



MUNICIPALITY OF ANCHORAGE
Office of the Municipal Attorney

Memorandum

DATE: April 15, 2013
TO: Barbara A. Jones, Municipal Clerk
THRU: Dennis A. Wheeler, Municipal Attorney *DW*
THRU: Deitra L. Ennis, Deputy Municipal Attorney *DL*
FROM: Dean T. Gates, Assistant Municipal Attorney *DG*
Theresa Hillhouse, Assistant Municipal Attorney *TH*
SUBJECT: Referenda Application 2013-1, for Petition to Repeal AO-37 Labor Ordinance
Dept. of Law Matter No. 13-1233



QUESTION:

Is the referendum petition application 2013-1, "Referendum Petition to Repeal AO 37" received April 3, 2013, legally sufficient to be placed on the ballot at a municipal election?

BRIEF ANSWER:

Subject to the following Background and Discussion below, our Brief Answer is No. The proposed petition does not properly cite the ordinance, the petition narrative may be confusing, and the petition fails to set forth verbatim the ordinance sought to be repealed. In addition, the petition addresses subjects prohibited by Alaska law.

BACKGROUND:

On April 3, 2013, sponsors submitted an application to the Municipal Clerk for a referendum petition titled "Referendum Petition to Repeal AO 37". (hereinafter "Application") See Exhibit A.

Pursuant to Anchorage Municipal Code subsection 2.50.030A., "...[w]ithin ten business days after receiving a completed application, the municipal clerk shall verify the sponsors' qualifications and, after consultation with the municipal attorney, determine and certify the legal sufficiency, or lack thereof, of the application and the proposed initiative or referendum."

DISCUSSION:

I. Review standards.

The Municipal Clerk's pre-election review of an initiative or referendum petition application should be consistent with Alaska courts' standard of review, which "is limited to determining whether the initiative complies with the particular constitutional and statutory provisions regulating initiatives" and whether enforcement of the proposed ordinance is precluded by controlling authority as a matter of law.¹ Pursuant to AMC subsection 2.50.020B.3:

The proposed petition shall:

- a. set out verbatim the ordinance or resolution sought to be enacted or repealed by the petition;
- b. have the required names, residence and mailing addresses, signatures, and dates of signatures of the initial contact persons and sponsors;
- c. meet constitutional, charter and other legal requirements or restrictions;
- d. include only a single subject; and
- e. be enforceable as a matter of law or be clearly denominated as advisory only.

¹ *Kodiak Island Borough v. Mahoney*, 71 P.3d 896, 898 (Alaska 2003); *Alaskans for Efficient Government, Inc. v. State*, 153 P.3d 296, 298 (Alaska 2007); *Brooks v. Wright*, 971 P.2d 1025, 1027 (Alaska 1999). There is a dearth of case law discussing referenda applications submitted by citizens (*see* AS 15.45.250-.465), however courts treat pre-election reviews of initiatives and referenda similarly, thus the holdings regarding review of initiative applications are relied upon here.

The Application for repealing the labor ordinance includes the required names, residence and mailing addresses, signatures, and dates of signatures of the initial contact persons and sponsors,² and includes only a single subject.

There is a balancing of interests between the right to bring initiatives and referendums, and the Constitutional restrictions on such rights. The Alaska Supreme Court has explained that the restrictions of Art. XI, § 7 of the Alaska Constitution must also be liberally construed, as well as require strict compliance³ with such restrictions:

. . . it does not necessarily follow that a liberal construction of the people's initiative power requires a narrow construction of the limits that define the power. On the contrary, the mandate for liberal construction of the initiative right in article XII, section 11 concludes with a qualifying, cautionary clause: "subject to the limitations of Article XI." This reiterative warning underscores the importance of the restrictions. Additionally, we must never lose sight of another important right of the people implicated in all cases of constitutional construction, namely the right to have the constitution upheld as the people ratified it. *See Thomas*, 595 P.2d at 3-4. We must interpret all constitutional provisions -- grants of power and restrictions on power alike -- as broadly as the people intended them to be interpreted.⁴

II. The Petition Application is legally insufficient because it does not meet technical Code requirements for referendum petitions.

