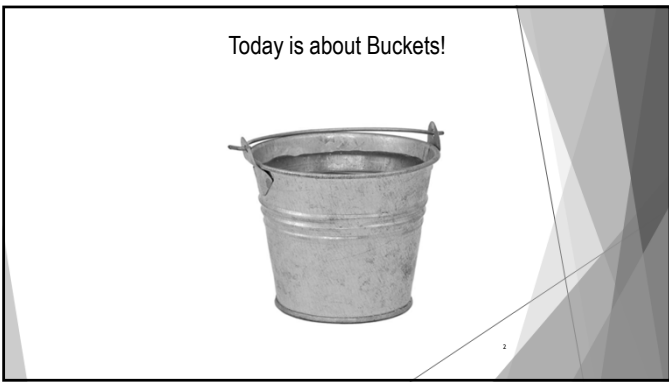
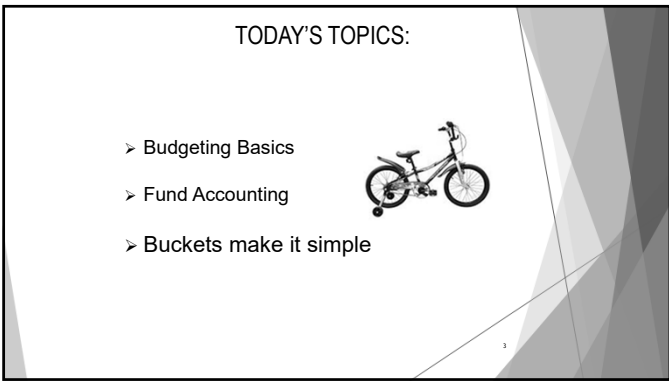


1




2



3

"Budgeting" is old hat!



This will be nothing new to you.
It will only be more formalized,
and there will be more than one
budget to deal with.
Trust me, relax about the
budgets!!!

4

4

BUDGET PIECES : (An Accountant's Approach)

Income Statement's Pieces

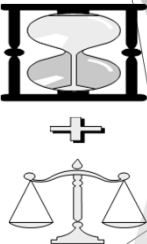
. We guess what the total
revenues & expenses will
be over the next year.

+

Balance Sheet's Pieces

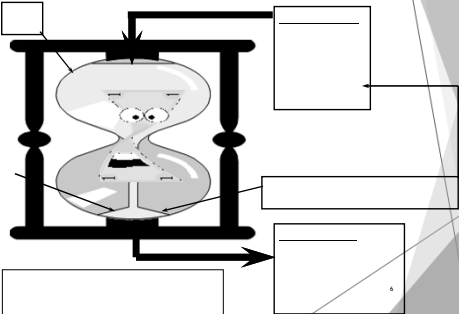
We guess what the changes will
be to our assets & liabilities (cash,
receivables, equipment,
capital projects, liabilities,
debt, and our equity (fund balance)).

=



5

5



6

6

THE BUDGET DOCUMENT: Your Friend

A budget is a plan of financial operations which provides a basis for the planning, controlling and evaluating of governmental activities.

A budget establishes the critical link between a government's policies and programs and its fiscal capacity.

Budgets are created to establish a basis for measuring future performance, to resolve competing demands, and to identify changes in revenue or spending policies needed to guarantee both short-term and long-term fiscal health.

But, budgets involve uncertainty. Budgets, remember, are prospective; they consist of more or less cautious estimates of future revenue streams and spending demands.

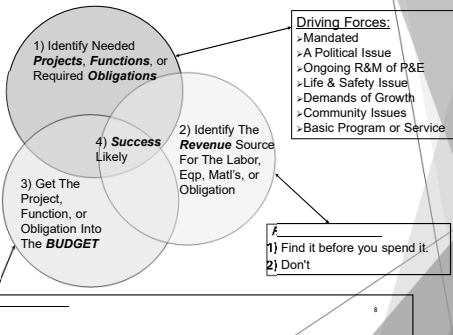
No budget, however meticulously developed, can predict the future perfectly. They are going to be wrong, and, they might need adjusting.

DON'T BE SURPRISED, rather, EMBRACE BUDGET AMENDMENTS!!!!!!

7

ESSENCE OF BUDGETING

Less Formal/
Non Accounting Approach



8

THE REAL OBVIOUS BASICS



9

Governments and Business – They're Different



What controls the strings & drives private enterprise operations and decisions is not the same set of strings that controls & drives municipal operations and municipal decisions!

Private enterprise experience can help you, and/or, hurt you. It depends on how you try and apply it!

10

10

PRIVATE ENTERPRISE



We find a product or service to sell to generate revenues. We work to keep our expenses as low as possible so that when the reporting period is over our revenues are greater than expenses. We "want a profit" to use for our own purposes and therefore we seek to "generate revenues".

- 1) Profit is the motive.
- 2) Method is to provide a good or service to "generate the revenues".
- 3) The evil that goes along with generating the revenues are the expenses.

11

MUNICIPAL GOVERNMENTS

A municipal government is charged (often mandated) with providing a program or service (law requires, voters want). In order to do so, it "must collect" revenues.

