

HB

162

# Alaska State Legislature



Barbara Lacher, Chairman  
Mae Fischer, Vice-Chairman  
Randy Phillips  
Milo Fritz  
Don Clocksin  
Jack McBride  
Mike Szymanski

Room 104  
State Capitol  
Juneau, Alaska 99811

Pouch V  
Juneau, Alaska 99811

## House of Representatives Committee on Community & Regional Affairs

### HOUSE COMMUNITY AND REGIONAL AFFAIRS AGENDA

APRIL 6th, 1983

- 1). Call to order.
- 2). Roll Call.
- 3). The first order of business will be HB 162.
- 4). Witnesses presentation.
- 5). Closing.
- 6). Adjournment.

**DEPT. OF COMMUNITY & REGIONAL AFFAIRS**

OFFICE OF THE COMMISSIONER

POUCH B  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-4700

April 6, 1983

POSITION PAPER

RE: HB 162

SPONSOR: Representative Ward

PROGRAM EFFECTS OF BILL

This bill allows municipalities to limit, by ordinance, the number of consecutive full terms that a person may serve as mayor or as a member of the assembly or council.

COMMENTS

This bill would give each municipality an option regarding whether or not individual elected officials should be turned out of office not by the voters but by a limitation on the consecutive number of terms they may serve. There are advantages and disadvantages to limiting terms of office, but the Department will not debate them here. The overriding consideration is that this legislation provides for a local option on the question, a philosophy this Department generally favors.



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Mark Lewis, Commissioner

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: HB 162  
 Title: Limit terms of Municipal Officials  
 Sponsor: Ward, et al  
 Requestor: HCRA

II. FISCAL DETAIL

Agency Affected: DCRA  
 Program Category Affected: Development  
 BRU, Program of Subprogram(s) Affected: Local Government Assistance Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		-0-	-0-	-0-	-0-	-0-
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard Rainery  
 Division: Commissioner's Office  
 Approved by Commissioner: [Signature]  
 Department: Community & Regional Affairs

Phone: 465-4703  
 Date: 4/6/83  
 Date: 4/6/83

Distribution:

- Original to Legislative Finance
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# Alaska State Legislature



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## House of Representatives Committee on Community & Regional Affairs

TO: House Community and Regional Affairs Committee  
FROM: House Community and Regional Affairs Staff  
DATE: April 6th, 1983  
RE: House Bill 162

Under current statutes, municipalities do not have the authority to limit the number of terms elected officials may serve.

House Bill 162 provides that General Law Boroughs and cities may limit, by ordinance, the number of terms that may be served by assembly members, borough mayors, city council members, and city mayors.

Proposed CS HB 162 expands the provisions of HB 162 in that it is applicable to home rule as well as general law municipalities and, requires that limitations on the number of terms served by members of the governing bodies be ratified by the voters.

STATE OF ALASKA  
THE LEGISLATURE

ROUCH Y. STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465 2800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 31, 1983

SUBJECT Limits on terms of municipal officials  
(CSHB 162 (C&RA))

TO: Representative Barbara Lacher  
Chairman, House Community and  
Regional Affairs Committee

FROM: Tamara Brandt Cook  
Legislative Counsel *TBC*

Here is the sectional analysis of the draft of CSHB 162 (C&RA) that you requested.

Section 1. This makes material added in secs. 3 - 5 of this draft applicable to home rule municipalities as home rule limitations. Since AS 29.23.050 is a home rule limitation now under AS 29.13.100(3), no addition is needed to include the material in sec. 2 as a home rule limitation.

Section 2. Unless ratified by the voters, no limit may be placed on the total number of terms or number of consecutive terms that a person may serve on the assembly of a home rule or general law borough.

Section 3. Unless ratified by the voters, no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a home rule or general law borough.

Section 4. Unless ratified by the voters, no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a home rule or general law city.

You have also asked me to compare this draft to HB 172. Under sec. 29.20.140 of that bill, no limit may be placed on the number of terms or number of consecutive terms a person may serve on the governing body. This applies to all home rule and general law municipalities. The section is made a

home rule limitation under sec. 29.10.200(4). Under sec. 29.20.230(c) of HB 172 no limit may be placed on the number of terms or number of consecutive terms a person may serve as mayor of a general law city or borough. That section does not apply as a home rule limitation. HB 172 differs from this draft in that the restrictions on limiting the terms of mayors do not apply to home rule municipalities. Otherwise, the restrictions on limiting terms are the same in that bill and in the draft of CSHB 162 (C&RA).

