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CHAPTER 24. MUNICIPAL OFFICERS AND EMPLOYEES.

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~~Article~~ 1. CONFLICT~~S~~OF INTERESTS, PUBLIC MEETINGS.

****Sec. 29.24.010. CONFLICT~~S~~OF INTEREST. Each home rule and general law municipality shall adopt a conflicts-of-interest ordinance which provides that a member of a legislative body shall declare a substantial financial interest he has in an official action and ask to be excused from a vote on the matter. The presiding officer shall rule on the question. His decision may be overridden by the majority vote of the governing body.

Sec. 29.24.020. MEETINGS PUBLIC. Meetings of all municipal bodies shall be public as provided in AS 44.62.310. The assembly and council shall provide reasonable opportunity for the public to be heard at regular and special meetings. This section applies to home rule and general law municipalities.

^{uc}
Article 2. ~~BOROUGH ASSEMBLY~~ ^{Governing Bodies.}

****Sec. 29.24.050. (Sec. 29.23.010.) GENERAL POWER. The legislative power of a borough is vested in the assembly. The legislative power of a city is vested in the council.

7 ~~Sec. 29.24.060.~~ Sec. 29.24.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. [Effective January 1, 1981].

(a) Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States.

(b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If the borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with the requirements of this section and prescribed by charter or ordinance.

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1 (c) An assembly may not provide for weighted voting.

2 (d) A member of the assembly of a borough may not be elected or
3 appointed by and from the council of a city in the borough.

4 Sec.29.24.070. COMPOSITION AND FORM OF REPRESENTATION. (a) The
5 borough assembly shall provide for its composition and for the form of its
6 representation.

7 (b) Not later than the first regular election which occurs after
8 the report of a federal decennial census, the assembly shall propose and
9 submit to the voters of the borough, at that regular election or at a special
10 election called for the purpose, one or more forms of borough assembly
11 representation. The forms of representation which the assembly may submit
12 to the voters are:

13 (1) election of members of the borough assembly at large by
14 the qualified voters throughout the borough;

15 (2) election of members of the borough assembly by district,
16 including

17 (A) election at large by the qualified voters throughout
18 the borough, but with a requirement that a candidate live within
19 an election district established by the borough for election of
20 assembly members; or

21 (B) election from election districts established by the
22 borough for the election of assembly members by the qualified
23 voters of a district;

24 (3) election of members of the borough assembly both at
25 large and by district.

26 (c) A form of borough assembly representation which includes
27 election of borough assembly members under (b)(2) or (b)(3) of this section
28 shall be submitted to the voters of the borough with a plan of apportionment
29 as required by AS 29.24.080.

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1 (d) The borough assembly shall, within 30 days of certification
2 of the results of the election held on a proposed form of representation
3 under this section, adopt an ordinance providing for its composition and the
4 form of assembly representation, and, if applicable, the apportionment of
5 assembly seats which corresponds to the proposed form of representation
6 which received the most votes at the election.

7 (e) This section does not apply

8 (1) to a unified municipality incorporated under AS 29.12.190

9 - 29.12.390

10 (2) to a home rule borough if the borough charter contains
11 procedures for changing assembly composition and form of representation.

12 Sec. 29.24.080. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a) Not
13 later than two months after the official report of a federal decennial
14 census, the borough assembly shall determine and declare by resolution
15 whether the existing apportionment of the borough assembly meets the standards
16 of AS 29.24.060. If the borough assembly submits to the voters a form of
17 representation which includes election of borough assembly members under
18 AS 29.24.070(b)(2) or (b)(3) the assembly shall submit with the proposition
19 of a proposed plan of apportionment which corresponds to the form of represen-
20 tation proposed. The assembly shall describe the plan of apportionment in
21 the ballot proposition, and may present the plan in any manner which it
22 believes accurately describes the apportionment which is proposed under the
23 form of representation. If the borough assembly determines that its existing
24 apportionment meets the standards of AS 29.24.060 the assembly may include
25 the existing apportionment as a proposed plan of apportionment of assembly
26 seats which corresponds to a form of representation which is proposed.

27 (b) The borough assembly shall provide, by ordinance, for a
28 change in an existing apportionment of the borough assembly whenever it
29 determines that the apportionment does not meet the standards of AS 29.24.060.

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1 At the same time, the borough assembly may, by ordinance, change the com-
2 position of the assembly.

3 (c) If a petition signed by not less than 50 registered voters who
4 are residents of the borough request the borough assembly to determine
5 whether the existing apportionment meets the standards for apportionment in
6 AS 29.24.060, and the petition contains evidence that the existing apportion-
7 ment does not meet those standards, the assembly may make the determination
8 requested. The borough assembly shall make a determination required by this
9 subsection within two months of receipt of a petition which meets the require-
10 ments of this subsection.

11 (d) An ordinance adopted by the assembly under (b) or (c) of this
12 section shall be submitted to the voters for approval. In order for the
13 ordinance to be approved it must receive the approval of a majority of the
14 votes cast.

15 (e) Within six months of a determination by the borough assembly
16 under (b) or (c) of this section that the current apportionment does not
17 meet the standards of AS 29.24.060 the borough assembly shall adopt an
18 ordinance providing for reapportionment, and submit the ordinance to the
19 voters. If, at the end of the six-month time period, an ordinance providing
20 for reapportionment has not been approved by the voters, the commissioner of
21 the Department of Community and Regional Affairs shall provide for the
22 reapportionment in accordance with the standards of AS 29.24.060 by preparing
23 an order of reapportionment and delivering the order to the borough mayor.

24 Sec. 29.24.090. APPORTIONMENT APPEALS. (a) A reapportionment ordinance
25 approved by the voters, or a decision of the borough assembly that the
26 standards of AS 29.24.060 do not require a change in apportionment, may be
27 appealed to the commissioner of the Department of Community and Regional
28 Affairs. Fifty registered voters who are residents of the borough may
29 submit a petition to the commissioner of community and regional affairs

1 requesting the commissioner to determine whether the proposed reapportionment ordinance approved by the voters meets the standards of AS 29.24.060
2 or whether a decision of the borough assembly that the standards of AS
3 29.24.060 do not require a change of apportionment is correct. If the
4 petition asks the commissioner of community and regional affairs to review
5 an ordinance approved by the voters under AS 29.24.080(e), the petition
6 shall be delivered to the commissioner not later than 20 days after certification of the election. If the petition asks the commissioner of community
7 and regional affairs to review a decision of the borough assembly under AS
8 29.24.080(c), the petition shall be delivered to the commissioner within 20
9 days of the decision of the borough assembly.

10
11 (b) The commissioner of community and regional affairs shall
12 review the petition and may make the determination requested. The commissioner shall provide copies of his determination to the persons petitioning
13 for appeal and to borough officials not later than 60 days after he receives
14 the petition.

15
16 (c) If the commissioner of community and regional affairs determines that the proposed reapportionment ordinance approved by the voters
17 does not meet the standards of AS 29.24.060, or if he determines that the
18 decision of the borough assembly that the standards of AS 29.24.060 do not
19 require a change of apportionment is not correct, the commissioner shall, by
20 order, direct the borough assembly to prepare a reapportionment ordinance
21 which meets the standards of AS 29.24.060 and submit the ordinance to the
22 voters.

23
24 (d) When the borough assembly has been directed by the commissioner of community and regional affairs to prepare a reapportionment
25 ordinance under (c) of this section, the borough assembly shall, within two
26 months of its receipt of the commissioner's order, adopt an ordinance
27 providing for reapportionment. The borough assembly shall submit an
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1 ordinance adopted under this subsection to the voters at a regular election
2 or special election held within 60 days of the date of adoption of the
3 reapportionment ordinance.

4 (e) If at the end of the time period provided under (d) of this
5 section an ordinance providing for reapportionment has not been approved by
6 the voters, the commissioner of community and regional affairs shall provide
7 for the reapportionment of the borough assembly in accordance with the
8 standards of AS 29.24.060 by preparing an order of reapportionment and
9 delivering the order to the borough mayor.

10 Sec. 29.24.100. JUDICIAL REVIEW AND RELIEF. (a) The commissioner of
11 community and regional affairs may request the superior court to enforce a
12 reapportionment order issued under AS 29.24.090(e).

13 (b) Each of the following is subject to judicial review:

14 (1) a plan of reapportionment approved by the voters under
15 AS 29.24.080(a);

16 (2) a determination by the borough assembly under AS 29.24.080
17 that the standards of AS 29.24.060 do not require a change in apportionment;

18 (3) a reapportionment ordinance approved by the voters under
19 AS 29.24.080(d);

20 (4) a reapportionment order of the commissioner of community
21 and regional affairs made under AS 29.24.090(c);

22 (5) a reapportionment ordinance approved by the voters under
23 AS 29.24.090(d); and

24 (6) a reapportionment order of the commissioner of community
25 and regional affairs made under AS 29.24.090(e);

26 Sec. 29.24.110 EFFECTIVE DATE OF APPORTIONMENT. (a) A change in
27 assembly apportionment or composition under AS 29.23.080 or AS 29.24.090 is
28 effective beginning with the first regular election for members of the
29 assembly which is held more than 60 days after the later of;

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1 (1) approval of a reapportionment ordinance by the voters
2 under AS 29.24.080(a), AS 29.24.080(e), or AS 29.24.090(d); or

3 (2) the delivery to the mayor of a reapportionment order of
4 the commissioner of community and regional affairs under AS 29.24.090(d).

5 (b) The provisions of (a) of this section do not apply to a
6 borough in which a change in assembly composition or apportionment is subject
7 to review and approval or determination of nonobjection by the Attorney
8 General of the United States under the Voting Rights Act of 1965, as amended,
9 (42 U.S.C. 1971 - 1974). A change in assembly composition or apportionment
10 subject to review under the Voting Rights Act of 1965, as amended, is effec-
11 tive beginning with the first regular election for members of the assembly
12 which is held more than 60 days after

13 (1) receipt by the borough assembly of approval by the
14 Attorney General of the United States of the proposed change in the composi-
15 tion or apportionment of the assembly; or

16 (2) the delivery to the mayor of a reapportionment order of
17 the commissioner of community and regional affairs under AS 29.24.090(e).

18 (3) the last day on which the Attorney General of the United
19 States may review a proposed change in the composition or apportionment of
20 the assembly.

21 Sec. 29.24.120. APPLICABILITY OF APPORTIONMENT PROVISIONS. The
22 provisions of AS 29.24.080-29.24.110 do not apply

23 (1) to a unified municipality incorporated under AS 29.12.190 -
24 29.12.390;

25 (2) to a home rule borough if the borough, by charter,
26 provides for reapportionment of the borough assembly.

27 ****Sec. 29.24.125. CITY COUNCIL COMPOSITION. Each first class city has a
28 council of six members elected by the voters at large. Each second class
29 city has a council of seven members elected by the voters at large. The

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1 council of a first or second class city may by ordinance provide for election
2 of members other than on an at-large basis for all members.

3 ~~Del~~ Sec. 29.24.130. REGULAR TERM OF OFFICE. (a) Assemblymen are selected
4 for three-year terms and until their successors are selected and have quali-
5 fied, unless different terms not exceeding four years are prescribed by
6 borough charter or ordinance. Except when otherwise required by a change of
7 composition or apportionment, if the term of an assemblyman is changed by
8 charter or ordinance, the term of an assemblyman holding office at the time
9 the change takes effect is not affected by that change.

10 (b) The regular term of office begins on the first Monday fol-
11 lowing certification of the election, unless a different date is prescribed
12 by borough charter or ordinance.

13 (c) This section applies to home rule and general law boroughs.

14 ****Sec. 29.24.140 QUALIFICATIONS. (a) A borough voter is eligible to be
15 a member of the assembly and a city voter is eligible to be a member of the
16 council. A member of the assembly who ceases to be a qualified voter im-
17 mediately forfeits his office. A member of the council who ceases to be a
18 qualified city voter immediately forfeits his office.

19 (b) A governing body may by ordinance establish a durational
20 residency requirement for its members not to exceed three years.

21 (c) An assembly or council member who represents an area less
22 than that of the total borough or city and who becomes a resident of another
23 area within the municipality may continue to serve until the next regular
24 election unless provided otherwise by ordinance.

25 (d) A municipality may by ordinance establish district residency
26 requirements for members of its governing body.

27 ****Sec. 29.24.145. TERM OF OFFICE. (a) Assembly and council members are
28 elected for three-year terms and until their successors have qualified
29 unless different terms not exceeding four years are prescribed by charter or
ordinance.

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1 (b) Except when otherwise required by a change in composition or
2 apportionment, if the term of a member of a governing body is changed by
3 charter or ordinance the term of an official holding office at the time the
4 change becomes effective is not affected.

5 (c) The regular term of office begins on the first Monday fol-
6 lowing certification of the election, unless a different date is prescribed
7 by charter or ordinance.

8 ****Sec. 29.24.150. PROCEDURES OF GOVERNING BODIES. (a) The assembly
9 shall elect from among its members a presiding officer and a deputy presiding
10 officer to serve at the pleasure of the members, except that in a borough
11 which has adopted the manager form of government under AS 29.24.550, the
12 mayor serves as presiding officer. In a city the mayor serves as presiding
13 officer. If the presiding officer is not present or disqualifies himself,
14 the deputy presiding officer shall preside.

15 (b) A municipal governing body shall hold at least one regular
16 meeting every month, unless otherwise provided by ordinance. A special
17 meeting may be held at the call of the presiding officer or at least
18 one-third of the members provided a majority of the members are given at
19 least 24 hours oral or written notice and reasonable efforts are made to
20 notify all members. A special meeting may be conducted with less than 24
21 hours notice if all members are present or if absent members have waived in
22 writing the required notice. Waiver of notice can be made before or after
23 the special meeting is held. A waiver shall be made a part of the journal
24 for the meeting.

25 (c) A majority of the total membership of a governing body
26 authorized by law shall constitute a quorum. A member disqualified by law
27 from voting on a question may be considered present for purposes of
28 constituting a quorum. In the absence of a quorum, any number of members
29 may recess or adjourn the meeting to a later date.

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(d) Actions of a governing body are adopted by a majority of the total membership of the body. All members present shall vote on every question unless

they are required to abstain from voting on a question by law. The final vote on every ordinance, resolution or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it is necessary only to so state.

(e) A governing body shall maintain a journal of its official proceedings which shall be a public record.

(f) A governing body may, consistent with law or charter, determine by ordinance its own rules of procedure and order of business.

****Sec. 29.24.160. DEPARTMENTS. Repeal.

****Sec. 29.24.170. VACANCIES. The governing body may provide by ordinance the manner in which a vacancy occurs in any elected office except the office of mayor. ^{of school boards.} Unless otherwise provided by ordinance the governing body shall declare an elective office, other than the office of mayor, vacant when the person elected

(1) fails to qualify or take office within 30 days after his election or appointment;

(2) unless excused by the governing body, is physically absent from the municipality for 90 consecutive days;

(3) resigns and his resignation is accepted;

(4) is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the governing body;

(5) if a member of the governing body, misses three consecutive regular meetings and is not excused;

(6) is convicted of a felony or of an offense involving a violation of his oath of office; or

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1 (7) is convicted of a felony or misdemeanor described in AS
2 15.56 as a corrupt practice and two-thirds of the members of the governing
3 body concur in expelling him;

4 (8) no longer physically resides in the municipality and the
5 governing body by two-thirds vote declares the seat vacant.

6 ****Sec. 29.24.175. FILLING A VACANCY. (a) If a vacancy occurs in a
7 governing body, the remaining members shall within 30 days, unless a different
8 period is provided by ordinance, appoint a qualified person to fill the
9 vacancy. The person shall serve until the next regular election, at which
10 time a successor shall be elected to service the balance of the term. If
11 less than 30 days remain in a term, a vacancy shall not be filled.

12 (b) Notwithstanding subsection (a), if the membership is reduced
13 to fewer than the number required to constitute a quorum, the remaining
14 members shall within seven days appoint a number of qualified persons to
15 constitute a quorum.

16 Article 3. BOROUGH EXECUTIVE AND ADMINISTRATOR

17 ****Sec. 29.24.200. EXECUTIVE POWER. (a) The executive power within a
18 municipality is vested in a mayor elected by the voters or by the governing
19 body as provided in this article.

20 (b) The mayor shall act as ceremonial head of government, execute
21 official documents upon authorization of the governing body, and is respon-
22 sible for additional duties and powers prescribed by this chapter.

23 ****Sec. 29.24.205. ELECTION AND TERM OF MAYOR. (a) The mayor of a
24 borough or first class city is elected at large. The mayor of a borough or
25 first class city shall serve a term of three years unless by ordinance a
26 different term not to exceed four years is provided, except that the current
27 term of an incumbent mayor may not be altered. The regular term of a mayor
28 of a borough or first class city begins on the first Monday following certi-
29 fication of his election.

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(b) The mayor of a second class city is elected by and from the council and serves until a successor is elected and has qualified. The council of a second class city shall meet on the first Monday after certification of the regular election and elect a mayor who takes office immediately. The mayor of a second class city shall serve a one-year term unless a longer term is provided by ordinance, except that the mayor of a second class city may serve only while he is a member of the council regardless of the term established for the office of mayor.

(c) The governing body may not limit the number of terms a mayor may serve.

****Sec. 29.24.206. QUALIFICATIONS FOR THE OFFICE OF MAYOR. (a) A voter of a borough or first class city is eligible to hold the office of mayor. A member of a city council for a second class city is eligible to hold the office of mayor in that city.

(b) Residency requirements for the office of mayor not exceeding three years may be prescribed by ordinance.

****Sec. 29.24.210. POWERS AND DUTIES OF MAYOR. (a) If a municipality has not adopted the manager form of government, the administrative power is vested in the mayor and the mayor has the same powers and duties as those of the manager.

