

EXECUTIVE AUTHORITY IN THE MUNICIPALITY OF ANCHORAGE

2021-2024

I. Introduction.

In September 1975, residents of Anchorage approved the unification of the City of Anchorage and Greater Anchorage Area Borough by ratifying a Charter for the new Municipality of Anchorage. The 11-member Municipal Charter Commission, elected to draft the Charter for Anchorage voters from February to August 1975, repeatedly stated in debate that its goal was to create a strong executive, or “strong mayor,” form of government. Practically speaking, a strong mayor meant a full-time head of the executive branch, elected at a general election of the Municipality, and with veto powers over Assembly legislation and the ability to name full-time department heads within the executive branch.

Though the Municipal Charter is a local government Charter, both the Alaska Constitution and even the federal constitution similarly instituted a strong executive branch. Since Charter ratification in 1975, Anchorage’s strong executive form of government has been repeated and affirmed by elected Assembly members, Mayors, and even the Alaska Court System.

Anchorage Mayor Dave Bronson took an oath to uphold the Municipal Charter in 2021. The practical application of his oath is the defense of the Mayor’s Office and the exercise of the traditional powers and prerogatives of the executive branch. This memorandum examines the traditional executive authority that was lost during Mayor Bronson’s term from July 1, 2021 to July 1, 2024.

Since the election of Mayor Dave Bronson in 2021, Anchorage’s executive branch has sustained unprecedented attacks from the legislative branch, the Anchorage Assembly. The attacks have come in three general forms:

- Veto overrides (27)
- Legislative encroachment of executive branch (personnel, structure, policy, operations, budget)
- Legislative investigations and impeachment of the executive branch

II. Veto Overrides.

Under the 1975 Municipality of Anchorage Charter, the mayor’s veto power was intended to be broad and applicable to any Assembly action, including procedural motions. Reviewing courts have upheld this interpretation. The mayoral veto power has since expanded; in 1990, the Charter Review Commission Report recommended the addition of a mayoral budget line-item veto power by which the mayor can strike or reduce monies appropriated by the Assembly without vetoing the entire legislation. Anchorage voters approved this recommendation as a Charter amendment in October 1990.

The counterbalance to the mayor’s veto power, of course, is the Assembly’s ability to override the veto by a 2/3 majority vote. This means 8 Assembly votes must be cast in favor of an override, and this was the vote threshold both before and after the addition of a 12th Assembly Member in 2022. Adding a 12th Assembly Member has, however, added further insulation for overriding majorities seeking to defeat a 3-vote minority bloc.

Mayor Bronson vetoed 29 pieces of legislation between July 1, 2021 and June 30, 2024. While this number is greater than Mayors Dan Sullivan (24 vetoes from 2009-2015), George Wuerch (20 vetoes from 2000-

2003), and Rick Mystrom (20 vetoes from 1994-2000), it pales in comparison to Tom Fink, who issued 128 vetoes from 1987 to 1994. Most remarkable about the Bronson vetoes is that they were overridden about 90% of the time and – most importantly – the Assembly never failed in any of its override attempts.¹

The 29 Bronson vetoes, 2021-2024:

Legislation	Subject	Passed	Vetoed	Override
AO 2021-76	Establishing houseless advisory board	8/24/2021	8/27/2021	8/31/2021
AO 2021-113(S)	Management authority over Assembly premises	11/10/2021	11/16/2021	11/19/2021
AO 2021-92(S)	Limiting temporary mayor appointments to 60 days	11/10/2021	11/16/2021	11/19/2021
AO 2021-97 as amended	2022 GG CIP Budget	11/23/2021	11/30/2021	12/10/2021
AO 2021-96 as amended	2022 GG Ops Budget	11/23/2021	11/30/2021	12/10/2021
AO 2021-114	Organization of the Executive branch	12/14/2021	12/14/2021	12/14/2021
AO 2021-117	Rules of Procedure for the Assembly	1/19/2022	1/26/2022	1/28/2022
AR 2022-15	Adoption of legislative program	1/25/2022	1/25/2022	1/25/2022
AR 2022-112(S)	Resolution supporting senate district revision	4/12/2022	4/13/2022	4/14/2022
AR 2022-98(S)/ AO 2022-45	2022 GG Ops 1Q budget revision	4/26/2022	5/3/2022	5/13/2022
AR 2022-155	Suspension of procurement rules (mass care)	4/28/2022	5/5/2022	No override
AO 2022-69(S)	Process for selection of youth representative	6/21/2022	6/27/2022	6/30/2022
AR 2022-208(S-1) as amended	Interfund loan for sheltering costs	7/12/2022	7/19/2022	7/26/2022
AO 2022-60(S)	Impeachment of elected officials	7/12/2022	7/18/2022	8/1/2022

¹ This does not include procedural vetoes; the Assembly failed in its attempted override of a Mayor Bronson procedural veto during the Don Young Port of Alaska renaming debate on 1/9/2024.

AR 2022-178(S) as amended	ARPA 2 appropriations	8/9/2022	8/16/2022	8/25/2022
AR 2022-252 as amended	Emergency Shelter Plan Task Force	8/17/2022	8/24/2022	8/25/2022
AO 2022-87	2023 GG Ops Budget.	11/22/2022	11/30/2022	12/6/2022
AO 2022-105	Assembly approval of settlement payments	12/20/2022	12/27/2022	1/10/2023
AR 2023-102(S)	2023 1Q Budget Revision	4/25/2023	4/28/2023	No override
AO 2023-90(S)	Welcoming Cities	10/10/2023	10/17/2023	10/24/2023
AO 2023-95 as amended	2024 GG Ops Budget	11/21/2023	11/28/2023	12/5/2023
AO 2023-129(S)	Authority of the Assembly to manage premises	12/19/2023	12/26/2023	1/19/2024
AO 2023-133	Amending subpoena powers of Assembly	1/16/2024	1/23/2024	1/23/2024
AO 2024-25	Immunity provisions for Ombudsman to investigate complaints	3/5/2024	3/12/2024	3/19/2024
AO 2023-110(S-1) as amended	Regulation and taxation of short-term rentals	3/19/2024	3/20/2024	No override
AR 2024-103	Eklutna subpoena resolution	3/27/2024	4/2/2024	4/9/2024
AO 2024-28 As Amended	Eklutna mineral rights	3/27/2024	4/3/2024	4/9/2024
AR 2024-104	2024 1Q Budget revision	4/30/2024	5/3/2024	5/7/2024
AO 2024-52	Eklutna official comment	5/21/2024	5/28/2024	5/31/2024
Total - 29				

Source: Assembly Documents, www.muni.org/departments/assembly/pages/publicportalassemblydocuments.aspx

III. Legislative Encroachment On Executive Branch.

Mayor Bronson's term was marked by a consistent stream of legislation – both ordinances and resolutions, though ordinances had a more permanent effect – from the Anchorage Assembly that encroached upon authority of the executive branch. The encroaching legislation targeted five different

executive branch areas: appointments, structure, policy, operations, and budget. Until Mayor Bronson, an Anchorage Mayor's authority to exercise these executive powers had been unquestioned.

A. Appointments

Personnel is policy. The municipal Charter provides that the Mayor appoints all heads of municipal departments, subject to confirmation by the assembly, on the basis of professional qualifications. Persons appointed serve at the pleasure of the mayor. Our records disclose no history of mayoral appointees failing confirmation votes prior to Mayor Bronson's time in office

Six examples of Assembly interference with Mayoral executive appointments should be noted:

1. **Sami Graham and Judy Eledge.** Both Sami Graham and Judy Eledge were appointed by Mayor Bronson as Library Directors. Both were rejected on the basis of lack of qualifications; specifically, because neither had a Master's Degree in Library Science.² When Mayor Bronson appointed Eledge³ as Deputy Director of the Library, the Assembly passed AO 2021-92(S) and overrode the Mayor's veto, limiting mayoral temporary executive appointments to 60 days without a confirmation vote. This code change remains on the books at AMC 3.20.020A.
2. **Uluao "Junior" Aumavae.** The Chief Equity Officer of the Municipality is an executive appointment, serving at the pleasure of the Mayor per Charter. Mayor Bronson inherited Clifford Armstrong III as his Equity Officer, but fired him in October 2021 and appointed Uluao "Junior" Aumavae in his stead. The next meeting, the Assembly passed AO 2021-114 with amendments that required Assembly approval to fire the Chief Equity Officer, and then delayed Aumavae's confirmation until March 2022. Bronson successfully sued the Assembly (*Bronson v. Anchorage Municipal Assembly*, 3AN-21-08881CI), winning a court judgment in 2022 that ruled AO 2021-114 an unconstitutional violation of Charter and confirmed the Mayor's right to fire without Assembly approval. This unconstitutional municipal code provision remains on the books at AMC 3.20.140A.1.c.
3. **Joe Gerace.** Anchorage Health Director Joe Gerace was appointed by Mayor Bronson and confirmed by the Assembly. In August 2022, Gerace was revealed to have falsified portions of his resume in a media expose. The MOA HR Department promptly changed its hiring practices. Nevertheless, the Gerace episode prompted an investigation by the Municipal Audit Committee (AIM 6-2023), a subpoena to release personnel records (see AIM 44-2023, AIM 45-2023), Assembly executive sessions in early 2023 with the Administration and Municipal Attorney to discuss the privileged personnel records, and eventually a lawsuit (*Anchorage Municipal Assembly v. MOA*, 3AN-23-05260CI) to produce the privileged records to the public. The lawsuit was a draw, but dragged out over the course of 1.5 years.
4. **Mario Bird.** Mayor Bronson appointed private lawyer Mario Bird Municipal Attorney in July 2022, after the resignation of Patrick Bergt. Bird's confirmation vote failed 4-8. Prior to the vote, Chair LaFrance distributed a confidential legal memo drafted by Assembly Counsel, explaining to Assembly Members why

² This level of scrutiny was absent from the previous administration. Director of Anchorage Health Department Heather Harris was appointed by Mayor Berkowitz in July 2020 and approved by the Assembly in September 2020 at the height of the COVID-19 pandemic – this, despite having no previous experience or education in public health.

³ Eledge later resigned after a former employee taped a private conversation, turned it over to the media, and the Assembly passed a "no confidence" resolution specifically directed at Eledge (AR 2023-167).

they need not confirm Bird based on professional qualifications per Charter 5.02(a).⁴ The expansion of the Office of Assembly Counsel, more budget allocated for contracted outside counsel for Assembly, and the lack of any check from the executive branch, reinforces the point that this is a lopsided arrangement.

5. Chief Medical Officer Confirmation. The Assembly made the Chief Medical Officer⁵ a position requiring Assembly confirmation by passing AO 2023-111(S) and successfully submitting a Charter Amendment (Proposition 2) to voters in 2024. Future Chief Medical Officers now require the Assembly's consent (AMC 1.35.010B.3.ee).

6. Boards and Commissions. Aside from executive employees, the mayor also appoints members to over 430 board and commission seats, all of which are filled by citizen volunteers and subject to Assembly confirmation. Prior to Mayor Bronson, the Assembly raised few objections to mayoral appointees. During Mayor Bronson's term, over 40 appointees were rejected by the Assembly, either through an up-or-down vote or postponement. This has stifled the initiative of Boards and Commissions which serve the Assembly and Mayor in advisory roles, and has occasionally handcuffed those Boards and Commissions which adjudicate disputes, such as the Platting Board and Planning and Zoning Commission.

B. Structure.

1. Executive Reorganization. At a special meeting on December 14, 2021, Mayor Bronson put forward his proposed re-organization of the executive branch (AO 2021-114). The most controversial change was moving the Anchorage Library Department into a subordinate Division under Parks and Recreation; An amendment from Assembly Member Forrest Dunbar restored the Anchorage Library to a Department status with an executive requiring Assembly confirmation. Another amendment from Assembly Member Austin Quinn-Davidson returned Administrative structure from "division" to "department," with the spoken intent to require Assembly confirmation of Mayoral appointments that would otherwise elude legislative approval. Both structural changes were vetoed; both vetoes were overridden.

2. Quorum Requirements for Boards and Commissions. The Assembly passed AO 2023-57(S), which made the quorum requirements for boards and commissions more stringent. The net effect was to reduce further the efficacy of these advisory and adjudicatory bodies. Some controversial boards that had been filled with Bronson appointees, particularly the Library Advisory Board, were singled out and gutted in the legislation.