TBC:ljb

13/001

(b) If a proposed charter is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at a regular or special election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in paragraph (2) of subsection (a).

Sec. 29.13.080. Charter amendment. A municipal charter may be amended as provided in the charter or by initiative referendum as provided in AS 29.28.060—29.28.110, except that no amendment shall be effective unless ratified by the voters. (§ 2 ch 118 SLA 1972)

Article 2. Home Rule Limitations.

Section

100. Limitation of home rule powers

Sec. 29.13.100. Limitation of home rule powers. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.13.080 (charter amendment)
- (2) AS 29.18.140 (borough transition)
- (3) AS 29.23.020—29.23.050 (city representation and vote on borough assembly)
- (4) AS 29.23.250(a) (election and term of mayor)
- (5) AS 29.23.540 (prohibitions respecting appointment and removal of personnel)
- (6) AS 29.23.560 (municipal reports)
- (7) AS 29.23.580 (meetings public)
- (8) AS 29.28.010, 29.28.020(b) — 29.28.030 (municipal elections)
- (9) AS 29.28.130—29.28.250 (recall)
- (10) AS 29.33.010(b) (areawide borough powers)
- (11) AS 29.33.290(c) (acquisition of additional areawide powers)
- (12) AS 29.43.020—29.43.040 (powers of cities outside boroughs)
- (13) AS 29.48.033 (garbage and solid waste services)
- (14) AS 29.48.035(b) (effect of areawide exercise of borough power).

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- (15) AS 29.48.035(c) (borough building code jurisdiction with-  
in cities)
- (16) AS 29.48.037 (extraterritorial jurisdiction)
- (17) AS 29.48.040—29.48:100 (utilities)
- (18) AS 29.48.180 (codification)
- (19) Repealed by § 8 ch 147 SLA 1972, effective September 10,  
1972.
- (20) AS 29.48.210 (expenditure of borough revenue)
- (21) AS 29.48.220 (post audit)
- (22) AS 29.53.010—29.53.350, 29.53.400 (borough and city  
property tax)
- (23) AS 29.53.415(d) (interest on sales tax)
- (24) AS 29.58.180(b) (security for bonds)
- (25) AS 29.58.115 (bond attorneys, bond and financial con-  
sultants)
- (26) AS 29.68.010 (annexation and exclusion)
- (27) AS 29.68.030—29.68.110 (merger and consolidation)
- (28) AS 29.68.500—29.68.580 (dissolution)
- (29) AS 29.73.020 (eminent domain)
- (30) AS 29.73.030 (adverse possession)
- (31) AS 29.73.040 (taxation of municipalities)
- (32) AS 29.73.050 (municipal name changes)
- (33) AS 29.23.555 (conflict of interest). (§ 2 ch 118 SLA 1972;  
am §§ 2, 8 ch 147 SLA 1972)

Revisor's note: (1972).—In ch. 118,  
SLA 1972, AS 29.48.035(b) was  
omitted from the list in AS 29.13.100.  
Since, by its own terms, it applies to  
home rule municipalities, it has been  
included here as AS 29.13.100(14);  
succeeding paragraphs (including the  
one added by § 2, ch. 147 SLA 1972)

have been renumbered. For specific  
discussion of AS 29.13.100, see 1972  
House Journal, p. 1720 or 1972 Senate  
Journal Supplement No. 3, p. 3.

Effect of amendment. — The 1972  
amendment, effective September 10,  
1972, added paragraph (33) and re-  
pealed paragraph (10).

## Chapter 18. Incorporation.

### Article

1. Requirements (§§ 29.18.010—29.18.030)
2. Procedures (§§ 29.18.050—29.18.150)
3. Transitional Assistance (§§ 29.18.180—29.18.200)
4. Development Cities (§§ 29.18.220—29.18.460)

### Article 1. Requirements.

#### Section

10. First class cities
20. Second class cities

#### Section

30. Organized boroughs

Sec. 29.18.010. First class cities. A community having 400 or  
more permanent residents may incorporate as a first class city.  
(§ 2 ch 118 SLA 1972)

in (b) of this section shall be tolled until a final judgment is rendered in an action brought under this subsection.

