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(S-1) For reading: July 16, 2024

ANCHORAGE, ALASKA
AO No. 2024-61(S-1), As Amended

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE CHAPTER 4.60 TO ADD A NEW SECTION, AMENDING AMC**
3 **TITLE 16 TO ADD A NEW CHAPTER, AND AMENDING AMC SECTIONS 1.35.**
4 **010, 3.20.010, 3.30.012, AND 3.30.172 TO ESTABLISH THE ANCHORAGE /**
5 **ACCOUNTABILITY BOARD FOR CHILD CARE AND EARLY EDUCATION**
6 **(ACCEE) FUND BOARD AND THE PRINCIPAL EXECUTIVE OFFICER FOR THE**
7 **CHILD CARE AND EARLY EDUCATION FUND, TO IMPLEMENT CHARTER §**
8 **6.06.**

9
10 **WHEREAS**, in April 2023 Anchorage voters approved Proposition 14, creating the
11 Anchorage Child Care and Early Education (ACCEE) Fund and dedicating the
12 Municipality of Anchorage's annual marijuana sales tax revenue to child care and
13 early childhood education; and
14

15 **WHEREAS**, Proposition 14 also directed that an Accountability Board of Child Care
16 and Early Education be established, with members appointed by the Anchorage
17 Mayor and confirmed by the Anchorage Assembly. The board is intended to serve
18 as an advisory body to the Mayor and Assembly on use of the Fund and to present
19 a proposed budget to both annually; and
20

21 **WHEREAS**, to ensure these funds are used effectively, a private-public partnership
22 was formed by the Municipality and the Alaska Children's Trust (ACT) to establish
23 an Implementation Team (IT). The IT has met at least monthly since October 2023,
24 and is comprised of two Assembly Members, a School Board Member,
25 representatives from Head Start, thread Alaska, JBER, the Anchorage Health
26 Department, community leaders, child care and early education providers, the
27 business community and parents; and
28

29 **WHEREAS**, on November 21, 2023, the Assembly approved Resolution AR No.
30 2023-404, As Amended, establishing an implementation plan and timeline for the
31 ACCEE Fund and seating of the Accountability Board of Child Care and Early
32 Education. The AR noted that the IT, through its two participating Assembly
33 Members, would bring forward an ordinance with recommendations as to the
34 composition, operations, and responsibility of the Accountability Board; and
35

36 **WHEREAS**, on April 9, 2024, the Assembly accepted AIM 45-2024, an information

memorandum updating the Assembly on the work of the IT and its varied public outreach including community presentations, public meetings, and survey; and

WHEREAS, the Implementation Team assisted in drafting and reviewing the language proposed in this ordinance, and on May 15, 2024, recommended the draft be sent to the Assembly for consideration; and

WHEREAS, the IT encourages the ACCEE Fund Accountability Board to collaborate with Anchorage School District on effective, strategic use of these funds, including opportunities for utilization of existing ASD and other facilities as directed in the Proposition language, leveraging other fund sources to match or amplify impact, and addressing known gaps in services offered; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 4.40 is hereby amended to add a new section to read as follows (*requiring no legislative markup for a new section*):

4.40.180 Anchorage [~~Accountability Board of~~] Child Care and Early Education (ACCEE) Fund Board.

A. There is established an Anchorage [~~Accountability Board of~~] Child Care and Early Education (ACCEE) Fund Board with powers and duties more particularly set forth in Chapter 16.57 of this code.

B. The sunset provisions in section 4.05.150 shall not apply to this board.

Charter reference— Accountability Board of child care and early education, § 6.06(b).

Cross reference— Child care and early education fund, Ch. 16.57.

Section 2. Anchorage Municipal Code Title 16 is hereby amended to add a new chapter to read as follows (*requiring no legislative markup for a new chapter*):

CHAPTER 16.57 Child Care and Early Education Fund.

16.57.005 Purpose and applicability.

This chapter is intended to implement Charter Section 6.06 and the management and budgeting of the dedicated fund established by that voter approved measure. The provisions of this chapter are intended to ensure the fund expenses are used exclusively for resources for supporting and advancing child care and early education in the Municipality and the permissible administrative costs for the Anchorage [~~Accountability Board of~~] Child Care and Early Education (ACCEE) Fund's operations.

16.57.010 Anchorage [~~Accountability Board of~~] Child Care and Early Education (ACCEE) Fund Board.

- A. There is established, in accordance with Charter Section 6.06, an Anchorage [Accountability Board of] Child Care and Early Education (ACCEE) Fund Board with the powers and duties described herein. The board's mission and activities shall be for the purpose of supporting and advancing child care and early education in the municipality, and recommending funding priorities or specific appropriations pursuant to the dedication of funds under Charter Section 6.06(a).
- B. The Board shall consist of nine members. All Board members shall be citizens of the United States, and residents of and registered voters in the municipality while in office. No board member may serve in any elected office, except on a service area board established pursuant to section 9.01 of the Charter. Members of the board shall be appointed by the mayor and confirmed by the assembly.
 1. Board composition and qualifications. The Board should reflect the broad range of those involved in and affected by early education and child care services and the diversity of Anchorage. Board members shall be qualified as follows at the time they are seated:
 - a. At least 1 and no more than 4 members shall be actively employed in the early education or child care sector.
 - b. At least 1 member shall be employed in or retired from a social services profession, including behavioral health services.
 - c. At least **2 [4]** members shall be a parent or legal guardian utilizing a program that provides early education or child care to a member of their household.
 2. Terms.
 - a. Appointed members are subject to a term limit of three consecutive full terms beginning when a board member has been appointed to a full three-year term. Time served by a board member during any initial partial term less than three years shall not be counted in connection with the term limit. After serving three consecutive full terms, the same member may be appointed to the board if three full years have transpired since their previous term limit date.
 - b. Member terms shall be staggered so that not more than three member terms expire each year.
- C. The Board shall have the responsibilities outlined in Charter Section 6.06. In addition, the Board may exercise the following responsibilities and operations, but is not limited to those listed:
 1. Serve as an advisory body to the Assembly and Mayor on topics related to child care and early education.
 2. **[Oversee the administration of the Anchorage Child Care**

~~and Early Education (ACCEE) Fund.~~

- ~~3.] Solicit ideas for funding, request research and analysis. [, prepare and issue procurements and grant solicitations,]~~**
- ~~3. E[e]valuate responses to procurement solicitations and requests for grant proposals, and make procurement and grant award recommendations[decisions. Notwithstanding any provisions of Title 7, the Board shall review and evaluate responses to requests for proposals and grant solicitations; the purchasing officer shall provide support.~~**
- ~~4. Establish guidelines for the management of the ACCEE fund in a transparent manner with the highest standards of care and accountability to the public].~~**
- ~~4[5]. Review financial reports and audits to confirm that spending from the ACCEE Fund is consistent with all relevant rules and regulations, and that the ACCEE Fund is being managed responsibly in a transparent manner with the highest standards of care and accountability to the public.~~**
- ~~5[6]. Commission an annual evaluation to ensure that programs funded are impactful and meet established outcomes. The Board may retain an external independent evaluator.~~**
- ~~6[7]. Facilitate coordination, communication, and collaboration with in the Municipality, with the Anchorage School District, and with entities or government agencies that oversee child care and early education programs to promote nonduplication and coordination of services, and to inform the structure for existing programs and any new programs.~~**
- ~~7[8]. Promote local community support and public awareness of child care and early education programs, and of the actions and strategies of the ACCEE Fund itself.~~**

D. *Budget and funding.* The Board shall adhere to budget and funding standards and restrictions set forth in Charter Section 6.06(c). In addition, the Board **shall** **~~[may]~~** take the following actions for budgeting and strategic direction of the Anchorage Child Care and Early Education Fund:

1. Adopt written policies related to the ACCEE Fund;
2. Develop and recommend adoption of an initial **[comprehensive long-range strategic]** investment **strategy [plan]** for the development, implementation, and expansion of child care and early education programs in the municipality. The Board shall review and update the **strategy [plan]** every three years;
3. Hold at least one public hearing annually, prior to the required public hearing on the board's draft budget recommendations, to solicit ideas from the public for funding, programming and policy; and
4. Prepare a recommended annual budget for use of the funds to be presented to the mayor and assembly. The board shall hold at least one public hearing on a draft budget prior to transmitting

the recommended budget to the mayor and Assembly.

E. *Expenditures and administrative limit.* The Board shall adhere to expenditure and administrative limits set forth in Charter Section 6.06(d). In addition, the Board shall publish a report describing the amounts spent and the results achieved. Reports that are provided to the mayor and assembly shall also be made available to the public.

F. *[Accountability] Board Staff. **The costs for personnel in this section are included within the administrative costs limits set forth in Charter Section 6.06(d), which states that the Board may spend no more than ten percent of the funds received each year on its own administrative costs, shall be in the Board's budget, and are subject to approval by the Assembly.***

1. In accordance with Charter Section 6.06 (f), the Board may appoint a principal executive officer in consultation with the mayor. The principal executive officer position shall be "executive director" and shall serve at the pleasure of the board.

2. The executive director may hire administrative staff as is required in the execution of the board's duties.

3. The Board may decide to pay per diem costs but shall not pay a salary to board members.

G. Definitions. For purposes of this section, unless the context clearly indicates a different meaning, the following definitions apply:

"Child Care" has the meaning in state law (7 AAC 57.990): the supervision and provision of developmental opportunities, with or without compensation, to a child who does not have a parent present; "child care" or "care" includes services in or away from a child care facility.

"Early Education" means formal and informal programs that guide education for children from birth through 5 years of age and who have not attended kindergarten. The term includes literacy programs and home visiting programs, as well as formal programs, such as pre-kindergarten or preschool classes, but does not include education provided to children of school age as defined by law. (Reference AS 14.03.070.)

Charter reference— Dedicating retail marijuana sales tax net proceeds and the accountability board of child care and early education, § 6.06.

Section 3. Anchorage Municipal Code section 1.35.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

1.35.010 - Principal executive personnel, boards and commissions, and elected officials.

*** *** ***

B. Principal executive personnel and members of boards and commissions and elected officials who shall take the oath of office. The following officials and municipal executives shall take and subscribe to the oath of office:

*** *** ***

2. Principal municipal executives whose office is created by Municipal Charter, AMC 2.20, AMC 3.20, or AMC 5.10 including:

*** *** ***

I. Executive director of the child care and early education fund.

*** *** ***

4. Members of regulatory and adjudicatory boards and commissions as set forth in AMC 4.40, including, but not limited to:

*** *** ***

r. ~~Anchorage [Accountability Board of]~~ Child Care and Early Education (ACCEE) Fund Board.

*** *** ***

(AO No. 2000-131, § 1, 9-12-00; AO No. 2002-69, § 1, 5-14-02; AO No. 2018-24, § 1, 4-10-18; AO No. 2021-114, § 1, 1-31-22; AO No. 2022-40(S), § 1, 3-22-22; AO No. 2023-68, § 3, 6-20-23; AO No. 2023-73, § 2, 7-25-23; AO No. 2023-111(S), § 1, 11-7-23)

Section 4. Anchorage Municipal Code section 3.20.010 is hereby amended to replace the 2020 Executive Branch Organization chart with the 2023 Executive Branch Organization chart, attached as Exhibit A:

3.20.010 - Executive and administrative order; organizational chart.

The executive branch of the municipal government shall be organized as provided in this chapter and the following plan:

{Note: Replace chart with Exhibit A}

(AO No. 79-27; AO No. 82-49; AO No. 88-82; AO No. 90-15(S); AO No. 91-173(S); AO No. 94-135(S), § 2, 7-12-94; AO No. 2000-105(S), § 2, 6-27-00; AO No. 2000-141(S), § 2, 9-26-00; AO No. 2002-130, § 4, 9-10-02; AO No. 2003-109, § 1, 9-9-03; AO No. 2004-136, § 1, 12-7-04; AO No. 2005-142, § 1, 10-25-05; AO No. 2009-21, § 1, 2-24-09; AO No. 2009-101, § 1, 8-25-09; AO No. 2010-64, § 1(Exh. A), 9-28-10; AO No. 2010-93, § 1(Exh. A), 1-11-11; AO No. 2011-22(S), § 1, 3-29-11; AO No. 2011-25, § 1, 5-24-11; AO No. 2012-106, § 1(Exh. A), 11-13-12; AO No. 2013-34, § 1(Exh. A), 2-26-13; AO

No. 2015-112(S), § 1, 1-1-16; AO 2018-108(S), § 1, 12-31-18; AO No. 2020-79(S), § 1, 8-26-20; AO No. 2020-109, § 1, 10-13-20; AO No. 2020-121, § 1, 1-1-21; AO No. 2021-114, § 2, 1-31-22; AO No. 2022-40(S), § 2, 3-22-22; AO No. 2023-38(S), § 1, 4-18-23)

Section 5. Anchorage Municipal Code section 3.30.012 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.30.012 - Scope of coverage; amendment of chapter.

A. *Applicability to nonrepresented employees.* This chapter shall apply to all nonrepresented employees except that:

1. The executive directors of the equal rights commission and of the child care and early education fund shall be appointed, terminated and paid in a manner determined by the equal rights commission or the Anchorage [accountability board of] child care and early education fund board, respectively.

*** *** ***
(AO No. 79-195; AO No. 82-56; AO No. 86-207(S-1); AO No. 88-71; AO No. 91-166; AO No. 91-173(S); AO No. 92-121(S); AO No. 96-70, § 1, 5-7-96; AO No. 2015-23(S), § 8, 3-24-15; AO No. 2018-24, § 4, 4-10-18)

Section 6. Anchorage Municipal Code section 3.30.035 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.30.172 - Classification.

*** *** ***

B. Assignment of a classification to one of the eight ranges is based on the appointing authority, level and scope of responsibility for policy development and public advocacy, and training and experience necessary to perform the duties. For the purpose of establishing the appropriate compensation for executive classifications, the following eight ranges are established:

1. 20N - Executive non-exempt, subject to appointment by the assembly, except as otherwise provided in section 2.20.055A.
2. 20E - Executive exempt, subject to appointment by the assembly, except as otherwise provided in section 2.20.055A.
3. 21N - Executive non-exempt, subject to appointment by the mayor.
4. 21E - Executive exempt, subject to appointment by the mayor.
5. 22E - Executive exempt, subject to appointment by the mayor; or the Anchorage Equal Rights Commission [~~or the Anchorage [Accountability Board of] Child Care and Early Education (ACCEE) Fund Board,~~] subject to the approval of[~~—or consultation with,~~] the mayor; **or the Anchorage Child Care & Early Education (ACCEE) Fund Board in consultation with**

the mayor.

6. 23E - Executive exempt, subject to appointment by the mayor;
or the Anchorage Equal Rights Commission, subject to the
approval of the mayor.
7. 24E - Executive exempt, subject to appointment by the mayor.
8. 25E - Executive exempt, subject to appointment by the mayor.

E. The following classifications are assigned to Range 22E:

6. Environmental health services manager.
7. Executive director, child care and early education fund
8. Executive director, equal rights commission.
- 9[8]. Executive Director, office of equal employment opportunity.

(AO No. 79-195; AO No. 91-96; AO No. 92-5(S); AO No. 92-111; AO No. 94-225, § 3, 12-6-94; AO No. 97-103, § 2, 7-1-97; AO No. 98-79, § 1, 5-19-98; AO No. 98-115(S), § 4, 7-1-98; AO No. 2000-101(S), § 1, 9-26-00; AO No. 2001-56, § 1, 2-1-01; AO No. 2001-98, § 1, 5-1-01; AO No. 2001-130, § 1, 8-1-01; AO No. 2001-132, § 1, 8-14-01; AO No. 2002-69, § 3, 5-14-02; AO No. 2002-100, § 1, 7-16-02; AO No. 2002-111, § 1, 8-6-02; AO No. 2002-130, § 1, 9-10-02; AO No. 2003-29, § 1, 2-11-03; AO No. 2004-3, § 1, 1-20-04; AO No. 2004-85, § 1, 5-18-04; AO No. 2004-87, § 1, 6-8-04; AO No. 2004-132, § 3, 10-12-04; AO No. 2005-6, § 1, 2-15-05; AO No. 2005-119, § 1, 9-27-05; AO No. 2005-151(S), § 1, 10-25-05; AO No. 2009-84, § 1, 7-7-09; AO No. 2015-112(S), § 6, 1-1-16; AO No. 2016-39, § 1, 4-12-16; AO No. 2017-107, § 1, 8-8-17; AO No. 2018-17, § 1, 2-27-18; AO No. 2018-108(S), § 4, 12-31-18; AO No. 2020-79(S), § 4, 8-26-20; AO No. 2021-66, § 2, 7-27-21; AO No. 2023-111(S), § 3, 11-7-23)

Section 7. Transitional measures. Until such time that the principal executive officer (executive director) is employed and has secured office space, any municipal department or office as directed by the Municipal Manager [the municipal manager, anchorage health department and Assembly Legislative Services Office] shall provide staff support and arrange for work space for the Anchorage [Accountability Board of] Child Care and Early Education (ACCEE) Fund Board, and assist with procurement and hiring functions as reasonable and necessary to notice, solicit, and engage contracted services and an executive director.

Section 8. Notwithstanding AMC section 3.30.018, if the Personnel Rules Committee is unable to meet to review and provide recommendations before the public hearing on this ordinance regarding changes to AMC Chapter 3.30, Personnel Rules, herein, then such review requirement is waived.

Section 9. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 16th day of July, 20

24.

Chair

ATTEST:

Municipal Clerk