

Submitted by: Chair of the
Assembly at the
Request of the Mayor
Prepared by: Office of the Mayor
For reading: July 25, 2023

ANCHORAGE, ALASKA
AO No. 2023-81

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY ADOPTING**
2 **THE PUBLIC NAMING PANEL’S UNANIMOUS RECOMMENDATION TO NAME**
3 **THE PORT OF ALASKA AS THE DON YOUNG PORT OF ANCHORAGE; AND**
4 **AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 11.50, CERTAIN**
5 **OTHER SECTIONS OF THE CODE AND ANCHORAGE MUNICIPAL CODE OF**
6 **REGULATIONS ACCORDINGLY.**
7

8 **WHEREAS**, in April 2022 AM 2022-208 established a public naming panel
9 to consider renaming the Port of Alaska, located at 2000 Anchorage Port Road, in
10 honor of the late Congressman Don Young; and
11

12 **WHEREAS**, the public naming panel (Jim Jansen, Gail Schubert, Amanda
13 Moser, and Aaron Leggett), met, conducted public outreach, solicited public
14 comments, and held public hearings on July 27, 2022, and June 8, 2023, as
15 required by AMC 3.97; and
16

17 **WHEREAS**, the Port of Alaska is the primary inbound-cargo port to the
18 State of Alaska, has the distinction of being Anchorage’s only foreign trade zone
19 [FTZ no. 160], handles half of all Alaska inbound freight, and more than eighty
20 percent of vans and containers shipped into Southcentral Alaska; and
21

22 **WHEREAS**, Congressman Young first entered public service in 1964 when
23 he was elected Mayor of Fort Yukon. Two years later, Alaskans voted him to the
24 State Legislature in Juneau where he served in the State House from 1966 to
25 1970, and later in the State Senate from 1970 to 1973.
26

27 **WHEREAS**, Congressman Young served in the United States House of
28 Representatives with distinction for 49 years and, during his tenure, he made
29 enormous contributions to and accomplishments within the State of Alaska; and
30

31 **WHEREAS**, Congressman Young was instrumental in the designation of
32 the Port of Alaska as a Commercial Strategic Seaport in support of National
33 Defense, crafting law that requires the Corps of Engineers to dredge the port
34 annually, and overseeing the investment of hundreds of millions of dollars for the
35 intermodal expansion project, now the Port of Alaska Modernization Program; and
36

37 **WHEREAS**, ports are normatively named after the city where the port is
38 located, rather than the state or larger jurisdiction; and
39

40 **WHEREAS**, because of Congressman Young’s contributions to the State
41 and his successful effort in increasing funding for the Port of Alaska, it is befitting
42 that the Port of Alaska be renamed the Don Young Port of Anchorage; now,

1 therefore,

2
3 **THE ANCHORAGE ASSEMBLY ORDAINS:**

4
5 **Section 1.** The Port of Alaska is hereby renamed to the “Don Young Port of
6 Anchorage.” The Port and Administration are authorized to take such actions as
7 reasonable and necessary to implement this name change. The implementation to
8 the new name is not intended to unduly burden the Port, cause disposal of
9 documents, materials or markings, or immediate repainting or replacement of
10 capital, fixtures or property. The Port and Administration should implement this
11 change in an efficient manner, in due course of its business operations, and no
12 timeframe is mandated for changing the name on the structures, personal
13 property, appurtenances, capital improvements, uniforms, branded goods or other
14 items. The Don Young Port of Anchorage shall assume any rights, obligations,
15 liabilities and assets of the Port of Alaska and otherwise all actions, suits,
16 contracts and administrative and adjudicative proceedings shall continue
17 unaffected by this name change, except for the change in name only.