(g) This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 12 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

**Cross reference.**—See Editor's note to AS 29.18.120.

**Effect of amendments.** — The first 1972 amendment rewrote this section.

The second 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in the last sentence of subsections (c) and (d), and in the first sentence of subsection (f).

This section provides a convenient method for reapportioning whenever necessary. 1965 Op. Att'y Gen., No. 5.

It does not indicate what population data may be used by the reapportioning agency. 1965 Op. Att'y Gen., No. 5.

However, the agency may use population data other than official census figures in reapportioning seats or votes. 1965 Op. Att'y Gen., No. 5.

The only limit imposed by this section is that a reapportionment plan may not take effect until the next assembly election. 1965 Op. Att'y Gen., No. 5.

#### Sec. 29.23.030. Election and appointment.

Repealed by § 16 ch 118 SLA 1972.

**Cross reference.**—See Editor's note to AS 29.18.120.

**Editor's note.**—The repealed section derived from § 2, ch. 118, SLA 1972.

**Sec. 29.23.040. Regular term of office.** 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. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, they may not be replaced until their assembly term expires as provided by city charter or ordinance, or they cease to be a member of either the assembly or council. The current term of incumbent assemblymen may not be altered under this section. This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 13 ch 118 SLA 1972)

**Cross reference.**—See Editor's note to AS 29.18.120.

**Effect of amendment.** — The 1972 amendment rewrote this section.

**Editor's note.**—Section 20, ch. 118, SLA 1972, provides: "The terms of

elected officials who are incumbents on September 10, 1972, are not affected by this Act. Their terms expire as provided before enactment of this Act."

**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 less than the borough area at large and who becomes a resident of another area may continue to serve only until the next regular election. The assembly may by ordinance establish residence requirements for assemblymen not exceeding three years.

This section applies to home rule and general law boroughs. (§ 2 ch 118 SLA 1972; am § 14 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120. Effect of amendment. — The 1972 amendment rewrote this section.

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

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

(c) The assembly shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

(d) A majority of the membership authorized by law constitutes a quorum. In the absence of a quorum, any number less than a quorum may recess or adjourn the meeting to a later date. Actions of the assembly are adopted by a majority of the votes authorized on the question. All assemblymen present shall vote unless the assembly for special reasons permits a member to abstain, except no assemblyman may vote on a question in which he has a substantial direct or indirect financial interest.

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

(f) Repealed by § 16 ch 118 SLA 1972.

(g) Repealed by § 16 ch 118 SLA 1972.

(h) Repealed by § 16 ch 118 SLA 1972.

(i) Repealed by § 16 ch 118 SLA 1972.

(j) Repealed by § 16 ch 118 SLA 1972. (§ 2 ch 118 SLA 1972; am § 16 ch 118 SLA 1972)

Cross reference.—See Editor's note to AS 29.18.120. Effect of amendment. — The 1972 amendment repealed subsections (f), (g), (h), (i) and (j).

Sec. 29.23.070. Departments. (a) The assembly may establish departments and distribute administrative functions among them.

(b) Each department is administered by a department head. With the consent of the assembly, the borough mayor may serve as

the head of as the head

Sec. 29.23 by ordinance tation occur assemblyme vacated is c area to whic lar election. cilmen are a council seat shall be fill remaining n election. (§

Cross refer. to AS 29.18.1

Sec. 29.23

Repealed

Cross refer to AS 29.18.12

Sec. 29.23

Repealed

Cross refer to AS 29.18.1

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Section 130. Power g 140. Powers a ministr 160. Executiv

Sec. 29.23 adopted a n power is ve adopted a r appointed r mayor who manager-pl

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(c) The and until a first Monda of October, nance. The

the head of one or more departments or may appoint one person as the head of two or more departments. (§ 2 ch 118 SLA 1972)

**Sec. 29.23.080. Assembly vacancies.** The assembly shall provide by ordinance the manner in which a vacancy in assembly representation occurs. A vacancy is filled by the majority of the remaining assemblymen, who designate a voter and, if the assembly seat vacated is other than an at-large seat, a resident of the borough area to which the seat was apportioned, to serve until the next regular election. However, if under a borough apportionment city councilmen are appointed as assemblymen or elected to dual assembly-council seats, a vacancy in a councilman's seat on the assembly shall be filled by a councilman designated by a majority of the remaining membership of the council to serve until the next regular election. (§ 2 ch 118 SLA 1972; am § 15 ch 118 SLA 1972)

**Cross reference.**—See Editor's note to AS 29.18.120.

**Effect of amendment.** — The 1972 amendment rewrote this section.

**Sec. 29.23.090. Reapportionment.**

Repealed by § 16 ch 118 SLA 1972.