- 1) Providing the program or service is the motive. Profit isn't the motive.
- 2) Generally, we determine what the necessary program costs are, then "collect the revenues" to cover the costs.
- 3) The evil that goes along with providing the program or service is collecting the revenues to pay for it.



First comes the law, the power to appropriate (the authority to expend for a given purpose) then comes the need to collect the revenues necessary to cover the appropriation!

12

12

YOU CAN EASILY GET LOST IN GOVERNMENT
FUND ACCOUNTING!



13

13

TO REALLY UNDERSTAND BUDGETING, & FUND
ACCOUNTING, WE NEED TO TALK
ABOUT THE CROOKS!



14

14

CORRUPTION LEADS TO FUND ACCOUNTING!



15

15

FUND ACCOUNTING: REQUIRED/DEFINED!



16

16

THE CHOICES!

operated

17

17

Fund Balances

FINANCIAL STATEMENTS - GOVERNMENTAL FUNDS June 30, 2019

General Fund	
ASSETS	
Cash and cash equivalents	\$ 1,734,837
Investments	10,316,748
Receivables	460,735
Due from other funds	113,843
Due from component units	10,463
Prepaid expenses	540
Due from other funds	78,134
Total Assets	\$ 13,731,260
LIABILITIES, DEFERRED INFLOW OF RESOURCES AND FUND BALANCES	
Liabilities	
Accounts payable	\$ 280,763
Accrued payroll	248,633
Due to other funds	6,808,324
Unpaid and contract	177,862
Total Liabilities	7,515,582
Deferred inflows of resources	
Unavailable revenue - property taxes	96,436
Unavailable revenue - bonds	—
Total Deferred Inflow of Resources	96,436
Fund Balances	
Non-spendable	78,873
Restricted	2,790,394
Assigned	263,399
Unassigned	2,897,792
Total Fund Balances	\$ 5,029,088
Total Liabilities, Deferred Inflow of Resources and Fund Balances	\$ 13,731,260

18

18

BACK TO PRIVATE ENTERPRISES



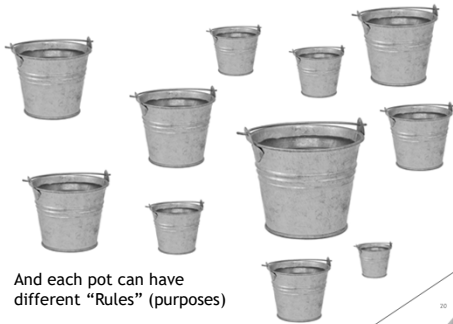
HAVE (Generally) ONE BUCKET WITH:

- 1 each: Balance Sheet
- 1 each: Income Statement
- 1 each: Equity Section
- 1 each: Check Book
- 1 each: Set of Accounting Rules
- 1 each: Owner that makes decisions

19

19

MOST MUNICIPAL GOVERNMENTS



And each pot can have
different "Rules" (purposes)

20

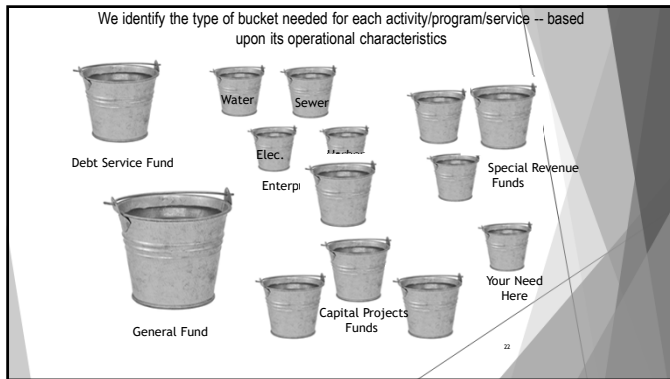
20

REMEMBER THE CHOICES!

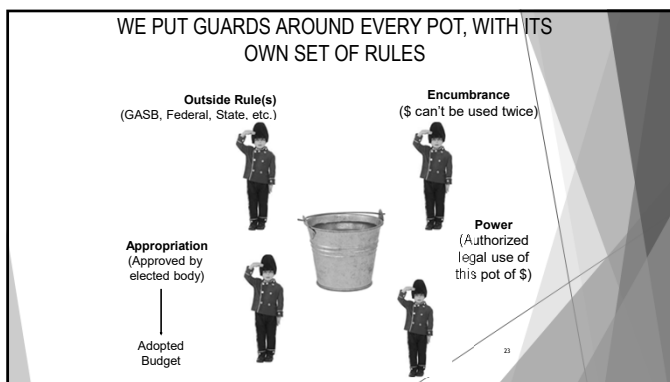
operated

21

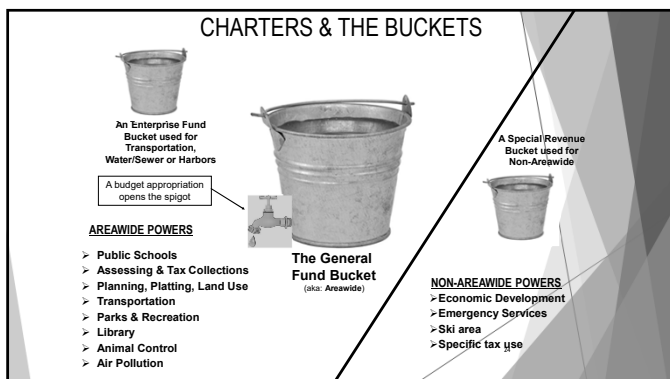
21



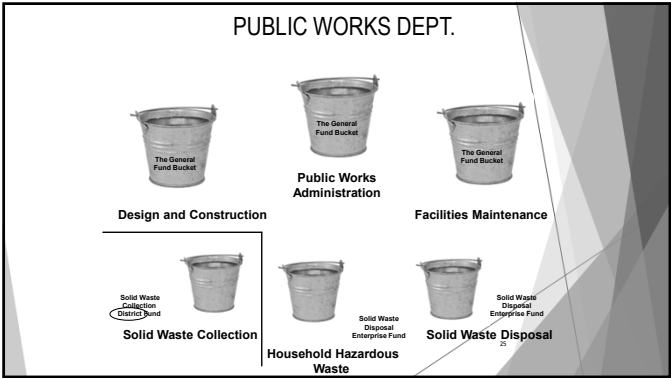
22



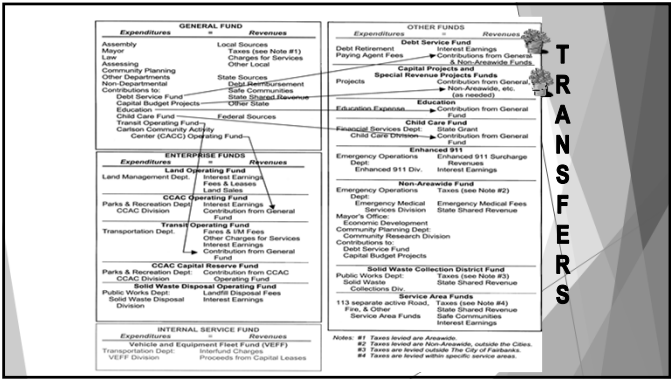
23



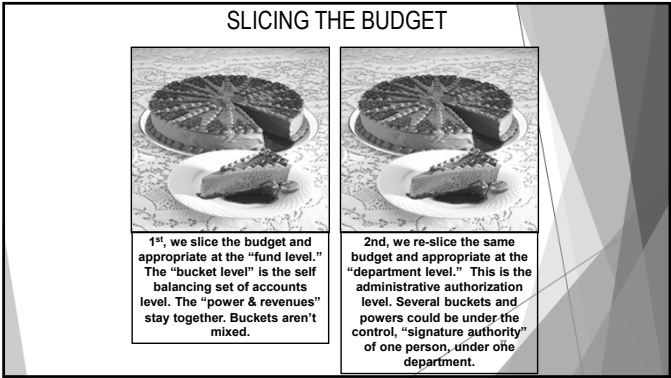
24



25



26



27

	General Fund	Recreation Fund	New School Debt Service	Capital Project Fund	Resident Millage Tax	Governmental Funds	Governmental Fund
REVENUES							
Taxes							
Property	\$ 2,882,245	\$ -	\$ 375,589	\$ -	\$ -	\$ 14,238	\$ 3,022,072
Sales	1,794,411	-	-	98,184	-	954,999	3,721,211
Intergovernmental							
Federal grants and contracts	296,840	-	-	130,990	-	2,264	430,094
Federal payments in lieu of taxes	426,976	-	-	-	-	-	426,976
State grants and contracts	1,124,218	-	904,190	63,363	174,489	46,011	2,468,311
Fees, service, and admission fees	139,306	-	-	-	-	1,950	141,256
Licenses and permits	34,219	-	-	-	-	-	34,219
Investment earnings	308,098	601,899	-	-	-	875	909,972
Contributions and other	63,383	-	-	150,160	-	-	173,543
Total Revenues	6,963,497	601,899	1,279,779	1,284,303	174,489	1,020,316	11,263,315
EXPENDITURES							
Current							
General government	822,333	21,885	-	-	-	20,987	867,437
Public safety	1,674,683	-	-	-	-	247,901	1,922,586
Public works and streets	877,630	-	-	-	-	73,398	951,028
Economic development	-	-	-	-	-	448,008	448,008
Education	1,828,927	-	-	-	-	1,828,927	3,657,854
Postsecondary	-	-	-	144,482	-	-	144,482
Culture, recreation, and library	1,143,826	-	-	-	-	-	1,143,826
Other services	-	-	870,000	-	-	7,259	877,259
Principal	-	-	421,700	-	-	6,889	428,589
Interest	-	-	-	1,145,799	-	-	1,145,799
Capital outlay	-	-	-	-	-	-	-
Total Expenditures	6,338,623	21,885	1,291,700	1,145,799	144,482	806,438	9,950,927
Surplus (Deficiency) of Revenues Over Current Expenditures	563,854	578,014	(11,921)	(86,496)	30,007	213,878	1,312,388
Other Financing Sources (Uses)							
Transfers in	104,280	1,879	-	563,539	-	-	1,123,698
Transfers out	(626,343)	(24,000)	-	(250,000)	(30,007)	(13,845)	(1,040,195)
Issuance of capital notes	-	-	-	-	-	75,866	75,866
Total Other Financing Sources (Uses)	(522,063)	(22,121)	-	(186,461)	(30,007)	61,021	(480,661)
Net Change in Fund Balances	31,791	555,893	(11,921)	(249,026)	(30,007)	274,859	831,727

