

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Municipal Light & Power  
Utility  
For reading: September 9, 2008

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 9-9-08

ANCHORAGE, ALASKA  
AO No. 2008-90(S)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TO ADD A  
2 NEW TITLE 32 FOR THE MUNICIPAL POWER AUTHORITY AND ENACTING  
3 SECTION 4.80.030, AMENDING CHAPTER 26.30 AND SECTIONS 3.20.070,  
4 3.70.060, 4.50.020, 4.70.010, AND 26.10.025, AND REPEALING SECTION 4.70.030  
5 TO PROVIDE FOR CONSISTENCY WITH NEW TITLE 32.

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7  
8 THE ANCHORAGE ASSEMBLY ORDAINS:  
9

10 Section 1. The Anchorage Municipal Code is amended to enact a new title 32,  
11 Municipal Light & Power Utility [Authority], to read as follows:  
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14 TITLE 32  
15 MUNICIPAL LIGHT & POWER UTILITY [AUTHORITY]

16 Chapters

- 17 32.10 General Provisions.  
18 32.20 Operation and Management of the Utility.  
19 32.30 Personnel.  
20 32.40 Miscellaneous Provisions.  
21  
22

23 Chapter 32.10 GENERAL PROVISIONS  
24

- 25 32.10.010 Establishment.  
26 32.10.020 Governing body.  
27 32.10.030 Powers of the board of directors.  
28 32.10.040 Meetings of the Board of Directors  
29 32.10.050 Extraterritorial Jurisdiction  
30 32.10.060 Definitions  
31  
32

33 32.10.010 Establishment.  
34

35 The Municipal Light and Power Utility, or ML&P, is a department of the  
36 Municipality.  
37

38 ~~[There is established the Municipal Power Authority, a public corporate~~  
39 ~~authority of the municipality. The authority is an instrument of the~~  
40 ~~municipality, but exists independently of and separately from the~~  
41 ~~municipality. The authority shall continue to exist until terminated by~~

1 ~~ordinance. When the utility's existence is terminated, all of the authority's~~  
2 ~~rights, assets and properties shall pass to the municipality.]~~  
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4

5 **32.10.020** **Governing body.**  
6

7 A. The Municipal **Light & Power Utility** [~~Authority~~] shall be governed by a  
8 board of directors consisting of **nine (9)** [~~seven (7)~~] members, appointed by  
9 the mayor, subject to confirmation by the assembly. All directors shall be  
10 citizens of the United States, and residents of and registered voters in the  
11 Municipality of Anchorage, **but are not required to be a resident of or**  
12 **owner of property in the area served by the utility.** Board members shall  
13 be qualified as follows, *with preference given to persons with experience in*  
14 *utility matters:*  
15

- 16 1. **Two** [~~One~~] members shall be [~~a~~] members in good standing of the  
17 Alaska Bar [*with experience in utility matters*];
- 18 2. **Two** [~~One~~] members shall be [~~a~~] registered professional engineers  
19 in Alaska [*with experience in utility matters*];
- 20 3. **Two** [~~One~~] members shall have experience in finance, accounting,  
21 or business administration [*with experience in utility matters*];
- 22 4. One member shall be a municipal employee; and
- 23 5. **Two** [~~three~~] members shall be at large.

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29 B. Directors shall serve staggered terms. The first term lengths shall be as  
30 follows:  
31

32	Seats <b><u>1 and 2</u></b> :	1 year
33	Seat <b><u>3</u></b> [ <del>2</del> ]:	2 years
34	Seat <b><u>4</u></b> [ <del>3</del> ]:	2 years
35	Seat <b><u>5 and 6</u></b> [ <del>4</del> ]:	3 years
36	Seat <b><u>7</u></b> [ <del>5</del> ]:	4 years
37	Seat <b><u>8</u></b> [ <del>6</del> ]:	4 years
38	Seat <b><u>9</u></b> [ <del>7</del> ]:	5 years

39  
40 After the first term, terms for each seat shall be five years.  
41

42 C. The general manager of the Municipal **Light & Power Utility** shall not be a  
43 director, but shall serve as executive secretary and staff to the board.  
44

45 D. The compensation for the Municipal **Light & Power Utility** [~~Authority~~]  
46 board of directors shall be determined by the commission on salaries and

1 emoluments in the same manner as provided for elected officials in Charter  
2 section 5.08.

3  
4 E. Except as may be inconsistent with the provisions of this title, chapter 4.05  
5 shall apply to the board.

6  
7 F. During their terms of office, directors may be removed by the mayor only  
8 for cause.

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11 **32.10.030 Powers of the board of directors.**

12  
13 A. The **power [authority] to [shall]** operate and manage the Municipal Light  
14 & Power Utility **shall be vested in the board**. In connection with the  
15 operation and management of the utility, the board of directors may in  
16 general exercise any power unless otherwise provided in the Charter, this  
17 Code, or prohibited by state law.

18  
19 B. **Without limiting the generality of the powers conferred upon the board**  
20 **in subsection A., t [T]he board may exercise the following powers, or**  
21 **may delegate the powers to the utility's management, and establish**  
22 **policies as necessary to govern management's exercise of those powers**  
23 **[also]:**

- 24  
25 1. Adopt a seal;
- 26  
27 2. Sue and be sued;
- 28  
29 3. Annually review the compensation of utility employees, and take  
30 such action with respect to utility employees as is required or  
31 permitted by the Code;
- 32  
33 4. Formulate and adopt policies for the utility, and forward proposed  
34 rules and policies to the assembly for approval where required;
- 35  
36 5. Adopt, amend and repeal bylaws for the board's internal  
37 organization and activities; bylaws regarding notice of meetings  
38 shall be consistent with the Charter and section 1.25.015;
- 39  
40 6. Operate, manage, and control, utility land, plant, facilities, personal  
41 property, and personnel in accordance with general standards  
42 common to utilities, whether public or private, providing the same  
43 utility service;
- 44  
45 7. To the extent permitted by this Code, operate and manage all of the  
46 utility's human resource, payroll, accounts receivable, accounts

1 payable, purchasing, contracting, and other operational or business  
2 functions;

3  
4 8. Act on behalf of the Municipality to obtain rights-of-way necessary  
5 or desirable to the utility's services, subject to title 25;

6  
7 9. **Engage professional services as required; provided, however,**  
8 **t[F]he Municipal attorney shall advise and assist the utility and the**  
9 **board [authority]** on legal matters; the board may obtain other  
10 appropriate non-legal professional services as required;

11  
12 10. Investigate, study, and plan utility facility requirements and service  
13 conditions;

14  
15 11. Plan and implement the utility's capital improvement and  
16 maintenance strategy and operations;

17  
18 12. Coordinate with the risk management division to obtain appropriate  
19 insurance coverage for utility property and operations;

20  
21 13[14]. Set tariff rates and fees for products and services provided by the  
22 utility, subject to approval **of rates and fees** by the assembly;  
23 **provided, however, [Establish appropriate and reasonable tariff**  
24 **rules for the utility. T]the existing tariff rules, approved by the**  
25 **Regulatory Commission of Alaska as of the effective date of this**  
26 **section, shall continue in force until changed by the board;**

27  
28 14[16]. Purchase or otherwise acquire other electric utilities or assets of  
29 electric utilities on its own behalf or on behalf of the municipality,  
30 subject to title 25 and assembly approval;

31  
32 15[17]. Recommend to the assembly revisions to the Code the board deems  
33 necessary or desirable for the efficient operation of the utility or for  
34 the benefit of its customers; and  
35 **[Adjudicate formal complaints not resolved by the utility itself;]**

36  
37 16[18]. Take all other actions under law it deems necessary to ensure the  
38 independent operation and management of the utility, subject to  
39 applicable Charter and Code provisions.

40  
41 C. The board may **authorize and direct the utility's management to** exercise  
42 the power of eminent domain on behalf of the utility, **subject to [only with]**  
43 prior approval by the assembly, or if required for an emergency declaration  
44 by the mayor, in accordance with title 25.  
45

- 1 D. The board may **authorize and direct the utility's management to** sell or  
2 dispose of utility real property, subject to prior approval of the assembly.  
3 Title 25 shall apply to any sale or disposition of utility real property.  
4  
5 E. The board may **authorize and direct the utility's management to** acquire  
6 real property on behalf of the utility, subject to prior approval of the  
7 assembly. Title 25 shall apply to any acquisition of real property for the  
8 utility by the board.  
9  
10 F. Changes to the utility's tariff shall become effective only after notice,  
11 consistent with chapter 1.25, subject to section 32.20.030, Rates, Fees, and  
12 Charges, unless necessary to protect public health or safety.  
13

14 **32.10.040 Meetings of the board of directors.**

- 15  
16 A. At its first meeting and annually thereafter, the board shall elect a chair and  
17 a vice chair. The chair and vice chair shall serve until their successors are  
18 duly elected or appointed.  
19  
20 B. The board shall meet at least once per month. Additional meetings shall be  
21 at the call of the chair or the general manager.  
22  
23 C. Procedures for calling special meetings of the board shall be set forth in the  
24 board's bylaws, and all board meeting notice procedures shall be consistent  
25 with the Charter and section 1.25.015.  
26  
27 D. **Five** [~~four~~] directors shall constitute a quorum for doing business at any  
28 meeting of the board, unless there are less than **nine** [~~seven~~] directors in  
29 office, in which case a quorum shall be a majority of the directors then in  
30 office.  
31  
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33 **32.10.050 Extraterritorial jurisdiction.**