**Cross reference.**—See Editor's note to AS 29.18.120.

**Editor's note.**—The repealed section derived from § 2, ch. 118, SLA 1972.

**Sec. 29.23.100. Borough sections.**

Repealed by § 16 ch 118 SLA 1972.

**Cross reference.**—See Editor's note to AS 29.18.120.

**Editor's note.**—The repealed section derived from § 2, ch. 118, SLA 1972.

**Article 2. Borough Executive and Administrator.**

<b>Section</b>	<b>Section</b>
130. Power generally	160. Assembly participation
140. Powers and duties of borough administrator	170. Veto
150. Executive absence	180. Filling a vacancy

**Sec. 29.23.130. Power generally.** (a) If the borough has not adopted a manager plan, the borough executive and administrative power is vested in an elected borough mayor. If the borough has adopted a manager plan, the administrative power is vested in an appointed manager and the executive power in an elected borough mayor who has the same functions as those of the mayor of a manager-plan city under § 240 of this chapter.

(b) A borough voter is eligible to be borough mayor.

(c) The borough mayor's regular term of office is three years and until a successor is elected and has qualified and begins on the first Monday following his election, which is held the first Tuesday of October, unless a different date of election is provided by ordinance. The assembly may provide by ordinance for a different term

not to exceed four years, except that the current term of an incumbent borough mayor may not be altered.

(d) A borough may adopt or abandon a manager plan at any time, as provided in §§ 410-480 of this chapter. The borough mayor may not veto an ordinance or resolution calling for an election on this question. The manager has all the powers and duties of the borough mayor as chief administrative officer. If the manager plan is adopted, it becomes effective following certification of the results of the first regular election occurring at least six months after adoption of the plan. The borough mayor then serves as borough executive. (§ 2 ch 118 SLA 1972)

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of elected officials who are incumbents on September 10, 1972, are not affected by this Act. Their terms expire as provided before enactment of this Act."

Borough chairman cannot serve on borough assembly. — To permit the

borough chairman to serve on the borough assembly would constitute a clear violation of this section, and would violate the common law prohibition against holding incompatible offices. 1963 Op. Att'y Gen., No. 27.

**Sec. 29.23.140. Powers and duties of borough administrator.** The borough mayor or manager as the case may be, as the chief administrative officer, is responsible for the proper administration of all borough affairs. The mayor or manager of the borough shall

- (1) appoint borough employees and administrative officers, except as provided otherwise in § 360 of this chapter and AS 29.33.050; he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department;
- (2) suspend or remove by written order borough employees and administrative officers, except as provided otherwise in § 360 of this chapter and AS 29.33.050;
- (3) supervise enforcement of borough law;
- (4) prepare the annual budget and capital improvements program for the assembly;
- (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

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Article 3. City Council.

Section  
200. Composition, eligibility, election  
and term

Section  
210. Procedure  
220. Filling a vacancy

Sec. 29.23.200. 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 the office of councilman. A council member who ceases to be eligible to be a city voter immediately forfeits his office.

(c) An election is held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance, to choose councilmen for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the election. The council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered. (§ 2 ch 118 SLA 1972)

Editor's note.—Section 20, ch. 118, SLA 1972, provides: "The terms of elected officials who are incumbents on September 10, 1972, are not affected

by this Act. Their terms expire as provided before enactment of this Act."

Sec. 29.23.210. Procedure. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings.

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

(d) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All councilmen present shall vote unless the council, for special reasons, permits a member to abstain. (§ 2 ch 118 SLA 1972)

Votes must be recorded. — To the extent that no vote is recorded in the minutes of the city council, there is a failure to comply with this section. Carr v. City of Anchorage, 17 Alaska 116, 243 F.2d 482 (9th Cir. 1957).

