

Submitted by: Assembly Vice Chair Constant  
Prepared by: Assembly Counsel  
For reading: January 25, 2022

**ANCHORAGE, ALASKA  
AO No. 2022-XXX**

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 3.20.030 AND 28.20.010 TO ESTABLISH A TIMELINE FOR FILLING A VACANCY IN THE OFFICE OF THE MAYOR.**

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**WHEREAS**, Article VII of the Anchorage Municipal Charter, *Vacancies in Elective Office*, establishes the standards for determining a vacancy exists and a process and timeframe for filling vacancies; and

**WHEREAS**, Charter § 7.02 establishes a time limit for filling a vacancy on the Anchorage School Board or Anchorage Assembly each with a distinct outer limit for electing a successor, but lacks an outer limit for filling a vacancy in the office of the Mayor stating only that it “shall be filled at a regular or special election held not less than 90 days from the time the vacancy occurs”; and

**WHEREAS**, The above Charter provisions have been implemented by ordinance detailing the process and timeline for filling a vacancy on the Assembly, codified in Anchorage Municipal Code section 2.70.020; and

**WHEREAS**, There is currently no Code provision similarly codifying a process and timeline for filling a vacancy in the office of the Mayor; and

**WHEREAS**, Past vacancies in the office of the Mayor were surrounded by controversy and debate over when it should be filled; and

**WHEREAS**, Anchorage will benefit from having a clear process and timeline and the purpose of this ordinance is to complete implementation of Charter § 7.02 by enacting Code provisions that fill the existing omission identified above; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 3.20.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**3.20.030 - Qualifying of mayor; filling a vacancy in the office of the mayor; transition period for mayor-elect.**

- A. The mayor shall be deemed qualified and shall take office by taking and subscribing to the oath required by section 17.07 of the Charter. A mayor-elect to a new term shall, following certification of a regular or runoff election, take office on July 1, or as soon thereafter as practicable. A mayor-elect to fill the balance of a term remaining after



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- c. Section 7.02, filling vacancies in elective office;
- 2. Anchorage Municipal Code:
  - a. Chapter 2.50, initiatives, referenda and recall;
  - b. Chapter 2.70, vacancies in elective office;
  - c. Section 3.20.030, filling a vacancy in the office of the mayor;
  - d. Chapter 28.20, time for elections; notices;
  - e[D]. Section 28.40.020, preparation and distribution.

C. A runoff election required by the results a regular or special election shall be held within three weeks from the date of certification of the election results.

D. Reserved.

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(GAAB 7.05.040.A; AO No. 85-75; AO No. 88-129(S-1); AO No. 91-50; AO No. 99-113, § 1, 8-10-99; AO No. 2000-167, § 1, 1-9-01; AO No. 2014-28, § 1, 2-25-14 - repealed by AO No. 2015-63, § 2, 7-14-15 ; AO No. 2016-33, § 1, 3-22-16 ; AO No. 2017-29(S) , § 2, 6-1-17; AO No. 2019-104 , § 4, 9-10-19; AO No. 2020-104 , § 1, 11-4-20; AO No. 2021-131(S), § 4, 1-14-21)

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

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM



No. AM \_\_\_\_-2022

Meeting Date: January 25, 2022

**From: Assembly Vice Chair Constant**

**Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 3.20.030 AND 28.20.010 TO ESTABLISH A TIMELINE FOR FILLING A VACANCY IN THE OFFICE OF THE MAYOR.**

Through the tumultuous last two years the Municipality has been challenged by a number of circumstances that created uncertainty and change at a rapid pace. We experienced the early end of a Mayoral administration within 9 months of a regular Municipal Mayoral election, during the upheavals of the global COVID-19 pandemic.

The Charter grants discretion to fill a vacancy in the office of the mayor by either a regular or special election, and the Assembly opted to wait until the next regular election. Much confusion arose from general misunderstanding of the Charter provision for filling the vacancy of the Mayor. What became clear is that the Charter states that a vacancy cannot be filled within 90 days of the vacancy, but is silent on the endpoint in time by which an election must be held, thus defaulting to the next regular election which could result in an Acting Mayor being in place for more than a year.

A proposal to send to voters a Charter amendment has been introduced. Rather than sending this matter to the voters, the immediate issue can be resolved by a simple code amendment. This ordinance, if passed and approved, acknowledges the Charter’s 90-day minimum before a special election could be held, and would set a 270-day maximum duration to hold a special election.

There still remain questions that might warrant proposing a Charter amendment to more adequately explain and clarify the process of filling a vacancy in the Office of the Mayor and to allow a temporary filling of what has been characterized by some as a vacancy on the Assembly when the Chair is temporarily elevated to acting mayor, considering that term must be at least 90 days, plus the period to certify the election up to the date the new mayor actually takes office. These questions can be taken up deliberatively and in due time.

The need to fill a vacancy in the Office of the Mayor has been a rare occurrence in the history of the Municipality. Long may it remain so.

**I request your support for the ordinance.**

Reviewed by: Assembly Counsel  
Respectfully submitted: Christopher Constant, Assembly Vice-Chair  
District 1 - Downtown Anchorage