



Municipality of Anchorage

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Anchorage Assembly Leadership

October 21, 2021

Dear Mayor Bronson,

It has been well publicized that you decided to terminate Clifford Armstrong III in the position of Chief Equity Officer, and that you have selected for appointment to the position Uluao "Junior" Aumavae per your October 11 press release. We do not recognize Mr. Armstrong's dismissal as complete nor valid and are advised by Assembly Counsel that it is not legally complete.

Anchorage Municipal Code section 3.20.140A.1.c. states: "The chief equity officer may be dismissed by the mayor only for cause shown, and only with the concurrence of a majority of the assembly." This section was enacted and duly adopted by ordinance AO 2020-79(S) and is current. According to the Alaska Supreme Court holding in *Municipality of Anchorage v. Anchorage Police Dept. Employees Ass'n*, 839 P.2d 1080 (Alaska 1992), Alaska courts must presume that Code provisions and ordinances are constitutionally valid. Furthermore, proceedings of the governing body of a municipality are presumed to have been conducted in accordance with law. (See *Liberati v. Bristol Bay Borough*, 584 P.2d 1115, 1118 (Alaska 1978)). The burden is on a party challenging the ordinance or proceedings to demonstrate otherwise. There is no decision on AMC 3.20.140A.1.c. by a court of competent jurisdiction; therefore, it is valid law and must be followed. Mr. Armstrong cannot be dismissed unilaterally by the Mayor.

As a matter of law Mr. Armstrong is still the Chief Equity Officer of the Municipality. He continues to be employed until there is a showing of cause for his dismissal, communicated to the Assembly, and by majority vote the body concurs with the dismissal.

Please advise as soon as possible your grounds for cause for Mr. Armstrong's dismissal, and no later than October 27, 2021. Once received, the matter will be scheduled before the Assembly for its consideration.

Sincerely,

Suzanne LaFrance, Assembly Chair

Christopher Constant, Assembly Vice Chair

Cc: Clifford Armstrong III - Chief Equity Officer
Patrick Bergt - Municipal Attorney
Sami Graham - Chief of Staff