

**MUNICIPAL CLERK’S & ASSEMBLY COUNSEL PROCEDURES
FOR SUBSTITUTE, ALTERNATE, OR CORRECTIONS
TO ANCHORAGE ASSEMBLY DOCUMENTS
September 29, 2022**

Please see the information below for when to use a substitute (S-version), alternate (A-version), or corrections to Assembly documents.

I. Substitute or S-versions of AOs.

A. Legislative Drafting. When submitting an S-version of an AO, be sure to use the appropriate legislative drafting as detailed in the Assembly document drafting guidelines or as briefly detailed on the Assembly agenda as follows:

Clerk’s Note: In Sections 11-15 of the Assembly Agenda, Assembly Ordinances (AOs) may propose to change municipal law, Anchorage Municipal Code (AMC) or Anchorage Municipal Code of Regulations (AMCR). Ordinances may use “legislative formatting” to show the changes or “amendments” to the current code as required by AMC 1.05.050. The purpose of legislative formatting is to provide an easy means for the Assembly and public to clearly understand current code language versus proposed changes.

Legislative formatting includes underlining new language and [PLACING DELETED LANGUAGE IN CAPITAL LETTERS WITHIN BRACKETS]. Substitute versions of ordinances are characterized by bolded text. Second substitute versions by italics. Omitting current text of a code section is indicated by three series of three asterisks (* * * x3). Legislative formatting is not necessary when enacting entirely new sections.

Ordinance Version	New Language	Deleted Language
Original AO	<u>New words are underlined</u>	Deletion of current code language: [DELETED WORDS FROM CURRENT CODE ARE BRACKETED AND CAPITALIZED]
AO (S) (Substitute for the original AO)	<u>New words are bolded and underlined</u>	Deletion of current code language: [DELETED WORDS ARE BOLDED, BRACKETED, AND CAPITALIZED] Deletion of new language in AO: <u>[Deleted words proposed by AO are struck out, bolded, underlined, and bracketed]</u>
AO (S-1) (2 nd substitute for the original AO)	<i><u>New words are italicized and underlined</u></i>	Deletion of current code language: [DELETED WORDS ARE ITALICIZED, IN BRACKETED, AND CAPITALIZED] Deletion of new language in AO or AO(S): <u>[Deleted words proposed by AO or AO(S) are italicized, struck out, underlined and bracketed]</u>

B. Important Requirement to Submit a New AM with an S-version of an Assembly ordinance.

1. **The Code Rules!** When you submit a S-version of an ordinance, you must submit a new, supplemental AM, to outline the changes. AMC 2.30.050E, requires a new AM to be submitted with an S-version of an ordinance:

E. Substitute versions of ordinances. When a "Substitute" or "S" version of an ordinance is presented for action by the assembly, the sponsor will provide a supplemental assembly memorandum outlining the significant changes from the most recent version. The supplemental assembly memorandum and the substitute version of the ordinance will be available to the public." (Emphasis added.)

Do not submit an S-version of an AM! **S or Substitute-versions are for ordinances, not memoranda.**

2. **Create and submit a brand-new AM and the Clerk's Office will give it a new number.** The new AM becomes a "companion" AM to the original AM.
 - i. Per AMC 2.30.050E, the AM must identify and explain the changes to this version from the most recent version of the AO, and the AM must include the rationale for the changes. Because this is a new AM, there are no legislative drafting marks.
 - ii. Do not rehash the justifications for the original AO in the new AM, just explain the reasons for the substitute AO.
3. **The original AM is not changed. Include the original AM in the substitute version packet** because it includes the justification for the original AO, and it is important to understanding the legislative history of the item.

The legislative history for the item would include the original AM and the newly numbered AM.

Master Class Info: There are other circumstances, although rare, outside of an S-version where there can be multiple versions of AMs: an AO has an AM from the sponsor, and another Assembly member may submit a separate AM for the legislative history.

II. Alternate or A-versions of AMs on the consent agenda for contacts, amendments to contracts, appointments, etc. (AMs specifically not attached to or related to an AOs).

- A. **The General Rule:** Use an A-version of an AM when submitting a correction to replace an original AM on the same Assembly agenda. This procedure does not apply to an item approved on a previous agenda (see procedure for corrections below).

