

William D. Falsey  
Birch Horton Bittner & Cherot  
510 L Street, Suite 700  
Anchorage, Alaska 99501  
wfalsey@bhb.com  
Telephone: 907.276.1550  
Facsimile: 907.276.3680

Attorneys for Defendant  
THE ANCHORAGE MUNICIPAL ASSEMBLY

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

MAYOR DAVE BRONSON, in his official  
capacity,

Plaintiff,

v.

THE ANCHORAGE MUNICIPAL ASSEMBLY,

Defendant.

Case No. 3AN-21-08881 CI

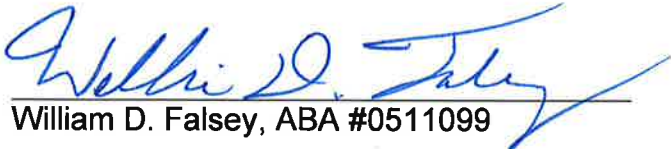
**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

The Anchorage Municipal Assembly ("Assembly") moves for summary judgment to be entered in its favor on all of Plaintiff Mayor Bronson's claims. No material facts in this case are in dispute, and the Assembly is entitled to judgment as a matter of law. Anchorage Ordinance 2020-79(S), As Amended, was properly enacted by the Assembly and is lawful, valid, and binding on the Mayor. The Mayor's assertions to the contrary depend on a foundational misunderstanding of the ordinance and the Anchorage Municipal Charter; cannot be squared with the law governing home-rule jurisdictions; and advance positions at odds with over 40 years of municipal history and practice. Because

no law prohibited the Municipality of Anchorage from enacting AO 2020-79(S), As Amended, Mayor Bronson's case should be summarily dismissed in its entirety.

DATED this 26<sup>th</sup> day of January, 2022.

BIRCH HORTON BITTNER & CHEROT  
Attorneys for Defendant  
THE ANCHORAGE MUNICIPAL ASSEMBLY


By:   
William D. Falsey, ABA #0511099

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26<sup>th</sup> day of January, 2022, a true and correct copy of the foregoing **Defendant's Motion for Summary Judgment (2 pgs)** was served on the following in the manner indicated:

Christina A. Rankin	<input type="checkbox"/>	U.S. Mail
Kristin E. Crabb	<input type="checkbox"/>	Facsimile
Guess & Rudd, P.C.	<input checked="" type="checkbox"/>	Electronic Delivery
1029 W. 3rd Avenue, Suite 400	<input type="checkbox"/>	Hand Delivery
Anchorage, AK 99501		
crankin@guessrudd.com		
kcrabb@guessrudd.com		

BIRCH HORTON BITTNER & CHEROT

By:   
Peggy S. Crowe  
Believed to be transmitted without  
error from [pcrowe@bhb.com](mailto:pcrowe@bhb.com)  
Approx. Time: 3:00 pm

William D. Falsey  
Birch Horton Bittner & Cherot  
510 L Street, Suite 700  
Anchorage, Alaska 99501  
wfalsey@bhb.com  
Telephone: 907.276.1550  
Facsimile: 907.276.3680

Attorneys for Defendant  
THE ANCHORAGE MUNICIPAL ASSEMBLY

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

MAYOR DAVE BRONSON, in his official  
capacity,

Plaintiff,

v.

THE ANCHORAGE MUNICIPAL ASSEMBLY,

Defendant.

Case No. 3AN-21-08881 CI

**MEMORANDUM IN SUPPORT OF  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Three months after attempting to fire the Municipality of Anchorage's ("Municipality") Chief Equity Officer—in plain violation of Anchorage Ordinance 2020-79(S), As Amended—Anchorage Mayor Dave Bronson filed this action, in which he asks the Court, after-the-fact, to declare AO 2020-79(S) to be invalid and "not legally binding" on the Mayor.<sup>1</sup> Mayor Bronson's claims depend on a foundational misunderstanding of AO 2020-79(S), As Amended, and the Anchorage Municipal Charter; cannot be squared

<sup>1</sup> See Complaint of Mayor Dave Bronson, Prayer for Relief at A (Dec. 10, 2021).

with the law governing home rule jurisdictions; and advance positions at odds with over 40 years of municipal history and practice. No law prevents the Anchorage Municipal Assembly (“Assembly”) from creating an office to efficiently perform work for both the legislative and executive branches of the Municipality; no law prevents the Assembly from protecting the independence of that office by providing that it will be led by a person appointed for a fixed term of service; and no law prevents the Assembly from protecting its joint interest in the continued functioning of the office by requiring that the individual leading it can be dismissed, before the end of the individual’s term, only for cause, and with the concurrence of the Assembly. Anchorage Ordinance 2020-79(S), As Amended, was properly enacted by the Assembly and is lawful, valid, and binding on the Mayor.

No material facts in this case are in dispute, and the Assembly is entitled to judgment as a matter of law. In accordance with Alaska Rule of Civil Procedure 56, the Assembly moves for summary judgment to be entered in its favor on all of Plaintiff’s claims.

### **STANDARD OF REVIEW**

Alaska Rule of Civil Procedure 56(c) provides that summary judgment should be granted if “there is no genuine issue as to any material fact” and the moving party is “entitled to judgment as a matter of law.” When interpreting “statutes, municipal charters, and municipal codes,” the Court applies its “independent judgment.”<sup>2</sup>

---

<sup>2</sup> *L. Street Investments v. Municipality of Anchorage*, 307 P.3d 965, 969 (Alaska 2013).

## STATEMENT OF UNDISPUTED FACTS

This action involves no disputed material facts.

Anchorage Ordinance 2020-79(S) was proposed by the then-mayor of Anchorage and passed and approved with amendments by the Assembly on August 26, 2020.<sup>3</sup> The ordinance created an “office of equity and justice” led by a “chief equity officer” who, in relevant detail: (1) serves for a term of four years,<sup>4</sup> and (2) “may be dismissed by the mayor only for cause shown, and only with the concurrence of a majority of the assembly.”<sup>5</sup>

Shortly after taking office on July 1, 2021—and notwithstanding the requirements of AO 2020-79(S)—Mayor Dave Bronson attempted to terminate the employment of the Municipality’s first-ever Chief Equity Officer, Clifford Armstrong III, on October 7, 2021.<sup>6</sup> The Mayor did not seek or secure Assembly concurrence for the attempted dismissal, and provided no “cause” to support it.

---

<sup>3</sup> See Exhibit 1 to Affidavit of Anchorage Deputy Municipal Clerk Jennifer Veneklasen (January 26, 2022), attached.

<sup>4</sup> See Anchorage Municipal Code [AMC] 3.20.140A.1.b. (“After the initial appointment effective immediately, the term of office for the chief equity officer shall be four years, ending on December 31, effective with appointment to the term beginning January 1, 2021.”). The Anchorage Municipal Charter and Code is available online at: [https://library.municode.com/ak/anchorage/codes/code\\_of\\_ordinances](https://library.municode.com/ak/anchorage/codes/code_of_ordinances)

<sup>5</sup> See AMC 3.20.140A.1.c. (“The chief equity officer may be dismissed by the mayor only for cause shown, and only with the concurrence of a majority of the assembly.”).

<sup>6</sup> See Affidavit of Clifford Armstrong filed in *Armstrong v. Municipality of Anchorage* (Alaska Superior Ct. No. 3AN-21-08310), December 20, 2021.

## LEGAL ARGUMENT

Notwithstanding the plain requirements of AO 2020-79(S), As Amended, Mayor Bronson asserts that he possesses an unfettered right to dismiss the Municipality's Chief Equity Officer because the ordinance: (1) "infringes upon the powers vested to the Mayor by the [Anchorage Municipal] Charter,"<sup>7</sup> and (2) "violate[s] the Alaska Constitution and the separation of powers doctrine."<sup>8</sup> Neither is correct.

### **I. AO 2020-79(S), AS AMENDED, DOES NOT VIOLATE THE ANCHORAGE MUNICIPAL CHARTER.**

Mayor Bronson's central argument is that the Chief Equity Officer serves as the "head" of a "municipal department"<sup>9</sup> and therefore must "serve[] at the pleasure of the mayor" by operation of the Anchorage Municipal Charter,<sup>10</sup> notwithstanding any ordinance to the contrary. The essential flaw in the Mayor's argument is that the Office of Equity and Justice is not a municipal "department"; it is an "office"—a purposeful and legally consequential distinction that has been in consistent use since the first years of the Municipality.<sup>11</sup> No law prevents the Assembly from adopting an ordinance to create

---

<sup>7</sup> Complaint at ¶ 34.

<sup>8</sup> *Id.* at ¶ 46.

<sup>9</sup> See Complaint at ¶ 30 ("The Office of Equity and Justice is a municipal department. . .").

<sup>10</sup> See ANCHORAGE MUNICIPAL CHARTER § 5.02 *Powers of the mayor*.

(a) The mayor shall appoint all heads of municipal departments, subject to confirmation by the assembly, on the basis of professional qualifications. Persons appointed by the mayor serve at the pleasure of the mayor.

<sup>11</sup> The Municipality of Anchorage was formed in 1975, when the then-existing City of Anchorage and Greater Anchorage Area Borough were unified and consolidated by the adoption of the Anchorage Municipal Charter.

a non-department “office,” and the Municipality has done so repeatedly; and no law prevents the Municipality from establishing positions, other than “heads of departments,” to serve for fixed term of years, or that may only be dismissed for cause and with Assembly concurrence.

**A. The Anchorage Municipal Assembly May Adopt Any Ordinance That Is Not Expressly Prohibited by Charter or Law.**

An important preliminary in this case is that, as a home rule jurisdiction, the Municipality may adopt any ordinance that is not affirmatively prohibited by the Anchorage Municipal Charter or other law. The Alaska Supreme Court has succinctly summarized the applicable legal framework:

The Municipality of Anchorage is a home rule municipality and therefore has “all legislative powers not prohibited by law or by charter.” By contrast, a general law municipality “is an unchartered borough or city [with] legislative powers conferred by law.” In deciding whether the state has limited the powers of home rule municipalities, we first look for prohibitions, not grants of power.<sup>12</sup>

In practice, the Court has further made clear that in “look[ing] for prohibitions,” express provisions of the Charter are not to be read as creating *implied* prohibitions. The point was perhaps most vividly applied in a case involving an ordinance that funded special “services” in downtown by means of a non-tax “assessment.”<sup>13</sup> The Anchorage Municipal Charter expressly provides that the Municipality may use “assessments” to fund “capital improvements”; and it expressly provides that the Municipality may use non-

---

<sup>12</sup> *Municipality of Anchorage v. Repasky*, 34 P.3d 302, 310 (Alaska 2001) (citing ALASKA CONST. art. X, § 11; AS 29.04.010; and ANCHORAGE MUNICIPAL CHARTER art. III, section 3.01; some footnotes omitted).

<sup>13</sup> See generally *L Street Investments v. Municipality of Anchorage*, 307 P.3d 965 (Alaska 2013).

assessment “taxes” to fund “services.”<sup>14</sup> By contrast, the Charter does not expressly authorize the Municipality to impose “assessments” to fund “services.”<sup>15</sup> The Alaska Supreme Court nevertheless held the Municipality may fund services by assessments, notwithstanding the absence of any express authorization in the Charter to do so, because no provision of the Charter expressly prohibits the use of assessments to fund services:

We conclude that Section 9.02(a) does not preclude the Municipality from levying an assessment for services because the language in Section 9.02(a) is permissive rather than mandatory, and does not expressly prohibit the Municipality from using an assessment to finance services. The Municipality, as a unified home rule municipality, enjoys broad authority to exercise all legislative powers not prohibited by law or Charter. The use of assessments to finance services is not prohibited by law or Charter and is therefore a valid exercise of the Municipality's authority.<sup>16</sup>

In a like manner, no Charter provision or other law prohibits the Municipality from creating non-department “offices” led by officials who serve for terms and can only be dismissed for cause, and with Assembly concurrence.

Indeed, this and the Court’s conclusion in the assessment case are entirely consistent with a rule of interpretation contained in the Anchorage Municipal Charter itself;

---

<sup>14</sup> See *id.* at 970 (quoting ANCHORAGE MUNICIPAL CHARTER section 9.02(a):

The Assembly by ordinance may establish assessment districts to provide and finance capital improvements by means of an assessment, or services by means of a tax levy. The assessment or levy shall be proportionate to the benefit received from and the burden imposed upon the improvement or service. The Assembly by ordinance shall prescribe uniform criteria for allocating the cost of the improvement or service within an assessment district.)

<sup>15</sup> See *id.*

<sup>16</sup> *Id.* at 969 (emphasis added and footnotes omitted).



a section entitled “Interpretation” provides: “References in this Charter to particular powers, duties and procedures of municipal officers and agencies may not be construed as implied limitations on other municipal activities not prohibited by law.”<sup>17</sup>

**B. Requirements in the Anchorage Municipal Charter Applicable to “Heads of Municipal Departments” Do Not Prohibit the Municipality from Establishing Non-Department Offices—and It Has.**

Anchorage Municipal Charter section 5.02 creates a rule for heads of “municipal departments.” It does not address the leaders of other municipal agencies, divisions, offices, authorities, or commissions. And the Charter expressly vests in the Assembly the prerogative to say what a “municipal department” *is*—section 5.06 of the Charter provides that the “identity” of “municipal departments” and “agencies” is for the Anchorage Municipal Assembly to define:

The assembly by ordinance shall adopt an administrative code providing for:

(a) The identity, function, and responsibility of each executive department and agency[.]<sup>18</sup>

In practice, the Assembly has operationalized the Charter’s command by adopting ordinances that since the early days of the Municipality have distinguished between “departments,” and at least two non-department organizational-unit types: “divisions” (which are typically component operations of departments<sup>19</sup>) and “offices.”

---

<sup>17</sup> ANCHORAGE MUNICIPAL CHARTER section 17.01(b).

<sup>18</sup> *Id.* at section 5.06 (emphasis added)

<sup>19</sup> See, e.g., AO 79-27, As Amended, *An Ordinance Relating to Organization of the Executive Branch* (adopted April 10, 1979) at 11 (referring to the “Data Processing Division”), Exhibit 3 to Affidavit of Veneklasen. Compare current AMC 3.20.070C.1 (“The Department of Finance . . . includes the divisions of controller, property appraisal, public finance and investments, and treasury.”).

