

GENERAL

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SENATE COMMUNITY AND REGIONAL AFFAIRS

1983-1984

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## MUNICIPAL GOVERNMENT IN ALASKA

I. Classification: Cities, boroughs, and unified municipalities are all designated as municipalities under Alaska law. They are divided into the following classifications:

A. Home Rule: A home rule municipality is a municipal corporation and political subdivision and is a city of the first class or an organized borough, which has adopted a home rule charter. A unified municipality is a municipality that has adopted a home rule charter consolidating a borough and all the cities within it into one unit of local government. A home rule municipality has all the legislative powers not prohibited by law or charter." (AS 29.08.010)

B. General Law: "A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law." (AS 29.08.020.)

### 1. Cities

a. First Class: A community which has 400 residents and meets certain standards set out in AS 29.18.011 may incorporate as a first class city, following procedures outlined in Title 29.

b. Second Class: A community which meets the criteria for first class except for population may incorporate as a second class city.

2. Boroughs: An area which meets standards set out in AS 29.18.030 may incorporate as a borough, following procedures outlined in Title 29. There are three classes of general law boroughs:

a. First Class

b. Second Class

c. Third Class

## II. Organization

### A. Legislative Bodies

1. Cities: Councils

2. Boroughs: Assemblies

B.Executives and Administrators: Power is with the mayor, unless the municipality has adopted the manager form of government. Under the manager form, the manager has administrative duties; the mayor, executive.

1.First Class Cities: The mayor of a first class city is elected by the voters, is not a member of the council, may vote only in case of a tie, but may veto council action.

2.Second Class Cities: The mayor of a second class city is selected by and from the council, is a member of the council, may vote, but has no veto powers.

3.Boroughs: The mayor of a borough is elected by the voters, may not vote, but may take part in assembly discussions and may veto assembly actions.

4.Home Rule Municipalities: Provide for organization in their charters which must be approved by the voters.

### III.Powers

A.Powers Applicable for All Municipalities: In some cases, state law prescribes the manner in which the power may be exercised.

1.General Powers AS 29.48.010 lists the following:

- a. establish & prescribe function of municipal departments, etc.
- b. establish & prescribe salaries for municipal officials
- c. make investigations into the affairs of the municipality
- d. enter into agreements
- e. require reports to be presented through the executive
- f. sue and be sued
- g. levy taxes and special assessments
- h. enforce ordinances & prescribe penalties for violations
- i. acquire, manage, & dispose of real & personal property
- j. acquire membership in organizations
- k. expend funds for community purposes
- l. borrow money

2.Municipal Facilities & Services AS 29.48.030 authorizes municipalities to exercise powers necessary to provide the

following public facilities & services, (except for transportation, boroughs may exercise these powers only after assuming them in the manner prescribed by Title 29):

- a. streets & sidewalks
- b. sewers & sewage treatment facilities
- c. harbors, wharves, & other marine facilities
- d. watercourse & flood control facilities
- e. health services & hospital facilities
- f. cemeteries
- g. police protection & jail facilities
- h. cold storage plants
- i. telephone systems
- j. light, power, & heat
- k. water
- l. transportation systems
- m. community centers
- n. libraries, performing arts centers, & museums
- o. recreation facilities
- p. airport & aviation facilities
- q. garbage & solid waste collection & disposal
- r. fire protection services & facilities
- s. parking & parking facilities
- t. housing & urban renewal
- u. preservation of historic sites
- v. consumer protection
- w. emergency medical services & facilities

3. Other Powers

- a. extraterritorial jurisdiction (AS 29.48.037)

b. municipal owned utilities (AS 29.48.040)

c. franchises & permits (AS 29.48.050)

B. Areawide Borough Powers (Areawide covers all of the borough, including within city limits)

1. Assessment & Collection of Taxes

2. Education (Third Class Borough Assembly also serves as School Board)

3. Planning, Platting & Zoning (Third class boroughs may exercise this power only on a service area basis.)

4. Additional Areawide Powers - by transfer from a city or by areawide election. (Third class boroughs may not assume additional areawide powers.)

C. Borough Powers in Area Outside Cities

1. Home Rule Borough: any power not prohibited by law or charter in the manner prescribed by charter.

2. First Class Borough: any general law municipal power approved by the assembly.

3. Second Class Borough: any general law municipal power approved by the voters.

4. Third Class Borough: any general law municipal power approved by the voters, but in service areas only.

D. City Powers in the Unorganized Borough: In addition to general municipal powers, home rule and first class cities in the Unorganized Borough have all the Borough powers as well, such as assessment and collection of taxes, education, and planning & zoning. The Unorganized Borough is all of the state that is not located within the boundaries of organized boroughs.

E. Construction of Powers

1. General Construction. "A liberal construction shall be given to powers and functions of boroughs and cities conferred in this title." (AS 29.48.310)

2. Extent of Powers. "Unless otherwise limited by law, boroughs and cities have and may exercise all powers and functions necessarily or fairly implied in or incident to the object or purpose of all powers and functions conferred in this title." (AS 29.48.320)

3. Enumeration of Powers. "Specific examples within an enumerated power or function conferred upon boroughs or cities in this

title are illustrative of the object and not a limitation on or exclusion from the exercise of the power or function."  
(AS 29.48.330)

III. Tax Limits (Home Rule and General Law)

A. Property Tax

1. Second Class Cities: may levy property tax only if approved by the voters and not more than 5 mills, except the limit does not apply to millage levied to pay off bonds.
2. All other Municipalities: may levy property tax of not more than 30 mills, except for paying off bonds. There is also a complicated formula in AS 29.53.050 which places an additional limit on the North Slope Borough. Home Rule Municipalities may impose other limits as well.

B. Sales Tax: A municipality may levy a sales tax up to 6%, if approved by the voters.

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