Alaska Municipal Government

ROLES AND RESPONSIBILITIES OF PUBLIC OFFICIALS
Maximum Self-Government

- **Alaska Constitution – Article X**
  - The Alaska Constitution establishes the policy of maximum self-government for the people.

- **Alaska Statutes – Title 29**
  - AS Title 29 governs organization and operations of local governments
Types of Municipalities

Home Rule

AS 29.04.010. A home rule municipality is a municipal corporation and political subdivision. It is a city or a borough that has adopted a home rule charter, or it is a unified municipality. A home rule municipality has all legislative powers not prohibited by law or charter.

General Law

AS 29.04.020. A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law.
General Law Municipalities

- **Second Class Boroughs** (must gain voter approval for authority to exercise non-area wide powers)

- **First Class Cities** (400+ permanent residents)

- **Second Class Cities** (25+ permanent residents)
General Law Municipalities

- Title 29 – Governing Authority
- General Powers (AS 29.35.010)
- Borough Mandatory Powers (AS 29.35.150-180)
- Additional Borough Powers (AS 29.35.200-220)
- City Powers (AS 29.35.250-260)
- Acquisition of Additional Powers (AS 29.35.300-340)
Home Rule Boroughs & Cities

- May exercise all legislative powers NOT prohibited by law or charter
- Ruled by Charter – approved by voters
- Governs through local ordinances
- AS 29.10.200 lists limitations on powers of Home Rule Municipalities
The Unorganized Borough

- All areas of the state outside of organized boroughs (AS 29.03.010)
- State Legislature is the governing body (AK Constitution Article X. Section 6)
- There are some organized cities within the unorganized borough.
Who is a Public Official?

Mayor
City Council Members
Borough Assembly Members
School Board Members

Municipal Attorney
Municipal Clerk
Municipal Treasurer
Municipal Manager or Administrator

Alaska Statutes 29.20
Mayor (AS 29.20.220-280)

- The executive power of a Municipality is vested in the mayor.
- Specific powers of the mayor vary depending on form of government or by municipal charter.
- The mayor may have veto power.
Governing Body

- Sets policy by:
  - Enacting Ordinances
  - Adopting the annual budget

- May serve as an appeal board

- May serve as liaison to various community and/or state organizations

- Acts as a lobbyist for the community
Members of the Governing Body

- Act as a body, not individually
- Direct the work of officials appointed by the governing body
  - It is key to understand your role with staff!
- Do your homework
- Seek community input
Members of the Governing Body

- Educate yourself on issues and opinions of those you represent

- REMEMBER – You represent the entire community and not just those who voted for you!
Ethical Responsibility

- Public Officials must not act outside the law or beyond their authority
- You are expected to act impartially and without favoritism
- You are expected to work in the best interest of the community
- Follow the Conflict of Interest rules and other rules of procedure
Staff Roles & Responsibilities

- **Municipal Attorney**
  - Appointed by Mayor, Manager, or governing body (May be a contract attorney)
  - Legal advisor to the council or assembly
  - Legal advisor to the School Board
  - Legal advisor to Manager, department heads, or empowered entities
  - Represents the municipality in civil and criminal proceedings
Staff Roles & Responsibilities

Municipal Clerk

- Generally appointed by the governing body (but not always)
- Serves as the liaison between the governing body, staff, and the public
- Serves as the parliamentary advisor to the governing body
- Administers appeals
Staff Roles & Responsibilities

Municipal Clerk, Responsibilities include...

- Provides notice of all public meetings and keeps a record of its proceedings
- Publishes notice of ordinances adopted by and actions of the governing body
- Conducts local elections
- Maintains the seal of the City or Borough
- Serves as the Records Manager for the Municipality
- Serves as Public Information Officer
- In some communities, serves as the Treasurer
Staff Roles & Responsibilities

Municipal Manager versus Administrator

- Role varies substantially between Strong Mayor and Manager forms of government: Under a Manager plan, the Manager leads with direction from the governing body.
- In a “strong mayor” municipality, the administrator supports and takes direction from the mayor.
- Appointing authority – Managers are appointed by the governing body but administrators are appointed by the mayor.
- Managers are responsible for hiring most municipal employees.
- Managers are responsible for submitting annual budget to the governing body.
- Managers exercise custody over all real and personal property owned by the municipality.
Staff Roles & Responsibilities

- Municipal Treasurer
  - May be combined with the Municipal Clerk’s position
  - Responsible for matters pertaining to the maintenance of all the accounts of the municipality
  - Assists in preparing annual budget and monthly financial reports
Summary

- We are all in this together and must work together to provide services to the communities we represent.

- Know your role, know what is expected of you, and know how your position relates to others within your city or borough.
QUESTIONS?
THANK YOU!

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HOLLY WELLS, PARTNER BIRCH HORTON BITTNER & CHEROT
Additional Resources:

- Alaska Municipal League (Local Govt. Primer)
  https://www.akml.org/about/documents/

- State of Alaska – Dept. of Commerce, Community & Economic Development: Division of Community & Regional Affairs
  https://www.commerce.alaska.gov/web/dcra/

- Alaska Association of Municipal Clerks
  https://www.alaskaclerks.org/