

Submitted by: ASSEMBLY MEMBERS STARR,
JOHNSTON, COFFEY, BIRCH

Reviewed by: Assembly Counsel
For reading: December 2, 2008

Passed indefinitely 12/10/08

**ANCHORAGE, ALASKA
AR NO. 2008-313**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY RELATING TO
ASSEMBLY RATIFICATION OF CONTRACTS AND AMENDMENTS IN COMPLIANCE
WITH AMC 3.70.130.**

WHEREAS, AMC 3.70.130.A, *Contracts and amendments*, provides that upon completion of negotiations between the municipality and a bargaining representative, all of the terms and conditions shall be reduced to writing in a single agreement, and the agreement shall then be presented to the appropriate employee unit for ratification and to the Assembly for ratification in the same manner as a municipal ordinance; and

WHEREAS, AMC 3.70.130.B, *Administrative letters*, provides that all administrative letters interpreting provisions of a labor agreement shall be submitted to the Assembly for review and approval by resolution in accordance with Assembly rules of procedure; and

WHEREAS, Assembly ratification of labor agreements and Assembly approval of administrative letters interpreting provisions of labor agreements ratified by the Assembly are central components of the check and balance system of government accountability adopted by municipal charter and code; and

WHEREAS, the administrative practice of implementing written "side agreements" that purport to supersede provisions ratified by the Assembly without the knowledge and approval of the Assembly, has been referred to the internal Auditor for study and written report and findings, pursuant to Assembly Resolution 2008-260; and

WHEREAS, when the Assembly ratifies a labor agreement, the Assembly, the employees within the bargaining unit, and the municipal taxpayers are entitled to rely on municipal code to ensure that the agreement placed before the Assembly for ratification is put into practice by its terms;

NOW THEREFORE THE ANCHORAGE ASSEMBLY RESOLVES:

SECTION 1. To ensure that the integrity of Assembly ratification of labor agreements under AMC section 3.70.130 is not eroded by administrative action outside the knowledge and control of the Assembly, the Anchorage Assembly shall not ratify an agreement within the scope of AMC chapter 3.70 unless the agreement is accompanied by a certification, under oath or affirmation in substantially the same form as set out in Section 2, from each person duly authorized to execute the agreement.

SECTION 2. The certification shall in substance state:

In executing the agreement, the duly authorized representative, on behalf of the party to the agreement, understands and acknowledges that the agreement must comply with Anchorage Municipal Code (AMC). The authorized representative acknowledges and agrees that AMC 3.70.130 requires Assembly approval of all modifications and amendments, no matter how denominated. The authorized representative acknowledges that absent Assembly approval, any modification or amendment, no matter how denominated, shall be deemed null and void by the Assembly. Absent Assembly approval required by AMC 3.70.130, written clarifications and interpretations within the definition of "*administrative letter*" under AMC 3.70.010 are invalid. AMC 3.70.010 prohibits the use of administrative letters to vary the explicit terms of a labor agreement.

SECTION 3. Prior to taking action on ratification of a labor agreement within the scope of Anchorage Municipal Code (AMC) chapter 3.70, Anchorage Assembly review shall include a finding by the Assembly that each person duly authorized to execute the agreement has provided the required certification acknowledging the force and effect of municipal code.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2009.

Chair

ATTEST:

Municipal Clerk