

MUNICIPALITY OF ANCHORAGE



Mayor Dave Bronson

February 15, 2023

VIA EMAIL ONLY

Re: 2/2/23 Public Records Request

Dear Assembly Leadership:

This concerns your 2/2/23 public records request for personnel records related to Joe Gerace's time of employment.

As you are aware, Anchorage Municipal Code 3.90.060B. says in relevant part, "Any denial of a request for information or inspection of public records shall be automatically appealed to the mayor, and a written reply will be given within seven working days either granting or denying the appeal."

The records you requested, concerning the appointment, service, and resignation of former Anchorage Health Department Director Joe Gerace are personnel records. As such, I agree with the Department of Law that the records are exempt from public disclosure per AMC 3.90.016D. and 3.90.040B.

The Municipality takes its obligation to protect employee privacy seriously and will not publicly disclose such information without a court order directing a release pursuant to AMC 3.30.016, as cited by (then) Acting Municipal Attorney Blair Christensen. This goes for all current and past employees, including Joe Gerace, who have not consented to the release of their personnel records.

The appeal is denied.

Sincerely,



Mayor Dave Bronson

cc: Municipal Attorney's Office
Human Resources
Assembly Counsel

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.

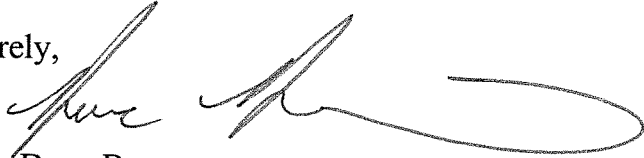
As you well know, the Alaska Constitution includes a right of privacy at Article 1, Section 22. This right protects Municipal employees and former employees from having their personnel records made public by the Municipality.

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