

ANCHORAGE, ALASKA AO No. 2011-24(S)

AN ORDINANCE REPEALING TITLE 31, ANCHORAGE WATER & WASTEWATER UTILITY AUTHORITY, AND TITLE 32, MUNICIPAL LIGHT & POWER UTILITY, AMENDING CHAPTERS 4.50, 4.70, 4.80 AND 26.10 TO REINSTATE PUBLIC UTILITY COMMISSIONS AND CONFORM GENERAL DUTIES COMMON TO ALL ADVISORY UTILITY COMMISSIONS, IMPLEMENT THE REPEAL, AND PROVIDING FOR A TRANSITION PERIOD.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code title 31 is repealed in its entirety. A copy of title 31 is attached hereto.

Section 2. Anchorage Municipal Code title 32 is repealed in its entirety. A copy of title 32 is attached hereto.

Section 3. Anchorage Municipal Code chapter 4.50.020 is amended to read (*the remainder of the section is not affected, and therefore not set out*):

4.50.020 Bidding review board.

There is established a bidding review board consisting of nine members including:

- A. One member from the board of building regulation examiners and appeals;
- B. One member from the Municipal Light and Power Utility Commission;
- C. One member from the public facilities advisory commission;
- D. One member from the Anchorage Water and Wastewater Utility Commission Board of Directors;
- E. One member from the port commission; and
- F. Four members from the construction and labor industry.

Section 4. Anchorage Municipal Code section 4.70.010 is amended to read:

4.70.010 Generally.

- A. There are established the following municipal public utility advisory commissions:
 1. Solid waste services commission for solid waste services consisting of the municipal refuse collections utility and solid waste disposal utility.
 2. Municipal Light and Power Utility Commission for Municipal Light and Power Utility.
- B. Due consideration shall be given to technical qualifications in choosing the members of each commission. When transmitting to the Assembly for confirmation the name of appointees to the commission, the Mayor shall cause a notice of a ten (10) day comment period inviting public comment on the qualifications of such appointees to be published. The notice shall state that comments must be in writing, and must be filed

with the municipal clerk. Upon receipt of such comments, the municipal clerk shall forward the comments to the Mayor and the Assembly. The Assembly shall take no action on confirmation of an appointee until after the close of the public comment period.

C. The general manager/director of the municipal utility shall be the executive secretary and technical advisor to the commission. Each municipal utility shall provide the administrative support for its respective commission.

D. Each commission shall

1. Review annually the public utility's operations, business and strategic plans, operating and capital budgets, and submit recommendations to the mayor and assembly for consideration during the annual budget adoption;
2. Review and make recommendations on utility policies and practices to the mayor and assembly;
3. Submit recommendations to the mayor and assembly as to any necessary expansions, improvements or economies of the public utility;
4. Conduct public hearings on matters pertaining to the public utility, including public utility operation, expansion or service improvement, public utility rates, and department regulations. By resolution duly enacted after public hearing, the public utility commission shall make recommendations to the mayor and assembly on the proposed adoption of public utility changes, rates or regulations;
5. Review public utility contracts and community programs involving the public utility for recommendations to the general manager or director, the mayor and assembly;
6. Assist with public outreach and education concerning utility consumption, consumer best practices, and challenges facing the public utility; and
7. Perform such utility related advisory duties as the mayor or assembly may from time to time refer to the commission.

E. It is not a conflict of interest for a municipal employee utility commission member or rate-payer utility commission member to participate in the performance of duties of the advisory commission.

F. Except as may be inconsistent with the provisions of this section, chapter 4.05 shall apply to public utility commissions.

Section 5. Anchorage Municipal Code section 4.70.020 is **repealed**.

4.70.020 [**WATER AND WASTEWATER UTILITIES COMMISSION.** [(REPEALED)]]

Section 6. Anchorage Municipal Code section 4.70.030 is reenacted and amended to read as follows:

4.70.030 Municipal light and power commission.

There is established a Municipal Light and Power Commission consisting of five members.

1. At least three (3) members of the commission shall be customers of the utility.
2. Commission members shall include:
 - a. One member shall be a member in good standing of the Alaska Bar with experience in utility matters;
 - b. One member shall be a registered professional engineer in Alaska with experience in utility matters;
 - c. One member shall have experience in finance, accounting, or business administration regarding utility matters;
 - d. One member shall be a representative of a large commercial or industrial customer;
 - e. One member shall be a municipal employee **from a utility bargaining unit.**

Section 7. Anchorage Municipal Code section 4.70.040 is amended as follows:

4.70.040 Solid waste and recycling advisory commission.

There is established a solid waste commission consisting of seven members.

