

LAI-ON-THE-TABLE

Submitted by: Assembly Member Zaletel
Prepared by: Assembly Counsel's Office
For reading: February 7, 20223

ANCHORAGE, ALASKA
AR No. 2023-_____

1 **A RESOLUTION OF THE ANCHORAGE ASSEMBLY AUTHORIZING THE**
2 **ASSEMBLY COUNSEL TO PURSUE LITIGATION TO COMPELL THE RELEASE**
3 **OF REQUESTED AND SUBPOENAED RECORDS WITHHELD BY THE**
4 **ADMINISTRATION.**
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7 **WHEREAS**, the Municipality's former health director, Mr. Joe Gerace, was
8 appointed by the Administration and confirmed by the Assembly, and later
9 discovered to have fabricated his credentials, and lied regarding his qualifications;
10 and

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

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17 **WHEREAS**, the Assembly, at the request of the Administration, issued a subpoena
18 for the investigation and convened in executive session on January 24, 2023 to
19 review the investigation and hear testimony regarding Mr. Gerace's appointment;
20 and

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22 **WHEREAS**, having taken up these matters in executive session, the Assembly finds
23 that the public's interest in holding the Municipal government to account outweighs
24 the privacy interests asserted by the Administration on behalf of Mr. Gerace, and
25 therefore wishes to release the recordings of its January 24, 2023 executive session
26 as soon as possible; and

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28 **WHEREAS**, on advice of Assembly Counsel and after due consideration, the
29 Assembly Chair and Vice-Chair requested the director of Human Resources release
30 the two documents discussed at the executive session as public records under AS
31 40.25.110; and

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33 **WHEREAS**, the Assembly Chair on February 2, 2023 issued a second subpoena
34 for these documents, pursuant to her authority under AMC section 2.30.085 and AR
35 2023-31, As Amended, and that subpoena was properly served on the director of
36 Human Resources; and

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38 **WHEREAS**, the director of Human Resources has denied the Assembly Chair and
39 Vice Chair's request for the documents to be released, and thereby refused to
40 comply with the Assembly Chair's subpoena;

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42 **NOW, THEREFORE, BE IT RESOLVED THAT THE ANCHORAGE ASSEMBLY:**
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1 **Section 1.** Authorizes the Assembly Counsel's Office to initiate litigation, on
 2 behalf and in the name of the Anchorage Municipal Assembly, appropriate to compel
 3 the release of the records in question and enforce compliance with the Chair's
 4 subpoena issued February 2, 2023. Assembly Counsel may, for the Anchorage
 5 Municipal Assembly, file an original action, intervene or otherwise seek to participate
 6 in any pending action, as Counsel deems most advisable and after conferring with
 7 the Assembly Chair and Vice Chair.

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

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

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 19 _____
 20 Chair of the Assembly

21 ATTEST:

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 24 _____
 25 Municipal Clerk
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