

ANCHORAGE, ALASKA
AO No. 2023-133

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE SECTION 2.30.085, SUBPOENA POWERS.**

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4 **WHEREAS**, the Assembly formally codified its ability to issue subpoenas in 1991,
5 by passing and approving AO 91-15(S) which enacted AMC Section 2.30.085; and
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7 **WHEREAS**, when originally introduced, the intent if AO 91-15 was to recognize in
8 the Assembly a subpoena power “similar to what the Alaska Legislature has under
9 State Statutes”¹; and
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11 **WHEREAS**, the original proposed ordinance was modified by a substitute (S)
12 version which included the words “involving municipal funds” to clarify that the
13 subpoena was intended to apply to “any matter that the city is involved in directly,
14 and it would exclude, by that language, private business matters that happen to
15 reside within the geographical area”²; and
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17 **WHEREAS**, the language “involving municipal funds” has been misconstrued to
18 limit the Assembly’s subpoena power strictly to matters of fiscal policy, while the
19 state legislature’s subpoena power is not limited in this way; and
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21 **WHEREAS**, the intent of this ordinance is merely to clarify the Assembly’s existing
22 subpoena power, and not to expand its scope; now, therefore,
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24 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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26 **Section 1.** Anchorage Municipal Code section 2.30.085 is hereby amended to read
27 as follows (*the remainder of the section is not affected and therefore not set out*):
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29 **2.30.085 Subpoena powers.**
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31 A. Subject to the privileges which witnesses have in courts of this
32 state, the chair[MAN] of the assembly, with the approval of a
33 majority vote of the assembly, may, in the chair’s official
34 capacity and on behalf and in the name of the assembly:
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- 36 1. Compel by subpoena, at a specified time and place, the
37 appearance and sworn testimony of a person whom the
38 assembly reasonably believes may be able to give
39 information relating to a public matter [INVOLVING
40 MUNICIPAL FUNDS AND POLICY] being considered by
41 the assembly; and

¹ AM 131-91 (Memorandum of Fred Dyson).

² Regular Assembly Meeting of Feb. 12, 1991.

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2. Compel a person, by subpoena, to produce documents, papers or objects which the assembly reasonably believes may relate to a public [THE] matter being considered by the assembly [UNDER CONSIDERATION].

B. If a person refuses to comply with a subpoena issued under subsection A of this section, the superior court may, on application of the chair[MAN] of the assembly, compel obedience by proceedings for contempt in the same manner as in the case of disobedience to the requirements of a subpoena issued by the court for refusal to testify in the court.

C. A person who seeks to quash or limit a subpoena issued pursuant to this section may file an action against the assembly in superior court.

(AO No. 91-15(S))

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk