

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

774 SCOMM.23: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

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

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

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

7 (3) resigns and his resignation is accepted;

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

10 (5) is removed from office;

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 CHAPTER 24. MUNICIPAL OFFICERS AND EMPLOYEES

2 (CHAPTER 23. MUNICIPAL OFFICERS AND EMPLOYEES)

3 Article 1. CONFLICT OF INTERESTS, PUBLIC MEETINGS

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

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

18 Article 2. BOROUGH ASSEMBLY

19 (Article 1. BOROUGH ASSEMBLY)

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

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

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

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

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

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

27 (3) election of members of the borough assembly both at
28 large and by district.
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

11 (e) This section does not apply

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

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

16 Sec. 29.24.080. (Sec. 29.23.025.) ASSEMBLY RECOMPOSITION AND REAPPOR-
17 TIONMENT. (a) Not later than two months after the official report of a
18 federal decennial census, the borough assembly shall determine and declare
19 by resolution whether the existing apportionment of the borough assembly
20 meets the standards of AS 29.24.060 (AS 29.23.021). If the borough assembly
21 submits to the voters a form of representation which includes election of
22 borough assembly members under AS 29.24.070(L)(2) or (b)(3) [AS
23 29.23.023(b)(2) or (b)(3)], the assembly shall submit with the proposition
24 of a proposed plan of apportionment which corresponds to the form of
25 representation proposed. The assembly shall describe the plan of
26 apportionment in the ballot proposition, and may present the plan in any
27 manner which it believes accurately describes the apportionment which is
28 proposed under the form of representation. If the borough assembly
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 determines that its existing apportionment meets the standards of AS
2 29.24.060 (AS 29.23.021), the assembly may include the existing
3 apportionment as a proposed plan of apportionment of assembly seats which
4 corresponds to a form of representation which is proposed.

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

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

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

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

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

21 (c) The assembly shall determine its own rules and order of
22 business and provide for keeping a journal of its proceedings. The assembly
23 is the judge of the election and qualification of its members and, with the
24 concurrence of two-thirds of its members, may expel a member for conviction
25 of a felony or misdemeanor described in AS 15.56 as a corrupt practice. The
26 assembly shall consider a conviction of a member for a felony or misdemeanor
27 described in AS 15.56 as a corrupt practice at its first meeting following
28 the final determination of the conviction.
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

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

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

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

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

21 Sec. 29.24.170. (Sec. 29.23.080.) ASSEMBLY VACANCIES. The assembly
22 shall provide by ordinance the manner in which a vacancy in assembly
23 representation occurs. A vacancy is filled by the majority of the remaining
24 assemblymen, who designate a voter and, if the assembly seat vacated is
25 other than an at-large seat, a resident of the borough area to which the
26 seat was apportioned, to serve until the next regular election. However, if
27 under a borough apportionment city councilmen are appointed as assemblymen
28 or elected to dual assemblycouncil seats, a vacancy in a councilman's seat
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 on the assembly shall be filled by a councilman designated by a majority of
2 the remaining membership of the council to serve until the next regular
3 election.

4 Article 3. BOROUGH EXECUTIVE AND ADMINISTRATOR

5 (Article 2. BOROUGH EXECUTIVE AND ADMINISTRATOR

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

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

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

27 (3) supervise enforcement of borough law;

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

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

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

(10) direct and supervise the administration of

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

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

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

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

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

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

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

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

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

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

17 Article 4. CITY COUNCIL

18 (Article 3. CITY COUNCIL)

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

25 (b) A city voter is eligible to hold office as a member of the
26 council. The council may by ordinance establish residence requirements for
27 council members not exceeding three years. A council member who ceases to
28 be eligible to be a city voter immediately forfeits that office.
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 (c) Councilmen are selected for three-year terms and until their
2 successors are elected and have qualified. The regular term of office begins
3 on the first Monday following certification of the election. The council may
4 provide by ordinance for different terms not to exceed four years, except
5 that the current term of incumbent councilmen may not be altered.

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

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

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

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

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

1 Article 5 CITY EXECUTIVE AND ADMINISTRATOR

2 (Article 4. CITY EXECUTIVE AND ADMINISTRATOR)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LA-Sub 20 coordinates in his department;

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

4 (3) supervise enforcement of city law;

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

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

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

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

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

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

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

18 Article 6. SCHOOL BOARDS

19 (Article 5. SCHOOL BOARDS)

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

Article 7. UTILITY BOARDS

(Article 6. UTILITY BOARDS)

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

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

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

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

(1) choose its chairman and secretary;

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

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

Article 8. OTHER OFFICERS AND EMPLOYEES

(Article 7. OTHER OFFICERS AND EMPLOYEES)

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

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

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

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

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

(2) attend meetings and keep the journal;

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

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

(5) attest deeds and other documents;

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

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

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

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

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

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

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

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

19 Article 9. ADOPTION OR REPEAL OF MANAGER PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 10. MISCELLANEOUS PROVISIONS

(Article 9. MISCELLANEOUS PROVISIONS)

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (4) repealed.

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

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

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

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

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

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

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

7 (3) resigns and his resignation is accepted;

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

10 (5) is removed from office;

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

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

Article 3. Chief Administrative Officers

False
Notes

Section

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

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

EXPLANATION

Identical to AS 29.23.410.

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

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

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

EXPLANATION

Identical to AS 29.23.420.

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

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

EXPLANATION

Identical to AS 29.23.430.

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

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

EXPLANATION

Identical to AS 29.23.440.

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

EXPLANATION

Identical to AS 29.23.450.

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

EXPLANATION

Identical to AS 29.23.460.

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

EXPLANATION

Identical to AS 29.23.470.

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

EXPLANATION

Identical to AS 29.23.480.

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

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

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

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

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

EXPLANATION

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

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

EXPLANATION

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

Article 4. Municipal Departments and Employees

Section

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

*Make into
two sections.*

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

EXPLANATION

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

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

EXPLANATION

Identical to AS 29.23.370.

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

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

- (2) attend meetings and keep the journal;
- (3) arrange publication of notices, ordinances, and resolutions;
- (4) maintain and make available for public inspection an indexed file including the municipal ordinances, resolutions, rules, regulations, and codes;
- (5) attest deeds and other documents;
- (6) perform other duties specified in this title or prescribed by the chief executive or by the governing body.

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

EXPLANATION

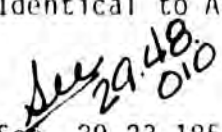
Identical to AS 29.23.380.

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

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

EXPLANATION

Identical to AS 29.23.390.

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

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

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

EXPLANATION

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

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

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

EXPLANATION

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

Article 5. Municipal Boards and Commissions

Section

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

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

EXPLANATION

This section is identical to AS 29.23.310.

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

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

EXPLANATION

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

Article 6. Miscellaneous Provisions

Section

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

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

EXPLANATION

This section is identical to AS 29.23.530.

*Eliminate
(a)*

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

*✓ w
Lee
re (c)*

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

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

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

EXPLANATION

This section is identical to AS 29.23.540.

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

EXPLANATION

This section is identical to AS 29.23.555.

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

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

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

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

EXPLANATION

This section is identical to AS 29.23.560.

SCOMM

#23:31

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

CHAPTER 27. MUNICIPAL ENACTMENTS.

Sec. 29.27.010. ACTS REQUIRED TO BE BY ORDINANCES. (a) In addition to other actions which this title requires to be by ordinance, the ~~assembly~~ *governing body* of a municipality shall use ordinances to

(1) establish, alter or abolish municipal departments;

**** (2) Repeal.

(3) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

(4) provide for the levying of taxes;

**** (5) make appropriations except supplemental appropriations or transfer of appropriations;

(6) grant, renew, or extend a franchise;

**** (7) Repeal.

**** (8) adopt, modify or repeal the comprehensive plan, land use ~~regulations and subdivision ordinances~~ *regulations*, building and housing codes, and the official map;

(9) approve the transfer of a power to a borough from a city;

(10) designate the borough seat;

(11) provide for the retention or sale of tax-foreclosed property.

Repeal (12) exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

(b) This section grants no authority but requires the ~~assembly~~ *governing body* of a municipality to use ordinances in exercising certain of its powers.

Sec. 29.27.020. FORM OF ORDINANCES. Repeal.

