

Municipal Clerk's Office

Approved

Date: 10/24/2017

Submitted by: Assembly Chair Traini,
Assembly Vice-Chair Dunbar,
Assembly Members LaFrance
and Constant

Prepared by: Assembly Counsel

**ANCHORAGE, ALASKA
AO No. 2017-122(S)**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY DIRECTING
A CHANGE IN THE NAME OF "PORT OF ANCHORAGE" TO "PORT OF
ALASKA"; AND AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER
11.50, CERTAIN OTHER SECTIONS OF THE CODE AND ANCHORAGE
MUNICIPAL CODE OF REGULATIONS ACCORDINGLY.**

1
2 **WHEREAS**, the Port of Anchorage serves as the primary transport hub and cargo
3 import terminal to move goods and fuel to over 200 communities in Alaska, handling
4 more than 3.5 million tons of goods annually;

5
6 **WHEREAS**, the Port of Anchorage is the only import facility in the state that can
7 adequately distribute goods to the entire population of Alaska;

8
9 **WHEREAS**, almost half of the cargo passing through the Port of Anchorage is
10 destined for locations outside of Anchorage;

11
12 **WHEREAS**, the Port Commission is unique from all other boards and commissions
13 of the Municipality in that, by authority of Anchorage Municipal Code subsection
14 11.50.030A.2., it may have members who are not residents of the Municipality, but
15 must be Alaskan citizens, so that its composition reflects the various areas of the
16 population and segments of the economy that the Port serves such as the
17 Matanuska-Susitna Borough, Kenai Peninsula Borough, and the Fairbanks-North
18 Star Borough; and

19
20 **WHEREAS**, the Port of Anchorage serves not just Anchorage, but all of Alaska, and
21 it should be named accordingly; now, therefore,

22
23 **THE ANCHORAGE ASSEMBLY ORDAINS:**

24
25 **Section 1.** The Assembly hereby waives the applicable procedures of Anchorage
26 Municipal Code ("AMC") Chapter 3.97, if any, for purposes of renaming the Port of
27 Anchorage by passage of this ordinance.

28
29 **Section 2.** The Port of Anchorage is hereby renamed to the "Port of Alaska." The
30 Port and Administration are authorized to take such actions as reasonable and
31 necessary to implement this name change. **The implementation to the new name**
32 **is not intended to unduly burden the Port, cause disposal of documents,**
33 **materials or markings, or immediate repainting or replacement of capital,**
34 **fixtures or property. The Port and Administration should implement this**
35 **change in an efficient manner, in due course of its business operations, and**
36 **no timeframe is mandated for changing the name on structures, personal**
37 **property, appurtenances, capital improvements, uniforms, branded goods or**
38 **other items.** The Port of Alaska shall assume any rights, obligations, liabilities and
39 assets of the Port of Anchorage and otherwise all actions, suits, contracts and
40 administrative and adjudicative proceedings shall continue unaffected by this name

change, except for the change in name only.

Section 3. Anchorage Municipal Code chapter 11.50 is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

11.50 PORT OF ALASKA [ANCHORAGE].

11.50.010 Definitions.

*** *** ***

Port of Alaska [ANCHORAGE] and *port* means the port property [THE PORT OF ANCHORAGE SUBDIVISION] as defined by Tracts H and I, Port of Anchorage Subdivision, Addition 1, per Plat No. 2015-122, and Tract J, Port of Anchorage Subdivision, Addition No. 2, per Plat No. 2012-19 [PLATS NUMBERED 125-32 AND 125-33], tidelands which have been transferred to the municipality, and tidal waters within the corporate limits of the municipality, exclusive of those areas which are within the exclusive jurisdiction of either the state or the United States.

Tariff charges means those charges included in the current Port of Alaska [ANCHORAGE] terminal tariff as filed with the Federal Maritime Commission.

*** *** ***

(CAC 12.08.020; AO No. 78-177; AO No. 79-58; AO No. 82-49; AO No. 85-8; AO No. 2016-116, § 1, 10-18-16)

*** *** ***

11.50.280 Municipal Enterprise Service Assessment (MESA).

A. The Port of Alaska [ANCHORAGE] shall pay a municipal enterprise service assessment (MESA) for governmental services provided by the municipality, other than those services received by the Port of Alaska [ANCHORAGE] from the municipality on a contract or interfund basis.

B. The MESA for the Port of Alaska [ANCHORAGE] shall be calculated in accordance with section 26.10.025[.]C. provided, however, that leasehold improvements and public access or public right-of-way improvements shall be excluded from the Port's adjusted plant in service.

