

# MUNICIPALITY OF ANCHORAGE



*Mayor Dave Bronson*

February 16, 2023

VIA EMAIL ONLY

Assembly Chair Suzanne LaFrance  
Re: 2/16/23 Subpoena

Dear Ms. LaFrance:

I am in receipt of your subpoena directing me to produce documents concerning Mr. Gerace for examination in a public meeting and inclusion in a public record.

As you well know, the Alaska Constitution includes a right of privacy at Article 1, Section 22. This right protects Municipal employees and former employees from having their personnel records made public by the Municipality.

As you are also aware, Anchorage Municipal Code 3.30.016 provides that “all records maintained by the department of human resources shall be confidential to the extent that they include an analysis, evaluation or critique of an employee's performance, or their disclosure may reveal personal information about an employee or his dependents”.

As you are also aware, public disclosure of the records you requested is impermissible under AMC 3.90.040B.

The Municipality will not waive the constitutional rights of its employees, and consequently will not make the personnel records of any employee or former employee publicly available in the absence of authorization from the affected employee or an order from a court of competent jurisdiction. Mr. Gerace has not authorized their release to the public, and there is no court order to release them. Accordingly, I am compelled by law to decline to produce the documents that you subpoenaed for public disclosure.

Sincerely,



Mayor Dave Bronson

cc: Municipal Attorney's Office, Human Resources, Assembly Counsel