A. Incorrect citations and the ordinance sought to be repealed not attached.

The Application does not comply with Code provisions regulating the referenda application and petition process. AMC subsection 2.50.020B.3.a. requires the proposed petition to "set out verbatim the ordinance ... sought to be ... repealed by the petition." This Application includes a narrative under the heading "Proposed Petition" which refers to: "Anchorage Ordinance 37 ('AO 37') enacted on March 26, 2013, amending Section 3.70, Employee Relations, of the Anchorage Municipal Code."⁵ The Application does not set out verbatim the ordinance sought to be repealed and no part of the ordinance is quoted or attached. In addition, a reader of the petition may search for "AO 37" only to either not find the ordinance at all or discover the reference to be incorrect. AO No. 2013-37(S-2)(as amended) is the actual ordinance enacted by the Anchorage Assembly. It

² Subject to the Clerk's Office verification.

³ *Citizens Coalition for Tort Reform v. McAlpine*, 810 P.2d 162, 168 (Alaska 1991).

⁴ *Citizens Coalition for Tort Reform*, 810 P.2d at 169 (citing *Thomas v. Bailey*, 595 P.2d 1 (Alaska 1979) (additional citations omitted)).

⁵ Exhibit A at p. 3.

is a subsequent version of the originally introduced proposed ordinance AO No. 2013-37, distinguished by numerous changes and amendments. Even though the date of enactment is correct, and a qualified voter considering signing the petition may, with some inquiry, figure out the correct ordinance is AO 2013-37(S-2)(as amended) and obtain a copy of it, those facts do not cure the Application's failure to set out verbatim the ordinance sought to be repealed. Allowing a petition to be circulated under these circumstances is inconsistent with the petition circulation and signature-gathering function recognized by the Alaska Supreme Court as an important screening purpose because it is not complete enough standing alone to convey an intelligible idea of the scope and import of the proposed repeal.⁶

It may be argued the Municipal Clerk can simply attach the correct ordinance. On the one hand, the Alaska Supreme Court has held that "all doubts as to all technical deficiencies or failure to comply with the exact letter of procedure" should be resolved in favor of a liberal construction of the constitutional and statutory provisions to which they relate.⁷ On the other hand, errors cannot be corrected by the Municipal Clerk even if the intent is clear, because the master form of the petition⁸ certified by the Municipal Clerk to provide to the sponsors must contain the complete language "as submitted by the sponsors."⁹

The Code regulating applications for referenda petitions is explicit in requiring the proposed petition to "set out verbatim the ordinance ... sought to be repealed."¹⁰ The Municipal Clerk may point out the deficiencies and allow the sponsors to resubmit the petition application, but she may not alter the petition as it is submitted by the sponsor.¹¹ In enacting this requirement, the Assembly sought to ensure that the Municipal Clerk would have no subjective involvement in the petition process.¹² Thus, on its face the Application here is not a "source of accurate information for all citizens concerning what

⁶ *Faipeas v. Municipality of Anchorage* 860 P.2d 1214, 1220 (Alaska 1993) (additional citations omitted).

⁷ *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173, 1181 (Alaska 1985) (quoting *Municipality of Anchorage v. Frohne*, 568 P.2d 3, 8 (Alaska 1977)) (in turn citing to *Boucher v. Engstrom*, 528 P.2d 456, 462 (Alaska 1974)).

⁸ AMC 2.50.030B.

⁹ AS 29.26.120(a)(2); and see *Kodiak Island Borough v. Mahoney*, 71 P.3d 896, 901 and n. 23 (Alaska 2003).

¹⁰ AMC 2.50.020B.3.a.