(b) The mayor may take part in the discussion of all matters before the governing body.

(c) The mayor may not vote on any matter before the governing body, except that the mayor of a first class city may vote in the case of a tie and the mayor of a second class city may vote on all matters as a council member.

Sec. 29.24.220. EXECUTIVE ABSENCE. The borough mayor, subject to assembly approval, shall designate a person to act as mayor during the mayor's temporary absence or disability. If a manager plan has been adopted, the assembly shall designate by resolution a borough administrative officer to act as manager during his absence or disability.

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~~Sec. 29.24.230. ASSEMBLY PARTICIPATION. The borough mayor may take part in the discussion of all matters before the assembly but may not vote.~~

****Sec. 29.24.240. VETO. (a) Except as provided in subsections (c) and (d), the mayor may veto any ordinance, resolution, motion, or other action of the governing body and may strike or reduce appropriation items.

(b) A veto must be exercised before the next regular meeting of the governing body and must be accompanied by a written explanation of the reasons for that action. A veto may be overridden by vote of two-thirds of the authorized membership of the governing body within 21 days following exercise of the veto or at the next regular meeting, whichever is later.

(c) The veto does not extend to

(1) appropriation items in a school budget ordinance;
 (2) actions of the *governing body sitting as the* board of equalization or the board of adjustment;

(3) adoption or repeal of the manager form of government.

(d) The mayor of a third class borough and the mayor of a second class city has no veto power.

****Sec. 29.24.250. VACANCY IN THE OFFICE OF MAYOR. (a) The governing body shall, upon two-thirds concurring vote, declare the office of mayor vacant only when the person elected

(1) fails to qualify or take office within 30 days after his election or appointment;

(2) unless excused by the governing body, is physically absent for 90 consecutive days;

(3) resigns and his resignation is accepted;

(4) is physically or mentally unable to perform the duties of his office;

(5) if, as a member of the assembly or council, he misses three consecutive regular meetings and is not excused;

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(6) is convicted of a felony or of an offense involving a violation of his oath of office;

(7) is convicted of a felony or misdemeanor described in AS 15.56 as a corrupt practice; or

(8) no longer physically resides in the municipality.

(b) Except as provided in subsection (c), a vacancy in the office of mayor occurring six months before a regular election shall be filled by the governing body. The person appointed shall serve until the next regular election and until a successor is elected and has qualified. If a member of the governing body is chosen, he shall resign his seat on the assembly or council. If a vacancy occurs more than six months before a regular election, the governing body shall call a special election to fill the unexpired term.

(c) Notwithstanding (b) of this section, in a second class city, the office of mayor is filled by and from the council and retains his seat on the council.

up. *Repeal*
Article 4. CITY COUNCIL.

Sec. 29.24.280. COMPOSITION, ELIGIBILITY, ELECTION AND TERM. (a) Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

(b) A city voter is eligible to hold office as a member of the council. The council may by ordinance establish residence requirements for council members not exceeding three years. A council member who ceases to be eligible to be a city voter immediately forfeits that office.

(c) Councilmen are selected for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following certification of the election. The council may

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1 provide by ordinance for different terms not to exceed four years, except
2 that the current term of incumbent councilmen may not be altered.

3 Sec. 29.24.290. PROCEDURE. (a) The council shall meet at least once
4 every month, unless otherwise provided by ordinance. Special meetings may
5 be held on the call of the mayor or two councilmen upon not less than 24
6 hours written or oral notice communicated to each member. In an emergency, a
7 special meeting called on less than 24 hours notice is a legal meeting if
8 all members are present or there is a quorum and all absent members have
9 waived in writing the required notice. A waiver may be made either before or
10 after the time of the meeting. The waiver shall be attached to and made a
11 part of the journal for that meeting.

12 (b) The council shall determine its own rules and order of business
13 and provide for keeping a journal of its proceedings. The council is the
14 judge of the election and qualification of its members and, with the concur-
15 rence of two-thirds of its members, may expel a member for a conviction of a
16 felony or misdemeanor described in AS 15.56 as a corrupt practice. The
17 council shall consider that conviction during its first meeting following
18 final determination of the conviction.

19 (c) Four councilmen constitute a quorum. Four affirmative votes
20 are required for the passage of an ordinance, resolution, or motion.

21 (d) The final vote on each ordinance, resolution, or substantive
22 motion is a recorded roll call vote. All councilmen present shall vote
23 unless the council, for special reasons, permits a member to abstain.

24 Sec. 29.24.300. FILLING A VACANCY. If a vacancy occurs in the council,
25 the council by vote of a majority of its remaining members shall designate a
26 person to fill the vacancy until the next regular election, and until a
27 successor is elected and has qualified.
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Article 5. CITY EXECUTIVE AND ADMINISTRATOR.

****Sec. 29.24.330. Repeal

****Sec. 29.24.340. Repeal.

****Sec. 29.24.350. Repeal

****Sec. 29.24.360. Repeal.

****Sec. 29.24.370. Repeal.

****Sec. 29.24.380. Repeal.

****Sec. 29.24.390. Repeal.

UC
Article 6. SCHOOL BOARDS.

****Sec. 29.24.240. SCHOOL BOARDS. (a) Each municipal school district has a school board. Members are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. Members are elected for three-year terms and until their successors take office. All board members are elected at large unless a different method of election has been approved by the voters in a regular election.

(b) Notwithstanding (a) of this section, assembly members in a third class borough serve as the school board and the mayor is president of the school board.

****Sec. 29.24.430. OTHER BOARDS AND COMMISSIONS. (a) The governing body may, by ordinance, establish advisory, ~~administrative~~, ~~technical~~, or quasi-judicial boards and commissions.

~~(b) Members of boards and commissions, except for members of the board of adjustment and assembly members serving on the board of equalization, are appointed by the mayor and confirmed by the governing body.~~

UC
Article 7. UTILITY BOARDS.

Sec. 29.24.450. UTILITY BOARDS. (a) The assembly or council of a municipality operating a public utility may provide by ordinance for a managing board of five members and define the board's powers and duties.

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1 (b) As determined by ordinance, members of the board are appointed
2 by the municipal executive and confirmed by the assembly or council or are
3 elected at the regular election held annually on the first Tuesday of October,
4 unless a different election date or interval of years is provided by ordin-
5 ance. The term of a utility board member is two years and until a successor
6 is selected and has qualified. However, the assembly or council may by
7 ordinance provide for a different term not to exceed four years and not
8 altering the current term of an elected incumbent.

9 (c) Vacancies in the board are filled by the municipal executive.
10 Executive appointments shall be confirmed by the assembly or council. A
11 person selected to fill a vacancy on a utility board serves until the
12 expiration of the term and until a successor is elected and has qualified.

13 (d) Unless otherwise provided by ordinance, the board shall

14 (1) choose its chairman and secretary;

15 (2) appoint the manager of the public utility for a term not
16 longer than five years and set his salary;

17 (3) formulate and enforce the general rules and policies of
18 the utility.

19 UC
~~Article~~ 8. OTHER OFFICERS AND EMPLOYEES.

20 ****Sec. 29.24.480. APPOINTMENT OF OFFICERS. Unless otherwise provided by
21 ordinance, the municipal clerk, attorney, treasurer, and police chief are
22 appointed by the chief administrative official. Unless otherwise provided
23 by ordinance, officials described in this section serve at the pleasure of
24 their appointing authority and, if appointed by the chief administrative
25 official, must be confirmed by the governing body.

26 Sec. 29.24.490. MUNICIPAL ATTORNEY. The municipal attorney is the
27 legal advisor of the council or assembly, the school board, and the other
28 officers of the municipality. He represents the municipality as attorney in
29 civil and criminal proceedings. The school board has the right to hire
independent counsel when in its judgment independent counsel is needed.

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1 Sec. 29.24.500. MUNICIPAL CLERK. (a) The municipal clerk shall

2 (1) give notice of the time and place of meetings to the
3 assembly or the council and to the public;

4 (2) attend meetings and keep the journal;

5 (3) arrange publication of notices, ordinances, and resolu-
6 tions;

7 (4) maintain and make available for public inspection an
8 indexed file including the municipal ordinances, resolutions, rules, regula-
9 tions, and codes;

10 (5) attest deeds and other documents;

11 (6) perform other duties specified in this title or pre-
12 scribed by the chief executive or by the governing body.

13 (b) The assembly or council may combine the office of clerk with
14 that of treasurer. If the offices are combined, the clerk shall, as required
15 of the treasurer, give his bond to the municipality for the faithful perfor-
16 mance of his duties as clerk-treasurer.

17 ****Sec. 29.24.510. MUNICIPAL TREASURER. (a) Except as provided in
18 AS 14.14.060, the treasurer is the custodian of all municipal funds. He
19 shall keep an itemized account of money received and disbursed. He shall
20 pay money on vouchers drawn against appropriations.

21 (b) The treasurer shall give bond to the municipality in a sum
22 which the governing body directs.

23 ****Sec. 29.24.515. DEPARTMENTS. (a) The governing body of a municipality
24 may establish departments and distribute functions among them.

25 (b) Each department is administered by a department head. With
26 the consent of the governing body, the mayor may serve as head of one or
27 more departments or a single administrator may serve as head of two or more
28 departments.
29

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Repeal

1 Sec. 29.24.520. APPOINTMENT TO MUNICIPAL BOARDS AND COMMISSIONS. (a)

2 Notwithstanding AS 39.05.100 or a provision of law relating to age, the
3 municipal appointing authority for a municipal board or commission may
4 appoint a 17-21 year old municipal resident to the board or commission if
5 recommended by the commission, established in AS 29.68.020 of this chapter.

6 (b) A young person recommended by the commission may be appointed
7 to a municipal board or commission having special qualifications for member-
8 ship if the proposed nominee, except for his age, meets the required qualifi-
9 cations set by law.

10 (c) An individual appointed to a municipal board or commission
11 under this section is entitled to the rights, privileges and responsibilities
12 of other members, and his appointment is subject to confirmation by the
13 governing body when required by law.

14 (d) No additional seat on a municipal board or commission is
15 created by virtue of AS 29.68.

16 ****Sec. 29.24.530. PERSONNEL SYSTEM. (a) Except as provided by (b) of
17 this section, all appointments and promotions of municipal employees are
18 made on the basis of merit. The governing body may provide for a ~~confidential~~
19 ~~or managerial~~ personnel system and classified service.

20 (b) By ordinance the governing body may designate *conf. for* positions which
21 are wholly or partially exempt from the classified service filled by persons
22 who serve at the pleasure of their appointing authority and whose terms of
23 employment are determined by their appointing authority.

24 *UC*
~~Article~~ 9. ADOPTION OR REPEAL OF MANAGER PLAN.

25 Sec. 29.24.550. APPLICATION. A municipality may adopt a manager plan
26 of government.

27 Sec. 29.24.560. PETITION. Adoption of a manager plan may be initiated
28 either by petition or upon motion of the assembly or council. A petition
29 for the adoption of a manager plan is submitted to the assembly or council.

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1 The petition must be signed by a number of municipal voters equal to the
2 following percent of the votes cast at the preceding regular election:

3 (1) 25 percent when the municipality has fewer than 7,500 persons;

4 (2) 15 percent when the municipality has 7,500 persons or more.

5 ****Sec. 29.24.570. ELECTION. Upon receipt of the petition or upon its
6 own motion, the governing body shall provide by ordinance or resolution for
7 a vote on the question at the next regular or special election.

8 Sec. 29.24.580. ADOPTION. (a) If the manager plan is approved, the
9 assembly or council shall, within 60 days, adopt the plan by ordinance or
10 resolution.

11 (b) The assembly or council shall notify the Department of Com-
12 munity and Regional Affairs of the adoption of the manager plan.

13 ****Sec. 29.24.590. APPOINTMENT. The governing body shall appoint a
14 manager by a majority vote of its membership. He is chosen on the basis of
15 his administrative qualifications and receives the compensation set by the
16 governing body. An ^{member of the gov. body} ~~elect~~ed municipal official may not be appointed manager
17 of the municipality sooner than one year after leaving office ^x except ~~that~~
18 by a vote of three-fourths of ^{the} ~~its~~ authorized membership, ^{of} the governing body.
19 ~~may at any time appoint one of its members or other elected municipal~~
20 ~~official as manager.~~

21 Sec. 29.24.600. TERM. Subject to the contract of employment, the
22 manager holds office at the pleasure of the assembly or council.

23 ^{Repeal} ~~Sec. 29.24.610. APPOINTMENT OF TEMPORARY OR NEW MANAGER. In the~~
24 ~~absence or disability of the manager, the assembly or council shall appoint~~
25 ~~a temporary manager. If the office becomes vacant, the assembly or council~~
26 ~~shall appoint a new manager.~~

27 ****Sec. 29.24.620. REPEAL. A municipality may repeal the manager plan in
28 the same manner used for its adoption. Within 60 days after repeal, the
29 governing body shall enact provisions for the reorganization of the municipal
executive and administrative functions.

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1 ****Sec. 29.24.630. POWERS AND DUTIES OF A MANAGER. As chief administrator
2 the manager shall

3 (1) appoint, suspend, or remove municipal employees and
4 administrative officials, ~~e~~Xcept as provided otherwise in this title and AS
5 14.14.065; he may hire necessary administrative assistants and may authorize
6 an administrative official to appoint suspend, or remove subordinates;

7 (2) supervise the enforcement of municipal law and carry out
8 the directives of the governing body;

9 (3) prepare and submit an annual budget and capital improve-
10 ment program for consideration by the governing body and execute the budget
11 and capital improvement program adopted;

12 (4) make monthly financial reports and other reports on
13 municipal finances and operations as required by the governing body;

14 (5) exercise care and custody over all real and personal
15 property of the municipality except as provided otherwise in AS 29.36.040;

16 (6) perform other duties required by law or by action of the
17 governing body; and

18 (7) serve as personnel officer unless the governing body
19 authorizes him to appoint a personnel officer.

20 ****Sec. 29.24.640. INTERGOVERNMENTAL APPOINTMENTS. A borough adopting a
21 manager plan, may by agreement with a city, enter into a contract providing
22 for the manager of a city located within the borough to serve also as borough
23 manager. A city adopting a manager plan, may by agreement with a borough,
24 enter into a contract providing for the manager of a borough within which the
25 city is located to serve also as city manager. Appointment and service of
26 the manager shall be as otherwise provided for managers in this chapter.
27 Nothing in this ~~sub~~section affects the authority of the governing body to
28 provide for other dual officeholding if the dual offices held are compatible,
29 or otherwise to appoint officials and employees in accordance with law.

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^{uc.}
Article 10. MISCELLANEOUS PROVISIONS.

*Sec. 29.24.650. OATHS OF OFFICE. Municipal officials, before taking office, shall affirm in writing that they will honestly, faithfully, and impartially perform their duties. The oath is filed with the municipal clerk.

*Sec. 29.24.660. BONDING. The administrator and the other municipal officials or employees which the ~~assembly or council~~ ^{governing body} may designate shall give bond in the amount and with the surety prescribed by the assembly or council. Premiums on bonds are paid by the municipality.

****Sec. 29.24.670. SALARIES OF ELECTED OFFICIALS. The governing body shall by ordinance provide a method of determining the salaries of elected officials. The salary of the mayor may not be reduced during his term of office unless during his term a manager plan is adopted. An elected official may not receive any other compensation for service to the municipality unless otherwise provided by ordinance. Per diem payments or reimbursements for expenses are not compensation under this section.

***~~Sec. 29.24.680. PROHIBITIONS.~~ (a) Repeal.

(b) Repeal.

(c) No state employee or school district employee may be denied the right to serve as an elected municipal official because of his employment by the state or a school district unless specifically prohibited by charter or ordinance of a municipality, adopted at a special or general election. However, no school district employee may serve on a school district board in the school district where he is employed.

(d) For purposes of this section a school district employee is not a municipal employee.

Sec. 29.24.690. PERSONNEL SYSTEM. All appointments and promotions of municipal officers and employees are made on the basis of merit. The assembly or council may provide for a personnel system.

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OK - SET

1 Sec. 29.24.700. REPORTS. (a) ~~Home rule and general law~~ municipalities
2 shall file with the Department of Community and Regional Affairs:

3 (1) maps and descriptions of all annexed or excluded ter-
4 ritory;

5 (2) a copy of the annual audit or in the case of second
6 class cities an audit or statement of annual income and expenditures;

7 (3) tax assessment and tax levy figures as requested;

8 (4) repealed.

9 (5) a copy of the current annual budget of the municipality;

10 (6) a summary of the optional property tax exemptions autho-
11 rized in the municipality, together with the municipality's estimate of the
12 revenues lost to it by operation of each of the exemptions.

13 (b) Compliance with the provisions of this section is a prerequi-
14 site to receipt of municipal tax resource equalization assistance under AS
15 29.62 and state aid for miscellaneous municipal services under AS 29.62.
16 The Department of Community and Regional Affairs shall withhold annual
17 allocations under those chapters in the event of noncompliance until such
18 time as the report requirements are met.

19 Sec. 29.24.710. VACANCIES. An elected municipal office is vacated
20 under the following conditions and upon the declaration of vacancy by the
21 assembly or council. The assembly or council shall declare an elective
22 office vacant when the person elected

23 (1) fails to qualify or take office within 30 days after his
24 election or appointment;

25 (2) is physically absent from the municipality for a 90-day
26 period unless excused by the assembly or council;

27 (3) resigns and his resignation is accepted;

28 (4) is physically or mentally unable to perform the duties
29 of his office;

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1 (5) is removed from office;

2 (6) misses three consecutive regular meetings unless excused;

3 or

4 (7) is convicted of a felony or of an offense involving a
5 violation of his oath of office.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.010. CONFLICT OF INTEREST. Each home rule and general law municipality shall adopt a conflicts-of-interest ordinance which ~~other provisions of this chapter notwithstanding, includes provision that an officer or employee shall disqualify himself from participating in any official action in which he has a substantial financial interest.~~

EXPLANATION: The second sentence is deleted as redundant.