28

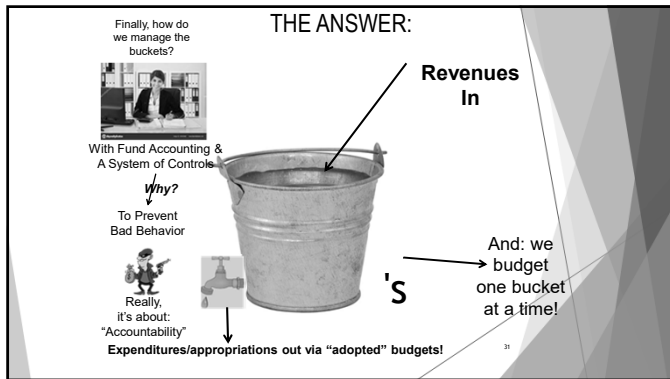
WHAT IT TAKES TO UNDERSTAND IT

29

THE TEST QUESTION:

What are your municipality's budgeting and finances really all about?

30




31



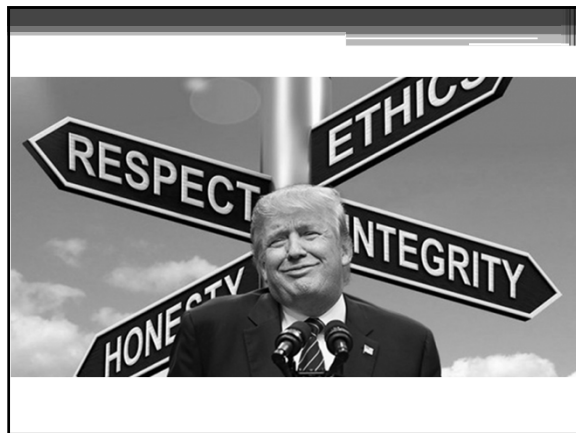
32

Municipal Responsibility 101
Ethics & Conflicts of Interest

November 2021
Matt Mead
Landye Bennett Blumstein LLP



1



2

Disclosure & Transparency



3

So now you're a public official... Now What?

- Held to a higher standard of public trust and integrity
- Lead by example
- You're spending the public's money
- You're here to represent the public's best interest; not your own
- What have I gotten myself into...!!??

4

Hold each other accountable!

- You are responsible for holding your fellow public officials accountable.



5

Or the voters may do it for you...

Alleged misconduct leads to recall election Nov. 7

Haliwaite has option to include a statement on upcoming ballot

By Corinne Williams-Bennett - September 29, 2017

Haines Assembly members survive divisive recall election

By Emily Hiles, KONG-Haines - August 16, 2017

ANCHORAGE DAILY NEWS

Vote on recall of Unalaska mayor moves forward

Author: Carey Restivo, Bristol Bay Times-Dutch Harbor Tidewater
Updated: January 7 Published: January 7

6

Ethical Obligations are Driven by Two Primary Sources

- STATE LAW
 - Title 29 – Conflicts of Interest and Public Meetings
 - AS 29.20.010 – Conflicts of Interest
 - AS 29.20.600 – Oaths of Office
- MUNICIPAL CODE
 - Example: City Code Chapter 2.36, Code of Ethics
 - City Code 2.36.060, General standards of Ethical Conduct
 - City Code 2.36.070-090, Conflict of Interest provisions

7

AS 29.20.600 - Oaths of Office

- “Before taking office a municipal official shall affirm in writing that the duties of the office will be honestly, faithfully, and impartially performed by the official.”



8

AS 29.20.010 - Conflicts of Interest

- (a) Each municipality shall adopt a conflict of interest ordinance that provides that
 - (1) **a member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;**
 - (2) the presiding officer shall rule on a request by a member of the governing body to be excused from a vote;
 - (3) the decision of the presiding officer may be overridden by the majority vote of the governing body; and
 - (4) a municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest.

9

Alaska Supreme Court Weighs In:

- Under common law, “the focus ... [is] on the **relationship between the public official's financial interest and the possible result of the official's action**, regardless of the official's intent.”

Griswold v. City of Homer, 925 P.2d 1015, 1026 (Alaska 1996).

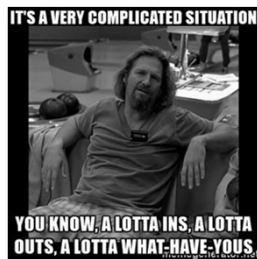
10

Know and Follow Your Municipal Code.

- Hold yourself to a higher standard.
- Your constituents' perception of an ethics violation or a conflict of interest can be as damaging as the existence of an actual ethics violation or conflict of interest.

