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ANCHORAGE CHARTER COMMISSION MEETING

DATE: March 27, 1975

LOCATION: Northwood Elementary School

Members present: Jane Angvik  
Fred Chiei  
Dick Fischer  
Mary Frohne  
Shari Holmes  
Joe Josephson  
Lisa Parker  
Jim Parsons  
Frank Reed, Chairman  
William Sheffield  
Arliss Sturgulewski

Other persons present: Richard W. Garnett, Attorney  
Evy Walters, Executive Secretary  
Joel Devore  
Gene Bennett  
Rene Bennett  
Faye M. Connolly  
Harriet Booth  
Liz Booth  
Jessie L. Dodson  
Joe Graham  
Les Wells  
Cathy Allen  
Sandy Stark, League Women Voters  
Darrell Van Ness  
F.T. Dugan, Jr.  
Mike Dugan  
Eric Ekvall  
Susan Ruddy  
Beverly Isenson  
Judy Faye Whitson  
Carl Whitson  
Ora May Veater  
Carl Veater  
Frank M. Reed, Jr.  
Larry Mahinson  
Heather N. Smith  
Catherine A. Goode  
Pam Millsap, Anchorage News  
Margaret Schmidt, Anchorage Times

Hearing opened at 7:30 p.m.



1 appropriate government type?

2 MS. WHITSON: Well, I think that needs a little  
3 deeper (indiscernible), I mean, any of us could go now  
4 because in order to change the way the (indiscernible) are  
5 provided for, you'd have to get down to the very, very  
6 basics of our whole tax structure and (indiscernible) way  
7 too much. Under an ideal system, no, I don't think the  
8 government should provide for (indiscernible). Under the  
9 system we have right now, obviously they have to or  
10 (indiscernible).

11 MR. JOSEPHSON: Thank you, Judy.

12 MR. REED: Are there other questions of Ms. Whitson?  
13 If not, thank you very much for being here. Are there  
14 others to be heard? Mr. Devour? (Indiscernible). Mr.  
15 Devour.

16 MR. DEVOUR: My name is Joel Devour and I live at  
17 804 G Street. I'd like to begin with the (indiscernible)  
18 compliment by haven't seen many bodies and elected  
19 officials listening as intently as you have. It makes a  
20 witness a little bit nervous that he might be taken too  
21 seriously.

22 I'd like to make a few comments about the ombudsman  
23 question. I'd like to begin just (indiscernible). A  
24 quick defense of the proposal, I think the ombudsman gives  
25 a citizen a second chance at resolving a problem he has.

1 He may go to the administrator and talk over the problem  
2 and it may be worked out there (indiscernible). The  
3 citizen may be dissatisfied and may not carry any further  
4 feelings (indiscernible) hopeless. Then he may go beyond  
5 (indiscernible) second chance, that's a big value  
6 (indiscernible) ombudsman.

7 In my daytime role in February, I received about 70  
8 cases, so just half of the local government we have here  
9 and I think that that demonstrates at least some need. I  
10 think that elected officials, Mayor and the assembly and  
11 the administrators serve as ombudsmen sometimes. I don't  
12 feel that they always do as they're not always the second  
13 Court of Appeals. I don't feel that they always have the  
14 time to make it a full-time job.

15 There's a key difference between ombudsman and the  
16 Mayor or the assembly and that is that they're tied to  
17 policy. They make policy, and to an extent, they maintain  
18 to defend that policy and how it (indiscernible). An  
19 ombudsman who's independent from the Mayor and is  
20 protected from the legislative body can be more objective  
21 in defending how that policy works in its day-to-day  
22 operation. I think that's one good reason for having an  
23 ombudsman, making him independent of the Mayor and is  
24 somewhat protected from the legislative body. I feel he  
25 really needs to be responsible, I don't feel his term

1 should be a limited (indiscernible). I support the  
2 concept that was in the past charter of a limited term and  
3 that -- I think it was five years -- three, four, five  
4 years (indiscernible) to me. I think he also should be  
5 able to be removed at any time before that period by a  
6 two-thirds vote of the body.

7 The really key question is whether or not to include  
8 the charter and that, I have to admit, (indiscernible)  
9 myself. It comes down to a question of whether or not the  
10 ombudsman is a fundamental part of the government. It can  
11 be viewed as a fundamental basic part, as basic as the  
12 attorney written into the charter the last time, to  
13 protect the citizen against the day-to-day common  
14 administrative abuse that (indiscernible) passed off. Or  
15 it could be viewed as something that should be a  
16 legislative proposal and property, something like an equal  
17 employment opportunity office. I could see it operating  
18 in either fashion.

19 I'm surprised to see the public (indiscernible) for  
20 the ombudsman (indiscernible) makes me consider seriously  
21 the idea of putting it in the charter as the basic  
22 fundamental protection (indiscernible) administration  
23 (indiscernible) government.

24 About the essence of my comments, if you would  
25 choose to put the ombudsman in the charter, I would hope

1 that it would be in the classic -- following the classic  
2 model of ombudsman, which is to be an agency of  
3 legislative body independent (indiscernible) protected  
4 from the legislative body.

5 MR. REED: Is there any questions of Mr. Devour?  
6 Arliss?

7 MS. STURGULEWSKI: Mr. Chairman. Joel, not to get  
8 into specifics, but could you give us kind of an overall  
9 capsule of those questions that they've received? Are --  
10 is it just down to lack of responsiveness would you say or  
11 is it more that people don't understand government so  
12 complex so they don't know where to go? Could you  
13 characterize a bit?

14 (End of side B)

15 MR. DEVOUR: .....without a crime (indiscernible) in  
16 the neighborhood and nine months have gone by and we  
17 haven't heard a single word back and they think it's  
18 forgotten and they feel they've been used, the government  
19 just hasn't been doing its job and probably the majority  
20 of (indiscernible). And in many cases, I find that there  
21 actually are people to stand (indiscernible) back  
22 (indiscernible) their complaint or in many cases it's -- a  
23 lot of the calls are informational. Where do I go to find  
24 out about this or I feel this way and at least you get  
25 back with the basic explanation of the existing policy

1 (indiscernible) a little more confident in the operation.

2 MS. STURGULEWSKI: Just to comment, I hope this  
3 young man's present job doesn't prohibit him from  
4 assisting the commission when we get into matters of  
5 apportionment and districting. He's got a lot of  
6 background.

7 MR. JOSEPHSON: Mr. Chairman?

8 MR. REED: Mr. Josephson?

9 MR. JOSEPHSON: What is your ultimate power or  
10 sanction?

11 MR. DEVOUR: To recommend.

12 MR. JOSEPHSON: To -- I mean, you go to the -- is  
13 your ultimate that you go back to the assembly and say  
14 I've been unable to cooperation on this matter?

15 MR. DEVOUR: I doubt that that'll happen very often  
16 at all.

17 MR. JOSEPHSON: Does the ordinance give you explicit  
18 power to call in the press and explain to them through  
19 exposure, explain to the community through exposure that  
20 there's a wrong that needs to be righted?

21 MR. DEVOUR: There is not ordinance.

22 MR. JOSEPHSON: I see.

23 MR. DEVOUR: There is -- I operate now essentially  
24 under a risk, which (indiscernible) and it does not  
25 preclude that at all.

1 MS. STURGULEWSKI: Mr. Chairman?

2 MR. REED: Ms. Sturgulewski?

3 MS. STURGULEWSKI: I think that Joel has given to  
4 the assembly a list of what of the items that he took care  
5 of during January and February and I think he would be  
6 happy to give us any one month so that you can look over  
7 and see the sort of things he's handed. He described to  
8 me today the particular question that was of all the  
9 departments and that his calls and the reassessment by the  
10 administration of the policy that's presently in effect.  
11 And without any push or pull or anything, it looks like  
12 there may be a change in policy because of the information  
13 that was brought out and he insisted on getting the answer  
14 to a question (indiscernible). This is the sort of  
15 function that is good for an ombudsman.

16 Now of course, the percentage of things that he  
17 looks into that does, in the nature course of events,  
18 policy administration to take a reassessment of policy  
19 probably is very minor in proportion to the number of  
20 questions he answers. But I will assure you that this has  
21 happened and I think this happens in more cases than the  
22 one he had mentioned today (indiscernible).

23 MR. REED: Mr. Josephson?

24 MR. JOSEPHSON: Do you find this that the members of  
25 the assembly come to you and said (indiscernible) has



1 asked me to do so and so, will you find out about it and  
2 report back to me?

3 MR. DEVOUR: Yes, I do.

4 MR. JOSEPHSON: And you don't have any concern that  
5 that may make assembly persons less responsive but in  
6 fact, it makes them more so? I mean, doesn't.....

7 MR. DEVOUR: I think so because it gives the  
8 legislative body a (indiscernible). The ombudsman also  
9 can't serve in a research capacity to advantage, it's done  
10 some places and not done other places. Currently, the  
11 borough is offering (indiscernible) the ombudsman is busy  
12 with the problems and doesn't have a lot of time to  
13 research it.

14 MR. REED: Mrs. Holmes?

15 MS. HOLMES: Joel, do you think that an ombudsman  
16 would function as well under the council/manager form of  
17 government or do you have any thoughts?

18 MR. DEVOUR: I'm certain he could function as well  
19 (indiscernible) replaced by the Mayor (indiscernible) I'm  
20 almost certain. I still have the same feelings that the  
21 Mayor is still involved in the policy, and if for no other  
22 reason, that the citizens suspicion that the answer he's  
23 got and does not necessarily object to would tend to make  
24 me say (indiscernible).

25 MR. REED: Are there other questions for Mr. Devour?

1 If not, thank you very much and I think the -- if you  
2 could give Evy a copy of something for a month or so,  
3 appreciate it. I see Mr. Graham had asked for the chair  
4 and I think I'll take the privilege of the chair and offer  
5 the hot seat to Mr. Graham.

6 MR. GRAHAM: The charter has (indiscernible) going  
7 to be a good charter. It has to be good (indiscernible) a  
8 long time and also that will make it quite (indiscernible)  
9 to the voter, but it will have to be against. I'll only  
10 touch on two areas, but I think they're basically assuming  
11 they're major problems.

12 When the borough concept started out, there was the  
13 first and second class borough. Well, we drifted from  
14 that because, over the years, the municipal governments  
15 have gone down (indiscernible) legislature and they've  
16 asked for (indiscernible) powers for the second class  
17 borough and they've also provided for permissive powers  
18 and the various governments have implemented some of that.

19 And see, the last legislature (indiscernible) was  
20 the last, we did the municipal code, which gave us another  
21 dose of change on the -- what the second class borough is.  
22 So today, we don't have the real distinction that we  
23 started out with in the first and second class borough and  
24 we certainly don't have it in our area here because we're  
25 very close to approaching the first class status. Now

1 obvious semantical problem, when this thing gets presented  
2 to the voters, I don't believe the voters want -- the  
3 majority of the voters don't want the (indiscernible)  
4 first class status. City voters think they're needed for  
5 their own protection, but if they realize how far we've  
6 gone from second class status, I don't think they'll be so  
7 insistent as they have previously now.

8 I think the only area you have to consider this is  
9 in connection with the service districts. If you preserve  
10 that element in the charter so that future powers are not  
11 completely in the hands of the consult, but would have to  
12 be voted on by the electorate, I think you will assess, by  
13 a great comfort, the (indiscernible).

14 And I think if it's explained properly, that it  
15 really won't take anything away from the city residence,  
16 you're involved in government and you're not going to have  
17 one iota less than they have right now really. I think  
18 (indiscernible) is a matter of explaining the problem.

19 Now the other point is that the nation's supposed to  
20 be founded on a Republican form of government or a  
21 Republican and that means that we should have  
22 representative government. My view of our community for  
23 over 20 years, we have not yet gotten representative  
24 government. Any letter Bill told him to say -- keep  
25 repeating the old phrase, we have to get (indiscernible)



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ANCHORAGE CHARTER COMMISSION MEETING

COMMISSION OFFICE

DATE: July 8, 1975

Members present:

Frank Reed, Chairman  
Jane Angvik  
Fred Chiei  
Mary Frohne  
Shari Holmes  
Joe Josephson  
Lisa Parker  
Jim Parsons  
Rick Garnett, Attorney  
Pat Parnell, Executive Director

Members absent:

Dick Fischer  
Bill Sheffield  
Arliss Sturgulewski

Others present:

Glenn Briggs  
Ed Hite



1 MR. GARNETT: Well, mainly, it might be that the  
2 President of the Senate is about to be dis-possessed of  
3 (indiscernible).

4 MS. HOLMES: Adversely possessed.

5 MR. GARNETT: Yeah, (indiscernible) dis-possessed of  
6 the Municipality.

7 MR. JOSEPHSON: Mr. Chairman, I would -- I move to  
8 delete 14.09.

9 MS. HOLMES: Second.

10 MR. REED: Motion by Mr. Josephson, seconded by Mrs.  
11 Holmes to delete 14.09.

12 MR. CHIEI: No objection.

13 MR. REED: No objections, so ordered. Hearing no  
14 objection, it is so ordered.

15 MR. JOSEPHSON: Okay. Now, Mr. Chairman, there's a  
16 report marked 1A, which has to do with section 3.09, the  
17 ombudsman. This says -- this raises a policy question, I  
18 think it's -- I hope that's fair to say, but I don't have  
19 any strong feeling about it, but we know that executive  
20 appointments are confirmed by the legislative branch and not  
21 at the State level. The Governor, I forget (indiscernible)  
22 has given some right of disapproval of the ombudsman chosen  
23 by the legislative branch.

24 There is the possibility of just if the Assembly  
25

1 decides to pick the most outrageous person possible to --  
2 maybe in the back of (indiscernible - simultaneous speech).

3 (Simultaneous speech)

4 MR. JOSEPHSON: I -- just embarrass the executive.

5 MR. GARNETT: Second page of the agenda, on the right  
6 of the agenda page.

7 MS. FROHNE: Okay, I found it, it's on page six.

8 MR. JOSEPHSON: So this is -- this would be in  
9 addition to 3.09 that would allow the Assembly to select the  
10 ombudsman. The Mayor would either approve or disapprove  
11 that selection. If he disapproved, the Assembly, by two-  
12 thirds vote, could still appoint its choice. I think the  
13 result would be that there would have to be some pre-  
14 consultation because two branches of government as to the  
15 person with -- to fill this office.

16 MR. PARSONS: Mr. Chairman?

17 MR. REED: Mr. Parsons?

18 MR. PARSONS: It is my feeling that the ombudsman is,  
19 indeed, a creature of the legislature, and as such, the  
20 selection thereof should be maintained by that group without  
21 any -- if we believe in some kind of division of powers,  
22 this is one of those where I don't think they need to  
23 (indiscernible) and the way we've written it, I think  
24 (indiscernible - traffic) adequately.

25



1 MS. HOLMES: Mr. Chairman?

2 MR. REED: Mrs. Holmes?

3 MS. HOLMES: There's some concern that since the  
4 ombudsman functions day-to-day in the federal government,  
5 that if he did have someone who happened to be at odds with  
6 the Assembly and -- I mean, a odds with the Mayor and  
7 extremely so, if there happened to be a power struggle  
8 between the legislative branch and the administrative  
9 branch, the legislative branch might employ the ombudsman  
10 and the tool to pester, hence the Mayor. And that it should  
11 not be difficult for the Assembly -- as a matter of fact, it  
12 would require eight votes rather than six to confirm over  
13 the Mayor's opposition.

14 MR. PARSONS: (Indiscernible) now?

15 MS. PARKER: Because he's going to be (indiscernible)  
16 over the whole Borough roughly.

17 MS. HOLMES: It would function best if they concurred  
18 in the man. If there -- if they don't concur, the Mayor can  
19 make it somewhat difficult for the ombudsman to function  
20 properly. If they happen to concur, he's likely to be more  
21 offended.

22 (Simultaneous speech)

23 MR. PARSONS: I also think that we have built in a  
24 number of bonds (indiscernible) that (indiscernible) to

25

1 exercise certain powers and an independent legislative body  
2 (indiscernible - away from microphone) policy making, there  
3 is. And that if we overlap them, there's no sense having a  
4 division.

5 MS. FROHNE: Mr. Chairman?

6 MR. REED: Mrs. Frohne?

7 MS. FROHNE: I tend to agree with Jim on this  
8 particular one. I do think that, on the whole, the  
9 ombudsman should be responsible to the legislative body and  
10 if he, in a way, is a check upper on the staff to make sure  
11 that they are performing according to the way that the  
12 public anticipates and such like. And I don't think that  
13 the -- having the Mayor to give his reciprocal sort of  
14 approval is the same as appointing the Commission where you  
15 have at least concurrence by the Assembly to the Mayor's  
16 appointment. I don't think it's quite the same thing. Yes,  
17 you're right, that if you do have the approval of the  
18 concurrence of the Mayor that he is more apt to give help to  
19 the ombudsman, but I.....

20 MR. JOSEPHSON: He's.....

21 MS. FROHNE: .....do tend to believe, Jim, that it is  
22 definitely a legislative function.

23 MR. REED: Mr. Josephson?

24 MR. JOSEPHSON: I, for one, would not offer a motion  
25

1 on this if the group is divided. I do think one advantage  
2 though is that it would be impossible for the Mayor to  
3 undercut the ombudsman by tapping in on a personal basis to  
4 be implicated, to a degree, in the selection process and I  
5 think that's a positive thing.

6 MR. CHIEI: Mr. Chairman?

7 MR. REED: Mr. Chiei?

8 MR. CHIEI: (Indiscernible) doing anything, I would  
9 move that we leave it the way it's written (indiscernible)  
10 check and balance with a strong Mayor.

11 MR. JOSEPHSON: Leave it the way it's in the Committee  
12 Report you mean?

13 MR. CHIEI: No, leave it the way it's (indiscernible).  
14 (End of side A)

15 MR. JOSEPHSON: .....tied into (indiscernible).

16 MR. CHIEI: (Indiscernible).

17 (Simultaneous speech)

18 MR. JOSEPHSON: We went through everything in the  
19 report of July 8 except the Bill of Rights, which you will  
20 study for the next meeting and the possibility of amending  
21 the amendment article, Article XV, Charter Amendment, to  
22 require certain extraordinary majorities to amend the  
23 ordinance.

24 Also -- and I'm sorry, to require that amendments  
25

1 initiated by the Assembly would require two-thirds of the  
2 membership of the Assembly. I suggest that we may want to  
3 act on that next time.

4 MS. FROHNE: I think that is a good thought.

5 MR. REED: Lisa?

6 MS. PARKER: (Indiscernible - voice lowered).

7 MR. REED: You wish to reconsider on the section on  
8 utilities?

9 MS. PARKER: Yeah, are we going to go through that  
10 again on (indiscernible)?

11 (Simultaneous speech)

12 MS. PARKER: (Indiscernible).

13 MR. REED: 13.01.

14 MR. JOSEPHSON: Okay, 13.....

15 MS. PARKER: (Indiscernible - simultaneous speech).

16 MR. JOSEPHSON: We had a recommendation on 13.02 that  
17 -- to change the majority for a sale lease or disposal of  
18 municipal utility to three fiscal qualified voters. There's  
19 some sentiment that, in a trangent (indiscernible), a  
20 decision might be made to dispose of a Municipal asset and  
21 that -- to prevent -- to give a little more stability to  
22 perhaps 60 percent of the voters should ratify such a basic  
23 decision.

24 And it was also suggested that the Committee and the  
25