformity with this chapter 2.40 prior to
23 acceptance by the assembly, and the community council will be notified of any
24 nonconformity requiring correction.
25
26 D. Bylaws in conformity with this chapter 2.40 will be submitted by the municipal
27 clerk to the assembly by assembly information memorandum at the next
28 assembly meeting following submission by the community council, or as soon as
29 practicable after receipt by the office of municipal clerk.
30
31 E. Community council bylaws shall include provisions consistent with these
32 requirements:
33
34 1. Definition of the boundaries of the community council as set forth in
35 2.40.040.D and 2.40.090; identification of boundaries by code reference
36 and associated map number under 2.40.040 is sufficient and preferred.
37
38 2. Definition and eligibility for community council membership consistent
39 with affording residents maximum community involvement and self-
40 determination under the charter and meeting the requirements of this
41 chapter.
42
43 3. Regular meetings of the council at least four times in a calendar year and
44 at least once each calendar quarter; special meetings at the call of
45 designated officers or executive board members, and by petition from a
46 designated number of council members, to address community council

business, including the accommodation of community council responsibilities under municipal code 21.03.020.C.

4. The election of officers, term of service, and the designation of an executive board to receive notice and conduct the business of the council between meetings. Community council officers and executive board members with financial or fiduciary responsibility must be 18 years of age or older at the time of service. A community council, in its discretion, may designate non-fiduciary and non-signatory roles to younger members for leadership training, and may extend voting eligibility to residents 16 years of age and older in the adoption of community council bylaws.

5. The duties and responsibilities of officers, their removal or replacement when a vacancy occurs, and criteria for eligibility to hold an office with the council.

6. A record shall be made by minutes or an electronic recording of all regular and special meetings. Upon request, the record will be made available within a reasonable time determined by the community council.

7. The management of the council's finances including regular status reports and an annual report to the council members on the council's finances or a compilation of treasurer's reports.

8. The dissolution of the council, and for the disposition of the council's property upon dissolution.

9. That the latest edition of Robert's Rules of Order, Revised, shall apply in all instances, matters, and proceedings not covered by the bylaws.

10. Procedures for amending the bylaws.

11. Meeting and member attendance rosters shall be used only for council business.

12. Eligibility to vote.

a. Community council bylaws may require prior attendance at one community council meeting in the preceding 12 months as a prerequisite to voting eligibility. For the election of officers and executive board members, community council bylaws may require prior attendance at one but no more than two community council meetings in the preceding 12 months prior to election. Prior attendance is demonstrated by the meeting and member attendance roster. Bylaws shall not otherwise restrict eligibility to vote by members in attendance.

1
2 b. Only one vote shall be granted to any member: Each resident,
3 non-resident property owner, business, and non-profit
4 organization shall have one vote. If a person meets the
5 qualification of member in more than one category or for more
6 than one property, the member shall have one vote.
7

8 13. Conflict of interest. Community councils shall not endorse a candidate
9 for federal, state or municipal elected office.
10

11 14. The community council shall not charge dues, or require other financial
12 contribution as a condition of membership or participation. A community
13 council may receive gifts, grants, contributions, or in-kind donations from
14 members or others to meet the costs of its operations, including voluntary
15 dues, provided that membership, participation, and voting privileges shall
16 not be predicated upon payment.
17

18 **2.40.040 – Establishment of community council districts.**
19

20 A. Standards. The assembly shall define community council districts so as to group
21 residents within natural communities and so as to recognize community desires
22 as to boundaries. Natural communities are defined as areas within the
23 municipality that are divided one from another by physical or traffic barriers, and
24 that have common interests, and that have or are achieving a distinct identity by
25 reason of geography, history, population, transportation and other factors.
26 Population is not a criterion.
27

28 B. Procedures for changes in districts. Review and amendment of community
29 council district boundaries shall adhere to the standards for defining district
30 boundaries set forth in subsection A. above, and follow a public process.
31 Reviews shall occur periodically to ensure that community council district
32 boundaries adjust through decades of neighborhood growth and change, and
33 continue to reflect and represent actual neighborhoods, as follows:
34