1. If an AM is an “alternate” or A-version with the goal to request approval of it instead of the original AM, use the same AM No. as the original.
 2. **Use legislative drafting marks in the AM(A)** so the changes and legislative history of the item are clear.
 3. Ask an Assembly Member or the Mayor to “pull” the item from the agenda and move to approve the A-version. **Important Note:** If the item is not pulled and the A version is not moved, both items could be approved inadvertently.
 4. Only submit an A version of an AM if both the original AM and the AM-A are on the same agenda. ***If the items are not on the same agenda, the item should be “corrected” as detailed below.***
- B. The same general rule applies to A versions of AIMs.

III. Corrections to AMs, ARs, AIMs or other documents previously approved by the Assembly

- A. **The General Rule: If there was an error on previously approved Assembly document, do not submit an A or an S version. Contact the Municipal Legal Department, Assembly Counsel’s Office, and the Clerk’s Office to confirm you are taking the correct action.**
- B. **Submitters should not make the corrections themselves.** If the error is a typographical error (not in a legal description, and not in a document granting an individual permit or right), some types of errors may be able to be made by the Municipal Legal Department’s Revisor of Code. If the error is a typographical error in a document that the Revisor of the Code cannot correct and the document requires Assembly action, the document can only be corrected by the Assembly.
- C. **There are two courses of action to correct errors** on previously approved Assembly documents: (1) a correction, or (2) a motion to rescind or amend something previously adopted per AMC 2.30.065B.11. The specific directions will depend on the context of the specific error and a review of the code requirements for amendment of something previously adopted or other rules.
- 1. Corrections**
- **A correction may be possible to an original Assembly document if the document has not yet taken effect or has not been implemented.**
 - If Assembly approval is required, **use the same AM/AR/AM number** to maintain the correct legislative history of the item.
 - **Include the term “Corrected” or “Correction” in the title of the document** after the document number to make it clear that the document is the correction.

- **Use legislative drafting** to make the corrections in the document so the corrections are clear for the legislative history, the public, and the Assembly.
 - **Include a new section in the “Corrected” document for instructions to replace the original Assembly document with the “Corrected” document or other similar instructions.**
 - For example, a new Section 2. in a corrected AR could read, “Section 2. This corrected AR replaces the original AR, which did not go into effect.” The note regarding the correction should indicate how it affects the original document.
 - When submitting the corrected document in OnBase, **include a note to the Clerk’s Office** so the Clerk’s Office understand this document is correction and how the correction affects the original document.
2. Motion to rescind or amend something previously adopted. ***If the AM has taken affect or been implemented, then you may be advised to see a motion to rescind or amend something previously adopted. The new legislation MUST STATE in the TITLE that it REPEALS the old Assembly document and the Assembly document number. The new legislation must also have a section in the document repealing the old item.***
- **See AMC 2.30.065B.11.** *Motion to rescind or amend something previously adopted.* A motion to rescind or to amend something previously adopted may be moved by any member, but must be seconded. An ordinance, resolution or memorandum may not be rescinded or amended by motion if a provision of the measure has been carried out or implemented and after the effective date of the ordinance, resolution, or memorandum has passed. Other actions that cannot be rescinded or amended by motion to amend something previously adopted are as defined in Robert's Rules of Order, Newly Revised.
 1. *Approval.* A motion to rescind or to amend something previously adopted requires the approval of two-thirds of the entire assembly unless previous notice of the motion has been given at the regular meeting immediately preceding that meeting during which the motion is to be considered. If previous notice of the motion has been given, only a majority of the assembly is required for approval.
 2. *Further motions if motion fails.* Upon failure of a motion to rescind for which previous notice has once been given, no further motions or notices of intent to rescind the same action are in order. Upon failure of a motion to amend something previously adopted for which no previous notice has been given, no further motions or notices of intent to amend the same action, substantially similar in substance to the failed motion to amend, are in order.
 3. *Time limit and suspension.* There is no time limit on making either a motion to rescind or to amend something previously adopted. The making of either motion or the notice of intent to do so does not operate to suspend the implementation or effect of any prior assembly action, in contrast to a proper motion to reconsider, and the effective date of action is not delayed.