Submitted by: Assembly Vice Chair Zaletel Prepared by: Assembly Counsel's Office

For reading: December 19, 2023

ANCHORAGE, ALASKA AO No. 2023-81(S-1)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY ADOPTING THE PUBLIC NAMING PANEL'S UNANIMOUS RECOMMENDATION TO NAME THE PORT OF ALASKA AS THE DON YOUNG PORT ANCHORAGE; AND AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 11.50, CERTAIN OTHER SECTIONS OF THE CODE AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS ACCORDINGLY.

*(NOTE: in this S-1 version, the markup shows changes from the original AO only. and does not reflect any of the additions or deletions proposed in the S version. Therefore, additions are shown in underline and bold, deletions of current code are indicated in [BOLD, BRACKETS, AND ALL CAPS], and deletions of proposed new code language are in [bold, brackets, underlined, and struck through].

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

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

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

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

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

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

WHEREAS, ports in the United States are typically named for their

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<u>location or the waterway in which they are located</u>[ARE NORMATIVELY NAMED AFTER THE CITY WHERE THE PORT IS LOCATED, RATHER THAN THE STATE OR LARGER JURISDICTION]; and

WHEREAS, because of Congressman Young's contributions to the State and his successful effort in increasing funding for the Port of Alaska, it is befitting that the <u>cargo terminals at the</u> Port of Alaska be renamed the Don Young <u>Cargo Terminals[PORT OF ANCHORAGE]</u>; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

<u>Section 1.</u> The <u>cargo terminals of Port of Alaska <u>are</u>[IS] hereby renamed to the "Don Young <u>Cargo Terminals</u>[PORT OF ANCHORAGE]." The Port and Administration are authorized to take such actions as reasonable and necessary to implement this name change. The implementation to the new name is not intended to unduly burden the Port, cause disposal of documents, materials or markings, or immediate repainting or replacement of capital, fixtures or property. The Port and Administration should implement this change in an efficient manner, in due course of its business operations, and no timeframe is mandated for changing the name on the structures, personal property, appurtenances, capital improvements, uniforms, branded goods or other items. The [DON YOUNG] Port of <u>Alaska</u> [ANCHORAGE] shall <u>retain all its</u>[ASSUME ANY] rights, obligations, liabilities and assets [OF THE PORT OF ALASKA] and otherwise all actions, suits, contracts and administrative and adjudicative proceedings shall continue unaffected by this name change, except for the change in name only.</u>

<u>Section 2.</u> Anchorage Municipal Code section 3.20 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

2.20.70 Executive branch organization.

- C. Office of the municipal manager. Within the office of the municipal manager and reporting to the municipal manager or designee are: the office of equal opportunity, the office of emergency management; risk management and safety; transportation inspection; culture, entertainment, and arts venues (including the Egan Center, the Dena'ina Civic and Convention Center, the Anchorage Museum at Rasmuson Center, the Anchorage Golf Course, the Sullivan Sports Arena, the Alaska Center for the Performing Arts, and the Boeke and Dempsey Ice Arenas); and the following departments:
 - 9. **[Don Young]** Port of **Alaska[Anchorage]** [ALASKA]. The Port Alaska is responsible for operating and maintaining port facilities in the municipality.

(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. 1 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; 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.

<u>Section 3.</u> 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 Alaska[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 Alaska[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.

(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)

<u>Section 5.</u> 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):

14 3.90.040 Exemptions for particular records.

This chapter shall not be construed to require disclosure of:

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E. Records held by the [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][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 - [<u>Don Young</u>] Port of Alaska Modernization Program and Design Advisory Board.

A. There is established a [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][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.

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(AO No. 2020-81, § 1, 8-27-20)

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

11.10.130 - Penalties and remedies.

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10. The violation of any provision of chapters 11.50, [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][ALASKA], 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. 2013-109(S-1), § 1, 12-3-13; AO No. 2017-122(S), § 7, 10-24-17)

Section 8. 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):

Chapter 11.50 [Don Young] Port of Alaska[Anchorage][ALASKA]

11.50.010 - 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:

[Don Young] Port of Alaska[Anchorage][ALASKA] and port means the port property as defined by Tracts H and I, Port of Alaska Subdivision, Addition 1, per Plat No. 2015-122, and Tract J, Port of Alaska Subdivision, Addition No. 2, per Plat No. 2012-19, 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 [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][ALASKA] 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; AO No. AO No. 2017-122(S), § 3, 10-24-17)

Cross reference— Definitions and rules of construction generally §1.05.020.

