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.
appropriate government type?

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

    MR. JOSEPHSON: Thank you, Judy.

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

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

    I’d like to make a few comments about the ombudsman
question. I’d like to begin just (indiscernible). A
quick defense of the proposal, I think the ombudsman gives
a citizen a second chance at resolving a problem he has.
He may go to the administrator and talk over the problem and it may be worked out there (indiscernible). The citizen may be dissatisfied and may not carry any further feelings (indiscernible) hopeless. Then he may go beyond (indiscernible) second chance, that’s a big value (indiscernible) ombudsman.

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

There’s a key difference between ombudsman and the Mayor or the assembly and that is that they’re tied to policy. They make policy, and to an extent, they maintain to defend that policy and how it (indiscernible). An ombudsman who’s independent from the Mayor and is protected from the legislative body can be more objective in defending how that policy works in its day-to-day operation. I think that’s one good reason for having an ombudsman, making him independent of the Mayor and is somewhat protected from the legislative body. I feel he really needs to be responsible, I don’t feel his term
should be a limited (indiscernible). I support the concept that was in the past charter of a limited term and that -- I think it was five years -- three, four, five years (indiscernible) to me. I think he also should be able to be removed at any time before that period by a two-thirds vote of the body.

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

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

About the essence of my comments, if you would choose to put the ombudsman in the charter, I would hope
that it would be in the classic -- following the classic model of ombudsman, which is to be an agency of legislative body independent (indiscernible) protected from the legislative body.

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

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

(End of side B)

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

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

MR. JOSEPHSON: Mr. Chairman?

MR. REED: Mr. Josephson?

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

MR. DEVOUR: To recommend.

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

MR. DEVOUR: I doubt that that’ll happen very often at all.

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

MR. DEVOUR: There is not ordinance.

MR. JOSEPHSON: I see.

MR. DEVOUR: There is -- I operate now essentially under a risk, which (indiscernible) and it does not preclude that at all.
MS. STURGULEWSKI: Mr. Chairman?

MR. REED: Ms. Sturgulewski?

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

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

MR. REED: Mr. Josephson?

MR. JOSEPHSON: Do you find this that the members of the assembly come to you and said (indiscernible) has
asked me to do so and so, will you find out about it and report back to me?

MR. DEVOUR: Yes, I do.

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

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

MR. REED: Mrs. Holmes?

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

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

MR. REED: Are there other questions for Mr. Devour?
If not, thank you very much and I think the -- if you could give Evy a copy of something for a month or so, appreciate it. I see Mr. Graham had asked for the chair and I think I’ll take the privilege of the chair and offer the hot seat to Mr. Graham.

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

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

And see, the last legislature (indiscernible) was the last, we did the municipal code, which gave us another dose of change on the -- what the second class borough is. So today, we don’t have the real distinction that we started out with in the first and second class borough and we certainly don’t have it in our area here because we’re very close to approaching the first class status. Now
obvious semantical problem, when this thing gets presented to the voters, I don’t believe the voters want -- the majority of the voters don’t want the (indiscernible) first class status. City voters think they’re needed for their own protection, but if they realize how far we’ve gone from second class status, I don’t think they’ll be so insistent as they have previously now.

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

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

Now the other point is that the nation’s supposed to be founded on a Republican form of government or a Republican and that means that we should have representative government. My view of our community for over 20 years, we have not yet gotten representative government. Any letter Bill told him to say -- keep repeating the old phrase, we have to get (indiscernible)
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
MR. GARNETT: Well, mainly, it might be that the President of the Senate is about to be dispossessed of (indiscernible).

MS. HOLMES: Adversely possessed.

MR. GARNETT: Yeah, (indiscernible) dispossessed of the Municipality.

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

MS. HOLMES: Second.

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

MR. CHIEI: No objection.

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

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

There is the possibility of just if the Assembly
decides to pick the most outrageous person possible to --
maybe in the back of (indiscernible - simultaneous speech).

(Simultaneous speech)

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

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

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

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

MR. PARSONS: Mr. Chairman?

MR. REED: Mr. Parsons?

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

MR. REED: Mrs. Holmes?

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

MR. PARSONS: (Indiscernible) now?

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

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

(Simultaneous speech)

MR. PARSONS: I also think that we have built in a number of bonds (indiscernible) that (indiscernible) to
exercise certain powers and an independent legislative body
(indiscernible - away from microphone) policy making, there
is. And that if we overlap them, there’s no sense having a
division.

MS. FROHNE: Mr. Chairman?

MR. REED: Mrs. Frohne?

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

MR. JOSEPHSON: He’s.....

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

MR. REED: Mr. Josephson?

MR. JOSEPHSON: I, for one, would not offer a motion
on this if the group is divided. I do think one advantage
though is that it would be impossible for the Mayor to
undercut the ombudsman by tapping in on a personal basis to
be implicated, to a degree, in the selection process and I
think that’s a positive thing.

MR. CHIEI: Mr. Chairman?

MR. REED: Mr. Chiei?

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

MR. JOSEPHSON: Leave it the way it’s in the Committee
Report you mean?

MR. CHIEI: No, leave it the way it’s (indiscernible).

(End of side A)

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

MR. CHIEI: (Indiscernible).

(Simultaneous speech)

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

Also -- and I’m sorry, to require that amendments
initiated by the Assembly would require two-thirds of the membership of the Assembly. I suggest that we may want to act on that next time.

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

MR. REED: Lisa?

MS. PARKER: (Indiscernible - voice lowered).

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

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

(Simultaneous speech)

MS. PARKER: (Indiscernible).

MR. REED: 13.01.

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

MS. PARKER: (Indiscernible - simultaneous speech).

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

And it was also suggested that the Committee and the