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19 **Section 2.** Anchorage Municipal Code section 3.20 is hereby amended to read
20 as follows (*the remainder of the section is not affected and therefore not set out*):

21
22 **2.20.70 Executive branch organization.**

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24 C. *Office of the municipal manager.* Within the office of the
25 municipal manager and reporting to the municipal manager or
26 designee are: the office of equal opportunity, the office of
27 emergency management; risk management and safety;
28 transportation inspection; culture, entertainment, and arts venues
29 (including the Egan Center, the Dena'ina Civic and Convention
30 Center, the Anchorage Museum at Rasmuson Center, the
31 Anchorage Golf Course, the Sullivan Sports Arena, the Alaska
32 Center for the Performing Arts, and the Boeke and Dempsey Ice
33 Arenas); and the following departments:

34
35 9. Don Young Port of Anchorage [ALASKA]. The Port of
36 Alaska is responsible for operating and maintaining port
37 facilities in the municipality.

38 *** **

39 (AO No. 21-76; AO No. 59-76; AO No. 283-76; AO No. 77-359; AO No. 78-
40 82; AO No. 78-113; AO No. 78-121; AO No. 79-27; AO No. 80-5; AO No.
41 82-49; AO No. 83-159; AO No. 85-8; AO No. 86-204; AO No. 88-47(S); AO
42 No. 88-82; AO No. 89-10; AO No. 89-18; AO No. 89-39; AO No. 90-15(S);
43 AO No. 91-173(S); AO No. 92-79; AO No. 92-148; AO No. 94-135(S), § 8,
44 7-12-94; AO No. 95-141, § 1, 7-11-95; AO No. 96-47, § 2, 3-5-96; AO No.
45 98-115(S), § 3, 7-1-98; AO No. 2003-109, § 6, 9-9-03; AO No. 2004-132, §
46 2, 10-12-04; AO No. 2004-136, § 2, 12-7-04; AO No. 2005-142, § 2, 10-25-
47 05; AO No. 2008-90(S), § 2, 1-1-09; AO No. 2009-21, § 2, 2-24-09; AO No.
48 2009-101, § 6, 8-25-09; AO No. 2010-64, § 2, 9-28-10; AO No. 2010-93, §
49 2, 1-11-11; AO No. 2011-40, § 1, 3-29-11; AO No. 2011-25, § 2, 5-24-11;
50 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](#); AO No. [2017-122\(S\)](#), § 4, 10-24-17; AO No. [2018-24](#), § 3, 4-10-18; AO No. [2018-108\(S\)](#), § 3, 12-31-18; AO No. [2018-118](#), § 2, 1-1-19; AO No. [2019-42](#), § 2, 4-23-19; AO No. [2019-133](#), § 1, 11-5-19; AO No. [2020-23](#), § 2, 3-10-20; AO No. [2020-24](#), § 1, 3-10-20; [AO No. 2020-79\(S\)](#), § 2, 8-26-20; [AO No. 2020-109](#), § 2, 10-13-20; [AO No. 2020-121](#), § 2, 1-1-21; AO No. [2021-113\(S\)](#), § 3, 11-10-21; AO No. [2021-114](#), § 2, 1-31-22; AO No. [2022-40\(S\)](#), § 3, 3-22-22)

Editor's note— AO No. 2000-105(S), § 2, adopted June 27, 2000, repealed § 3.20.070, which pertained to municipal organizations. See the Code Comparative Table. Subsequently, AO No. 2003-109, § 6, effective Sept. 9, 2003, added provisions designated as 3.20.070 to read as herein set out.

Charter reference— Appointment of department heads, [§ 5.02\(a\)](#); municipal manager, [§ 5.03](#); municipal attorney, [§ 5.04](#).

Cross reference— Principal executive personnel, boards and commissions, [§ 1.35.010](#).

Section 3. Anchorage Municipal Code section 3.70 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 Don Young Port of Anchorage [ALASKA].

(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; AO No. 2017-122(S), § 5, 10-24-17; AO No. 2018-64(S-1), § 1, 8-28-18)

Cross reference— Definitions and rules of construction generally, [§1.05.020](#).

Section 4. Anchorage Municipal Code section 3.90.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.90.020 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Critical infrastructure means public buildings, telecommunications centers and computers systems, information systems, power generation plants, dams, bridges, road systems, the Don Young Port of Anchorage [ALASKA], and similar key resources, and systems related to utility services (whether

public or private), including fuel supply, energy, hazardous liquid, natural gas, or coal, whether physical or virtual, so vital to the municipality that the incapacity or destruction of these systems would have a debilitating impact on security, municipal economic security, municipal public health or safety, or any combination of those matters.

