



# ombudsman

## Municipality of Anchorage

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February 5, 2021

Silvia Villamides  
President, Downtown Community Council  
[Downtown.c.council@gmail.com](mailto:Downtown.c.council@gmail.com)

Dear Silvia,

The Municipal Ombudsman's Office has been contacted by multiple constituents seeking clarification regarding whether the Anchorage Downtown Partnership, LTD. (ADP) meets the criteria to have voting representation on the Downtown Community Council (DTCC). The short answer is yes.

Eligibility for council membership and voting privileges is determined by Anchorage Municipal Code, Chapter 2.40 – Community Councils, and the council's bylaws, which must comply with the requirements of the code. Here are the relevant definitions from AMC 2.40.030 – Definitions and community council membership:

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

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

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

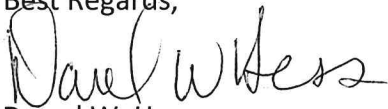
The ADP possesses an active Alaska Business License, #245143, issued on January 5, 1998. The ADP is a nonprofit in good standing, registered with the State of Alaska, entity #573250. The ADP has a physical premise located within the council's boundaries, at 750 W. 2<sup>nd</sup> Avenue, Suite 100. The ADP meets the criteria in code and the DTCC bylaws for voting representation

on the DTCC. If the DTCC denied the APD voting representation, that would constitute a violation of the code, and would subject the DTCC to sanctions by the Anchorage Assembly, up to and including revocation of recognition as a community council.

I was also asked to clarify if there is any requirement in AMC 2.40 (or other chapter of code) that requires a nonprofit (or business, or property owner, or private individual) to provide reports of their activities to a community council. While there are certain requirements regarding local government responsibilities to community councils, there is no requirement in any chapter of code that directs any nonprofit, business, property owner, or private individual to provide reports of their activities to any community council. Community councils may negotiate agreements with entities and individual regarding providing reports, but there is no requirement in code.

I hope that this letter provides clarification for you and the DTCC Board and membership. If anyone has any questions regarding my determinations, they may contact me.

Best Regards,

A handwritten signature in black ink, appearing to read "Darrel W. Hess". The signature is fluid and cursive, with the first name "Darrel" being more prominent than the last name "Hess".

Darrel W. Hess

Municipal Ombudsman

Cc: Assembly Member Constant