




MUNICIPALITY OF ANCHORAGE
MAYOR DAVE BRONSON

OFFICE OF THE MAYOR

Date: April 2, 2024
To: Anchorage Assembly
From: Mayor Dave Bronson 
Subject: Veto of Resolution No. AR 2024-103

Today, in accord with Section 2.30.100 of the Anchorage Municipal Code (AMC) and Section 5.02 of the Municipal Charter, I am issuing a veto for AR 2024-103, which was approved during the Assembly's special meeting on March 27, 2024.

Why are assembly members spending taxpayer dollars for their attorneys to subpoena documents they already have access to? These documents have been made available to them, are available to them, and this open invitation continues. These threatening subpoenas are nothing more than scare tactics to bully municipal employees into potentially breaching municipal contracts. As one of the Assembly's own members put it, these extreme tactics are mere "chest puffing."

The Assembly and their own lawyers have said the real reason for the subpoena is to make the term sheet public. However, the term sheet they seek to make public is subject to a prior contract - a Common Interest Agreement signed by the Municipality of Anchorage in 2017. Because the Assembly is part of the Municipality of Anchorage, we have no objection to Assembly members making their own copies of the confidential term sheet and of the confidential Common Interest Agreement. Indeed, disclosure has already been made, and is available to members of the Assembly and their paid outside counsel – if the confidentiality is properly maintained, and the Common Interest Agreement is not breached. I simply do not see why the Anchorage Assembly believes they are not bound by the 2017 Common Interest Agreement and, consequently, I do not agree that the Assembly has a unilateral right to publicly release documents subject to a Common Interest Agreement. If the Anchorage Assembly makes this document public as they want to, the Municipality will surely be sued for breach of contract.

The Municipality agreed in 2017 that no party would have the authority to waive any privilege or defense on behalf of any other party without the consent from the other parties. Chugach and MEA have not waived their rights under the Common Interest Agreement.

A subpoena is unnecessary when we have already made these documents available to Assembly Members and their counsel. AR 2024-103 is an attempt to interfere and potentially



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breach the contractual obligations agreed to by the Municipality in 2017 during the Berkowitz administration.

For the above reasons, I hereby veto AR 2024-103.