*** *** ***

c. The gross operating revenue component of MESA shall be based on 1.25 percent of the Port of Alaska's [ANCHORAGE'S] actual gross operating revenues at the end of the calendar year preceding the mill rate year.

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C. The Port of Alaska [ANCHORAGE] shall budget annually for the MESA as an operating expense. It is the policy of the municipality that the MESA be considered a part of the Port of Alaska [ANCHORAGE] rate base as it represents a contribution to local government services comparable to that contributed by municipal utilities and private property owners. In the event that MESA cannot be treated as an operating expense and recovered through the Port of Alaska [ANCHORAGE] rate base, Port of Alaska [ANCHORAGE] retained earnings, if available, may be used to fund the MESA payment.

*** *** ***

(AO No. 98-107, § 1, 1-1-99; AO No. 2014-57(S), § 1, 5-20-14)

Section 4. Anchorage Municipal Code section 3.20.070 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.20.070 Executive branch organization.

*** *** ***

B. Within the office of the municipal manager and reporting to the municipal manager or his designee are the Office of Equal Opportunity, the Office of Emergency Management, Risk Management Safety, Transportation Inspection, and the following departments:

*** *** ***

9. Port of Alaska [ANCHORAGE]. The Port of Alaska [ANCHORAGE] is responsible for operating and maintaining port facilities in the municipality.

a. The municipal manager shall have operational oversight of the port; and

b. The mayor shall be responsible for policy decisions of the port.

*** *** ***

(AO No. 21-76; AO No. 59-76; AO No. 283-76; AO No. 77-359; AO No. 78-82; AO No. 78-113; AO No. 78-121; AO No. 79-27; AO No. 80-5; AO No. 82-49; AO No. 83-159; AO No. 85-8; AO No. 86-204; AO No. 88-47(S); AO No. 88-82; AO No. 89-10; AO No. 89-18; AO No. 89-39; AO No. 90-15(S); AO No. 91-173(S); AO No. 92-79; AO No. 92-148; AO No. 94-135(S), § 8, 7-12-94; AO No. 95-141, § 1, 7-11-95; AO No. 96-47, § 2, 3-5-96; AO No. 98-115(S), § 3, 7-1-98; AO No. 2003-109, § 6, 9-9-03; AO No. 2004-132, § 2, 10-12-04; AO No. 2004-136, § 2, 12-7-04; AO No. 2005-142, § 2, 10-25-05; AO No. 2008-90(S), § 2, 1-1-09; AO No. 2009-21, § 2, 2-24-09; AO No. 2009-101, § 6, 8-25-09; AO No. 2010-64, § 2, 9-28-10; AO No. 2010-93, § 2, 1-11-11; AO No. 2011-40, § 1, 3-29-11; AO No. 2011-25, § 2, 5-24-11; AO No. 2012-106, § 3, 11-13-12; AO No. 2013-34, § 3, 2-26-13; AO No. 2015-112(S), § 5, 1-1-16)

Section 5. Anchorage Municipal Code section 3.70.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.70.010 Definitions.

*** **

Port operation means those employee services, as determined by the board, which are essential to the continued transshipment of commodities through the Port of Alaska [ANCHORAGE].

*** **

(AO No. 69-75; AO No. 88-76; AO No. 77-376; AO No. 84-221(S); AO No. 88-131(S); AO No. 89-46(S-1); AO No. 2008-135(S), § 1, 9-29-09)

Section 6. Anchorage Municipal Code section 3.90.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.90.040 Exemptions for particular records.

This chapter shall not be construed to require disclosure of:

*** **

E. Records held by the Port of Alaska [ANCHORAGE] or any public utility pertaining to any client, customer or subscriber, the release of which would constitute an unwarranted invasion of the privacy of that customer.

*** **

(AO No. 77-50A; AO No. 91-7(S-1); AO No. 91-173(S); AO No. 92-18; AO No. 96-102, § 1, 8-6-96; AO No. 2012-59, § 1, 7-10-12, eff. retroactive from 5-14-12; AO No. 2015-23(S), § 16, 3-24-15)

Section 7. Anchorage Municipal Code section 11.10.130 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

11.10.130 Penalties and remedies.

A. The violation of any provision of chapters 11.50, Port of Alaska [ANCHORAGE], and 11.60, Municipal Airports, or any municipal regulation promulgated pursuant thereto shall be an infraction, and any person convicted of such a violation shall be subject to a fine of not more than \$300.00.