In 1979, less than four years into the Municipality's existence, the Assembly adopted an ordinance "relating to organization of the executive branch," that provided for numerous non-department "offices," as depicted (with additional highlighting) below; one office, "internal audit," was by express design not exclusively within the executive branch's control:

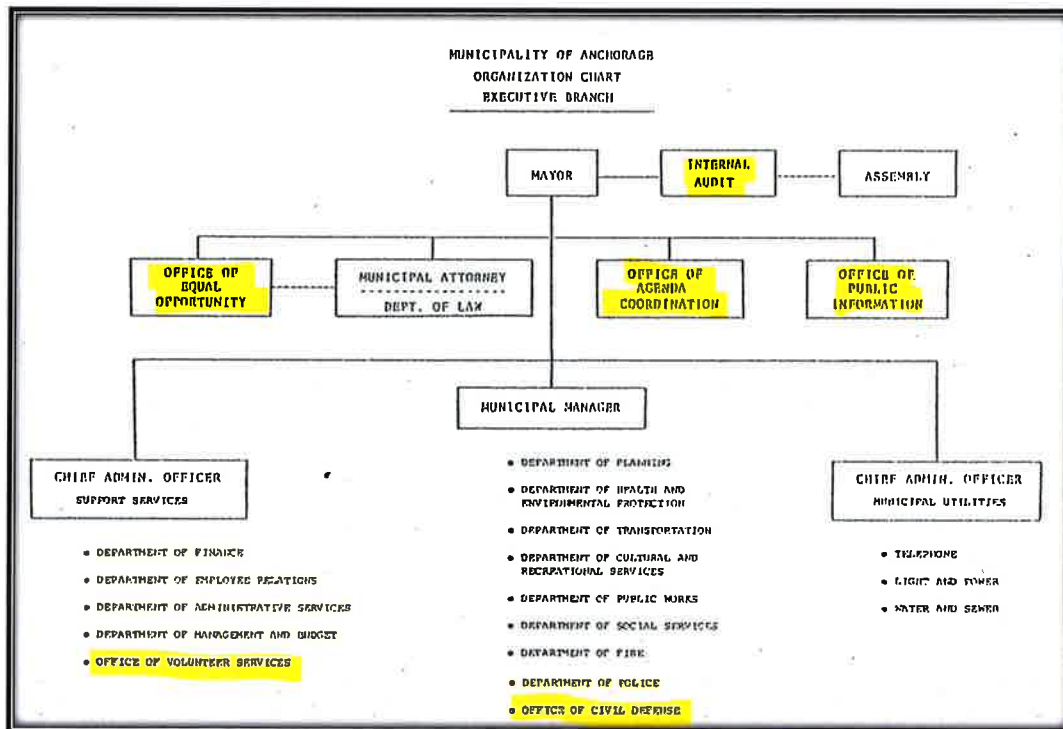


Figure 1.0: Organization Chart Adopted in 1979<sup>20</sup>

From the beginning, practices applicable to heads of "municipal offices" were not constrained to follow the Charter rules applicable to heads of "municipal departments." In 1979, for instance, the mayor was permitted to appoint heads of municipal offices

<sup>20</sup> See, e.g., AO 79-27, As Amended, *An Ordinance Relating to Organization of the Executive Branch* (adopted April 10, 1979) at 1, Exhibit 3 to Affidavit of Veneklasen; see also *id.* at 8 (codifying AMC 3.20.100A, providing: "there is established the Office of Internal Auditor.").

*without* the Assembly confirmation required by Charter section 5.02 for department heads, with one exception: the head of the office that directly served both the Mayor and the Assembly—the Internal Auditor—required Assembly confirmation and did not serve “at the pleasure of the mayor.”<sup>21</sup>

**C. Offices Led By Persons That Serve for Terms and/or Who Can Only Be Dismissed for Cause and With the Concurrence of the Assembly Are Not Prohibited By the Charter and Have Existed in the Municipality of Anchorage, Without Incident, For Decades.**

Just as the creation of a non-department office is not a particularly rare occurrence in municipal practice, the fact that the Chief Equity Officer serves for a term of four years and can be dismissed from service only for cause and with Assembly concurrence is also not unique. No provision of the Anchorage Municipal Charter prohibits term-appointments for non-department heads, or the creation of positions that can only be dismissed for cause or with Assembly concurrence. Similar provisions have long applied to the Municipality’s Internal Auditor, Ombudsman, and Administrative Hearing Officer.

---

<sup>21</sup> See *id.* at 2, codifying AMC 3.20.020A:

The mayor shall appoint the manager, the chief administrative officers, the internal auditor, and all other heads of municipal departments, including municipal utilities subject to confirmation by the Assembly, and all other heads of municipal agencies provided for in this chapter without Assembly confirmation. All appointments under this subsection shall be based upon professional qualifications of the appointee. Except as provided in this chapter, persons appointed by the mayor serve at the pleasure of the mayor.

See also *id.* at 9, codifying AMC 3.20.100D. (“The internal auditor may be dismissed by the mayor only for cause shown, and only with concurrence of a majority of the Assembly.”); section I.C.1, below.

1. ***Since 1979, the Internal Auditor has led the Municipality's Office of Internal Audit, and can only "be dismissed by the mayor only for cause shown, and only with concurrence of a majority of the assembly."***

The Anchorage Municipal Charter authorizes the mayor to introduce legislation.<sup>22</sup>

In 1979, the then-Mayor of Anchorage, George Sullivan, asked the Assembly to adopt an ordinance to govern executive branch organization.<sup>23</sup> As outlined in the prior section, the ordinance addressed the "Office of Internal Audit," and how the individual who headed the office, the Internal Auditor, could be dismissed.

A memorandum submitted on behalf of the Mayor's administration noted that, at the time, "dismissal authority with respect to the Internal Auditor position . . . has . . . been an unclear area."<sup>24</sup> The Mayor's administration proposed that "the Internal Auditor may be dismissed by the Mayor but only for cause."<sup>25</sup>

The Assembly agreed to the proposal, but with the additional requirement that the Assembly concur in the Mayor's termination decision. As adopted, the ordinance codified AMC 3.20.100D., which provided:

---

<sup>22</sup> See ANCHORAGE MUNICIPAL CHARTER section 10.01(b) ("The mayor may cause an ordinance to be introduced; each such ordinance shall state "By the Chair of the Assembly at the request of the Mayor.").

<sup>23</sup> See AO 79-27, As Amended. *An Ordinance Relating to Organization of the Executive Branch* (adopted April 10, 1979) at 1, Exhibit 3 to Affidavit of Veneklasen.

<sup>24</sup> See Assembly Memorandum 239-79A (April 10, 1979), Exhibit to 3 Affidavit of Veneklasen.

<sup>25</sup> *Id.*

The internal auditor may be dismissed by the mayor only for cause shown, and only with concurrence of a majority of the Assembly.<sup>26</sup>

Mayor Sullivan did not veto the measure, and it remains on the books today, more than 40 years later, in substantially unchanged form.<sup>27</sup>

The Municipality—the Anchorage Municipal Assembly and the then-Mayor—expressly patterned provisions of AO 2020-79(S), As Amended, on the internal-auditor model.<sup>28</sup>

**2. Since 1977, the Ombudsman has led the Office of the Ombudsman, and been appointed for a fixed term of years.**

The other position expressly referenced by the then-mayoral administration as a model for the Chief Equity Officer was the Municipal Ombudsman.<sup>29</sup>

---

<sup>26</sup> See AO 79-27, As Amended. *An Ordinance Relating to Organization of the Executive Branch* (adopted April 10, 1979) at 9 (emphasis added), Exhibit 3 to Affidavit of Veneklasen.

<sup>27</sup> See AMC 3.20.100A.3 (“The director of internal audit may be dismissed by the mayor only for cause shown, and only with concurrence of a majority of the assembly.”).

<sup>28</sup> See AO 2020-79(S), As Amended, at 1 lines 19-20 (“the Municipality of Anchorage Office of Equity and Justice has been structured similar to the Office of Internal Audit”), Exhibit 1 to Affidavit of Veneklasen; see also Assembly Memorandum 414-2020A (prepared by the Berkowitz administration) (“This S[ubstitute]-version adopts a model more similar to the Office of Internal Audit: appointment by the Mayor with concurrence by a majority of the assembly, and removal for cause with majority concurrence of the Assembly”), Exhibit 1 to Affidavit of Veneklasen.

<sup>29</sup> See AM 414-2020(A) (“[S]imilar to the office of the Ombudsman, the term of appointment would be for four years to span administrations.”), Exhibit 1 to Affidavit of Veneklasen.

In 1977, the Municipality adopted an ordinance providing that the “term of office of the ombudsman shall be two years.”<sup>30</sup> In 2017, the term was extended to four years, and the Anchorage Municipal Code today provides:

The term of office of the Ombudsman shall be four years, ending on December 31, effective with appointment to the term beginning January 1, 2019.<sup>31</sup>

In drawing from the Ombudsman position, the Administration that proposed AO 2020-79(S) was drawing on a model outside of the “Executive Branch”—the Ombudsman is an “executive” employee for purposes of Anchorage’s personnel code (the Ombudsman is in the “executive exempt” classification<sup>32</sup>), but is part of the Legislative Branch.<sup>33</sup>

3. ***Since 1993, the Administrative Hearing Officer has led the Office of Administrative Hearings, has served in “renewable two-year terms” and can be dismissed only with the concurrence of the Assembly.***

In 1993, the Municipality established the “office of administrative hearings officer” to have jurisdiction over certain code-enforcement charges and administrative hearings.<sup>34</sup> The Administrative Hearing Officer who leads the office is appointed for renewable two-year terms, and can only be dismissed for cause by the Mayor with Assembly concurrence (or without cause by a super-majority of the Assembly), as outlined in current Code:

---

<sup>30</sup> See AO 2017-40 (showing language originally adopted in AO 77-94), available at: [https://library.municode.com/ak/anchorage/ordinances/code\\_of\\_ordinances?nodeId=822771](https://library.municode.com/ak/anchorage/ordinances/code_of_ordinances?nodeId=822771)

<sup>31</sup> AMC 2.60.060 *Term of office of Ombudsman* (emphasis added).

<sup>32</sup> See AMC 3.30.172C.2.

<sup>33</sup> See, e.g., AMC 2.60 *Office of the Ombudsman* in AMC Title 2 *Legislative Branch*.

<sup>34</sup> See AMC 14.20.020 *Jurisdiction*.

The office of administrative hearings officer is hereby created. Administrative hearings officers shall consider and apply regulatory enactments and policies pertaining to the matters set forth in other sections of this title. Administrative hearings officers shall be appointed to renewable two-year terms by the mayor and confirmed by the assembly. Administrative hearing officers may be removed prior to expiration of the officer's term without cause either by the mayor and six members of the assembly or by eight members of the assembly.<sup>35</sup>

This arrangement has prevailed, without issue, for decades.

**D. The Municipality Did Not Create A “Department” of Equity and Justice, And Legislative History Reveals that the Municipality Had a Good Reason to Structure the Office and Chief Equity Officer Position As It Did.**

Following well-established municipal practice, the Municipality in 2020 avoided creating a “department” of equity and justice by expressly designating the new organizational unit an “office.”<sup>36</sup> That design choice freed the Municipality to consider a term appointment for the Chief Equity Officer, and protection from dismissal without cause and Assembly concurrence. Ultimately, the Municipality elected to proceed with both, for well-justified reasons.

---

<sup>35</sup> AMC 14.20.010 *Office established* in AMC chapter 14.20 *Administrative Hearing Officer* (emphasis added).

<sup>36</sup> See AMC 3.20.140 *Office of equity and justice* (“There is established an office of equity and justice. . .”).

**4. The Assembly and Administration Could Have Created Duplicative Equity Offices, But Elected To Establish a Single Office to Serve Both Branches.**

The ordinance that created the Office of Equity and Justice was initially proposed by the then-mayor, as AO 2020-79, in July 2020. As originally proposed, the Chief Equity Officer would have served at the pleasure of the mayor.<sup>37</sup>

The originally proposed ordinance was presented to the Assembly at a worksession that took place on July 23, 2020.<sup>38</sup> In the worksession, an Assembly Member expressed a desire for a more “balanced approach to addressing equity in the municipality from both branches of government.”<sup>39</sup> Comments of the Member were echoed by the then-Chair of the Assembly, who asked whether the Administration would “be amenable to having this office be . . . between both branches of government.”<sup>40</sup> The Chair provided “internal audit” as an example of what he had in mind.<sup>41</sup>

---

<sup>37</sup> See AO 2020-79, Exhibit 2 to Affidavit of Veneklasen. *Compare* comments of the then-Mayor’s Chief of Staff, Jason Bockenstedt, at the Anchorage Municipal Assembly Meeting (August 26, 2020) at minute 2:29:10, available at: <https://www.youtube.com/watch?v=-Dk0cW6eUd4>

<sup>38</sup> Worksession re: AO 2020-79 *Creating an Office of Equity and Justice*, (July 23, 2020), available at: <https://www.youtube.com/watch?v=GlvIm0T5VDI>

<sup>39</sup> *Id.* at 27:50 (comments of Member Zaletel).

<sup>40</sup> *Id.* at 39:32 (comments of Chair Rivera):

From my mind and my perspective, equity . . . should not belong to just one branch of government. So, would the administration be amenable to having this office be, just like a couple other offices are, be between both branches of government?

<sup>41</sup> *Id.* at 40:43.



The Assembly had, in the month prior and shortly after the murder of George Floyd, adopted a resolution making “a commitment to address inequity and injustice within the Municipality of Anchorage,” including, among other things, promises:

- To examine with the public its policies, to identify inequities and those policies that have been systematically applied in an inequitable manner;
- To expressly consider equity and justice in its legislation and appropriations and to document its efforts and engagement with the public; and,
- Explicitly ensuring the values of equity and justice are enshrined in the creation of public policy.<sup>42</sup>

As members would have known, it was within the Assembly’s authority to create new positions and hire staff to work directly for the Assembly on these issues. The Charter expressly authorizes the Assembly to “engage such . . . staff as it requires in the execution of its legislative functions”:

Pursuant to ordinance, the assembly may engage such legal counsel, other professional advisors and staff as it requires in the execution of its legislative functions.<sup>43</sup>

With the Mayor already proposing to create an Office of Equity and Justice, and consistent with the aim expressed in the Charter to “eliminate . . . duplication in

---

<sup>42</sup> See AR 2020-197 *A Resolution of The Anchorage Assembly Responding To Recent National Events, Recognizing “ICan’tBreathe,” A Peaceful Rally On May 30, 2020 Calling For An End To Systemic Racial Injustice, And Making A Commitment To Address Inequity And Injustice Within The Municipality Of Anchorage* (adopted June 2, 2020), available at: <https://www.muni.org/Lists/AssemblyListDocuments/DispForm.aspx?ID=425061>.

<sup>43</sup> ANCHORAGE MUNICIPAL CHARTER section 4.06 *Staff*.