C. Policy.

1. Homelessness. Mayor Bronson's chief campaign policy point in 2021 was the construction of a "Navigation Center," or large-scale shelter for homeless persons other than the Sullivan Arena. To shift focus back to homeless voices and away from the Mayor's policy, the Assembly created a new homelessness board in August 2021 (Homeless Lived Experience Board) (AO 2021-76), which the Mayor

⁴ During the Charter debates in 1975, then-Mayor George Sullivan brought up potential conflict of having the Municipal Attorney confirmed by Assembly without a commensurate check on the Assembly's ability to hire counsel.

⁵ Bronson's chief medical officer, Dr. Michael Savitt, was a political opponent of the Assembly. At the Regular Assembly meeting of November 8, 2023, Assembly Chair Constant called Dr. Savitt's appointment "shameful" and suggested that Dr. Savitt caused the death of a citizen by "hubris."

vetoed as duplicative. The Assembly overrode the veto and the board remains established in code at AMC 4.60.250.

In early 2022, the Mayor submitted a State Legislative Program to the Assembly which requested \$15M in state money and \$5M for the Mayor's proposed navigation center (AR 2022-15, AIM 26-2022). Amendments were passed, excising references to the navigation center; the Mayor vetoed the amendments, and the Assembly overrode the vetoes.

In April 2022, the Mayor proposed a \$4.9M appropriation to fund the construction of the navigation center (AR 2022-111(S)). The Assembly amended the resolution on April 28, 2022, conditioning the validity of the appropriation on the Mayor making a "firm written commitment to make a good faith effort" to operate the Golden Lion as a substance misuse treatment center. The Mayor accepted the amendment, tendered the written commitment, and began work on the navigation center. The Assembly accused the Mayor of a failure to follow proper construction procedures and eventually removed the appropriation.

In summer 2022, the Assembly amended a mayoral resolution to fund the exit from mass care at the Sullivan Arena (AR 2022-208(S-1)). Rather than use the Mayor's suggestion of alcohol tax monies, the Assembly swapped that fund source for an Interfund loan based on expected FEMA monies from COVID-19. The Mayor vetoed, and the Assembly overrode that veto, too.

In April 2024, the Mayor promulgated a new executive branch policy surrounding prioritization of abatement of homeless camps (P&P 36-1) and proposed accompanying code changes (AO 2024-26, AO 2024-39). The Assembly rejected the code changes, then resurrected and passed a different version that imposed "prioritization" language in municipal code (AO 2024-55(S)). Despite separation of powers concerns, the prioritization language exists at AMC 15.20.020B.15.b.

2. Equity Policy. Mayor Bronson's Equity Policy, through Junior Aumavae, was to maximize opportunities for minority and migrant residents of Anchorage. The Assembly's policy tracked a national non-profit called "Welcoming America," and in October 2023 the Assembly passed an ordinance changing municipal code to require the Chief Equity Officer to follow Assembly reporting instructions rather than the Mayor's (AO 2023-90(S)). The Mayor vetoed, and the Assembly overrode the veto.

D. Operations.

1. Expanded Assembly Control of Municipal Premises. After several contentious Assembly meetings in November 2021, the Assembly passed legislation that asserted control over Assembly chambers. (AO 2021-113(S)). The Mayor vetoed, citing Charter guarantees that the executive and administrative power extends over "all real and personal property of the municipality." Notwithstanding, the Assembly overrode the veto. Shortly thereafter the Assembly passed AO 2021-117, which further consolidated Assembly control over public participation and executive participation during Assembly meetings. The Mayor vetoed in January 2022, and the Assembly overrode the veto.

In 2023, after the Assembly hired more staff, there was conflict over whether the Assembly had the authority to displace executive branch members from their traditional seats at Assembly meetings, and so the Assembly passed AO 2023-129(S). The Mayor vetoed in December 2023, and the Assembly overrode in January 2024.

Finally, in May 2024, the Assembly passed an unvetoed resolution asserting control over most of the 1st floor of City Hall (AR 2024-181). This space was then used to house the incoming administration's transition team.

2. Purchasing and Emergency Procurement. Prior to 2021, Municipal Code permitted the Mayor to award emergency contracts without a veto power, or "clawback," for the Assembly. In April 2021, the Assembly introduced AO 2021-33, which put a "clawback" provision in MOA Code. (AMC 7.20.090C). At a May 7, 2021 worksession, the Assembly-friendly administration under Acting Mayor Austin Quinn-Davidson opposed the "clawback" powers sought by the Assembly, arguing that "this is solving a problem that doesn't exist" and that contractors "will be chilled from contracting because of injecting the Assembly into process."⁶ Nonetheless, on May 12, 2021, the Assembly passed AO 2021-33(S) (as amended).

