

**ANCHORAGE, ALASKA
AO No. 2024-28**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE SECTIONS 3.20.070, 25.20.020, 25.30.020, 26.30.025, AND**
3 **INSERTING A NEW SECTION 26.40.090 TO REQUIRE ASSEMBLY APPROVAL**
4 **OF ACTIONS TO ACQUIRE OR DISPOSE OF PROPERTY RIGHTS TO WATER,**
5 **MINERAL, WIND OR SOLAR RESOURCES, AND OF THE FISH AND WILDLIFE**
6 **PROGRAM FOR THE EKLUTNA HYDROPOWER PROJECT AND**
7 **RESTORATION OF CONTINUOUS WATER FLOWS TO THE EKLUNTA RIVER.**

8
9 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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11 **Section 1.** Anchorage Municipal Code section 3.20.070 is hereby amended to
12 read as follows (*the remainder of the section is not affected and therefore not set*
13 *out*):

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15 **3.20.070 Executive branch organization.**

16 *** **

17 C. Office of the municipal manager. Within the office of the municipal
18 manager and reporting to the municipal manager or designee are: the
19 office of equal opportunity, the office of emergency management; risk
20 management; health and safety; transportation inspection; culture,
21 entertainment, and arts venues (including the Egan Center, the
22 Dena'ina Civic and Convention Center, the Anchorage Museum at
23 Rasmuson Center, the Anchorage Golf Course, the Sullivan Sports
24 Arena, the Alaska Center for the Performing Arts, and the Boeke and
25 Dempsey Ice Arenas); and the following departments:

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27 *** **

28 3. Anchorage Water and Wastewater Utility. The Water and
29 Wastewater Utility is responsible for providing water and
30 sanitary sewage services. The utility is also responsible for
31 billing and collecting special assessments.

32
33 a. The municipal manager shall have operational oversight
34 of the utility; and

35
36 b. The mayor shall be responsible for policy decisions of
37 the utility, subject to the limitations of subsection c.

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39 c. Pursuant to section 26.30.025, the assembly shall be
40 responsible for all policy decisions related to the
41 municipality's performance under the 1991 Fish and
42 Wildlife agreement regarding the Eklutna hydroelectric
43 project.

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6. Anchorage Hydropower Utility. The Anchorage Hydropower Utility is responsible for supplying wholesale electric service to utilities in southcentral Alaska.
- a. The municipal manager shall have operational oversight of the utility; and
- b. The mayor shall be responsible for policy decisions of the utility, subject to the limitations of subsection c.
- c. Pursuant to section 26.30.025, the assembly shall be responsible for all policy decisions related to the municipality's performance under the 1991 Fish and Wildlife agreement regarding the Eklutna hydroelectric project.

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(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 ; 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; AO No. 2023-38(S) , § 2, 4-18-23; AO No. 2023-61(S) , § 1, 5-23-23)

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41 **Section 2.** Anchorage Municipal Code section 25.30.020 is hereby amended to
42 read as follows (*the remainder of the section is not affected and therefore not set*
43 *out*):

44
45 **25.20.020 - Approval by assembly.**

46
47 In addition to any other assembly action that may be required by law with
48 regard to real property acquisition by the municipality, the following shall be
49 subject to assembly approval:

- 1
2 A. Acquisitions of, or substantive change to the terms governing
3 ownership, control, or access to, real property including an interest in
4 mineral, wind, solar or water rights, except:

5 *** **

6 (AO No. 79-170; AO No. 84-61(S))
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8 **Section 3.** Anchorage Municipal Code section 25.30.020 is hereby amended to
9 read as follows *(the remainder of the section is not affected and therefore not set*
10 *out)*:

11
12 **25.30.020 Disposal by ordinance.**

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14 A. Except as required or provided otherwise by law, the municipality may
15 dispose of municipal land or any interest therein only by ordinance.
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- 17 B. For purposes of this section, an interest in municipal land means any
18 estate in real property or improvements thereon, including an interest
19 in mineral, wind, solar, or water rights, but excluding the following if
20 found by the assembly to be without substantial value to the
21 municipality:
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- 23 1. Revocable permits;
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25 2. Revocable Licenses;
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27 3. Rights-of-way; or
28
29 4. Easements.
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32 (AO No. 79-170; AO No. 80-48(S); AO No. 2007-102, § 1, 8-14-07; AO No.
33 2015-47, § 2, 5-14-15 , AO No. 2023-107, § 1, 10-10-2023)
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35 **Section 4.** Anchorage Municipal Code section 26.30.025 is hereby amended to
36 read as follows:
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38 **26.30.025 Eklutna River Restoration**

- 39
40 A. It is the policy of the Municipality of Anchorage and the Anchorage
41 Hydropower utility to restore the continuous water flow of the Eklutna
42 River and the fish populations of the River and Eklutna Lake, to the
43 greatest extent possible, subject to all provisions of the 1991 Fish &
44 Wildlife Agreement.
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- 46 B. Under the 1991 Agreement with the State of Alaska, federal agencies,
47 and utility partners, the Municipality of Anchorage, through its
48 Anchorage Hydropower utility and ownership share in the Eklutna
49 Hydroelectric Project, bears responsibility to study and develop

1 proposals for the protection, mitigation, and enhancement of fish and
2 wildlife affected by the hydroelectric development.

3
4 1. The Anchorage Hydropower utility shall provide a report to
5 each joint session of the Anchorage Assembly and the Native
6 Village of Eklutna under section 2.30.135B. regarding the
7 restoration of the Eklutna River and Lake and the municipality's
8 performance of its obligations under the 1991 Agreement and
9 the Final Fish and Wildlife Program.

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11 2. The Proposed Final Fish and Wildlife Program to protect,
12 mitigate, and enhance fish and wildlife resources in the Eklutna
13 River shall be subject to assembly approval [SUBMITTED TO
14 THE ASSEMBLY WITH A PROPOSED RESOLUTION IN
15 SUPPORT FOR ACTION], prior to its submission to the
16 Governor of Alaska.

17
18 (AO No. 2023-131 § 1, 12-5-23)

19
20 **Section 5.** Anchorage Municipal Code is amended to insert a new section
21 26.40.090 to read as follows (requiring no legislative drafting):

22
23 **26.40.090 Water rights.**

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25 The utility may enter agreements for water and water rights for use by or
26 within the municipality, subject to approval by the assembly.

27
28 **Section 6.** This ordinance shall be effective immediately upon passage and
29 approval by the Assembly.

30
31 PASSED AND APPROVED by the Anchorage Assembly this _____ day
32 of _____, 2024.

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37 _____
Chair

38 ATTEST:

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40
41 _____
42 Municipal Clerk
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