* unless excused by the presiding officer or by a

52 adapted to
stand with
provision that
offer by. rules
provides that a member of a legislative
body shall declare a substantial financial
interest he has in an official action and ask
to be excused. The presiding officer, or a
majority of the legislative body shall rule
on the question, and the majority vote
decision ~~the majority~~ be considered by the
majority vote of the legislative body.

ARTICLE 2. MUNICIPAL LEGISLATIVE BODIES

Sec. 29.24.050. GENERAL LEGISLATIVE POWER. The legislative power of a borough is vested in the assembly. The legislative power of a city is vested in the council.

EXPLANATION: The second sentence is added. Rather than dealing with assemblies in one article and councils in another, this article will deal with both legislative bodies. No substantive change.

Sec. 29.24.125. CITY COUNCIL COMPOSITION. Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

EXPLANATION: This section contains material now found in AS 29.23.200(a). The material currently in (b) has been moved to the section on qualifications. No substantive change.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.140. QUALIFICATIONS. (a) A borough voter is eligible to be a member of the assembly and a city voter is eligible to be a member of the council. A member of the assembly who ceases to be a qualified borough voter ^{immediately} forfeits his office. A member of the council who ceases to be a qualified city voter ^{immediately} forfeits his office. ^{governance}

(b) A ~~legislative~~ body may by ordinance establish a durational residency requirement for its members not to exceed three years.

(c) An assembly or council member who represents an area less than that of the total borough or city and who becomes a resident of another area within the municipality may continue to serve until the next regular election unless provided otherwise by ordinance.

(d) A municipality may by ordinance establish district residency requirements for members of its ~~legislative~~ body.

EXPLANATION: The qualification for members of the council or assembly are combined since they are identical. Subsection (c) has been altered to allow a municipality the flexibility of providing otherwise by ordinance. Subsection (d) has been added to allow a municipality to impose additional district residency requirements.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.145. TERM OF OFFICE. (a) Assembly and council members are elected for three year terms and until their successors have qualified unless different terms ^{not exceeding four years} are prescribed by charter or ordinance.

(b) Except when otherwise required by a change in ^{governing} composition or apportionment, if the term of a member of a ~~legislative~~ body is changed by charter or ordinance the term of an official holding office at the time the change becomes effective is not affected.

(c) The regular term of office begins on the first Monday following certification of the election, unless a different date is prescribed by charter or ordinance.

EXPLANATION: The term of both assembly and council members is combined into one section. Under existing law different terms not exceeding four years may be prescribed. The four year maximum has been eliminated for greater flexibility. The section is no longer mandatory for home rule municipalities.

Para. 265.

Sec. 29.24.150. PROCEDURES OF ^{GOVERNING} ~~LEGISLATIVE~~ BODIES. (a) The assembly shall elect from among its members a presiding officer and a deputy presiding officer to serve at the pleasure of the members, except that in a borough which has adopted the manager form of government under AS 29.24.550, the mayor serves as presiding officer. In a city the mayor serves as presiding officer. If the presiding officer is not present or disqualifies himself, the deputy presiding officer shall preside.

(b) A municipal ~~legislative~~ ^{governing} body shall hold at least one regular meeting every month, unless otherwise provided by ordinance. A special meeting may be held at the call of the presiding officer or at least one-third of the members provided a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members. A special meeting may be conducted with less than 24 hours notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver shall be made a part of the journal for the meeting.

(c) A majority of the total membership of a ~~legislative~~ ^{governing} body authorized by law shall constitute a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum, any number of members may recess or adjourn the meeting to a later date.

Handwritten note: All changes required by the committee to the original text.

(d) Actions of a ~~legislative~~ ^{governing} body are adopted by a majority of ~~the members~~ ^{the body} ~~authorized to vote on the question~~. All members present shall vote on every question unless they are required to abstain from voting on a question by law. The final vote on every ordinance, resolution or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it is necessary only to so state.

(e) A ~~legislative~~ body shall maintain a journal of its official proceedings which shall be a public record.

(f) A ~~legislative~~ body may, consistent with law or charter, determine by ordinance its own rules of procedure and order of business.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.150.

EXPLANATION: Combines the procedures to be followed by both assemblies and councils. Allows a special meeting to be held if a majority of members receive actual notice whereas existing law allows for a meeting only if all members receive notice and if an emergency exists. Reference to the fact that meetings are public is deleted because that requirement is contained in AS 29.24.020. A requirement that the journal maintained by the legislative body be public was added in (e). The material concerned with the expulsion of members for committing a corrupt practice was moved to AS 29.23.070.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.160. DEPARTMENTS. Repeal

EXPLANATION: The material contained in this section is placed in an article dealing with municipal departments and employees.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.170. VACANCIES. The ^{governing} legislative body ~~shall~~ ^{may} provide by ordinance the manner in which a vacancy occurs in any elected office except the office of mayor. Unless otherwise provided by ordinance the ~~legislative~~ ^{governing} body ~~may~~ ^{shall} declare an elective office ^{vacant when the office of mayor} vacant when the person elected

1 (1) fails to qualify or take office within 30 days after his election or appointment;

(2) ^{from the municipality} unless excused by the ~~assembly~~ ^{governing} or council, is ^{physically} absent for 90 days;

(3) resigns and his resignation is accepted;

(4) is physically or mentally unable to perform the duties of his office; ^{as determined by 2/3 vote of the body}

(5) if a member of the ~~assembly~~ ^{governing} or council, misses three consecutive regular meetings ~~unless excused~~;

(6) is convicted of a felony or of an offense involving a violation of his oath of office; or

(7) is convicted of a felony or misdemeanor described in AS 15.56 as a corrupt practice and two-thirds of the members concur in expelling him

(8) ^{the body by 2/3 vote declares the office vacant} ~~the body by 2/3 vote declares the office vacant~~

EXPLANATION: Allows the legislative body to provide the manner in which a vacancy occurs for all elected offices except for the office of mayor. If the body does not provide by ordinance situations which result in the vacancy of an office, the seven listed situations will result in a vacancy.

use term governing body uniformly and define its functions

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.175. FILLING A VACANCY. (a) If a vacancy occurs in a ~~legislative~~ body, the remaining members shall within ~~30~~³ days appoint a qualified person to fill the vacancy. The person shall serve until the next regular election, at which time a successor shall be elected to serve the balance of the term. If less than 30 days remain in a term, a vacancy shall not be filled.

*a different
person is
appointed by
ordinance*

(b) Notwithstanding subsection (a), if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven days appoint a number of qualified persons to constitute a quorum.

EXPLANATION: Contains material currently found in AS 29.23.080 and 29.23.220. Provides that no appointment shall be made where less than 30 days remain in a term. Subsection (b) was added to insure that a legislative body will be able to continue to function if the number of vacancies which occur destroys the possibility of achieving a quorum.

451

ARTICLE 3. MUNICIPAL EXECUTIVE

Sec. 29.24.200. EXECUTIVE POWER. (a) The executive power within a municipality is vested in a mayor elected by the voters or by the ~~legislative~~ ^{governing} body as provided in this article.

(b) The mayor shall act as ~~the presiding officer of the governing body~~ ^{ceremonial head of govern-}ment, execute official documents upon authorization of the ~~legis-~~ ^{governing} ~~lative~~ body, and is responsible for additional duties and powers prescribed by ~~ordinance~~ ^{the attached Chapter}.

~~(2) 3m~~

EXPLANATION: Under current law the executive and administrator are dealt with in one article. It is proposed that one article deal with executive functions and a separate article deal with administrative functions. Therefore, this section eliminates the material dealing with administrative functions.

(d) get wording from M.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.205. ELECTION AND TERM OF MAYOR. (a) The mayor of a borough or first class city is elected at large. The mayor of a second class city is elected by and from the council.

(b) ~~except in that class city, a~~ mayor shall serve a term of three years unless by ordinance a different term not to exceed four years is provided, ~~except that~~ The current term of an incumbent mayor may not be altered. ^{EXCEPT} The regular term of a mayor commences on the first Monday following certification of his election. The council of a second class city shall meet on the first Monday after certification of the regular election and elect a mayor who takes office immediately.

~~and serves a one year term.~~
(c) ~~The governing body may not~~ The number of terms may be limited by ordinance satisfied by the voters as a regular election.

EXPLANATION: This new section contains material currently found in AS 29.23.130(c) and 29.23.250. No substantive changes.

Ap-53

p.63

(c) The legislative body may not limit the number of terms a mayor may serve.

(d) The mayor of a second class city shall serve until the expiration of his current term as a council member unless a shorter period of not less than one year is provided by ordinance. Upon the expiration of the mayor's term of office, the council shall elect a mayor who takes office immediately.

The term of mayor for a second class city shall be one year unless a different term not to exceed the unexpired portion of the members term is provided by ordinance. The term of office of a member of the council shall not be altered.

~~shall serve only~~

The mayor of a second class city shall serve only while he is a member of the city council. The term established for the office of mayor.

(d) Appear elected for mayor at the first regular meeting following

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.206. QUALIFICATIONS FOR THE OFFICE OF MAYOR. (a)
A voter of a borough or first class city is eligible to hold the
office of mayor. A member of a city council for a second class
city is eligible to hold the office of mayor in that city.

(b) Residency requirements for the office of mayor not
exceeding three years may be prescribed by ordinance.

EXPLANATION: This section contains material now appearing
in AS 29.23.130(b) and 29.23.250. No substantive change.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.210. POWERS AND DUTIES OF MAYOR. (a) If a municipality has not adopted the manager form of government, the administrative power is vested in the mayor and the mayor has the same powers and duties as those of the manager.

(b) The mayor may take part in the discussion of all matters before the ~~assembly or council~~.

(c) The mayor may not vote on any matter before the assembly or council, except that the mayor of a first class city may vote in the case of a tie and the mayor of a second class city may vote on all matters as a council member.

EXPLANATION: This section contains material currently found in AS 29.23.130(a), AS 29.23.260, and AS 29.23.160. No substantive change.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.24.240. VETO. (a) Except as provided in subsections (c) and (d), the mayor may veto any ordinance, resolution, motion, or other action of the legislative body and may strike or reduce appropriation items.

(b) A veto must be exercised before the next regular meeting of the legislative body and must be accompanied by a written explanation of the reasons for that action. A veto may be overridden by vote of two-thirds of the authorized membership of the legislative body within 21 days following exercise of the veto or at the next regular meeting, whichever is later.

(c) The veto does not extend to

(1) appropriation items in a school budget ordinance;

(2) actions of the Board of Equalization or the Board of Adjustment;

(3) adoption or repeal of the manager form of government.

(d) The mayor of a ^{second} first class city has no veto power.

EXPLANATION: Contains material currently found in AS 29.23.170, 29.23.260, and 29.23.270. Adds a time period within which a veto must be overridden.

*1981.
2) In may-26
third class borough
as no veto power
OK 400-1981*

Sec. 29.24.250. VACANCY IN THE OFFICE OF MAYOR. (a) The ~~assembly or council shall~~ provide by ordinance the manner in which a vacancy occurs in the office of mayor. ~~Unless otherwise provided by ordinance~~ ^{the legislative body shall} upon two-thirds concurring vote, declare the office of mayor vacant ^{only} when the person elected

(1) fails to qualify or take office within 30 days after his election or appointment;

(2) ~~unless excused by the assembly or council~~, is ^{physically} absent for 90 days; ^{consecutive}

(3) resigns and his resignation is accepted;

(4) is physically or mentally unable to perform the duties of his office;

(5) if, ~~a~~ ^{as a member of} member of the assembly or council, he misses three consecutive regular meetings ~~unless excused~~;

(6) is convicted of a felony or of an offense involving a violation of his oath of office; ~~or~~

(7) is convicted of a felony or misdemeanor described in AS 15.56 as a corrupt practice; ~~or~~

(b) Except as provided in subsection (c), a vacancy in the office of mayor occurring six months before a regular election shall be filled by the ~~legislative~~ body. The person appointed shall serve until the next regular election and until a successor is elected and has qualified. If a member of the ~~legislative~~ body is chosen, he shall resign his seat on the assembly or council. If a vacancy occurs more than six months before a regular election, the ~~legislative~~ body shall call a special election to fill the unexpired term.

(c) ~~In~~ ^{Not in} a second class city, the office of mayor is filled by and from the council, ~~and retains his seat in the municipality.~~

(B) No longer physically resides in the municipality.

EXPLANATION: This section is enlarged to deal with a vacancy occurring in the office of city as well as borough mayor. Allows the legislative body to establish the manner in which a vacancy occurs in the office of mayor and supplies situations which may result in vacancy if the body does not provide an alternative.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

(2) municipal
Sec. 29.24.420. SCHOOL BOARDS. Each borough and city school district has a school board. Members are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. Members are elected for three-year terms and until their successors take office. All board members are elected at large. unless a different method of election has been approved by the voters in a regular election.

EXPLANATION; The provision that school zones may be established as provided by Sec. 100 is deleted. AS 29.23.100 was repealed in 1972.

① The number of members shall be determined by ordinance subject to voter approval.

② The election of board members shall be the same as provided for members of the governing body unless provided otherwise by ordinance ratified by the voters.

Change section of
various borough
ordinances and
provisions are deleted
from statute

City Ordinance
problem

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.430. OTHER BOARDS AND COMMISSIONS. (a) The ~~assembly or council of a municipality~~ may, by ordinance, establish advisory, administrative, technical, or quasi-judicial boards and commissions.

(b) Members of boards and commissions, except for members of the board of adjustment and assembly members serving on the board of equalization, are appointed by the mayor and confirmed by the ~~assembly or council~~.

EXPLANATION: This is a new section authorizing the assembly or council to establish boards and commissions.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.480. APPOINTMENT OF OFFICERS. Unless otherwise provided by ordinance, the municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrative officer. Unless otherwise provided by ordinance, officers described in this section serve at the pleasure of their appointing authority and, if appointed by the chief administrative officer, must be confirmed by the governing body.

EXPLANATION: This section has been technically redrafted. The only substantive change is that the confirmation of officers appointed by the administrator is not required if an ordinance is adopted directing otherwise. This section determines a method of appointment if none is provided by ordinance.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.510. MUNICIPAL TREASURER. (a) Except as provided in AS 14.14.060, the treasurer is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.

(b) The treasurer shall give bond to the municipality in a sum which the ~~assembly or council~~ directs.

EXPLANATION: Reference to 14.14.060 is added since that section demands that the custodian of a centralized treasury containing school money be the borough administrator.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.160. ✓ DEPARTMENTS. Repeal.

Sec. 29.24.515. DEPARTMENTS. (a) The governing body of a municipality may establish departments and distribute functions among them.

(b) Each department is administered by a department head. With the consent of the governing body, the mayor may serve as head of one or more departments or a single administrator may serve as head of two or more departments.

EXPLANATION: This new section is virtually identical to AS 29.24.160 except that stylistic changes apply this section to both cities and boroughs.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.570. ELECTION. Upon receipt of the petition or upon its own motion, the ~~assembly or council~~ shall provide by ordinance or resolution for a vote on the question at the next regular or special election.

EXPLANATION: Last line of existing section deleted due to possible confusion over notice requirements for elections contained in other sections which conflict.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.690. PERSONNEL SYSTEM. Repeal

Sec. 29.24.530. PERSONNEL SYSTEM. (a) Except as provided by (b) of this section, all appointments and promotions of municipal employees are made on the basis of merit. The ~~assembly or council~~ may provide for a personnel system and classified service.

(b) By ordinance the governing body may designate positions which are wholly or partially exempt from the classified service filled by persons who serve at the pleasure of their appointing authority and whose terms of employment are determined by their appointing authority.

EXPLANATION: Subsection (a) is essentially the same as the existing provisions of AS 29.24.690 except that officers are no longer required to be appointed on the basis of merit. Subsection (b) is new; this subsection allows the governing body to designate certain positions as executive positions and exempt persons occupying those positions from the classified service. This addition would allow municipalities to enact so called "executive plans" governing the wages, hours, and other terms and conditions of employment of high level executive employees.

Confidential or managerial

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

590
Sec. 29.24.450. APPOINTMENT. The ~~assembly~~ ^{or council} shall appoint a manager by a majority vote of its membership. He is chosen ~~solely~~ on the basis of his ~~executive and~~ administrative qualifications and receives the compensation set by the ~~assembly or council~~. An elected municipal official may not be appointed manager of the municipality sooner than one year after leaving office, except that, by a vote of three-fourths of its authorized membership, the ~~assembly or council~~ may at any time appoint one of its members or other elected municipal official as manager.

EXPLANATION: The word "officials" in the last line is changed to "official" so that it is clear that a committee of officials may not serve as manager.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.620. REPEAL. A municipality may repeal the manager plan in the same manner used for its adoption. Within 60 days after repeal, the ~~assembly~~ or council shall enact provisions for the reorganization of the municipal executive and administrative functions.

EXPLANATION: To allow for notice, 60 days is added. Otherwise this section may not comply with notice requirements for ordinances.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

✓ Sec. 29.24.210. POWERS AND DUTIES OF A BOROUGH ADMINISTRATOR.
Repeal.

Sec. 29.24.390. POWERS AND DUTIES OF A CITY MANAGER.
Repeal.