35 1. Initiation and timing of boundary reviews. Review of community council
36 district boundaries and the number of districts shall occur upon assembly
37 or planning and zoning commission initiative or at the request of the
38 mayor or one or more community councils; however, a comprehensive
39 review of district boundaries and the number of districts shall occur at
40 least once every ten years, following the release of decennial U.S.
41 Census results and after assembly redistricting is acted upon and any
42 court appeals are disposed of.
43

44 2. Public review process. For any review of one or more district boundaries,
45 the planning department shall obtain public input and the participation of
46 community councils on possible changes to community council district

1 boundaries, and shall submit to the planning and zoning commission and
2 assembly a report and recommendations on district boundaries. The
3 planning and zoning commission shall review the report, and after
4 conducting a public hearing, forward its recommendation to the
5 assembly. Upon receipt of the recommendation, the assembly shall
6 conduct a public hearing and by ordinance may adjust community council
7 district boundaries. The assembly and the planning and zoning
8 commission shall each solicit and consider the recommendations of
9 community councils concerning changes in community council district
10 boundaries.

11
12 C. Initial districts. Initially, the suggested district boundaries were those described
13 in appendix A to GAAB 5.75.030.B, a copy of which is available in the office of
14 the municipal clerk.

15
16 D. Districts recognized. The municipality recognizes the following community
17 council districts, which serve areas depicted on maps located in section
18 2.40.090.

- 19 1. Abbott Loop;
- 20 2. Airport Heights;
- 21 3. Basher;
- 22 4. Bayshore/Klatt;
- 23 5. Bear Valley;
- 24 6. Birchwood;
- 25 7. Campbell Park;
- 26 8. Chugiak;
- 27 9. Downtown;
- 28 10. Eagle River;
- 29 11. Eagle River Valley;
- 30 12. Eklutna Valley;
- 31 13. Fairview;
- 32 14. Glen Alps;
- 33 15. Government Hill;
- 34 16. Hillside East;
- 35 17. Huffman/O'Malley;
- 36 18. Mid-Hillside;
- 37 19. Mountain View;
- 38 20. Midtown
- 39 21. Northeast;
- 40

41 Note to Revisor: Municipal Code was amended in AO 2004-27 to add Midtown Community
42 Council, effective February 27, 2004. Revisor to renumber remaining listings.
43

- 44 22[1]. North Star;
- 45 23[2]. Old Seward/Oceanview;
- 46 24[3]. Portage Valley;

- 25[4]. Rabbit Creek;
- 26[5]. Rogers Park;
- 27[6]. Russian Jack Park;
- 28[7]. Sand Lake;
- 29[8]. Scenic Foothills;
- 30[29]. South Addition;
- 31[0]. South Fork;
- 32[1]. Spenard;
- 33[2]. Taku/Campbell;
- 34[3]. Tudor Area;
- 35[4]. Turnagain;
- 36[5]. Turnagain Arm;
- 37[6]. University Area.

(GAAB 5.75.030; AO No. 2003-75, § 2, 7-22-03)

2.40.050 - Functions.

Community councils shall have the following advisory functions:

- A. In regard to the Anchorage comprehensive plan and its adopted elements as described in municipal code 21.01.080 and listed in Table 21.01-1:
 - 1. Evaluate compliance with the plan, alerting municipal officials to, or proposing appropriate action regarding any inconsistencies with the plan; and
 - 2. Conduct a continuing review and study of the plan to determine its workability in each district and to advise municipal officials of, or propose any appropriate action regarding proposed modifications or additions to the plan.
- B. Assume leadership and propose action in regard to enforcement of existing laws or ordinances, pursuit of rights under existing laws or ordinances, desired or opposed changes in or additions to laws or ordinances, or any matter of policy regulation.
- C. Respond to local government proposals submitted to community councils pursuant to section 2.40.060.
- D. Work with local government and other governmental entities, as well as with persons and groups outside the government, to accomplish district goals, including goals which may have an areawide impact.
- E. Receive and review notices to community councils from municipal departments including notice under:

- 1 1. 2.30.120.C. (Alcohol Beverage Control Board license applications);
- 2
- 3 2. 10.55.030 (permits for teen nightclubs and cultural performance venues);
- 4
- 5 3. 21.03.020.H. (land use proposals);
- 6
- 7 4. 24.35.020 (national security road closures);
- 8 5. 25.30.025.E. (disposal of municipal land requiring voter approval);
- 9
- 10 6. other code provisions deemed appropriate by a municipal department.