¹¹ *Id.*

¹² AO 2002-162 amended the Code to require the ordinance be set out verbatim, while prior code allowed petitioners to "describe the ordinance." See AS 15.45.090(a) and the annotations thereof for state cases where the Lt. Governor's statements for the petitions have been litigated.

is being proposed” because of the deficiencies and the Municipal Clerk is unable to remedy these.¹³

B. Confusing and misleading supporting statements.

The description submitted by the sponsors with this Application has some broad statements that attempt to summarize “AO 37” (the incorrect ordinance cite). A description which is untruthful, misleading, or which is not complete enough to convey basic information as to what the ordinance does, cannot be regarded as a legally adequate or sufficient description within the meaning of the ordinance.¹⁴ The sponsor’s summary falls short of conveying basic information as to the particulars of the numerous and lengthy amendments enacted by AO 2013-37(S-2)(as amended). Consequently, there exists significant potential to mislead the reader, particularly in the absence of having a verbatim copy of the ordinance circulated with the petition.

The proposed petition states in part as follows regarding the reason for repeal of the recently passed ordinance that amends AMC 3.70:

AO 37 makes numerous changes to the Anchorage Municipal Code that affect municipal employees. Among the changes, AO 37 limits collective bargaining for municipal employees; introduces a managed competition program for potential outsourcing of certain city services; removes certain public employees from collective bargaining; gives the Municipality additional control over staffing, scheduling, equipment, benefits, overtime, and leave; eliminates binding arbitration for contractual impasse resolution; prohibits strikes; and limits annual pay and benefit increases.

This portion of the proposed petition is misleading, legally incorrect and mischaracterizes the amendments to AMC 3.70. For example, the statement says the ordinance “limits collective bargaining for municipal employees.” The implications are that, due to the ordinance, employees who had collective bargaining are now no longer entitled to it, or that new groups of employees are not entitled to collective bargaining at all, or the right for either group has been substantially reduced. This is not the case. Certain employee classifications have never had collective bargaining, including executives, supervisors, and confidential employees.¹⁵ Some are designated by location (e.g., staff of the municipal attorney); others are designated by function (supervisory and confidential employees). The ordinance made very few changes to the designations, largely aimed at

¹³ *Faipeas* at 1220.

¹⁴ *Id.* at 1219.

¹⁵ AMC 3.70.060C.

eliminating the distinction based on location and instead focusing on employee functions.¹⁶ While a handful of employees may be reclassified into exempt positions, the ordinance does not implement or dictate this outcome. The classification process includes collaboration between the Municipality and the involved union. Should the parties not agree, the final decision is made by the Employee Relations Board.¹⁷

The statement also alleges the ordinance “eliminates binding arbitration for contractual impasse resolution.” This implies that all union employees had the right to binding arbitration when, in fact, only the police and fire bargaining units had binding arbitration prior to passage of the ordinance. This statement also conflicts with the recent Alaska Supreme Court decision in *Plumbers & Pipefitters, Local 367 v. Municipality of Anchorage*, 2013 WL 1281791 (Alaska), rejecting the union’s argument that the arbitrator’s decision should be binding on the parties because the union was enjoined from striking.¹⁸ Binding arbitration is not required in such situations under the version of AMC 3.70 as it existed before the amendments. Additionally, the statement infers that striking was permitted for all bargaining units prior to enactment of the ordinance, based on the recent amendment to AMC 3.70. However, the prohibition against striking was already part of AMC 3.70 prior to the amendments for certain employee groups (police, fire).

The inclusion of confusing and misleading statements as part of the petition is a separate ground for finding the proposed petition legally insufficient. *Citizens for Implementing Medical Marijuana v. Municipality of Anchorage and Greg Moyer, Clerk*, 129 P.3d 898, 901 (Alaska 2006) (citing *Faiveas*, 860 P.2d at 1219 (confusing and misleading petitions frustrate the ability of voters to express their will, and “should be presented clearly and honestly to the people of Alaska.”))

¹⁶ Compare AMC 3.70.060C prior to the ordinance with the text of AMC 3.70.060C as amended in the ordinance.

¹⁷ See both current AMC 3.70.050D.6 and the same as amended in AO 2013-37(S-2)(as amended).