But requirement does not affect liability of city on fully performed oral contract. — While it is true that the recording of votes under this sec-

tion serves a useful purpose, the requirement of the recording is no more designed to protect the public than to protect the party dealing with the public. It has no effect on the substance of a contract, and a municipality is as subject to liability where it has benefited from a fully performed oral contract as would be a natural person. Carr v. City of Anchorage, 17

Alaska 116, 1957).

Tie vote. Alaska 556 (Certain po by ordinance gives the co its powers b lution, exerc nance is pro cases. Femm Alaska 315, 1938).

Sec. 29.2 cil, the cou designate and until a 1972)

C.J.S. refe pal Corpora

Section 240. Mayor 250. Election 260. Mayor's 270. Vetc

Sec. 29. shall presi and sign d In cities v sponsible SLA 1972

Developm to office of poration. — 11 Alaska Alas. 1946).

Mandamu ance of min Neither rea supports th mayor of which some tive or adr cretionary, by writ of duty of his or substant any preten would be i and wrongt herd v. Ma Supp. 520

11 Alaska 48, 66 F. Supp. 520 (D. Alas. 1946).

Since mayor may not direct officers contrary to council's will.—The mayor is without power to direct the actions of the city officers contrary to the lawfully expressed will of the council, which has the superior au-

thority. *Reherd v. Manders*, 11 Alaska 48, 66 F. Supp. 520 (D. Alas. 1946).

And it is only the city council which can enact ordinances and resolves. *Reherd v. Manders*, 11 Alaska 48, 66 F. Supp. 520 (D. Alas. 1946).

**Sec. 29.23.250. Election and term of mayor.** (a) A voter of a home rule or general law city is eligible to hold the office of mayor, except that a home rule city may prescribe additional residency requirements by charter.

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

(c) The mayor of a second class city is elected by and from the council for a term equal in length to a councilman's term.

(d) The mayor's regular term begins on the first Monday following his election, which is held on the first Tuesday of October, unless a different date of election is provided by ordinance. The council of a second class city shall meet on the first Monday after the regular election date and elect a mayor who takes office immediately. (§ 2 ch 118 SLA 1972)

**Editor's note.**—Section 20, ch. 118, SLA 1972, provides: "The terms of elected officials who are incumbents on September 10, 1972, are not affected

by this Act. Their terms expire as provided before enactment of this Act."

**Sec. 29.23.260. Mayor's vote.** (a) The mayor of a first class city is not a council member and may vote only in the case of a tie.

(b) The mayor of a second class city is a council member and may vote on all matters. (§ 2 ch 118 SLA 1972)

**The allowing mayor to vote.** — See *In re Kaye*, 11 Alaska 558 (1948).

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

(b) The mayor of a second class city has no veto power. (§ 2 ch 118 SLA 1972)

**ALR reference.**—Passing bill over veto, 2 ALR 1593.

**Sec. 29.23.280.** Vacancy in the office of mayor in a regular election shall serve until the next election and has qualified for the council seat. If the term of a regular election expires and the term is unexpired term

(b) In a case where the office is filled by and from the council

**Sec. 29.23.290.** The mayor of a city which has a manager shall

(1) appoint and remove as provided in this section he may hire and remove an appointive subordinate

(2) suspend and remove administrative chapter and

(3) superintend

(4) prepare and submit a program for the city

(5) execute the

(6) make and submit financial statements and

(7) report on the city finances and

(8) prepare and submit an annual report

(9) serve as a deputy to him to appoint

(10) exercise the power of appointment lawfully provided in 4 ch 147 S

**Effect of amendment.**—Section 29.23.280, 1972, substituted

FEB 10 1983

# Alaska State Legislature

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## House of Representatives

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REPRESENTATIVE JERRY WARD  
DISTRICT 13

MEMBER FINANCE COMMITTEE  
CHAIRMAN OF SUBCOMMITTEE ON  
COMMERCE & ECONOMIC DEVELOPMENT  
CHAIRMAN OF SUBCOMMITTEE ON LABOR

P.O. BOX 2716  
ANCHORAGE, ALASKA 99510

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811

February 9, 1983

The Honorable Barbara Lacher, Chairman  
Alaska State Legislature  
House Committee on Community and Regional Affairs

Dear Representative Lacher:

In support of House Bill No. 162 which I have introduced, I have attached a copy of a letter from Fairbanks North Star Borough discussing the problem as well as a copy of a resolution passed by Fairbanks North Star Borough. The voters of both Fairbanks North Star Borough and Matanuska-Susitna Borough have passed advisory propositions on this matter.