11

12 F. Participate in the community meeting process under municipal code
13 21.03.020.C when notice from a developer is timely.

14

15 G. Advise the assembly of the community council's annual priority list of capital
16 improvement projects by filing with the municipal clerk within the timeframe
17 established by the administration, a copy of the list as submitted to the
18 administration. The municipal clerk will prepare an assembly information
19 memorandum to submit the community council annual priority lists to the
20 assembly. The assembly information memorandum will be presented at the
21 next assembly meeting following the end of the submission period, or as soon
22 as practicable after receipt by the municipal clerk.

23

24 (GAAB 5.75.040)

25

26 **2.40.060 - Municipal responsibilities to community councils.**

27

28 A. Notice and submission of proposals for review by community council. In
29 supplement to the community council functions in section 2.40.050 and except
30 where action must be taken on an emergency basis, the mayor shall be
31 responsible for giving to community councils an opportunity to participate in the
32 formulation of, and to review and comment upon, all land use, social and
33 economic proposals which in the opinion of the mayor, the assembly, or the
34 agency head involved, will have a significant impact on all or a substantial
35 portion of district residents. [, PROVIDED THAT] Such **notice [PROCEDURES]** shall
36 [DO] not [DELAY OR] preempt **due process requirements in code or regulation.**
37 [COMMUNITY COUNCILS FROM] Timely notice under **this section** [EXISTING
38 PROCEDURES] with regard to the processing, [AND] hearing, and appeal of
39 applications for rezoning, special exceptions, variances, conditional use, [and]
40 building permits, **and other matters of significant impact to the community**
41 **council is supplemental to other code-required notice to community**
42 **councils.**

43

- 1 1. Such opportunity for participation shall be afforded community councils in
2 the initial stages of planning as well as in subsequent stages of proposal
3 development.
- 4
- 5 2. Where municipal ordinance or resolution requires the giving of mailed
6 notice to adjacent or nearby residents or property owners with respect to
7 a proposed permit application, rezoning, or land use change, the planning
8 department shall timely send a copy of the same notice to the chairman
9 of any community council whose boundaries contain land described in
10 Tables 1 and 2 of this subsection, or to such other officer or contact
11 designated by the council for receiving such notice.
- 12

13 [INSERT]: Table 2.40.060A.-1: Community Council Notice Requirements For Land Use
14 Changes Proposed on Public Lands and Facilities

15

16 [INSERT]: Table 2.40.060A.-2: Community Council Notice Requirements for Land Use
17 Proposals on Private Property

- 18
- 19 B. On and after January 1, 2014, land use notice to community councils shall meet
20 or exceed the requirements for community council notice specified in municipal
21 code 21.03.020.H and summarized in Table 21.03-1.
- 22
- 23 C. Response to community councils. In the event of a written communication from
24 a community council requesting information, recommending municipal action
25 such as, but not limited to, inclusion of items on the Capital Improvement Project
26 list, or modification of municipal law or policy, or acting upon a municipal
27 proposal submitted pursuant to subsection A of this section, the appropriate
28 municipal officials shall respond [ISSUE AN INFORMATIVE RESPONSE] within thirty
29 days or such shorter time as may be [A] reasonable [TIME]. The response shall
30 include the reasons for the municipal position. **If a detailed or informative**
31 **response will require more than thirty days to complete, the community**
32 **council shall be given the information timely available within thirty days,**
33 **and a date by which the response will be completed.** [IF THE MUNICIPAL
34 OFFICIALS CANNOT COMPLY WITH THE REQUEST OR DO NOT AGREE WITH THE POSITION
35 TAKEN BY A COMMUNITY COUNCIL, THE REASONS THEREFOR SHALL BE STATED].
- 36
- 37 D. Safeguarding fair, efficient and equitable community council relations and
38 practices. The assembly may request review and recommendation from the
39 office of the ombudsman or other assembly designee to assist in maintaining
40 appropriate procedures and support with respect to community council duties
41 and responsibilities. Such request may be from the assembly chair, the
42 Assembly Rules Committee, or by action of the assembly. Bylaw review and
43 items relating to actions or inactions of community councils and community
44 council officers may be referred to the Assembly Rules Committee.
- 45
- 46

