



Spenard CC <spenardcc@gmail.com>

Request to investigate Code Enforcement inaction within Spenard

Hess, Darrel W. <darrel.hess@anchorageak.gov>
 To: "spenardcc@gmail.com" <spenardcc@gmail.com>
 Cc: "Quinn-Davidson, Austin" <austin.quinn-davidson@anchorageak.gov>, "Perez-Verdia, Kameron" <kameron.perez-verdia@anchorageak.gov>

Mon, Jan 17, 2022 at 10:40 AM

Lindsey,

Good morning. I have reviewed the history of Land Use Enforcement's response to the complaints filed regarding Boettcher Track 3. This issue is more complicated than it might appear to be. To clarify:

- LUE does not abate homeless camps, especially on private property. Camps are posted and abated by the Anchorage Police Department.
- LUE cannot enter private property without the permission of the property owner/manager, unless the court issues an administrative search warrant. The (alleged) camps on the property were not visible from the public right of way, and could only be seen by entering the property.
- A service request was filed with LUE on 08/04/21. A drive-by inspection was done the next day (08/05/21). The camps were not visible from the road, and an APD escort was necessary for the LUE officer to enter and inspect the camps.
- It took several days for APD to obtain permission to enter the property and coordinate a site visit with APD. LUE confirmed that the property manager had filed a trespass complaint with APD. This all took until the end of August.
- The clean-up was scheduled for 09/15/21. However, the contractor's equipment broke down and needed a part replaced. The part was ordered, but was stuck on a barge off the coast of California for several weeks during the COVID gridlock at west coast ports.
- In early October, Assembly members started emailing requesting updates. Unfortunately, this was after the Muni Manager had issued a memo regarding Assembly members communicating with employees of the Executive Branch. This delayed the response and communications. A copy of the memo is attached.
- On October 22nd, the part for the equipment was still stuck on a barge off the coast of California.
- In late October, Assembly member Allard contacted the property manager and told her to "stand down", that she (Allard) would take care of the problem and have Parks & Recreation clean up the property. Due to the Muni Manager's memo, Muni responses to Ms. Allard had to go up the chain, and delayed the process. On 11/17/21 LUE reached out to the property manager, who stated that the Muni had "bailed on her" (Ms. Allard had stated that she would take care of having the property cleaned up). I assume that Ms. Allard was informed that the Muni does not clean up private property; it is the responsibility of the owner/manager to have private properties cleaned up.
- Due to the delay in remediating the property, Service Request #209829 was closed on 11/0/21, and was converted to LUE Case #119454. Conversion to a LUE case can result in enforcement action if the case is not resolved.
- On 11/17/21 the property manager was provided with a copy of AMC 15.20.020, which outlines possible enforcement actions.
- LUE contacted APD on 12/14/21, and APD reported that they had visited the property the previous week, and no one was present, but that there were established camps. LUE made a site visit on 12/30/21, and could see no activity on the property.
- Earlier this month LUE started communicating directly with the property owner. At this time LUE is not pursuing active enforcement, as no items are visible on the property from the right of way, and they cannot enter the property without the permission of the property owner, or an administrative search warrant issued by the court.
- LUE's expectation is that the property owner will clean up the property when the weather allows. I'm not aware of LUE ever requiring a property owner to clean up a property in a similar situation when the property is covered in snow and ice. You can't see what debris, trash, and junk is on the property, and it can be dangerous for person cleaning the property, because you can't see what is under the snow and ice.

I don't see any intent by the department to delay their response to the complaints. LUE Officer Cora Weaver is a 40-year Muni employee and handled this case by-the-book, It is unfortunate that the well-intended efforts of Ms. Allard and the

part for the contractor's equipment being lost in the COVID blackhole delayed this effort until the snow arrived. This case is at the top of LUE's queue for spring 2022.

Here is the response I received from Jack Frost:

“On-going communications between the property owner/management, APD and Land Use Enforcement resulted in the positive steps that the manager made arrangements for security, trash removal and eventual camp abatement. Due to the time of year of the complaint, breakdown of equipment and delay in receiving parts to repair the hydro axe that will accomplish the vegetation removal and eventual camp abatement (on private property), the onset of winter conditions, initiation of physical mitigation will not begin until weather and environmental conditions permit in 2022.”

I have calendared a reminder for myself to check on this matter with LUE in late May.

Regards,

Darrel

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Pronouns: He, Him, His



"Never underestimate the power of a small group of committed people to change the world. In fact, it is the only thing that ever has." Margaret Mead

The Municipal Ombudsman's Office is an independent and impartial office, available to the public, responsible to the Assembly, and empowered to investigate the acts of administrative agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and promoting higher standards in the provision of municipal services. (AMC 2.60)

From: Spenard Community Council <spenardcc@gmail.com>
Sent: Thursday, January 6, 2022 11:49 AM
To: Hess, Darrel W. <darrel.hess@anchorageak.gov>
Cc: Quinn-Davidson, Austin <austin.quinn-davidson@anchorageak.gov>; Perez-Verdia, Kameron <kameron.perez-verdia@anchorageak.gov>
Subject: Request to investigate Code Enforcement inaction within Spenard

[EXTERNAL EMAIL]

Hi Darrel,

[Quoted text hidden]



MM Memo 9.24.21 - Final.pdf

38K



Municipality of Anchorage
Mayor Dave Bronson

Office of the Municipal Manager

DATE: September 24, 2021

TO: All Municipal Departments

FROM: Amy Demboski, Municipal Manager 

SUBJECT: Administration Communication with the Legislative Branch

It continues to be apparent that the Legislative Branch, and some of their employees, refuse to respect separation of powers between the Executive and Legislative branches of government by utilizing informal back channels to gain access to information, or impinging on the Administration's staff's time, which is distracting from the necessary work of multiple departments. These willful and intentional efforts to bypass Executive Branch leadership must now be addressed more directly.

The purpose of the internal process described herein is to ensure the proper role of separation between the branches of government is maintained, evaluate Assembly requests to ensure the appropriate allocation of staff time aligns with the core missions and services of each municipal department, as well as ensure that the Administration is responsive to Assembly Member requests for information as time allows.

Effective Immediately:

- All communications from the Administration to the Assembly, Assembly Aides, Assembly staff, the Clerk, Clerk's office staff, or Assembly Counsel will solely be from the Municipal Manager, or designee upon express direction of the Municipal Manger.
- Information requests initiated by an Assembly member, an assembly aide, Assembly counsel, or from the Clerk's office staff, whether orally or in writing, shall be forwarded to the Municipal Manger for response.
- All Assembly committee reports, requests for attendance at meetings, and requests for information shall be reviewed by the Municipal Manager for operational availability, resource prioritization, and department mission alignment.

Assembly members seeking legal advice and legal opinions from the Municipal Attorney should contact the Municipal Attorney's office directly. Legal communications between the Clerk's office, the Assembly, or Assembly counsel with the Municipal Attorney's office enjoy attorney-client privilege and are not subject to the above-stated process.

If you have questions regarding this internal process, please contact your department Director.