Sec 29.24.630. POWERS AND DUTIES OF A MANAGER. As chief administrative officer the manager shall

(1) appoint, ^{or suspend or remove} municipal employees and administrative officers, except as provided otherwise in this title and AS 14.14.065; he may hire necessary administrative assistants and may authorize an administrative officer to appoint, suspend, or remove subordinates;

(2) supervise the enforcement of municipal law and carry out the directives of the governing body;

(3) prepare and submit an annual budget and capital improvement program for consideration by the governing body and execute the budget and capital improvement program adopted;

(4) make monthly financial reports and other reports on municipal finances and operations ^{as} required by the governing body;

(5) exercise care and custody over all real and personal property of the municipality except as provided otherwise in AS 29.36.040; and

(6) perform other duties required by law or by action of the governing body. *and*

(7) serve as personnel officer unless the governing body authorizes him to appoint a personnel officer.

EXPLANATION: This new section is derived from AS 29.24.210 and 29.24.390 dealing with the duties of the borough administrator and with the duties of the city manager. Provisions relating to appointment and discipline of municipal employees have been consolidated into paragraph (1). Paragraph (5) is derived from AS 29.23.140 allowing the manager to exercise care and custody over municipal property. A similar provision does not appear now with reference to the city manager and it is felt that this duty ought to apply. The language of AS 29.23.140(c)(10) relating to construction, maintenance, and operation of roads and public works is felt to be adequately covered by paragraph (3) directing the manager to execute the budget and capital improvement program.

*Revised to
amend (1)*

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.200 (e) Repeal.

Sec. 29.24.640. INTERGOVERNMENT APPOINTMENTS. A borough adopting a manager plan may, by agreement with a city, enter into a contract providing for the manager of a city located within the borough to serve also as borough manager. A city adopting a manager plan, may by agreement with a borough, enter into a contract providing for the manager of a borough within which the city is located to serve also as city manager. Appointment and service of the manager shall be as otherwise provided for managers in this chapter. Nothing in this subsection affects the authority of the ~~assembly or council~~ to provide for other dual officeholding if the dual offices held are compatible, or otherwise to appoint officers and employees in accordance with law.

EXPLANATION: This section is derived intact from AS 29.24.200(e).

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.670. SALARIES OF ELECTED OFFICERS. The ~~assembly~~ or council shall by ordinance provide a method of determining the salaries of elected officers. The salary of the mayor may not be reduced during his term of office unless during his term a manager plan is adopted. An elected officer may not receive any other compensation for service to the municipality unless otherwise provided by ordinance. Per diem payments or reimbursements for expenses are not compensation under this section.

EXPLANATION: This change allows a local government the flexibility of establishing a salary commission or other method of determining salaries. Allows the mayor's salary to be reduced to reflect the change in his duties if a manager form of government is adopted. Grants flexibility to a municipality to allow an officer to receive other compensation for service to the municipality. This is important in small communities where the mayor, for example, may be the only electrician in town.

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.24.680. PROHIBITIONS. (a) Repeal.

(b) Repeal.

(c) No change. Remove last sentence, et with tee.

(d) No change.

EXPLANATION: (a) and (b) are deleted because other state and federal laws mandate nondiscrimination and those provisions may not be identical to (a), which could create confusion. For example, (a) does not cover age, handicaps, or marital status. (a) might also create constitutional problems if interpreted to forbid affirmative action programs.

· PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

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*Proofed 12-30*CHAPTER 24. MUNICIPAL OFFICERS AND EMPLOYEES

Article 1. CONFLICT OF INTERESTS, PUBLIC MEETINGS

****Sec. 29.24.010. CONFLICT OF INTEREST. Each home rule and general law municipality shall adopt a conflicts-of-interest ordinance which provides that a member of a legislative body shall declare a substantial financial interest he has in an official action and ask to be excused from a vote on the matter. The presiding officer shall rule on the question. His decision may be overridden by the majority vote of the governing body.

Sec. 29.24.020. MEETINGS PUBLIC. Meetings of all municipal bodies shall be public as provided in AS 44.62.310. The assembly and council shall provide reasonable opportunity for the public to be heard at regular and special meetings. This section applies to home rule and general law municipalities.

Article 2. BOROUGH ASSEMBLY

****Sec. 29.24.050. (Sec. 29.23.010.) GENERAL POWER. The legislative power of a borough is vested in the assembly. The legislative power of a city is vested in the council.

Sec. 29.24.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. [Effective January 1, 1981].

(a) Assembly composition and apportionment shall be consistent with the equal representation standards of the Constitution of the United States.

(b) The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If the borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with the requirements of this section and prescribed by charter or ordinance.

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1 (c) An assembly may not provide for weighted voting.

2 (d) A member of the assembly of a borough may not be elected or
3 appointed by and from the council of a city in the borough.

4 Sec.29.24.070. COMPOSITION AND FORM OF REPRESENTATION. (a) The
5 borough assembly shall provide for its composition and for the form of its
6 representation.

7 (b) Not later than the first regular election which occurs after
8 the report of a federal decennial census, the assembly shall propose and
9 submit to the voters of the borough, at that regular election or at a special
10 election called for the purpose, one or more forms of borough assembly
11 representation. The forms of representation which the assembly may submit
12 to the voters are:

13 (1) election of members of the borough assembly at large by
14 the qualified voters throughout the borough;

15 (2) election of members of the borough assembly by district,
16 including

17 (A) election at large by the qualified voters throughout
18 the borough, but with a requirement that a candidate live within
19 an election district established by the borough for election of
20 assembly members; or

21 (B) election from election districts established by the
22 borough for the election of assembly members by the qualified
23 voters of a district;

24 (3) election of members of the borough assembly both at
25 large and by district.

26 (c) A form of borough assembly representation which includes
27 election of borough assembly members under (b)(2) or (b)(3) of this section
28 shall be submitted to the voters of the borough with a plan of apportionment
29 as required by AS 29.24.080.

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(d) The borough assembly shall, within 30 days of certification of the results of the election held on a proposed form of representation under this section, adopt an ordinance providing for its composition and the form of assembly representation, and, if applicable, the apportionment of assembly seats which corresponds to the proposed form of representation which received the most votes at the election.

(e) This section does not apply

(1) to a unified municipality incorporated under AS 29.12.190 - 29.12.390

(2) to a home rule borough if the borough charter contains procedures for changing assembly composition and form of representation.

Sec. 29.24.080. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a) Not later than two months after the official report of a federal decennial census, the borough assembly shall determine and declare by resolution whether the existing apportionment of the borough assembly meets the standards of AS 29.24.060. If the borough assembly submits to the voters a form of representation which includes election of borough assembly members under AS 29.24.070(b)(2) or (b)(3) the assembly shall submit with the proposition of a proposed plan of apportionment which corresponds to the form of representation proposed. The assembly shall describe the plan of apportionment in the ballot proposition, and may present the plan in any manner which it believes accurately describes the apportionment which is proposed under the form of representation. If the borough assembly determines that its existing apportionment meets the standards of AS 29.24.060 the assembly may include the existing apportionment as a proposed plan of apportionment of assembly seats which corresponds to a form of representation which is proposed.

(b) The borough assembly shall provide, by ordinance, for a change in an existing apportionment of the borough assembly whenever it determines that the apportionment does not meet the standards of AS 29.24.060.

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1 At the same time, the borough assembly may, by ordinance, change the composition
2 of the assembly.

3 (c) If a petition signed by not less than 50 registered voters who
4 are residents of the borough request the borough assembly to determine
5 whether the existing apportionment meets the standards for apportionment in
6 AS 29.24.060 ~~(AS 29.23.021)~~, and the petition contains evidence that the
7 existing apportionment does not meet those standards, the assembly may make
8 the determination requested. The borough assembly shall make a determination
9 required by this subsection within two months of receipt of a petition which
10 meets the requirements of this subsection.

11 (d) An ordinance adopted by the assembly under (b) or (c) of this
12 section shall be submitted to the voters for approval. In order for the
13 ordinance to be approved it must receive the approval of a majority of the
14 votes cast.

15 (e) Within six months of a determination by the borough assembly
16 under (b) or (c) of this section that the current apportionment does not
17 meet the standards of AS 29.24.060 the borough assembly shall adopt an
18 ordinance providing for reapportionment, and submit the ordinance to the
19 voters. If, at the end of the six-month time period, an ordinance providing
20 for reapportionment has not been approved by the voters, the commissioner of
21 the Department of Community and Regional Affairs shall provide for the
22 reapportionment in accordance with the standards of AS 29.24.060 by preparing
23 an order of reapportionment and delivering the order to the borough mayor.

24 Sec. 29.24.090. APPORTIONMENT APPEALS. (a) A reapportionment ordinance
25 approved by the voters, or a decision of the borough assembly that the
26 standards of AS 29.24.060 do not require a change in apportionment, may be
27 appealed to the commissioner of the Department of Community and Regional
28 Affairs. Fifty registered voters who are residents of the borough may
29 submit a petition to the commissioner of community and regional affairs

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1 requesting the commissioner to determine whether the proposed reapportionment
2 ordinance approved by the voters meets the standards of AS 29.24.060 or
3 whether a decision of the borough assembly that the standards of AS 29.24.060
4 do not require a change of apportionment is correct. If the petition asks
5 the commissioner of community and regional affairs to review an ordinance
6 approved by the voters under AS 29.24.080(e), the petition shall be delivered
7 to the commissioner not later than 20 days after certification of the election.
8 If the petition asks the commissioner of community and regional affairs to
9 review a decision of the borough assembly under AS 29.24.080(c), the petition
10 shall be delivered to the commissioner within 20 days of the decision of the
11 borough assembly.

12 (b) The commissioner of community and regional affairs shall
13 review the petition and may make the determination requested. The commissioner
14 shall provide copies of his determination to the persons petitioning for
15 appeal and to borough officials not later than 60 days after he receives the
16 petition.

17 (c) If the commissioner of community and regional affairs deter-
18 mines that the proposed reapportionment ordinance approved by the voters
19 does not meet the standards of AS 29.24.060, or if he determines that the
20 decision of the borough assembly that the standards of AS 29.24.060 do not
21 require a change of apportionment is not correct, the commissioner shall, by
22 order, direct the borough assembly to prepare a reapportionment ordinance
23 which meets the standards of AS 29.24.060 and submit the ordinance to the
24 voters.

25 (d) When the borough assembly has been directed by the commis-
26 sioner of community and regional affairs to prepare a reapportionment
27 ordinance under (c) of this section, the borough assembly shall, within two
28 months of its receipt of the commissioner's order, adopt an ordinance
29 providing for reapportionment. The borough assembly shall submit an

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ordinance adopted under this subsection to the voters at a regular election or special election held within 60 days of the date of adoption of the reapportionment ordinance.

(e) If at the end of the time period provided under (d) of this section an ordinance providing for reapportionment has not been approved by the voters, the commissioner of community and regional affairs shall provide for the reapportionment of the borough assembly in accordance with the standards of AS 29.24.060 by preparing an order of reapportionment and delivering the order to the borough mayor.

Sec. 29.24.100. JUDICIAL REVIEW AND RELIEF. (a) The commissioner of community and regional affairs may request the superior court to enforce a reapportionment order issued under AS 29.24.090(e).

(b) Each of the following is subject to judicial review:

(1) a plan of reapportionment approved by the voters under AS 29.24.080(a);

(2) a determination by the borough assembly under AS 29.24.080 that the standards of AS 29.24.060 do not require a change in apportionment;

(3) a reapportionment ordinance approved by the voters under AS 29.24.080(d);

(4) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090(c);

(5) a reapportionment ordinance approved by the voters under AS 29.24.090(d); and

(6) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090(e);

Sec. 29.24.110 EFFECTIVE DATE OF APPORTIONMENT. (a) A change in assembly apportionment or composition under AS 29.23.080 or AS 29.24.090 is effective beginning with the first regular election for members of the assembly which is held more than 60 days after the later of:

1 (1) approval of a reapportionment ordinance by the voters
2 under AS 29.24.080(a), AS 29.24.080(e), or AS 29.24.090(d); or

3 (2) the delivery to the mayor of a reapportionment order of
4 the commissioner of community and regional affairs under AS 29.24.090(d).

5 (b) The provisions of (a) of this section do not apply to a
6 borough in which a change in assembly composition or apportionment is subject
7 to review and approval or determination of nonobjection by the Attorney
8 General of the United States under the Voting Rights Act of 1965, as amended,
9 (42 U.S.C. 1971 - 1974). A change in assembly composition or apportionment
10 subject to review under the Voting Rights Act of 1965, as amended, is effective
11 beginning with the first regular election for members of the assembly which
12 is held more than 60 days after

13 (1) receipt by the borough assembly of approval by the
14 Attorney General of the United States of the proposed change in the composi-
15 tion or apportionment of the assembly; or

16 (2) the delivery to the mayor of a reapportionment order of
17 the commissioner of community and regional affairs under AS 29.24.090(e).

18 (3) the last day on which the Attorney General of the United
19 States may review a proposed change in the composition or apportionment of
20 the assembly.

21 Sec. 29.24.120. APPLICABILITY OF APPORTIONMENT PROVISIONS. The
22 provisions of AS 29.24.080-29.24.110 do not apply

23 (1) to a unified municipality incorporated under AS 29.12.190 -
24 29.12.390;

25 (2) to a home rule borough if the borough, by charter,
26 provides for reapportionment of the borough assembly.

27 ***Sec. 29.24.125. CITY COUNCIL COMPOSITION. Each first class city has a
28 council of six members elected by the voters at large. Each second class
29 city has a council of seven members elected by the voters at large. The

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1 council of a first or second class city may by ordinance provide for election
2 of members other than on an at-large basis for all members.

3 Sec. 29.24.130. REGULAR TERM OF OFFICE. (a) Assemblymen are selected
4 for three-year terms and until their successors are selected and have qualified
5 unless different terms not exceeding four years are prescribed by borough
6 charter or ordinance. Except when otherwise required by a change of composition
7 or apportionment, if the term of an assemblyman is changed by charter or
8 ordinance, the term of an assemblyman holding office at the time the change
9 takes effect is not affected by that change.

10 (b) The regular term of office begins on the first Monday following
11 certification of the election, unless a different date is prescribed by
12 borough charter or ordinance.

13 (c) This section applies to home rule and general law boroughs.

14 ****Sec. 29.24.140 QUALIFICATIONS. (a) A borough voter is eligible to be
15 a member of the assembly and a city voter is eligible to be a member of the
16 council. A member of the assembly who ceases to be a qualified voter immediately
17 forfeits his office. A member of the council who ceases to be a qualified
18 city voter immediately forfeits his office.

19 (b) A governing body may by ordinance establish a durational
20 residency requirement for its members not to exceed three years.

21 (c) An assembly or council member who represents an area less
22 than that of the total borough or city and who becomes a resident of another
23 area within the municipality may continue to serve until the next regular
24 election unless provided otherwise by ordinance.

25 (d) A municipality may by ordinance establish district residency
26 requirements for members of its governing body.

27 ****Sec. 29.24.145. TERM OF OFFICE. (a) Assembly and council members are
28 elected for three-year terms and until their successors have qualified
29 unless different terms not exceeding four years are prescribed by charter or
ordinance.

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1 (b) Except when otherwise required by a change in composition or
2 apportionment, if the term of a member of a governing body is changed by
3 charter or ordinance the term of an official holding office at the time the
4 change becomes effective is not affected.

5 (c) The regular term of office begins on the first Monday following
6 certification of the election, unless a different date is prescribed by
7 charter or ordinance.

8 ****Sec. 29.24.150. PROCEDURES OF GOVERNING BODIES. (a) The assembly
9 shall elect from among its members a presiding officer and a deputy presiding
10 officer to serve at the pleasure of the members, except that in a borough
11 which has adopted the manager form of government under AS 29.24.550, the
12 mayor serves as presiding officer. In a city the mayor serves as presiding
13 officer. If the presiding officer is not present or disqualifies himself,
14 the deputy presiding officer shall preside.

15 (b) A municipal governing body shall hold at least one regular
16 meeting every month, unless otherwise provided by ordinance. A special
17 meeting may be held at the call of the presiding officer or at least one-third
18 of the members provided a majority of the members are given at least 24
19 hours oral or written notice and reasonable efforts are made to notify all
20 members. A special meeting may be conducted with less than 24 hours notice
21 if all members are present or if absent members have waived in writing the
22 required notice. Waiver of notice can be made before or after the special
23 meeting is held. A waiver shall be made a part of the journal for the
24 meeting.

25 (c) A majority of the total membership of a governing body authorize^d
26 by law shall constitute a quorum. A member disqualified by law from voting
27 on a question may be considered present for purposes of constituting a
28 quorum. In the absence of a quorum, any number of members may recess or
29 adjourn the meeting to a later date.

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(d) Actions of a governing body are adopted by a majority of the total membership^{ship of the body.} All members present shall vote on every question unless they are required to abstain from voting on a question by law. The final vote on every ordinance, resolution or substantive motion shall be recorded "yes" or "no", except that if the vote is unanimous it is necessary only to so state.

(e) A governing body shall maintain a journal of its official proceedings which shall be a public record.

(f) A governing body may, consistent with law or charter, determine by ordinance its own rules^e of procedure and order of business.

****Sec. 29.24.160. DEPARTMENTS. Repeal.

****Sec. 29.24.170. VACANCIES. The governing body may provide by ordinance the manner in which a vacancy occurs in any elected office except the office of mayor. Unless otherwise provided by ordinance the governing body shall declare an elective office, other than the office of mayor, vacant when the person elected

(1) fails to qualify or take office within 30 days after his election or appointment;

(2) unless excused by the governing body, is physically absent from the municipality for 90 consecutive days;

(3) resigns and his resignation is accepted;

(4) is physically or mentally unable to perform the duties of his office as determined by two-thirds vote of the governing body;

(5) if a member of the governing body, misses three consecutive regular meetings and is not excused;

(6) is convicted of a felony or of an offense involving a violation of his oath of office; or

(7) is convicted of a felony or misdemeanor described in AS 15.56 as a corrupt practice and two-thirds of the members of the governing body concur in expelling him;

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(8) no longer physically resides in the municipality and the governing body by two-thirds vote declares the seat vacant.

****Sec. 29.24.175. FILLING A VACANCY. (a) If a vacancy occurs in a governing body, the remaining members shall within 30 days, unless a different period is provided by ordinance, appoint a qualified person to fill the vacancy. The person shall serve until the next regular election, at which time a successor shall be elected to service the balance of the term. If less than 30 days remain in a term, a vacancy shall not be filled.

(b) Notwithstanding subsection (a), if the membership is reduced to fewer than the number required to constitute a quorum, the remaining members shall within seven days appoint a number of qualified persons to constitute a quorum. ~~election.~~

Article 3. BOROUGH EXECUTIVE AND ADMINISTRATOR

****Sec. 29.24.200. EXECUTIVE POWER. (a) The executive power within a municipality is vested in a mayor elected by the voters or by the governing body as provided in this article.

(b) The mayor shall act as ceremonial head of government, execute official documents upon authorization of the governing body, and is responsible for additional duties and powers prescribed by this chapter.

****Sec. 29.24.205. ELECTION AND TERM OF MAYOR. (a) The mayor of a borough or first class city is elected at large. The mayor of a borough or first class city shall serve a term of three years unless by ordinance a different term not to exceed four years is provided, ^Xexcept that the current term of an incumbent mayor may not be altered. The regular term of a mayor of a borough or first class city begins on the first Monday following certification of his election.

(b) The mayor of a second class city is elected by and from the council and serves until a successor is elected and has qualified. The council of a second class city shall meet on the first Monday after certifi-

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1 cation of the regular election and elect a mayor who takes office immediately.
2 The mayor of a second class city shall serve a one-year term unless a longer
3 term is provided by ordinance, except that the mayor of a second class city
4 may serve only while he is a member of the council regardless of the term
5 established for the office of mayor.

6 (c) The governing body may not limit the number of terms a mayor
7 may serve.

8 ****Sec. 29.24.206. QUALIFICATIONS FOR THE OFFICE OF MAYOR. (a) A voter
9 of a borough or first class city is eligible to hold the office of mayor. A
10 member of a city council for a second class city is eligible to hold the
11 office of mayor in that city.

12 (b) Residency requirements for the office of mayor not exceeding
13 three years may be prescribed by ordinance.

14 ****Sec. 29.24.210. POWERS AND DUTIES OF MAYOR. (a) If a municipality
15 has not adopted the manager form of government, the administrative power is
16 vested in the mayor and the mayor has the same powers and duties as those of
17 the manager.

18 (b) The mayor may take part in the discussion of all matters
19 before the governing body.

20 (c) The mayor may not vote on any matter before the governing
21 body, except that the mayor of a first class city may vote in the case of a
22 tie and the mayor of a second class city may vote on all matters as a council
23 member.

24 Sec. 29.24.220. EXECUTIVE ABSENCE. The borough mayor, subject to
25 assembly approval, shall designate a person to act as mayor during the
26 mayor's temporary absence or disability. If a manager plan has been adopted,
27 the assembly shall designate by resolution a borough administrative officer
28 to act as manager during his absence or disability.
29

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1 Sec. 29.24.230. ASSEMBLY PARTICIPATION. The borough mayor may take
2 part in the discussion of all matters before the assembly but may not vote.

3 ****Sec. 29.24.240. VETO. (a) Except as provided in subsections (c) and
4 (d), the mayor may veto any ordinance, resolution, motion, or other action
5 of the governing body and may strike or reduce appropriation items.

6 (b) A veto must be exercised before the next regular meeting of
7 the governing body and must be accompanied by a written explanation of the
8 reasons for that action. A veto may be overridden by vote of two-thirds of
9 the authorized membership of the governing body within 21 days following
10 exercise of the veto or at the next regular meeting, whichever is later.

11 (c) The veto does not extend to

12 (1) appropriation items in a school budget ordinance;

13 (2) actions of the board of equalization or the board of
14 adjustment;

15 (3) adoption or repeal of the manager form of government.

16 (d) The mayor of a third class borough and the mayor of a second
17 class city has no veto power.

18 ****Sec. 29.24.250. VACANCY IN THE OFFICE OF MAYOR. (a) The governing
19 body shall, upon two-thirds concurring vote, declare the office of mayor
20 vacant only when the person elected

21 (1) fails to qualify or take office within 30 days after his
22 election or appointment;

23 (2) unless excused by the governing body, is physically
24 absent for 90 consecutive days;

25 (3) resigns and his resignation is accepted;

26 (4) is physically or mentally unable to perform the duties
27 of his office;

28 (5) if, as a member of the assembly or council, he misses
29 three consecutive regular meetings and is not excused;

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(6) is convicted of a felony or of an offense involving a violation of his oath of office;

(7) is convicted of a felony or misdemeanor described in AS 15.56 as a corrupt practice; or

(8) no longer physically resides in the municipality.

(b) Except as provided in subsection (c), a vacancy in the office of mayor occurring six months before a regular election shall be filled by the governing body. The person appointed shall serve until the next regular election and until a successor is elected and has qualified. If a member of the governing body is chosen, he shall resign his seat on the assembly or council. If a vacancy occurs more than six months before a regular election the governing body shall call a special election to fill the unexpired term.

(c) Notwithstanding (b) of this section, in a second class city, the office of mayor is filled by and from the council and retains his seat on the council.

Article 4. CITY COUNCIL

Sec. 29.24.280. COMPOSITION, ELIGIBILITY, ELECTION AND TERM. (a)

Each first class city has a council of six members elected by the voters at large. Each second class city has a council of seven members elected by the voters at large. The council of a first or second class city may by ordinance provide for election of members other than on an at-large basis for all members.

(b) A city voter is eligible to hold office as a member of the council. The council may by ordinance establish residence requirements for council members not exceeding three years. A council member who ceases to be eligible to be a city voter immediately forfeits that office.

(c) Councilmen are selected for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following certification of the election. The council may

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1 provide by ordinance for different terms not to exceed four years, except
2 that the current term of incumbent councilmen may not be altered.

3 Sec. 29.24.290. PROCEDURE. (a) The council shall meet at least once
4 every month, unless otherwise provided by ordinance. Special meetings may
5 be held on the call of the mayor or two councilmen upon not less than 24
6 hours written or oral notice communicated to each member. In an emergency, a
7 special meeting called on less than 24 hours notice is a legal meeting if
8 all members are present or there is a quorum and all absent members have
9 waived in writing the required notice. A waiver may be made either before or
10 after the time of the meeting. The waiver shall be attached to and made a
11 part of the journal for that meeting.

12 (b) The council shall determine its own rules and order of business
13 and provide for keeping a journal of its proceedings. The council is the
14 judge of the election and qualification of its members and, with the concur-
15 rence of two-thirds of its members, may expel a member for a conviction of a
16 felony or misdemeanor described in AS 15.56 as a corrupt practice. The
17 council shall consider that conviction during its first meeting following
18 final determination of the conviction.

19 (c) Four councilmen constitute a quorum. Four affirmative votes
20 are required for the passage of an ordinance, resolution, or motion.

21 (d) The final vote on each ordinance, resolution, or substantive
22 motion is a recorded roll call vote. All councilmen present shall vote
23 unless the council, for special reasons, permits a member to abstain.

24 Sec. 29.24.300. FILLING A VACANCY. If a vacancy occurs in the council,
25 the council by vote of a majority of its remaining members shall designate a
26 person to fill the vacancy until the next regular election, and until a
27 successor is elected and has qualified.
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Article 5. City Executive and Administrator

****Sec. 29.24.330. Repeal

****Sec. 29.24.340. Repeal.

****Sec. 29.24.350. Repeal

****Sec. 29.24.360. Repeal.

****Sec. 29.24.370. Repeal.

****Sec. 29.24.380. Repeal.

****Sec. 29.24.390. Repeal.

Article 6. SCHOOL BOARDS

****Sec. 29.24.240. SCHOOL BOARDS. (a) Each municipal school district has a school board. Members are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. Members are elected for three-year terms and until their successors take office. All board members are elected at large unless a different method of election has been approved by the voters in a regular election.

(b) Notwithstanding (a) of this section, assembly members in a third class borough serve as the school board and the mayor is president of the school board.

****Sec. 29.24.430. OTHER BOARDS AND COMMISSIONS. (a) The governing body may, by ordinance, establish advisory, administrative, technical, or quasi-judicial boards and commissions.

(b) Members of boards and commissions, except for members of the board of adjustment and assembly members serving on the board of equalization, are appointed by the mayor and confirmed by the governing body.

Article 7. UTILITY BOARDS

Sec. 29.24.450. UTILITY BOARDS. (a) The assembly or council of a municipality operating a public utility may provide by ordinance for a managing board of five members and define the board's powers and duties.

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(b) As determined by ordinance, members of the board are appointed by the municipal executive and confirmed by the assembly or council or are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. The term of a utility board member is two years and until a successor is selected and has qualified. However, the assembly or council may by ordinance provide for a different term not to exceed four years and not altering the current term of an elected incumbent.

(c) Vacancies in the board are filled by the municipal executive. Executive appointments shall be confirmed by the assembly or council. A person selected to fill a vacancy on a utility board serves until the expiration of the term and until a successor is elected and has qualified.

(d) Unless otherwise provided by ordinance, the board shall

(1) choose its chairman and secretary;

(2) appoint the manager of the public utility for a term not longer than five years and set his salary;

(3) formulate and enforce the general rules and policies of the utility.

Article 8. OTHER OFFICERS AND EMPLOYEES

****Sec. 29.24.480. APPOINTMENT OF OFFICERS. Unless otherwise provided by ordinance, the municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrative official. Unless otherwise provided by ordinance, officials described in this section serve at the pleasure of their appointing authority and, if appointed by the chief administrative official, must be confirmed by the governing body.

Sec. 29.24.490. MUNICIPAL ATTORNEY. The municipal attorney is the legal advisor of the council or assembly, the school board, and the other officers of the municipality. He represents the municipality as attorney in civil and criminal proceedings. The school board has the right to hire independent counsel when in its judgment independent counsel is needed.

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1 Sec. 29.24.500. MUNICIPAL CLERK. (a) The municipal clerk shall

2 (1) give notice of the time and place of meetings to the
3 assembly or the council and to the public;

4 (2) attend meetings and keep the journal;

5 (3) arrange publication of notices, ordinances, and resolu-
6 tions;

7 (4) maintain and make available for public inspection an
8 indexed file including the municipal ordinances, resolutions, rules, regulations
9 and codes;

10 (5) attest deeds and other documents;

11 (6) perform other duties specified in this title or prescribed
12 by the chief executive or by the governing body.

13 (b) The assembly or council may combine the office of clerk with
14 that of treasurer. If the offices are combined, the clerk shall, as required
15 of the treasurer, give his bond to the municipality for the faithful perfor-
16 mance of his duties as clerk-treasurer.

17 ****Sec. 29.24.510. MUNICIPAL TREASURER. (a) Except as provided in
18 AS 14.14.060, the treasurer is the custodian of all municipal funds. He
19 shall keep an itemized account of money received and disbursed. He shall
20 pay money on vouchers drawn against appropriations.

21 (b) The treasurer shall give bond to the municipality in a sum
22 which the governing body directs.

23 ****Sec. 29.24.515. DEPARTMENTS. (a) The governing body of a municipality
24 may establish departments and distribute functions among them.

25 (b) Each department is administered by a department head. With
26 the consent of the governing body, the mayor may serve as head of one or
27 more departments or a single administrator may serve as head of two or more
28 departments.
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1 Sec. 29.24.520. APPOINTMENT TO MUNICIPAL BOARDS AND COMMISSIONS. (a)

2 Notwithstanding AS 39.05.100 or a provision of law relating to age, the
3 municipal appointing authority for a municipal board or commission may
4 appoint a 17-21 year old municipal resident to the board or commission if
5 recommended by the commission, established in AS 29.68.020 of this chapter.

6 (b) A young person recommended by the commission may be appointed
7 to a municipal board or commission having special qualifications for membership
8 if the proposed nominee, except for his age, meets the required qualifications
9 set by law.

10 (c) An individual appointed to a municipal board or commission
11 under this section is entitled to the rights, privileges and responsibilities
12 of other members, and his appointment is subject to confirmation by the
13 governing body when required by law.

14 (d) No additional seat on a municipal board or commission is
15 created by virtue of AS 29.68.

16 ****Sec. 29.24.530. PERSONNEL SYSTEM. (a) Except as provided by (b) of
17 this section, all appointments and promotions of municipal employees are
18 made on the basis of merit. The governing body may provide for a personnel
19 system and classified service.

20 (b) By ordinance the governing body may designate positions which
21 are wholly or partially exempt from the classified service filled by persons
22 who serve at the pleasure of their appointing authority and whose terms of
23 employment are determined by their appointing authority.

24 Article 9. ADOPTION OR REPEAL OF MANAGER PLAN

25 Sec. 29.24.550. APPLICATION. A municipality may adopt a manager plan
26 of government.

27 Sec. 29.24.560. PETITION. Adoption of a manager plan may be initiated
28 either by petition or upon motion of the assembly or council. A petition
29 for the adoption of a manager plan is submitted to the assembly or council.

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1 The petition must be signed by a number of municipal voters equal to the
2 following percent of the votes cast at the preceding regular election: —

3 (1) 25 percent when the municipality has fewer than 7,500 persons;

4 (2) 15 percent when the municipality has 7,500 persons or more.

5 ****Sec. 29.24.570. ELECTION. Upon receipt of the petition or upon its ~~sub-~~
6 motion, the governing body shall provide by ordinance or resolution for a
7 vote on the question at the next regular or special election.

8 Sec. 29.24.580. ADOPTION. (a) If the manager plan is approved, the
9 assembly or council shall, within 60 days, adopt the plan by ordinance or
10 resolution.

11 (b) The assembly or council shall notify the Department of Com-
12 munity and Regional Affairs of the adoption of the manager plan.

13 ****Sec. 29.24.590. APPOINTMENT. The governing body shall appoint a
14 manager by a majority vote of its membership. He is chosen on the basis of
15 his administrative qualifications and receives the compensation set by the
16 governing body. An elected municipal official may not be appointed manager
17 of the municipality sooner than one year after leaving office, except that,
18 by a vote of three-fourths of its authorized membership, the governing body
19 may at any time appoint one of its members or other elected municipal official
20 as manager.

21 Sec. 29.24.600. TERM. Subject to the contract of employment, the
22 manager holds office at the pleasure of the assembly or council.

23 Sec. 29.24.610. APPOINTMENT OF TEMPORARY OR NEW MANAGER. In the
24 absence or disability of the manager, the assembly or council shall appoint
25 a temporary manager. If the office becomes vacant, the assembly or council
26 shall appoint a new manager.

27 ****Sec. 29.24.620. REPEAL. A municipality may repeal the manager plan in
28 the same manner used for its adoption. Within 60 days after repeal, the
29 governing body shall enact provisions for the reorganization of the municipal
executive and administrative functions.

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1 ****Sec. 29.24.630. POWERS AND DUTIES OF A MANAGER. As chief administrator
2 the manager shall

3 (1) appoint, suspend, or remove municipal employees and
4 administrative officials, ^xexcept as provided otherwise in this title and (AS)
5 14.14.065; he may hire necessary administrative assistants and may authorize
6 an administrative official to appoint suspend, or remove subordinates;

7 (2) supervise the enforcement of municipal law and carry out
8 the directives of the governing body;

9 (3) prepare and submit an annual budget and capital improve-
10 ment program for consideration by the governing body and execute the budget
11 and capital improvement program adopted;

12 (4) make monthly financial reports and other reports on
13 municipal finances and operations as required by the governing body;

14 (5) exercise care and custody over all real and personal
15 property of the municipality except as provided otherwise in AS 29.36.040;

16 (6) perform other duties required by law or by action of the
17 governing body; and

18 (7) serve as personnel officer unless the governing body
19 authorizes him to appoint a personnel officer.

20 ****Sec. 29.24.640. INTERGOVERNMENT APPOINTMENTS. A borough adopting a
21 manager plan, may by agreement with a city, enter into a contract providing
22 for the manager of a city located within the borough to serve also as borough
23 manager. A city adopting a manager plan, may by agreement with a borough,
24 enter into a contract providing for the manager of a borough within which the
25 city is located to serve also as city manager. Appointment and service of
26 the manager shall be as otherwise provided for managers in this chapter.
27 Nothing in this subsection affects the authority of the governing body to
28 provide for other dual officeholding if the dual offices held are compatible,
29 or otherwise to appoint officials and employees in accordance with law.

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1 Article 10. MISCELLANEOUS PROVISIONS

2 *Sec. 29.24.650. OATHS OF OFFICE. Municipal officials, before taking
3 office, shall affirm in writing that they will honestly, faithfully, and
4 impartially perform their duties. The oath is filed with the municipal
5 clerk.

6 *Sec. 29.24.660. BONDING. The administrator and the other municipal
7 officials or employees which the assembly or council may designate shall
8 give bond in the amount and with the surety prescribed by the assembly or
9 council. Premiums on bonds are paid by the municipality.

10 ****Sec. 29.24.670. SALARIES OF ELECTED OFFICIALS. The governing body
11 shall by ordinance provide a method of determining the salaries of elected
12 officials. The salary of the mayor may not be reduced during his term of
13 office unless during his term a manager plan is adopted. An elected official
14 may not receive any other compensation for service to the municipality
15 unless otherwise provided by ordinance. Per diem payments or reimbursements
16 for expenses are not compensation under this section.

17 ****Sec. 29.24.680. PROHIBITIONS. (a) Repeal.

18 (b) Repeal.

19 (c) No state employee or school district employee may be denied
20 the right to serve as an elected municipal official because of his employment
21 by the state or a school district unless specifically prohibited by charter
22 or ordinance of a municipality, adopted at a special or general election.
23 However, no school district employee may serve on a school district board in
24 the school district where he is employed.

25 (d) For purposes of this section a school district employee is
26 not a municipal employee.

27 Sec. 29.24.690. PERSONNEL SYSTEM. All appointments and promotions of
28 municipal officers and employees are made on the basis of merit. The assembly
29 or council may provide for a personnel system.

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1 Sec. 29.24.700. REPORTS. (a) Home rule and general law municipalities
2 shall file with the Department of Community and Regional Affairs:

3 (1) maps and descriptions of all annexed or excluded ter-
4 ritory;

5 (2) a copy of the annual audit or in the case of second
6 class cities an audit or statement of annual income and expenditures;

7 (3) tax assessment and tax levy figures as requested;

8 (4) repealed.

9 (5) a copy of the current annual budget of the municipality;

10 (6) a summary of the optional property tax exemptions autho-
11 rized in the municipality, together with the municipality's estimate of the
12 revenues lost to it by operation of each of the exemptions.

13 (b) Compliance with the provisions of this section is a prerequi-
14 site to receipt of municipal tax resource equalization assistance under (AS)
15 29.62 and state aid for miscellaneous municipal services under AS 29.62. The
16 Department of Community and Regional Affairs shall withhold annual allocations
17 under those chapters in the event of noncompliance until such time as the
18 report requirements are met.

19 Sec. 29.24.710. VACANCIES. An elected municipal office is vacated
20 under the following conditions and upon the declaration of
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1 vacancy by the assembly or council. The assembly or council shall declare
2 an elective office vacant when the person elected

3 (1) fails to qualify or take office within 30 days after his
4 election or appointment;

5 (2) is physically absent from the municipality for a 90-day
6 period unless excused by the assembly or council;

7 (3) resigns and his resignation is accepted;

8 (4) is physically or mentally unable to perform the duties
9 of his office;

10 (5) is removed from office;

11 (6) misses three consecutive regular meetings unless
12 excused; or

13 (7) is convicted of a felony or of an offense involving a
14 violation of his oath of office.

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1 CHAPTER 24. MUNICIPAL OFFICERS AND EMPLOYEES

2 (CHAPTER 23. MUNICIPAL OFFICERS AND EMPLOYEES)

3 Article 1. CONFLICT OF INTERESTS, PUBLIC MEETINGS

4 Sec. 29.24.010. (Sec. 29.23.555.) CONFLICT OF INTERESTS. Each home
 5 rule and general law municipality shall adopt a conflict-of-interests
 6 ordinance which, other provisions of this chapter notwithstanding, includes
 7 provision that an officer or employee shall ^{declare & ask to be} disqualify himself from
 8 ^{excused} participating in any official action in which he has a substantial financial
 9 interest. If a home rule or general law municipality fails to adopt such a
 10 conflict-of-interests ordinance within 90 days from September 10, 1972, the
 11 conflict-of-interests provision of this section is automatically applicable
 12 to and binding upon that municipality.

13 Sec. 29.24.020. (Sec. 29.23.580.) MEETINGS PUBLIC. Meetings of all
 14 municipal bodies shall be public as provided in AS 44.62.310. The assembly
 15 and council shall provide reasonable opportunity for the public to be heard
 16 at regular and special meetings. This section applies to home rule and
 17 general law municipalities.

18 Article 2. BOROUGH ASSEMBLY

19 (Article 1. BOROUGH ASSEMBLY)

20 Sec. 29.24.050. (Sec. 29.23.010.) GENERAL POWER. The legislative
 21 power of a borough is vested in the assembly.

22 Sec. 29.24.060. (Sec. 29.23.021.) ASSEMBLY COMPOSITION AND
 23 APPORTIONMENT. [Effective January 1, 1981].

24 (a) Assembly composition and apportionment shall be consistent
 25 with the equal representation standards of the Constitution of the United
 26 States.

27 (b) The assembly of a newly incorporated borough is, after incor-
 28 poration and until the adoption of an ordinance providing for a change in
 29 composition or apportionment, composed of the number of members and
 apportioned as set out in the incorporation petition approved by the voters.

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1 If the borough is already incorporated, the assembly shall be composed and
2 apportioned in a manner that is consistent with the requirements of this
3 section and prescribed by charter or ordinance.

4 (c) An assembly may not provide for weighted voting.

5 (d) A member of the assembly of a borough may not be elected or
6 appointed by and from the council of a city in the borough.

7 Sec.29.24.070. (Sec. 29.23.023.) COMPOSITION AND FORM OF
8 REPRESENTATION. (a) The borough assembly shall provide for its composition
9 and for the form of its representation.

10 (b) Not later than the first regular election which occurs after
11 the report of a federal decennial census, the assembly shall propose and
12 submit to the voters of the borough, at that regular election or at a
13 special election called for the purpose, one or more forms of borough
14 assembly representation. The forms of representation which the assembly may
15 submit to the voters are:

16 (1) election of members of the borough assembly at large by
17 the qualified voters throughout the borough;

18 (2) election of members of the borough assembly by district,
19 including

20 (A) election at large by the qualified voters
21 throughout the borough, but with a requirement that a candidate
22 live within an election district established by the borough for
23 election of assembly members; or

24 (b) election from election districts established by the
25 borough for the election of assembly members by the qualified
26 voters of a district;

27 (3) election of members of the borough assembly both at
28 large and by district.
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1 (c) A form of borough assembly representation which includes
2 election of borough assembly members under (b)(2) or (b)(3) of this section
3 shall be submitted to the voters of the borough with a plan of apportionment
4 as required by AS 29.24.080 [AS 29.23.025(a)].

5 (d) The borough assembly shall, within 30 days of certification
6 of the results of the election held on a proposed form of representation
7 under this section, adopt an ordinance providing for its composition and the
8 form of assembly representation, and, if applicable, the apportionment of
9 assembly seats which corresponds to the proposed form of representation
10 which received the most votes at the election.

11 (e) This section does not apply

12 (1) to a unified municipality incorporated under AS
13 29.12.190-29.12.390 (AS 29.68.240-29.68.440);

14 (2) to a home rule borough if the borough charter contains
15 procedures for changing assembly composition and form of representation.

16 Sec. 29.24.080. (Sec. 29.23.025.) ASSEMBLY RECOMPOSITION AND REAPPOR-
17 TIONMENT. (a) Not later than two months after the official report of a
18 federal decennial census, the borough assembly shall determine and declare
19 by resolution whether the existing apportionment of the borough assembly
20 meets the standards of AS 29.24.060 (AS 29.23.021). If the borough assembly
21 submits to the voters a form of representation which includes election of
22 borough assembly members under AS 29.24.070(L)(2) or (b)(3) [AS
23 29.23.023(b)(2) or (b)(3)], the assembly shall submit with the proposition
24 of a proposed plan of apportionment which corresponds to the form of
25 representation proposed. The assembly shall describe the plan of
26 apportionment in the ballot proposition, and may present the plan in any
27 manner which it believes accurately describes the apportionment which is
28 proposed under the form of representation. If the borough assembly
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1 determines that its existing apportionment meets the standards of AS
2 29.24.060 (AS 29.23.021), the assembly may include the existing
3 apportionment as a proposed plan of apportionment of assembly seats which
4 corresponds to a form of representation which is proposed.

5 (b) The borough assembly shall provide, by ordinance, for a
6 change in an existing apportionment of the borough assembly whenever it
7 determines that the apportionment does not meet the standards of AS
8 29.24.060 (AS 29.23.021). At the same time, the borough assembly may, by
9 ordinance, change the composition of the assembly.

10 (c) If a petition signed by not less than 50 registered voters who
11 are residents of the borough request the borough assembly to determine
12 whether the existing apportionment meets the standards for apportionment in
13 AS 29.24.060 (AS 29.23.021), and the petition contains evidence that the
14 existing apportionment does not meet those standards, the assembly may make
15 the determination requested. The borough assembly shall make a
16 determination required by this subsection within two months of receipt of a
17 petition which meets the requirements of this subsection.

18 (d) An ordinance adopted by the assembly under (b) or (c) of this
19 section shall be submitted to the voters for approval. In order for the
20 ordinance to be approved it must receive the approval of a majority of the
21 votes cast.

22 (e) Within six months of a determination by the borough assembly
23 under (b) or (c) of this section that the current apportionment does not
24 meet the standards of AS 29.24.060 (AS 29.23.021), the borough assembly
25 shall adopt an ordinance providing for reapportionment, and submit the
26 ordinance to the voters. If, at the end of the six-month time period, an
27 ordinance providing for reapportionment has not been approved by the voters,
28 the commissioner of the Department of Community and Regional Affairs shall
29 provide for the reapportionment in accordance with the standards of AS

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1 29.24.060 (AS 29.23.021) by preparing an order of reapportionment and
2 delivering the order to the borough mayor.

3 Sec. 29.24.090. (Sec. 29.23.027) APPORTIONMENT APPEALS. (a) A
4 reapportionment ordinance approved by the voters, or a decision of the
5 borough assembly that the standards of AS 29.24.060 (AS 29.23.021) do not
6 require a change in apportionment, may be appealed to the commissioner of
7 the Department of Community and Regional Affairs. Fifty registered voters
8 who are residents of the borough may submit a petition to the commissioner
9 of community and regional affairs requesting the commissioner to determine
10 whether the proposed reapportionment ordinance approved by the voters meets
11 the standards of AS 29.24.060 (AS 29.23.021), or whether a decision of the
12 borough assembly that the standards of AS 29.24.060 (AS 29.23.021) do not
13 require a change of apportionment is correct. If the petition asks the
14 commissioner of community and regional affairs to review an ordinance
15 approved by the voters under AS 29.24.080(e) [AS 29.23.025(e)], the petition
16 shall be delivered to the commissioner not later than 20 days after
17 certification of the election. If the petition asks the commissioner of
18 community and regional affairs to review a decision of the borough assembly
19 under AS 29.24.080(c) [AS 29.23.025(c)], the petition shall be delivered to
20 the commissioner within 20 days of the decision of the borough assembly.

21 (b) The commissioner of community and regional affairs shall
22 review the petition and may make the determination requested. The
23 commissioner shall provide copies of his determination to the persons
24 petitioning for appeal and to borough officials not later than 60 days after
25 he receives the petition.

26 (c) If the commissioner of community and regional affairs deter-
27 mines that the proposed reapportionment ordinance approved by the voters
28 does not meet the standards of AS 29.24.060 (AS 29.23.021), or if he
29 determines that the decision of the borough assembly that the standards of

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AS 29.24.060 (AS 29.23.021) do not require a change of apportionment is not correct, the commissioner shall, by order, direct the borough assembly to prepare a reapportionment ordinance which meets the standards of AS 29.24.060 (AS 29.23.021) and submit the ordinance to the voters.

(d) When the borough assembly has been directed by the commissioner of community and regional affairs to prepare a reapportionment ordinance under (c) of this section, the borough assembly shall, within two months of its receipt of the commissioner's order, adopt an ordinance providing for reapportionment. The borough assembly shall submit an ordinance adopted under this subsection to the voters at a regular election or special election held within 60 days of the date of adoption of the reapportionment ordinance.

(e) If at the end of the time period provided under (d) of this section an ordinance providing for reapportionment has not been approved by the voters, the commissioner of community and regional affairs shall provide for the reapportionment of the borough assembly in accordance with the standards of AS 29.24.060 (AS 29.23.021) by preparing an order of reapportionment and delivering the order to the borough mayor.

Sec. 29.24.100. (Sec. 29.23.029) JUDICIAL REVIEW AND RELIEF. (a) The commissioner of community and regional affairs may request the superior court to enforce a reapportionment order issued under AS 29.24.090(e) [AS 29.23.027(e)].

(b) Each of the following is subject to judicial review:

(1) a plan of reapportionment approved by the voters under AS 29.24.080(a) [AS 29.23.025(a)];

(2) a determination by the borough assembly under AS 29.24.080 [AS 29.23.025(c)] that the standards of AS 29.24.060 (AS 29.23.021) do not require a change in apportionment;

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(3) a reapportionment ordinance approved by the voters under AS 29.24.080(d) [AS 29.23.025(d)];

(4) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090(c) [AS 29.23.027(c)];

(5) a reapportionment ordinance approved by the voters under AS 29.24.090(d) [AS 29.23.027(d)]; and

(6) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090 (e) [AS 29.23.027(e)].

Sec. 29.24.110 (Sec. 29.23.031) EFFECTIVE DATE OF APPORTIONMENT. (a) A change in assembly apportionment or composition under AS 29.23.080 (AS 29.23.025) or AS 29.24.090 (AS 29.23.027) is effective beginning with the first regular election for members of the assembly which is held more than 60 days after the later of:

(1) approval of a reapportionment ordinance by the voters under AS 29.24.080(a) [29.23.025(a)], AS 29.24.080(e) [29.23.025(e)], or AS 29.24.090(d) [29.23.027(d)]; or

(2) the delivery to the mayor of a reapportionment order of the commissioner of community and regional affairs under AS 29.24.090(d) [29.23.027(e)].

(b) The provisions of (a) of this section do not apply to a borough in which a change in assembly composition or apportionment is subject to review and approval or determination of nonobjection by the Attorney General of the United States under the Voting Rights Act of 1965, as amended, (42 U.S.C. 1971 - 1974). A change in assembly composition or apportionment subject to review under the Voting Rights Act of 1965, as amended, is effective beginning with the first regular election for members of the assembly which is held more than 60 days after

(1) receipt by the borough assembly of approval by the Attorney General of the United States of the proposed change in the composition or apportionment of the assembly; or

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(2) the delivery to the mayor of a reapportionment order of the commissioner of community and regional affairs under AS 29.24.090(e) [AS 29.23.027(e)].

(3) the last day on which the Attorney General of the United States may review a proposed change in the composition or apportionment of the assembly.

Sec. 29.24.120. (Sec. 29.23.033) APPLICABILITY OF APPORTIONMENT PROVISIONS. The provisions of AS 29.24.080-29.24.110 (AS 29.23.025 - 29.23.031) do not apply

(1) to a unified municipality incorporated under AS 29.12.190-29.12.390 (AS 29.68.240 - 29.68.440);

(2) to a home rule borough if the borough, by charter, provides for reapportionment of the borough assembly.

Sec. 29.24.130. (Sec. 29.23.040.) REGULAR TERM OF OFFICE. (a) Assemblymen are selected for three-year terms and until their successors are selected and have qualified, unless different terms not exceeding four years are prescribed by borough charter or ordinance. Except when otherwise required by a change of composition or apportionment, if the term of an assemblyman is changed by charter or ordinance, the term of an assemblyman holding office at the time the change takes effect is not affected by that change.

(b) The regular term of office begins on the first Monday following certification of the election, unless a different date is prescribed by borough charter or ordinance.

(c) This section applies to home rule and general law boroughs.

Sec. 29.24.140. (Sec. 29.23.050.) QUALIFICATIONS. A resident of the borough is eligible to be an assemblyman if he is a borough voter. An assemblyman who ceases to be a borough voter immediately forfeits his office. An assemblyman elected from or selected to represent a borough area

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1 less than the borough area at large and who becomes a resident of another
2 area may continue to serve only until the next regular election. The
3 assembly may by ordinance establish residence requirements for assemblymen
4 not exceeding three years. This section applies to home rule and general
5 law boroughs.

6 Sec. 29.24.150. (Sec. 29.23.060.) PROCEDURE. (a) The assembly shall
7 meet at least once every month, unless otherwise provided by ordinance. All
8 meetings shall be public meetings. Special meetings may be held on the call
9 of the chairman, the presiding officer, or one-third of the members, upon
10 not less than 24 hours written or oral notice communicated to each member.
11 In an emergency a special meeting shall be a legal meeting if all members
12 are present or there is a quorum and all absent members have waived in
13 writing the required notice. A waiver may be either before or after the
14 time of the meeting. The waiver shall be attached to and made a part of the
15 journal for that meeting.

16 (b) The assembly shall elect from among its members a presiding
17 officer and a deputy presiding officer to serve at its pleasure, except that
18 in manager plan boroughs the borough mayor serves as presiding officer. If
19 the presiding officer is not present or disqualifies himself, the deputy
20 presiding officer shall preside.

21 (c) The assembly shall determine its own rules and order of
22 business and provide for keeping a journal of its proceedings. The assembly
23 is the judge of the election and qualification of its members and, with the
24 concurrence of two-thirds of its members, may expel a member for conviction
25 of a felony or misdemeanor described in AS 15.56 as a corrupt practice. The
26 assembly shall consider a conviction of a member for a felony or misdemeanor
27 described in AS 15.56 as a corrupt practice at its first meeting following
28 the final determination of the conviction.
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1 (d) A majority of the membership authorized by law constitutes a
2 quorum. In the absence of a quorum, any number less than a quorum may recess
3 or adjourn the meeting to a later date. Actions of the assembly are adopted
4 by a majority of the votes authorized on the question. All assemblymen
5 present shall vote unless the assembly for special reasons permits a member
6 to abstain, except no assemblyman may vote on a question in which he has a
7 substantial direct or indirect financial interest.

8 (e) The final vote on each ordinance, resolution, or substantive
9 motion is a recorded "yes" or "no", except that if the vote is unanimous it
10 is necessary only so to state.

11 (f) Repealed by Sec. 16 ch 118 SLA 1972.

12 (g) Repealed by Sec. 16 ch 118 SLA 1972.

13 (h) Repealed by Sec. 16 ch 118 SLA 1972.

14 (j) Repealed by Sec. 16 ch 118 SLA 1972.

15 Sec. 29.24.160. (Sec. 29.23.070.) DEPARTMENTS. (a) The assembly may
16 establish departments and distribute administrative functions among them.

17 (b) Each department is administered by a department head. With
18 the consent of the assembly, the borough mayor may serve as the head of one
19 or more departments or may appoint one person as the head of two or more
20 departments.

21 Sec. 29.24.170. (Sec. 29.23.080.) ASSEMBLY VACANCIES. The assembly
22 shall provide by ordinance the manner in which a vacancy in assembly
23 representation occurs. A vacancy is filled by the majority of the remaining
24 assemblymen, who designate a voter and, if the assembly seat vacated is
25 other than an at-large seat, a resident of the borough area to which the
26 seat was apportioned, to serve until the next regular election. However, if
27 under a borough apportionment city councilmen are appointed as assemblymen
28 or elected to dual assemblycouncil seats, a vacancy in a councilman's seat
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1 on the assembly shall be filled by a councilman designated by a majority of
2 the remaining membership of the council to serve until the next regular
3 election.

4 Article 3. BOROUGH EXECUTIVE AND ADMINISTRATOR

5 (Article 2. BOROUGH EXECUTIVE AND ADMINISTRATOR

6 Sec. 29.24.200. (Sec. 29.23.130.) POWER GENERALLY. (a) If the
7 borough has not adopted a manager plan, the borough executive and
8 administrative power is vested in an elected borough mayor. If the borough
9 has adopted a manager plan, the administrative power is vested in an
10 appointed manager and the executive power in an elected borough mayor who
11 has the same functions as those of the mayor of a manager-plan city under
12 Sec. 330 (Sec. 240) of this chapter.

13 (b) A borough voter is eligible to be borough mayor. The assembly
14 may by ordinance establish residency requirements for candidates for borough
15 mayor not exceeding three years.

16 (c) The borough mayor's regular term of office is three years and
17 until a successor is elected and has qualified and begins on the first
18 Monday following certification of the mayor's election. The assembly may
19 provide by ordinance for a different term not to exceed four years, except
20 that the current term of an incumbent borough mayor may not be altered.

21 (d) A borough may adopt or abandon a manager plan at any time, as
22 provided in Secs. 550-620 (Secs. 410-480) of this chapter. The borough
23 mayor may not veto an ordinance or resolution calling for an election on
24 this question. The manager has all the powers and duties of the borough
25 mayor as chief administrative officer. The borough mayor then serves as
26 borough executive.

27 (e) A borough adopting a manager plan may, by agreement with a
28 city, enter into a contract providing for the manager of a city located
29 within the borough to serve also as borough manager. A city adopting a

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1 manager plan may, by agreement with a borough, enter into a contract
2 providing for the manager of a borough within which the city is located to
3 serve also as city manager. Appointment and service of the manager shall be
4 as otherwise provided for managers in Secs. 200-220 (Secs. 130-150) and
5 Secs. 590-610 (Secs. 450 - 470) of this chapter. Nothing in this subsection
6 affects the authority of the assembly or council to provide for other dual
7 officeholding if the dual offices held are compatible or otherwise to
8 appoint officers and employees in accordance with law.

9 (f) The assembly, with the concurrence of two-thirds of its
10 members, may remove the borough mayor from office for a conviction of a
11 felony or misdemeanor described in AS 15.56 as a corrupt practice. The
12 assembly shall consider a conviction of the borough mayor of a felony or
13 misdemeanor described in AS 15.56 as a corrupt practice at its first meeting
14 following the final determination of the conviction.

15 Sec. 29.24.210. (Sec. 29.23.140.) POWERS AND DUTIES OF BOROUGH
16 ADMINISTRATOR. The borough mayor or manager as the case may be, as the
17 chief administrative officer, is responsible for the proper administration
18 of all borough affairs. The mayor or manager of the borough shall

19 (1) appoint borough employees and administrative officers, except
20 as provided otherwise in Sec. 480 (Sec. 350) of this chapter and (AS
21 29.33.050); he may hire necessary administrative assistants and may
22 authorize an appointive administrative officer to appoint, suspend, or
23 remove subordinates in his department;

24 (2) suspend or remove by written order borough employees and
25 administrative officers, except as provided otherwise in Sec. 480 (Sec. 360)
26 of this chapter and (AS 29.33.050);

27 (3) supervise enforcement of borough law;

28 (4) prepare the annual budget and capital improvements program
29 for the assembly;

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(5) execute the budget and capital improvement program as adopted;

(6) make monthly reports to the assembly on borough finances and operations;

(7) report to the assembly at the end of each fiscal year on the finances and administrative activities of the borough;

(8) prepare and make available for public distribution an annual report on borough affairs;

(9) serve as borough personnel officer unless the assembly authorizes him to appoint a personnel officer;

(10) direct and supervise the administration of

(A) the functions of all borough officers and employees except as provided otherwise in this title;

(B) the care and custody of all borough buildings and of all real and personal property of the borough, except as provided otherwise by AS (29.33.050);

(C) the construction, maintenance, and operation of all borough roads, bridges, drains, buildings and other public works;

(11) execute other powers or duties specified in this title or lawfully prescribed by the assembly.

Sec. 29.24.220. (Sec. 29.23.150.) EXECUTIVE ABSENCE. The borough mayor, subject to assembly approval, shall designate a person to act as mayor during the mayor's temporary absence or disability. If a manager plan has been adopted, the assembly shall designate by resolution a borough administrative officer to act as manager during his absence or disability.

Sec. 29.24.230. (Sec. 29.23.160.) ASSEMBLY PARTICIPATION. The borough mayor may take part in the discussion of all matters before the assembly but may not vote.

Sec. 29.24.240. (Sec. 29.23.170.) VETO. (a) Except as provided in (b) of this section, the borough mayor may veto any ordinance, resolution,

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1 motion or other action of the assembly and may, by veto, strike or reduce
2 items in appropriation ordinances except for school budget items. He shall
3 submit to the assembly at its next regular meeting a written statement
4 advising of his veto and giving his reasons. His veto may be overridden by
5 two-thirds of all the votes to which the assembly is entitled on the
6 question.

7 (b) The borough mayor may not veto actions of the assembly taken
8 under Sec. 200(d) [Sec. 130(d)] of this chapter or actions of the board of
9 equalization and the board of adjustment.

10 Sec. 29.24.250. (Sec. 29.23.180.) FILLING A VACANCY. A vacancy in
11 the office of the borough mayor occurring within six months of a regular
12 election shall be filled by the assembly. The person designated shall serve
13 until the next regular election and until a successor is elected and has
14 qualified. If an assemblyman is chosen, he shall resign his assembly seat.
15 If a vacancy occurs more than six months before a regular election, the
16 assembly shall call a special election to fill the unexpired term.

17 Article 4. CITY COUNCIL

18 (Article 3. CITY COUNCIL)

19 Sec. 29.24.280. (Sec. 29.23.200.) COMPOSITION, ELIGIBILITY, ELECTION
20 AND TERM. (a) Each first class city has a council of six members elected
21 by the voters at large. Each second class city has a council of seven
22 members elected by the voters at large. The council of a first or second
23 class city may by ordinance provide for election of members other than on an
24 at-large basis for all members.

25 (b) A city voter is eligible to hold office as a member of the
26 council. The council may by ordinance establish residence requirements for
27 council members not exceeding three years. A council member who ceases to
28 be eligible to be a city voter immediately forfeits that office.
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1 (c) Councilmen are selected for three-year terms and until their
2 successors are elected and have qualified. The regular term of office begins
3 on the first Monday following certification of the election. The council may
4 provide by ordinance for different terms not to exceed four years, except
5 that the current term of incumbent councilmen may not be altered.

6 Sec. 29.24.290. (Sec. 29.23.210.) PROCEDURE. (a) The council shall
7 meet at least once every month, unless otherwise provided by ordinance.
8 Special meetings may be held on the call of the mayor or two councilmen upon
9 not less than 24 hours written or oral notice communicated to each member.
10 In an emergency, a special meeting called on less than 24 hours notice is a
11 legal meeting if all members are present or there is a quorum and all absent
12 members have waived in writing the required notice. A waiver may be made
13 either before or after the time of the meeting. The waiver shall be attached
14 to and made a part of the journal for that meeting.

15 (b) The council shall determine its own rules and order of
16 business and provide for keeping a journal of its proceedings. The council
17 is the judge of the election and qualification of its members and, with the
18 concurrence of two-thirds of its members, may expel a member for a
19 conviction of a felony or misdemeanor described in AS 15.56 as a corrupt
20 practice. The council shall consider that conviction during its first
21 meeting following final determination of the conviction.

22 (c) Four councilmen constitute a quorum. Four affirmative votes
23 are required for the passage of an ordinance, resolution, or motion.

24 (d) The final vote on each ordinance, resolution, or substantive
25 motion is a recorded roll call vote. All councilmen present shall vote
26 unless the council, for special reasons, permits a member to abstain.

27 Sec. 29.24.300. (Sec. 29.23.220.) FILLING A VACANCY. If a vacancy
28 occurs in the council, the council by vote of a majority of its remaining
29 members shall designate a person to fill the vacancy until the next regular
election, and until a successor is elected and has qualified.

1 Article 5 CITY EXECUTIVE AND ADMINISTRATOR

2 (Article 4. CITY EXECUTIVE AND ADMINISTRATOR)

3 Sec. 29.24.330. (Sec. 29.23.240.) MAYOR. Each city has a mayor as
4 executive who shall preside at council meetings, act as ceremonial head of
5 the city, and sign documents on the city's behalf upon council authoriza-
6 tion. In cities which have not adopted a manager plan, the mayor is
7 responsible for the duties listed in Sec. 390 (Sec. 290) of this chapter.

8 Sec. 29.24.340. (Sec. 29.23.250.) ELECTION AND TERM OF MAYOR. (a) A
9 voter of a home rule or general law city is eligible to hold the office of
10 mayor, except that a home rule city may prescribe additional residency
11 requirements by charter. The council, for all other cities, may by ordinance
12 establish residence requirements for candidates for mayor not exceeding
13 three years.

14 (b) The mayor of a first class city is elected at large for a term
15 of three years and until a successor is elected and has qualified. The
16 council may provide by ordinance for a different term not to exceed four
17 years, except that the current term of an incumbent mayor may not be altered.

18 (c) The mayor of a second class city is elected by and from the
19 council for a term of one year and until a successor is elected and has
20 qualified.

21 (d) The mayor's regular term begins on the first Monday following
22 certification of the mayor's election. The council of a second class city
23 shall meet on the first Monday after certification of the regular election
24 and elect a mayor who takes office immediately.

25 Sec.29.24.350. (Sec. 29.23.255) REMOVAL FROM OFFICE. The council
26 may, with concurrence of two-thirds of its members, remove the mayor from
27 office for a conviction of a felony or misdemeanor described in AS 15.56 as
28 a corrupt practice. The council shall consider the conviction during its
29 first meeting following final determination of the conviction.

1 Sec. 29.24.360. (Sec. 29.23.260.) MAYOR'S VOTE. (a) The mayor of a
2 first class city is not a council member and may vote only in the case of a
3 tie.

4 (b) The mayor of a second class city is a council member and may
5 vote on all matters.

6 Sec. 29.24.370. (Sec. 29.23.270.) VETO. (a) The mayor of a first
7 class city may veto any ordinance, resolution, motion, or other action of
8 the council and may, by veto, strike or reduce items in appropriation
9 ordinances except, in a city outside an organized borough, for school budget
10 items. He shall submit to the council at its next regular meeting a written
11 statement advising of his veto and giving his reasons. A veto is overridden
12 by the vote of two-thirds of the authorized membership of the council.

13 (b) The mayor of a second class city has no veto power.

14 Sec. 29.24.380. (Sec. 29.23.280.) FILLING A VACANCY. (a) In a first
15 class city, a vacancy in the office of mayor occurring within six months of
16 a regular election shall be filled by the council. The person designated
17 shall serve until the next regular election and until a successor is elected
18 and has qualified. If a councilman is chosen, he shall resign his council
19 seat. If a vacancy occurs more than six months before a regular election,
20 the council shall call a special election to fill the unexpired term.

21 (b) In a second class city, a vacancy in the office of mayor is
22 filled by and from the council.

23 Sec. 29.24.390. (Sec. 29.23.290.) POWERS AND DUTIES OF A CITY
24 MANAGER. If the city has a manager, he is the chief administrative officer.
25 The manager shall

26 (1) appoint city employees and administrative officers, except as
27 provided otherwise in Sec. 480 (Sec. 360) of this chapter and AS 14.14.065;
28 he may hire necessary administrative assistants and may authorize an
29 appointive administrative officer to appoint, suspend, or remove

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1 (2) suspend or remove by written order city employees and
2 administrative officers, except as provided otherwise in Sec. 480 (Sec. 360)
3 of this chapter and AS 14.14.065;

4 (3) supervise enforcement of city law;

5 (4) prepare the annual budget and capital improvement program for
6 the council;

7 (5) execute the budget and capital program as adopted;

8 (6) make monthly financial reports to the council on city
9 finances and operations;

10 (7) report to the council at the end of each fiscal year on the
11 finances and administrative activities of the city;

12 (8) prepare and make available for public distribution an annual
13 report on city affairs;

14 (9) serve as city personnel officer unless the council authorizes
15 him to appoint a personnel officer;

16 (10) execute other powers and duties specified in this title or
17 lawfully prescribed by the council.

18 Article 6. SCHOOL BOARDS

19 (Article 5. SCHOOL BOARDS)

20 Sec. 29.24.420. (Sec. 29.23.310.) ELECTION. Each borough and city
21 school district has a school board. Members are elected at the regular
22 election held annually on the first Tuesday of October, unless a different
23 election date or interval of years is provided by ordinance, for three-year
24 terms and until their successors take office. All board members are elected
25 at large, but school zones for the election of borough school boards may be
26 established, altered, or abolished as provided by (Sec. 100) of this
27 chapter.

Article 7. UTILITY BOARDS

(Article 6. UTILITY BOARDS)

Sec. 29.24.450. (Sec. 29.23.340.) UTILITY BOARDS. (a) The assembly or council of a municipality operating a public utility may provide by ordinance for a managing board of five members and define the board's powers and duties.

(b) As determined by ordinance, members of the board are appointed by the municipal executive and confirmed by the assembly or council or are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. The term of a utility board member is two years and until a successor is selected and has qualified. However, the assembly or council may by ordinance provide for a different term not to exceed four years and not altering the current term of an elected incumbent.

(c) Vacancies in the board are filled by the municipal executive. Executive appointments shall be confirmed by the assembly or council. A person selected to fill a vacancy on a utility board serves until the expiration of the term and until a successor is elected and has qualified.

(d) Unless otherwise provided by ordinance, the board shall

(1) choose its chairman and secretary;

(2) appoint the manager of the public utility for a term not longer than five years and set his salary;

(3) formulate and enforce the general rules and policies of the utility.

Article 8. OTHER OFFICERS AND EMPLOYEES

(Article 7. OTHER OFFICERS AND EMPLOYEES)

Sec. 29.24.480. (Sec. 29.23.360.) APPOINTMENT OF OFFICERS. The municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrator or by the assembly or council, as determined by

ordinance. Officers serve at the pleasure of the appointing authority, subject to ordinance Appointments by the chief administrator are subject to confirmation by the governing body.

Sec. 29.24.490. (Sec. 29.23.370.) MUNICIPAL ATTORNEY. The municipal attorney is the legal advisor of the council or assembly, the school board, and the other officers of the municipality. He represents the municipality as attorney in civil and criminal proceedings. The school board has the right to hire independent counsel when in its judgment independent counsel is needed.

Sec. 29.24.500. (Sec. 29.23.380.) MUNICIPAL CLERK. (a) The municipal clerk shall

(1) give notice of the time and place of meetings to the assembly or the council and to the public;

(2) attend meetings and keep the journal;

(3) arrange publication of notices, ordinances, and resolutions;

(4) maintain and make available for public inspection an indexed file including the municipal ordinances, resolutions, rules, regulations, and codes;

(5) attest deeds and other documents;

(6) perform other duties specified in this title or prescribed by the chief executive or by the governing body.

(b) The assembly or council may combine the office of clerk with that of treasurer. If the offices are combined, the clerk shall, as required of the treasurer, give his bond to the municipality for the faithful performance of his duties as clerk-treasurer.

Sec. 29.24.510. (Sec. 29.23.390.) MUNICIPAL TREASURER. (a) The treasurer is the custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on

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checkers drawn against appropriations.

1 (b) The treasurer shall give bond to the municipality in a sum
2 which the assembly or council directs.

3 Sec. 29.24.520. (Sec. 29.23.401.) APPOINTMENT TO MUNICIPAL BOARDS AND
4 COMMISSIONS. (a) Notwithstanding AS 39.05.100 or a provision of law
5 relating to age, the municipal appointing authority for a municipal board or
6 commission may appoint a 17-21 year old municipal resident to the board or
7 commission if recommended by the commission, established in AS 29.68.020
8 (Sec. 397) of this chapter.

9 (b) A young person recommended by the commission may be appointed
10 to a municipal board or commission having special qualifications for
11 membership if the proposed nominee, except for his age, meets the required
12 qualifications set by law.

13 (c) An individual appointed to a municipal board or commission
14 under this section is entitled to the rights, privileges and
15 responsibilities of other members, and his appointment is subject to
16 confirmation by the governing body when required by law.

17 (d) No additional seat on a municipal board or commission is
18 created by virtue of AS 29.68 (Secs. 395-401) of this chapter.