In December 2022, following the Assembly's removal of the appropriation for Mayor Bronson's Navigation Center, the Assembly approved AO 2022-105. This was a new purchasing code section (AMC 7.15.043) that required executive branch legal settlements to be approved by the Assembly. The Mayor vetoed, and the Assembly overrode his veto. This code remains in force today.

In January 2023, former Municipal Manager Amy Demboski sent a legal demand letter to the MOA and appeared on local media, alleging wrongful termination by Mayor Bronson and a plethora of purchasing misdeeds. Based on Demboski's accusations, the Assembly called two Emergency Meetings and passed an Emergency Ordinance (EO 2023-2) which put a cap on executive branch discretionary spending and required the executive branch to seek Municipal Manager or Assembly approval for large purchases. After the emergency ordinance expired in March 2023, the Assembly passed AO 2023-23(S), which codified some of these austerity measures. (AMC 7.15.080, AMC 7.15.040, and AMC 7.20.090). Neither of these ordinances were vetoed, and both crippled traditional administrative purchasing practices.

3. Assembly legal services. Following the April 2023 Municipal elections, the Assembly approved AO 2023-56(S) in May 2023, citing the need to hire outside Assembly counsel without oversight from the executive branch. The Mayor did not veto this ordinance, but Assembly Member Cross, Mayor Bronson, and Municipal Attorney Anne Helzer spoke against the ordinance because of the conflict of interest with the Assembly having power to appropriate monies for outside counsel for both branches of government without any check from the executive.⁷

4. Eklutna Hydropower. Since 2016, the Assembly has invited the Alaska Center for the Environment to draft local policy decisions in favor of salmon.⁸ As in other West Coast states, such as California and Oregon, this local environmental policy has led to demands for dam removal in favor of salmon runs. In Anchorage, this means the removal of the Eklutna River Dam. MOA sold its electric utility, Municipal Light & Power, in 2019, but retains an ownership interest (Anchorage Hydropower) in the hydroelectricity sold by the other owners of the Eklutna hydroelectric dam, Chugach Electric and Matanuska Electrical Association.

The Bronson administration (AWWU and Anchorage Hydropower) voiced support both for the continued use of the Eklutna River dam and for any options that could revivify a salmon run in the Eklutna River. Pursuant to an agreement signed by the Berkowitz administration, the Bronson administration signed a

⁶ May 7, 2021 Anchorage Assembly worksession, <https://www.youtube.com/watch?v=MpYSvMIasVAis>

⁷ May 9, 2023 Regular Assembly Meeting, https://www.youtube.com/watch?v=c8_Tuv-CmwY&t=11783s.

⁸ AR 2016-224, drafted by the Alaska Center for the Environment and unanimously approved.

confidential term sheet with Chugach and MEA in October 2023. The Assembly took offense at the executive branch executing a document with other parties, and thereby passed a series of ordinances and resolutions designed to impose their will on the question of dam removal. (AO 2024-28, AO 2024-52,⁹ AR 2024-103). The Mayor vetoed each piece of Eklutna legislation, and the Assembly overrode his vetoes.

E. Budget

1. Expansion of legislative branch budget. The Assembly budget has nearly tripled in the past 10 years (158.7% increase), while the Mayor’s Office budget has increased by a mere 20.2% -- less than the 32.7% rate of inflation over the same period.¹⁰

Increase in Assembly and Mayor’s Office Budget, 2014 to 2024

Budget Year	Source Document	Body	Amount	Increase
2014 Budget	AO 2014-118(S-2)(As Amended)	Assembly	\$3,635,639	--
		Mayor	\$2,151,919	--
2024 Revised Budget	AR 2024-104 (As Amended)	Assembly	\$9,405,741	158.7%
		Mayor	\$2,586,644	20.2%

Source: Assembly Documents, www.muni.org/departments/assembly/pages/publicportalassemblydocuments.aspx