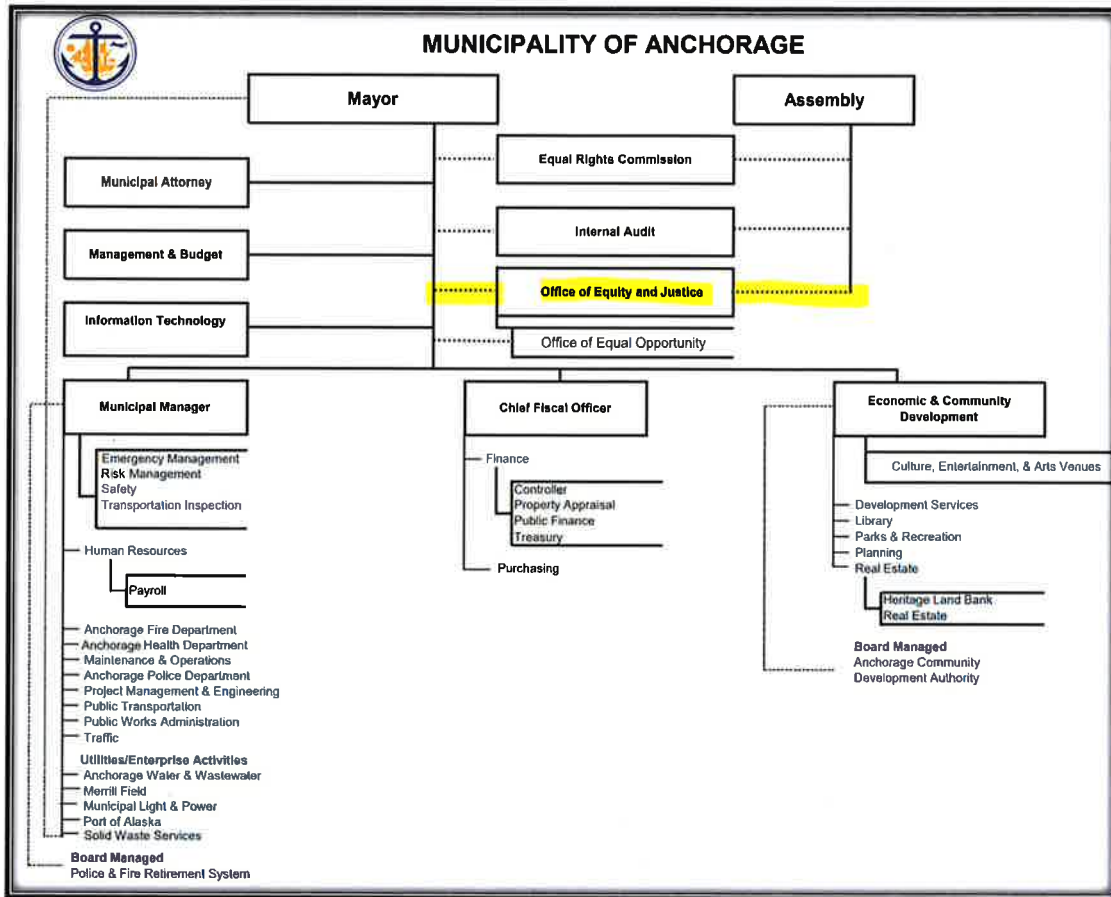
government,”<sup>44</sup> Assembly members realized, however, that the newly created office could efficiently serve its interests as well, much like the Office of Internal Audit serves both the executive and legislative branches of the Municipality.

The Mayor’s office agreed.

In response to the Assembly’s comments, the Mayor’s Administration drafted and provided to the Assembly a “substitute version” (or “s-version”) of the ordinance that restructured the position. Following the model of Internal Audit, AO 2020-79(S) also newly depicted the Office of Equity and Justice as organized under both the Mayor and the Assembly:

---

<sup>44</sup> ANCHORAGE MUNICIPAL CHARTER at *Preamble* (“We, the people of Anchorage, in order to eliminate waste and duplication in government, to achieve common goals, to support individual rights, to form a more responsive government, and to secure maximum local control of local affairs, hereby establish this Charter.”)



**Figure 2.0:** Org. Chart adopted by AO 2020-79(S), As Amended (with highlights)

At the Assembly meeting in which the ordinance was adopted, Members expressed appreciation of the changes. One member noted the s-version would create “much more collaboration between the two branches of government,” and better help the Assembly accomplish its work:

I appreciate the s-version so that [there] will be much more collaboration between the two branches of government. And it really moves forward the assembly’s work and the commitment the assembly made, just months ago, with the “I can’t breathe” resolution, to take up issues of equity in the public discourse, in our policy, and in through appropriations, which we have consciously been doing with the alcohol tax and CARES act funding. I look forward to being able to vote for this, and then make referrals where we need assistance in exploring equity, just as we may request an audit by

internal audit, I look forward to requesting an equity audit where we need that assistance.<sup>45</sup>

**E. The Four-Year Term of Office for the Chief Equity Officer and Protection from Termination Without Cause and Assembly Concurrence Were Designed to Insulate the Position from “Political” Pressures and Confer Upon the Position the “Independence” Needed to Accomplish the Desired Work.**

The s-version also responded to concerns that, to be effective, the Chief Equity Officer Position had to enjoy a degree of independence, and be somewhat removed from “political” influence.

In the July 23, 2020, worksession on the original version of AO 2020-79, an Assembly member expressed concern about the “sustainability” of a position that served at the pleasure of the Mayor, and wondered how the office could operate “through different administrations.”<sup>46</sup> Another further worried that the appointed position, without being as “independent as possible” would not be able to provide the candid observations and advice needed for the work of the office to be “real and substantial ... in a meaningful way”:

If the chief equity officer exists within the mayor’s office, to what extent is the independence and ability to police the mayor, and police the municipal partnerships and practice...—because you know, you, you’re going to call out racism or inequity in your own actions. . . I want us to work on equity in a real and substantial way, but I want us to do it in in a meaningful way that can persist over time and be as independent as possible.<sup>47</sup>

---

<sup>45</sup> Anchorage Municipal Assembly Meeting (August 25, 2020) at 2:48:25-2:49:11 (Comments of Member Zaletel), available at: <https://www.youtube.com/watch?v=3-1lkyDmP24>.

<sup>46</sup> See Worksession re: AO 2020-79 *Creating an Office of Equity and Justice* (July 23, 2020), at 21:24 (comments of Member Perez-Verdia), available at: <https://www.youtube.com/watch?v=Glvlm0T5VDI>.

<sup>47</sup> *Id.* at 32:20 (comments of Member Zaletel).

Another Member then expressed a need to structure the office so that it would be “not political, but practical.”<sup>48</sup>

The s-version of AO 2020-79 proposed by the Administration after the worksession attended to these concerns. Using the Internal Auditor and Ombudsman as models, AO 2020-79(S) newly provided that the Chief Equity Officer would serve for a four-year term, and could be dismissed “only for cause shown, and only with the concurrence of a majority of the assembly.”<sup>49</sup> The then-Mayor’s Chief of Staff described the changes at the Assembly meeting in which AO 2020-79 was amended and adopted:

I’ll start with how this position was previously defined as just an executive appointment by the mayor; through the worksession and discussion with different members, we came up with what we all believe is a better format and a better way of ensuring that, not only does the administration, but also the assembly has a real role to play in this position. And what we came up with was something quite similar to the municipal auditor position—which is still appointed by the mayor, but it has to be approved by the Assembly. And the mayor can only remove this person from their position for cause, and it has to also be approved by a majority of the assembly as well. So, it is not in the true sense an “executive” position such as myself or [the director of the office of economic and community development], that we serve at the pleasure of the mayor.

Another change: I think there was some concern about how does this position span administrations? So, again, was what we came up with was similar to the Ombudsman’s office. That person serves a term of four years, so this one would also serve a term of four years.<sup>50</sup>

---

<sup>48</sup> *Id.* at 58:30 (comments of Perez-Verdia).

<sup>49</sup> See AO 2020-79(S), As Amended, at section 3 (proposing AMC 3.20.140A.1.b and A.1.c.).

<sup>50</sup> Anchorage Municipal Assembly Meeting (August 25, 2020) at 2:29:10 to 2:23:40, (Comments of Chief of Staff Jason Bockenstedt), available at: <https://www.youtube.com/watch?v=3-1lkyDmP24>

The Assembly had recent occasion to recommit to its 2020 interests and positions. On December 3, 2021, Mayor Bronson proposed an ordinance that, in line with his litigation position, would have repealed much of AO 2020-79(S), As Amended.<sup>51</sup> In debate on an Assembly amendment to restore substantially all of the provisions of AO 2020-79(S), As Amended, an Assembly Member proposed to remove the requirement that the Chief Equity Officer may be removed only with Assembly concurrence. The effort was defeated by a vote of 9-2, and prompted comments from Assembly Members about the need for the provision. One Assembly Member again stated that the provision was critical to ensuring that the office had the requisite “independence” to function:

[W]hen we discussed this at various work sessions we kept saying that this was very akin to the internal auditor—that it was going to be, so we could ask for equity audits. We kind of started coining that phrase, and having that conversation. And that was actually one of the ways in which I was able to support this position, because it wasn't then duplicative of the other positions we had around equal opportunity—is because it was much more expansive and inclusive, and independent. I think that's the value of having that language in that section of code [requiring Assembly concurrence for dismissal] is you don't want examination of equity to be anything but independent just like you don't want the examination of your finances to be anything but independent, so I think we should stick with the language.<sup>52</sup>

---

<sup>51</sup> See Ordinance No. AO 2021-114, *An Ordinance Amending Anchorage Municipal Code Chapter 3.20 Relating To The Organization Of The Executive Branch And Setting Forth The Duties And Responsibilities Of Executive Branch Agencies; And Amending Related Anchorage Municipal Code To Reflect The New Executive Management Structure*, available at [https://meetings.muni.org/AgendaOnline/Documents/ViewDocument/Assembly Special December 14%2C 2021 4525 Agenda Packet 12 14 2021 6 00 00 PM.pdf?meetingId=4525&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false](https://meetings.muni.org/AgendaOnline/Documents/ViewDocument/Assembly%20December%2014%2C%2021%204525%20Agenda%20Packet%2012%2014%2021%206%2000%20PM.pdf?meetingId=4525&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false) (pages 51, 64-65 of the agenda packet for the Dec. 14, 2021 meeting).

<sup>52</sup> See Anchorage Municipal Assembly Meeting (Dec. 14, 2021) at 2:45:00 (Comments of Member Zaletel) (emphasis added), available at: <https://www.youtube.com/watch?v=-gTJU0t3AwA>

Another Assembly Member then consistently noted that Assembly-concurrence ensured that the Chief Equity Officer would be more “free from the political vagaries of a simple political appointment.”<sup>53</sup>

No provision of the Anchorage Municipal Charter prohibits the Municipality from protecting these valid interests by creating an officer to serve for a fixed term of years, and who can only be dismissed for cause and with Assembly concurrence.

\* \* \* \* \*

Three months after attempting to fire the Municipality’s first Chief Equity Officer, Mayor Bronson asks the Court to hold that AO 2020-79(S), As Amended, did not, by creating an “Office of Equity and Justice,” actually create an “office.” Rather, to justify his Code-prohibited actions, he asks the Court to find that the Assembly actually created a “department,” notwithstanding that it deliberately and expressly and in collaboration with the executive branch did not do so—and that a conclusion to the contrary would upset more than 40 years of municipal practice and legal understandings until recently long-shared between the executive and legislative branches, while also calling into question the legality of several other municipal positions. Mayor Bronson misreads AO 2020-79(S), As Amended, asserts a position at odds with the Anchorage Municipal Charter, and asks the Court for a declaration that would significantly change and disrupt municipal

---

<sup>53</sup> *Id.* at 2:51:43 (comments of Member Constant):

We established this position to be exactly what this one line that’s proposing to be removed [eliminating Assembly Concurrence for dismissal] would be doing which is give us a check on the removal so that this is an independent position, more free from the political vagaries of a simple political appointment.

business. His request should be denied, the Assembly is entitled to judgment as a matter of law, and Count I of the Mayor's Complaint should be summarily dismissed.

**II. AO 2020-79(S), AS AMENDED, DOES NOT VIOLATE SEPARATION OF POWERS.**

Mayor Bronson also asserts that AO 2020-79(S), As Amended, violates "the Alaska Constitution by breaching the separation of powers in infringing on the functions delegated to the executive branch."<sup>54</sup> This claim, too, is incorrect. "Separation of powers" at the local level is defined by Charter and State law, and no provision of the Anchorage Municipal Charter or state law prohibits AO 2020-79(S), As Amended.

**A. Separation Of Powers At The Local Level Is Defined By Charter And State Law.**

"Separation of powers" at the local level is not at all the same as separation of powers at the federal or state level. A leading treatise on municipal law, McQuillin's Law of Municipal Corporations, states bluntly:

Although the separation of powers doctrine applies to federal and state governments, it does not generally apply to municipal governments.<sup>55</sup>

That background principle of general-municipal law can be modified by statute or charter, however, as McQuillin and several reported cases recognize:

---

<sup>54</sup> Complaint at ¶ 47.

<sup>55</sup> 4 McQUILLIN MUN. CORP. § 13:1 *Municipal organization; where authority vested* (3d ed.) (emphasis added). Compare *Eggers v. Kenny*, 104 A.2d 10, 17 (N.J. 1954) ("While the separation doctrine is applicable to the Federal Government and to our State Government, it generally has no applicability to our city governments"); *Matter of Shain*, 457 A.2d 828, 834–36 (N.J. 1983) ("the principle of the separation of powers applies only to the sovereign authority—not to the government of cities").



However, a statutory scheme covering municipal government functions can create a situation where a mayor and city council must abide by the separation of powers doctrine.”<sup>56</sup>

The Anchorage Municipal Charter, for certain, imposes some separation of powers, in its vesting of the “legislative power” in the Assembly,<sup>57</sup> and the “executive and administrative power” in the Mayor.<sup>58</sup>

The important point, though, is that “separation of powers,” as applied to the Municipality, essentially requires only whatever the Anchorage Municipal Charter and

---

<sup>56</sup> 4 MCQUILLIN MUN. CORP. § 13:1. *Accord Casamasino v. City of Jersey City*, 730 A.2d 287, 293 (N.J. 1999):

Although the separation of powers doctrine applied to federal and state governments is not generally applicable to mayor-council plan of government, “the Faulkner Act plainly envisages some separation of functions between the Council (the legislative body) and the Mayor (the executive).” *In re Shain*, 92 N.J. 524, 537, 457 A.2d 828 (1983). That separation of functions imposes “certain limits on the Mayor and local council in governing the municipality.” *Id.* at 538, 457 A.2d 828. Principles of separation of powers are applicable where the Legislature has specifically delegated to the mayor and to the council separate functions in the appointment of officials such as tax assessors. Where one branch of government has been specifically vested with the authority to act in a prescribed manner, neither of the other branches may usurp that authority.

*See also Matter of Shain*, 457 A2d at: 834-36:

But even though the separation of powers principles applied to federal and state governments are not strictly applicable to Mayor-Council forms of local government, the Faulkner Act plainly envisages some separation of *functions* between the Council (the legislative body) and the Mayor (the executive). *Cf. LaGuardia v. Smith*, 41 N.E.2d at 155 (separation of functions distinguished from separation of powers). We find that this separation of functions does impose certain limits on the Mayor and the local Council in governing the municipality.

<sup>57</sup> See ANCHORAGE MUNICIPAL CHARTER section 4.01 (“The legislative power of Anchorage is vested in an assembly. . .”).

<sup>58</sup> See ANCHORAGE MUNICIPAL CHARTER section 5.01(a) (“The executive and administrative power of Anchorage is vested in the mayor. . .”).

governing state law command. Principles developed in the context of the federal or state governments simply may not be applicable. In the Municipality, the executive is authorized to “participate in all assembly meetings *to the same extent as an assembly member*” (except that the executive “may not vote”)<sup>59</sup>, and the legislative body routinely hears quasi-judicial matters and can resolve certain quasi-judicial appeals,<sup>60</sup> among other features at odds with state and federal practice. Against that backdrop, no background principle of “separation of powers” was incorporated by the Charter’s mere vesting of “executive power” in the Mayor that precluded the Municipality from adopting AO 2020-79(S), As Amended. The mayors of Anchorage have effectively exercised “executive power” in the 40 years since the Office of Internal Audit has existed in its current form, and will continue to effectively exercise “executive power” with AO 2020-79(S), As Amended, on the books.

As discussed above in section I, the Charter imposes no limitation on the ability of the Municipality to adopt AO 2020-79(S), As Amended. Neither does state law.

---

<sup>59</sup> See ANCHORAGE MUNICIPAL CHARTER section 5.02(b) (“The mayor may participate in all assembly meetings to the same extent as an assembly member, but may not vote.”).

<sup>60</sup> See, e.g., AMC 21.02.020 *Table of decision and review authority* (showing that the Assembly, for instance, can hear appeals related to special land-use permits for alcohol).

**B. No Provision of State Law Prohibited Mayor and Assembly from Jointly Developing and Implementing AO 2020-79(S), As Amended.**

Beyond Anchorage's home rule Charter, the only other possible sources of a "separation of powers" constraint that might forbid the enactment of AO 2020-79(S), As Amended, would have to be found in the Alaska Constitution or the Alaska Statutes. But neither contains such a constraint.

The only relevant provisions of the Alaska Constitution are found in Article X *Local Government*. Section 4 of Article X requires the Municipality to have a "governing body" called an "assembly"<sup>61</sup>; and section 11 provides that a home rule jurisdiction may "exercise all legislative powers not prohibited by law or by charter."<sup>62</sup> The Alaska Constitution does not require local governments to have a mayor, or even to establish a separate "executive" branch. A state law constraint, would have to be found, then, in statute.

The only provisions of the Alaska Statutes of possible relevance are to be found in Title 29, *Municipal Government*. Title 29 require municipalities to vest their executive power in a mayor,<sup>63</sup> and it enumerates an exclusive list of the "only" 67 provisions that operate as "prohibitions" that preclude "home rule municipalities . . . . from acting otherwise."<sup>64</sup> But there, too, none of the listed prohibitions apply a particular "separation

---

<sup>61</sup> See ALASKA CONST. art. X, § 4.

<sup>62</sup> See *id.* at art. X, section 11.

<sup>63</sup> See AS 29.20.220 *Executive power*.

<sup>64</sup> See AS 29.10.200 *Limitations on home rule powers* ("Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. . .").

of powers” principle to the Municipality that forbids the enactment of AO 2020-79(S), As Amended. Indeed, the most relevant provision made applicable as a “limitation on home rule powers” provides only that “[t]he mayor acts as ceremonial head of government, executes official documents on authorization of the governing body, and is responsible for additional duties and powers prescribed . . . by home rule charter.”<sup>65</sup>

In this case, Anchorage’s executive and legislative branches worked together to develop the ordinance to create the Office of Equity and Justice, and agreed to an arrangement for the Chief Equity Officer position that drew from models that have existed in the Municipality for decades. No “separation of powers” principle, or provision of state law prohibited the Municipality from acting as it did.

### **CONCLUSION**

Without any prior warning to the Assembly, Mayor Bronson, acting first and apparently only asking questions later, attempted four months ago to fire the Municipality’s Chief Equity Officer. He does not deny that the Anchorage Municipal Code forbade him from doing so. Rather, in this after-the-fact attempt to justify actions already taken, he argues that portions of the ordinance that created the Chief Equity Officer position are unlawful. Because his claims depend on a foundational misunderstanding of AO 2020-79(S), As Amended, and the Anchorage Municipal Charter; cannot be squared with the law governing home rule jurisdictions; and advance positions at odds with over 40 years of municipal history and practice; and because no law prohibited the Municipality


---

<sup>65</sup> See AS 29.20.220 *Executive power* (emphasis added). See also AS 29.10.200(14) (providing that AS 29.20.220 “supersede[s] existing and prohibit[s] future home rule enactments that provide otherwise”).

from enacting AO 2020-79(S), As Amended, the Anchorage Municipal Assembly is entitled to judgment as a matter of law, and Mayor Bronson's case should be summarily dismissed in its entirety.

DATED this 26<sup>th</sup> day of January 2022.

BIRCH HORTON BITTNER & CHEROT  
Attorneys for Defendant  
THE ANCHORAGE MUNICIPAL ASSEMBLY

By:   
William D. Falsey, ABA #0511099

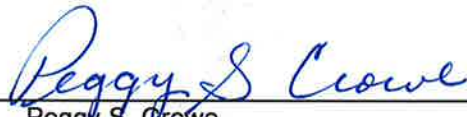
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26<sup>th</sup> day of January, 2022, a true and correct copy of the foregoing **Defendant's Motion for Summary Judgment (27 pps)** was served on the following in the manner indicated:

Christina A. Rankin  
Kristin E. Crabb  
Guess & Rudd, P.C.  
1029 W. 3rd Avenue, Suite 400  
Anchorage, AK 99501  
crankin@guessrudd.com  
kcrabb@guessrudd.com

- |                                     |                     |
|-------------------------------------|---------------------|
| <input type="checkbox"/>            | U.S. Mail           |
| <input type="checkbox"/>            | Facsimile           |
| <input checked="" type="checkbox"/> | Electronic Delivery |
| <input type="checkbox"/>            | Hand Delivery       |

BIRCH HORTON BITTNER & CHEROT

By:   
Peggy S. Crowe  
Believed to be transmitted without  
error from [pcrowe@bhb.com](mailto:pcrowe@bhb.com)  
Approx. Time: 3:00 pm

William D. Falsey  
Birch Horton Bittner & Cherot  
510 L Street, Suite 700  
Anchorage, Alaska 99501  
wfalsey@bhb.com  
Telephone: 907.276.1550  
Facsimile: 907.276.3680

Attorneys for Defendant  
THE ANCHORAGE MUNICIPAL ASSEMBLY

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

MAYOR DAVE BRONSON, in his official  
capacity,

Plaintiff,

v.

THE ANCHORAGE MUNICIPAL ASSEMBLY,

Defendant.

Case No. 3AN-21-08881 CI

**AFFIDAVIT OF DEPUTY MUNICIPAL CLERK JENNIFER VENEKLASEN**

STATE OF ALASKA                    )  
  ) ss.  
THIRD JUDICIAL DISTRICT        )

I, Jennifer Veneklasen, being first duly sworn, depose and state:

1. I am the Deputy Municipal Clerk for the Municipality of Anchorage, and the Records Manager for the Municipality's Legislative Branch.

2. Attached to this affidavit are true and correct copies of:

(a) Exhibit 1 - Anchorage Ordinance AO 2020-79(S), As Amended, and associated Assembly Memorandum 414-2020(A);

- (b) Exhibit 2 - Anchorage Ordinance AO 2020-79 (which was introduced, but not adopted) and associated Assembly Memorandum 414-2020; and
- (c) Exhibit 3 - Anchorage Ordinance AO 79-27, As Amended, and associated Assembly Memorandum AM 239-79A.

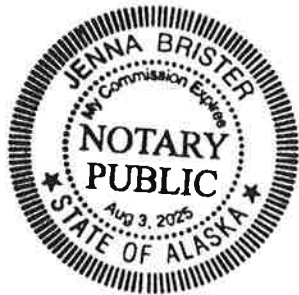
3. The audio/visual recordings posted on Youtube at the following URLs are true and correct records of the Anchorage Assembly meetings that they purport to be:

- Worksession re: AO 2020-79 *Creating an Office of Equity and Justice*, (July 23, 2020), available at: <https://www.youtube.com/watch?v=GlVlm0T5VDI>
- Anchorage Municipal Assembly Meeting (August 25, 2020), available at: <https://www.youtube.com/watch?v=3-1lkyDmP24>
- Anchorage Municipal Assembly Meeting (August 26, 2020), available at: <https://www.youtube.com/watch?v=-Dk0cW6eUd4>
- Anchorage Municipal Assembly Meeting (December 14, 2021), available at: <https://www.youtube.com/watch?v=-gTJU0t3AwA>

FURTHER AFFIANT SAYETH NAUGHT.

Jennifer Veneklasen  
Jennifer Veneklasen

SUBSCRIBED AND SWORN to before me this 26 day of January, 2022, at Anchorage, Alaska.




Jenna Brister  
Notary Public in and for the State of Alaska  
My Commission expires: Aug. 3, 2025

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26<sup>th</sup> day of January, 2022, a true and correct copy of the foregoing **Affidavit of Jennifer Veneklasen (45 pps, including exhibits)** was served on the following in the manner indicated:

Christina A. Rankin	<input type="checkbox"/>	U.S. Mail
Kristin E. Crabb	<input type="checkbox"/>	Facsimile
Guess & Rudd, P.C.	<input checked="" type="checkbox"/>	Electronic Delivery
1029 W. 3rd Avenue, Suite 400	<input type="checkbox"/>	Hand Delivery
Anchorage, AK 99501		
crankin@guessrudd.com		
kcrabb@guessrudd.com		

BIRCH HORTON BITTNER & CHEROT

By:   
Peggy S. Crowe  
Believed to be transmitted without  
error from [pcrowe@bhb.com](mailto:pcrowe@bhb.com)  
Approx. Time: 3:00 pm



Municipal Clerk's Office  
Immediate Reconsideration Passed  
Amended and Approved  
Date: August 26, 2020

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Department of Law  
For reading: August 25, 2020

**ANCHORAGE, ALASKA**  
**AO No. 2020-79(S), As Amended**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS**  
2 **3.20 AND 3.20 RELATING TO THE ORGANIZATION OF THE EXECUTIVE**  
3 **BRANCH TO CREATE AN OFFICE OF EQUITY AND JUSTICE.**  
4

5  
6 **WHEREAS**, the Mayor's Office and the Anchorage Assembly are committed to  
7 achieving equity and justice in Anchorage;  
8

9 **WHEREAS**, the municipality has demonstrated that commitment through its work  
10 over the past five years to become a more welcoming community that will be  
11 furthered through systematic changes to the municipality's governance  
12 infrastructure;  
13

14 **WHEREAS**, inequities create barriers to educational success, economic opportunity  
15 and wellness, and undermine the collective prosperity of residents in the  
16 Municipality of Anchorage; and  
17

18 **WHEREAS**, skin color, disability and LGBTQIA+ status is a major predictor of life  
19 experiences, including economic and health outcomes; and  
20

21 **WHEREAS**, there are race-based disparities in tobacco use, chronic disease, such  
22 as cancer, diabetes, and COPD, alcohol-induced deaths, suicide, poverty,  
23 educational attainment and access, household wealth, life expectancy,  
24 environmental quality and exposure to environmental harms such as pollution,  
25 bankruptcy rates and insurance coverage; and  
26

27 **WHEREAS**, according to the Brookings Institute, nationally, COVID-19 is already  
28 the third leading cause of death for Black Americans in 2020; and  
29

30 **WHEREAS**, Alaska's suicide rate has been about twice the national average for  
31 years, with the suicide rate among Alaska Native people twice that of the Alaska  
32 average, and four times as high as the U.S. average, and nationally and statewide,  
33 has been increasing in recent years, among older adults, young adults and youth,  
34 and the suicide rate is a classic sociological indicator of overall social health or  
35 dysfunction; and  
36

37 **WHEREAS**, the 2019 *Financial Empowerment Blueprint* showed that racial minority  
38 groups in Anchorage have higher poverty and unemployment rates; and  
39

40 **WHEREAS**, in a single year, over half of the homeless youth served by Covenant  
41 House were Alaska Native, despite being only 12 percent of the Municipality's  
42 population, and Covenant House reported in 2017 that over one in four youth served  
43 in one year were survivors of human trafficking, and the largest risk factors for the

1 Office of Child Services (OCS) involvement in Anchorage are 1) the mother's  
2 experience with homelessness and 2) poverty, making their family's involvement  
3 with OCS over five times more likely, and the second highest risk factors were the  
4 mother's age and education attainment, and if the mother did not finish high school,  
5 involvement with OCS was four times more likely; and,  
6

7 **WHEREAS,** many government policies and practices have historically been  
8 designed to react to problems and crises in our communities after they arise, and  
9 by examining the root causes of these problems and crises we can create solutions  
10 that ultimately prevent the conditions that led to the crises and problems from  
11 occurring; and  
12

13 **WHEREAS,** in an effort to address long-standing equity issues that negatively  
14 impact organizations and communities, many corporations and governments in the  
15 U.S. are creating Diversity and Equity Officer positions, which are showing to be  
16 most effective in making positive changes when granted authority within the  
17 organization; and  
18

19 **WHEREAS,** the Municipality of Anchorage Office of Equity and Justice has been  
20 structured similar to the Office of Internal Audit, with appointees approved by the  
21 Assembly and reporting directly to the Mayor; and  
22

23 **WHEREAS,** making a shift from costly, crisis-oriented responses to health and  
24 social problems to an investment approach that directs resources where most  
25 needed and focuses on prevention and recovery can potentially reduce costs to  
26 taxpayers; and  
27

28 **WHEREAS,** collecting and analyzing data, establishing benchmarks, collaborating  
29 with non-profits, churches and community partners requires staffing resources that  
30 do not exist within the Municipality and can be provided at a yearly cost of .01 mil or  
31 \$3.50 to the average taxpayer; and  
32

33 **WHEREAS,** it is the intention of the Assembly that the Administration seek 50  
34 percent matching funds through grants and foundations to leverage taxpayer dollars  
35 for the Chief Equity Officer position and when the tax is in place to use alcohol tax  
36 for 50 percent, and provide performance measures within three months of  
37 appointment for annual evaluation by the Assembly;  
38

39 **WHEREAS,** this ordinance creates an Office of Equity and Justice which shall  
40 include the chief equity officer, office of equal opportunity director, and  
41 compliance officer [BE LED BY THE CHIEF EQUITY OFFICER]; now, therefore,  
42

43 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
44

45 **Section 1.** Anchorage Municipal Code section 3.20.010 is hereby amended to  
46 replace the 2015 Executive Branch Organization chart with the 2020 Executive  
47 Branch Organization chart, attached as Exhibit A:  
48

1           **3.20.010 - Executive and administrative order; organizational chart.**  
2

3           The executive branch of the municipal government shall be organized as  
4           provided in this chapter and the following plan:  
5

6           [Replace chart with Exhibit A]  
7

8           (AO No. 79-27; AO No. 82-49; AO No. 88-82; AO No. 90-15(S); AO No. 91-  
9           173(S); AO No. 94-135(S), § 2, 7-12-94; AO No. 2000-105(S), § 2, 6-27-00;  
10           AO No. 2000-141(S), § 2, 9-26-00; AO No. 2002-130, § 4, 9-10-02; AO No.  
11           2003-109, § 1, 9-9-03; AO No. 2004-136, § 1, 12-7-04; AO No. 2005-142, §  
12           1, 10-25-05; AO No. 2009-21, § 1, 2-24-09; AO No. 2009-101, § 1, 8-25-09;  
13           AO No. 2010-64, § 1(Exh. A), 9-28-10; AO No. 2010-93, § 1(Exh. A), 1-11-  
14           11; AO No. 2011-22(S), § 1, 3-29-11; AO No. 2011-25, § 1, 5-24-11; AO No.  
15           2012-106, § 1(Exh. A), 11-13-12; AO No. 2013-34, § 1(Exh. A), 2-26-13; AO  
16           No. 2015-112(S), § 1, 1-1-16; AO 2018-108(S), § 1, 12-31-18)  
17

18           **Section 2.** Anchorage Municipal Code section 3.20.070, Executive branch  
19           organization, is hereby amended to read as follows (*the remainder of the section is*  
20           *not affected and therefore not set out*):  
21

22           **3.20.070 - Executive branch organization.**  
23

24           A.       Within the office of the mayor and reporting to the mayor or [HIS]  
25           designee are the following organizations:  
26

27           1.       Municipal attorney. The department of the municipal attorney is  
28           responsible for providing legal services to municipal  
29           government, managing all civil litigation to which the  
30           municipality is a party, and providing judicial prosecution of  
31           misdemeanor criminal offenses in direct support of  
32           enforcement activities.  
33

34           2.       Office of equity and justice. ~~The office of equity and justice~~  
35           ~~is responsible for developing, supporting, and~~  
36           ~~implementing the municipality's equity agenda. The chief~~  
37           ~~equity officer shall be appointed by the mayor and~~  
38           ~~confirmed by the assembly.]~~  
39

40           a.       Chief equity officer. The chief equity officer is  
41           responsible for developing, supporting, and  
42           implementing the municipality's equity agenda.  
43

44           b.       Office of Equal Opportunity (OEO) director. The OEO  
45           director is responsible for municipal civil rights  
46           compliance and the Disadvantaged Business  
47           Enterprise (DBE) program. The director also serves  
48           as the DBE Liaison Officer, Title VI program

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

coordinator, Equal Employment Opportunity (EEO) officer, and is responsible for the implementation and continued development of the municipal small business program.

c. DBE compliance officer. The DBE compliance officer works under the supervision of the OEO director in implementing the DBE program and meeting DBE reporting requirements.

