

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86 / 2

773 SCOM123: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

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1 consider the proposal, and if the committee considers it appropriate to do
2 so, shall recommend to the legislature legislation it considers desirable
3 for the disposition of the utilities and other facilities. If the legislature
4 does not enact legislation regarding the disposition within one year after
5 the proposal is submitted to the Legislative Budget and Audit Committee, the
6 development corporation may at any time thereafter sell or dispose of the
7 utilities and facilities or any of them to a private person or entity or
8 government body, or continue to operate them.

9 Sec. 29.21.090. DEFINITIONS. In AS 29.21.010 - 29.21.090, unless
10 the context requires otherwise,

11 (1) "capital city area" means the area described in AS 29.21.020

12 (2) "capital city " means the municipality incorporated by
13 this chapter;

14 (3) "development corporation" means the Alaska Capital City
15 Development Corporation;

16 (4) "general development plan" has the same meaning as provided
17 in AS 44.07.360 and includes amendments to the general development plan;

18 (5) "specific development plan" has the same meaning as
19 provided in AS 44.07.360 and includes amendments to each specific development
20 plan.

21 Sec. 29.21.100. SHORT TITLE. AS 29.21.010 - 100 of this chapter may
22 be cited as the Capital City Incorporation Act.
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1 CHAPTER 21. CAPITAL CITY

2 (Article 5. CAPITAL CITY INCORPORATION)

3 Sec. 29.21.010. (Sec. 29.18.510.) INCORPORATION. There is created
4 and incorporated a city of the state as the capital city of Alaska which is
5 a city of the first class. The capital city has all the powers of a first
6 class city.

7 Sec. 29.21.020. (Sec. 29.18.520.) BOUNDARIES. The boundaries of the
8 capital city shall include all of that area of land designated by the voters
9 of Alaska as the new capital site of the state.

10 Sec. 29.21.030. (Sec. 29.18.530.) CITY COUNCIL. (a) Until council
11 members elected by the residents of the capital city take office as provided
12 in Sec. 060 (Sec. 570) of this chapter, the council of the capital city
13 shall have five members, four of whom shall be appointed by the governor and
14 shall serve at the pleasure of the governor. The development corporation
15 shall designate one person to serve as a member of the council. The council
16 members appointed by the governor or designated by the development corporation
17 shall serve an initial term which expires on the Monday following the first
18 Tuesday in October of the calendar year following the calendar year of
19 initial appointment or designation. Council members may be reappointed by
20 the governor or redesignated by the development corporation. Except as
21 provided in Sec. 060 Sec. 570 of this chapter, the successors of the initial
22 appointees and designee shall serve for a term of two years commencing on
23 the date the initial appointments and designation expire. Each appointee
24 and designee shall hold office for the term of his appointment and until his
25 successor has been appointed or designated and has qualified.

26 (b) Council members appointed by the governor or designated by the
27 development corporation need not be residents of the capital city.

28 (c) The council shall elect a chairman from among its membership.
29 The chairman presides at council meetings, determines the agenda for council
meetings, and carries out the other duties specified by ordinance.

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1 Sec. 29.21.040. (Sec. 29.18.540.) FILLING A VACANCY. If a vacancy
2 occurs among the members appointed by the governor, the governor shall
3 designate the replacement who shall serve for the unexpired portion of the
4 term.

5 Sec. 29.21.050. (Sec. 29.18.550.) APPOINTMENT OF CITY OFFICIALS.
6 Until a mayor is elected in accordance with Sec. 060 (Sec. 570) of this
7 chapter, the council shall appoint a city manager for the capital city to
8 serve at the pleasure of the council. The city manager may not be a council
9 member.

10 Sec. 29.21.060. (Sec. 29.18.570.) TRANSITION. (a) When the
11 capital city attains a population of 400 permanent residents, as certified
12 by the lieutenant governor based on the best information available, the
13 lieutenant governor shall notify the council of this determination. The
14 lieutenant governor shall specify an election date which shall be the first
15 Tuesday of October following the notification, except that if it is less
16 than six months from the date of the certification to the first Tuesday of
17 October then the election date shall be the first Tuesday of October of the
18 year following. The elected members shall take office on the Monday
19 following the election.