11.50.035 [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][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 Alaska[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 <a href="Alaska[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 [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][ALASKA], or the director's designee.
 *** ***
 - e. A member representing a petroleum user, nominated by the [Don Young] Port of Alaska[Anchorage][ALASKA] [ALASKA] User's Group.
- C. Meetings and procedures of the board are as follows:
 - 2. The [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][ALASKA] will provide project updates as needed to the board, but not less than quarterly.

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 - 5. The Director of the [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][ALASKA] or designee shall serve as chair of the board.
- D. Purpose and duties; basis-of-design documents. The PAMP-Design

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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-ofdesign documents to govern additional cargo and fuels infrastructure at the [<u>Don Young</u>] Port of <u>Alaska[Anchorage]</u>[ALASKA].

(AO No. 2020-81 , § 2, 8-27-20)

11.50.280 Municipal Enterprise Service Assessment (MESA).

- A. The [<u>Don Young</u>] Port of <u>Alaska[Anchorage]</u>[ALASKA] shall pay a municipal enterprise service assessment (MESA) for governmental services provided by the municipality, other than those services received by the [<u>Don Young</u>] Port of <u>Alaska[Anchorage]</u>[ALASKA] [ALASKA] from the municipality on a contract or interfund basis.
- B. The MESA [Don Young] for the Port Alaska[Anchorage][ALASKA] shall be calculated in accordance with provided. subsection 1... below. however. that 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 Alaska [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 Alaska[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 Young1 recovered through the [Don_ Port of Alaska[Anchorage][ALASKA] rate base, [Don Young] Port of Alaska[Anchorage][ALASKA] 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; 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

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value.

A. Notwithstanding the provisions of subsection C of this section, municipal land managed by the Airports and the [<u>Don Young</u>] Port of <u>Alaska[Anchorage</u>][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)

<u>Section 10.</u> 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 ALASKA[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:

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B. Operator means any person, organization, corporation, entity, company, its agents, officers or employees using the petroleum dock at the [Don Young] Port of Alaska[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 <u>Don Young Cargo Terminals within the</u> Port of <u>Alaska[Anchorage][ALASKA TERMINAL]</u> except in accordance with federal, state and local law.

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 ANCHORAGE" AS

AO 2023 – 81(S-1) regarding changing the name of <u>the cargo terminals of the</u> Port of Alaska **[TO DON YOUNG PORT OF ANCHORAGE]** Page 9 of 9

1	THEY APPEAR IN HISTORY NOTES, EDITOR NOTES, AND OTHER END
2	NOTES AND ANNOTATIONS THROUGHOUT THE ANCHORAGE MUNICIPAL CODE AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS, UNLESS
4	THE CONTEXT REQUIRES RETENTION OF THE FORMER NAME FOR
5	PURPOSES OF ACCURACY OF REFERENCE TO SOURCE MATERIALS.
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7	SECTION 12.] The Assembly hereby waives the applicable procedure required or
8	Anchorage Municipal Code ("AMC") 3.97.030B for submission of an Assembly
9	Resolution for consideration by the Assembly.
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11	Section 12[13]. This ordinance shall be effective immediately upon passage and
12 13	approval by the Assembly.
13 14	PASSED AND APPROVED by the Anchorage Assembly this day
15	of, 2023.
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20	Chair of the Assembly
21	ATTEST:
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LAID ON THE TABLE MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM ____-2023

Meeting Date: December 19, 2023

From: Assembly Vice Chair Meg Zaletel

Subject: AO 2023-81(S-1), AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY ADOPTING THE PUBLIC NAMING

MUNICIPAL ASSEMBLY ADOPTING THE PUBLIC NAMING PANEL'S UNANIMOUS RECOMMENDATION TO NAME THE PORT OF ALASKA AS THE DON YOUNG PORT ANCHORAGE; AND AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 11.50, CERTAIN OTHER SECTIONS OF THE CODE AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS

ACCORDINGLY.

Ports in the United States are typically named for their location or the waterway in which they are located. Keeping the Port of Alaska named after its location and acknowledging its importance to being the jumping off point for goods reaching the entire state is consistent with current location-based naming conventions. Naming the cargo terminals within the Port allows us to maintain the naming conventions while also honoring Representative Don Young.

I request your support for the ordinance.

Reviewed by: Assembly Counsel's Office

Respectfully submitted: Meg Zaletel, Assembly Vice Chair

District 4, Midtown