(GAAB 5.75.050; AO No. 2003-75, § 3, 7-22-03)

1
2 **2.40.070 - Additional citizen participation in municipal government.**
3

4 Nothing contained in this chapter is intended to deny or limit in any manner the right of
5 persons individually or in groups to petition the assembly or otherwise participate in
6 municipal government under existing procedures and practices.
7

8 (GAAB 5.75.060)
9

10 **2.40.080 - Capacity to sue or be sued.**
11

12 Neither this chapter nor section 8.01 of the Charter shall be interpreted to empower, to
13 authorize or to provide legal capacity to community councils to sue or be sued in any
14 court.
15

16 (AO No. 92-45)
17

18 **2.40.090 - Community council maps.**
19

20 A. Purpose. The community council maps of this chapter have the following
21 purposes:
22

- 23 1. Provide residents of the municipality with a clear and accurate set of
24 descriptions for all community council districts and their boundaries,
25 together in one accessible document, and in a consistent format;
26
- 27 2. Ensure that residents can easily read, understand, and define their
28 community council district boundaries;
29
- 30 3. Document future changes to community council district boundaries in this
31 section.
32

33 B. Map interpretations. The community council maps in this chapter shall be
34 interpreted as follows:
35

- 36 1. A community council district boundary line on the map that follows a
37 street, highway or railroad or the meanderings of a river or creek on the
38 map shall be interpreted as following the centerline of the street, highway,
39 railroad, river, or creek.
40
- 41 2. A community council district boundary line on the map that follows a
42 property line or section line on the map shall be interpreted as falling on
43 that property or section line as it existed on the 22nd day of July, 2003.
44
- 45 3. A community council district boundary line on the map that follows the
46 boundary of a public land or facility that is shaded on the map shall be
interpreted as falling on the boundary of that public land or facility.

- 1 4. Where a community council district boundary line on the map does not
2 follow a road, stream, property boundary, or section line, and instead
3 follows some other prominent physical feature such as a ridgeline
4 between watershed valleys, the community council district boundary shall
5 be interpreted as falling on the feature that is labeled alongside the
6 boundary line.
- 7
- 8 5. The boundary of a community council that abuts, adjoins or is adjacent to
9 either Turnagain Arm or Knik Arm of Cook Inlet extends seaward to mean
10 low or lower water.
- 11
- 12 C. Specific community council maps adopted.
- 13
- 14 1. The community council district maps prepared by the department of
15 planning, dated June 17, 2003, embodying the recommendations of the
16 Federation of Community Councils' Boundary Review Committee, dated
17 June 4, 2003, for Map Nos. 1—12, modifying the maps prepared by the
18 department of planning to implement the recommendations of the
19 Anchorage Planning and Zoning Commission, December 9, 2002,
20 adopted by the Assembly on July, 22, 2003:
 - 21
 - 22 a. Map 1 — Northern Chugiak-Eagle River;
 - 23 b. Map 2 — Central Chugiak-Eagle River;
 - 24 c. Map 3 — Northeast Anchorage Bowl;
 - 25 d. Map 4 — East-central Anchorage Bowl;
 - 26 e. Map 5 — Northwest Anchorage Bowl;
 - 27 Map 5a — Northwest Anchorage Bowl: Bootleggers Cove Vicinity;
 - 28 Map 5b — Northwest Anchorage Bowl East Downtown Vicinity;
 - 29 f. Map 6 — Midtown Anchorage;
 - 30 Map 6a — Midtown Anchorage: Spenard Lake Vicinity;
 - 31 Map 6b — Midtown Anchorage: West Fireweed Lane Vicinity;
 - 32 g. Map 7 — Sand Lake and Taku/Campbell;
 - 33 h. Map 8 — Southwest Anchorage Bowl;
 - 34 i. Map 9 — Hillside Anchorage;
 - 35 Map 9a — Hillside Anchorage Section 36/Bear Valley Elementary
36 Vicinity;
 - 37 j. Map 10 — Turnagain Arm;
 - 38 k. Map 11 — Chugiak-Eagle River;
 - 39 l. Map 12 — Anchorage Bowl.
- 40
- 41 2. The planning department shall maintain, for inspection by the public,
42 maps showing the community council district boundaries.
- 43