34  
35 The [~~authority and the~~] utility [~~are~~] **is** authorized, to the fullest extent allowable  
36 under state law, to provide electric generation, transmission, and distribution  
37 facilities and services, and all ancillary or related facilities or services, outside the  
38 boundaries of the Municipality. The powers of the [~~authority and~~] utility provided  
39 in this Code may be exercised to regulate the use and operation of electric  
40 generation, transmission, and distribution facilities and services, and all ancillary or  
41 related facilities or services, provided or located outside the boundaries of the  
42 Municipality. All provisions of this Code, and all rules, regulations, procedures,  
43 and tariffs promulgated by the [~~authority or the~~] utility, apply outside the  
44 Municipality to the extent necessary or appropriate for the extraterritorial provision  
45 of facilities and services by the [~~authority and~~] utility.  
46  
47

**32.10.060      Definitions.**

The following words, terms, and phrases, when used in this title, shall have the meanings ascribed to them in this section:

~~[Authority means the Municipal Power Authority.]~~

*Board or board of directors* means the board of directors of the Municipal **Light & Power Utility** ~~[Authority]~~.

*Director* means a member of the board of directors of the Municipal **Light & Power Utility** ~~[Authority]~~.

*General manager* means the general manager of the Municipal Light and Power Utility.

*Utility or Municipal Light and Power Utility or ML&P* means the property, facilities, services, and personnel of the municipality used to provide electric utility services under the direction and control of Municipal **Light & Power Utility** ~~[Authority]~~ **board of directors.**

**Chapter 32.20   OPERATION AND MANAGEMENT OF THE UTILITY.**

- 32.20.010      Fiscal management.**
- 32.20.020      ~~Revenue distributions~~ [Dividend to the municipality].**
- 32.20.030      Rates, fees, and charges.**
- 32.20.040      Utility budget.**
- 32.20.050      Utility borrowing.**
- 32.20.060      Grants to the utility.**
- 32.20.070      Utility audit.**
- 32.20.080      Annual report.**
- 32.20.090      Purchasing and contracts.**
- 32.20.100      Assessments for improvements.**
- 32.20.110      Complaints and appeals.**

**32.20.010      Fiscal management.**

The chief fiscal officer shall be advisor ~~[to the authority]~~ regarding the utility's financial affairs, including but not limited to establishing and maintaining the utility's funds. The chief fiscal officer, auditors appointed by the chief fiscal officer, and the internal auditor may examine and audit the books and records ~~[of the authority]~~ regarding the utility's financial affairs, and the chief fiscal officer and the internal auditor may make recommendations to the board, the mayor and the assembly regarding the utility's financial affairs. The chief fiscal officer shall be custodian of the utility's funds.

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3 **32.20.020 Revenue distributions [Dividend to the municipality].**  
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6 **The utility shall make revenue distributions as provided in sections 26.10.060**  
7 **and .065.**  
8

9 ~~**[A. The utility shall be operated in accordance with prevailing industry**~~  
10 ~~**practices and in a manner that shall provide dividends to the**~~  
11 ~~**municipality.**~~  
12

13 ~~**B. The board shall make recommendations to the assembly regarding**~~  
14 ~~**dividend payments from the utility to the municipality from the**~~  
15 ~~**previous year, after the audited financial statements of the utility for**~~  
16 ~~**that previous year are approved by the assembly and the board.**~~  
17 ~~**Dividends may be paid from the utility when dividends do not degrade**~~  
18 ~~**the financial health, system integrity, and stability of the utility.]**~~  
19

20  
21 **32.20.030 Rates, fees, and charges.**  
22

- 23 A. The board shall recommend tariff rates, fees, and charges for the utility's  
24 products and services to the assembly for approval, and prior to seeking  
25 regulatory approvals required under municipal, state, and federal law.  
26
- 27 B. The board shall establish in its bylaws the procedures for setting the rates,  
28 fees, and charges of the utility. The procedures shall include a public  
29 hearing for each new or changed rate, fee, charge, rule, regulation, or other  
30 tariff provision, and the opportunity for one or more consumer advocates  
31 representing ratepayer interests to participate. These procedures ***generally***  
32 shall follow ***[generally]*** electric utility industry standard practices for  
33 ***public [municipally-owned] utilities providing the same utility service.***  
34
- 35 C. Tariff rate, fee, or charge adjustments recommended by the board shall be  
36 submitted to the assembly either:  
37
- 38 1. As part of the utility's annual budget, after public notice and public  
39 hearing for any associated tariff rate, fee, or charge adjustment prior  
40 to scheduled assembly budget hearings; or  
41
- 42 2. Outside the annual budget process, after public notice and public  
43 hearing for associated tariff rate, fee, or charge adjustment.  
44
- 45 D. The board may implement a recommended adjustment to tariff rates, fees,  
46 or charges following assembly approval of the utility's budget, or assembly

1 approval of the recommended adjustment, if the adjustment is being made  
2 outside the budget process.

