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**MUNICIPALITY OF ANCHORAGE**  
**ANCHORAGE ASSEMBLY**

**Assembly Conference Room**  
**First Floor, City Hall**  
**632 West 6<sup>th</sup> Avenue, Anchorage, Alaska**

**Minutes for Special Meeting of June 3, 2003**

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**1. CALL TO ORDER**

The Assembly Meeting was called to order by Chair Traini at 5:00 p.m. in the Assembly Conference Room, 632 West Sixth Avenue, Anchorage, Alaska.

**2. ROLL CALL** A Quorum was achieved with Assemblymembers present.

PRESENT: Allan Tesche, Brian Whittle, Melinda Taylor, Fay Von Gemmingen, Dick Traini, Anna Fairclough, Doug Van Etten, Janice Shamborg and Dick Tremaine.

ABSENT: Dan Kendall (excused) and Dan Sullivan (excused).

**3. PLEDGE OF ALLEGANCE** Ms. Taylor led the pledge.

**4. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

4.A. Resolution No. AR 2003-160, a resolution of the Anchorage Assembly requesting and urging the Governor of the State of Alaska to suspend implementation of Administrative Order No. 210 pending further consultation between the State administration and the Municipality of Anchorage, the municipal employees who will be affected by that action, and the clients served by municipal employees assigned to the **Workforce Development Program**, Assemblymember Tesche.

4.B. Further response by MOA and affected parties to Administrative Order No. 210 reference **Workforce Development**.

Chair Traini called for a motion from Mr. Tesche.

Mr. Tesche moved, to approve AR 2003-160.  
Ms. Taylor seconded,

Mr. Tesche stated an number of findings suggested that the Assembly should request the Governor to delay the implementation of Administrative Order No. 210 until December 31, 2003. The Resolution also authorized Chair Traini to advise the U.S. Secretary of Labor of the Assembly's position and to obtain the Department of Labor's assistance for this proposed transfer to ensure it was done in a way that was fair to MOA employees and the clientele served by the Workforce Development Program. The Resolution also requested the Alaskan Commissioner extend the public comment period to hear proposed changes to the Alaska Plan, until December 31, 2003. Mr. Tesche felt that this action was necessary to state the Assembly's position and request this matter be delayed pending further consultation. Mr. Tesche stated for the record that he was pleased with the comments of the Alaska Commissioner of Labor and Workforce Development who indicated he would certainly consider requesting an extension. Mr. Tesche recommended a YES-vote on AR 2003-160.

Mayor Wuerch pointed out that Lines 49, 50 and 51 asserted there was no consultation when, in fact, there had been. The Mayor offered to provide the Assembly with a chronology of that consultation. Mayor Wuerch suggested a change in the language of the resolution, to delete that paragraph or delete the word "not" because there had been consultation.

Chair Traini discussed with Mayor Wuerch, Mr. Mike Scott, director of Public Works and Mr. Dave Otto, Director of Employee Relations, the consultation which had taken place between the Municipality of Anchorage and the State of Alaska in late April or the beginning of May. Mr. Otto stated that the Administration knew there was a draft administrative order being prepared, but did not know when it might be completed and he did not want to give official employee notification until he had an official signed order as well as a memorandum from the Commissioner of Labor advising that both the funding and the program were ending. To Chair Traini, Mr. Scott responded that they did know the Governor was going to amend Senate Bill 192, to allow the Order 210, but they did not know what day it would happen. Mr. Tesche stated that he had been disappointed that the Assembly had not been more fully informed.

Responding to Mayor Wuerch's request to reword the resolution language to indicate they had met, Mr. Tesche pointed out that the language used on Lines 49 and 50 "meaningful and informative consultation" was not meant to imply there was not consultation but that it lacked sufficient quality to be meaningful and informative. Mr. Tesche suggested the only change he would consider would be "that consultation lacked in quality sufficient to be meaningful and informative." He stated it was not their intention to suggest there had not had been a meeting.

1 Mr. Scott stated for the record that while some folks may have felt the consultation was not meaningful and  
2 informative, he thought that Mayor Wuerch, Mr. Otto and himself believed the consultation was quite meaningful and  
3 quite informative. He said that they shared with the employees what they knew. He stated the draft administrative  
4 order had been circulated to employees for weeks prior to the meeting.

5  
6 Chair Traini informed Mr. Scott that the chair of the local board had reported to the Assembly that the board had not  
7 been consulted or informed of the meeting.

8  
9 Mayor Wuerch stated that he felt the Assembly did not want to hear this information from them, and they had already  
10 made a judgment that the meeting was insufficient.

11  
12 Mr. Tremaine stated he would be casting a YES-vote.

