

## **Birchwood Community Council Resolution 2020-01-02 regarding AO 2019-136**

Birchwood Community Council has significant concerns with the recently passed AO 2019-136. This ordinance appears to demolish local service area control by saying “**the construction and maintenance of life/safety access roads**” is now under areawide control. No definition of life/safety access roads is given; therefore, this could be virtually any road in Chugiak-Birchwood Eagle River Rural Road Service Area (CBERRRSA).

AO 136 allows voters outside of our service area to approve or disapprove building and maintenance of local roads inside our service area. It will also force local residents to pay for roads far outside of our service area in addition to paying for local roads.

The municipal charter reads: **Section 9.01. - Service areas.**

A service area may be created, altered, or abolished only with the approval of a majority of those voting on the question within the area affected.

**AO 136 fundamentally alters our road service area.** We are concerned with both the process followed, and with the ordinance itself.

1. Good community process was not followed
  - a. There was no notice given to local Community Councils or CBERRRSA that area wide bonding for road construction and maintenance was being considered. We learned of this issue when our Road Board representative reported to us on January 8, 2020.
  - b. Particular notice should have been given to the CBERRRSA, since residents of that service area could be forced to pay for road construction areawide, and Anchorage voters could approve/disapprove local roads.
  - c. Lack of good process resulted in a solution to a problem for the small road service areas on the Hillside, that ignored the well-being of other service area residents.
  
2. This ordinance is a fundamental breach of the Service Area concept and violates municipal charter and law.
  - a. AO 136 appears contrary to municipal code in that oversight, maintenance and control for an unspecified portion of local roads would now bypass our local Road Service Area Board of Supervisors and go to voters throughout the Municipality of Anchorage. **Note 27.30.215**
  - b. The ordinance is overly broad and says “construction and maintenance of life/safety roads” is now areawide. This could be any and all of the local (as opposed to State or private) roads throughout the municipality.
  - c. Local voters in Chugiak-Eagle River already tax for local road construction and maintenance – specifically including roads to enhance public safety. This ordinance now asks them to also fund roads outside their area. **Note 27.10.050**
  - d. Local residents specifically set aside fund balance for road capital improvements to avoid bond debt. This ordinance forces us to pay for areawide capital improvements through bonded debt, as well as for our own roads through and local taxation.

- e. Contrary to municipal ordinance and charter, AO136 allows voters throughout the municipality to approve/disapprove construction and maintenance of roads within our Service Area.

Therefore, Birchwood Community Council requests that the Assembly reconsider this ordinance, undertake the public process around it that should have occurred, and potentially repeal or rewrite the ordinance based on full consideration of its effects and on feedback from the Chugiak-Eagle River area as well as other affected communities. We further request that no bonds be considered for this April as there is not time to properly complete the necessary public process before the election.