B. Within the office of the municipal manager and reporting to the municipal manager or [HIS] designee are [THE OFFICE OF EQUAL OPPORTUNITY,] the Office of Emergency Management, Risk Management Safety, Transportation Inspection, and the following departments:

\*\*\*      \*\*\*      \*\*\*

[15. THE OFFICE OF EQUAL OPPORTUNITY, RESPONSIBLE FOR OVERSIGHT OF DIVERSITY PROGRAMS, PROCESSING OF DISCRIMINATION COMPLAINTS, ADMINISTRATION OF MINORITY BUSINESS AND CONTRACT COMPLIANCE UNDER TITLE 7, AND OTHER EMPLOYMENT COMPLIANCE PROGRAMS, SHALL BE ADMINISTERED BY A DIRECTOR, APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY.

A. ON PROGRAM AND POLICY MATTERS RELATING TO MINORITY BUSINESS AND CONTRACT COMPLIANCE AND EQUAL EMPLOYMENT OPPORTUNITY, THE DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY SHALL HAVE DIRECT AND INDEPENDENT ACCESS TO THE MAYOR.]

\*\*\*      \*\*\*      \*\*\*

(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),

1 § 5, 1-1-16 ; AO No. 2017-122(S) , § 4, 10-24-17; AO No. 2018-24 , § 3, 4-  
2 10-18; AO No. 2018-108(S) , § 3, 12-31-18; AO No. 2018-118 , § 2, 1-1-19;  
3 AO No. 2019-42 , § 2, 4-23-19; AO No. 2019-133 , § 1, 11-5-19; AO No.  
4 2020-23 , § 2, 3-10-20; AO No. 2020-24 , § 1, 3-10-20)

5  
6 **Section 3.** Anchorage Municipal Code is amended by adding a new section  
7 **3.20.140, Office of equity and justice, to read as follows (*requiring no***  
8 ***legislative formatting*):**

9  
10 **3.20.140 - Office of equity and justice.**

11  
12 **A.** There is established an office of equity and justice including a  
13 chief equity officer, office of equal opportunity director, and  
14 disadvantaged business enterprise compliance officer.

15  
16 **1. Chief equity officer.**

17  
18 **a.** The chief equity officer shall be appointed by the  
19 mayor with the concurrence of a majority of the  
20 assembly.

21  
22 **b.** After the initial appointment effective immediately,  
23 the term of office for the chief equity officer shall be  
24 four years, ending on December 31, effective with  
25 appointment to the term beginning January 1, 2021.

26  
27 **c.** The chief equity officer may be dismissed by the  
28 mayor only for cause shown, and only with the  
29 concurrence of a majority of the assembly.

30  
31 **2. Office of equal opportunity director.**

32  
33 **a.** On program and policy matters relating to minority  
34 business and contract compliance and equal  
35 employment opportunity, the director of the office of  
36 equal opportunity shall have direct and independent  
37 access to the mayor.

38  
39 **B.** The office of equity and justice shall have such assistants and  
40 employees as are necessary to perform all required duties.

41  
42 **Cross reference—Executive branch organization, office of equity and**  
43 **justice, § 3.20.070A.2.**

44  
45  
46 **Section 4.** [SECTION 3.] Anchorage Municipal Code 3.30.172 [3.20.172],  
47 Classification, is hereby amended to read as follows (*the remainder of the section*  
48 *is not affected and therefore not set out*):

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**3.30.172 - Classification.**

\*\*\*      \*\*\*      \*\*\*

F.      The following classifications are assigned to Range 23E:

\*\*\*      \*\*\*      \*\*\*

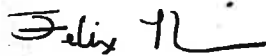
26. Chief equity officer.

[Note to code revisor: new text should be inserted in alphabetical order  
and the section renumbered as needed]

(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)

**Section 5.** [SECTION 4.] This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 26th day of August, 2020.



Chair

ATTEST:



Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2020-79(S)

Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS  
 3.20 AND 3.30 RELATING TO THE ORGANIZATION OF THE EXECUTIVE  
 BRANCH TO CREATE AN OFFICE OF EQUITY AND JUSTICE.**

Sponsor: **MAYOR**  
 Preparing Agency: Office of Management and Budget  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		<b>(In Thousands of Dollars)</b>				
	<u>FY20</u>	<u>FY21</u>	<u>FY22</u>	<u>FY23</u>	<u>FY24</u>	
<b>Operating Expenditures</b>						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>REVENUES:</b>				<b>\$ -</b>	<b>\$ -</b>	
<b>CAPITAL:</b>						
<b>POSITIONS:   1 FT</b>	<b>\$ 60</b>	<b>\$ 180</b>	<b>\$ 180</b>	<b>\$ 180</b>	<b>\$ 180</b>	

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Adding one FT position, starting on or around 9/1/2020

**PRIVATE SECTOR ECONOMIC EFFECTS:**

N/A

Prepared by: Office of Management and Budget

Telephone: 907-343-4496



# MUNICIPALITY OF ANCHORAGE

## Assembly Memorandum

No. AM 414-2020(A)

Meeting Date: August 25, 2020

1 **From:** MAYOR

2  
3 **Subject:** S-VERSION OF AO NO. 2020-79, AN ORDINANCE AMENDING  
4 ANCHORAGE MUNICIPAL CODE CHAPTERS 3.20 AND 3.30  
5 RELATING TO THE ORGANIZATION AND CLASSIFICATIONS OF  
6 THE EXECUTIVE BRANCH TO CREATE AN OFFICE OF EQUITY  
7 AND JUSTICE.  
8

9 AO No. 2020-79 was introduced on July 14, 2020, for the purpose of establishing  
10 an Office of Equity and Justice. Following a work-session, it became clear that  
11 Assembly members were concerned with a stand-alone office because of issues  
12 related to funding, staffing, and continuity between administrations. This S-version  
13 adopts a model more similar to the Office of Internal Audit: appointment by the  
14 Mayor with concurrence by a majority of the assembly, and removal for cause with  
15 majority concurrence of the Assembly. And similar to the office of the Ombudsman,  
16 the term of appointment would be for four years to span administrations.  
17

18 In addition, the Office of Equity and Justice will include the Office of Equal  
19 Opportunity (OEO). The OEO performs a vital municipal function, running  
20 programs including the disadvantaged business enterprise program to ensure  
21 program compliance. Per federal requirements, the OEO director must have direct  
22 access to the mayor and serves as the point of contact for civil rights audits.  
23

24 A summary of economic effects is attached and updated to reflect that the equity  
25 officer position has not yet been filled.  
26

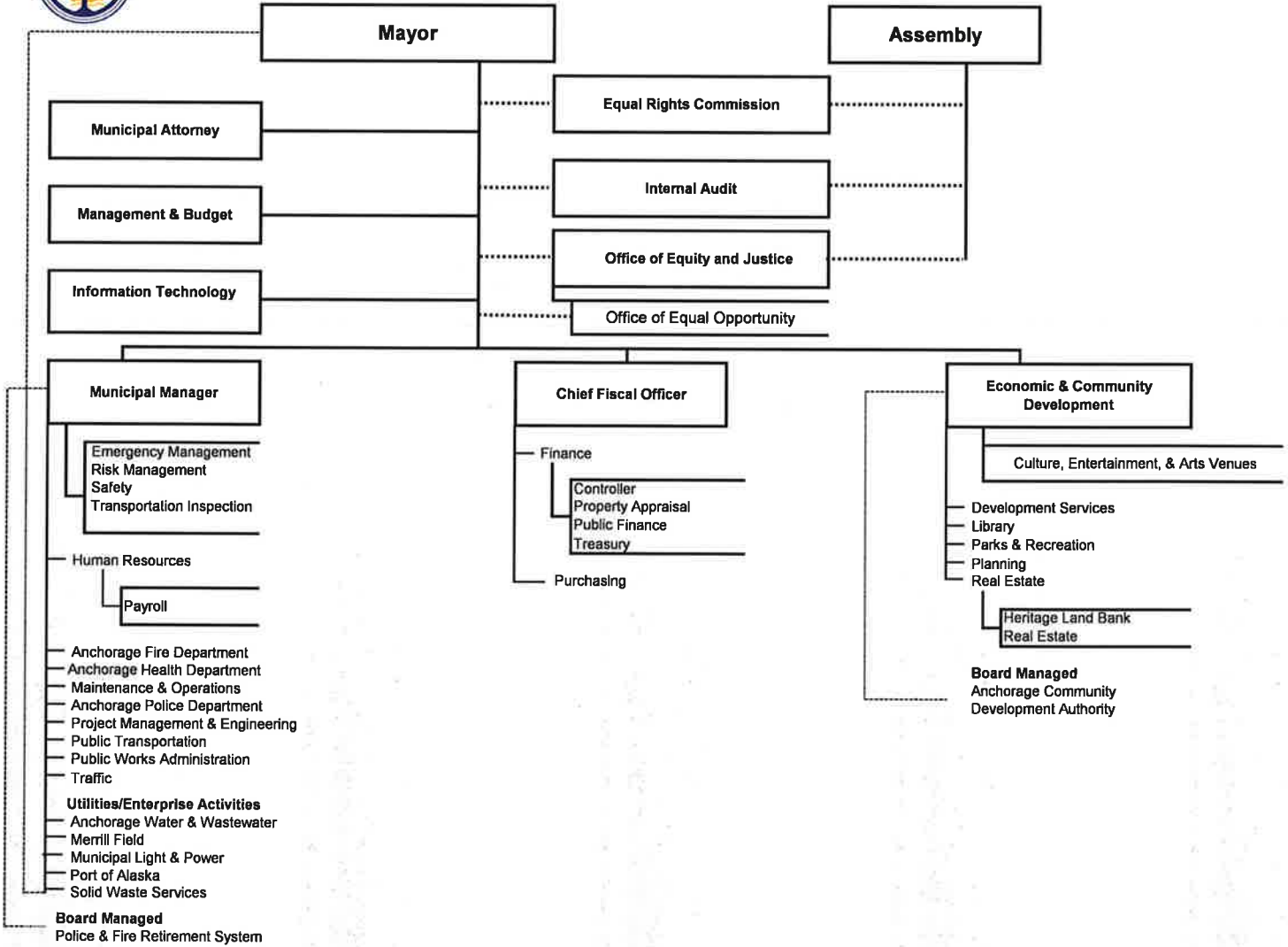
### 27 28 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

29  
30 Prepared by: Legal Department  
31 Approved by: Kathryn R. Vogel, Municipal Attorney  
32 Concur: Lance Wilber, Director, OMB  
33 Concur: Alexander Slivka, CFO  
34 Concur: William D. Falsey, Municipal Manager  
35 Respectfully submitted: Ethan A. Berkowitz, Mayor





# MUNICIPALITY OF ANCHORAGE



**ANCHORAGE, ALASKA  
AO No. 2020-79**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS  
3.20 AND 3.30 RELATING TO THE ORGANIZATION AND CLASSIFICATIONS  
OF THE EXECUTIVE BRANCH TO CREATE AN OFFICE OF EQUITY AND  
JUSTICE.**

**WHEREAS**, the Mayor's Office and the Anchorage Assembly are committed to achieving equity and justice in Anchorage;

**WHEREAS**, the municipality has demonstrated that commitment through its work over the past five years to become a more welcoming community that will be furthered through systematic changes to the municipality's governance infrastructure;

**WHEREAS**, this ordinance creates an Office of Equity and Justice which shall be led by the Chief Equity Officer; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 3.20.010 is hereby amended to replace the 2015 Executive Branch Organization chart with the 2020 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:

[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)

**Section 2.** Anchorage Municipal Code section 3.20.070, Executive branch organization, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**3.20.070 - Executive branch organization.**

A. Within the office of the mayor and reporting to the mayor or [HIS] designee are the following organizations:

1. Municipal attorney. The department of the municipal attorney is responsible for providing legal services to municipal government, managing all civil litigation to which the municipality is a party, and providing judicial prosecution of misdemeanor criminal offenses in direct support of enforcement activities.

2. Office of equity and justice. The office of equity and justice is responsible for developing, supporting, and implementing the municipality's equity agenda. The chief equity officer shall be appointed by the mayor and confirmed by the assembly.

