

Resolution of the Alaska Municipal League

2022-01

A Resolution in support of State recognition of Federally Recognized Tribes

WHEREAS, the Alaska Municipal League's mission is to strengthen local governments and its Articles of Incorporation refer to a purpose "To secure general and municipal legislation at the state and federal levels which will be beneficial to the municipalities and inhabitants thereof," and

WHEREAS, these roles place a distinct responsibility on AML to encourage State legislation that fosters intergovernmental cooperation and delivery of services; and

WHEREAS, the jurisdiction of AML's 165 members, incorporated city and borough governments that are political subdivisions of the State, intersect with that of the majority of the state's 229 federally recognized tribes; and

WHEREAS, Tribes possess inherent powers and authorities, including self-governance of internal affairs; and

WHEREAS, Tribes act in the best interest of their tribal citizens in all areas, including the protection and safety of children, families, and vulnerable members of society; the stewardship of their natural resources; the support and promotion of education and workforce development; and the health and wellness of all tribal citizens; and

WHEREAS, those functions are complementary to the role that municipal governments and cooperation is mutually beneficial; and

WHEREAS, Alaska's Constitution provides for the ability of local governments to enter into intergovernmental agreements, and in many cases there is close cooperation between Tribal and municipal governments; and

WHEREAS, government-to-government collaboration is an important feature of Alaska's governance at the federal level, and in particular through Congress' passing of the Federally Recognized Tribe List Act of 1994, confirming the existence of Alaska tribes; and

WHEREAS, State law and policy has slowly evolved to accommodate this nested governance structure, including through the Alaska Supreme Court (*John v. Baker*, 1999) and the State of Alaska Executive Branch (Alaska Admin. Order No. 300, 2018 and Alaska Department of Law 2017 Opinion – Legal status of tribal governments in Alaska), which recognized the existence of Alaska tribes; and

WHEREAS, the State has failed to fully recognize and include Tribal governments in State law and practice.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League calls for the Alaska Legislature to pass legislation providing for State recognition of federally recognized tribes, and for the Executive Branch to execute any necessary regulatory changes across Departments; and

FURTHER, BE IT RESOLVED that AML encourages the State to take action to fully leverage the potential for partnership through activities such as compacting, contracting, and collaboration; and that local governments similarly explore ways in which to strengthen partnerships with Tribal governments.

Submitted by the Alaska Municipal League Board of Directors

Resolution of the Alaska Municipal League

2022-02

A Resolution commending delegates of the Conference of Young Alaskans and encouraging consideration of their Resolution packet

WHEREAS, the Alaska Municipal League's mission is to strengthen local governments and as part of its strategic plan recognizes the need to foster the next generation of municipal leadership; and

WHEREAS, AML this year hosted the Conference of Young Alaskans, the fourth such over the last 20 years, and the first focused on municipal government; and

WHEREAS, COYA was attended by nearly 40 young Alaskans, ages 16-25, representing more than a dozen communities; and

WHEREAS, COYA delegates represent Alaska's best and brightest, and clearly demonstrated enthusiasm for and commitment to Alaska's future; and

WHEREAS, COYA delegates spent four days learning about topics relevant to Alaska's local governments and hearing from municipal officials and subject matter experts; and

WHEREAS, over their time together they were tasked with producing a vision and goals for Alaska's local governments, and developing resolutions in support; and

WHEREAS, COYA vision statements may provide inspiration to AML members, inasmuch as COYA delegates envision an Alaska where:

- Environmental and public health, creativity, and intergenerational resilience are perpetually fostered within communities and supported by local and tribal governments; and
- Public safety departments and services work together to promote an environment representative of the diverse communities and cultures across Alaska, ensure the safety and livelihood of all people, and adapt to and meet the needs of local communities; and
- Alaskans thrive in accessible, safe communities where we see ourselves in representative local governments and in education curricula that are rooted in Indigenous values and histories and reflect Alaskans of all races, genders, and abilities; and
- Education curricula include accurate Alaska Native histories that are culturally-competent and trauma-informed from pre-kindergarten through university; and
- Municipal governments shall have successfully invested in and supported the diversification of their economies; and
- Infrastructure and public utilities will serve the basic needs of all Alaska communities and transition to an equitable, climate-adaptive, energy-efficient framework with a long-term plan for maintenance, consumer representation, sustainable funding, connectivity, and innovation
- Local and Tribal governments collaborate in just transition to create and build long lasting climate resiliency; and
- Communities across Alaska shall know what it takes and have access to the resources to be healthy, safe, and fulfilled; and

WHEREAS, delegates produced 24 resolutions that vary in scale and scope, but which may serve as potential actions at the local level; and

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League issues a commendation of appreciation to delegates of the 2021 Conference of Young Alaskans, and encourages and promotes further engagement within AML and its membership of young Alaska leaders; and

FURTHER, BE IT RESOLVED that AML commends to all members consideration of the resolutions produced by Conference delegates, adapting and adopting as possible and relevant to the work of municipal governments in Alaska, and that these be shared as well with State and Federal elected officials.

Resolution of the Alaska Municipal League

2022-03

A Resolution expressing concern in the consideration of a Constitutional Convention, and taking an active role in educating the public and policy makers about its potential impact

WHEREAS, the Alaska Municipal League's mission is to strengthen local governments, and AML's principles include to support the Alaska Constitution's mandate "to provide for maximum local self-government;" and

WHEREAS, Alaska's Constitution contains numerous provisions that provide for and enhance maximum local self-governments; and

WHEREAS, Art.XIII, sec. 3 of the Alaska Constitution provides that "if during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" and

WHEREAS, Alaska voters overwhelmingly rejected the call for a constitutional convention in 1972 and in successive elections held in 1982, 1992, 2002, and 2012; and

WHEREAS, Alaska voters will be asked to vote on whether to convene a constitutional convention at the next general election on November 2, 2022; and

WHEREAS, the Alaska Constitution's system has been flexible, allowing cities and boroughs to merge when appropriate, and allowing for classes of municipalities, including home rule municipalities; and

WHEREAS, the Alaska Constitution commits the State to support public education, public health, public welfare, and for the University system; and

WHEREAS, the Alaska Constitution provides a statewide court system that relieves local governments of the responsibility for operating county courts, and allows for local prosecutions and defenses when and if a local government chooses to support them; and

WHEREAS, during the more than 60 years since Statehood the Alaska Municipal League has supported Alaska local governments in thoughtfully choosing among the options that the Alaska Constitution has offered them, and in making sure that there is revenue sharing from the State that will support the local governments that people choose to have; and

WHEREAS, where local government is concerned, the Alaska Constitution as written provides a necessary and empowering legal framework within which to exert local control and respond to resident priorities; and

WHEREAS, if voters were to authorize a convention, convention delegates elected at a subsequent election, would have plenary power to change any and all aspects of the constitution for submission to the voters; and

WHEREAS, there have been numerous proposals advanced over the years to shift public funding for education from the state to local governments, to alter public retirement programs, modify the selection of judges, alter the taxing power of government and other similar proposals that could fundamentally harm Alaska's local governments.

Submitted by the Alaska Municipal League Board of Directors

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League believes that a Constitutional Convention is unnecessary at this point in time and may negatively impact local governments; and

BE IT FURTHER RESOLVED that the Alaska Municipal League expresses concern about any campaign for calling a Constitutional Convention, to which the League would enjoin in opposition by educating voters of the value of the Constitution as currently written and the numerous options available to address perceived or real needs; and

BE IT FURTHER RESOLVED that AML encourages all local governments to work toward correcting any misinformation or misperception as may exist or that develops as part of the election cycle ahead.

Resolution of the Alaska Municipal League

2022-04

A resolution encouraging the Legislature and State to conduct a timely review and make adjustments to the Power Cost Equalization (PCE) program for communities and utilities that produce the majority of their electric power from renewable energy.

WHEREAS, the stated purpose of the PCE program is to provide benefits to rural communities by lowering the electricity costs paid by customers, which in turn helps to ensure the sustainability of remote economies dependent on available, reliable, and centralized power; and

WHEREAS, the PCE program subsidizes the electric rates for the first 500 monthly, residential kWhs to levels comparable to those paid by consumers in Anchorage, Fairbanks, and Juneau, as well as provides some additional financial support to cover a portion of the electrical costs for community facilities; and

WHEREAS, the PCE program provides benefits to these rural communities based on a formula which is heavily weighed by the cost and quantity of diesel fuel used to produce energy in the communities; and

WHEREAS, some rural communities are increasing the use of renewable energy sources to reduce and/or replace traditional diesel power systems, and now realizing there is a disincentive to do so given the current PCE regulations; and

WHEREAS, as an example, since 2017 the City of King Cove and its residents are not receiving any PCE support because their two hydro facilities are producing about 85% of their annual electric demand of approximately 5 MWhs; and

WHEREAS, decreasing the dependence on diesel-generated power while incurring new debt costs for the development of these renewable energy production does not appear to be equitably considered in the current PCE regulations; and

WHEREAS, PCE regulations allow for an annual depreciation value of up to 50 years on the capital investments/loans for these facilities and the inclusion of annual interest paid on these long term debts, however, this ends up being only a modest annual expenditure "savings" compared to the avoided diesel fuel costs and does not appear to get equitably considered in the current PCE regulations; and,

WHEREAS, AML's current Policy Statement on Energy states "Support for vetting of and investing in energy projects, processes and programs that decrease energy costs; reimburse municipal debt or investments corresponding to and by utilizing PCE savings."

NOW, THEREFORE BE IT RESOLVED that AML supports and advocates for the reform of the PCE program to make the necessary modifications to allow for a more equitable treatment of the annual debt costs for these renewable energy investments vis-a-vis the tradeoff of replacing annual diesel fuel costs; and,

BE IT FURTHER RESOLVED that AML supports and advocates for a "renewable energy debt reimbursement factor" be added to the PCE regulations which includes: a) criteria regarding the size and annual production of the renewable energy facility; b) establish a bench mark for a required annual amount of community/utility electricity produced with renewable energy production; and c) establish a factor that considers the amount of avoided annual diesel costs resulting from the renewable energy source compared to the annual debt costs to displace these diesel costs.

Submitted by resolution on September 21, 2021 by the City of King Cove.