*** **

(AO No. 57-75; AO No. 78-177; AO No. 80-131; AO No. 84-18; AO No. 85-87; AO No. 93-167(S-1), § 10, 4-13-94; AO No. 93-220, § 10, 8-21-94; AO No. 94-170, § 1, 9-20-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13)

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Section 8. Anchorage Municipal Code section 25.30.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

25.30.040 Disposal for fair market value or for less than fair market value.

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D. Notwithstanding the provisions of subsection C of this section, municipal land managed by Merrill Field and the Port of Alaska [ANCHORAGE] may be leased at less than fair market value upon a finding by the assembly that:

*** **

(AO No. 79-170)

Section 9. Anchorage Municipal Code of Regulations chapter 11.50 is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

Regulation 11.50 REGULATIONS PERTAINING TO BULK PETROLEUM TRANSFER OPERATIONS AT THE PORT OF ALASKA [ANCHORAGE]

*** **

11.50.001 Definitions.

In addition to those definitions set forth at Anchorage Municipal Code 11.50.010 and incorporated by reference herein, the following definitions shall apply in these regulations:

*** **

B. Operator means any person, organization, corporation, entity, company, its agents, officers or employees using the petroleum dock at the Port of Alaska [ANCHORAGE] to transfer bulk petroleum to or from a vessel.

*** **

(AO No. 80-79)

11.50.002 Dangerous cargo.

No person may at any time handle, transport, discharge, stow or maintain any dangerous cargo on any vessel within or at the Port of Alaska [ANCHORAGE] terminal except in accordance with federal, state and local law.

(AO No. 80-79)

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Section 10. (Added in S-version) Anchorage Municipal Code of Regulations

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chapter 4.40 is hereby amended to read as follows *(the remainder of the chapter is not affected and therefore not set out)*:

4.40.020 Port commission.

A. There is established an **Alaska [ANCHORAGE]** port commission with powers and duties more specifically set forth in Title 11.

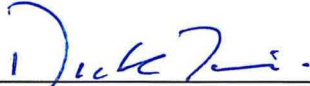
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(CAC 12.04.010—12.04.050; AO No. 95-223, § 1, expires 1-20-1998; AO No. 99-7, § 1, 1-26-99, expires 1-20-02; AO No. 2001-189, § 2, expires 1-20-05; AO No. 2004-96, § 1, 6-8-04; AO No. 2011-64(S-1), § 3, 6-28-11; AO No. 2012-60(S), § 1, 10-9-12; AO No. 2015-61, § 1, 10-13-15)

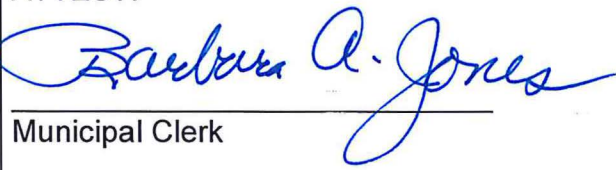
Section 11 [10]. The Code Revisor shall change all instances of “Port of Anchorage” to “Port of Alaska” as they appear in history notes, editor’s notes, and other end notes and annotations throughout the Anchorage Municipal Code and Anchorage Municipal Code of Regulations, unless the context requires retention of the former name for purposes of accuracy of reference to source materials.

Section 12 [11]. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 24th day of October, 2017.



Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
No. AM 724-2017

Meeting Date: October 24, 2017

From: ASSEMBLY VICE-CHAIR DUNBAR

Subject: AO 2017-122(S): AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY DIRECTING A CHANGE IN THE NAME OF "PORT OF ANCHORAGE" TO "PORT OF ALASKA"; AND AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 11.50, CERTAIN OTHER SECTIONS OF THE CODE AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS ACCORDINGLY.

1 Appreciation is due to Chair Traini for introducing this ordinance, recognizing the
2 Port's status as an economic hub for the entire state. This S-version serves only to
3 support his objective and the original intent, end ensure the most cost effective
4 implementation.

5
6 The proposed S-version of this ordinance makes a few changes from the original,
7 as follows:

- 8
9
- 10 • Section 2, page 2 lines 2 to 9: adds language regarding the efficient
11 implementation and intent to mitigate any burden on the Port as much as
12 possible with this change. For example, trucks or vehicles with "Port of
13 Anchorage" on the side will not need to be repainted right away to change
14 the name, it may be done when the vehicle needs repainting anyways.
 - 15 • New Section 10 is added beginning on page 6 line 23, to include an additional
16 reference to update in AMC section 4.40.020, Port commission. The
17 remaining AO Sections are renumbered accordingly.
- 18
19

20 Respectfully submitted: Forrest Dunbar, Assembly Vice-Chair
21 District 5 – East Anchorage
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