¹⁸ There is a higher burden to meet to deny a proposed initiative or referendum petition as misleading. The Alaska Supreme Court explained, “[w]hen reviewing initiatives, [the court] will ‘construe voter initiatives broadly so as to preserve them whenever possible.’” *Pebble Ltd. Partnership ex rel. Pebble Mines Corp. v. Parnell*, 215 P.3d 1064, 1073 (Alaska 2009) (citing *Anchorage Citizens for Taxi Reform*, 151 P.3d 418, 422 (Alaska 2006)). It also held in the same decision: “We apply a deferential standard of review for challenges to the adequacy of a petition summary...” and “[t]hose attacking the summary bear the burden ‘to demonstrate that it is biased or misleading.’” *Id.* (citing *Alaskans for Efficient Gov’t, Inc. v. State*, 52 P.3d 732, 735 (Alaska 2002)).

If the technical deficiencies are corrected, the substantive intent of this referenda petition is clear, but it is not a permissible use of the referendum power, as discussed below.

III. The proposed referendum petition contains prohibited subjects involving administrative rather than legislative matters.

In *Wolf v. Alaska State Housing Authority*, 514 P.2d 233, 235 n.13 (Alaska 1973), the Alaska Supreme Court recognized the common law principle that “the power of both initiative and referendum is restricted to legislative ordinances, and does not extend to administrative measures.”¹⁹ The Court cited a leading municipal law treatise to explain this limitation on initiatives and referendums, McQuillin: *The Law of Municipal Corporations*:

. . . The courts have noted that the constitutional provisions conferring the initiative and referendum are placed within the article defining and delegating the state’s legislative powers, and have taken cognizance of the ways in which the conduct of government would be seriously hampered were the initiative and referendum to be used to compel or bar “administrative” acts of elected officials.

Actions relating to subjects of a permanent and general character are usually regarded as legislative, and those providing for subject of a temporary and special character are regarded as administrative. In this connection an ordinance which shows an intent to form a permanent rule of government until repealed is one of permanent operation. Obviously, details which are essentially of a fluctuating sort, due to economical or other conditions, cannot be set up in and by an ordinance to be subjected to the vote of the people.²⁰

In addition, the Alaska Supreme Court adopted these guidelines from a Kansas Supreme Court case for determining when an initiative or referendum is administrative or legislative in character:

¹⁹ See *Swetzof v. Philemonoff*, 203 P.3d 471, 476 (Alaska 2009). This was codified for general law municipalities in AS 29.26.110.

²⁰ McQuillin: *The Law of Municipal Corporations* § 16.55 (3rd Ed. 1969) (emphasis added). A good example of this found in AO 2013-37(S-2)(as amended) is the limitation on certain wage increases to CPI plus a numerical factor.

1. An ordinance that makes new law is legislative, while an ordinance that executes an existing law is administrative. Permanency and generality are key features of a legislative ordinance.²¹
2. Acts that declare public purpose and provide ways and means to accomplish that purpose generally may be classified as legislative. Acts that deal with a small segment of an overall policy question generally are administrative.
3. Decisions which require specialized training and experience in municipal government and intimate knowledge of the fiscal and other affairs of a city in order to make a rational choice may properly be characterized as administrative, even though they may also be said to involve the establishment of a policy.²²

Not all laws are purely legislative in character, particularly municipal laws. In *Swetsof*, 203 P.3d at 479, the Alaska Supreme Court analyzed this distinction, recognizing the overlap between municipal laws that can be both legislative as well as administrative in nature. But, applying the tests utilized by the Alaska Supreme Court, we find the referendum to be administrative in nature.

AMC 3.70 was created years ago, having originated from Anchorage's personnel rules that were amended as a result of Municipality of Anchorage opting out of the State's Public Employment Relations Act ("PERA") in October of 1976.²³ As recently confirmed by the Alaska Supreme Court in *Plumbers & Pipefitters, Local 367 v. MOA*, 2013 WL 1281791, at page 2, Anchorage has the power to enact its own labor ordinances addressing collective bargaining, which it did at AMC 3.70 *et seq.* AMC 3.70 provides a comprehensive structure upon which rests years of labor negotiations, contracts, and related legal decisions. The referendum is aimed at only repealing portions of AMC 3.70

²¹ See also McQuillin: The Law of Municipal Corporations § 16:54 at 409-410 for this proposition.