The Assembly has used these monies to expand its legislative offices, hire permanent staff, and pay both staff attorneys and outside counsel. The Mayor has yet to veto an Assembly budget line-item, due to a long-standing rule of courtesy that neither branch will attack the other’s internal offices during the budget process.¹¹

2. Fund certification. Following Mayor Bronson’s initial budget vetoes for FY2022, the Assembly called a special meeting to override his vetoes on December 10, 2021. At that meeting, the Assembly took up the question of how and when MOA’s Chief Financial Officer must certify funds to the Assembly under municipal code (AMC 6.30.050). The question had been raised in a November 29, 2021 memo attached to the Mayoral vetoes from Treasurer Daniel Moore and CFO Travis Frisk. Assembly contract counsel Bill Falsey¹² told the Assembly that, for the most part, the Mayor is obliged under law to pay out appropriations made by the Assembly, regardless of whether the funds have been certified by the CFO.

⁹ AO 2024-52 deserves an honorable mention as the only known piece of municipal legislation purporting to restrict the speech of the executive branch of government and requiring the executive branch to implement legislative branch policies through “research, dissemination of information, and advocacy before local, state, tribal, or federal governments.” Chutzpah, much?

¹⁰ <https://www.usinflationcalculator.com>.

¹¹ This rule was temporarily breached when the Assembly amended its 2023 1st Quarter Budget Revision to eliminate a position in the Mayor’s Office (AR 2023-102(S)). The Mayor vetoed, and the Assembly and Mayor agreed to let the veto stand.

¹² Mr. Falsey had been Municipal Attorney and Municipal Manager under the Berkowitz Administration, and appears poised to reenter Municipal service under the LaFrance Administration in a new Chief Administrative Officer position.

Subsequently the Assembly passed an ordinance on July 12, 2022 (AO 2022-59(S)), asserting that the CFO's role is merely "advisory." Mayor Bronson did not veto this ordinance.

IV. Legislative Investigations and Impeachment of Executive Branch.

A. Subpoenas.

From 2023 to 2024, the Assembly exerted and expanded a dormant power of legislative subpoena (AMC 2.30.085). Its target has largely been executive branch officials, with a few exceptions for election volunteers.

1. Niki Tshibaka. On January 24, 2023, the Assembly issued a legislative subpoena for HR Director Niki Tshibaka over personnel records surrounding the hiring of Health Department Director Joe Gerace. (AIM 2023-45). A second subpoena (AIM 2023-46) was later opposed by the Administration (AIM 2023-44), but this was largely mooted by Mr. Tshibaka's resignation. The Assembly passed a resolution to sue the executive branch for the personnel records and attorney-client privileged documents (AR 2023-44, as amended), and won a court judgment for the former but not the latter (*Anchorage Municipal Assembly v. Municipality of Anchorage*, 3AN-23-05260CI).

2. Election Observers. In April 2023, a complaint to the MOA Ombudsman revealed that some election observers appeared to have inside information about MOA technology policies relating to thumb drives used by election contractors and MOA employees. This led to five months of news articles, special meetings, information requests, an Ombudsman report, and eventually the resignation of MOA IT director Marc Dahl. In September 2023, the Assembly passed a resolution (AR 2023-305) to issue subpoenas to election observers. The volunteers appeared at special assembly meetings in September, though they did so voluntarily and represented by counsel. The Assembly eventually issued a 300+ page report (AM 2023-912, as corrected), and then passed an ordinance in January 2024 expanding its subpoena powers beyond fiscal matters (AO 2023-133). The Mayor vetoed, warning that this power would be used to chill election volunteers from participating in Municipal elections.¹³ The Assembly overrode his veto.

3. Anne Helzer. In October 2023, the MOA entered into an agreement with co-hydro owners Chugach Electric and Matanuska Electric Association regarding their shared ownership of the Eklutna Hydroelectric Dam. This agreement required confidentiality until the hydro owners proposed plan for the Eklutna River was made public, per a term negotiated by the Berkowitz administration. Nevertheless, the Assembly demanded that the confidential terms be made public before this end date. Municipal Attorney Anne Helzer met with Assembly members in executive session and permitted them to view the confidential portions under attorney-client privilege. This was unsatisfactory, and in March 2024 the Assembly first subpoenaed (AR 2024-103) and then sued Ms. Helzer in her official capacity to disclose the confidential document (*Anchorage Municipal Assembly v. Helzer*, 3AN-24-05979CI).¹⁴ The Mayor vetoed the subpoena resolution, and the Assembly overrode the veto. The lawsuit was quickly mooted and dismissed when the entirety of the document was publicized by the hydro owners on April 25, 2024.

B. Ombudsman and Assembly Investigations of the Executive Branch.

¹³ The Election Observer's Handbook was amended per usual in December 2023 (AR 2023-423). Critics alleged that the amendments further constricted the role of election observers at MOA's Election Central at Ship Creek.

¹⁴ <https://eklutnahydro.com/documents/#April2024Final> | 1

1. Amy Demboski and Brice Wilbanks. Municipal Manager Amy Demboski was fired by Mayor Bronson in December 2022. Demboski hired well-known political attorney Scott Kendall to advocate for her by broadcasting Demboski's legal demands and arranging interviews for Demboski with local Anchorage media. The Assembly stoked the fire by calling a special meeting in executive session on January 19, 2023 (AIM 2023-19) and then added Demboski's demand letter to the public record (AIM 2023-17).

The Assembly also used Demboski's letter as fodder for three separate Emergency Ordinances designed to attack the executive branch for failure to staff Boards and Commissions (EO 2023-1), failure to properly contract (EO 2023-2, as amended), and "wanton disrespect for the rights of [MOA] employees and residents" (EO 2023-3, as amended).

Coincidentally, an additional Ombudsman report appeared, alleging improper conduct in the Mayor's Office regarding surveillance videos viewed (AIM 2023-18). The Ombudsman referred the matter to the municipal prosecutor and publicized his report on January 19, 2023. This was almost immediately followed by the resignation of Deputy Chief of Staff Brice Wilbanks.

After sustained public and Assembly scrutiny in early 2023, the Mayor attempted to settle the lawsuit with Demboski and two other plaintiffs by seeking a budget appropriation for legal settlements in the 1st Quarter Budget Revisions for 2023 (AR 2023-102(S)). In May 2023, after calling for a second executive session about the merits of the case, the Assembly declined to appropriate the money. (AR 2023-162(S)).

The Ombudsman continued to investigate Demboski's wide-ranging allegations for the next 10 months. In the interim, the Assembly passed three ordinances expanding the Ombudsman's jurisdiction (EO 2023-3, AO 2023-27) and immunity from lawsuit (AO 2024-25). The Mayor vetoed the ombudsman immunity ordinance (AO 2024-25), but the Assembly overrode his veto. Finally, on March 20, 2024 – thirteen days before the April 2, 2024 Mayoral election – the Ombudsman's report on Demboski's letter was released and reported by local media (OM2022-1383, AIM 2024-44).

2. Navigation Center and Hickel Construction.

Mayor Bronson's chief policy point on homelessness was the construction of a "Navigation Center" or sprung structure. After initial funding approval (AR 2022-111(S)), Roger Hickel Contracting, Inc. began work on the project in summer and fall 2022. The project stalled when Hickel was instructed to begin a second phase of the work without properly informing the Assembly (AM 496-2022). In March 2023, the Assembly rebuffed the Administration's request to complete the project (AR 2023-101, AM 2023-225), and requested the Administration to convene a worksession on paying the outstanding balance of construction costs to Hickel. Hickel sued the MOA for over \$2M in expenditures, investigatory worksessions were held on April 12, June 5, and June 16, and Hickel was eventually paid. (AR 2023-196(S), as amended). An attempt was made by minority Assembly members to resurrect the Navigation Center project in May 2023 (AR 2023-182), but the debate dragged out over the summer of 2023 and eventually failed (AR 2023-182(S-1), as amended).

C. Impeachment.

In May 2022, the Assembly introduced an ordinance designed to remove elected officials for breach of the public trust, popularly called "the impeachment ordinance." (AO 2022-60). The ordinance was ponderous (11 pages), clearly targeted the Mayor above other elected positions, received multiple public hearings, and was directly opposed by public testimony and community councils throughout the MOA

(Bayshore-Klatt, Hillside, Huffman/O'Malley (AIM 2022-101); Midtown (AIM 2022-96)). Despite popular opposition, the Assembly passed a substitution version of the impeachment ordinance on July 12, 2022 (AO 2022-60(S)). The Mayor issued a lengthy veto a week later, recognizing that the Assembly was attempting to "send chills through the current administration," and addressing the legal separation of powers problems in giving the legislative branch a power without a commensurate check or balance in the executive. The Assembly overrode the veto on August 1, 2022. While no impeachment proceedings were ever brought against Mayor Bronson, the legislation remains in municipal code (AMC 3.10.050).

