

MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM \_\_\_\_-2022

Meeting Date: June 30, 2022

**From: Assembly Chair LaFrance and Vice Chair Constant**

**Subject: AO 2022-69(S): Response to Mayor's Veto message**

The Anchorage Assembly created a seat for a youth member in 2017 to provide an opportunity for young Municipality of Anchorage residents to actively participate in the legislative branch of the municipal government. However, in setting up the structure, method of appointment and support of this Assembly branch position the Assembly overlooked something that led to an unintended and unacceptable abridgement of the separation of powers between the legislative and executive branches of the government. Under the original code, the Mayor, through the authority granted to the executive in Charter § 5.07 and Title 4 of the Anchorage Municipal Code, controls the appointment of a youth member to the Assembly. AO 2022-69(S) clarifies that the Youth Representative is a member of the legislative branch and not a member of the executive branch. It also seeks to widen the pool of potential youth participants and improve the original Code language.

This ordinance relocates the Youth Representative section to Title 2 – Legislative, the branch of government with which it serves, while keeping the Youth Advisory Commission under the purview of the Mayor in Title 4 – Boards and Commissions. The Commission's duty to nominate youth for this position has not changed. The ordinance now enables the Assembly to expand the applicant pool by seeking nominations. The Code also allows for the appointment of more than one alternate, potentially increasing the number of youths who can participate. Appointment by the Chair, which was in the original code, has not changed, though the availability of Assembly resources may be considered in setting the term. The changes are an important first step towards strengthening the program to provide programmatic support and reduce the overreach of the executive branch into legislative functions.

The Mayor's veto of 2022-69<sup>1</sup> reflects a lack of understanding of not only the ordinance but the process. The Assembly moved and approved AO 2022-69(S) but the Mayor vetoed the original version, which was not moved or approved. Nonetheless, Assembly leadership recognizes the Mayor's intent to veto the item upon which the Assembly took action.

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<sup>1</sup> In his veto message, the Mayor inaccurately vetoed AO 2022-69, which didn't pass the body. AO 2022-69(S) is the version that was passed and approved. There is some debate as to whether AO 2022-69(S) was in fact vetoed by the Mayor at all because of this error. To save time, Assembly leadership accepted the inaccurate veto rather than debate whether the incompetence of the Mayor and his staff to properly execute the veto power nullified the veto.

One example of the Mayor's misunderstanding is evidenced by this statement: "A cornerstone of this invaluable work is the Commission's nomination of individual youths to serve as the Youth Representative and Alternate Youth Representative to the Anchorage Assembly." While prior Commissions before the creation of the Youth Representative position in 2017 distinguished themselves through other work, the Commission's duty to appoint nominees has not changed. The Commission is still directed to nominate youths for the position and they can make this the focal point of the Commission. The change is the Commission's nomination is no longer the exclusive source.

The Mayor further misunderstands the intent of the language to "widen the pool" of youths who may potentially apply. The ordinance did not change the age range but enabled the Assembly to also seek nominations for the position, and not be restricted to only the Commission's nominations.

An additional shortcoming of the original Code is that it did not allow for consideration of the Assembly's work schedule and staffing in setting the term for the Youth Representative. The primary duty of the Assembly is to conduct the Municipality's business. Appointing a Youth Representative during election season or during a 10-year reapportionment process may not be feasible. It is reasonable and responsible to encode flexibility to consider resource availability when appointing a Youth Representative to its body.

While the Mayor is correct that "Anchorage benefits from the work of its Youth Advisory Commission" and the youth perspective it provides to the Mayor and the Assembly, he conflates the Commission with "the youth of Anchorage." The Commission's members are appointed by the Mayor, essentially at the Mayor's discretion. Commission members choose their own chair, from their membership, a process in which the Assembly appropriately has no role. The chair speaks for the Commission, and as an appointed official, as opposed to elected, does not speak for all the Municipality's youth.

Under the original Code the 50,000 young people living in the Municipality do not have any voice or input about who is chosen for the Commission or as the Youth Representative. The revised Code allows for greater participation and is a first step towards consideration of a democratic selection model and programmatic support. Further, by appropriately situating the Youth Representative in the legislative branch, the new Code protects against the elimination of the position, should a future mayor again choose to eliminate the Youth Advisory Commission, as Mayor Sullivan did in 2012.

As is true with all sections of the Anchorage Municipal Code, it is subject to change and continuous improvement. Once overridden, members of the executive branch, the Commission, the Assembly, and advocates of all kinds may propose additional improvements to the Youth Representative opportunity by recommending amendments to AMC section 2.30.025.

1 The Alaska Supreme Court has instructed that government should guard against  
2 tyranny in the form of unchecked aggrandizement of power and preserve our  
3 constitutional framework enabling citizen participation. We move one step further  
4 by ensuring our Code respects the separation of powers, which the Mayor has  
5 repeatedly stated he values. For all of these reasons, we are compelled to ask you  
6 to vote with us to override this veto.

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8 **We request your support to override the Mayor's veto of AO 2022-69(S).**

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10 Reviewed by: Assembly Counsel

11 Respectfully submitted: Suzanne LaFrance, Assembly Chair  
12 District 6, South Anchorage, Girdwood & Turnagain Arm

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14 Christopher Constant, Assembly Vice-Chair  
15 District 1, Downtown Anchorage