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4  
5 **32.20.040 Utility budget.**

6  
7 A. The utility's biannual budget, capital improvement budget, and capital  
8 improvement program shall be prepared and submitted to the mayor for  
9 approval by the assembly, in accordance with chapter 6.10.

10  
11 B. The board shall have the power to expend funds within the budget approved  
12 by the assembly subject to appropriation.

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14  
15 **32.20.050 Utility borrowing.**

16  
17 The board may incur debt for the utility subject to Article 15 of the Charter, after  
18 approval of the assembly of the amount of the debt and the terms and conditions of  
19 the borrowing.

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21  
22 **32.20.060 Grants to the utility.**

23  
24 The board shall have the power to accept grants to the municipality or the utility for  
25 electric projects or improvements, subject to appropriation by the assembly and/or  
26 the mayor.

27  
28  
29 **32.20.070 Utility audit.**

30  
31 A. The utility shall participate in the annual independent financial audit of the  
32 municipality under chapter 6.40.

33  
34 B. The board may also commission an independent performance or  
35 management audit from time to time.

36  
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38 **32.20.080 Annual report.**

39  
40 The board shall make available an annual report to the mayor, the assembly, and  
41 the utility's customers covering the operational and financial results of the utility  
42 from the previous year. The annual report shall be issued not later than 60 days  
43 following the publication of the municipality's comprehensive annual financial  
44 report.

45  
46  
47 **32.20.090 Purchasing and contracts.**



- 1  
2 A. The board shall use the same purchasing and contracting rules and policies  
3 for the utility contained in title 7 until such time new purchasing and  
4 contracting rules are approved by the assembly, except the board shall  
5 designate utility positions to assume the functions of the municipal  
6 purchasing office under title 7, purchasing officer under title 7, and the  
7 director of public works under section 7.15.060.  
8  
9 B. The board shall have the powers of the mayor and the assembly under title  
10 7, except for the power of the assembly under section 7.15.100. The board  
11 shall report quarterly all contract awards in an informational memorandum  
12 to the assembly.  
13  
14 C. The board may, at its discretion, negotiate and implement agreements for  
15 goods and services with the municipality, subject to the terms of any  
16 transition plan adopted by the board and the assembly.  
17

18 **32.20.100** **Assessment for improvements.**  
19

20 Assessments of property for the cost of utility improvements shall be governed by  
21 title 19.  
22  
23  
24

25 **32.20.110** **Complaints and appeals.**  
26

- 27 A. The board shall establish procedures for reviews of formal and informal  
28 complaints from customers, and for appeals of decisions on such  
29 complaints.  
30  
31 B. A decision on a formal complaint, which decision was not made by the  
32 board, may be appealed to the board within 30 days after notice of the  
33 decision has been mailed to the parties.  
34  
35 C. Decisions of the board on a formal complaint may be appealed to the  
36 ombudsman within 30 days after notice of the board's decision has been  
37 mailed to the parties.  
38  
39 D. Appeals of utility decisions not received by the board or the ombudsman, as  
40 appropriate, within the time set forth herein, shall be dismissed.  
41  
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43 **Chapter 32.30 PERSONNEL**  
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- 45 **32.30.010** **Board powers on employment matters.**  
46 **32.30.020** **Appointment of the general manager.**  
47 **32.30.030** **Utility division managers.**

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**32.30.010**      **Board powers on employment matters.**

- A. The board shall adopt and recommend to the assembly for approval personnel rules applicable to utility division managers and non-represented employees of the utility. Represented employees shall only be subject to these rules to the extent allowed by their respective collective bargaining agreements or by law. The personnel rules in effect in title 3 shall remain applicable to utility employees until such time new personnel rules are approved by the assembly.
  
- B. Subject to the approval of any agreements by the assembly, the board shall have the power to negotiate agreements with collective bargaining units representing some or all of the utility's employees but not collective bargaining units representing employees in other areas of municipal government or municipal enterprise activities. Collective bargaining agreements covering employees of the utility in effect as of the effective date of this section shall remain in full force and effect in accordance with their respective terms.
  
- C. The Board shall set the compensation of the general manager subject to approval by the mayor.

**32.30.020**      **Appointment of the general manager.**

- A. 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. Prior to effective date of dismissal, the mayor shall inform the board of the reason for dismissal of the general manager. A majority of the board may recommend dismissal of the general manager to the mayor.
  
- B. 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.

**32.30.030**      **Utility division managers.**

- A. Notwithstanding any other provisions of this title, the utility division managers referenced in section 3.30.172 shall be appointed by the general manager subject to confirmation by the board.

- 1 B. Utility division managers shall serve at the pleasure of the general manager  
2 and the board. The general manager and a majority of the board shall  
3 concur to dismiss a utility division manager, except the general manager  
4 may dismiss a utility division manager for cause without concurrence of the  
5 board.  
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8 **Chapter 32.40 MISCELLANEOUS PROVISIONS**

- 9  
10 **32.40.010 Transition plan.**  
11 **32.40.020 Limitation on liability.**  
12 **32.40.030 Exemption from taxes.**  
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14  
15 **32.40.010 Transition plan.**  
16

17 Within 270 days of the effective date of this section, the board shall develop a  
18 transition plan and forward it to the assembly for approval. The transition plan may  
19 provide for the orderly separation of the utility's functions from those of the  
20 municipality generally **to the extent permitted by this title 32.** The transition  
21 plan shall cover the first three years of utility operations and shall be updated on an  
22 annual basis during the term of the transition.  
23

24  
25 **32.40.020 Limitation on liability.**  
26

- 27 A. Any person who was or is a party or is threatened to be made a party to any  
28 threatened, pending, or completed action, suit or proceeding, whether civil,  
29 criminal, administrative or investigative, by reason of the fact that the  
30 person is or was a director of the **utility [authority]**, shall be indemnified  
31 by the utility to the fullest extent permitted under Alaska state law, the  
32 Charter, or this Code. Any determination required or permitted to be made  
33 as to any indemnification shall, whenever appropriate and permitted by  
34 applicable law, be made by a vote of a quorum consisting of disinterested  
35 directors. Any indemnification under this section shall not be deemed  
36 exclusive of any other rights to which the person indemnified may be  
37 entitled under any provision of law or otherwise, and shall continue as to a  
38 person who has ceased to be a director of the **utility [authority]** and shall  
39 inure to the benefit of the heirs, executors and administrators of such  
40 person.  
41
- 42 B. The utility shall have the power, except to the extent prohibited by state  
43 law, the charter or the code, to purchase and maintain insurance covering  
44 official acts of any person who is or was a director of the utility arising out  
45 of such official position.  
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47

1           **32.40.030**        **Exemption from taxes.**  
2

3           The real and personal property of the utility [~~and the authority~~], **including all of**  
4           **its property, assets, income and receipts constitute** [~~and their respective assets,~~  
5           **income, and receipts are declared to be] the property of a political subdivision of  
6           the state devoted to an essential public and governmental function and purpose, and  
7           the property, assets, income, and receipts shall be exempt from all municipal taxes.  
8  
9**

10 **Section 2.**       Anchorage Municipal Code section 3.20.070 is amended to read (*the*  
11 *remainder of the section is not affected, and therefore not set out*):  
12

13           **3.20.070**        **Executive branch organization.**  
14

15           \*\*\*        \*\*\*        \*\*\*  
16

17           B.       Within the office of the municipal manager and reporting to the municipal  
18           manager are the following departments:  
19

- 20           1.       Anchorage Fire Department. The fire department is responsible for  
21           the prevention and suppression of fire, the enforcement of fire  
22           codes, the operation of the emergency medical services system, and  
23           the investigation of offenses involving fire.  
24  
25           2.       Anchorage Police Department. The police department is responsible  
26           for enforcing the observance of all laws and ordinances, to promote  
27           and maintain order, and to protect lives and property.  
28  
29           3 [4].   Development services. The development services department is  
30           responsible for administering the municipality's building plan  
31           review, building permit, and building inspections, on-site water and  
32           wastewater codes, NPDES inspections, right-of-way permitting,  
33           plan review and permitting, code abatement, maintenance of  
34           department computer systems and geographic base layers, and  
35           provide research and technical services in support of public and  
36           private development projects.  
37

38           [ANCHORAGE WATER AND WASTEWATER UTILITY. THE  
39           WATER AND WASTEWATER UTILITY IS RESPONSIBLE  
40           FOR PROVIDING WATER AND SANITARY SEWAGE  
41           SERVICES. THE UTILITY IS ALSO RESPONSIBLE FOR  
42           BILLING AND COLLECTING SPECIAL ASSESSMENTS.]  
43

- 44           4 [5].   Employee relations. The department of employee relations is  
45           responsible for establishing and maintaining a comprehensive  
46           personnel services program for all municipal employees. Major  
47           functions include labor relations services, labor negotiations, labor

1 contract administration, recruitment and certification of employees,  
2 administration and maintenance of classification and comprehensive  
3 benefit plans, training programs for employees, and organizational  
4 and career development.

5  
6 5 [6]. Health and human services. The department of health and human  
7 services is responsible for protecting the public health and safety  
8 through programs in disease prevention, abatement of air, noise and  
9 water pollution, substance abuse, individual, family and community  
10 health and sanitation. The department is also responsible for  
11 providing social programs in such areas as day care, housing, older  
12 persons and handicapped persons, safe cities, and operation of the  
13 municipal cemetery.