20 (b) After the lieutenant governor has specified the election date,
21 the council shall make arrangements for an election at which five council
22 members and a mayor shall be elected in the manner prescribed by ordinance
23 and law. The expenses of the election shall be borne by the state. The
24 council of the capital city shall have six members. The governor shall
25 designate

26 one council member holding office on the date of the election to remain a
27 member of the council for a single three-year term commencing on the date
28 the elected council members take office. The successors to the appointed
29 council members shall be elected by the residents, except that if the

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1 appointed council member leaves office during the three years, the governor
2 may appoint a successor. The terms of all other appointed or designated
3 council members expire when the elected council members take office. The
4 term of elected council members is as provided in AS 29.24.280 [AS 29.23.200(c)
5 except that three of the members are elected for an initial term of one
6 year.

7 Sec. 29.21.070. (Sec. 29.18.580.) PLANNING AND ZONING AUTHORITY. The
8 general development plan and specific development plans constitute the land
9 use plan for the capital city area. When a parcel of land has been developed
10 in accordance with the applicable specific development plan, that parcel
11 becomes subject to all planning, zoning, subdivision, building code or other
12 similar ordinances of the Matanuska-Susitna Borough.

13 Sec. 29.21.080. (Sec. 29.18.590.) TRANSFER OF UTILITIES TO THE
14 CAPITAL CITY. The development corporation, in cooperation with the capital
15 city, shall arrange for and agree to an orderly schedule for transferring to
16 the capital city ownership of, and financial and operational responsibility
17 for utilities and any other facilities which the development corporation
18 considers to be integral parts of the capital city infrastructure. Before
19 January 1, 1985, the development corporation and the council of the capital
20 city shall jointly retain independent consultants to study and determine an
21 orderly schedule for transfer of these utilities and facilities to the
22 capital city. The study shall consider the capabilities of the capital city
23 and its existing and anticipated residents to finance the cost of these
24 utilities and other facilities and their operating expenses. The consultants
25 shall propose a recommended schedule for and terms of transfer which are
26 commensurate with the capital city's existing and anticipated population,
27 tax base and any other factors relating to its capability to finance and
28 operate these facilities as they consider appropriate. The development
29 corporation shall, after considering the consultants' report, propose a

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1 schedule of and terms and conditions of the transfer to the capital city,
2 which shall, upon review and approval by the council, be included in an
3 agreement between the development corporation and the capital city. If the
4 development corporation and the capital city are unable to agree within six
5 months after the development corporation submits its proposal, the development
6 corporation shall submit the proposal to the Legislative Budget and Audit
7 Committee which shall consider the proposal, and if the committee considers
8 it appropriate to do so, shall recommend to the legislature legislation it
9 considers desirable for the disposition of the utilities and other facilities.
10 If the legislature does not enact legislation regarding the disposition
11 within one year after the proposal is submitted to the Legislative Budget
12 and Audit Committee, the development corporation may at any time thereafter
13 sell or dispose of the utilities and facilities or any of them to a private
14 person or entity or government body, or continue to operate them.

15 Sec. 29.21.090. (Sec. 29.18.600.) DEFINITIONS. In Secs. 010-090
16 Secs. 510-600 of this chapter, unless the context requires otherwise,

17 (1) "capital city area" means the area described in Sec. 020
18 (Sec. 520) of this chapter;

19 (2) "capital city" means the municipality incorporated by
20 this chapter;

21 (3) "development corporation" means the Alaska Capital City
22 Development Corporation;

23 (4) "general development plan" has the same meaning as provided
24 in AS 44.07.360 and includes amendments to the general development plan;

25 (5) "specific development plan" has the same meaning as
26 provided in AS 44.07.360 and includes amendments to each specific development
27 plan.

28 Sec. 29.21.100. (Sec. 29.18.610.) SHORT TITLE. Sections 010-100
29 (Sections 510-610) of this chapter may be cited as the Capital City
Incorporation Act.

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CHAPTER 24. MUNICIPAL OFFICERS AND EMPLOYEES.

^{up.}
~~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.~~ 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.

(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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Delete
~~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.
28
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UC.

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 manag* 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. *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: 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~~ ^{governing} body shall maintain a journal of its official proceedings which shall be a public record.

(f) A ~~legislative~~ ^{governing} 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;

physically (2) ^{from the municipality} unless excused by the ~~assembly~~ ^{governing} or council, is 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) no one physically resides in the municipality and 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.

(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.

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 case 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~~ ^{EXCEPT} 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.

*1980
2) In may-26
third class borough
as no veto power
OK 1980
1980*

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 ^{governed by} the legislative body ^{shall} ~~may~~, 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, ~~etc 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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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.

Sec. 29.24.130. 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 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 voter immediately forfeits his office. A member of the council who ceases to be a qualified city voter immediately forfeits his office.

(b) A governing 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 governing body.

****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.

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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.
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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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