

**ANCHORAGE, ALASKA**  
**AR No. 2021-400**

1 **A RESOLUTION OF THE ANCHORAGE ASSEMBLY AUTHORIZING**  
2 **ASSEMBLY COUNSEL TO PARTICIPATE IN LITIGATION TO CONFIRM AND**  
3 **DEFEND THE LEGALITY OF ANCHORAGE ORDINANCE 2020-79(S) AND**  
4 **ANCHORAGE MUNICIPAL CODE SECTION 3.20.140, RELATING TO THE**  
5 **OFFICE OF EQUITY AND JUSTICE, AND TO REQUIRE COMPLIANCE WITH**  
6 **THE LAW.**

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9 **WHEREAS**, the Anchorage Municipal Assembly adopted AO 2020-79(S) at the  
10 regular Assembly meeting of August 26, 2020, establishing the Office of Equity and  
11 Justice;

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13 **WHEREAS**, portions of the ordinance were codified as Anchorage Municipal Code  
14 section 3.20.140;

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16 **WHEREAS**, Anchorage Municipal Code subsection 3.20.140A.1.b. provides that  
17 “the term of office for the chief equity officer shall be four years”;

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19 **WHEREAS**, AMC subsection 3.20.140A.1.c. provides “The chief equity officer may  
20 be dismissed by the mayor only for cause shown, and only with the concurrence of  
21 a majority of the assembly”;

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23 **WHEREAS**, the Assembly leadership sent a letter to Mayor Bronson requesting  
24 compliance with the above provisions of the ordinance (attached), and the  
25 Administration directed the Department of Law to respond, which asserted that AMC  
26 subsections 3.20.140A.1.b. and 3.20.140A.1.c. violate the Anchorage Municipal  
27 Charter, (memorandum attached);

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29 **WHEREAS**, the Administration and Department of Law have further asserted that it  
30 may dismiss the chief equity officer without cause, and without Assembly  
31 concurrence, notwithstanding the commands of AMC section 3.20.140;

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33 **WHEREAS**, the arrangement established for the chief equity officer was expressly  
34 modeled on similar code provisions applicable to the internal auditor, see AM 414-  
35 2020(A), that were first proposed by the George Sullivan administration and adopted  
36 by the Assembly in 1979, see AM 239-79(A), AO 79-27, and AMC section 3.20.100;

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38 **WHEREAS**, the Assembly Counsel Office’s position is that the Administration and  
39 Department of Law’s assertion that provisions of AO 2020-79(S) are unlawful is at  
40 odds with decades of Municipal history and practice and with the shared  
41 understanding of the Assembly and prior Administrations, misconstrues the Charter,  
42 and is incorrect;

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**WHEREAS**, AMC subsection 7.20.060J. requires Assembly approval in advance before participation in any litigation as a plaintiff or intervener; and

**WHEREAS**, given the circumstances, Counsel advises the Anchorage Assembly has standing in court to assert the legality and validity of AO 2020-79(S) and AMC section 3.20.140, and its rights to concurrence by majority vote in the dismissal of the chief equity officer; now, therefore,

**THE ANCHORAGE ASSEMBLY RESOLVES:**

**Section 1.** Assembly Counsel’s Office is authorized to participate in litigation, on behalf and in the name of the Anchorage Municipal Assembly, to defend and confirm the legality and validity of AO 2020-79(S) and AMC section 3.20.140, and to require compliance with the law. Assembly Counsel may, for the Anchorage Municipal Assembly, file an original action, intervene or otherwise seek to participate in a pending action, as Counsel deems most advisable and after conferring with the Assembly Chair and Vice Chair.

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

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

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