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FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Community & Regional Affairs
 Title: "An Act authorizing municipal clerks to take oaths, affirmations.." BRU: _____
 Sponsor: Rep Cato Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
 Division: Municipal & Regional Assistance Date: 3-27-89
 Approved by Commissioner: [Signature] Date: 3-27-89
 Agency: Community & Regional Affairs

Distribution (by preparer) :
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 Requestor
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February 22, 1989

THE HONORABLE BETTE CATO
ALASKA STATE HOUSE OF REPRESENTATIVES
PO Box V
Juneau, AK 99811

Dear Bette:

I am hoping that you can solve a minor problem for municipal clerks throughout the state.

Most clerks have Code or Charter provisions requiring that they attest to the Manager's or Mayor's signature on all contracts, deeds, plats and other official city documents. Many of these same documents then have to be recorded with the District Recorder's Office.

The Recorder's Office requires that all documents recorded be signed and the signature notarized or witnessed. AS 09.63.010 lists the officials who may witness documents for recordation. Since "municipal clerk" is not one of the designated witnesses, the Recorder's Office will not accept the Clerk's attestation as a valid witness. In fact, since the Clerk's signature appears on the document, both the Manager or Mayor and the Clerk must have their signatures notarized before a document can be recorded.

This extra step often involves adding another sheet of paper to the document which must be recorded, ~~thus~~ adding extra recording costs as well as extra time and aggravation to what should be a very simple task.

I have talked to representatives from the four districts and have been assured that if "municipal clerk" is added to the designated witnesses in AS 09.63.010, the clerk's signature will be recognized as a valid witness.

I would very much appreciate your help in getting a bill through this session with such a provision. Thanks for your help.

Article 5. Other Officials and Employees.

Section	Section
360. Appointment of officials	390. Municipal treasurer
370. Municipal attorney	400. Departments
380. Municipal clerk	410. Personnel system

Effective date of article. — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

Sec. 29.20.360. Appointment of officials. Unless otherwise provided by ordinance, the municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrator. Unless otherwise provided by ordinance, an official described in this section serves at the pleasure of the appointing authority and, if appointed by the chief administrator, must be confirmed by the governing body. (§ 7 ch 74 SLA 1985)

Sec. 29.20.370. Municipal attorney. The municipal attorney is the legal advisor of the governing body, the school board, and the other officials of the municipality. The municipal attorney represents the municipality as attorney in civil and criminal proceedings. The school board may hire independent counsel when in its judgment independent counsel is needed. (§ 7 ch 74 SLA 1985)

Sec. 29.20.380. Municipal clerk. (a) The municipal clerk shall

- (1) give notice of the time and place of meetings of the governing body to the governing body and to the public;
- (2) attend meetings of the governing body and keep the journal;
- (3) arrange publication of notices, ordinances, and resolutions;
- (4) maintain and make available for public inspection an indexed file containing 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 administrator or by the governing body.

(b) The governing body may combine the office of clerk with that of treasurer. If the offices are combined, the clerk-treasurer shall, as required of the treasurer, give bond to the municipality for the faithful performance of the duties as clerk-treasurer. (§ 7 ch 74 SLA 1985)