****Sec. 29.27.030. ORDINANCE PROCEDURE. (a) Ordinances are introduced in writing in the form required by the assembly or council.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

(b) The following procedure governs the enactment of all ordinances except emergency ordinances. An ordinance may be introduced by a member or committee of the ~~assembly or council~~ *governing body* or by the municipal executive or chief administrator. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes authorized on the question. A summary of the ordinance [and its amendments] is published together with a notice of time and place for public hearing. The hearing follows publication by at least five days. Copies of the ordinance must be available to all persons present or the ordinance must be read in full. The ~~assembly or council~~ *governing body* shall hear all interested persons wishing to be heard. After the hearing, the ~~assembly or council~~ *governing body* shall consider the ordinance and may adopt it with or without amendment. The ~~assembly or council~~ *governing body* shall print and make available copies of adopted ordinances.

(c) Ordinances take effect upon adoption or at a later date specified in the ordinance.

Sec. 29.27.040. EMERGENCY ORDINANCES. (a) To meet a public emergency the ~~assembly or council~~ *governing body* may adopt ordinances effective on adoption. Every emergency ordinance must contain a finding by the ~~assembly or council~~ *governing body* that an emergency exists and a statement of the facts upon which the finding is based. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The ~~assembly~~ *governing body* must print and make available copies of adopted emergency ordinances.

(b) An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.

(c) Emergency ordinances are effective for 60 days.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

****Sec. 29.27.050. CODES OF REGULATION. The ~~assembly or council~~ ^{governing body} may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the ordinance nor its amendments need be distributed to the public or read in full at the hearings. For a period of 15 days before adoption at least five copies of the code must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The ~~assembly or council~~ ^{governing body} shall provide for the adopted code to be ~~sold or available at no charge to the public~~ ^{made available to the public at no more than cost.}

Sec. 29.27.060. CODIFICATION. (a) Each ordinance after adoption shall be codified.

**** (b) Within three years after incorporation of the municipality, the municipal clerk or ^{his} designee shall have prepared a general codification of all municipal ordinances of general applicability having the force and effect of law. The municipal code shall be revised and printed at least every five years, unless the code is kept current by regular supplements.

(c) In (a) of this section, "codified" means

(1) the ordinance has been given a serial number or other permanent identifying number and, bearing a notation of the date of adoption and the designation of the adopting authority, it has been entered by the municipal clerk in a properly indexed book maintained for the purposes of organizing and recording the ordinances; or

(2) the ordinance is a provision which establishes a rule of conduct or behavior and which is included, or to be included, in a code of ordinances or other complete system of law enacted and kept current at reasonable intervals.

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

Sec. 29.27.070. RESOLUTIONS. The assembly or council shall provide for the maintenance of a permanent file of resolutions that have been adopted.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 ****Sec. 29.27.080. PENALTIES. (a) For the violation of an ordinance,
 2 the ~~assembly or council~~ ^{governing body} may prescribe ~~punishment~~ ^{penalties} not to exceed ~~the penalty~~ ^{those}
 3 imposed for a class B misdemeanor. ~~By ordinance~~ ^{and may require} mandatory, nonsuspendable
 4 imprisonment not to exceed five days. ~~may be imposed for violation of an~~
 5 ~~ordinance.~~

6 (b) The municipality or an aggrieved person may institute a civil
 7 action against a person who violates an ordinance. In addition to injunctive
 8 and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed
 9 for each violation. An action to enjoin a violation may be brought notwith-
 10 standing the availability of any other remedy. Upon application for injunctive
 11 relief and a finding of a violation or a threatened violation, the injunction
 12 shall be granted ^{by the superior court.} Every day upon which a violation of an ordinance continues
 13 shall constitute a separate violation.

14 (c) The ~~punishment~~ ^{penalties} authorized under this section may be
 15 imposed only if copies of the ordinance are made available for distribution
 16 to the public at cost ¹ ~~or at no charge.~~

17 ^{no more than}

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

*Proofed 12-31*CHAPTER 27. MUNICIPAL ENACTMENTS •

Sec. 29.27.010. ACTS REQUIRED TO BE BY ORDINANCES. (a) In addition to other actions which this title requires to be by ordinance, the assembly or council of a municipality shall use ordinances to

(1) establish, alter or abolish municipal departments;

**** (2) Repeal.

(3) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

(4) provide for the levying of taxes;

**** (5) make appropriations except supplemental appropriations or transfer of appropriations;

(6) grant, renew, or extend a franchise;

**** (7) Repeal.

**** (8) adopt, modify or repeal the comprehensive plan, land use regulations and subdivision ordinances, building and housing codes, and the official map;

(9) approve the transfer of a power to a borough from a city;

(10) designate the borough seat;

(11) provide for the retention or sale of tax-foreclosed property.

(12) exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

(b) This section grants no authority but requires the assembly or council to use ordinances in exercising certain of its powers.

Sec. 29.27.020. FORM OF ORDINANCES. Repeal.

****Sec. 29.27.030. ORDINANCE PROCEDURE. (a) Ordinance^s are introduced in writing in the form required by the assembly or council.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 (b) The following procedure governs the enactment of all ordinances
2 except emergency ordinances. An ordinance may be introduced by a member or
3 committee of the assembly or council or by the municipal executive or chief
4 administrator. An ordinance shall be set for hearing by the affirmative
5 vote of a majority of the votes authorized on the question. A summary of
6 the ordinance and its amendments is published together with a notice of time
7 and place for public hearing. The hearing follows publication by at least
8 five days. Copies of the ordinance must be available to all persons present
9 or the ordinance must be read in full. The assembly or council shall hear
10 all interested persons wishing to be heard. After the hearing, the assembly
11 or council shall consider the ordinance and may adopt it with or without
12 amendment. The assembly or council shall print and make available copies of
13 adopted ordinances.

14 (c) Ordinances take effect upon adoption or at a later date
15 specified in the ordinance.

16 Sec. 29.27.040. EMERGENCY ORDINANCES. (a) To meet a public emergency
17 the assembly or council may adopt ordinances effective on adoption. Every
18 emergency ordinance must contain a finding by the assembly or council that
19 an emergency exists and a statement of the facts upon which the finding is
20 based. The ordinance may be adopted, amended and adopted, or rejected at
21 the meeting at which it is introduced. The affirmative vote of all members
22 present, or the affirmative vote of three-fourths of the total membership,
23 whichever is less, is required for adoption. The assembly must print and
24 make available copies of adopted emergency ordinances.

25 (b) An emergency ordinance may not be used to levy taxes, to
26 grant, renew or extend a franchise, or to regulate the rate charged by a
27 public utility for its services.

28 (c) Emergency ordinances are effective for 60 days.
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 ****Sec. 29.27.050. CODES OF REGULATION. The assembly or council may in a
2 single ordinance adopt or amend by reference provisions of a standard published
3 code of regulations. The regular ordinance procedure applies except that
4 neither the ordinance nor its amendments need be distributed to the public
5 or read in full at the hearings. For a period of 15 days before adoption at
6 least five copies of the code must be made available for public inspection
7 at a time and place set out in the hearing notice. Only the adopting ordinance
8 need be printed after adoption. The assembly or council shall provide for
9 the adopted code to be sold or available at no charge to the public.

10 Sec. 29.27.060. CODIFICATION. (a) Each ordinance after adoption
11 shall be codified.

12 **** (b) Within three years after incorporation of the municipality,
13 the municipal clerk or designee shall have prepared a general codification
14 of all municipal ordinances of general applicability having the force and
15 effect of law. The municipal code shall be revised and printed at least
16 every five years, unless the code is kept current by regular supplements.

17 (c) In (a) of this section, "codified" means

18 (1) the ordinance has been given a serial number or other
19 permanent identifying number and, bearing a notation of the date of adoption
20 and the designation of the adopting authority, it has been entered by the
21 municipal clerk in a properly indexed book maintained for the purposes of
22 organizing and recording the ordinances; or

23 (2) the ordinance is a provision which establishes a rule of
24 conduct or behavior and which is included, or to be included, in a code of
25 ordinances or other complete system of law enacted and kept current at
26 reasonable intervals.