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(AO No. 77-50A; AO No. 85-14; AO No. 89-85; AO No. 91-173(S); AO No. 2015-23(S), § 18, 3-24-15; AO No. 2019-133, § 2, 11-5-19)

Section 5. 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 Don Young Port of Anchorage [ALASKA] 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; AO No. 2017-122(S), § 6, 10-24-17; AO No. 2019-133, § 3, 11-5-19)

Editor's note— Ch. 118 SLA 1994 repealed AS 12.62.010 et seq., formerly referred to in subsection C, and enacted corresponding sections AS 12.62.110 et seq.

Cross reference— Personnel rules, ch. 3.30; employee relations, ch. 3.70; penal code, tit. 8; business licenses and regulations, tit. 10; Port of Alaska, ch. 11.50; health, tit. 16.

Section 6. Anchorage Municipal Code section 4.50.110 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

4.50.110 - Port of Alaska Modernization Program and Design Advisory Board.

A. There is established a Don Young Port of Anchorage [ALASKA] Modernization Program and Design Advisory Board that shall function as a steering committee with powers and duties more specifically set forth in chapter 11.50.

*** **

(AO No. 2020-81, § 1, 8-27-20)

Section 7. Anchorage Municipal Code section 11.10.130 is hereby amended to

1 read as follows (*the remainder of the chapter is not affected and therefore not set*
 2 *out*):

3
 4 **11.10.130 - Penalties and remedies.**

5 *** **

6 10. The violation of any provision of chapters 11.50, Don Young Port of
 7 Anchorage [ALASKA], and 11.60, Municipal Airports, or any
 8 municipal regulation promulgated pursuant thereto shall be an
 9 infraction, and any person convicted of such a violation shall be
 10 subject to a fine of not more than \$300.00.

11 *** **

12 (AO No. 57-75; AO No. 78-177; AO No. 80-131; AO No. 84-18; AO No. 85-
 13 87; AO No. 93-167(S-1), § 10, 4-13-94; AO No. 93-220, § 10, 8-21-94; AO
 14 No. 94-170, § 1, 9-20-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 98-51(S), §
 15 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2017-122(S), § 7,
 16 10-24-17)

17
 18 **Section 8.** Anchorage Municipal Code chapter 11.50 is hereby amended to
 19 read as follows (*the remainder of the chapter is not affected and therefore not set*
 20 *out*):

21
 22 **Chapter 11.50 Don Young Port of Anchorage [ALASKA]**

23
 24 **11.50.010 - Definitions.**

25 The following words, terms and phrases, when used in this chapter, shall
 26 have the meanings ascribed to them in this section, except where the
 27 context clearly indicates a different meaning:

28 *** **

29 Don Young Port of Anchorage [ALASKA] and *port* means the port property
 30 as defined by Tracts H and I, Port of Alaska Subdivision, Addition 1, per
 31 Plat No. 2015-122, and Tract J, Port of Alaska Subdivision, Addition No. 2,
 32 per Plat No. 2012-19, tidelands which have been transferred to the
 33 municipality, and tidal waters within the corporate limits of the municipality,
 34 exclusive of those areas which are within the exclusive jurisdiction of either
 35 the state or the United States.

36
 37 *Tariff charges* means those charges included in the current Don Young Port
 38 of Anchorage [ALASKA] terminal tariff as filed with the Federal Maritime
 39 Commission.

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 42 (CAC 12.08.020; AO No. 78-177; AO No. 79-58; AO No. 82-49; AO No. 85-
 43 8; AO No. 2016-116, § 1, 10-18-16; AO No. AO No. 2017-122(S), § 3, 10-
 44 24-17)

45
 46 **Cross reference—** Definitions and rules of construction generally
 47 §1.05.020.

48 *** **

49
 50 **11.50.035 Don Young Port of Anchorage [ALASKA] Modernization**

Program and Design Advisory Board.