\*\*\*      \*\*\*      \*\*\*

(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)

**Section 3.** Anchorage Municipal Code 3.30.172, Classification, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**3.30.172 - Classification.**

\*\*\*      \*\*\*      \*\*\*

F. The following classifications are assigned to Range 23E:

\*\*\*      \*\*\*      \*\*\*

26. Chief equity officer.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

[Note to code revisor: new text should be inserted in alphabetical order  
and the section renumbered as needed]

(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)

**Section 4.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2020-79

Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 3.20 AND 3.30 RELATING TO THE ORGANIZATION AND CLASSIFICATIONS OF THE EXECUTIVE BRANCH TO CREATE AN OFFICE OF EQUITY AND JUSTICE.**

Sponsor: **MAYOR**  
 Preparing Agency:  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		(In Thousands of Dollars)				
	FY20	FY21	FY22	FY23	FY24	
<b>Operating Expenditures</b>						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
<b>TOTAL DIRECT COSTS:</b>	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
<b>FUNCTION COST:</b>	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>REVENUES:</b>				\$ -	\$ -	
<b>CAPITAL:</b>						
<b>POSITIONS: 11 FT</b>	\$ 90	\$ 180	\$ 180	\$ 180	\$ 180	

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Adding one FT position, starting mid-year 2020

**PRIVATE SECTOR ECONOMIC EFFECTS:**

N/A

Prepared by: Office of Management and Budget

Telephone: 343-4496



# MUNICIPALITY OF ANCHORAGE

## Assembly Memorandum

No. AM 414-2020

Meeting Date: July 14, 2020

1 **From: MAYOR**

2  
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**  
4 **CHAPTER 3.20 RELATING TO THE ORGANIZATION OF THE**  
5 **EXECUTIVE BRANCH TO CREATE AN OFFICE OF EQUITY AND**  
6 **JUSTICE.**  
7

8 The Mayor's Office and the Anchorage Assembly are committed to achieving  
9 equity and justice in Anchorage. The municipality has demonstrated that  
10 commitment through its work over the past five years towards becoming a more  
11 welcoming and inclusive community. This progress will be furthered through  
12 systematic changes to the municipality's governance infrastructure. The attached  
13 ordinance creates an Office of Equity and Justice, led by the Chief Equity Officer.  
14

15 The need for this office and this position has come into sharp focus as a direct  
16 result of the COVID-19 pandemic. The pandemic has exposed persistent structural  
17 inequities that have required municipal response to mitigate the disproportionate  
18 social determinants of health and equity facing people of color and low-income  
19 residents. The Office of Equity and Justice and the Chief Equity Officer will focus  
20 on identifying and ensuring equal opportunities for health and wellbeing for all  
21 residents, particularly in response to the impacts of the pandemic.  
22

23 The Chief Equity Officer will work with the Mayor's Office, the Assembly, and  
24 municipal agencies, including the heads of the Office of Equal Opportunity, the  
25 Anchorage Equal Rights Commission, and the Office of the Ombudsman. The  
26 Chief Equity Officer will also work with community stakeholders and residents to  
27 center equity within municipal policies and procedures.  
28

29 The Chief Equity Officer will be responsible for proactively working to advance  
30 equity, focusing on eliminating inequities and increasing wellbeing and success for  
31 all residents.  
32

33 The Chief Equity Officer's responsibilities will include, in part:

- 34
- 35 • Co-lead Welcoming Anchorage initiative and ensure ongoing updates and  
36 implementations;
  - 37 • Develop leadership opportunities for municipal staff and residents designed  
38 to provide career advancement pathways for communities of color, the  
39 disability community, immigrants and refugees, LGBTQ+ residents,  
40 including continued hosting of an annual Civic Engagement Academy;
  - 41 • Provide leadership, guidance, training, and support to internal and external

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

- partners in the development and delivery of equity programs and tools;
- Recruit and manage municipal boards and commissions to ensure community representation;
- Actively monitor equity:
  - Establish baseline equity data targets/benchmarks in collaboration with partners and establish goals and initiatives to make progress and processes to track outcomes;
  - Develop methods to determine how disparate impacts will be documented and evaluated;
  - Collect, evaluate, and analyze indicators and progress benchmarks related to addressing systemic disparities.
  - Direct, evaluate, and coordinate analyses and recommendations regarding race and equity policy issues and long-range plans to address department and community needs and services;
  - Develop and coordinate reports and supporting materials to be presented to the Mayor and Assembly for information or action;
- Ensure municipal compliance with Language Access laws;
- Work closely with the Office of Equal Opportunity, the Anchorage Equal Rights Commission, the Ombudsman Office, and the Resilience Subcabinet
- Represent equity concerns throughout municipal efforts on housing equity, food security, equitable climate action, legal rights and justice issues, and economic equity
- Develop and deepen relationships with community members and non-profits committed to racial equity work; and participates in community equity collaborations on behalf of the Municipality to identify and address cumulative impacts of institutional and structural inequities in the Municipality

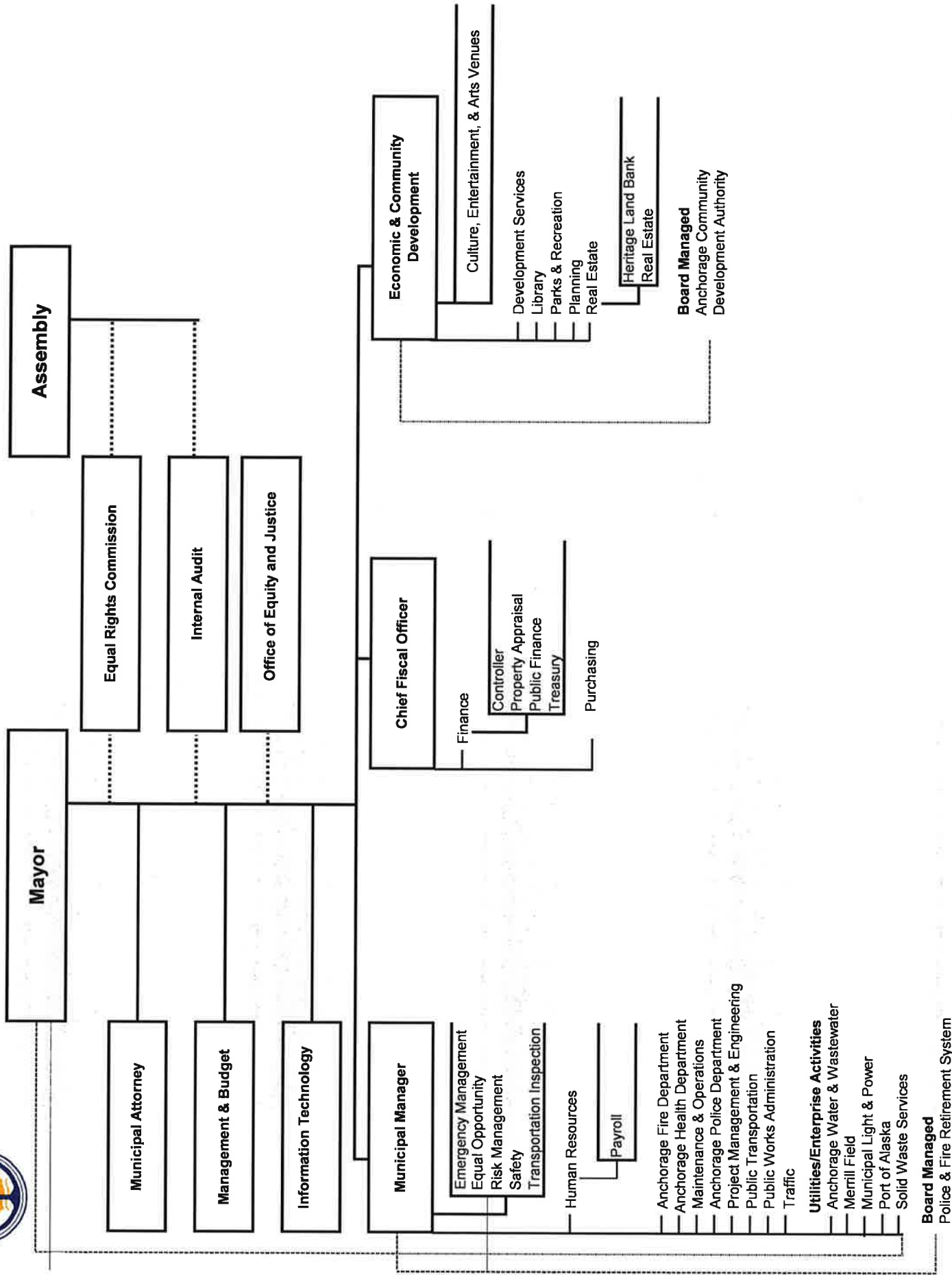
A summary of economic effects is attached.

**THE ADMINISTRATION RECOMMENDS APPROVAL.**

Prepared by: Legal Department  
Approved by: Kathryn R. Vogel, Municipal Attorney  
Concur: Lance Wilber, Director, OMB  
Concur: Alexander Slivka, CFO  
Concur: William D. Falsey, Municipal Manager  
Respectfully submitted: Ethan A. Berkowitz, Mayor



# MUNICIPALITY OF ANCHORAGE





Date: 4-10-79

Introduced by: Chairman of the Assembly  
at the request of the Mayor  
Prepared by: Department of Law  
For Reading: March 20, 1979

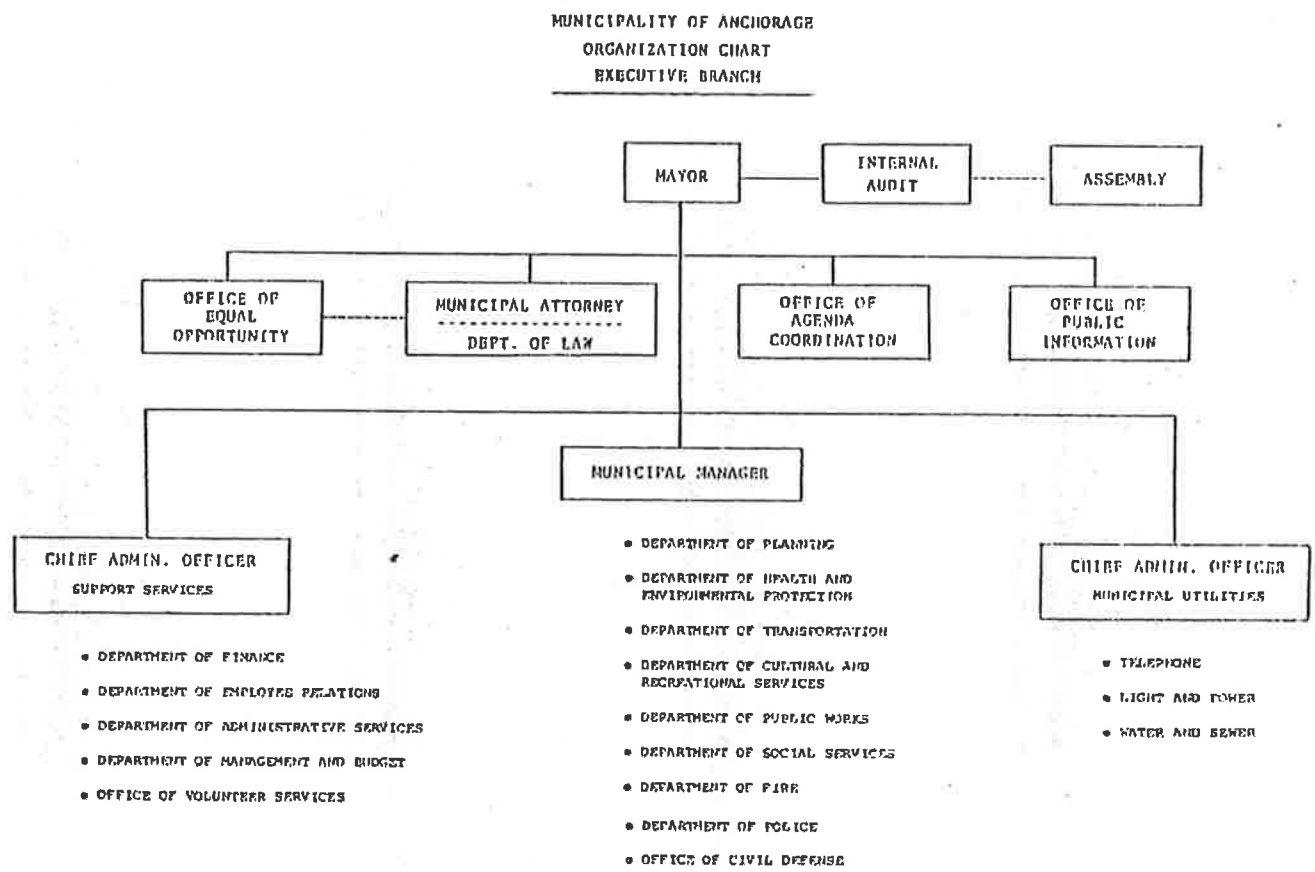
ANCHORAGE, ALASKA  
AO NO. 79-27

AN ORDINANCE RELATING TO ORGANIZATION OF THE EXECUTIVE BRANCH.

Section 1. AMC 3.10.010 is repealed and reenacted to read:

3.10.010 Organization Plan.

The executive branch of the municipal government shall be organized as provided in Chapter 3.20 and the following organization plan:



0001

Section 2. AMC Chapter 3.20 and 3.85 are repealed and AMC 3.20 is enacted to read:

Chapter 3.20

EXECUTIVE ORGANIZATION

3.20.010 Office of the Mayor

- A. The executive and administrative power of Anchorage is vested in the mayor. The mayor is elected at large for a three-year term.
- B. A candidate for the office of mayor:
  - 1. shall be a qualified voter of Anchorage; and
  - 2. shall be a resident of Anchorage for at least two years immediately preceding his election.
- C. The mayor shall remain a resident of Anchorage while in office.
- D. A person who has served as mayor for two consecutive terms may not be reelected to that office until one full term has intervened.
- E. The compensation of the mayor shall be fixed by the Commission on Salaries and Emoluments, and may not be reduced during his term of office without his consent. (Charter, 5.01).

3.20.020 Powers of the Mayor.

- A. ~~The mayor shall appoint the manager, the chief administrative officers, and all heads of municipal departments, subject to confirmation by the Assembly, and all other heads of municipal agencies provided for in this chapter without Assembly confirmation. All appointments under this subsection shall be based upon the professional qualifications of the appointee. Persons appointed by the mayor serve at the pleasure of the mayor.~~

The mayor shall appoint the manager, the chief administrative officers, the internal auditor, and all other heads of municipal departments, including municipal utilities [and the internal auditor] subject to confirmation by the Assembly, and all other heads of municipal agencies provided for in this chapter without Assembly confirmation. All appointments under this subsection shall be based upon professional qualifications of the appointee. Except as provided in this chapter, persons appointed by the mayor serve at the pleasure of the mayor.

- B. The mayor may participate in all Assembly meetings to the same extent as an assemblyman, but may not vote.
- C. The mayor has the veto power. The veto must be exercised and submitted to the Assembly with a written explanation within seven days of passage of the measure affected. The Assembly, by two-thirds majority vote of the total membership, may override a veto any time within 21 days after its exercise.

- D. In case of emergency, the mayor has the power of a peace officer and may exercise that power as chief executive officer to prevent disorder and to preserve the public health. The Assembly by resolution may declare that the emergency no longer exists. (Charter, §5.02).

3.20.030 Transition - Term of Office.

- A. The mayor shall be deemed qualified and shall take office by taking and subscribing to the oath required by Section 17.07 of the Anchorage Municipal Charter on January 1, or as soon thereafter as practicable, following his certification as mayor-elect at a regular municipal election or a runoff election held in accordance with the Anchorage Municipal Charter. The mayor shall continue to serve and to exercise all powers of his office until his successor qualifies and takes office in accordance with this section.
- B. During the transition period established by this section and until the beginning of the next fiscal year, a person elected as mayor shall be compensated at the rate fixed for the mayor by the Commission on Salaries and Emoluments for the current fiscal year. The mayor's compensation beginning with the next fiscal year shall be at the rate established by the Commission on Salaries and Emoluments in accordance with Chapter 4.10 of this code and the Anchorage Municipal Charter.
- C. The mayor-elect shall work with the mayor during the transition period established by this section to ensure that the orderly administration of municipal affairs is maintained. (AO 78-45).

3.20.040 Manager.

- A. There is a manager appointed by the mayor and confirmed by the Assembly. The manager serves at the pleasure of the mayor. The manager is selected solely on the basis of professional qualifications. He need not be a resident of the municipality at the time of appointment but must be a resident while in office.
- B. During the temporary absence or incapacity of the mayor, the manager shall assume the powers and duties of the mayor, except emergency and veto powers.

3.20.050 Municipal Attorney.

- A. There shall be a municipal attorney appointed by the mayor and confirmed by the Assembly. The office of the municipal attorney shall be known as the Department of Law.

- B. The municipal attorney shall advise and assist the government on legal matters.
- C. The municipal attorney shall administer the Department of Law. (Adapted from Charter, §5.04).