44 (AO No. 2003-75, § 4, 7-22-03; AO No. 2004-27, § 2, 2-17-04)

45
46 [INSERT MAPS]

- 1 Map 1 — Northern Chugiak-Eagle River
- 2 Map 2 — Central Chugiak-Eagle River
- 3 Map 3 — Northeast Anchorage Bowl
- 4 Map 4 — East-Central Anchorage Bowl
- 5 Map 5 — Northwest Anchorage Bowl
- 6 Map 5a — Northwest Anchorage Bowl: Bootleggers Cove Vicinity
- 7 Map 5b — Northwest Anchorage Bowl East Downtown Vicinity
- 8 Map 6 — Midtown Anchorage
- 9 Map 6a — Midtown Anchorage: Spenard Lake Vicinity
- 10 Map 6b — Midtown Anchorage: West Fireweed Lane Vicinity
- 11 Map 7 — Sand Lake and Taku-Campbell
- 12 Map 8 — Southwest Anchorage Bowl
- 13 Map 9 — Hillside Anchorage
- 14 Map 9a — Hillside Anchorage Section 36/Storck Park/Bear Valley Elementary Vicinity
- 15 Map 10 — Turnagain Arm
- 16 Map 11 — Chugiak-Eagle River
- 17 Map 12 — Anchorage Bowl

18
19 **Section 2.** To implement this ordinance, each community council shall file with the
20 Municipal Clerk’s Office new or amended bylaws in conformity with the requirements of
21 chapter 2.40, as amended by this ordinance, for acceptance by the Assembly. Bylaws
22 submitted to the Municipal Clerk’s Office will be reviewed by the Ombudsman for conformity
23 with this chapter 2.40 prior to the Municipal Clerk’s submission to the Assembly. To facilitate
24 Assembly acceptance, the Ombudsman will notify a community council of any nonconformity
25 requiring correction. Bylaws deemed by the Ombudsman in conformity with Chapter 2.40 will
26 be presented by assembly information memorandum from the Municipal Clerk at the next
27 assembly meeting following notification from the Ombudsman, or as soon as practicable.
28

29 **Section 3.** The filing period for new or amended bylaws is 120 days from the effective date
30 of this ordinance, subject to an automatic extension for up to 90 additional days upon the
31 community council filing written notice to the Municipal Clerk. In the absence of new or
32 amended bylaws timely filed with the Municipal Clerk, the bylaws in Exhibit A shall be deemed
33 in effect until acceptance of new or amended bylaws by the Assembly. In place of a
34 provision not accepted by the Assembly, a comparable bylaw provision in Exhibit A may be
35 substituted by the Assembly in the acceptance.
36

37 **Section 4.** This ordinance shall become effective immediately upon passage and approval
38 by the Assembly.
39

1 PASSED AND APPROVED by the Anchorage Assembly this 11th day of
2 February, 2014.
3

4 Emme Koell
5 Chair

6 ATTEST:
7 Barbara A. Jones
8
9 Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
No. AM 102-2014

Meeting Date: February 11, 2014

1 **From:** ASSEMBLY MEMBER TRAINI
2 **Subject:** AO 2014-3(S) -- AN ORDINANCE OF THE ANCHORAGE MUNICIPAL
3 ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.40
4 PROVIDING FOR THE ESTABLISHMENT, RECOGNITION, DUTIES, AND
5 RESPONSIBILITIES RELATED TO COMMUNITY COUNCILS IN
6 REFERENCE TO CHARTER SECTION 8.01.
7