14  
15 6 [7]. Maintenance and operations. The department of maintenance and  
16 operations provides year-round maintenance of all roads, drainage  
17 systems, street lights, park facilities and trails within the Anchorage  
18 Roads and Drainage Service Area (ARDSA) and Anchorage Park  
19 Service Area. This department is also responsible for maintenance  
20 of other service areas as outlined in Anchorage Municipal Code  
21 Title 27. The department acts as the steward for general government  
22 facilities, vehicles and equipment, and provides maintenance and  
23 custodial services, arranges for utilities, security, insurance, and  
24 provides payment of these accounts; acquires and maintains all  
25 general government vehicles and equipment; and provides contract  
26 administration for facilities maintenance and security activities  
27 operated through outside contractors.

28  
29 7 [8]. Merrill Field Airport. This department is responsible for operating  
30 and maintaining Merrill Field Airport.

31  
32 8 [9]. Project management and engineering. The department of project  
33 management and engineering is responsible for capital project  
34 management, engineering, design, construction and quality control;  
35 storm water runoff quality management; right-of-way acquisition;  
36 and subdivision public improvement quality assurance.

37  
38 9[11]. Public transportation. The department of public transportation is  
39 responsible for managing an efficient and safe public transportation  
40 system.

41  
42 10[12].Solid waste services. Solid waste services is responsible for  
43 providing refuse collection and solid waste disposal.

44  
45 [MUNICIPAL LIGHT AND POWER UTILITY. THE  
46 MUNICIPAL LIGHT AND POWER UTILITY IS RESPONSIBLE

FOR SUPPLYING ELECTRIC SERVICE TO CONSUMERS  
WITHIN ITS SERVICE AREA.]

11[13].Traffic. The traffic department is responsible for planning, engineering, design, installation, operation and maintenance of traffic signals and traffic control devices; on and off-street parking requirements; maintenance and operation of 911 emergency dispatch and municipal and other internal radio communications; and the duties and responsibilities assigned by Title 9. This department also provides staff support to the Anchorage Metropolitan Area Transportation Study (AMATS).

\*\*\* \*\*

(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; Ord. 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)

*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 references: Appointment of department heads, § 5.02(a); municipal manager, § 5.03; municipal attorney, § 5.04.

**Section 3.** Anchorage Municipal Code section 3.70.060 is amended to read *(the remainder of the section is not affected, and therefore not set out)*:

**3.70.060      Collective bargaining units.**

\*\*\* \*\*

C. Exempt employees. The following employees shall be exempt from collective bargaining:

\*\*\* \*\*

11. The staff of any municipal information technology department or division, including:

- a. The staff of the municipality, except for the reprographics section;
- b. The staff of the Anchorage Water and Wastewater Utility information technology division; and

- 1 c. The staff of the Municipal Light and Power Utility systems  
2 division except for the radio shop.  
3

4 \*\*\* \*\*

5 (AO No. 69-75; AO No. 77-94; AO No. 247-76; AO No. 78-82; AO No. 78-113;  
6 AO No. 78-166; AO No. 79-27; AO No. 81-82; AO No. 82-49; AO No. 85-8; AO  
7 No. 88-47(S); AO No. 88-82; AO No. 88-131(S); AO No. 88-148; AO No. 89-  
8 46(S-1); AO No. 89-125; AO No. 98-115(S), § 5, 7-1-98; AO No. 2002-69, § 4, 5-  
9 14-02; AO No. 2003-61, § 1, 1-1-03; AO No. 2004-138, § 1, 10-26-04; AO No.  
10 2007-45, § 1, 4-10-07)  
11  
12

13 **Section 4.** Anchorage Municipal Code chapter 4.50.020 is amended to read *(the*  
14 *remainder of the section is not affected, and therefore not set out):*  
15

16 **4.50.020 Bidding review board.**  
17

18 There is established a bidding review board consisting of nine members including:  
19

- 20 A. One member from the board of building regulation examiners and  
21 appeals;  
22  
23 B. One member from the Municipal Light and Power Utility **Board**  
24 **[Authority]** [COMMISSION];  
25  
26 C. One member from the public facilities advisory commission;  
27  
28 D. One member from the water utility commission;  
29  
30 E. One member from the port commission; and  
31  
32 F. Four members from the construction and labor industry.  
33

34 \*\*\* \*\*

35  
36  
37 (CAC 4.37.010, 4.37.050; AO No. 84-82(SA); AO No. 85-11; AO No. 93-129, § 1,  
38 8-24-93; AO No. 95-223, § 1, expires 1-20-1998; AO No. 99-7, § 1, 1-26-99,  
39 expires 1-20-02; AO No. 2001-189, § 2, expires 1-20-05)  
40

41 *Charter references:* Boards and commissions, § 5.07; competitive bidding, §  
42 13.09.  
43

44 *Cross references:* Purchasing and contracts and professional services, Tit. 7;  
45 general contracting procedures, Ch. 7.15.  
46  
47

1 **Section 5.** Anchorage Municipal Code section 4.70.010 is amended to read:

2  
3 **4.70.010** **Generally.**

4  
5 A. There are established the following municipal public utility commissions:

6  
7 1 [2]. Solid waste services commission for solid waste services consisting  
8 of the municipal refuse collections utility and solid waste disposal  
9 utility.