3.20.060 Staff Offices.

To assist the executive branch in the performance of its duties, the following staff offices are established within the office of the Mayor:

A. Office of Equal Opportunity

Responsibilities and functions of the Office of Equal Opportunity include administration of the Municipality's affirmative action program, the program to increase minority business participation in municipal contracts, and program to secure equal employment opportunity contract compliance.

B. Office of Agenda Coordination

The Office of Agenda Coordination will be responsible for coordinating Assembly agenda items submitted by the Administration for Assembly review and action.

C. Office of Public Information

The Office of Public Information will be responsible for providing assistance to municipal officials by facilitating communications and relations with the public, coordinating media relations, and, developing an internal community affairs information system for municipal employees.

3.20.070 General Government Operations.

Under the overall supervision of the municipal manager, the general governmental operations of the Municipality shall be conducted through the following agencies:

A. Department of Planning

The Department of Planning is responsible for the overall planning of community services, the development and maintenance of the Comprehensive Plan, transportation planning, long range parks planning and urban design; planning review, analysis and staff recommendations on all zoning, subdivision and planned unit development requests. Included are planning functions for the development and maintenance of the

Comprehensive Plan, transportation, parks, urban design, land use, zoning, platting, health, social services, community services, community facilities and economic research.

B. Department of Health & Environmental Protection

The Department of Health and Environmental Protection is responsible for protecting the public health through programs in mental health, abatement of air, noise and water pollution, substance abuse, individual, family and community health and sanitation.

C. Department of Transportation

The Department of Transportation is responsible for the development and improvement of transportation to facilitate the flow of people and goods to and within the Anchorage area. Included are provisions for bus-passenger service, marine and aviation programs and traffic engineering. (AO 21-76, AO 283-76).

D. Department of Cultural & Recreational Services

The Department of Cultural and Recreational Services is responsible for providing a unified program of cultural and recreational services to the public. Included are programs for the preservation of cultural materials, libraries, and diversified park and recreational services and activities.

E. Department of Public Works

The Department of Public Works is responsible for providing services which include engineering and design, construction control, the maintenance of public streets, the collection and disposal of solid waste and the administration of the municipality's building codes.

F. Department of Social Services

The Department of Social Services is responsible for providing social programs in such areas as day care, manpower, housing, older persons, and handicapped persons.

G. Department of Fire

The Department of Fire is responsible for preventing the outbreak of fires which might endanger public property and life, extinguishing fires as rapidly and efficiently as possible, transporting and providing emergency

medical service to persons in need of such services and providing rescue services as required. Included are investigations of fires to determine cause, fire alarm reception, and dispatching of fire and emergency personnel.

H. Department of Police

The Department of Police is responsible for enforcing the observance of all laws and ordinances, protecting the lives and property of citizens, and promoting and maintaining order. Included will be investigation of violent crimes against persons, crimes against property, and investigation of buncos, frauds, and arsons or items of a similar nature; assist in the prosecution of violations of laws relating to vice and narcotics; investigate incidents involving delinquency and dependency and to participate in prevention and research programs; serves warrants and summonses; provides services on call to the community using both walking and vehicular units; expedites traffic flow and investigates accidents; and provide communications between the public and the Department. (AO 21-76).

I. Office of Civil Defense

The Office of Civil Defense is responsible for implementing plans and agreements among various local agencies for survival and recovery from disasters and for providing necessary training and direction in the event of an emergency.

3.20.080 Support Services

The following executive agencies providing support services to the municipal government shall be administered by a Chief Administrative Officer for Support Services who is appointed by the Mayor and confirmed by the Assembly. The Chief Administrative Officer for Support Services is responsible to the mayor.

A. Department of Finance

The Department of Finance shall be administered by the chief fiscal officer who is the custodian of all municipal funds. The Department of Finance through the chief fiscal officer shall keep an itemized account of money received and disbursed, pay money on vouchers drawn against appropriations and perform such other duties as provided by law. Included are the functions of payroll disbursement, property appraisal, assessments, purchasing services, collection of taxes, revenues, and investment of cash.

B. Department of Employee Relations

The Department of Employee Relations is responsible for establishing and maintaining a comprehensive personnel services program for all municipal employees. Major functions include the recruitment and certification of new employees, the position classification system, the maintenance of personnel records, negotiations and arbitration proceedings with labor organizations representing municipal employees, resolution of labor grievances, and training programs for employees.

C. Department of Administrative Services

The Department of Administrative Services is responsible for automated information systems, communications, space, facility, and property management; facility custodial and maintenance services, records control, graphic and publication functions, insurance and safety programs.

D. Department of Management & Budget

The Department of Management and Budget is responsible for planning, publishing and managing the municipal budget, for promoting programs which carry out established municipal policies, for monitoring individual department progress in achieving program goals and for assisting department in applying program planning methods to the budget process. In addition, the Department is responsible for improving the municipal operations by providing assistance to all departments concerned with developing their internal management abilities, and coordinating state and federal grant assistance.

E. Office of Volunteer Services

The Office of Volunteer Services is responsible for coordinating the use of volunteer services within the municipality and with other appropriate community voluntary organizations.

3.20.090 Municipal Utilities.

~~A. Municipally-owned-and-operated-utilities-shall-be-administered-by-a-chief administrative-officer-for-municipal-utilities-who-is-appointed-by-the mayor-and-confirmed-by-the-Assembly.--The-chief-administrative-officer for-municipal-utilities-is-responsible-to-the-mayor.~~

A. Municipally owned and operated utilities, as departments, shall be administered by a chief administrative officer for municipal utilities who is appointed by the mayor and confirmed by the Assembly. The chief administrative officer for municipal utilities is responsible to the mayor.

B. Municipal utilities are:

1. Anchorage Telephone Utility

The Anchorage Telephone Utility is responsible for providing telecommunications service within its service area as defined by the Alaska Public Utilities Commission. The Utility also provides switchboard systems, key systems and other special telecommunications services to Anchorage subscribers.

2. Municipal Light and Power

The Municipal Light and Power is responsible for supplying electrical energy and street lighting to consumers within its service area as defined by the Alaska Public Utilities Commission.

3. Anchorage Water & Sewer Utility

The Anchorage Water & Sewer Utility is responsible for providing a water distribution system within its service area and for providing sanitary sewer services to include treatment and disposal of waste water within its service area as defined by the Alaska Public Utilities Commission.

C. Each municipal utility shall be administered by a general manager who shall be responsible to the chief administrative officer for municipal utilities.

3.20.100 Internal Auditor.

A. There is established the Office of Internal Auditor. He shall provide the Assembly and the administration with objective information to assist them in determining whether governmental operations are adequately controlled and whether the required high degree of public accountability is maintained.

B. The internal auditor shall have the following duties:

1. to review and appraise the soundness, adequacy and application of accounting, financial and operating controls;
2. to ascertain the extent of compliance with established policies, plans and procedures;
3. to ascertain the extent to which municipal assets are accounted for and safeguarded from losses of all kinds; and



4. to ascertain the reliability of accounting and other data developed within the municipality.
- C. The duties of the internal auditor under this section shall not be construed to replace or relieve the responsibility of any other person. (AO 77-359)
- D. The internal auditor may be dismissed by the mayor only for cause shown, and only with concurrence of a majority of the Assembly.

3.20.110 Access to Municipal Information

- A. In the performance of their duties under Section 3.20.100, the internal auditor and his designees shall have full, free and unrestricted access to:
  1. all public records, as defined in Section 3.90.020C of this code;
  2. all activities of the municipal government;
  3. all municipal property;
  4. all municipal personnel; and
  5. all policies, plans and procedures and records pertaining to expenditures financed by municipal funds.
- B. This section shall not authorize the public disclosure of material that is confidential or privileged under federal, state or local law, or material the public disclosure of which otherwise would constitute an unwarranted invasion of personal privacy. (AO 77-359)

3.20.120 Findings and Recommendations

- A. The internal auditor shall report his conclusions and recommendations promptly as provided in subsection B of this section.
- B. The internal auditor shall present his conclusions and recommendations in a written report. The report shall be submitted simultaneously to the mayor and Assembly.
- C. Copies of reports of the internal auditor shall be available for public inspection at the office of the internal auditor during regular business hours.
- D. The internal auditor shall forward copies of administrative responses to internal audit reports to the Assembly.

3.20.130 Responsibilities of the Administration.

The administration shall:

- A. Plan or take corrective action on reported deficient conditions within 30 days of receiving an internal audit report disclosing the conditions;
- B. Submit to the internal auditor a written report describing the plan or action adopted under subsection A of this section; and
- C. If the report under subsection B of this section describes a plan of action, the administration shall submit to the internal auditor a second report promptly upon implementing the plan.

Section 3. AMC 3.10.030 is repealed.

Section 4. AMC 3.50.010 is amended as follows:

3.50.010 Adoption of directives.

- A. The [manager] mayor may promulgate administrative [rules] directives which relate [exclusively] primarily to the internal operations of the various [departments and] agencies of the municipality and may designate standard operating procedures, forms, manuals, instructions or other guidelines to ensure the coordinated and efficient administration of municipal government.
- B. The [manager] mayor may codify administrative rules promulgated under this chapter, known as the ["Manager's"] "Mayor's [Rules.]" Directives."

Section 5. AMC 3.50.015 is repealed and reenacted to

read:

3.50.015 Review.

Upon written notice to directors of affected agencies, the mayor may repeal or amend a Directive at any time.

Section 6. AMC 3.50.020 is amended as follows:

3.50.020 Transition measures.

All published regulations, orders, standards, procedures or other administrative rules that relate exclusively to the internal operations of the various [departments and] agencies of the

municipality existing prior to the date this chapter takes effect, shall remain in effect unless specifically repealed by the [manager] mayor through written notice in advance to the Assembly, [department] agency heads and other interested persons.

Section 7. ~~AMC 3.70.060(6) is amended to read:~~

Section 7. AMC 3.70.060(C)(6) is repealed; the remaining subsections of AMC 3.70.060(C) are renumbered accordingly; and AMC 3.70.060(C)(1), (8) and (10) are amended as follows:

C. The following employees shall be exempted from collective bargaining:

1. all appointed department heads; the director of volunteer services; the director of civil defense; the director of the office of equal opportunity; the chief administrative officer for support services; and the chief administrative officer for municipal utilities.

[6] ...[delete subsection 6]

[8.] 7. The staffs of the treasurer; [and] Data Processing Division; and the department of management and budget.

[10.] 9. the staff of the [municipal labor relations office] Department of Employee Relations.

Section 8. The first paragraph of AMC 3.90.050 is amended to read:

3.90.050 Departmental regulation of time, place and manner of inspection of public records.

The [manager] mayor shall, pursuant to Chapter 3.20 [the municipal Administrative Procedures Act,] adopt municipal regulations for each municipal department as to the time, place and manner of inspection of public records held by the municipality. Such regulations may also provide:...

Section 9. AMC 6.10.030 is amended to read:

6.10.030 Preparation of budget.

The director of the [office] department of management and budget shall present to the mayor the annual budget for the ensuing fiscal year. The budget shall be based upon detailed estimates furnished by the [several departments and other divisions] agencies of the municipal government according to a classification as nearly uniform as possible. The budget shall present information on recommended appropriations, anticipated expenditures, estimates taxes and other revenues required to support the budget.

The chief fiscal officer shall provide fiscal input to the preliminary stages of the budget preparation, and again when the [Office] Department of Management and Budget consolidates [department] agency requests. The chief fiscal officer shall provide funding certification prior to the mayor's administrative review, and upon Assembly adoption the chief fiscal officer is responsible for budget execution and administration and pre- and post-audits.

Municipal funds and grants which have been appropriated by the Assembly to institutions and nonprofit organizations for the benefit and welfare of the public shall be controlled by conditions and regulations as may be imposed by the Assembly and shall be subject to independent financial audit under the same procedures as established for municipal funds.

The [Office] Department of Management and Budget shall perform program evaluation.

Section 10. AMC 6.10.070 is amended to read:

6.10.070 Assembly action on municipal budget.

- A. The Assembly may increase or decrease any item, and may add or delete items, in the proposed operating or capital budget of the municipality. The Assembly shall approve the budget of the municipality as amended and shall appropriate by ordinance the necessary funds at least 21 days prior to the end of the fiscal year of the municipality. If the Assembly fails to approve the budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year. Notwithstanding the above, the Assembly may reduce or increase appropriations during the course of the fiscal year involved.
- B. Except for agencies not designated as departments under Chapter 3.20, whose appropriations may be proposed to and made by the Assembly as part of the office of the mayor or any other executive department, [As] as a minimum, separate appropriations will be made for each municipal department. At the Assembly's discretion, separate appropriations may be made for elements of expense or categories within departments.

Section 11. AMC 6.10.110 is amended to read:

6.10.110 Contingency funds.

Provision shall be made in the annual budget for a reasonable contingency fund for use in any [of the departments] agency of the municipality. Such contingent funds shall be under the exclusive

control of the Assembly. In case of an emergency constituting an unusual or unforeseen need, a request may be made to the Assembly for transfer of contingency funds to meet the proposed emergency expenditure. Such request may be made by the head of any [department,] agency, in writing, stating the facts which constitute the emergency, and shall be made to the mayor through the [Office] Department of Management and Budget. The chief fiscal officer shall prepare and affix his recommendations to the request for submission to the mayor. The mayor shall submit the request to the Assembly for authorization to transfer contingency funds to meet the emergency. The chief fiscal officer shall prepare a monthly report to the Assembly which will indicate the total contingency fund appropriation for the fiscal year and each transfer made from that fund since the beginning of the fiscal year and which shall also indicate the current remaining balance of the contingency fund.

Section 12. The Executive Program Manager Classification and Pay Plan as enacted and amended through AO 76-76, 77-295 and 78-52 is amended as follows:

1. Add position of Chief Administrative Officer for Support Services to Administrative and Support Category, and assign that position to the E-III pay range.
2. Retitle position of Enterprise Activities Director to Chief Administrative Officer for Municipal Utilities.
3. Retitle the position of Human Support Services Manager to Director of Social Services.
4. Add position of Director, Office of Equal Opportunity to Program or Operations Management and assign that position to the E-1 pay range.
5. Add the position of Internal Auditor to Executive Program Manager Classification and Pay Plan and assign that position to the E-II pay range.

Section 13. The provisions of this ordinance shall not be construed to require reconfirmation of executives appointed as directors of municipal agencies whose titles have been modified by this ordinance but whose duties are left substantially unchanged.

Section 14. This ordinance shall become effective on passage and approval.

Passed and approved by the Anchorage Assembly, this 10<sup>th</sup> day of April, 1979.

Ernest Brunson  
Chairman

ATTEST:

Thyllis Ellen Banks  
Municipal Clerk *acting*



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

**Approved**

No. AM 239-79B

Date: 4-10-79

**Meeting Date:** April 10, 1979

**From:** Mayor Sullivan  
**Subject:** AO 79-27--Status of Municipal  
Utilities in Proposed Reorganization

When AO 79-27 was introduced, the question arose as to whether each utility would be considered as a separate appropriation item, and whether the General Managers of the respective utilities would be subject to confirmation by the Assembly.

Traditionally, each appropriation ordinance adopted by the Assembly has shown each utility as a separate entity and appropriation. This practice will continue.

It was the intention of the Administration, in drafting AO 79-27, to expressly include General Managers of the respective utilities within the confirmation authority of the Assembly. The attached amendment to AO 79-27 corrects this inadvertence and its adoption is recommended.