8 Changes to AO 2014-3 have been suggested since introduction and they are included for
9 context in an "S-Version". New text in AO 2014-3(S) is shown in **bold underlined** and
10 deleted text is [BRACKETED AND CAPITALIZED]. Here is a summary of the changes comparing
11 AO 2014-3(S) to the earlier version introduced on January 14, 2014:
12

- 13 • **Page 3, Subsection 2.40.030 Definitions, at line 7:** "Residents" form a classification
14 eligible for membership by residential address, whether homeowner or tenant, and
15 each resident has one vote. ***Non-resident property owners*** are another
16 classification eligible for membership and a single vote. A non-resident property
17 owner may be a corporation or partnership and is allowed to designate a
18 representative and an alternate, subject to the one vote rule. Neither residents nor
19 non-resident property owners may vote by proxy and resident members do not have a
20 representative or an alternate. "*Non-resident*" is added to the property owner
21 designation throughout the ordinance, to better clarify this distinction.
22
- 23 • **Page 3, Subsection 2.40.030 Definitions, at lines 18 & 20:** A definition of *ex officio*
24 membership is added and government entities renting office space but not owning
25 property within the community council district are addressed. Voting membership for
26 this situation is left up to the community councils to address in the bylaws. Absent
27 specific community council accommodation, such government entities may hold an *ex*
28 *officio* (non-voting) membership.
29
- 30 • **Page 3, Subsection 2.40.030 Definitions, lines 36-42:** "*Non-resident*" is added to the
31 property owner designation throughout the ordinance, to better clarify this designation.
32
- 33 • **Page 4, Subsection 2.40.030 Definitions, lines 1-2:** This amendment clarifies that
34 proxy and alternate designations for resident memberships shall not be recognized.
35
- 36 • **Page 4, Subsection 2.40.035A.1, line 22:** "*Non-resident*" is added to the property
37 owner designation throughout the ordinance, to better clarify this designation.
38
- 39 • **Page 6, Subsection 2.40.036A, at line 13:** The word "clerk" is added to correct a
40 typographical error in the document.
41

- 1 • **Page 7, Subsection 2.40.036B, Bylaws, Article III, at line 14:** *“Non-resident”* is added
2 to the property owner designation throughout the ordinance, to better clarify this
3 designation.
4
- 5 • **Page 9, Subsection 2.40.036B Bylaws, Article VI, at lines 20 & 21; and also line 38:**
6 *“Non-resident”* is added to the property owner designation throughout the ordinance, to
7 better clarify this designation. New text in lines 33—36 conforms the bylaws to code.
8
- 9 • **Page 11, Subsection 2.40.036B Bylaws, Article VIII, at line 28:** *“Non-resident”* is
10 added to the property owner designation throughout the ordinance, to better clarify this
11 designation.
12
- 13 • **Page 14, Subsection 2.40.036E.12.b, line 45:** *“Non-resident”* is added to the
14 property owner designation throughout the ordinance, to better clarify this designation.
15
- 16 • **Page 18, Subsection 2.40.060A, lines 31 – 38:** Subsection 2.40.060A is redrafted to
17 clarify that the notice requirements under subsection 2.40.060A supplement notice
18 requirements elsewhere in code, and do not preempt due process requirements in code
19 or regulation.
20
- 21 • **Page 19, Subsection 2.40.060C, lines 24 – 29:** Subsection 2.40.060C is redrafted to
22 clarify the expectation for timely and informative response to community council
23 requests and proposals. If a detailed or informative response will take longer than
24 thirty days to complete, the Administration will provide the information that is timely
25 available, along with a date of expected completion.
26

27 Respectfully submitted:

28
29 Dick Traini
30 Assembly Member, District 4 - Midtown