11

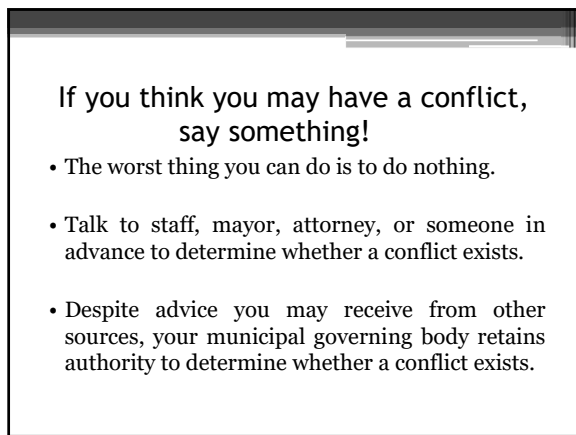
DO I HAVE A CONFLICT OF INTEREST??



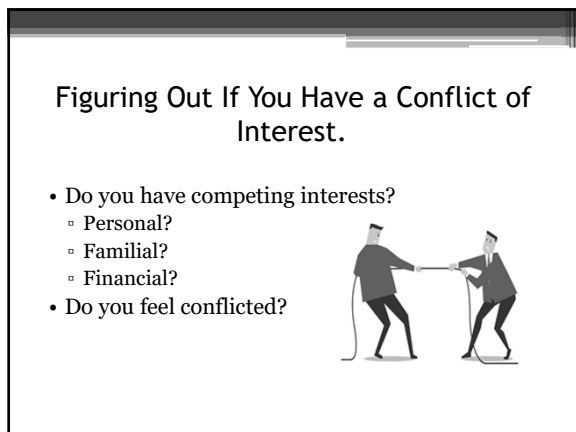
12



13



14



15

What if I Have a Conflict? - Step 1

- **Put it on the record.**

"Madame Chair, members of the Council, I believe I have a conflict of interest in the Council's consideration of Resolution 2019-34 because my brother is the owner of the company being considered for the road maintenance contract."



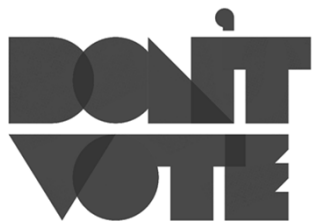
16

What if I Have a Conflict? - Step 2

- **Do not** participate in the matter being considered.
- **Do not** influence the discussion.
- **Do not** attempt to directly or indirectly influence the municipal body or an individual's consideration of the matter.

17

What if I Have a Conflict? - Step 3



No, really. **DO NOT** vote on any matter where you have a conflict.

18

Conflict of Interest: Voting.

City Code 2.36.090

- A. **The mayor** shall declare to the council any substantial financial interest he has in an official action.
- B. **A member of the council or other city board or commission** shall declare any substantial financial interest the member or a member of their immediate family has in an official action and ask to be excused from a vote on the matter.

19

COI: Voting (cont).

- C. **The presiding officer** shall rule on a request by a member of a city body to be excused from a vote.
- D. **The decision of the presiding officer** on a request by a member of a city body to be excused from a vote **may be overridden by the majority vote of the body's membership.**

20

Conflicts of Interest: Additional Provision Options



Can your municipality have its cake AND eat it, too?

21

COI: Additional Provision Options (cont.)

- Your municipality can define what “substantial financial interest” means.
- **City Code 2.36.030:** “Substantial financial interest” means **a financial interest that is of a magnitude that it would be the primary reason for a person’s act to benefit himself or herself or a member of his or her immediate family.** A substantial financial interest does not include a financial interest of a type that is generally possessed by the public or by a large class of persons to which the public official belongs.

22

COI: Additional Provision Options (cont.)

- “Substantial Financial Interest” means “a direct or indirect pecuniary or material benefit, privilege, interest, or contractual relationship accruing as a result of the City’s consideration of a matter.”
- Define “financial interest.”

23

COI: Additional Provision Options (cont.)

- Consider defining “financial interest” to include **any** pecuniary interest:
 - a. Of a member of an official’s immediate family or employer.
 - b. In an entity in which an official or a member of the official’s immediate family has an ownership interest, or is a director, officer, or employee.

24

COI: Additional Provision Options (cont.)

A determination that a public official has a substantial financial interest in a matter shall be considered on a case-by-case basis evaluating these factors:

- a. Whether the financial interest is a substantial part of the matter under consideration.
- b. Whether the financial interest directly and substantially varies with the outcome of the matter under consideration.
- c. Whether the financial interest is monetarily significant.
- d. Whether the financial interest is beyond the type typically possessed by the public at large or a large class of persons to which the city officer belongs.

25

COI: Additional Provision Options (cont.)

- Substantial financial interest does not include:
 - a. A financial interest of such limited magnitude that it would not influence an average, reasonable person.
 - b. A financial interest in which the outcome of a decision would have only an insignificant or conjectural effect.
 - c. A financial interest which is obtained through a competitive process.

26

COI: Additional Provision Options (cont.)

- Should the conflicted city council member get to **participate** in discussions?
- Should the conflicted city council member get to remain seated with the other members **during the discussion**?

27

Conflict of Interest: DUAL OFFICES?

- Generally, dual-office holding is prohibited by basic principles of municipal law.
- **EXAMPLE:** A City of North Pole charter provision prohibiting dual-office holding, and requiring the removal of a city employee (police officer) when that employee was elected to the city council, was valid and constitutional.
-*Acevedo v. City of North Pole*, 672 P.2d 130 (Alaska 1983).
- **CHECK YOUR CODE** to see if it prohibits you from holding dual offices.

28

Conflict of Interest: NEPOTISM?



29

COI: Nepotism (cont.)

- Nepotism is generally defined as an official granting favors to family members, specifically - jobs.
 - **Example:** a Mayor hires their child to be the Mayor's Chief of Staff, and hires their spouse to be the Director of Government Affairs.
- Alaska law prohibits legislators and executive branch employees from engaging in nepotism.
 - AS 24.60.090; AS 39.90.020
 - What about your municipal code???

30

COI: Nepotism (cont.)

- Nepotism or the appearance thereof can be a tricky issue in Alaska.
 - Alaska law doesn't directly address the issue of nepotism in municipal government.
 - Many of our Alaskan municipal communities are small, rural, and isolated.
 - Our work may require us to work alongside immediate and distant family members in order to complete our official duties.
- **CHECK YOUR MUNICIPAL CODE** to see if it addresses nepotism.

31

Conflict of Interest: Commercial Activity.



32

COI: Commercial Activity (cont.)

City Code Example 2.36.070. Public officials should not:

- A. Use city property or equipment for non-city purposes, unless that use is available to the general public on the same terms;
- B. Use city property, equipment, or staff to conduct campaign activity unless that use is available to the general public on the same terms;
- C. Use information within the public official's knowledge or purview to advance the personal interest of the public official or the official's immediate family;
- D. Accept any form of gift, loan or gratuity in exchange for the performance of the public official's duties;

33



34

COI: Commercial Activity (cont.)

- E. Engage in business with the city, or be a party to the purchase of goods or services for the use of the city from any person or organization in which the public official or a member of the official's immediate family has a substantial financial interest, unless the financial interest is first disclosed, and the transaction or purchase is approved in advance by the city council or secured through competitive bidding;
- F. Take any action to influence the city's solicitation of any bid or proposal from a person or organization in which the public official or a member of the official's immediate family has a substantial financial interest;

35

COI: Commercial Activity (cont.)

- H. Represent, advise or assist a person or organization for pay or other benefit to the public official in any matter involving the public official's public duty.

36

%OB@HPSEIB@LRK@EU>K'RKABO'2 EH,"
 BOEP'KSBPQED>QLK'LKMLTB"
 PQ>QLK@LKQO>@Q

- Brecksville City Councilman Jack Petsche is now facing an Ohio ethics investigation after his company, USA Roofing, was awarded and performed on a \$150,000 roofing contract on the city's new police station.
- Petsche did not adequately disclose to city leaders that his company was awarded the contract and may now face criminal charges for potentially violating state ethics law and the city charter.


5abc NEWS 5 CLEVELAND

37

The Washington Post

D.C. lawmaker Jack Evans fined \$20,000 in ethics case involving outside work

- D.C. Council member Jack Evans has been fined \$20,000 by the city's ethics agency for using government resources and touting his influence as an elected official while soliciting employment from local law firms.
- Evans's contact with the law firms violated rules that prohibit the use of government resources for personal reasons and using the prestige of office for private gain.



38

THE WALL STREET JOURNAL

Bronx Councilman King Faces Second Ethics Investigation

Andy King under scrutiny for allegedly misusing funds, involving wife in council activity; claims follow earlier sexual-harassment violation

- King accused of:
- Misusing City funds and letting wife work on council business.
- Sexual harassment.
- Previously disciplined for similar behavior.



39



40

COI: Gifts, Loans, and Travel (cont.)

City Code 2.38.080.

- A. Public officials of the city shall not request or receive a gift, loan or trip, personally or for the official's immediate family members, if:
 - 1. That gift, loan or trip would tend to influence the public official in the discharge of his or her official duties; or
 - 2. The public official may be involved in any official action directly affecting the donor or lender.

41

COI: Gifts, Loans and travel (cont.)


- Travel, subject to the following restrictions:
 - a. All travel accepted must be for furtherance of a valid public purpose, and
 - b. All travel accepted must be approved in advance by the mayor in consultation respectively with the city council.

42

Unique Ethics Issues Triggered by Travel

- Whenever and wherever you travel, you are a representative of your community and of your municipal government.
- Travel should not be treated like a vacation.
- Do not extend your trip at the municipality's expense.
- If your municipal code permits you to consume alcohol while traveling, consume responsibly!

43



CITY OF WASILLA
SAMPLE BALLOT
SPECIAL ELECTION - FEBRUARY 7, 2012

● Completely fill in the oval next to your choice.

GROUNDS FOR RECALL AS STATED ON RECALL PETITION	STATEMENT BY THE OFFICIAL NAMED ON THE RECALL PETITION STEVE MENARD
<p>"City Council Member Steve Menard traveled to Sitka, Alaska, in his official capacity as Council Member, for the purpose of attending a meeting with the Alaska Municipal League. Menard, without good cause, failed to carry out his official duties. Menard remained overnight at the Westmark Hotel and while intoxicated he inflicted substantial damage to his hotel room and directed the hotel to bill the City of Wasilla for the damage. The damage included urinating on two beds and a chair, vomiting on the carpet and setting fire to a mattress.</p> <p>The Wasilla City Council convened on August 22, 2011 and decided what action it should take regarding Menard. The Council voted to: 1) sanction Menard by prohibiting him from traveling on City business for the remainder of his term, which expires in 2013, and 2) request him to make full restitution to the City for the \$1434 cost of his travel expenses, and the \$350 the City paid for damage to the hotel room.</p> <p>The Council's action of sanctioning Menard and requiring him to make full restitution for all cost are sufficient reasons to find Menard committed Misconduct in Office."</p>	<p>"I am truly sorry for my actions and all that occurred in the Sitka hotel incident. It should be known that my lack of resignation is not a sign of expected forgiveness but rather gives measure to my continued desire to help serve and form this growing community.</p> <p>All seem to have noticed the headlines on this event, but perhaps what hasn't been noticed is this: My attendance at every council meeting has included coming prepared, engaged, staying until the good drops, recuse myself from voting when appropriate and voting on all other issues. Perhaps what hasn't been noticed is my personal time invested at Borough and State meetings because I understand the impact of these decisions on our community. Perhaps what hasn't been noticed is my commitment and response to individual's concerns and seeking a balance between them and the City's overall needs.</p> <p>I work hard to carry out my official duties and strive to make amends when I fall short. I would appreciate your vote to complete my term.</p> <p>In closing, thank you to my family and friends for their unwavering support and the confidence it has given me to see this process through to the end."</p>

Shall Steve Menard be recalled from the office of Council Member?

☐ YES
☐ NO

44

Permissible Travel or Ethics Violation?

Workblog

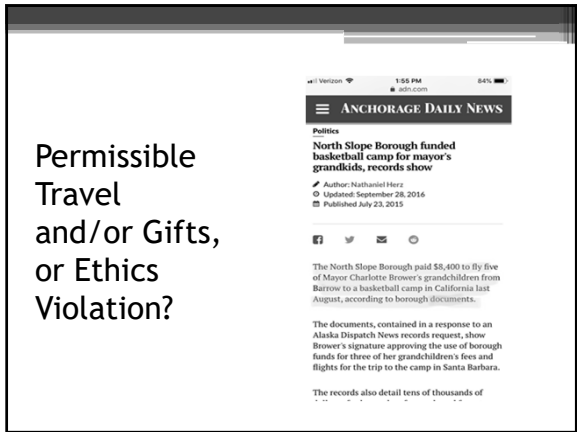
Treasury secretary's wife boasts of travel on government plane, touts Hermes and Valentino fashion

By Damian Paletta
August 24, 2017



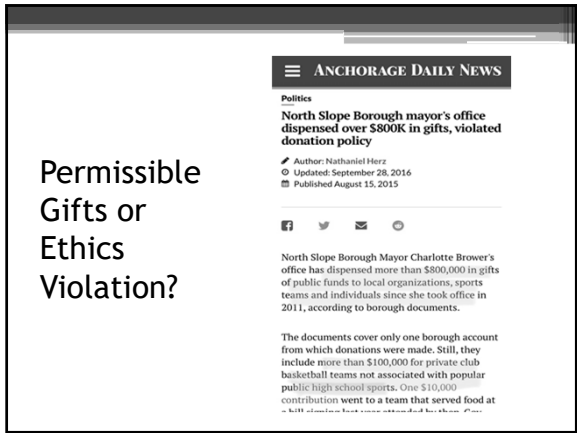
Louise Linton, wife of Treasury Secretary Steven Mnuchin, has made a few headlines during her time in the national spotlight. (Video: Elyse

45



Permissible
Travel
and/or Gifts,
or Ethics
Violation?

46



Permissible
Gifts or
Ethics
Violation?

47



Questions?

48

Ex Parte Communications and the Quasi-Judicial Role

An overview for newly elected officials

Presented By:
Jill S. Dolan, Borough Attorney,
Fairbanks North Star Borough
Michael Gatti, Jermain, Dunnagan & Owens, P.C.
November 2021

1

Substance of the Ex Parte Prohibition

“One sided”

Contacts between one party and a decision-maker outside the presence of another party to the matter when a matter is pending

2

Our goals today

- ▶ What it means
- ▶ Why we have this rule
- ▶ How to recognize when it applies
- ▶ What to do when contact happens

3

“Quasi-Judicial”

- ▶ Decisions that have direct effects on the rights of an individual person
- ▶ Applies existing law rather than makes new law
- ▶ Requires a finding that from all of the evidence presented, the required standards have been met

4

Who are the players?

- ▶ Applicant
- ▶ Interested persons (the public, neighbors, members of other government agencies)
- ▶ Staff
- ▶ Board or city council members

5

Examples of QJ functions

- ▶ Boards of Adjustment (appeals)
- ▶ Board of Equalization
- ▶ Platting Board
- ▶ Certain procurement matters (suspension, debarment)
- ▶ Conditional use, variances, grandfather rights (land use) but not rezones

6

Legislative

- ▶ General policy or rights of individuals in the abstract
- ▶ Making new laws
- ▶ Funding decisions
- ▶ Taxpayers as a group (mill levy)
- ▶ Zoning, comprehensive plan
- ▶ Vacation of streets, rights of way

7

What are ex parte contacts

- ▶ Can be oral or written communications
- ▶ Rule of thumb: If you didn't find out the information while you were "on the record" in a meeting, it is likely an ex parte communication.