Briefly, the legislation simply puts the power to limit the number of terms of elected officials back into the hands of the local governments where it belongs.

Yours very truly,

Jerry Ward  
State Representative

A handwritten signature in cursive script that reads "Jerry Ward".

Attachments

63  
47-3

# fairbanks north star borough



p.o. box 1267 520 fifth ave. fairbanks, alaska 99707 907-452-4761

January 26, 1983

JAN 31 1983

The Honorable Jerry Ward  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Representative Ward:

Enclosed please find the following resolutions which were adopted at the regular meeting of the Fairbanks North Star Borough Assembly on January 13, 1983, which was reconvened on January 19, 1983.

Resolution No. 83-2. A Resolution Relating To Limitation Of Terms For The Assembly And Mayor.

Resolution No. 83-3. A Resolution Requesting The Alaska State Legislature For Funding Of An Annual Spring Hockey Tournament.

Please note that Resolution No. 83-2 has been extensively discussed and we would certainly like to see some action during this 13th Session of the Legislature.

If you have any further questions, please feel free to contact me.

Sincerely

GAYE J. PATRICK  
Borough Clerk

GJP:mgc

enclosures (2)

Bob Blake  
Juanita Helms  
B. B. Allen  
Bruce Wammack  
Mike Ribar  
Bill Walley  
Sandra Stringer  
Paul Chizmar  
Buzz Otis

Introduced: 01/13/83  
Adopted: 01/13/83

RESOLUTION NO. 83-2

A RESOLUTION RELATING TO LIMITATION OF  
TERMS FOR THE ASSEMBLY AND MAYOR

WHEREAS, an advisory proposition on the question of limiting the terms of assemblymen and the mayor was placed on the October 5, 1982, ballot; and

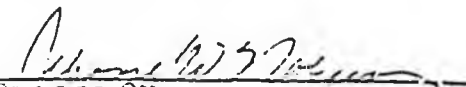
WHEREAS, this advisory proposition was passed 11520 - 5197 by the voters of the Fairbanks North Star Borough; and

WHEREAS, this question was also passed 2700 - 1100 by the voters of the Matanuska-Susitna Borough on October 6, 1981; and

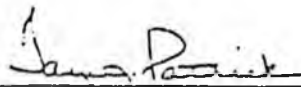
WHEREAS, an Attorney General's opinion has been rendered stating general law municipalities do not have the power to place such a limitation on elected officials:

NOW, THEREFORE, BE IT RESOLVED by the Fairbanks North Star Borough Assembly that the Twelfth Legislature of the State of Alaska is urged to revise Title 29 to allow general law municipalities the option of placing a limitation on the number of consecutive full terms a person may serve.

PASSED AND APPROVED THIS 13th DAY OF JANUARY, 1983.

  
Presiding Officer

ATTEST:

  
Clerk of the Assembly

# COMMITTEE REPORT

4/7

## HOUSE

FURTHER: JUDICIARY

2/4/83

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on C & RA has had HB 162

An Act authorizing general law municipalities to limit the number of consecutive full terms certain municipal officials may serve.

under consideration and reports it back as follows:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[X] replace with JS for HB 162 (CRA)  same title  
and recommends \_\_\_\_\_  
new title

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation [ ] Zero Fiscal Note Attached

[ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
MILO H. FRITZ  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature] No rec  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
CHAIRMAN

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: HB 162  
 Title: Limit terms of Municipal Officials  
 Sponsor: Ward, et al  
 Requestor: HCRA

II. FISCAL DETAIL

Agency Affected: DCRA  
 Program Category Affected: Development  
 BRU, Program of Subprogram(s) Affected: Local Government Assistance Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING		-0-	-0-	-0-	-0-	-0-
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard Rainery  
 Division: Commissioner's Office  
 Approved by Commissioner: [Signature]  
 Department: Community & Regional Affairs

Phone: 465-4703  
 Date: 4/6/83  
 Date: 4/6/83

Distribution:

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)  
 Copy to Sponsor  
 Copy to Requestor (if different from Sponsor)