10  
11 [MUNICIPAL LIGHT AND POWER COMMISSION FOR  
12 MUNICIPAL LIGHT AND POWER]

13  
14 B. Due consideration shall be given to technical qualifications in choosing the  
15 members of each commission. Each municipal utility shall provide the  
16 administrative support for its respective commission.

17  
18 C. Each commission is empowered to:

- 19  
20 1. Review annually the public utility's strategic plan, budget and  
21 operations and submit recommendations to the mayor and assembly;  
22  
23 2. Review and make recommendations on utility policies and practices  
24 to the mayor and assembly;  
25  
26 3. Submit recommendations to the mayor and assembly as to any  
27 necessary expansions, improvements or economies of the public  
28 utility; and  
29  
30 4. Perform such utility related duties as the mayor or assembly may  
31 refer to it from time to time.

32  
33 CAC 2.64.450--2.64.470; AO No. 89-51(S-3); AO No. 91-142(S-1); AO No. 91-  
34 173(S); AO No. 2005-107, § 2, 9-13-05)

35 Cross references: Municipal light and power commission, § 4.70.030.

36  
37 **Section 6.** Anchorage Municipal Code section 4.70.030 is repealed in its entirety.

38  
39 **Section 7.** Anchorage Municipal Code chapter 4.80 is amended to enact a new section  
40 to read:

41  
42 **4.80.030** **Municipal Light & Power Utility [Authority] Board of**  
43 **Directors.**

44  
45 There is established a Municipal **Light & Power Utility [Authority]** Board of  
46 Directors with the powers and duties more particularly set forth in Title 32.  
47



1  
2 **Section 8.** Anchorage Municipal Code section 26.10.025 is amended to read:

3  
4 **26.10.025      Municipal utility service assessment.**

- 5  
6 A. It is the public policy of the municipality to require municipal enterprise  
7 activities (the municipal water and wastewater utility, municipal light and  
8 power utility, solid waste disposal utility, and refuse collection utility) to  
9 pay a municipal utility service assessment (MUSA) for governmental  
10 services provided by the municipality, other than those services received on  
11 a contract or interfund basis between the enterprise activity and the  
12 municipality.  
13  
14 B. The MUSA shall be applied in a like manner to the municipal water and  
15 wastewater utility, municipal light and power utility, solid waste disposal,  
16 and refuse collection utility.  
17  
18 C. The MUSA shall be calculated by applying the millage rate established  
19 annually for each service area by the assembly to the net classified plant in  
20 service as of January 1 of the current year of each utility, as established by  
21 the Federal Energy Regulatory Commission for the municipal light and  
22 power utility system, and as published by the National Association of  
23 Regulatory Utility Commissioners for the municipal water and wastewater  
24 utility, located in that service area. Net book value of plant will be the  
25 MUSA basis for the refuse collection utility and solid waste disposal utility.  
26 The millage rate so established will be that rate assessed other owners of  
27 real, personal and business property in each service area.  
28  
29 D. In addition, 1.25 percent shall be applied, excluding the refuse collection  
30 utility, to the actual gross operating revenues as presented in the prior year's  
31 annual financial report for municipal enterprise activities. Thus, the formula  
32 which will apply to all included enterprise activities for MUSA will be: (net  
33 plant × mill rate) + (1.25 percent × actual gross operating revenues) =  
34 MUSA. For the municipal water and wastewater utility only, 40 percent of  
35 the value of contributed plant shall be used for MUSA calculation purposes  
36 during 2004 and the full value of contributed plant shall be included in the  
37 MUSA formula beginning in 2005.

38  
39 (AO No. 94-76A; AO No. 85-174; AO No. 88-162; AO No. 88-173; AO No. 2003-  
40 160, § 1, 1-4-04)

41  
42  
43 **Section 9.** Anchorage Municipal Code chapter 26.30 is amended read as follows:

44  
45 **26.30.010      Rates, fees and charges.**

46

1 Electric service rates, fees and charges are as established in the municipal light and  
2 power utility tariff which has been duly adopted and approved by the state public  
3 utilities commission, unless another rate, fee or charge is provided for in a special  
4 contract filed with, and approved by, the state public utilities commission.