A. *Board established, purpose.*

*** **

2. It is in the collective interest of the residents of Alaska, the Don Young Port of Anchorage [ALASKA], and the petroleum and cargo users of the port to see PAMP's mission undertaken in an efficient and collaborative manner, to secure third-party funding sources, and to ensure such efforts do not interfere with internal development activities of the port users.

3. To further coordination among these interested parties, the Don Young Port of Anchorage [ALASKA] Modernization Program (PAMP) and Design Advisory Board is established to hear disputes between the users and the port administration regarding non-structural engineering design criteria (user requirements), seismically resilient dock designation and project management for future cargo and fuels infrastructure to assist in moving the program forward.

B. *Membership.* The PAMP-Design Advisory Board shall consist of five voting members. Members of the board shall be appointed by the mayor and confirmed by the assembly. The port director shall provide or designate staff support for the board.

1. The five voting members of the board shall include:

a. The Director of the Don Young Port of Anchorage [ALASKA], or the director's designee.

*** **

e. A member representing a petroleum user, nominated by the Don Young Port of Anchorage [ALASKA] User's Group.

*** **

C. *Meetings and procedures of the board* are as follows:

*** **

2. The Don Young Port of Anchorage [ALASKA] will provide project updates as needed to the board, but not less than quarterly.

*** **

5. The Director of the Don Young Port of Anchorage [ALASKA] or designee shall serve as chair of the board.

D. *Purpose and duties; basis-of-design documents.* The PAMP-Design Advisory Board shall develop and recommend for adoption basis-of-design documents for future cargo and fuels infrastructure.

1. *Recommendation of basis-of-design documents and dispute resolution to the mayor.* The board is advisory to the mayor and assembly.

- a. The board shall advise the mayor to propose for adoption by the assembly design criteria in basis-of-design documents to govern additional cargo and fuels infrastructure at the Don Young Port of Anchorage [ALASKA].

*** **

([AO No. 2020-81](#), § 2, 8-27-20)

*** **

11.50.280 Municipal Enterprise Service Assessment (MESA).

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

B. The MESA for the Don Young Port of Anchorage [ALASKA] shall be calculated in accordance with subsection 1., below, 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 Don Young Port of Anchorage [ALASKA] 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 Don Young Port of Anchorage [ALASKA] 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 Don Young Port of Anchorage [ALASKA] rate base, Don Young Port of Anchorage [ALASKA] retained earnings, if available, may be used to fund the MESA payment.

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(AO No. 98-107, § 1, 1-1-99; AO No. 2014-57(S), § 1, 5-20-14; AO No. [2017-122\(S\)](#), § 3, 10-24-17; AO No. [2019-135](#), § 1, 12-3-19)

Section 9. 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.

A. Notwithstanding the provisions of subsection C of this section, municipal land managed by the Airports and the Don Young Port of Anchorage [ALASKA] may be leased at less than fair market value upon a finding by the assembly that:

(AO No. 79-170; AO No. [2017-122\(S\)](#), § 8, 10-24-17; AO No. [2022-40\(S\)](#), § 8, 3-22-22)

Section 10. 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 DON YOUNG PORT OF ANCHORAGE [ALASKA]

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 Don Young Port of Anchorage [ALASKA] to transfer bulk petroleum to or from a vessel.

(AO No. 80-79; AO No. 2017-122(S), § 9, 10-24-17)

Authority—Anchorage Municipal Code 3.40, 11.50.030.

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 Don Young Port of Anchorage [ALASKA] terminal except in accordance with federal, state and local law.

(AO No. 80-79; AO No. 2017-122(S), § 9, 10-24-17)

Authority—Anchorage Municipal Code 3.40, 11.50.030.

Section 11. The Code Reviser shall change all other instances of the “Port of Alaska” to “Don Young Port of Anchorage” as they appear in history notes, editor 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. The Assembly hereby waives the applicable procedure required of Anchorage Municipal Code (“AMC”) 3.97.030B for submission of an Assembly

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Resolution for consideration by the Assembly.

Section 13. This ordinance shall become effective immediately upon the passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk