


MUNICIPALITY OF ANCHORAGE

OFFICE OF THE MAYOR

MEMORANDUM

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**DATE:** November 29, 2022  
**TO:** Anchorage Assembly  
Suzanne LaFrance, Assembly Chair  
**FROM:** Mayor Dave Bronson   
**SUBJECT:** Vetoes of AO 2022-87 as Amended

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Pursuant to the authority vested in me by Charter section 5.02(c), I hereby, by veto, strike or reduce the following amendments to **AO 2022-87 as Amended: AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE ADOPTING AND APPROPRIATING FUNDS FOR THE 2023 GENERAL GOVERNMENT OPERATING BUDGET FOR THE MUNICIPALITY OF ANCHORAGE**, that were moved and approved by the Assembly at the meeting of November 22, 2022.

I have provided an explanation with each item vetoed.

Dunbar & Quinn-Davidson Amendment #8 Alcohol Tax Omnibus – Alcohol Tax

**Strike** Line 3: \$150,000, Legislative, Technical assistance for Alcohol Tax grant application process

My reason is as follows: Pursuant to the Municipal Charter, I hereby veto Line 3 of Amendment 8 to AO 2022-87, the General Government Operating Budget Alcohol Tax Program, appropriating \$150,000 to the Legislative Branch for the provision of “technical assistance for alcohol tax grant application process”.

Earlier this year, the Superior Court instructed the Assembly that the Anchorage Charter incorporates “separation of power principles”.<sup>1</sup> This separation of powers between the established branches of government is a core doctrine of American jurisprudence. It is long-recognized and well-settled that the doctrine safeguards the independence of each branch of government. As the Alaska Supreme Court has repeatedly instructed, “the underlying rationale of the doctrine of separation of powers is the

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<sup>1</sup> Bronson v. Assembly, 3AN-21-08881Civ.

avoidance of tyrannical aggrandizement of power by a single branch of government”.<sup>2</sup>

The enactment of laws and the attendant appropriation of funding are functions of the legislative branch, while the implementation and administration of those laws are reserved as functions of the executive branch. Accordingly, it was appropriate when the Assembly (as the Municipality’s legislative branch) appropriated \$150,000 earlier this year, through AR 2022-291, to enable the Health Department (within the executive branch) to provide technical assistance regarding Alcoholic Beverages Retail Sales Tax funded programs, as was explained within AM 619-2022. It was also appropriate for the Health Department to then use those funds to retain the services of a contractor who now provides that technical assistance, on behalf of the Department, to Alcohol Tax grant applicants.

Line 3 of Amendment 8 to AO 2022-87, the General Government Operating Budget Alcohol Tax Program, seeks to upend this constitutionally mandated division between legislative and executive powers, by appropriating \$150,000 for year 2023 to the “Legislative” branch so that the legislative branch may usurp the Health Department’s implementation and administration role, by having itself provide technical assistance to Alcohol Tax grant applicants going forward. This is untenable.

“The doctrine of separation of powers prohibits one branch of government from exercising any power that is not explicitly bestowed by the constitution or that is not essential to the exercise of that power.”<sup>3</sup> It would be entirely proper for the Assembly to appropriate funds to enable the Health Department to continue to provide technical assistance to Alcohol Tax grant applicants in the coming year. However, it is constitutionally impermissible for the Assembly to take over the implementation and administrative roles of the Executive Branch. Accordingly, I am compelled to veto Line 3 of Amendment 8 to AO 2022-87, the General Government Operating Budget Alcohol Tax Program, appropriating \$150,000 to the Legislative Branch for the provision of “technical assistance for alcohol tax grant application process”.

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<sup>2</sup> Bradner v. Hammond, 553 P.2d 1 (Alaska 1976); Meyer v. Alaskans for Better Elections, 465 P.3d 477 (Alaska 2020); State v. Recall Dunleavy, 491 P.3d 343 (Alaska 2021)

<sup>3</sup> State v. Recall Dunleavy, 491 P.3d 343 (Alaska 2021).



**Strike** Line 15: \$445,000, Health, Annual basis to allow for a permanent increase of single adult shelter capacity: Brother Francis Shelter

My reason is as follows: While I support the efforts of the Brother Francis Shelter and the work, they provide to compassionately address those individuals experiencing homelessness, Brother Francis Shelter will not be able to comply with the terms as stated in this amendment. The organization has expressly stated that they are committed to sticking to their 120-client capacity for the foreseeable future.

Dunbar & Quinn-Davidson Amendment #8 GG Omnibus – General Government

**Strike** Line 5: \$730,000, Health, Annual basis to allow for a permanent increase of single adult shelter capacity: Brother Francis Shelter

My reason is as follows: While I support the efforts of the Brother Francis Shelter and the work, they provide to compassionately address those individuals experiencing homelessness, Brother Francis Shelter will not be able to comply with the terms as stated in this amendment. The organization has expressly stated that they are committed to sticking to their 120-client capacity for the foreseeable future.

**Strike** Line 7: \$44,072, Legislative, Security contract for Assembly.

My reason is as follows: This amendment identifies \$65,000 for security contract for assembly, however, pursuant to the terms of the current contract with Securitas, the annual cost for security at assembly meetings is \$20,928 of which the Maintenance & Operations department currently pays. Therefore, I am reducing the amendment from \$65,000 to \$20,928 a difference of \$44,072 which is over and above the amount necessary to pay the cost of security for assembly meetings.

**Strike** Line 13: \$(730,000), Health, Non labor budget for homelessness

My reason is as follows: While I support the efforts of the Brother Francis Shelter and the work, they provide to compassionately address those individuals experiencing homelessness, Brother Francis Shelter will not be able to comply with the terms as stated in this amendment. The organization has expressly stated that they are committed to sticking to their 120-client capacity for the foreseeable future.

**Strike** Line 14: (\$44,072), Maintenance & Operations, Reduce security contract funds

My reason is as follows: This amendment identifies \$65,000 as a reduction from the Maintenance & Operations department security contract funds and added to the assembly for security contract for Assembly. However,



pursuant to the terms of the current contract with Securitas, the annual cost for security at assembly meetings is \$20,928 of which the Maintenance & Operations department currently pays. Therefore, I am reducing the amendment from \$65,000 to \$20,928 a difference of \$44,072 which is over and above the amount necessary to pay the cost of security for assembly meetings. If the full amount of \$65,000 is reduced from the Maintenance & Operations department there will be a security reduction across further facilities such as: city hall, library branches, Fairview recreation center, Spenard recreation center, Health department building, etc.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly "M. S.", written in a cursive or semi-cursive style.