13  
14 Mr. Tesche moved, to approve AR 2003-160.  
15 Ms. Taylor seconded,  
16 and this motion was passed,  
17

18 AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten and Tremaine.

19 NAYES: None.

20 ABSENT: Kendall and Sullivan.

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22  
23 **5. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

24 5.A. Ordinance No. AO 2003-91, an ordinance of the Anchorage Municipal Assembly suspending  
25 implementation of AO 2003-32, relocation of **Department of Health and Human Services** and  
26 construction of new facility, pending submission of an economic study and business plan for that  
27 action to the Assembly, policy review of the proposed action by the new administration, and providing  
28 for an effective date, Assemblymember Tesche. *Public Hearing set for 6-24-03. (To be submitted 6-*  
29 *03-03)*  
30

31 Chair Traini read this ordinance title and called for a motion for introduction from Mr. Tesche.

32  
33 Mr. Tesche moved, to introduce AO 2003-91.  
34 Mr. Tremaine seconded,  
35 Ms. Taylor was the concurring third,  
36

37 Mr. Tesche requested to defer action of this issue until the Assembly addressed AR 2003-159, and take up this  
38 ordinance concurrently. There were no objections, and Chair Traini announced AO 2003-91 would be postponed until  
39 AR 2003-159 was before the Assembly.

40  
41 **6. SPECIAL ORDERS**

42 6.A. **Veto Overrides**

43 6.A.1. Resolution No. AR 2003-158, a resolution of the Anchorage Municipal Assembly regarding **2003**  
44 **HAND Commission Action Plan amendment**, Assemblymembers Tesche and Traini.  
45

46 Chair Traini read this resolution title and stated the history of this resolution, included its being amended and approved  
47 on May 20<sup>th</sup> with a vote of immediate reconsideration, which failed, also on May 20<sup>th</sup>. It was vetoed May 27<sup>th</sup>. Chair  
48 Traini called for a motion from Mr. Tesche.

49  
50 Mr. Tesche moved, to override the Mayor's VETO of AR 2003-158.  
51 Ms. Taylor seconded,  
52

53 Mr. Tesche stated the resolution simply asked staff and HAND Commission to give consideration to the Mountain View  
54 Project. When the entire package of HAND Commission Recommendations came before the Assembly, they would  
55 understand what projects to fund and what projects not to fund, with the benefit of the HAND Commission's  
56 recommendation on all of the projects. He stated it was not the intent of the resolution to give any particular project  
57 any special consideration, but rather simply a method of informing the Assembly of the projects and programs they  
58 supported. He stated the comments from Beverly Jones, Director of the Community Development Division, indicated  
59 that if the Mountain View Project was not first considered by the MOA staff and the HAND Commission, the Assembly  
60 would not have the understanding when making the decision to approve funding of this package. He stated the intent  
61 of the resolution was to inform the Assembly of the recommendations of all of the projects. He thought the  
62 Administration's opposition to the Mountain View Project was premature. Mr. Tesche stated he looked forward to  
63 hearing the merits of the Mountain View Project. He urged the Assembly to support the motion to override.  
64

65 Mayor Wuerch stated he had a gained a clear understanding of the intent of the override. He urged discussion with  
66 the body to reach a mutual understanding on some of the specific issues that were concerns and were not addressed  
67 in the VETO and override message. He requested Municipal Attorney, Bill Greene, to address the Assembly regarding  
68 the concerns.  
69

70 Mr. Greene explained the process required for the utilization of HUD funds. There was a consolidated plan, which was  
71 the overall conceptual five-year or three-year plan that was prepared. He explained this was followed by the action  
72 plan, which was the annual implementation of the conceptual plan. Both plans were reviewed in a public process, both  
73 with their initial approval and with proposed changes. The plan would have to be amended to accommodate changes  
74 in the implementation plan as well as the conceptual plan. He stated that public process had not taken place and  
75 needed to be done. Mr. Greene stated the second, and more important issue, concerned private monies which had

1 already been expended to acquire sites or to fund these projects that the Assembly had considered. He stated that  
2 HUD would prohibit the use of HUD funds to substitute for the private funds. Mr. Greene stated it was important to  
3 understand that some of the monies had already been committed and some of the projects would have to be  
4 reconsidered in order to make HUD funds available. Mr. Greene cautioned the Assembly that they should not take  
5 action that may jeopardize the HUD funds or interfere with the public process that HUD required.  
6

7 Director of Public Works, Mike Scott, stated that they had previously indicated that many of the individual projects or  
8 the total project would be eligible and considered but he would remain optimistic that they could still achieve their  
9 goals. Mr. Scott stated that the resolution language included a paragraph that stated that all of the objectives had  
10 been met, and in fact they had not. He stated that it was important for the Assembly not to request the Administration  
11 to do anything that would be non-complying and ultimately make the projects ineligible.  
12

13 Ms. Taylor asked what actions could be taken legally, to clarify the Administration's position. Mr. Greene stated it was  
14 legal to withdraw the VETO. Ms. Taylor requested a letter from the Mayor to reiterate the process.  
15

16 Mr. Tesche felt uncomfortable with the process. He stated he would prefer to have the VETO overridden and felt the  
17 resolution as drafted, written and approved, should remain in place.  
18

19 Mayor Wuerch offered to withdraw his VETO and send the Assembly a letter laying out the understanding the  
20 Administration had reached at the Assembly meeting. He stated the resolution created by the Assembly still needed to  
21 be addressed if an understanding was to be achieved among them. He suggested amending the resolution or  
22 postponing it.  
23

24 Mr. Greene stated that there was a 21-day deadline for the VETO to be overridden.  
25

26 Mr. Whittle felt the Administration's plan needed to be altered to allow public process. Mayor Wuerch responded that  
27 details of their process intent would be drafted in the response letter they had promised. He stated they were  
28 committed to correct the process.  
29

30 Mr. Tremaine stated that Assemblymembers had received a letter from the Administration concerning the next Agenda  
31 item, and he felt confident that it showed a strong showing of faith and cooperation. He asked the Administration if  
32 they would be able to define their intent of the process before Friday's scheduled work session.  
33

34 Mr. Greene stated that the resolution was already on record, and to avoid any future misunderstanding and possible  
35 forfeiture involving HUD, action needed to be taken. He advised that the Assembly make certain, regardless if they  
36 postponed or amended it, that the final resolution should be clearly in support of the programs and processes.  
37

38 Mr. Tesche moved, to *withdraw* his motion to override the VETO.  
39

40 The second, Ms. Taylor, did not concur.  
41

42 Chair Traini gave the floor to the Mayor. Mayor Wuerch withdrew his VETO.  
43

44 6.A.2. Resolution No. AR 2003-159, a resolution of the Anchorage Municipal Assembly requesting further  
45 information and review regarding **site costs and the availability of municipal sites**, including 3500  
46 Tudor, for use in connection with the new facility for the Department of Health and Human Services,  
47 Assemblymembers Tesche and Traini.  
48 (*Approved 5-20-03; Immediate Reconsideration Failed 5-20-03; Vetoed 5-27-03*)  
49

50 Chair Traini read the resolution title, and stated it would be combined with Agenda item 5.A. AO 2003-91 and called for  
51 a motion. Mr. Tesche proposed to postpone action on AR 2003-159, and reconsider the VETO override at their next  
52 Regular Assembly Meeting scheduled for June 10, 2003.  
53

54 Mr. Tesche moved, to *postpone* consideration AR 2003-158 and AR 2003-159  
55 Mr. Tremaine seconded, until June 10, 2003.  
56 and this motion was approved,  
57

58 Mr. Tesche moved, to *postpone* the introduction of AO 2003-91 until  
59 Mr. Tremaine seconded, June 10, 2003.  
60 and this motion was approved,  
61

62 Mr. Tesche explained that he had requested the Municipal Manager, the Mayor, Mr. Scott and Mr. Howard Holtan  
63 prepare the Assembly a five-year plan for the new Health and Human Services facility as it was originally described  
64 and cited in the ordinance and the ordinance's RFP. The business plan was to include a cash flow analysis, income  
65 and expense projections and funding requirements of funding sources for at least five years. The Administration had  
66 concurred that they would be able to provide that information by Monday, June 9, 2003. Mr. Tesche said the  
67 Administration also advised that they had not yet completed Phase II of the RFP documents and they were unable to  
68 release those documents before Wednesday, June 11, 2003. The Administration had requested that the Assembly  
69 defer action on the VETO override at this time and not consider introduction of AO 2003-91 until the next scheduled  
70 Regular Assembly Meeting. Mr. Tesche stated the purpose of this action and process would allow the Administration  
71 to present their business plan for the development community and the financial cost projections of this facility.  
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## 73 7. ADJOURNMENT

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75 Chair Traini called for a motion to adjourn the meeting.

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Mr. Van Etten moved, to adjourn the Regular Assembly Meeting.  
Ms. Shamberg seconded,  
and this motion was passed,

AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten and Tremaine.  
NAYES: None.  
ABSENT: Kendall and Sullivan.

The Special Assembly Meeting was adjourned at 5:45 p.m.

\_\_\_\_\_  
DICK TRAINI, Assembly Chair

ATTEST:

\_\_\_\_\_  
BARBARA GRUENSTEIN, Municipal Clerk  
Date Minutes Approved: April 13, 2004  
MC/BG