

LAI-ON-THE-TABLE

Submitted by: Assembly Chair LaFrance and
Vice Chair Constant
Prepared by: Assembly Counsel's Office
For reading: January 23, 2023

**ANCHORAGE, ALASKA
AR No. 2023-_____**

**A RESOLUTION OF THE ANCHORAGE ASSEMBLY APPROVING THE USE
OF SUBPOENAS TO COMPEL TESTIMONY AND DOCUMENT PRODUCTION
PURSUANT TO ANCHORAGE MUNICIPAL CODE SECTION 2.30.085.**

WHEREAS, Anchorage Municipal Code section 2.30.085, *Subpoena powers*, authorizes the Assembly Chair, with the approval of a majority of the Assembly, to compel by subpoena the "testimony of a person whom the assembly reasonably believes may be able to give information relating to a matter involving municipal funds and policy being considered" and to "produce documents, papers or objects which the assembly reasonably believes may relate to the matter under consideration"; and

WHEREAS, the Municipality's former health director, Mr. Joe Gerace, was appointed by the Administration and confirmed by the Assembly, and later discovered to have fabricated his credentials, and lied regarding his qualifications; and

WHEREAS, the Administration asserts that it has conducted an internal investigation into how Mr. Gerace was identified, chosen, and nominated for this position of trust within the Municipal government without undergoing a vetting process that uncovered the false information in his credentials and statements; and

WHEREAS, The Assembly Chair and Vice-Chair have repeatedly requested information from the Administration regarding the facts and circumstances that led to Mr. Gerace's hiring; and

WHEREAS, very limited requested information has been provided after reasonable and diligent efforts to obtain with multiple requests to the Administration staff; and

WHEREAS, the administration, through counsel, has offered to present staff, but requested the issuance of a subpoena for records; and

WHEREAS, the Chair of the Assembly now requests authorization of the Assembly, per AMC section 2.30.085, to issue subpoenas as the next step to obtain requested information; now, therefore,

NOW, THEREFORE BE IT RESOLVED THAT THE ANCHORAGE ASSEMBLY:

Section 1. Does hereby pursuant to AMC section 2.30.085 authorize the Chair of the Assembly to compel by subpoena the attendance of persons to provide testimony or produce documents at a time and place specified by the Chair, as described below:

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- A. Any documents pertaining to the hiring, vetting, and dismissal of Mr. Gerace, including but not limited to copies of any internal reports or investigations conducted by the Administration into the matter;
- B. Any witness who conducted or participated in any internal investigation in the hiring, vetting, and termination of Mr. Gerace;
- C. Any record of communication or correspondence to, from, between, or among any public official, including but not limited to the Mayor, the Municipal Manager, and the Human Resource Director, that pertains to Mr. Gerace's appointment, vetting, or termination.

Section 2. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk