MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM XXX-2020

Meeting Date: January 12, 2021

From: **Assembly Member Perez-Verdia**

Subject: **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.70 TO PROVIDE FOR A TEMPORARY APPOINTMENT TO FILL THE ASSEMBLY CHAIR'S SEAT WHEN SERVING AS ACTING MAYOR.**

The resignation of the Mayor in October 2020 triggered the process for the Assembly Chair to become the Acting Mayor until a successor is elected and takes office, per Anchorage Municipal Charter section 7.02(c). Subsequently, the Anchorage Assembly considered a resolution to hold a special election not less than 90 days from the Mayor's resignation, or after January 21, 2021, and declined to do so. Thus, the new Mayor will be chosen by the voters at the regular municipal election to be held on April 6, 2021, and take office on July 1, 2021 per Anchorage Municipal Code section 3.20.030A. Acting Mayor Quinn-Davidson will return to her Assembly seat at that time, after serving more than 8 months at the helm.

In the meantime, the Assembly will have up to 10 votes instead of its usual 11, and the approximately 52,891 residents of District 3, West Anchorage, and its several community councils will have *one* elected representative to vote on Assembly action on their behalf and provide constituent services and advocacy, instead of two. There has been much inquiry and public dialogue regarding whether a person can be appointed to fill in for Ms. Quinn-Davidson in her Assembly seat during this period she is serving as Acting Mayor.

Assembly Counsel has advised that the Charter and Code provide an appointment process to fill a vacancy on the Assembly until a successor is elected, but the service of the Chair as Acting Mayor does not create a vacancy as defined. Charter section 7.01(a), "Determining Vacancies," has an exclusive list of circumstances that create a vacancy in elective office that would trigger an appointment process for a vacated Assembly seat. However, a legal and technical reading of this language disallows implying the service of the chair as acting mayor is a "vacancy." Thus, there is currently no legal process for an appointment to fill Ms. Quinn-Davidson's seat until she returns.

This proposed ordinance amends the Code with a new section that allows the Assembly, but does not require it, to appoint a person to fill in for the Assembly Chair during service as the Acting Mayor. This is a common-sense solution to the situation, to provide District 3 with the representation of two persons as it is entitled to.

In the two instances in the history of the Municipality of Anchorage where the Chair served as Acting Mayor, the length of service was approximately 6 months and 8 months. By comparison, Charter section 7.02(b) directs that the Assembly may fill a

bona fide vacancy of an Assembly Seat by an appointment within 30 days to serve until a successor is elected to fill the balance of the term. And, if more than six months remain in the Seat's term, a special election must be held within 60 days to fill it.

Clearly, the framers of our Charter believed it was important to have a vacant Assembly seat filled quickly. It is illogical then, that a 6- or 8-month absence from an Assembly seat should not be filled merely because it is not technically a "vacancy." It may have been the framers of the Charter overlooked this situation where a long absence or unavailability occurs while the Chair serves as Acting Mayor. It is a disservice to District 3, and to any future occurrences of this scenario, to not remedy this apparent omission. This ordinance provides a solution without altering the Charter's vacancy edicts, nor the system of the Chair serving as Acting Mayor and returning to the Assembly Seat after a new Mayor is elected and takes office.

I request your support for the ordinance.

Prepared by: Assembly Counsel
Respectfully submitted: Kameron Perez-Verdia, Assembly Member
                           District 3, West Anchorage