Prepared by:

D. G. Weiford  
Municipal Manager

Respectfully submitted:

George M. Sullivan  
Mayor

Section 3.20.020(A) is amended to read:

3.20.020. Powers of the Mayor.

The mayor shall appoint the manager, the chief administrative officers, the internal auditor, and all other heads of municipal departments, including municipal utilities, [and the internal auditor] subject to confirmation by the Assembly, and all other heads of municipal agencies provided for in this chapter without Assembly confirmation. All appointments under this subsection shall be based upon professional qualifications of the appointee. Except as provided in this chapter, persons appointed by the Mayor serve at the pleasure of the Mayor.

Section 3.20.090 relating to municipal utilities is amended as follows:

3.20.090. Municipal utilities.

- A. Municipally owned and operated utilities, as departments, shall be administered by a chief administrative officer for municipal utilities who is appointed by the Mayor and confirmed by the Assembly....





# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 239-79A

CLERK'S OFFICE  
AMENDED AND APPROVED  
Date: 4-10-79

**Meeting Date:** April 10, 1979

**From:** Mayor Sullivan  
**Subject:** A0 79 - 27--Recommended Amendments  
With Respect to Internal Auditor

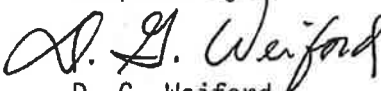
When A0 79-27 was introduced, the Assembly asked for clarification concerning the appointing and dismissal authority with respect to the Internal Auditor position. This has always been an unclear area and it is deemed most appropriate for the matter to be clarified at this time.

The attached amendment provides that the Internal Auditor is hired by the Mayor and confirmed by the Assembly. It places the Internal Auditor position in the E-II stage of the Executive Plan. Finally, it stipulates that the Internal Auditor may be dismissed by the Mayor but only for cause.


Under existing law, the Internal Auditor and his staff are exempt from collective bargaining. A0 79-27 fails to include this language. The proposed amendment corrects this oversight.

Adoption of this amendment is recommended.

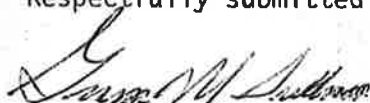
Prepared by:

  
D. G. Weiford  
Municipal Manager

Concur:

  
R. L. Campbell  
Internal Auditor

Respectfully submitted:

  
George M. Sullivan  
Mayor

Section 3.20.020(A) is amended to read:

3.20.020. Powers of the Mayor.

The mayor shall appoint the manager, the chief administrative officers, the internal auditor, and all other heads of municipal departments, including municipal utilities, [and the internal auditor] subject to confirmation by the Assembly, and all other heads of municipal agencies provided for in this chapter without Assembly confirmation. All appointments under this subsection shall be based upon professional qualifications of the appointee. Except as provided in this chapter, persons appointed by the Mayor serve at the pleasure of the Mayor.

Section 3.20.100 is amended by addition of a new subsection (D) to read as follows:

- D. The Internal Auditor may be dismissed by the Mayor only for cause shown.

Section 15 of AO 79-27 is amended by addition of a new subsection to read:

- 5. Add the position of Internal Auditor to Executive Program Manager Classification and Pay Plan and assign that position to the E-II pay range.

The following language is substituted for the amending and repealing language of Section 7 of the ordinance:

Section 7. AMC 3.70.060(C)(6) is repealed; the remaining subsections of AMC 3.70.060(C) are renumbered accordingly; and AMC 3.70.060(C)(1), (8) and (10) are amended as follows:

- C. The following employees shall be exempt from collective bargaining...



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

**Approved**

No. AM 239-79

Date: 4-10-79

**Meeting Date:** March 20, 1979

**From:** Mayor

**Subject:** Recommended Executive Branch Organization Plan

As you know, the Administration has been reviewing the present executive organization with a view toward improving our organizational effectiveness. In order to obtain an objective, third-party point of view Leonard Lane was engaged to assist us in this effort. In addition, proposed changes were also discussed with the Department/Agency Directors and their comments and suggestions have been incorporated into the recommended organization plan.

The ordinance revisions addressed in AO79-27 are directly related to the changes required to implement the organization as proposed to the Assembly in a work session earlier this year. Attached as a reminder is a copy of the material discussed at that session. The code revisions to reflect the recommended organization can be categorized as follows:

1. Revision of the organization plan in Title 3.
2. Substitution of Mayor's Directives for Manager's Rules in Title 3.
3. Establishment of Internal Auditor in 3.020.100 versus 3.85 and revision of the routing of internal audit reports.
4. Housekeeping measures to conform the remainder of the code to the revised organization.

Recommended by:

Douglas G. Weiford  
Municipal Manager

Respectfully submitted:

George M. Sullivan  
Mayor

attachment

0015

## THE EXISTING ORGANIZATION

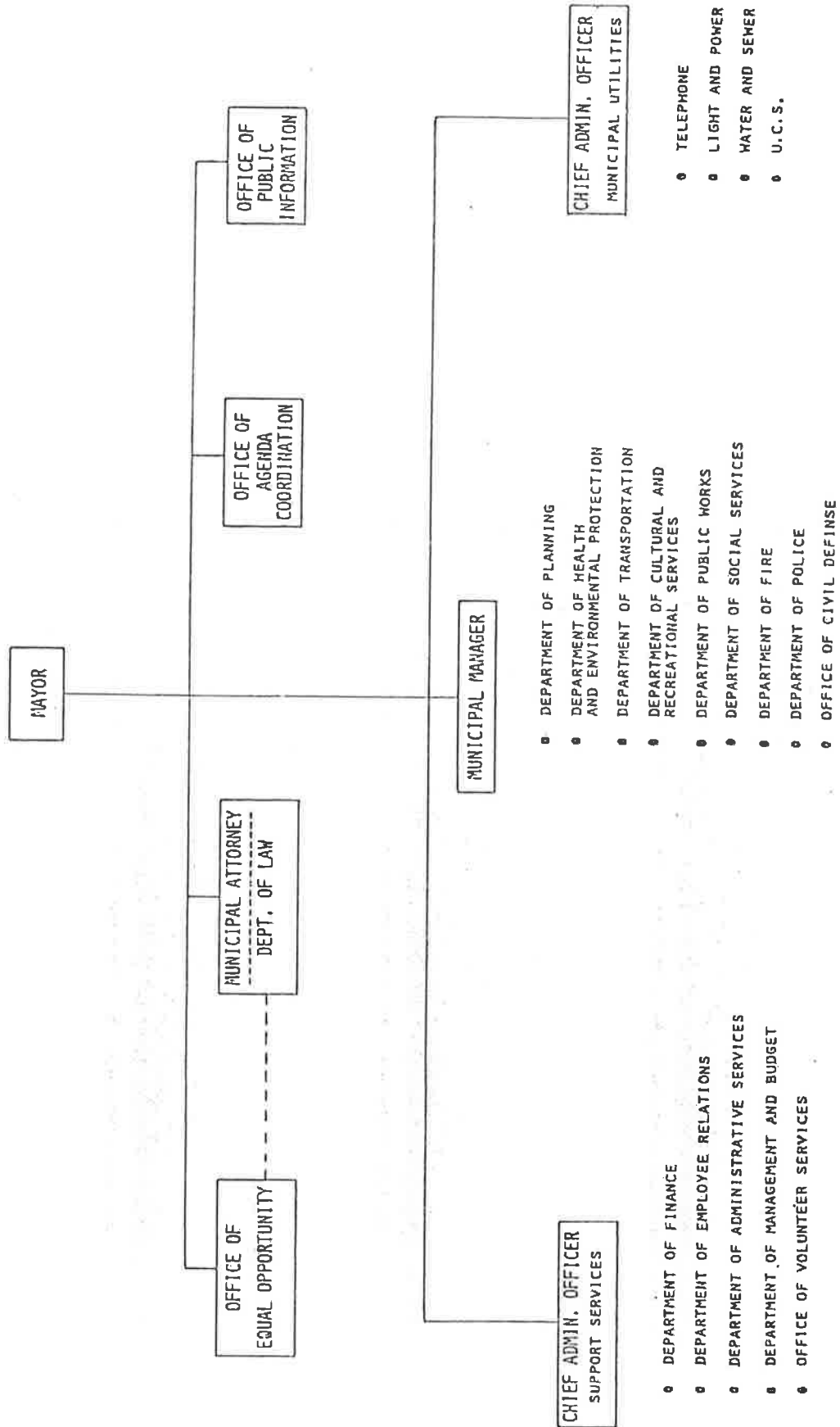
UNDER THE PRESENT ORGANIZATIONAL ARRANGEMENT--IN EFFECT FOR  
NEARLY TWO YEARS--THE FOLLOWING REPORT DIRECTLY TO THE MAYOR:

MUNICIPAL MANAGER	DIRECTOR, O.M.B.
MUNICIPAL ATTORNEY	AGENDA COORDINATOR
CHIEF FISCAL OFFICER	DIRECTOR, MINORITY BUS, ENTERPRISE
DIRECTOR, EMPLOYEE RELATIONS	PUBLIC INFORMATION OFFICER
DIRECTOR, ENTERPRISE ACT.	DIRECTOR, VOLUNTEER SERVICES
DIRECTOR OF PLANNING	

THE FOLLOWING REPORT TO THE MUNICIPAL MANAGER:

DIRECTOR, ADMINISTRATIVE SERVICES  
DIRECTOR, CULTURAL & RECREATIONAL SERVICES  
DIRECTOR, CIVIL DEFENSE  
DIRECTOR, HEALTH & ENVIRONMENTAL PROTECTION  
DIRECTOR, HUMAN SUPPORT SERVICES  
DIRECTOR, TRANSPORTATION  
DIRECTOR, PUBLIC WORKS  
FIRE CHIEF  
POLICE CHIEF

MUNICIPALITY OF ANCHORAGE  
PROPOSED ORGANIZATION CHART



0017

PRINCIPAL EFFECTS OF THE PROPOSED  
NEW ORGANIZATION

- ① GROUPS LIKE CATEGORIES TOGETHER, THEREBY PROVIDING A SIMPLIFIED STRUCTURE WHICH WILL BE MORE READILY UNDERSTANDABLE AND REACHABLE BY THE PUBLIC,
- ② PROVIDES THE ASSEMBLY WITH FEWER AND MORE ACCESSIBLE "ENTRY POINTS" FOR OBTAINING TIMELY INFORMATION,
- ③ ENLARGES THE ASSEMBLY'S CONFIRMATION AUTHORITY,
- ④ REDUCES THE NUMBER OF POSITIONS REPORTING DIRECTLY TO THE MAYOR, THEREBY INCREASING HIS TIME FOR GOAL-SETTING AND POLICY DEVELOPMENT,
- ⑤ PLACES ACCOUNTABILITY AT THE LEVEL WHERE THE WORK IS PERFORMED, AND FACILITATES MORE EFFECTIVE PERFORMANCE MONITORING AND EVALUATION,

EXECUTIVE COMMITTEE

- O MAYOR
- O MUNICIPAL MANAGER
- O MUNICIPAL ATTORNEY
- O CHIEF ADMINISTRATIVE OFFICER, MUNICIPAL UTILITIES
- O CHIEF ADMINISTRATIVE OFFICER, SUPPORT SERVICES

\* OTHERS ON AN AD HOC BASIS WHEN SPECIAL KNOWLEDGE  
AND SKILLS ARE REQUIRED

\* GROUP WILL MEET THREE TIMES A WEEK.

SPECIAL ORGANIZATION REQUIREMENTS

- ① MAYOR DEALS DIRECTLY WITH CHIEF FISCAL OFFICER ON SUCH ISSUES AS BOND AND INVESTMENT MATTERS.
- ① MAYOR DEALS DIRECTLY WITH DIRECTOR OF PLANNING ON SUCH MATTERS AS GROWTH ISSUES AND LAND USE POLICY.
- ① MAYOR DEALS DIRECTLY WITH DIRECTOR OF MANAGEMENT AND BUDGET ON SUCH MATTERS AS BUDGET DIRECTIONS.
- ① MAYOR DEALS DIRECTLY WITH DIRECTOR OF EMPLOYEE RELATIONS ON SUCH MATTERS AS LABOR NEGOTIATIONS.





# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 359-79

Meeting Date: April 24, 1979

From: Mayor Sullivan

Subject: Confirmation of Appointments

Under the reorganization of the Executive Branch, approved by the Assembly on April 10th, a total of seven positions require confirmation at this time.

I have appointed Larry D. Crawford as Chief Administrative Officer for Support Services, and Lucille Person as Director of the Department of Management and Budget. Confirmation is requested.

The other five positions are occupied by incumbents but their positions are now brought within the Assembly's confirmation authority. They are:

Jewel Jones, Director of the Department of Social Services

Fred W. Jones, Director of the Department of Employee Relations

John Harshman, General Manager, Water & Sewer Utility

Thomas Stahr, General Manager, Municipal Light & Power Utility

Albert C. Pistorius, General Manager, Anchorage Telephone Utility.

Confirmation of these incumbents is requested.

Respectfully submitted,

George M. Sullivan  
Mayor



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 362-79

Meeting Date: April 24, 1979

**From:** Mayor  
**Subject:** Confirmation of Appointment

Under the reorganization of the Executive Branch, approved by the Assembly on April 10th, the position of Internal Auditor requires confirmation at this time.

I have appointed incumbent Lawrence Campbell as Internal Auditor.

Confirmation is requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George M. Sullivan".

George M. Sullivan  
Mayor

William D. Falsey  
Birch Horton Bittner & Cherot  
510 L Street, Suite 700  
Anchorage, Alaska 99501  
wfalsey@bhb.com  
Telephone: 907.276.1550  
Facsimile: 907.276.3680

Attorneys for Defendant THE ANCHORAGE MUNICIPAL ASSEMBLY

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

MAYOR DAVE BRONSON, in his official  
capacity,

Plaintiff,

v.

THE ANCHORAGE MUNICIPAL ASSEMBLY,

Defendant.

Case No. 3AN-21--08881CI

**ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Upon consideration of Defendant The Anchorage Municipal Assembly's Motion for Summary Judgment, and any opposition thereto, this Court orders that Defendant's Motion for Summary Judgment is hereby GRANTED. The Court finds that there are no material facts in dispute and that Defendant is entitled to judgment as a matter of law.

IT IS HEREBY ORDERED that Plaintiff Mayor Bronson's case is dismissed in its entirety.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.


\_\_\_\_\_  
Dani R. Crosby  
Superior Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26<sup>th</sup> day of January, 2022, a true and correct copy of the foregoing **(proposed) Order Granting Defendant's Motion for Summary Judgment (2 pp)** was served on the following in the manner indicated:

Christina A. Rankin	<input type="checkbox"/>	U.S. Mail
Kristin E. Crabb	<input type="checkbox"/>	Facsimile
Guess & Rudd, P.C.	<input checked="" type="checkbox"/>	Electronic Delivery
1029 W. 3rd Avenue, Suite 400	<input type="checkbox"/>	Hand Delivery
Anchorage, AK 99501		
crankin@guessrudd.com		
kcrabb@guessrudd.com		

BIRCH HORTON BITTNER & CHEROT

By:   
Peggy S. Crowe  
Believed to be transmitted without  
error from [pcrowe@bhb.com](mailto:pcrowe@bhb.com)  
Approx. Time: 3:00 pm