

**From:** [Perez-Verdia, Kameron](#)  
**To:** [Hess, Darrel W.](#); [Belser, Kiana D.](#)  
**Cc:** [LaFrance, Suzanne](#); [Constant, Christopher](#); [Gates, Dean T.](#); [Kennedy, Crystal](#)  
**Subject:** Re: Panhandling Signs  
**Date:** Wednesday, January 5, 2022 11:02:58 AM  
**Attachments:** [image001.png](#)

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Thank you Darrel. I requested this item be put on the agenda based on information I gathered from you. We wanted to hear an update from APD on the issue. I'm hoping that someone from the administration will be attending our public safety meeting and can speak on this issue as well.

Kiana,

Will you please distribute this email and document to the full public safety committee.

Thanks

**Kameron Perez-Verdia**

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**From:** Hess, Darrel W. <darrel.hess@anchorageak.gov>  
**Date:** Friday, December 31, 2021 at 1:36 PM  
**To:** Kennedy, Crystal <crystal.kennedy@anchorageak.gov>, Perez-Verdia, Kameron <kameron.perez-verdia@anchorageak.gov>  
**Cc:** LaFrance, Suzanne <suzanne.lafrance@anchorageak.gov>, Constant, Christopher <christopher.constant@anchorageak.gov>, Gates, Dean T. <dean.gates@anchorageak.gov>  
**Subject:** Panhandling Signs

Crystal & Kameron,

Good afternoon. I'm emailing you as co-chairs of the Assembly Public Safety Committee, because I noticed that item 3.c on the upcoming committee meeting agenda is "Panhandling Signs". I assume that this item refers to the signs that the MOA has been placing at intersections in Anchorage. I'm not sure if you requested the report from APD, or if they are proactively reporting regarding the signs. I wanted to give you some background regarding my review of the signs.

- Multiple constituents began contacting me on Friday, December 10<sup>th</sup> regarding the signs. The same day an MOA employee informed me that MOA, Traffic Engineering had ordered 200+ panhandling signs to be placed at intersections in Anchorage. I emailed MOA Traffic Engineer, Brad Coy on Saturday, December 11<sup>th</sup> to gather more information regarding the signs. Traffic

provided me with a photo of the sign (attached).

- AMC 14.70.160 was referenced on the sign. I reviewed the code, and noticed an editor's note at the end of that section of code that states "In *Ballas, et al. v. Municipality of Anchorage*, Case No. 3AN-13-04891CI, the Alaska Superior Court held that AMC 14.70.160 was unconstitutional under Article 1, Section 5 of the Alaska Constitution". The ruling was issued by Judge Suddock on November 24, 2014; APD has not been enforcing the code since the Court's ruling.
- I learned that Deputy Chief of Staff, Brice Wilbanks had emailed Traffic Engineering in July 2021, requesting their assistance with the project. In reviewing an email chain regarding the project, I noticed that Public Works Director, Lance Wilber was referenced. I contacted Lance, who informed me that he had provided the code reference to Traffic to include on the signs; he stated that he did not have Legal review the verbiage on the signs, and he was unaware of the Court's ruling. The State AAC reference on the signs (13.AAC.02.180) was requested to be placed on the signs by the State of Alaska, Department of Transportation and Public Facilities. The AAC has been on the books since before Statehood, and a copy is attached. I don't think that it is something that APD should be enforcing.
- I reached out to APD, Deputy Chief Kerle, to let him know about the signs. It appears that APD was not consulted regarding the signs. I provided DC Kerle with a copy of the code, AAC, and a photo of one of the signs.
- I contacted the Legal Department on December 14<sup>th</sup>, and briefed them on what I had learned. I expressed my concerns with the MOA placing signs in public spaces that reference a section of code that has been held to be unconstitutional by the Court. An attorney was assigned to review the language on the signs and provide a legal analysis. After one of my complainants contacted me for an update, on December 27<sup>th</sup> I contacted the attorney to request an update, and was informed that the legal review has not started, due to Legal being short-staffed. I called Lance Wilber and left a voice message suggesting that the MOA should not place any more signs until Legal concludes their review. The complainant who contacted me for an update expressed their frustration, and stated that they are going to reach out to the AK ACLU, who litigated *Ballas, et al. v. Municipality of Anchorage*.

Let me know if you have any questions, or need any additional information. Dean Gates litigated *Ballas* on behalf of the MOA, and could probably provide more background. Happy New Year.

Regards,

Darrel

*Darrel W. Hess*

*Ombudsman*

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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)*