V. RECOMMENDATIONS AND CONCLUSION.

1. Recommendations

A. Charter Review Commission. Mayor Tom Fink convoked a Charter Review Commission in 1990. One of the fruits of this Commission was that, per a Charter amendment recommended by the Commission and voted in by Anchorage residents, the Mayor enjoys line-item veto power over all budget and appropriation items passed by the Assembly.

Here, Mayor Bronson lost the ability to name competent personnel to MOA positions, and lost similar abilities to structure, make policy, conduct operations, and adequately fund his executive branch. Most of these abilities were lost because of the supermajority of the Assembly. Yet there remains no doubt among either branch of government that Anchorage's Mayor was intended to be a "strong mayor." Therefore, a Charter Review Commission might examine how to bolster a Mayor's abilities against a supermajority. This may come in the form of an elevated supermajority requirement for veto override (i.e., $\frac{3}{4}$ of Assembly Members to override, rather than $\frac{2}{3}$). It may also require some Assembly actions that have checked the Mayor be unanimous (i.e., unanimous vote to fail a confirmation or to issue an emergency ordinance).

A lingering problem about the supermajority question is that Mayor Bronson's loyal minority reliably came from Eagle River (District 2) and South Anchorage (District 6). These two Districts are outside the "Anchorage Bowl," are the geographic limits of the MOA on the north and south, and already receive disparate treatment from Districts 1, 3, 4, and 5 in many aspects of municipal code. As the minority situation become more acute, this will only increase the desire of District 2 and 6 residents to separate themselves from the supermajority bloc; the Eaglexit movement is the current example, but this rural v. urban issue predates unification of the City of Anchorage and Greater Anchorage Area Borough in 1975. With the 50th anniversary of ratification coming in 2025, it is perhaps time to reconvene a similar Commission.

B. Investigatory Body over Assembly. There appears to be an imbalance in the power of the legislative branch to investigate the executive. This is particularly so when one considers that the ombudsman is answerable only to the legislative branch, and the legislative branch actively expanded its powers and immunities from 2021 – 2024. Public debate has occasionally raised the question of whether any body should have investigatory authority over the Assembly. Under current municipal code, only five bodies appear to have investigatory powers over the Assembly: the Board of Ethics, the Municipal Attorney through the Municipal Prosecutor, the internal auditor, the Assembly itself, and, ultimately, the electorate by recall elections. None of these bodies give the Mayor a commensurate ability to investigate the Assembly in the way that the Assembly has exercised its investigatory powers over the Mayor. And

perhaps the Mayor should not have this power; instead, perhaps the Assembly's powers should themselves be curbed.

C. Elections. Municipal elections, staffed and run by the Municipal Clerk and Election Administrator, are solely the province of the legislative branch. An exception exists for the Election Commission, which reviews the canvass and some election challenges, and whose members are appointed by the Mayor. But Election Commissioners ultimately are subject to Assembly confirmation, and so there is a check on the Mayor's authority and no commensurate check on the Assembly's ability to organize and run elections. This is the opposite of State of Alaska election administration, which is reposed in the Office of the Lieutenant Governor.

2. Conclusion. To conclude, from 2021-2024, the Anchorage Assembly used its legislative powers to encroach upon the traditional powers of the Mayor and the executive branch. Its principal method of doing so was by helping elect a veto-proof supermajority of Assembly Members who then, as a supermajority, passed legislation that either encroached upon the executive branch or else hampered its operations through investigations and threatened impeachment. Since the ratification of the Municipality of Anchorage Charter in 1975, no Mayor has sustained such repeated and intense attacks upon the traditional executive prerogatives of administrative personnel, structure, policy, operations, and budget.

If these legislative encroachments remain unaddressed, future Mayors will not only be susceptible to similar attacks, but will be required to deal with the additional weight of precedent. For a municipality that voters united on the basis of creating a "strong mayor" form of government, this would be an onerous, and unintended, burden.