5  
6 (AO No. 89-51(S-3); AO No. 91-142(S-1))  
7

8 **26.30.020 Compliance with rules and regulations.**  
9

10 Customers accepting electric service must agree to abide by the rules and  
11 regulations established in the duly approved municipal light and power utility tariff  
12 and by those set forth in this Code, including those alterations or amendments  
13 which may be made from time to time.  
14

15 **26.30.030 Additional conditions of service.**  
16

- 17 A. Electric service may be refused to any applicant who has not complied with  
18 pertinent national, state and local construction, building and safety codes,  
19 regulations and ordinances relating to the installation and maintenance of  
20 electrical wiring and equipment. Upon request, the applicant or customer  
21 shall furnish to the municipal light and power utility a certificate of  
22 approval from the authority having jurisdiction to secure compliance with  
23 the building and safety codes, regulations and ordinances prior to  
24 connection being made or electric service being furnished to the applicant  
25 or customer.  
26
- 27 B. The municipal light and power utility may refuse or discontinue service to  
28 premises if the installation has load characteristics which may cause  
29 excessive voltage fluctuations, loss of service or damage to the facilities of  
30 the municipal light and power utility or other customers. The utility may  
31 require as a condition of service that the customer install, at **the customer's**  
32 **[HIS]** own expense, equipment which will eliminate undesirable load  
33 characteristics, which include but are not limited to unbalanced load  
34 between phases, unacceptable variations from unity power factor and  
35 unusual demand fluctuations produced by the customer's equipment.  
36 Installation of electric welders or motors larger than five horsepower must  
37 be coordinated with the municipal light and power utility prior to  
38 installation.  
39
- 40 C. A properly identified employee of the municipal light and power utility  
41 shall have access to the premises of a customer at all reasonable times for  
42 the purpose of reading meters, testing or inspecting the customer's load and  
43 equipment or installing, repairing, removing or exchanging equipment  
44 belonging to the utility.  
45  
46  
47

**26.30.040 Prohibited acts.**

1  
2 It shall be unlawful for any person to:

- 3  
4 A. Connect to, interfere with or alter the conductor, meters, seals or other  
5 [MUNICIPAL LIGHT AND POWER] facilities **of the Municipal Light**  
6 **and Power Utility** used in connection with rendering electric service, or  
7 permit connection to, interference with or alteration by any person other  
8 than an authorized agent or employee of the municipal light and power  
9 utility. In addition to the penalties provided by law, any person engaging in  
10 any activities prohibited by this subsection shall pay for any damage to  
11 municipal light and power **utility** property caused or permitted directly or  
12 indirectly by that person.  
13  
14 B. Cause the electrical system on any premises or facility served by the  
15 municipal light and power utility to be connected to another electrical  
16 system except to standby power which has been installed to serve that  
17 premises or facility and is connected through a double throw switch  
18 sufficient to prevent backfeed into the municipal light and power **utility**  
19 electrical system.  
20  
21 C. Sell any of the electric energy furnished by the municipal light and power  
22 utility unless the person holds a valid certificate of public convenience and  
23 necessity issued by the state public utilities commission for retail  
24 distribution of electric energy and has executed a contract with the  
25 municipal light and power utility, or is accepting service under a tariff  
26 schedule which specifically authorizes the resale of electricity, unless such  
27 service is being furnished unmetered to rental units where the cost of  
28 electricity is included in the rental charge.  
29  
30

31 **Section 10.** The effective dates of the various provisions of the ordinance shall be as  
32 follows:

- 33  
34 A. Chapter 32.10, as set forth in section 1 above, shall become effective  
35 immediately upon passage and approval of this ordinance **except 32.10.030**  
36 **and 32.10.050 shall become effective on January 1, 2009.**  
37  
38 B. Chapter 32.20, as set forth in section 1 above, shall become effective as  
39 follows:  
40  
41 1. Section 32.20.040 shall become effective **on January 1, 2009**  
42 **[immediately upon passage and approval of this ordinance];**  
43  
44 2. Sections 32.20.020, 32.20.030, 32.20.050, 32.20.060, 32.20.070,  
45 32.20.100, and 32.20.110 shall become effective on January 1, 2009;  
46 and  
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3. Sections 32.20.010, 32.20.080, and 32.20.090 shall become effective on January 1, 2010.

C. Chapter 32.30, as set forth in section 1 above, shall become effective as follows:

1. Sections 32.30.010A., ~~32.30.010C.~~, 32.30.020, and 32.30.030 shall become effective on January 1, 2009; and


2. Section ~~32.30.010B.~~ [32.20.010B]. shall become effective on January 1, 2010.

D. Chapter 32.40, as set forth in section 1 above, shall become effective on January 1, 2009 [~~immediately upon passage and approval of this ordinance~~].

E. Sections 2, 3, 5, 6, 7, 8, and 9, as set forth above, shall become effective on January 1, 2009 [~~immediately upon passage and approval of this ordinance~~].

F. Section 4, as set forth above, shall become effective on January 1, 2010.

PASSED AND APPROVED the Anchorage Assembly this 9<sup>th</sup> day of September, 2008.

  
Chair

ATTEST:

  
Municipal Clerk