Section 8. Anchorage Municipal Code section 4.80.030 is repealed as follows:

4.80.030 Municipal Light & Power Utility Board of Directors. (Repealed.)

Section 9: Anchorage Municipal Code section 26.10.080 is repealed as follows:

26.10.080 Applicability of chapter to Anchorage Water and Wastewater Utility. (Repealed.)

Section 10. Anchorage Municipal Code section 4.80.020 is amended to read as follows:

4.80.020 Anchorage Water and Wastewater Utility Board of Directors.

A. There is established an Anchorage Water and Wastewater Utility Board of Directors with the powers and duties described herein.

B. The Board shall consist of seven directors. All directors shall be citizens of the United States, and residents of and registered voters in the Municipality of Anchorage. At least four of the directors shall be customers of the Anchorage Water and Wastewater Utility, and one director shall be an employee of the municipality. Directors shall be qualified as follows:

1. One director shall be a member in good standing of the Alaska Bar with experience in utility matters;
2. One director shall be a registered professional engineer in Alaska with experience in utility matters;
3. One director shall have experience in finance, accounting, or business administration with experience in utility matters;
4. One director shall be a public health professional;
5. One director shall be a utility municipal employee from a utility bargaining unit;
6. Two directors shall be at large.

C. The general manager of the utility shall be the executive secretary and technical advisor to the Board, and the utility shall provide the administrative support for the Board.

D. In proposing Directors for appointment to the Board, the Municipality shall give due consideration to technical qualifications.

1. When transmitting to the Assembly for confirmation the name of appointees to the Board, the Mayor shall cause a notice of a ten (10) day comment period inviting public comment on the qualifications of such appointees to be published. The notice shall state that comments must be in writing, and must be filed with the municipal clerk.
2. Upon receipt of such comments, the municipal clerk shall forward the comments to the Mayor and the Assembly.
3. The Assembly shall take no action on confirmation of an appointee until after the close of the public comment period.

E. The Board shall exercise the following powers:

1. Plan the utility's capital improvement program and maintenance strategy and operations and make recommendations to the Mayor;
2. Plan the utility's operating budget and make recommendations to the Mayor;

3. Oversee creation of the utility's strategic plan, and make recommendations to the Mayor;
4. Oversee creation of the utility's long term fiscal plan, and make recommendations to the Mayor;
5. Recommend tariff rates and fees for products and services provided by the utility to the Mayor, for approval by the assembly;
6. Recommend appropriate and reasonable tariff rules for the utility to the Mayor. The existing tariff rules, approved by the Regulatory Commission of Alaska as of the effective date of this section, shall continue in force until changed by the Assembly;
7. Establish procedures for review of formal and informal complaints from customers, and for appeals of decisions on such complaints, within the parameters in section H. below; and
8. Recommend to the assembly revisions to the code the board deems necessary or desirable for the efficient operation of the utility or for the benefit of its customers.

F. General Manager.

1. The mayor shall appoint the general manager of the utility, subject to confirmation by the assembly. The general manager shall serve at the pleasure of the mayor.
2. A majority of the board may recommend dismissal of the general manager to the mayor.
3. When a vacancy in the position of general manager occurs, the board shall recommend to the mayor not less than three qualified candidates for the position. The mayor shall appoint the general manager from those candidates recommended by the board.

- G.** It is not a conflict of interest for a municipal utility employee or a utility rate-payer to participate as a director on the Board.

H. Customer complaints and appeals.

1. A decision by the utility on a formal complaint may be appealed to the board within thirty (30) days after notice of the decision is mailed to the parties.
2. Decisions of the board on a formal complaint may be appealed to the ombudsman within thirty (30) days after notice of the board's decision is mailed to the parties.
3. Appeals of utility decisions not received by the board or the ombudsman, as appropriate, within the time set forth herein, shall be dismissed.

- I.** Except as inconsistent with this section, all provisions of the code, including titles 3, 4, 6, 7 and 25 regarding employee relations, personnel, payroll, purchasing, finance, information technology & enterprise solution, and legal services, apply to the utility.

Section 11. This ordinance shall be effective immediately upon passage and approval by the Assembly.

Section 12. To ensure an orderly and timely transition, Anchorage Water & Wastewater Utility and Municipal Light & Power Utility shall each take the following steps to implement this ordinance:

- A.** Within 90 days of the effective date of this ordinance, each utility shall submit a report by AIM to the Assembly and the Mayor, detailing the appropriate steps to transition from a Board-governed utility to a municipal utility; then,
- B.** Within 180 days of the effective date of this ordinance, each utility shall complete transition from a Board-governed utility to a municipal utility, and the code amendments herein shall become effective.