

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

COPY
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Clerk of the Trial Courts

CLIFFORD ARMSTRONG III,)

Plaintiff,)

vs.)

MUNICIPALITY OF ANCHORAGE,)

Defendants.)

Case No.: 3AN-21- 08310 Civil

COMPLAINT

Plaintiff Clifford Armstrong III, by and through counsel Ashburn & Mason, P.C. brings this complaint for declaratory, injunctive, and other relief and alleges the following against the Municipality of Anchorage (MOA).

PARTIES

1. Plaintiff is an individual residing in Anchorage, Alaska.
2. Defendant MOA is a home rule municipality in the state of Alaska.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to AS 22.10.020. This Court has personal jurisdiction over Defendant pursuant to AS 09.05.015(a)(1) and (2).

4. Venue is proper in the Third Judicial District pursuant to Alaska Rule of Procedure 3(c), (d) as the activities giving rise to this action occurred within the Third Judicial

District in Anchorage where Defendant may be personally served, and a trial in the Third Judicial District “would best serve the convenience of the parties and witnesses.”¹

FACTS GIVING RISE TO THE CLAIMS

5. Anchorage Municipal Code (AMC) 3.20.140 establishes an office of equity and justice including a chief equity officer.

6. AMC 3.20.140A.1.a. provides that the chief equity officer “shall be appointed by the mayor with the concurrence of a majority of the assembly.”

7. The term of office for the chief equity officer shall be for four years. AMC 3.20.140A.1.b.

8. AMC 3.20.140A.1.c. further provides that “[t]he chief equity officer may be dismissed by the mayor only for cause shown, and only with the concurrence of a majority of the assembly.”

9. AMC 3.20.140A.1.c. was enacted and duly adopted by ordinance AO No. 2020-79(S), as Amended, on or about August 26, 2021.² The final “S-Version” of AO No. 2020-79 adopted a model similar to the Municipality’s Office of Internal Audit, which also contained provisions requiring appointment by the Mayor with concurrence by a majority of the assembly and removal “for cause” only.

10. The Chief Equity Officer is tasked with working with the Mayor’s Office, the Assembly, and various municipal agencies, including the heads of the Office of Equal Opportunity, the Anchorage Equal Rights Commission, and the Office of the Ombudsman.

¹ Alaska R. Civ. P. 3(c), (d).

² A true and correct copy of the ordinance is attached hereto as Exhibit 1.

The Chief Equity Officer is also responsible for working with community stakeholders and residents to center equity within municipal policies and procedures.

11. Prior to moving to Anchorage, Mr. Armstrong managed city programs focused on equitable hiring, contracting, and workforce development in Tacoma, Washington.

12. On or about April 2021, Mr. Armstrong accepted the position of Chief Equity Officer (position 30008817) with the Office of the Mayor, having been appointed to the position by then-Acting Mayor Austin Quinn Davidson.

13. The terms of Mr. Armstrong's employment included an annual salary of \$115,003.20 and other forms of compensation as provided in AMC.

14. Mr. Armstrong was confirmed by the Assembly for the position in a 9-1 vote and began in the role of Chief Equity Officer on or about April 26, 2021.

15. Mr. Armstrong's tenure as Chief Equity Officer was successful and in accord with his job description.

16. In September 2021, Mr. Armstrong presented a report to the MOA that indicated that the MOA had failed to achieve a substantial portion of the MOA's promotional and hiring goals with respect to employees with disabilities and other affected classes of people.

17. On or about October 7, 2021, the MOA terminated Mr. Armstrong without advance notice or warning.

18. The MOA did not terminate Mr. Armstrong "for cause." Instead, the MOA delivered Mr. Armstrong a letter stating (incorrectly) that he served "at the pleasure of the

Mayor.” To date, the MOA has failed to assert or demonstrate any grounds that would constitute good cause for Mr. Armstrong’s termination, contrary to AMC 3.20.140A.1.c.

19. In terminating Mr. Armstrong, the MOA failed to secure the concurrence of a majority of the Assembly, again, contrary to AMC 3.20.140A.1.c.

20. On October 11, 2021, the MOA named and purported to appoint a replacement to serve as Chief Equity Officer even though Mr. Armstrong has not been terminated for cause and even though his termination was never presented to the Assembly for a vote.

CAUSES OF ACTION

COUNT I: DECLARATORY AND INJUNCTIVE RELIEF

21. The allegations in paragraphs 1-20 of this complaint are realleged and incorporated by reference.

22. AMC 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.”

23. Defendant has violated this validly adopted provision of its own code by terminating Mr. Armstrong without cause and without securing the concurrence of a majority of the assembly.

24. As a result, Plaintiff is entitled to the following relief:

a) Declaratory judgment that Defendant has violated AMC 3.20.140A.1.c, which was enacted and duly adopted by ordinance AO- 2020-79(S);

b) Declaratory judgment that AO- 2020-79(S) is valid and legally binding upon the MOA;

c) Declaratory judgment that Plaintiff shall retain his position as Chief Equity Officer for the remainder of the term specified in AMC 3.20.140A.1.b., as Plaintiff has not been terminated with cause and his termination has not been approved by the concurrence of a majority of the assembly;

d) Declaratory judgment that the Mayor and the MOA's attempt to appoint a replacement Chief Acting Officer is invalid.

e) Injunctive relief prohibiting the Mayor and the MOA from terminating the Chief Equity Officer at the unilateral discretion of the Mayor and/or the MOA unless in compliance with the provisions of AMC 3.20.140A.1.c.

COUNT II: BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALING AGAINST THE MOA

25. The allegations in paragraphs 1-24 of this complaint are realleged and incorporated by reference.

26. In every employment contract in Alaska, there is an implied, and legally binding, covenant of good faith and fair dealing.

27. The MOA acted intentionally in a manner that a reasonable person would regard as unfair by purporting to terminate Plaintiff without cause from the position of Chief Equity Officer of Anchorage in a manner contrary to the legal description of the position in AMC that Plaintiff reasonably relied upon when he accepted the position.

28. As such, Plaintiff is entitled to an award of damages.

COUNT III: BREACH OF CONTRACT

29. The allegations in paragraphs 1-28 of this complaint are realleged and incorporated by reference.

30. Plaintiff's employment with MOA is governed by AMC, and by an employment contract.

31. In offering Plaintiff employment, MOA promised to abide by the provisions of the AMC that govern the chief equity officer position.

32. MOA breached its promise to Plaintiff when it purported to terminate him contrary to AMC 3.20.140A.1.c, as that code provision is incorporated into the governing employment contract and the position description.

33. MOA has failed to pay Plaintiff what Plaintiff was promised under the contract and for the duration of the term of hire.

34. Plaintiff has suffered economic damages as a result of MOA's breach. Plaintiff's damages continue to accrue each pay period the MOA fails to pay him in accord with the contract terms.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. Any and all declaratory relief described in Paragraph 24(a)-(e).
2. Compensatory damages, including back pay and benefits, since the date of Plaintiff's unlawful termination.
3. Plaintiff's attorney's fees and costs herein.
4. Such other relief as the Court may find just and equitable.

ASHBURN & MASON, P.C.
Attorneys for Plaintiff

DATED: November 1, 2021

By: s/Jeffrey W. Robinson

Jeffrey W. Robinson
Alaska Bar No. 0805038
Thomas V. Wang
Alaska Bar No. 9806035

ANCHORAGE, ALASKA
AO No. 2020-79(S), As Amended

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS
3.20 AND 3.20 RELATING TO THE ORGANIZATION OF THE EXECUTIVE
BRANCH TO CREATE AN OFFICE OF EQUITY AND JUSTICE.**

WHEREAS, the Mayor's Office and the Anchorage Assembly are committed to achieving equity and justice in Anchorage;

WHEREAS, the municipality has demonstrated that commitment through its work over the past five years to become a more welcoming community that will be furthered through systematic changes to the municipality's governance infrastructure;

WHEREAS, inequities create barriers to educational success, economic opportunity and wellness, and undermine the collective prosperity of residents in the Municipality of Anchorage; and

WHEREAS, skin color, disability and LGBTQIA+ status is a major predictor of life experiences, including economic and health outcomes; and

WHEREAS, there are race-based disparities in tobacco use, chronic disease, such as cancer, diabetes, and COPD, alcohol-induced deaths, suicide, poverty, educational attainment and access, household wealth, life expectancy, environmental quality and exposure to environmental harms such as pollution, bankruptcy rates and insurance coverage; and

WHEREAS, according to the Brookings Institute, nationally, COVID-19 is already the third leading cause of death for Black Americans in 2020; and

WHEREAS, Alaska's suicide rate has been about twice the national average for years, with the suicide rate among Alaska Native people twice that of the Alaska average, and four times as high as the U.S. average, and nationally and statewide, has been increasing in recent years, among older adults, young adults and youth, and the suicide rate is a classic sociological indicator of overall social health or dysfunction; and

WHEREAS, the 2019 Financial Empowerment Blueprint showed that racial minority groups in Anchorage have higher poverty and unemployment rates; and

WHEREAS, in a single year, over half of the homeless youth served by Covenant House were Alaska Native, despite being only 12 percent of the Municipality's population, and Covenant House reported in 2017 that over one in four youth served in one year were survivors of human trafficking, and the largest risk factors for the

1 Office of Child Services (OCS) involvement in Anchorage are 1) the mother's
2 experience with homelessness and 2) poverty, making their family's involvement
3 with OCS over five times more likely, and the second highest risk factors were the
4 mother's age and education attainment, and if the mother did not finish high school,
5 involvement with OCS was four times more likely; and,
6

7 **WHEREAS, many government policies and practices have historically been**
8 **designed to react to problems and crises in our communities after they arise, and**
9 **by examining the root causes of these problems and crises we can create solutions**
10 **that ultimately prevent the conditions that led to the crises and problems from**
11 **occurring; and**
12

13 **WHEREAS, in an effort to address long-standing equity issues that negatively**
14 **impact organizations and communities, many corporations and governments in the**
15 **U.S. are creating Diversity and Equity Officer positions, which are showing to be**
16 **most effective in making positive changes when granted authority within the**
17 **organization; and**
18

19 **WHEREAS, the Municipality of Anchorage Office of Equity and Justice has been**
20 **structured similar to the Office of Internal Audit, with appointees approved by the**
21 **Assembly and reporting directly to the Mayor; and**
22

23 **WHEREAS, making a shift from costly, crisis-oriented responses to health and**
24 **social problems to an investment approach that directs resources where most**
25 **needed and focuses on prevention and recovery can potentially reduce costs to**
26 **taxpayers; and**
27

28 **WHEREAS, collecting and analyzing data, establishing benchmarks, collaborating**
29 **with non-profits, churches and community partners requires staffing resources that**
30 **do not exist within the Municipality and can be provided at a yearly cost of .01 mil or**
31 **\$3.50 to the average taxpayer; and**
32

33 **WHEREAS, it is the intention of the Assembly that the Administration seek 50**
34 **percent matching funds through grants and foundations to leverage taxpayer dollars**
35 **for the Chief Equity Officer position and when the tax is in place to use alcohol tax**
36 **for 50 percent, and provide performance measures within three months of**
37 **appointment for annual evaluation by the Assembly;**
38

39 **WHEREAS, this ordinance creates an Office of Equity and Justice which shall**
40 **include the chief equity officer, office of equal opportunity director, and**
41 **compliance officer [BE LED BY THE CHIEF EQUITY OFFICER]; now, therefore,**
42

43 **THE ANCHORAGE ASSEMBLY ORDAINS:**
44

45 **Section 1.** Anchorage Municipal Code section 3.20.010 is hereby amended to
46 replace the 2015 Executive Branch Organization chart with the 2020 Executive
47 Branch Organization chart, attached as Exhibit A:
48

3.20.010 - Executive and administrative order; organizational chart.

The executive branch of the municipal government shall be organized as provided in this chapter and the following plan:

[Replace chart with Exhibit A]

(AO No. 79-27; AO No. 82-49; AO No. 88-82; AO No. 90-15(S); AO No. 91-173(S); AO No. 94-135(S), § 2, 7-12-94; AO No. 2000-105(S), § 2, 6-27-00; AO No. 2000-141(S), § 2, 9-26-00; AO No. 2002-130, § 4, 9-10-02; AO No. 2003-109, § 1, 9-9-03; AO No. 2004-136, § 1, 12-7-04; AO No. 2005-142, § 1, 10-25-05; AO No. 2009-21, § 1, 2-24-09; AO No. 2009-101, § 1, 8-25-09; AO No. 2010-64, § 1(Exh. A), 9-28-10; AO No. 2010-93, § 1(Exh. A), 1-11-11; AO No. 2011-22(S), § 1, 3-29-11; AO No. 2011-25, § 1, 5-24-11; AO No. 2012-106, § 1(Exh. A), 11-13-12; AO No. 2013-34, § 1(Exh. A), 2-26-13; AO No. 2015-112(S), § 1, 1-1-16; AO 2018-108(S), § 1, 12-31-18)

Section 2. Anchorage Municipal Code section 3.20.070, Executive branch organization, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.20.070 - Executive branch organization.

A. Within the office of the mayor and reporting to the mayor or [HIS] designee are the following organizations:

1. Municipal attorney. The department of the municipal attorney is responsible for providing legal services to municipal government, managing all civil litigation to which the municipality is a party, and providing judicial prosecution of misdemeanor criminal offenses in direct support of enforcement activities.

2. Office of equity and justice. The office of equity and justice is responsible for developing, supporting, and implementing the municipality's equity agenda. The chief equity officer shall be appointed by the mayor and confirmed by the assembly.

a. Chief equity officer. The chief equity officer is responsible for developing, supporting, and implementing the municipality's equity agenda.

b. Office of Equal Opportunity (OEO) director. The OEO director is responsible for municipal civil rights compliance and the Disadvantaged Business Enterprise (DBE) program. The director also serves as the DBE Liaison Officer, Title VI program

coordinator, Equal Employment Opportunity (EEO) officer, and is responsible for the implementation and continued development of the municipal small business program.

c. DBE compliance officer. The DBE compliance officer works under the supervision of the OEO director in implementing the DBE program and meeting DBE reporting requirements.

B. Within the office of the municipal manager and reporting to the municipal manager or [HIS] designee are [THE OFFICE OF EQUAL OPPORTUNITY,] the Office of Emergency Management, Risk Management Safety, Transportation Inspection, and the following departments:

*** *** ***

[15. THE OFFICE OF EQUAL OPPORTUNITY, RESPONSIBLE FOR OVERSIGHT OF DIVERSITY PROGRAMS, PROCESSING OF DISCRIMINATION COMPLAINTS, ADMINISTRATION OF MINORITY BUSINESS AND CONTRACT COMPLIANCE UNDER TITLE 7, AND OTHER EMPLOYMENT COMPLIANCE PROGRAMS, SHALL BE ADMINISTERED BY A DIRECTOR, APPOINTED BY THE MAYOR AND CONFIRMED BY THE ASSEMBLY.

A. ON PROGRAM AND POLICY MATTERS RELATING TO MINORITY BUSINESS AND CONTRACT COMPLIANCE AND EQUAL EMPLOYMENT OPPORTUNITY, THE DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY SHALL HAVE DIRECT AND INDEPENDENT ACCESS TO THE MAYOR.]

*** *** ***

(AO No. 21-76; AO No. 59-76; AO No. 283-76; AO No. 77-359; AO No. 78-82; AO No. 78-113; AO No. 78-121; AO No. 79-27; AO No. 80-5; AO No. 82-49; AO No. 83-159; AO No. 85-8; AO No. 86-204; AO No. 88-47(S); AO No. 88-82; AO No. 89-10; AO No. 89-18; AO No. 89-39; AO No. 90-15(S); AO No. 91-173(S); AO No. 92-79; AO No. 92-148; AO No. 94-135(S), § 8, 7-12-94; AO No. 95-141, § 1, 7-11-95; AO No. 96-47, § 2, 3-5-96; AO No. 98-115(S), § 3, 7-1-98; AO No. 2003-109, § 6, 9-9-03; AO No. 2004-132, § 2, 10-12-04; AO No. 2004-136, § 2, 12-7-04; AO No. 2005-142, § 2, 10-25-05; AO No. 2008-90(S), § 2, 1-1-09; AO No. 2009-21, § 2, 2-24-09; AO No. 2009-101, § 6, 8-25-09; AO No. 2010-64, § 2, 9-28-10; AO No. 2010-93, § 2, 1-11-11; AO No. 2011-40, § 1, 3-29-11; AO No. 2011-25, § 2, 5-24-11; AO No. 2012-106, § 3, 11-13-12; AO No. 2013-34, § 3, 2-26-13; AO No. 2015-112(S),

§ 5, 1-1-16 ; AO No. 2017-122(S) , § 4, 10-24-17; AO No. 2018-24 , § 3, 4-10-18; AO No. 2018-108(S) , § 3, 12-31-18; AO No. 2018-118 , § 2, 1-1-19; AO No. 2019-42 , § 2, 4-23-19; AO No. 2019-133 , § 1, 11-5-19; AO No. 2020-23 , § 2, 3-10-20; AO No. 2020-24 , § 1, 3-10-20)

Section 3. Anchorage Municipal Code is amended by adding a new section 3.20.140, Office of equity and justice, to read as follows (*requiring no legislative formatting*):

3.20.140 - Office of equity and justice.

A. There is established an office of equity and justice including a chief equity officer, office of equal opportunity director, and disadvantaged business enterprise compliance officer.

1. Chief equity officer.

- a.** The chief equity officer shall be appointed by the mayor with the concurrence of a majority of the assembly.
- b.** After the initial appointment effective immediately, the term of office for the chief equity officer shall be four years, ending on December 31, effective with appointment to the term beginning January 1, 2021.
- c.** 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.

2. Office of equal opportunity director.

- a.** On program and policy matters relating to minority business and contract compliance and equal employment opportunity, the director of the office of equal opportunity shall have direct and independent access to the mayor.

B. The office of equity and justice shall have such assistants and employees as are necessary to perform all required duties.

Cross reference—Executive branch organization, office of equity and justice, § 3.20.070A.2.

Section 4. [SECTION 3.] Anchorage Municipal Code 3.30.172 [3.20.172], Classification, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

3.30.172 - Classification.

*** *** ***

F. The following classifications are assigned to Range 23E:

*** *** ***

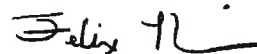
26. Chief equity officer.

[Note to code revisor: new text should be inserted in alphabetical order
and the section renumbered as needed]

(AO No. 79-195; AO No. 91-96; AO No. 92-5(S); AO No. 92-111; AO No. 94-225, § 3, 12-6-94; AO No. 97-103, § 2, 7-1-97; AO No. 98-79, § 1, 5-19-98; AO No. 98-115(S), § 4, 7-1-98; AO No. 2000-101(S), § 1, 9-26-00; AO No. 2001-56, § 1, 2-1-01; AO No. 2001-98, § 1, 5-1-01; AO No. 2001-130, § 1, 8-1-01; AO No. 2001-132, § 1, 8-14-01; AO No. 2002-69, § 3, 5-14-02; AO No. 2002-100, § 1, 7-16-02; AO No. 2002-111, § 1, 8-6-02; AO No. 2002-130, § 1, 9-10-02; AO No. 2003-29, § 1, 2-11-03; AO No. 2004-3, § 1, 1-20-04; AO No. 2004-85, § 1, 5-18-04; AO No. 2004-87, § 1, 6-8-04; AO No. 2004-132, § 3, 10-12-04; AO No. 2005-6, § 1, 2-15-05; AO No. 2005-119, § 1, 9-27-05; AO No. 2005-151(S), § 1, 10-25-05; AO No. 2009-84, § 1, 7-7-09; AO No. 2015-112(S), § 6, 1-1-16 ; AO No. 2016-39, § 1, 4-12-16 ; AO No. 2017-107, § 1, 8-8-17; AO No. 2018-17 , § 1, 2-27-18; AO No. 2018-108(S), § 4, 12-31-18)

Section 5. [SECTION 4.] This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 26th day of August, 2020.



Chair

ATTEST:



Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2020-79(S) Title: **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 3.20 AND 3.30 RELATING TO THE ORGANIZATION OF THE EXECUTIVE BRANCH TO CREATE AN OFFICE OF EQUITY AND JUSTICE.**

Sponsor: **MAYOR**
 Preparing Agency: Office of Management and Budget
 Others Impacted:

| CHANGES IN EXPENDITURES AND REVENUES: | | | (In Thousands of Dollars) | | |
|---------------------------------------|-------|--------|---------------------------|--------|--------|
| | FY20 | FY21 | FY22 | FY23 | FY24 |
| Operating Expenditures | | | | | |
| 1000 Personal Services | | | | | |
| 2000 Non-Labor | | | | | |
| 3900 Contributions | | | | | |
| 4000 Debt Service | | | | | |
| TOTAL DIRECT COSTS: | \$ - | \$ - | \$ - | \$ - | \$ - |
| Add: 6000 Charges from Others | | | | | |
| Less: 7000 Charges to Others | | | | | |
| FUNCTION COST: | \$ - | \$ - | \$ - | \$ - | \$ - |
| REVENUES: | | | | \$ - | \$ - |
| CAPITAL: | | | | | |
| POSITIONS: 11 FT | \$ 60 | \$ 180 | \$ 180 | \$ 180 | \$ 180 |

PUBLIC SECTOR ECONOMIC EFFECTS:

Adding one FT position, starting on or around 9/1/2020

PRIVATE SECTOR ECONOMIC EFFECTS:

N/A

Prepared by: Office of Management and Budget

Telephone: 907-343-4496



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 414-2020

Meeting Date: July 14, 2020

From: MAYOR

Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.20 RELATING TO THE ORGANIZATION OF THE EXECUTIVE BRANCH TO CREATE AN OFFICE OF EQUITY AND JUSTICE.

The Mayor's Office and the Anchorage Assembly are committed to achieving equity and justice in Anchorage. The municipality has demonstrated that commitment through its work over the past five years towards becoming a more welcoming and inclusive community. This progress will be furthered through systematic changes to the municipality's governance infrastructure. The attached ordinance creates an Office of Equity and Justice, led by the Chief Equity Officer.

The need for this office and this position has come into sharp focus as a direct result of the COVID-19 pandemic. The pandemic has exposed persistent structural inequities that have required municipal response to mitigate the disproportionate social determinants of health and equity facing people of color and low-income residents. The Office of Equity and Justice and the Chief Equity Officer will focus on identifying and ensuring equal opportunities for health and wellbeing for all residents, particularly in response to the impacts of the pandemic.

The Chief Equity Officer will work with the Mayor's Office, the Assembly, and municipal agencies, including the heads of the Office of Equal Opportunity, the Anchorage Equal Rights Commission, and the Office of the Ombudsman. The Chief Equity Officer will also work with community stakeholders and residents to center equity within municipal policies and procedures.

The Chief Equity Officer will be responsible for proactively working to advance equity, focusing on eliminating inequities and increasing wellbeing and success for all residents.

The Chief Equity Officer's responsibilities will include, in part:

- Co-lead Welcoming Anchorage initiative and ensure ongoing updates and implementations;
- Develop leadership opportunities for municipal staff and residents designed to provide career advancement pathways for communities of color, the disability community, immigrants and refugees, LGBTQ+ residents, including continued hosting of an annual Civic Engagement Academy;
- Provide leadership, guidance, training, and support to internal and external partners in the development and delivery of equity programs and tools;

- Recruit and manage municipal boards and commissions to ensure community representation;
- Actively monitor equity:
 - Establish baseline equity data targets/benchmarks in collaboration with partners and establish goals and initiatives to make progress and processes to track outcomes;
 - Develop methods to determine how disparate impacts will be documented and evaluated;
 - Collect, evaluate, and analyze indicators and progress benchmarks related to addressing systemic disparities.
 - Direct, evaluate, and coordinate analyses and recommendations regarding race and equity policy issues and long-range plans to address department and community needs and services;
 - Develop and coordinate reports and supporting materials to be presented to the Mayor and Assembly for information or action;
- Ensure municipal compliance with Language Access laws;
- Work closely with the Office of Equal Opportunity, the Anchorage Equal Rights Commission, the Ombudsman Office, and the Resilience Subcabinet
- Represent equity concerns throughout municipal efforts on housing equity, food security, equitable climate action, legal rights and justice issues, and economic equity
- Develop and deepen relationships with community members and non-profits committed to racial equity work; and participates in community equity collaborations on behalf of the Municipality to identify and address cumulative impacts of institutional and structural inequities in the Municipality

A summary of economic effects is attached.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by: Legal Department
Approved by: Kathryn R. Vogel, Municipal Attorney
Concur: Lance Wilber, Director, OMB
Concur: Alexander Slivka, CFO
Concur: William D. Falsey, Municipal Manager
Respectfully submitted: Ethan A. Berkowitz, Mayor



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 414-2020(A)

Meeting Date: August 25, 2020

From: MAYOR

Subject: S-VERSION OF AO NO. 2020-79, AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 3.20 AND 3.30 RELATING TO THE ORGANIZATION AND CLASSIFICATIONS OF THE EXECUTIVE BRANCH TO CREATE AN OFFICE OF EQUITY AND JUSTICE.

AO No. 2020-79 was introduced on July 14, 2020, for the purpose of establishing an Office of Equity and Justice. Following a work-session, it became clear that Assembly members were concerned with a stand-alone office because of issues related to funding, staffing, and continuity between administrations. This S-version adopts a model more similar to the Office of Internal Audit: appointment by the Mayor with concurrence by a majority of the assembly, and removal for cause with majority concurrence of the Assembly. And similar to the office of the Ombudsman, the term of appointment would be for four years to span administrations.

In addition, the Office of Equity and Justice will include the Office of Equal Opportunity (OEO). The OEO performs a vital municipal function, running programs including the disadvantaged business enterprise program to ensure program compliance. Per federal requirements, the OEO director must have direct access to the mayor and serves as the point of contact for civil rights audits.

A summary of economic effects is attached and updated to reflect that the equity officer position has not yet been filled.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by: Legal Department
Approved by: Kathryn R. Vogel, Municipal Attorney
Concur: Lance Wilber, Director, OMB
Concur: Alexander Slivka, CFO
Concur: William D. Falsey, Municipal Manager
Respectfully submitted: Ethan A. Berkowitz, Mayor



MUNICIPALITY OF ANCHORAGE

