

Submitted by: Assembly Chair
LaFrance and Vice Chair
Constant
Prepared by: Assembly Counsel's Office
For reading: March 15, 2022

ANCHORAGE, ALASKA
AR No. 2021-91

1 **A RESOLUTION OF THE ANCHORAGE ASSEMBLY PERMITTING ULUAO**
2 **“JUNIOR” AUMAVAE TO CONTINUE SERVING AS ACTING CHIEF EQUITY**
3 **OFFICER DURING THE PENDENCY OF THE *BRONSON V. ASSEMBLY***
4 **LAWSUIT, AND DIRECTING THE MUNICIPAL CLERK TO PLACE THE**
5 **QUESTION OF HIS CONFIRMATION ON THE AGENDA FOR THE FIRST**
6 **REGULAR MEETING OF THE ASSEMBLY THAT OCCURS AFTER THE**
7 **LAWSUIT IS RESOLVED.**
8

9
10 **WHEREAS**, Mayor Bronson purported to appoint Uluao “Junior” Aumavae to the
11 position of Chief Equity Officer on October 8, 2021, one day after the Administration
12 informed the Municipality’s then-serving Chief Equity Officer that his employment
13 was being terminated;
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15 **WHEREAS**, approximately five months later, the Administration submitted to the
16 Assembly AM 152-2022 with a request that the Assembly confirm Mr. Aumavae’s
17 executive appointment at the Assembly’s regular meeting of March 15, 2022;
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19 **WHEREAS**, Anchorage Municipal Code section 3.20.020, as amended by
20 AO 2021-92(S), As Amended, requires the Mayor to submit executive appointments
21 that are subject to Assembly confirmation to the Assembly within 60 days;
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23 **WHEREAS**, by operation of AMC section 3.20,140, the Chief Equity Officer position
24 is an executive appointment subject to Assembly confirmation;
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26 **WHEREAS**, on December 12, 2021 Mayor Dave Bronson sued the Anchorage
27 Municipal Assembly, in a case now captioned *Bronson v. Assembly*, 3AN-21-
28 08881CI;
29

30 **WHEREAS**, in *Bronson v. Assembly* the Mayor asserts that portions of the
31 Anchorage Municipal Code provision that governs the Chief Equity Officer position,
32 AMC section 3.20.140, are unlawful;
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34 **WHEREAS**, Anchorage’s first Chief Equity Officer, Clifford Armstrong, filed a lawsuit
35 against the Municipality, alleging that his termination without Assembly concurrence
36 violated AMC section 3.20.140;
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38 **WHEREAS**, the Administration paid \$125,000 to resolve Mr. Armstrong’s lawsuit;
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1 **WHEREAS**, AMC subsection 3.20.020A.5. prohibits persons from being assigned
2 or delegated for more than 60 days the authority or responsibility of a position that
3 is subject to Assembly confirmation unless, among other things, “the Assembly by
4 resolution concurs . . . that it is not in the best interest of the municipality to enforce
5 the limit”;

6
7 **WHEREAS**, it is in the best interest of the Municipality and its taxpayers to resolve
8 questions relating to the legality of AMC section 3.20.140 before a person is again
9 confirmed to serve in the Chief Equity Officer position; now, therefore,

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11 **THE ANCHORAGE ASSEMBLY RESOLVES:**

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13 **Section 1.** It is not in the best interest of the Municipality to enforce the 60-day
14 limit of AMC subsection 3.20.020A.5, which would thereby limit Mr. Aumavae’s
15 service as acting Chief Equity Officer to 60 days.

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17 **Section 2.** The Assembly does not object to Mr. Aumavae serving as acting Chief
18 Equity Officer during the pendency of the *Bronson v. Assembly* lawsuit.

19
20 **Section 3.** The Municipal Clerk shall place the question of Assembly confirmation
21 of Mr. Aumavae’s appointment to the Chief Equity Officer position on the agenda for
22 the first regular meeting of the Assembly that occurs after the *Bronson v. Assembly*
23 lawsuit is resolved by final judgment and all appeal periods have expired.

24
25 **Section 4.** This resolution shall be effective immediately upon passage and
26 approval by the Assembly.

27
28 PASSED AND APPROVED by the Anchorage Assembly this _____ day
29 of _____, 2022.

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32 _____
33 Chair of the Assembly

34 ATTEST:

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38 _____
39 Municipal Clerk
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