²² *Swetsof*, 203 P.3d at 481 (adopting 3 of the 4 guidelines from *City of Wichita v. Kansas Taxpayers Network, Inc.*, 874 P.2d 667 (Kan. 1994)). The *City of Wichita* case found a referendum repealing an ordinance establishing a storm water utility system administrative in character, not making new law by executing existing laws found in the enabling laws of the Charter which gave it the powers to develop and maintain a sewer system. It also held operation, management and financing of the city-wide storm water management system required specialized knowledge and the experience of city management.

²³ *Anchorage Municipal Employees Association v. Municipality of Anchorage*, 618 P.2d 575, 575-77 (Alaska 1980).

based on the recent amendments in AO 2013-37(S-2)(as amended), and involves very detailed aspects of labor relations and union personnel rules, such as:

- Defining overtime pay - **AMC 3.70.170**
- Scheduling of Employees – **AMC 3.70.040A.7**
- Limiting wage increase to CPI plus a factor – **AMC 3.70.020D**
- Reclassification (from union to confidential employee when confidential information access exists or primary duties involve certain payroll functions; Treasury Department employees) - **AMC 3.70.010; AMC 3.70.060C**
- Defining, redefining and deleting labor terms (i.e., direct labor costs; supervisory employee; police, port operations, sewer treatment, and water treatment employees) - **AMC 3.70.010; AMC 3.70.020**
- Format for reporting CBA negotiations - **AMC 3.70.090B**
- Content of Economic Effects summary - **AMC 3.70.090D.3.b**
- Standardization of benefit programs (i.e. health or dental plans; life; disability; dependent life insurance; optional retirement savings plans) - **AMC 3.70.020E**
- Pay for Union services defined - **AMC 3.70.020F**
- Defining overtime based on federal laws (FLSA) - **AMC 3.70.170**
- Uniform holidays - **AMC 3.70.020G**
- Elimination of certain pay enhancements under new CBAs - **AMC 3.70.020H**
- Time limits changed for mediation and Fact-Finding regarding CBA negotiations - **AMC 3.70.100**
- Union and Employer ERB subpoena procedures redefined - **AMC 3.70.050E**
- Voting procedures for union recognition - **AMC 3.70.080**

This list encompasses operations, finance, and management details concerning pay, benefits, scheduling, holidays, personnel rules, classifications, appeal procedures, etc. Such subjects involve expertise and specialized training necessary to make a rational choice. It may be said that policy is involved, but the sections subject to referendum address only a segment of the Municipality's overall policy regarding its relationship with its employees.²⁴ The referendum does not address or directly affect the Municipality's relationship with the general public in any way; it only seeks to alter the bargaining relationship between the Municipality and its represented employees. Therefore, the referendum improperly addresses administrative matters.

²⁴ Second guideline set out in *Swetzof*, 203 P.3d at 481, at page 8 of this memo.

This analysis is consistent with decisions in other states involving initiatives or referenda on personnel type matters that hold such initiatives/referenda to be administrative rather than legislative in nature, and thus not subject to referendum or initiative. The *Swetznof* court cited cases including:

- *City of Lawrence v. McArdle*, 522 P.2d 420 (Kan.1994) (retroactively equalizing firefighters' pay with police by initiative was held to be administrative in nature);
- *City of Newport v. Gugel*, 342 S.W.2d 517, 519, 520 (Ky. 1960) (initiative declared to be administrative in nature because it involved: fixed minimum salaries for police and fire employees; prescribed minimum staff for certain positions; regulated work hours, vacations, days off without pay; filling of certain positions by police department personnel (i.e. alcohol beverage administrator).

In *City of Newport v. Gugel*, the court stated:

The rule that has been followed in this jurisdiction, for determining whether a particular matter is legislative or administrative, is that if the power to be exercised prescribes a new policy or plan it is legislative, whereas if it merely pursues a plan already adopted by the legislative body or some power superior thereto it is administrative. Another form of the rule is that an ordinance originating or enacting a permanent law or laying down a rule of conduct or course of policy for the guidance of citizens or their officers or agents is legislative, while an ordinance which simply puts into execution previously declared policies or previously enacted laws is administrative....

Personnel administration is primarily an administrative matter, at least as far as concerns the details of management. To permit the electorate to initiate piece-meal measures affecting the fiscal affairs of the city without regard for the overall fiscal program, or measures not embodying a basic plan or policy for the entire area of government activity upon which the measure touches, could result in destruction of the efficient administration of the affairs of the city, and we do not believe the initiative statute so intends.²⁵

We note the following cases also support our conclusion:

- *In Re Initiative Petition No. 27 of the City of Oklahoma City*, 82 P.3d 90, 92 (Okla. 2003) (initiative that provided for the creation of a labor relations board, the

²⁵ *City of Newport v. Gugel*, 342 S.W.2d 517, 519-20 (Ky. 1960)(Internal citations omitted).

selection of arbitrators, and establishment of collective bargaining procedures and personnel matters, such as wages, benefits, working conditions, and hiring and firing decisions, held to be administrative since it required a comprehensive knowledge of the municipality's fiscal affairs. "Because wages, benefits, working conditions, and hiring and firing decisions require a comprehensive knowledge of a municipality's fiscal affairs, decisions regarding personnel matters are usually administrative.")

- *Shriver v. Bench*, 313 P.2d 475, 478 (Utah 1957)("It appears to us that notwithstanding the effort to make these salary schedules as permanent as possible by tying them into the U. S. Department of Labor's Consumer Price Index, considerable doubt exists as to whether such salary fixing can stand up to this 'permanency' test. Experience teaches that there are many factors, a number of which are referred to in the next paragraph, which are constantly subject to change, necessitating the re-examination of the question of salaries at frequent intervals. The fixing of salary schedules in a modern city with its numerous departments and various classes of employees is a duty which can best be performed by persons having specialized training and experience in municipal government generally and particular knowledge of the affairs, fiscal and otherwise, of the city. They must be conversant with many facts such as: prevailing wage scales for similar services both in public service and private industry; the supply and demand for labor of the classes involved; the demands of the various departments upon the public treasury and the balance to be maintained among them; the current inflationary or deflationary trend of money; the extent of the public debt; the money resources available; the tax potential and its limitations; and the overall budget within which the city is required by law to operate.") (Internal citations omitted)

For the reasons noted and in light of the supporting authority, we conclude the referendum violates the subject matter restrictions.

We have additional concerns regarding the constitutionality of the referendum, including to the extent to which the referendum may violate restrictions on appropriations²⁶ and enactments necessary to the immediate preservation of public health, safety, and welfare²⁷, but these concerns, while valid, arguably may not rise to the standard for pre-petition clearance and we do not address them here.

²⁶ Anchorage Municipal Charter §3.02(a)

²⁷ Initiatives and referenda cannot impermissibly addresses subject matter areas restricted by the Alaska Constitution at Art. XI, §7, including "law necessary for the immediate preservation of the public peace, health, and safety...."

CONCLUSION:

The Municipal Attorney's Office has determined the Application is defective as a matter of law, under the legal requirements for submission of a referendum application. We recommend the Application be rejected pursuant to AMC subsection 2.50.020B.3.a., c.



Municipality of Anchorage

Office of the Municipal Clerk

632 West Sixth Avenue Anchorage, Alaska 99501 Suite 250
Mailing Address: P.O.Box 196650 Anchorage, AK 99519-6650

2013 - 1

Phone: 343-4311 Fax: 343-4313

Municipal Clerk: Jones, Barbara A.

Initiative and Referenda Application

Anchorage Charter: Section 3.20 ~ Anchorage Municipal Code: Chapter 2.50

Anchorage Municipal Code: Chapter 2.50.020 **Application for a petition**

2.50.020.B Form and content. The application shall contain:

- 1) The name, residence and mailing address, signature and date of signature of two resident citizens who have not been convicted of a felony and who are the primary and alternate contact persons to whom all correspondence relating to the petition may be sent. The two contact persons shall be considered sponsors;
- 2) The name, residence and mailing address, signature and date of signature of at least ten qualified voters not including the contact persons who will sponsor the petition. Additional qualified sponsors may be added three days before the date of first circulation of the petition certified by the clerk;

(AO No. 2002-162, § 1, 12-17-02)

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M.O.A.
CLERK'S OFFICE



Primary Petition Committee Sponsor

Print Name: Sam Andrew Holleman

Phone Number: (907) 301 7004

e-mail Address: andy.holleman@anchoragea.net

Residence Address: 4330 Sunstone Circle

Mailing Address: 4330 Sunstone Circle 99516

Identifier: 1-13-1954
(Voter #, Social Security #, or Date of Birth)

Signature of Requestor: [Signature] Date: April 3, 2013

Alternate Petition Committee Sponsor

Print Name: JASON ALWARD

Phone Number: (907) 561 - 5288

e-mail Address: jalward@i40e302.org

Residence Address: 13801 DAVIS STREET

Mailing Address: 13801 DAVIS STREET ANCHORAGE, AK 99516

Identifier: 1/28/69
(Voter #, Social Security #, or Date of Birth)

Signature of Requestor: [Signature] Date: 4/3/2013



Municipality of Anchorage Initiative and Referenda Application

#: 2013 - 1

Anchorage Charter: Section 3.20 ~ Anchorage Municipal Code: Chapter 2.50

Phone: 343-4311 Fax: 343-4313

Municipal Clerk: Jones, Barbara A.

Anchorage Municipal Code: Chapter 2.50.020 Application for a petition

2.50.020.B Form and content. The application shall contain:

3)The petition proposed to be circulated. The proposed petition shall be submitted on the form provided by the municipal clerk in the application packet. The proposed petition shall:

- a.set out verbatim the ordinance or resolution sought to be enacted or repealed by the petition;
- b.have the required names, residence and mailing addresses, signatures, and dates of signatures of the initiator, contact persons and sponsors;
- c.meet constitutional, charter and other legal requirements or restrictions;
- d.include only a single subject; and
- e.be enforceable as a matter of law or be clearly denominated as advisory only.

(AO No. 2002-162, § 1, 12-17-02)



Proposed Petition

Petition Title: Referendum Petition to Repeal AO 37

Proposed Petition: See attached.

Unsworn falsification in the second degree. "A person commits the crime of unsworn falsification in the second degree if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement that the person does not believe to be true... on a form bearing notice, authorized by law, that false statements made in it are punishable. Unsworn falsification in the second degree is a class A misdemeanor. A.S. 11.56.210(2) and (2)(b).

PETITION TITLE: REFERENDUM PETITION TO REPEAL AO 37

PROPOSED PETITION: In accordance with Section 3.02 of the Home Rule Charter for the Municipality of Anchorage and Section 2.50 of the Anchorage Municipal Code, we the undersigned qualified voters of the Municipality of Anchorage submit this Referendum Petition calling for the repeal of Anchorage Ordinance 37 ("AO 37") enacted on March 26, 2013, amending Section 3.70, Employee Relations, of the Anchorage Municipal Code.

AO 37 makes numerous changes to the Anchorage Municipal Code that affect municipal employees. Among the changes, AO 37 limits collective bargaining for municipal employees; introduces a managed competition program for potential outsourcing of certain city services; removes certain public employees from collective bargaining; gives the Municipality additional control over staffing, scheduling, equipment, benefits, overtime, and leave; eliminates binding arbitration for contractual impasse resolution; prohibits strikes; and limits annual pay and benefit increases.

Therefore, we the undersigned registered voters of the Municipality of Anchorage request the following question be placed before the voters of the Municipality of Anchorage as a referendum question:

Shall AO 37, an ordinance amending Anchorage Municipal Code chapter 3.70, Employee Relations, remain law?