19 Article 9. ADOPTION OR REPEAL OF MANAGER PLAN

20 (Article 8. ADOPTION OR REPEAL OF MANAGER PLAN)

21 Sec. 29.24.550. (Sec. 29.23.410.) APPLICATION. A municipality may
22 adopt a manager plan of government.

23 Sec. 29.24.560. (Sec. 29.23.420.) PETITION. Adoption of a manager
24 plan may be initiated either by petition or upon motion of the assembly or
25 council. A petition for the adoption of a manager plan is submitted to the
26 assembly or council. The petition must be signed by a number of municipal
27 voters equal to the following per cent of the votes cast at the preceding
28 regular election:
29

(1) 25 percent when the municipality has fewer than 7,500 persons;

(2) 15 percent when the municipality has 7,500 persons or more.

Sec. 29.24.570. (Sec. 29.23.430.) ELECTION. Upon receipt of the petition or upon its motion, the assembly or council shall provide by ordinance or resolution for a vote on the question at the next regular or special election. Notice of the election shall be published at least 30 days before the election.

Sec. 29.24.580. (Sec. 29.23.440.) ADOPTION. (a) If the manager plan is approved, the assembly or council shall, within 60 days, adopt the plan by ordinance or resolution.

(b) The assembly or council shall notify the Department of Community and Regional Affairs of the adoption of the manager plan.

Sec. 29.24.590. (Sec. 29.23.450.) APPOINTMENT. The assembly or council shall appoint a manager by a majority vote of its membership. He is chosen solely on the basis of his executive and administrative qualifications and receives the compensation set by the assembly or council. An elected municipal official may not be appointed manager of the municipality sooner than one year after leaving office, except that, by a vote of three-fourths of its authorized membership, the assembly or council may at any time appoint one of its members or other elected municipal officials as manager.

Sec. 29.24.600. (Sec. 29.23.460.) TERM. Subject to the contract of employment, the manager holds office at the pleasure of the assembly or council.

Sec. 29.24.610. (Sec. 29.23.470.) APPOINTMENT OF TEMPORARY OR NEW MANAGER. In the absence or disability of the manager, the assembly or council shall appoint a temporary manager. If the office becomes vacant, the assembly or council shall appoint a new manager.

Sec. 29.24.620. (Sec. 29.23.480.) REPEAL. A municipality may repeal the manager plan in the same manner used for its adoption. At its first

meeting after repeal, the assembly or council shall enact provisions for the reorganization of the municipal executive and chief administrator.

Article 10. MISCELLANEOUS PROVISIONS

(Article 9. MISCELLANEOUS PROVISIONS)

Sec. 29.24.650. (Sec. 29.23.500.) OATHS OF OFFICE. Municipal officers, before taking office, shall affirm in writing that they will honestly, faithfully, and impartially perform their duties. The oath is filed with the municipal clerk.

Sec. 29.24.660. (Sec. 29.23.520.) BONDING. The administrator and the other municipal officers or employees which the assembly or council may designate shall give bond in the amount and with the surety prescribed by the assembly or council. Premiums on bonds are paid by the municipality.

Sec. 29.24.670. (Sec. 29.23.530.) SALARIES OF ELECTED OFFICERS. The assembly or council shall fix by ordinance the salaries of elected officers. The salary of the mayor may not be reduced during his term of office. An elected officer may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section.

Sec. 29.24.680. (Sec. 29.23.540.) PROHIBITIONS. (a) No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of his race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations.

(b) This section applies to home rule and general law municipalities.

(c) No state employee or school district employee may be denied the right to serve as an elected municipal official because of his employment by the state or a school district unless specifically prohibited by charter or ordinance of a municipality, adopted at a special or general

1 election. However, no school district employee may serve on a school
2 district board in the school district where he is employed. ~~Provisions of~~
3 ~~this section do not apply to term of office in effect on August 24, 1976.~~

4 (d) For purposes of this section a school district employee is
5 not a municipal employee.

6 Sec. 29.24.690. (Sec. 29.23.550.) PERSONNEL SYSTEM. All appointments
7 and promotions of municipal officers and employees are made on the basis of
8 merit. The assembly or council may provide for a personnel system.

9 Sec. 29.24.700. (Sec. 29.23.560) REPORTS. (a) Home rule and general
10 law municipalities shall file with the Department of Community and Regional
11 Affairs:

12 (1) maps and descriptions of all annexed or excluded ter-
13 ritory;

14 (2) a copy of the annual audit or in the case of second
15 class cities an audit or statement of annual income and expenditures;

16 (3) tax assessment and tax levy figures as requested;

17 (4) repealed.

18 (5) a copy of the current annual budget of the municipality;

19 (6) a summary of the optional property tax exemptions autho-
20 rized in the municipality, together with the municipality's estimate of the
21 revenues lost to it by operation of each of the exemptions.

22 (b) Compliance with the provisions of this section is a prerequi-
23 site to receipt of municipal tax resource equalization assistance under AS
24 29.62 (AS 29.88) and state aid for miscellaneous municipal services under AS
25 29.62 (AS 29.89). The Department of Community and Regional Affairs shall
26 withhold annual allocations under those chapters in the event of
27 noncompliance until such time as the report requirements are met.

28 Sec. 29.24.710. (Sec. 29.23.570.) VACANCIES. An elected municipal
29 office is vacated under the following conditions and upon the declaration of

1 vacancy by the assembly or council. The assembly or council shall declare
2 an elective office vacant when the person elected

3 (1) fails to qualify or take office within 30 days after his
4 election or appointment;

5 (2) is physically absent from the municipality for a 90-day
6 period unless excused by the assembly or council;

7 (3) resigns and his resignation is accepted;

8 (4) is physically or mentally unable to perform the duties
9 of his office;

10 (5) is removed from office;

11 (6) misses three consecutive regular meetings unless
12 excused; or

13 (7) is convicted of a felony or of an offense involving a
14 violation of his oath of office.

Article 3. Chief Administrative Officers

False
Notes

Section

- 115. Application
- 120. Petition
- 125. Election
- 130. Adoption
- 135. Appointment
- 140. Term
- 145. Appointment of temporary or new manager
- 150. Repeal
- 155. Powers and duties of the manager
- 160. Intergovernmental appointments

Sec. 29.23.115. Application. A municipality may adopt a manager plan of government.

EXPLANATION

Identical to AS 29.23.410.

Sec. 29.23.120. Petition. Adoption of a manager plan may be initiated either by petition or upon motion of the assembly or council. A petition for the adoption of a manager plan is submitted to the assembly or council. The petition must be signed by a number of municipal voters equal to the following per cent of the votes cast at the preceding regular municipal election:

(1) 25 per cent when the municipality has fewer than 7,500 persons;

(2) 15 per cent when the municipality has 7,500 persons or more.

EXPLANATION

Identical to AS 29.23.420.

Sec. 29.23.125. Election. Upon receipt of the petition or upon its motion, the assembly or council shall provide by ordinance or resolution

for a vote on the question at the next regular or special election. ~~Notice of the election shall be published at least 30 days before the election.~~

EXPLANATION

Identical to AS 29.23.430.

Sec. 29.23.130. Adoption. (a) If the manager plan is approved, the assembly or council shall, within 60 days, adopt the plan by ordinance or resolution.

(b) The assembly or council shall notify the Department of Community and Regional Affairs of the adoption of the manager plan.

EXPLANATION

Identical to AS 29.23.440.

Sec. 29.23.135. Appointment. The assembly or council shall appoint a manager by a majority vote of its membership. He is chosen solely on the basis of his executive and administrative qualifications and receives the compensation set by the assembly or council. An elected municipal official may not be appointed manager of the municipality sooner than one year after leaving office, except that, by a vote of three-fourths of its authorized membership, the assembly or council may at any time appoint one of its members or other elected municipal officials as manager.

EXPLANATION

Identical to AS 29.23.450.

Sec. 29.23.140. Term. Subject to the contract of employment, the manager holds office at the pleasure of the assembly or council.

EXPLANATION

Identical to AS 29.23.460.

Sec. 29.23.145. Appointment of temporary or new manager. In the absence or disability of the manager, the assembly or council shall appoint a temporary manager. If the office becomes vacant, the assembly or council shall appoint a new manager.

EXPLANATION

Identical to AS 29.23.470.

Sec. 29.23.150. Repeal. A municipality may repeal the manager plan in the same manner used for its adoption. ^{WITHIN 60 days} ~~At its first meeting after repeal,~~ the assembly or council shall enact provisions for the [reorganization of the municipal executive and chief administrator.] ^{Language} ~~executive & administrative functions.~~

EXPLANATION

Identical to AS 29.23.480.

Sec. 29.23.155. Powers and duties of the manager. As chief administrative officer the manager shall:

(1) appoint, supervise, and discipline all municipal employees except those who are appointed and supervised directly by the governing body;

^{ADO}
^{WAG} ~~compliance & personnel system. (14.360)~~
(2) supervise the enforcement of municipal law and carry out the directives of the governing body; ^{see 29.23.140(1)}

(3) prepare and submit an annual budget and capital improvement program for consideration by the governing body and execute the budget and capital improvement program as adopted;

- (4) make such monthly financial reports and such other periodic reports on municipal finances and operations as the governing body may direct;
- (5) exercise care and custody over all real and personal property of the borough except as provided otherwise in AS 29.33.050; and
- (6) perform other powers and duties provided by law or by action of the governing body.

EXPLANATION

This section is derived from AS 29.23.140 relating to the powers and duties of the borough administrator and AS 29.23.290 which describes the powers and duties of the city manager. Sections relating to appointment and discipline of municipal employees have been consolidated into subsection 1. Subsection 5 allows the manager to exercise care and custody over all real and personal property of the municipality, which section is derived from AS 29.23.140 relating to borough manager, which language is not carried over into the existing AS 29.23.290. Inasmuch as Subsection 3 directs the manager to execute the budget and capital improvement program as adopted by the governing body, retention of language contained in AS 29.23.140(10)(c) relating to construction, maintenance, and operation of borough roads, bridges, drainage, buildings and other public works is redundant and unnecessary.

Sec. 29.23.160. Intergovernment appointments. A borough adopting a manager plan may, by agreement with a city, enter into a contract providing for the manager of a city located within the borough to serve also as borough manager. A city adopting a manager plan, may by agreement with a borough, enter into a contract providing for the manager of a borough within which the city is located to serve also as city manager. Appointment and service of the manager shall be as otherwise provided for managers in §§ 115-155 of this chapter. Nothing in this subsection affects the authority of the assembly or council to provide for other dual office-holding if the dual offices held are compatible or otherwise to appoint officers and employees in accordance with law.

EXPLANATION

This section is derived in tact from AS 29.23.130(e).

Article 4. Municipal Departments and Employees

Section

- 165. Appointment of Officers
- 170. Municipal Attorney
- 175. Municipal Clerk
- 180. Municipal Treasurer
- 185. Departments
- 190. Personnel system

*Make into
two sections.*

Sec. 29.23.165. Appointment of Officers. The municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrative officer unless otherwise provided by ordinance. ^{UOPb Ordinance,} Officers described in this section serve at the pleasure of their appointing authority and, if appointed by the chief administrative officer must be confirmed by the governing body.

EXPLANATION

This section is derived from AS 29.23.360 and is identical to that section except that the last two sentences in 29.23.360 have been combined and the words "subject to ordinance" have been removed from that last sentence.

Sec. 29.23.170. Municipal attorney. The municipal attorney is the legal advisor of the council or assembly, the school board, and the other officers of the municipality. He represents the municipality as attorney in civil and criminal proceedings. The school board ^{MAY} ~~has the right to hire~~ independent counsel ~~when in its judgment independent counsel is needed.~~

EXPLANATION

Identical to AS 29.23.370.

Sec. 29.23.175. Municipal clerk. (a) The municipal clerk shall

(1) give notice of the time and place of meetings to the assembly or the council and to the public;

(2) attend meetings and keep the journal;
(3) arrange publication of notices, ordinances, and resolutions;
(4) maintain and make available for public inspection an indexed file including the municipal ordinances, resolutions, rules, regulations, and codes;

(5) attest deeds and other documents;

(6) perform other duties specified in this title or prescribed by the chief executive or by the governing body.

(b) The assembly or council may combine the office of clerk with that of treasurer. If the offices are combined, the clerk shall, as required of the treasurer, give his bond to the municipality for the faithful performance of his duties as clerk-treasurer.

EXPLANATION

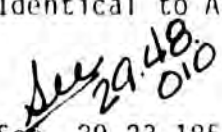
Identical to AS 29.23.380.

Sec. 29.23.180. Municipal treasurer. (a) The treasurer is the  custodian of all municipal funds. He shall keep an itemized account of money received and disbursed. He shall pay money on vouchers drawn against appropriations.

(b) The treasurer shall give bond to the municipality in a sum which the assembly or council directs.

EXPLANATION

Identical to AS 29.23.390.

 Sec. 29.23.185. Departments. (a) The governing body of a municipality may establish departments and distribute functions among them.

(b) Each department is administered by a department head. With the consent of the governing body, the mayor may serve as head of one or more

departments or a single administrator may serve as head of two or more departments.

EXPLANATION

This section is virtually identical to AS 29.23.070 except that stylistic changes apply this section to both cities and boroughs.

Sec. 29.23.190. Personnel system. (a) Except as provided by (b) below, all appointments and promotions of municipal ~~officers and~~ employees are made on the basis of merit. The ~~assembly or council~~ *governing body* may provide for a personnel system.

(b) By ordinance the governing body may designate ~~executive~~ positions filled by persons who serve at the pleasure of their appointing authority and ~~which are wholly or partially exempt from the classified service~~ *whose terms & conditions of employment shall be as determined by the appointing authority.*

EXPLANATION

Subsection (a) is essentially the same as the existing provisions of AS 29.23.550. Subsection (b) is new; this subsection allows the governing body to designate certain positions as executive positions and exempt persons occupying those positions from the classified service. This addition would allow municipalities to enact so called "executive plans" governing the wages, hours, and other terms and conditions of employment of high level executive employees.

Article 5. Municipal Boards and Commissions

Section

- 195. School Boards
- 200. Other Boards and Commissions

Sec. 29.23.195. School boards. Each borough and city school district has a school board. Members are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, for three-year terms and until their successors take office. *UOPBO* All board members are elected at large, ~~but school zones for the election of borough school boards may be established, altered, or abolished as provided by § 100 of this chapter.~~

EXPLANATION

This section is identical to AS 29.23.310.

Sec. 29.23.200. Other boards and commissions. (a) The assembly or council of a municipality may, by ordinance, establish such advisory, administrative, technical, or quasi judicial boards and commissions it deems necessary.

(b) Members of boards and commissions, except for the Board of Adjustment and assembly members serving on the Board of Equalization, are appointed by the mayor and confirmed by the assembly or council.

EXPLANATION

This is a new section authorizing the assembly or council to, by ordinance establish advisory, administrative, technical, or quasi judicial boards and commissions as it deems necessary. This section also provides that, except for the board of adjustment and the board of equalization, members of boards and commissions are appointed by the mayor and confirmed by the assembly.

Article 6. Miscellaneous Provisions

Section

- 205. Salaries of elected officials
- 210. Prohibitions
- 215. Conflict of Interest
- 220. Reports

Sec. 29.23.205. ~~Salaries of elected officers. The assembly or council shall fix by ordinance the salaries of elected officers. The salary of the mayor may not be reduced during his term of office. An elected officer may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section.~~
provide by ordinance for the establishment of
method for determining salaries
ref: manage plan adoption

EXPLANATION

This section is identical to AS 29.23.530.

Eliminate
(a)

Sec. 29.23.210. Prohibitions. (a) No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of his race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations.

✓ w
Lee
re (c)

(b) This section applies to home rule and general law municipalities.

(b) No state employee or school district employee may be denied the right to serve as an elected municipal official because of his employment by the state or a school district unless specifically prohibited by charter or ordinance of a municipality, adopted at a special or general election. However, no school district employee may serve on a school district board in the school district where he is employed. ~~Provisions of this section do not apply to term of office in effect on August 24, 1976.~~

~~(c) For purposes of this section a school district employee is not a municipal employee.~~

EXPLANATION

This section is identical to AS 29.23.540.

Sec. 29.23.215. Conflict of interests. Each home rule and general law municipality shall adopt a conflict-of-interest ordinance which, other provisions of this chapter notwithstanding, includes provision that an officer or employee shall disqualify himself from participating in any official action in which he has a substantial financial interest. ~~If a home rule or general law municipality fails to adopt such a conflict-of-interest ordinance within 90 days from September 10, 1972, the conflict-of-interest provision of this section is automatically applicable to and binding upon that municipality.~~

EXPLANATION

This section is identical to AS 29.23.555.

Sec. 29.23.220. Reports. (a) Home rule and general law municipalities shall file with the Department of Community and Regional Affairs:

- (1) maps and descriptions of all annexed or excluded territory;
- (2) a copy of the annual audit or in the case of second class cities an audit or statement of annual income and expenditures;
- (3) tax assessment and tax levy figures as requested;
- (4) reports relating to long-term debt as provided in AS 44.19 .205.

- (5) a copy of the current annual budget of the municipality;
- (6) a summary of the optional property tax exemptions authorized in the municipality, together with the municipality's estimate of the revenues lost to it by operation of each of the exemptions.

(b) Compliance with the provisions of this section is a prerequisite to receipt of municipal tax resource equalization assistance under AS 29.88 and state aid for miscellaneous municipal services under AS 29.89. The Department of Community and Regional Affairs shall withhold annual allocations under those chapters in the event of noncompliance until such time as the report requirements are met.

EXPLANATION

This section is identical to AS 29.23.560.