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

28 Sec. 29.27.070. RESOLUTIONS. The assembly or council shall provide
29 for the maintenance of a permanent file of resolutions that have been adopted.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 ****Sec. 29.27.080. PENALTIES. (a) For the violation of an ordinance,
2 the assembly or council may prescribe punishment not to exceed the penalty
3 imposed for a class B misdemeanor. By ordinance mandatory nonsuspendable
4 imprisonment not to exceed five days may be imposed for violation of an
5 ordinance.

6 (b) The municipality or an aggrieved person may institute a civil
7 action against a person who violates an ordinance. In addition to injunctive
8 and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed
9 for each violation. An action to enjoin a violation may be brought notwith-
10 standing the availability of any other remedy upon application for injunctive
11 relief and a finding of a violation or a threatened violation, the injunction
12 shall be granted. *Every day upon which a violation of an ordinance*
13 *continues shall constitute a separate violation*

14 (c) The punishment authorized under this section may be
15 imposed only if copies of the ordinance are made available for distribution
16 to the public at cost, or at no charge.
17
18
19
20
21
22
23
24
25
26
27
28
29

DRAFTED CHANGES RECOMMENDED BY THE TECHNICAL COMMITTEE
06 December 1980

Sec. 29.27.080. PENALTIES. (a) For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed ~~a fine of \$1,000 or imprisonment for 90 days, or both.~~ By ordinance mandatory nonsuspendable imprisonment not to exceed five days may be imposed for violation of an ordinance. ~~However,~~ the punishment authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at cost.

(b) The municipality or an aggrieved person may institute a civil action against a person who violates an ordinance. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000 may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Every day upon which a violation of an ordinance continues shall constitute a separate violation.

(c)

EXPLANATION: In (a) the fine and the term of imprisonment have been increased to match the penalty imposed under the criminal code for a class B misdemeanor. (d) and (e) have been added to provide municipalities with additional remedies for the violation of ordinances, matching recommended remedies for enforcement of land use regulations. (b) has

CHAPTER 27. MUNICIPAL ENACTMENTS

(CHAPTER 48, Article 3. MUNICIPAL ENACTMENTS)

Sec. 29.27.010. (Sec. 29.48.130.) ACTS REQUIRED TO BE BY ORDINANCES.

(a) In addition to other actions which this title requires to be by ordinance, the assembly or council of a municipality shall use ordinances to

(1) establish, alter or abolish municipal departments;

(2) fix the compensation of members of the assembly or council;
make provision or delete

(3) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

(4) provide for the levying of taxes;

(5) make appropriations ^{except} ~~and~~ supplemental appropriations or transfer ^{of} appropriations;

(6) grant, renew, or extend a franchise;

~~delete~~ regulate the rate charged by a public utility;

(8) adopt, modify or repeal the comprehensive plan, ^{and use} ~~zoning and regulations~~ subdivision ordinances, building and housing codes, and the official map;

(9) approve the transfer of a power to a borough from a city;

(10) designate the borough seat;

(11) provide for the retention or sale of tax-foreclosed property.

(12) exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

(b) This section grants no authority but requires the assembly or council to use ordinances in exercising certain of its powers.

Sec. 29.27.020. (Sec. 29.48.140.) FORM OF ORDINANCES. Ordinances are introduced in writing in the form required by the assembly or council.

*Combine 020*Sec. 29.27.030. (Sec. 29.48.150.) ORDINANCE PROCEDURE. (d) The

1 following procedure governs the enactment of all ordinances except emergency
2 ordinances. An ordinance may be introduced by a member or committee of the
3 assembly or council or by the municipal executive or chief administrator. An
4 ordinance shall be set for hearing by the affirmative vote of a majority of
5 the votes authorized on the question. A summary of the ordinance and its
6 amendments is published together with a notice of time and place for public
7 hearing. The hearing follows publication by at least five days. Copies of
8 the ordinance must be available to all persons present or the ordinance must
9 be read in full. The assembly or council shall hear all interested persons
10 wishing to be heard. After the hearing, the assembly or council shall
11 consider the ordinance and may adopt it with or without amendment. The
12 assembly or council shall print and make available copies of adopted
13 ordinances.
14

15 (v) Ordinances take effect upon adoption or at a later date
16 specified in the ordinance.

17 Sec. 29.27.040. (Sec. 29.48.160.) EMERGENCY ORDINANCES. (a) To meet a
18 public emergency the assembly or council may adopt ordinances effective on
19 adoption. Every emergency ordinance must contain a finding by the assembly
20 or council that an emergency exists and a statement of the facts upon which
21 the finding is based. The ordinance may be adopted, amended and adopted, or
22 rejected at the meeting at which it is introduced. The affirmative vote of
23 all members present, or the affirmative vote of three-fourths of the total
24 membership, whichever is less, is required for adoption. The assembly must
25 print and make available copies of adopted emergency ordinances.

26 ~~Define "emergency"~~ (b) An emergency ordinance may not be used to levy taxes, to
27 grant, renew or extend a franchise, or to regulate the rate charged by a
28 public utility for its services.
29

(c) Emergency ordinances are effective for 60 days.

1 Sec. 29.27.050. (Sec. 29.48.170.) CODES OF REGULATION. The assembly
2 or council may in a single ordinance adopt or amend by reference provisions
3 of a standard published code of regulations. The regular ordinance procedure
4 applies except that neither the ordinance nor its amendments need be
5 distributed to the public or read in full at the hearings. For a period of
6 15 days before adoption at least five copies of the code must be made
7 available for public inspection at a time and place set out in the hearing
8 notice. Only the adopting ordinance need be printed after adoption. The
9 assembly or council shall provide for the adopted code to be sold to the
10 public; *or at no charge* *from* *substantive*
11 *no charge*

12 Sec. 29.27.060. (Sec. 29.48.180.) CODIFICATION. (a) Each ordinance
13 after adoption shall be codified.

14 (b) Within three years after incorporation of the municipality, the
15 municipal ~~executive~~ *clerk or designee*, ~~with the advice and assistance of a legal advisor~~, shall
16 have prepared a general codification of all municipal ordinances of general
17 applicability having the force and effect of law. The municipal code shall
18 be revised and printed at least every five years, unless the code is kept
19 current by regular supplements.

20 (c) In (a) of this section, "codified" means

21 (1) the ordinance has been given a serial number or other
22 permanent identifying number and, bearing a notation of the date of adoption
23 and the designation of the adopting authority, it has been entered by the
24 municipal clerk in a properly indexed book maintained for the purposes of
25 organizing and recording the ordinances; or

26 (2) the ordinance is a provision which establishes a rule of
27 conduct or behavior and which is included, or to be included, in a code of
28 ordinances or other complete system of law enacted and kept current at
29 reasonable intervals.

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

Sec. 29.27.070. (Sec. 29.48.185.) RESOLUTIONS. The assembly or council shall provide for the maintenance of a permanent file of resolutions that have been adopted.

Sec. 29.27.080. (Sec. 29.48.200.) PENALTIES. For the violation of an ordinance, the assembly or council may prescribe punishment not to exceed a fine of \$500 or imprisonment for 30 days, or both. However, the punishment authorized under this section may be imposed only if copies of the ordinance are made available for distribution to the public at cost.

- lcl ord
could not
suspend
(supreme court)
KODIAK CASE

\$500 fine
each day
indiv. violation
see zoning

Mun prod hand.
5 DAY 5K - jail term
ord

SCOMM

#23:32

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

CHAPTER 30. ELECTIONS.

ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

****Sec. 29.30.010. ADMINISTRATION. The ~~borough assembly or city council~~ ^{governing body} shall prescribe the rules for conducting a municipal election and shall appoint an election board composed of at least three judges for each precinct. Unless no qualified voter is willing to serve, a judge shall be a voter of the precinct for which he is appointed.

Sec. 29.30.020. NOMINATIONS. (a) The assembly or council shall provide by ordinance for nominations of elected officers by providing for declaration of candidacy, or petition requiring the signatures of not more than 10 voters, or both.

(b) A person may be nominated for and occupy more than one office, but he may not serve simultaneously as borough mayor and as a member of the borough assembly or as mayor and as a member of the council of a first class city.

Sec. 29.30.030. ELECTION DATES. (a) The date of ^{the} regular municipal election is the first Tuesday of October annually, or on a date of election or at an interval of years provided by ordinance.

^{Notice of municipal elections shall have}
(b) The assembly or council may call a special election upon at least 20 days notice.

Sec. 29.30.040. VOTER QUALIFICATION. A person may vote only if he is a United States citizen who is qualified to vote in state elections and has been a resident of the municipality for 30 days immediately preceding the election and who is registered to vote in state elections and is not disqualified under art. V of the state constitution. Voter registration by the municipality may not be required. This section applies to home rule and general law municipalities.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 ****Sec 29.30.050. MAJORITY ELECTIONS. (a) Unless otherwise provided by
2 ordinance, there shall be a runoff election if no candidate receives over 40
3 percent of the votes cast for the office of mayor or member of the assembly,
4 council or school board.

5 (b) A municipality may by ordinance require a majority vote for
6 the election of a municipal official.

7 (c) Unless otherwise provided by ordinance, a runoff election
8 shall be held within three weeks after the date of certification of the
9 election for which a runoff is required and notice of the runoff election
10 shall be published at least five days prior to the election date.

11 Sec. 29.30.060. ELECTION CONTEST AND APPEAL. (a) The assembly or
12 council may provide by ordinance the time and procedure for the contest of
13 an election.

14 (b) Unless otherwise provided by ordinance, an election may be
15 contested only upon the filing, before or at the time of the first canvass
16 of ballots by the assembly or council, by a person qualified to vote in the
17 municipality of his written affidavit specifying with particularity the
18 grounds for the contest or invalidity of the election.

19 (c) Unless otherwise provided by ordinance, the assembly or
20 council shall declare the election results at the first meeting to canvass
21 the election and record the results in the minutes of that meeting.

22 (d) The contestant shall pay all costs and expenses incurred in a
23 recount of an election demanded by the contestant if the recount fails to
24 reverse any result of the election or the difference between the winning and
25 a losing vote on the result contested is more than two percent.

26 (e) No person may appeal or seek judicial review of a city or
27 borough election for any cause or reason unless the person is qualified to
28 vote in the municipality, has exhausted his administrative remedies before
29 the assembly or council and has commenced, within 10 days after the assembly
or council has finally declared the election results, an action in the

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 superior court in the judicial district in which the municipality is located.
 2 If no such action is commenced within the 10-day period, the election and
 3 election results shall be conclusive, final and valid in all respects.

4 *none* (f) ~~Notwithstanding the provisions of (e) of this section,~~
 5 *governing body* the expulsion of a member of a ~~borough assembly under~~ AS 29.24.150(c), of a
 6 member of a ~~city council~~ under AS 29.24.290(b) of a ~~borough~~ mayor under AS
 7 29.24.200(f) ~~or of a city mayor~~ under AS 29.24.350 is final and is not
 8 subject to judicial review.

9 ARTICLE 2. INITIATIVE AND REFERENDUM.

10 Sec. 29.30.090. RESERVATION OF POWERS. The powers of initiative and
 11 referendum are reserved to the residents of municipalities except the powers
 12 do not extend to matters restricted by Sec. 7, art. XI, of the state constitu-
 13 tion.

14 ****Sec. 29.30.095. APPLICATION FOR PETITION. (a) An initiative or
 15 referendum is proposed by filing an application with the municipal clerk
 16 containing the bill to be initiated or the act to be referred and the address
 17 to which all correspondence relating to the application may be sent. An
 18 application shall be signed by at least ten municipal voters who will sponsor
 19 the petition. Other sponsors may be added at any time prior to filing the
 20 petition by submitting their names to the clerk. Within two weeks the clerk
 21 shall certify the application if he finds that it is in proper form and, for
 22 an initiative petition, that the matter

23 (1) is not restricted by AS 29.30.090;

24 (2) includes only a single subject;

25 (3) relates to a legislative rather than to an administra-
 26 tive matter; and

27 (4) would be enforceable as a matter of law.

28 (b) A decision by the clerk on an application for petition shall
 29 be subject to judicial review.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 Sec. 29.30.100. PETITION. A petition for initiative or referendum is
2 filed with the municipal clerk and an initiative petition must be filed not
3 less than 90 days before the next regular election.

4 ****Sec. 29.30.110. CONTENTS OF PETITION. (a) Within two weeks after
5 certification of an application for petition, a petition shall be prepared
6 by the municipal clerk. Each copy of the petition shall

7 (1) contain a summary of the bill to be initiated or the act
8 to be referred;

9 (2) set out fully the ordinance or resolution sought to be
10 initiated or referred;

11 (3) state the date on which the petition is issued by the
12 clerk;

13 (4) contain notice that signatures must be secured within 60
14 days after the date the petition is issued;

15 (5) contain spaces for each signature, the printed name of
16 each signer, the date each signature is affixed, and the residence and
17 mailing addresses of each signer;

18 (6) contain a statement that the sponsor personally circu-
19 lated the petition, that all signatures were affixed in his presence, that
20 he believes the signatures to be those of the persons whose names they
21 purport to be, ⁽¹⁾ space for indicating the number of signatures on the petition,
22 and space for the sponsor's sworn signature.

23 (b) If a petition is composed of more than one page, each page
24 shall contain the summary of the bill to be initiated or the act to be
25 referred.

26 (c) Copies of the petition shall be provided to each sponsor by
27 the clerk.

28 ****Sec. 29.30.120. REQUIRED SIGNATURES. (a) The necessary signatures on
29 a petition shall be secured within 60 days after the clerk issues the peti-
tion.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 The statement provided under AS 29.30.110(a)(6) shall be completed and
2 signed by the sponsor. Signatures shall be ink or indelible pencil.

3 (b) A petition shall be signed by a number of voters residing
4 within the municipality based on the number of votes cast at the last regular
5 election held on or prior to the date the petition was issued equal to

6 (1) 25 percent, when a municipality has fewer than 7,500
7 persons; or

8 (2) 15 percent, when a municipality has 7,500 persons or
9 more.

10 (c) Illegible signatures shall be rejected by the clerk unless
11 accompanied by a legible printed name. Signatures not accompanied by a
12 legible residence address shall be rejected.

13 (d) A petition signer may withdraw his signature upon written
14 application to the clerk prior to certification of the petition.

15 ****Sec. 29.30.130. SUFFICIENCY OF PETITION. (a) All copies of a petition
16 shall be assembled and filed as a single instrument. Within 10 days after
17 the date the petition is filed, the municipal clerk shall certify on the
18 petition whether it is sufficient.

19 (b) If a petition is insufficient, it may be supplemented with
20 additional signatures obtained within 10 days after the date on which the
21 petition is rejected.

22 (c) Within 10 days after a supplementary filing the clerk shall
23 recertify the petition. If it is still insufficient, the petition is
24 rejected and filed as a public record.

25 Sec. 29.30.140. PROTEST. If the municipal clerk certifies the petition
26 is insufficient, a signer of the petition may file a protest with the municipi-
27 pal executive within seven days after the certification and the municipal
28 executive shall present the protest at the next regular meeting to the
29 assembly or council which shall hear and decide the protest.

1 Sec. 29.30.150. NEW PETITION. Failure to secure sufficient signatures
2 does not preclude the filing of a new initiative or referendum petition.
3 However, a new petition may not be filed sooner than six months after a
4 petition is rejected.

5 *see original recommendation*
6 ****Sec. 29.30.160. PRESENTATION OF INITIATIVE. (a) Unless substantially
7 the same measure is adopted, when a petition seeks an initiative vote the
8 clerk shall submit the matter to all of the municipal voters at the next
9 regular or special election occurring no sooner than 45 days after certifi-
10 cation of the petition. If no regular or special election occurs within 75
11 days after the certification of a petition, the assembly or council shall
12 hold a special election within 75 days, but not sooner than 45 days after
13 certification.

14 (b) If the assembly or council adopts substantially the same
15 measure, the petition is void and the matter initiated shall not be placed
16 before the voters.

17 (c) The ordinance or resolution initiated shall be published in
18 full in the notice of the election but may be summarized on the ballot to
19 indicate clearly the proposal submitted.

20 (d) If a majority vote favors the ordinance or resolution it
21 becomes effective upon certification of the election unless a different
22 effective date is provided in the ordinance or resolution approved by the
23 voters.

24 ****Sec. 29.30.170. PRESENTATION OF REFERENDUM. (a) Unless the ordinance
25 or resolution is repealed, when a petition seeks a referendum vote the clerk
26 shall submit the matter to all of the municipal voters at the next regular
27 or special election occurring no sooner than 45 days after certification of
28 the petition. If no regular or special election occurs within 75 days of
29 certification of a petition, the assembly or council shall hold a special
election within 75 days, but not sooner than 45 days after certification.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 (b) If a petition for referendum is certified before the effective
2 date of the matter referred, the ordinance or resolution against which the
3 petition is filed shall be suspended pending the referendum vote. During
4 the period of suspension, the assembly or council may not enact an ordinance
5 or resolution substantially similar to the suspended measure.

6 (c) If the assembly or council repeals the ordinance or resolution
7 before the referendum election, the petition is void and the matter referred
8 shall not be placed before the voters.

9 (d) If a majority vote favors the repeal of the matter referred,
10 it is repealed. Otherwise, the matter referred remains in effect or, if it
11 has been suspended, becomes effective upon certification of the election.

12 ****Sec. 29.30.180. EFFECT. (a) An ordinance or resolution may not be
13 repealed within one year of its effective date if adopted in an initiative
14 election or adopted after a petition which contains substantially the same
15 measure has been filed. The ordinance or resolution may be amended at any
16 time.

17 (b) If an ordinance or resolution is repealed in a referendum
18 election or by the assembly or council after a petition which contains
19 substantially the same measure has been filed, substantially similar legis-
20 lation may not be enacted by the assembly or council for a period of one
21 year.

22 (c) An unsuccessful initiative or referendum precludes the filing
23 of a new petition application for substantially the same measure sooner than
24 six months after the election results are certified.

25 ARTICLE 3. RECALL.

26 ****Sec. 29.30.210. RECALL. (a) An official who is elected or appointed
27 to an elective municipal office may be recalled by the voters after he has
28 served six months of the term for which elected or appointed.

29 (b) This section applies to home rule and general law municipi-
palities.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 Sec. 29.30.220. GROUNDS. Grounds for recall are misconduct in office,
2 incompetence, or failure to perform prescribed duties.

3 ****Sec. 29.30.225. APPLICATION FOR RECALL PETITION. (a) An application
4 for a recall petition shall be filed with the municipal clerk and shall
5 contain

6 (1) the signatures and residence addresses of at least ten
7 municipal voters who will sponsor the petition;

8 (2) The address to which all correspondence relating to the
9 application may be sent;

10 (3) a statement in 200 words or less of the grounds of the
11 recall stated with particularity.

12 (b) Additional sponsors may be added at any time prior to filing
13 the petition by submitting their names to the clerk.

14 ****Sec. 29.30.230. PETITION. (a) If the municipal clerk determines that
15 an application for a recall petition meets the requirements of AS 29.30.225,
16 he shall prepare a recall petition. All copies of the petition shall contain

17 (1) The name of the official sought to be recalled;

18 (2) The statement of the grounds for recall as set forth in
19 the application for petition;

20 (3) the date the petition is issued by the clerk;

21 (4) notice that signatures must be secured within 60 days
22 after the date the petition is issued;

23 (5) spaces for each signature, the printed name of each
24 signer, the date of each signature, and the residence and mailing addresses
25 of each signer;

26 (6) a statement that the sponsor personally circulated the
27 petition, that all signatures were affixed in his presence, that he believes
28 the signatures to be those of the persons whose names they purport to be,
29 space for indicating the number of signatures on the petition, and space for
the sponsor's sworn signature. (7)

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 (b) Copies of the petition shall be provided to each sponsor by
2 the clerk.

3 ****Sec. 29.30.240. REQUIRED SIGNATURES. (a) The necessary signatures on
4 a recall petition shall be secured within 60 days after the date the clerk
5 issues the petition. The statement provided under AS 29.30.230(a)(6) shall
6 be completed and signed by the sponsor. Signatures shall be ink or indelible
7 pencil.

8 (b) If a petition seeks to recall an official who represents the
9 municipality at large, the petition shall be signed by a number of voters
10 residing within the municipality equal to 35 percent of the number of votes
11 cast at the last regular election for that office held prior to the issuance
12 of the petition. If a petition seeks to recall an official who represents a
13 district, the petition shall be signed by a number of the voters residing
14 within the district equal to 35 percent of the number of votes cast at the
15 last regular election for that office held prior to the issuance of the
16 petition. The clerk shall determine the number of signatures required on a
17 petition and shall inform each sponsor.

18 (c) Illegible signatures shall be rejected by the clerk unless
19 accompanied by a legible printed name. Signatures not accompanied by a
20 legible residence address shall be rejected.

21 (d) A petition signer may withdraw his signature upon written
22 application to the clerk prior to certification of the petition.

23 ****Sec. 29.30.250. SUFFICIENCY OF PETITION. (a) The copies of a petition
24 shall be assembled and filed as a single instrument. Within ten days after
25 the date the petition is filed, the municipal clerk shall certify on the
26 petition whether it is sufficient.

27 (b) If a petition is insufficient, it may be supplemented with
28 additional signatures obtained within ten days after the date on which the
29 petition is rejected, except that a petition which does not contain an

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

adequate number of signatures, both valid and invalid, may not be supplemented and shall be rejected and filed as a public record.

(c) Within ten days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

****Sec. 29.30.260. NEW RECALL PETITION. The rejection of a recall petition for any reason does not preclude the filing of a new petition. However, a new application for a petition to recall the same official may not be filed sooner than six months after a petition is rejected.

Sec. 29.30.270. SUBMISSION. If a recall petition is sufficient, the clerk shall immediately submit it to the assembly or council.

****Sec. 29.30.280. ELECTION. (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the governing body, the governing body shall submit the recall at that election.

(b) If no regular election occurs within 75 days the governing body shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the governing body.

(c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question shall not be submitted to the voters. The governing body may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming him.

****Sec. 29.30.290. FORM OF RECALL BALLOT. A recall ballot shall contain

(1) the grounds as stated in 200 words or less on the recall petition;

(2) a statement by the official named on the recall petition of 200 words or less if the statement is filed with the clerk for publication and public inspection within 20 days before the election;

(3) the following question: "Shall (name of person) be recalled from the office of (office)? YES () NO ()".

Notice

20 days notice of the election

1 ****Sec. 29.30.300. ELECTION ~~PROCEDURE~~. Procedures for conducting a
2 recall election are those of a regular municipal election if the question is
3 submitted at a regular election. Procedures for conducting a recall election
4 are those of a special election if the question is submitted at a special
5 election, except that at least 20 days notice shall be given notwithstanding
6 an ordinance or charter provisions to the contrary.

7 Sec. 29.30.310. MAJORITY REQUIRED. A majority vote on the question is
8 required to recall an officer.

9 Sec. 29.30.320. EFFECT. If an incumbent is not recalled at the recall
10 election, ^{application for a} petition to recall the same incumbent may not be filed sooner
11 than six months after the recall election.

12 ****Sec. 29.30.330. SUCCESSORS. (a) If an official is recalled from the
13 governing body, ^{his office becomes vacant and is filled in acc. w} ~~the governing body~~, by affirmative vote of a majority of the
14 remaining members, []] may appoint a qualified person to fill a vacancy created
15 by the recall.

16 ~~NOTWITHSTANDING (a)~~ ^{NOTWITHSTANDING (a)} If all members of the governing body are recalled, the governor
17 shall appoint ~~at least~~ three qualified persons to the governing body. The
18 appointees shall, ~~by an affirmative vote of the majority,~~ appoint additional
19 members to fill remaining vacancies. ^{AS per AS} _____.

20 (c) If all but two members of the governing body are recalled,
21 each remaining member shall appoint a qualified person to fill a vacancy
22 created by the recall. Additional persons may be appointed to fill vacancies
23 by the affirmative vote of a majority of the remaining ~~members~~ and their
24 appointees.

25 (d) If all officials are recalled from a school board the governing
26 body may appoint a qualified person to fill a vacancy created by the recall.

27 (e) A person appointed under (a) - (d) of this section shall
28 serve until a successor is elected and takes office.
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 (f) If an official is recalled the clerk, without further action
2 by the governing body, shall conduct an election for a successor to fill the
3 unexpired portion of the term. The election shall be held at least ten but
4 not more than 60 days from the date the recall election is certified, except
5 that if a regular or special election occurs within 75 days after certifi-
6 cation and the certification occurs at least 20 days prior to the last date
7 upon which a first notice of the election must be published, the successor
8 shall be chosen at that election.