Yes No





Municipality of Anchorage

Initiative and Referenda Application

Anchorage Charter: Section 3.20 ~ Anchorage Municipal Code: Chapter 2.50

2013 - 1

Phone: 343-4311 Fax: 343-4313

Municipal Clerk: Jones, Barbara A.

Anchorage Municipal Code: Chapter 2.50.020 Application for a petition

2.50.020.B Form and content. The application shall contain:

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- e. be enforceable as a matter of law or be clearly denominated as advisory only.

(AO No. 2002-162, § 1, 12-17-02)



Ten Qualified Voters

Printed Name	Residence Address	Mailing Address	*Identifier: Voter#, Social, or DOB	Signature	Date
Joelle Hall	22615 Simpson Chugiak, AK 99507	Po Box 77246 Eagle River, AK	10/6/65	[Signature]	4/3/13
Rodney L. Harris	22431 Pharaoh Cir Chugiak, AK 99567	Po Box 770612 Eagle River, AK 99577	2-18-70	[Signature]	4/3/13
Heidi Drygas	6586 Mulberry Dr. Anchorage, AK 99502	6586 Mulberry Dr. Anchorage, AK 99502	4/4/78	[Signature]	4/3/13
Tim J. Morgan	4702 Kenai Ave Anchorage AK 99508	4702 Kenai Ave. Anchorage AK 99508	2-06-56	[Signature]	4-3-13
Valeriet K. Boffone	Anch 99515 10606 Flagship Cir. 6351 Omalley Rd	same Anchorage, AK 99515 Po Box 110717	8-9-59	[Signature]	4-3-13
Dale Miller	Anchorage AK 99507 11745 Alderwood Ln.	Anchorage AK 99511 11745 Alderwood Ln.	7-20-58	[Signature]	4-3-13
Gerard Asselin	Anchorage, AK 99516	Anchorage, AK 99516	2/4/76	[Signature]	4/3/13



Municipality of Anchorage

2013 - 1

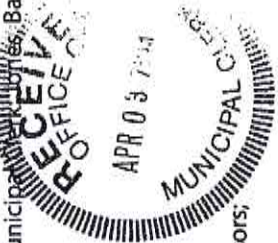
Initiative and Referenda Application

Anchorage Charter: Section 3.20 ~ Anchorage Municipal Code: Chapter 2.50

Phone: 343-4311 Fax: 343-4313

Anchorage Municipal Code: Chapter 2.50.020 Application for a petition

Municipal Clerk: Jennifer Jones, Barbara A.



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 - e. be enforceable as a matter of law or be clearly denominated as advisory only.

(AO No. 2002-162, § 1, 12-17-02)

Ten Qualified Voters

*Identifier:

Printed Name	Residence Address	Mailing Address	Voter#, Social, or DOB	Signature	Date
Brian Murphy	2368 Success Dr. Anchorage, AK 99504	2368 Success Dr. Anchorage, AK 99504	08728643	B	4/3/13
Kimberly Raymond	19730 Upper Greenland Dr. Chugiak, AK 99577	19730 Upper Greenland Dr. Chugiak, AK 99577	01/01/1984	Kimberly Raymond	4/3/13
Megan Colbre	1604 Rierie Drive Anchorage, AK 99507	1604 Rierie Drive Anchorage, AK 99507	08164893	Megan Colbre	4/3/13
Melinda Taylor	20413 Ice Fall Eagle River, AK 99577	PO Box 210399 Anchorage, AK 995210399	08164893 2/17/1964	Melinda Taylor	4/3/13
Justin Roberts	1810 Arctic Blvd Anchorage, AK 99503	1810 Arctic Blvd Anchorage, AK 99503	10/13/1975	Justin Roberts	4-3-13
JAMES A. RAYMOND	8660 Rosalind St. Anchorage, AK 99507	8660 Rosalind St. Anchorage, AK 99507	2/28/1960	James A. Raymond	4-3-13
Margaret Wilcox	433 M St Anchorage AK 99501	433 M St Anchorage AK 99501	10/28/1969	Margaret Wilcox	4-3-13