9 (g) Nominations for a successor may be filed until seven days
10 prior to the last date upon which a first notice of the election must be
11 published. Nominations may not be filed before the certification of the
12 recall election.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

Proofed 12-31

1 *upward*
2 ~~ARTICLE~~ CHAPTER 30. ELECTIONS.

3 Article 1. REGULAR AND SPECIAL ELECTIONS.

4 ****Sec. 29.30.010. ADMINISTRATION. The borough assembly or city council
5 shall prescribe the rules for conducting a municipal election and shall
6 appoint an election board composed of at least three judges for each precinct.
7 Unless no qualified voter is willing to serve, a judge shall be a voter of
8 the precinct for which he is appointed.

9 Sec. 29.30.020. NOMINATIONS. (a) The assembly or council shall provide
10 by ordinance for nominations of elected officers by providing for declaration
11 of candidacy, or petition requiring the signatures of not more than 10
12 voters, or both.

13 (b) A person may be nominated for and occupy more than one office,
14 but he may not serve simultaneously as borough mayor and as a member of the
15 borough assembly or as mayor and as a member of the council of a first class
16 city.

17 Sec. ~~29.30.030.~~ (Sec. 29.28.020.) ELECTION DATES. (a) The date of a
18 regular municipal election is the first Tuesday of October annually, or on a
19 date of election or at an interval of years provided by ordinance.

20 (b) The assembly or council may call a special election upon at
21 least 20 days notice.

22 Sec. ~~29.30.040.~~ (Sec. 29.28.030.) VOTER QUALIFICATION. A person may
23 vote only if he is a United States citizen who is qualified to vote in state
24 elections and has been a resident of the municipality for 30 days immediately
25 preceding the election and who is registered to vote in state elections and
26 is not disqualified under art. V of the state constitution. Voter regis-
27 tration by the municipality may not be required. This section applies to
28 home rule and general law municipalities.
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 ****Sec 29.30.050. MAJORITY ELECTIONS. (a) Unless otherwise provided by
2 ordinance, there shall be ^{runoff} election if no candidate receives over 40
3 percent of the votes cast for the office of mayor or member of the assembly,
4 council or school board.

5 (b) A municipality may by ordinance require a majority vote for
6 the election of a municipal official.

7 (c) Unless otherwise provided by ordinance, a runoff election
8 shall be held within three weeks after the date of certification of the
9 election for which a runoff is required and notice of the runoff election
10 shall be published at least five days prior to the election date.

11 Sec. 29.30.060. ELECTION CONTEST AND APPEAL. (a) The assembly or
12 council may provide by ordinance the time and procedure for the contest of
13 an election.

14 (b) Unless otherwise provided by ordinance, an election may be
15 contested only upon the filing, before or at the time of the first canvass
16 of ballots by the assembly or council, by a person qualified to vote in the
17 municipality of his written affidavit specifying with particularity the
18 grounds for the contest or invalidity of the election.

19 (c) Unless otherwise provided by ordinance, the assembly or
20 council shall declare the election results at the first meeting to canvass
21 the election and record the results in the minutes of that meeting.

22 (d) The contestant shall pay all costs and expenses incurred in a
23 recount of an election demanded by the contestant if the recount fails to
24 reverse any result of the election or the difference between the winning and
25 a losing vote on the result contested is more than two percent.

26 (e) No person may appeal or seek judicial review of a city or
27 borough election for any cause or reason unless the person is qualified to
28 vote in the municipality, has exhausted his administrative remedies before
29 the assembly or council and has commenced, within 10 days after the assembly
or council has finally declared the election results, an action in the

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

superior court in the judicial district in which the municipality is located. If no such action is commenced within the 10-day period, the election and election results shall be conclusive, final and valid in all respects.

(f) Notwithstanding the provisions of (e) of this section, the expulsion of a member of a borough assembly under AS 29.24.150(c), of a member of a city council under AS 29.24.290(b) of a borough mayor under AS 29.24.200(f) or of a city mayor under AS 29.24.350 is final and is not subject to judicial review.

upper case
Article 2. INITIATIVE AND REFERENDUM.

Sec. 29.30.090. RESERVATION OF POWERS. The powers of initiative and referendum are reserved to the residents of municipalities except the powers do not extend to matters restricted by Sec. 7, art. XI, of the state constitution.

****Sec. 29.30.095. APPLICATION FOR PETITION. (a) An initiative or referendum is proposed by filing an application with the municipal clerk containing the bill to be initiated or the act to be referred and the address to which all correspondence relating to the application may be sent. An application shall be signed by at least ten municipal voters who will sponsor the petition. Other sponsors may be added at any time prior to filing the petition by submitting their names to the clerk. Within two weeks the clerk shall certify the application if he finds that it is in proper form and, for an initiative petition, that the matter

(1) is not restricted by AS 29.30.090;

(2) includes only a single subject;

(3) relates to a legislative rather than to an administrative matter; and

(4) would be enforceable as a matter of law.

(b) A decision by the clerk on an application for petition shall be subject to judicial review.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 Sec. 29.30.100. PETITION. A petition for initiative or referendum is
2 filed with the municipal clerk and an initiative petition must be filed not
3 less than 90 days before the next regular election.

4 ****Sec. 29.30.110. CONTENTS OF PETITION. (a) Within two weeks after
5 certification of an application for petition, a petition shall be prepared
6 by the municipal clerk. Each copy of the petition shall

7 (1) contain a summary of the bill to be initiated or the act
8 to be referred;

9 (2) set out fully the ordinance or resolution sought to be
10 initiated or referred;

11 (3) state the date on which the petition is issued by the
12 clerk;

13 (4) contain notice that signatures must be secured within 60
14 days after the date the petition is issued;

15 (5) contain spaces for each signature, the printed name of
16 each signer, the date each signature is affixed, and the residence and
17 mailing addresses of each signer;

18 (6) contain a statement that the sponsor personally circulated
19 the petition, that all signatures were affixed in his presence, that he
20 believes the signatures to be those of the persons whose names they purport
21 to be, space for indicating the number of signatures on the petition, and
22 space for the sponsor's sworn signature.

23 (b) If a petition is composed of more than one page, each page
24 shall contain the summary of the bill to be initiated or the act to be
25 referred.

26 (c) Copies of the petition shall be provided to each sponsor by
27 the clerk.

28 ****Sec. 29.30.120. REQUIRED SIGNATURES. (a) The necessary signatures on
29 a petition shall be secured within 60 days after the clerk issues the petition.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 The statement provided under AS 29.30.110(a)(6) shall be completed and
2 signed by the sponsor. Signatures shall be ~~in~~ ink or indelible pencil.

3 (b) A petition shall be signed by a number of voters residing
4 within the municipality based on the number of votes cast at the last regular
5 election held on or prior to the date the petition was issued equal to

6 (1) 25 percent, when a municipality has fewer than 7,500
7 persons; or

8 (2) 15 percent, when a municipality has 7,500 persons or
9 more.

10 (c) Illegible ^asignatures shall be rejected by the clerk unless
11 accompanied by a legible printed name. Signatures not accompanied by a
12 legible residence address shall be rejected.

13 (d) A petition signer may withdraw his signature upon written
14 application to the clerk prior to certification of the petition.

15 ****Sec. 29.30.130. SUFFICIENCY OF PETITION. (a) All copies of a petition
16 shall be assembled^{ed} and filed as a single instrument. Within 10 days after
17 the date the petition is filed, the municipal clerk shall certify on the
18 petition whether it is sufficient.

19 (b) If a petition is insufficient, it may be supplemented with
20 additional signatures obtained within 10 days after the date on which ~~it~~ ^{the}
21 petition is rejected.

22 (c) Within 10 days after a supplemental filing the clerk shall
23 recertify the petition. If it is still insufficient, the petition is rejected
24 and filed as a public record.

25 Sec. 29.30.140. PROTEST. If the municipal clerk certifies the petition
26 is insufficient, a signer of the petition may file a protest with the municipal
27 executive within seven days after the certification and the municipal executive
28 shall present the protest at the next regular meeting to the assembly or
29 council which shall hear and decide the protest.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 Sec. 29.30.150. NEW PETITION. Failure to secure sufficient signatures
2 does not preclude the filing of a new initiative or referendum petition.
3 However, a new petition may not be filed sooner than six months after a
4 petition is rejected.

5 ****Sec. 29.30.160. PRESENTATION OF INITIATIVE. (a) Unless substantially
6 the same measure is adopted, when a petition seeks an initiative vote the
7 clerk shall submit the matter to all of the municipal voters at the next
8 regular or special election occurring no sooner than 45 days after certification
9 of the petition. If no regular or special election occurs within 75 days
10 after the certification of a petition, the assembly or council shall hold a
11 special election within 75 days, but not sooner than 45 days after certification

12 (b) If the assembly or council adopts substantially the same
13 measure, the petition is void and the matter initiated shall not be placed
14 before the voters.

15 (c) The ordinance or resolution initiated shall be published in
16 full in the notice of the election but may be summarized on the ballot to
17 indicate clearly the proposal submitted.

18 (d) If a majority vote favors the ordinance or resolution it
19 becomes effective upon certification of the election unless a different
20 effective date is provided in the ordinance or resolution approved by the
21 voters.

22 ****Sec. 29.30.170. PRESENTATION OF REFERENDUM. (a) Unless the ordinance
23 or resolution is repealed, when a petition seeks a referendum vote the clerk
24 shall submit the matter to all of the municipal voters at the next regular
25 or special election occurring no sooner than 4⁵ days after cert^{t f}ification of
26 the petition. If no regular or special election occurs within 75 days of
27 certification of a petition, the assembly or council shall hold a special
28 election within 75 days, but not sooner than 45 days after certification.
29

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

(b) If a petition for referendum is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the assembly or council may not enact an ordinance or resolution substantially similar to the suspended measure.

(c) If the assembly or council repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

(d) If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective upon certification of the election.

****Sec. 29.30.180. EFFECT. (a) An ordinance or resolution may not be repealed within one year of its effective date if adopted in an initiative election or adopted after a petition which contains substantially the same measure has been filed. The ordinance or resolution may be amended at any time.

(b) If an ordinance or resolution is repealed in a referendum election or by the assembly or council after a petition which contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the assembly or council for a period of one year.

(c) An unsuccessful initiative or referendum precludes the filing of a new petition application for substantially the same measure sooner than six months after the election results are certified.

Eriger Case
Article 3. RECALL.

****Sec. 29.30.210. RECALL. (a) An official who is elected or appointed to an elective municipal office may be recalled by the voters after he has served six months of the term for which elected or appointed.

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

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 Sec. 29.30.220. GROUNDS. Grounds for recall are misconduct in office,
2 incompetence, or failure to perform prescribed duties.

3 ****Sec. 29.30.225. APPLICATION FOR RECALL PETITION. (a) An application
4 for a recall petition shall be filed with the municipal clerk and shall
5 contain

6 (1) the signatures and residence addresses of at least ten
7 municipal voters who will sponsor the petition;

8 (2) The address to which all correspondence relating to the
9 application may be sent;

10 (3) a statement in 200 words or less of the grounds of the
11 recall stated with particularity.

12 (b) Additional sponsors may be added at any time prior to filing
13 the petition by submitting their names to the clerk.

14 ****Sec. 29 30.230. PETITION. (a) If the municipal clerk determines that
15 an application for a recall petition meets the requirements of AS 29.30.225,
16 he shall prepare a recall petition. All copies of the petition shall contain

17 (1) The name of the official sought to be recalled;

18 (2) The statement of the grounds for recall as set forth in
19 the application for petition;

20 (3) the date the petition is issued by the clerk;

21 (4) notice that sign^aatures must be secured within 60 days
22 after the date the petition is issued;

23 (5) spaces for each sign^aature, the printed name of each
24 signer, the date of each sign^aature, and the residence and mailing addresses
25 of each signer;

26 (6) a statement that the sponsor personally circulated the
27 petition, that all sign^aatures were affixed in his presence, that he believes
28 the sign^aatures to be those of the persons whose names they purport to be,
29 space for indicating the ^mumber of signatures on the petition, and space for
the sponsor's sworn signature.

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 (b) Copies of the petition shall be provided to each sponsor by
2 the clerk.

3 ****Sec. 29.30.240. REQUIRED SIGNATURES. (a) The necessary signatures
4 on a recall petition shall be secured within 60 days after the date the
5 clerk issues the petition. The statement provided under AS 29.30.230(a)(6)
6 shall be completed and signed by the sponsor. Signatures shall be ~~X~~ ink or
7 indelible pencil.

8 (b) If a petition seeks to recall an official who represents the
9 municipality at large, the petition shall be signed by a number of voters
10 residing within the municipality equal to 35 percent of the number of votes
11 cast at the last regular election for that office held prior to the issuance
12 of the petition. If a petition seeks to recall an official who represents a
13 district, the petition shall be signed by a number of the voters residing
14 within the district equal to 35 percent of the number of votes cast at the
15 last regular election for that office held prior to the issuance of the
16 petition. The clerk shall determine the number of signatures required on a
17 petition and shall inform each sponsor.

18 (c) Illegible signatures shall be rejected by the clerk unless
19 accompanied by a legible printed name. Signatures not accompanied by a
20 legible residence address shall be rejected.

21 (d) A petition signer may withdraw his signature upon written
22 application to the clerk prior to ^{to file} certification of the petition.

23 ****Sec. 29.30.250. SUFFICIENCY OF PETITION. (a) The copies of a petition
24 shall be assembled and filed as a single instrument. Within ten days after
25 the date the petition is filed, the municipal clerk shall certify on the
26 petition whether it is sufficient.

27 (b) If a petition is ⁱⁿ sufficient, it may be supplemented with
28 additional signatures obtained within ten days after the date on which the
29 petition is rejected, except that a petition which does not contain an

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

ten
 * Within ~~10~~ ^{ten} days after the supplementary filing
 the clerk shall recertify the petition.
 If it is still insufficient, the petition is
 rejected and filed as a public record.

adequate number of signatures, both valid and invalid, may not be supplemented
 and shall be rejected and filed as a public record.

(c)
 ****Sec. 29.30.260. NEW RECALL PETITION. The rejection of a recall petition
 for any reason does not preclude the filing of a new petition. However, a
 new application for a petition to recall the same official may not be filed
 sooner than six months after a petition is rejected.

Sec. 29.30.270. SUBMISSION. If a recall petition is sufficient, the
 clerk shall immediately submit it to the assembly or council.

****Sec. 29.30.280. ELECTION. (a) If a regular election occurs within 75
 days but not sooner than 45 days after submission of the petition to the
 governing body, the governing body shall submit the recall at that election.

(b) If no regular election occurs within 75 days the governing
 body shall hold a special election on the recall question within 75 days but
 not sooner than 45 days after a petition is submitted to the governing body.

(c) If a vacancy occurs in the office after a sufficient recall
 petition is filed with the clerk, the recall question shall not be submitted
 to the voters. The governing body may not appoint to the same office an
 official who resigns after a sufficient recall petition is filed naming him.

****Sec. 29.30.290. FORM OF RECALL BALLOT. A recall ballot shall contain

(1) the grounds as stated in 200 words or less on the recall
 petition;

(2) a statement by the official named on the recall petition
 of 200 words or less if the statement is filed with the clerk for publication
 and public inspection within 20 days before the election;

(3) the following question: "Shall (name of person) be
 recalled from the office of (office)? YES () NO ()".

****Sec. 29.30.300. ELECTION PROCEDURE. Procedures for conducting a
 recall election are those of a regular municipal election if the question is
 submitted at a regular election. Procedures for conducting a recall election

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 are those of a special election if the question is submitted at a special
2 election, except that at least 20 days notice shall be given notwithstanding
3 an ordinance or charter provisions to the contrary.

4 Sec. 29.30.310. MAJORITY REQUIRED. A majority vote on the question is
5 required to recall an officer.

6 Sec. 29.30.320. EFFECT. If an incumbent is not recalled at the recall
7 election, a petition to recall the same incumbent may not be filed sooner
8 than six months after the recall election.

9 ****Sec. 29.30.330. SUCCESSORS. (a) If an official is recalled from the
10 ~~assembly or council~~ *governing body*, the ~~assembly or council~~ *governing body*, by affirmative vote of a
11 majority of the remaining members, may appoint a qualified person to fill a
12 vacancy created by the recall.

13 (b) If all members of the governing body are recalled, the governor
14 shall appoint at least three qualified persons to the governing body. The
15 appointees shall, by an affirmative vote of the majority, appoint additional
16 members to fill remaining vacancies.

17 (c) If all but two members of the governing body are recalled,
18 each remaining member shall appoint a qualified person to fill a vacancy
19 created by the recall. Additional persons may be appointed to fill vacancies
20 by the affirmative vote of a majority of the remaining members and their
21 appointees.

22 (d) If all officials are recalled from a school board the governing
23 body may appoint a qualified person to fill a vacancy created by the recall.

24 (e) A person appointed under (a)-(d) of this section shall serve
25 until a successor is elected and takes office.

26 (f) If an official is recalled the clerk, without further action
27 by the governing body, shall conduct an election for a successor to fill the
28 unexpired portion of the term. The election shall be held at least ten but
29 not more than 60 days from the date the recall election is certified, except

WORK DRAFT COPY

WORK DRAFT COPY

WORK DRAFT COPY

1 that if a regular or special election occurs within 75 days after certifi-
2 cation and the certification occurs at least 20 days prior to the last date
3 upon which a ^rfirst notice of the election must be published, the successor
4 shall be chosen at that election.

5 (g) Nominations for a successor may be filed until seven days
6 prior to the last date upon which a first notice of the election must be
7 published. Nominations may not be filed before the certification of the
8 recall election.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Pg 148

ART 3. Cit Prop Tax
ART 4. Boroug Sales
29.45.570 Else Tax

Melissa

4:45

John Messenger
returned

your call

Sally

DRAFTED CHANGES ALTERED BY THE POLICY GROUP - 10 & 11 November 1980

Sec. 29.30.010. ADMINISTRATION. The borough assembly or city council shall prescribe the rules for conducting a municipal election and shall appoint an election board composed of at least three judges for each precinct. Unless no qualified voter is willing to serve, a judge shall be a voter of the precinct for which he is appointed.

EXPLANATION: Adds the provision that judges be appointed from among precinct voters in order to conform to the 1980 revision of AS 15.10.120. The following language was deleted as a duplication of AS 29.30.040: "The municipality may not alter voter qualification requirements of this title." Subsection (b), making this applicable to home rule municipalities, was deleted.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.020. NOMINATIONS. (a) The assembly or council shall provide by ordinance the procedure for the nomination of elected officers by declaration of candidacy, or petition requiring the signatures of not more than 10 voters, or both.

No objection.

EXPLANATION: This is a technical revision which does not substantively alter existing law.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.30.030. ELECTION DATES. (a) Unless otherwise provided by ordinance, a regular municipal election shall be held annually on the first Tuesday of October.

EXPLANATION: This is a technical revision assuring maximum flexibility for local governments.

No objection

Sec. 29.30.040. VOTER QUALIFICATION. (a) A person may vote if he meets the requirements of AS 15.05.010 - 15.05.040, has been a resident of the municipality for 30 days immediately preceding the election, is registered to vote in state elections and is not disqualified under article V of the state constitution.

(b) Voter registration by the municipality may not be required, and a municipality may not alter voter qualification requirements except that a municipality may by ordinance require a person to be a resident of the precinct, district, or service area in which he votes.

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

EXPLANATION: A reference has been provided to the voter qualification requirements for state elections. A municipality has been granted the flexibility of imposing a requirement that a person be a resident of the area in which he votes to avoid the possibility of people voting on nonareawide matters who will not have to live with the outcome of the vote.

*Parr - does not address ^{for} allowed questioned
ballot. Denies right of suffrage to ~~persons~~
for admin. conv*

OK
HOLD
MAF
29 Dec

Sec. 29.30.050. MAJORITY ELECTIONS. (a) Unless otherwise provided by ordinance, there shall be a runoff election if no candidate receives over 40 percent of the votes cast for the office of mayor or member of the assembly, council or school board.

(b) A municipality may by ordinance require a majority vote for the election of a municipal official.

(c) Unless otherwise provided by ordinance, a runoff election shall be held within three weeks after the date of certification of the election for which a runoff is required and notice of the runoff election shall be published at least five days prior to the election date.

EXPLANATION: Under existing law a runoff election is required if no candidate receives over 40 percent of the votes cast for his office. This requirement has been altered to apply to certain offices only and liberalized to allow a municipality to provide otherwise by ordinance. The provisions specifying when a runoff must be held and notice requirements are no longer mandatory. In addition, the procedure set out in (c), for the benefit of a municipality which desires specific procedural guidance, has been changed to provide three weeks before the runoff is held rather than two. The additional time would enable cities within boroughs to coordinate their runoff elections.

Sec. 29.30.095. APPLICATION FOR PETITION. (a) An initiative or referendum is proposed by filing an application with the municipal clerk containing the bill to be initiated or the act to be referred and the address to which all correspondence relating to the application may be sent. An application shall be signed by at least ten municipal voters who will sponsor the petition. Other sponsors may be added at any time prior to filing the petition by submitting their names to the clerk. Within two weeks the clerk shall certify the application if he finds that it is in proper form and, for an initiative petition, that the matter

- (1) is not restricted by AS 29.30.090;
- (2) includes only a single subject;
- (3) relates to a legislative rather than to an administrative matter; and
- (4) would be enforceable as a matter of law.

(b) A decision by the clerk on an application for petition shall be subject to judicial review.

EXPLANATION: This is a new section. The first part is modeled after section two of the initiative article in the state constitution. Sponsors of a petition would be required to register with the clerk. The clerk would review an initiative for substantive legality, with his decision subject to immediate appeal. This allows for a judicial determination of the legality of an initiative prior to incurring the expense of an election on it.

DRAFTED CHANGES ALTERED BY THE POLICY GROUP - 10 & 11 November 1980

Sec. 29.30.110. PETITION. (a) Within two weeks after certification of an application for petition, a petition shall be prepared by the municipal clerk. Each copy of the petition shall

(1) contain a summary of the bill to be initiated or the act to be referred;

(2) set out fully the ordinance or resolution sought to be initiated or referred;

(3) state the date on which the petition is issued by the clerk;

(4) contain notice that signatures must be secured within 60 days after the date the petition is issued;

(5) contain spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;

(6) contain a statement that the sponsor personally circulated the petition, that all signatures were affixed in his presence, that he believes the signatures to be those of the persons whose names they purport to be, space for indicating the number of signatures on the petition, and space for the sponsor's sworn signature.

(b) If a petition is composed of more than one page, each page shall contain the summary of the bill to be initiated or the act to be referred.

(c) Copies of the petition shall be provided to each sponsor by the clerk.

EXPLANATION: This section would require the clerk to provide the petition forms to the petitioners to insure that they are complete and legible. This is similar to the requirement imposed upon the Lieutenant Governor in state initiative proceedings. The petition contents are essentially the same as those provided in present law, with a shortening of the petition circulation time from 90 to 60 days, some expansion of the information the signers must provide, and the addition of the circulator's affidavit.

DRAFTED CHANGES ALTERED BY THE POLICY GROUP - 10 & 11 November 1980

Sec. 29.30.120. REQUIRED SIGNATURES. (a) The necessary signatures on a petition shall be secured within 60 days after the clerk issues the petition. The statement provided under AS 29.30.110(a)(6) shall be completed and signed by the sponsor. Signatures shall be ink or indelible pencil.

(b) A petition shall be signed by a number of voters residing within the municipality based on the number of votes cast at the last regular election held on or prior to the date the petition was issued equal to

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

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

(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

(d) A petition signer may withdraw his signature upon written application to the clerk prior to certification of the petition.

EXPLANATION: The 60 day signature gathering period is carried forward. While the possibility of an initiative or referendum on a matter which affects only a service area is not eliminated, such petitions contain the same number of signatures as a petition on an areawide matter. Permitting a service area to initiate a matter on a service area basis is contrary to the concept of the service area being under the control of the entire legislative body. Additional changes require rejection of a signature not accompanied by a legible residence address and allow a signer to withdraw his name up until the time the petition is certified, whereas now he must withdraw within seven days after the petition is filed.