8

Procedural Due Process Rights

- ▶ Right to an impartial decision-maker
- ▶ Right to know what information the decision-maker is using to make a determination

9

Rationale

- ▶ Even playing field
- ▶ Unfair to take evidence from only one side at a hearing, also unfair to permit any side to present evidence to the decision makers in private
- ▶ Do not want one side influencing a vote outside the public forum

10

When is a matter “pending”?

- ▶ An application has been filed
- ▶ A matter appears on your agenda
- ▶ Beware:
 - Impending matters
 - ▶ Example: you speak to someone on Monday and they file an application the following day
 - Appeals
 - ▶ Example: a court remands a decision to you for re-hearing but you’ve spoken to one of the parties

11

What if....

- ▶ You get a phone call or email?
- ▶ You run into someone on the street?
- ▶ You are at a meeting and the matter comes up for discussion?
- ▶ You conduct a site visit and the applicant or a neighbor is there?
- ▶ You hear a discussion on a radio program or read an editorial in the newspaper?

12

General Rules

- ▶ AVOID the contact
- ▶ If you accidentally have an ex parte contact, DISCLOSE it on the record at the beginning of the meeting
- ▶ Discuss WHAT was related to you
- ▶ State whether you believe it has impacted your opinion or view of the matter and whether you can still be UNBIASED

13

What do you need to disclose?

- ▶ At a minimum, the substance of the outside contact and the identity of the person making the contact.
- ▶ If it is in written form, make the actual email, letter, photograph, facsimile, etc. a part of the record.

14

Example #1

You and your wife are at dinner with friends, Jack and Diane. One of them discusses a problem with the road in front of their home. The following week, at your municipal meeting, the same road is up for discussion as part of a permit application. Jack and Diane are there to testify but are not the applicant.

15

What do you do?

- A) Say nothing and pretend you don't know them so you look fair.
- B) Wave hello, and nod vigorously in agreement when they testify.
- C) Disclose the contact, and explain to the body if you can remain unbiased.

16

What should I say when I disclose this?

17

“Mr. Chair, before we hear this matter I need to disclose an ex parte contact. Last week, Jack and Diane told me about a problem with this road. They said it is too narrow to handle any additional traffic. I did not know about this application at the time. I believe that despite this information, I can listen to all the evidence and this information has not impacted my ability to be impartial here tonight.”

18

Is your answer the same if:

1. Jack and Diane are not present at the meeting?

19

YES.

You still have information the other decision-makers do not have and it may appear it could influence your decision.

20

Is your answer the same if:

2. Jack and Diane are the applicant?

21

Is your answer the same if:

3. You did not hear about the road from Jack and Diane, but you regularly visit Jack and Diane's home and have personal opinions about their road conditions?

22

Example #2

You are at home eating dinner before your municipal meeting. Your phone rings, and as soon as you answer Tommy Tutone begins telling you why a permit application on that night's agenda should be denied.

23

What should you do?

You politely disconnect the call without offering an opinion on the matter.

24

Was this an ex parte contact?

YES. Even though you did not respond and terminated the call, Tommy provided information to you. Disclose the contact on the record with as much information as you received.

25

Your answer should be the same even if you did not answer and Tommy left a voicemail that you listened to; your assistant took a message that was relayed to you; or, you received an email message that you read but did not respond to.

26

Have a response ready

- Apologize for not being able to discuss the matter
- Provide information as to the appropriate time and place for Tommy to be heard
- Tell Tommy you will listen to what he has to say when you are on the record

27

Have a response ready

“Tommy, I’m sorry I can’t talk to you about that permit. It’s on Tuesday’s agenda. You can submit written comments to the clerk’s office or come testify in person on Tuesday. I will be at Tuesday meeting and will listen to what you have to say then.”

28

Example #3

Your city council meets on Tuesday night. After hearing a permit application regarding a school and evidence from the applicant, it is determined that a decision cannot be reached without comment from the school board. The council postpones its decision in order to provide the school board a chance to comment on the proposal.

29

In a formal letter, the school board submits written comments before your next meeting. Without reading the comments into the record or disclosing it to the applicant, the council votes to deny the application.

Has there been a violation?

30

YES!

Remember all evidence received must be made a part of the record and the applicant should be given an opportunity to respond to any evidence upon which you base your decision.

31

What if the letter had been made a part of the record and the applicant had been given a chance to respond?

32

Example #4

You are hearing a permit application and realize the property involved is near your workplace. You drive by it daily. As the applicant is describing the property as being on a quiet street with little traffic, you believe he is giving inaccurate information to the council. During deliberations, you state: "I plan to vote no because I drive this street every day and almost always get stuck in a traffic jam."

33

EX PARTE???
But no one told me anything!

34

Consider this...

- ▶ Is it information obtained outside a public meeting?
- ▶ Has it been determined that you can be fair and impartial despite this knowledge?
- ▶ Did you give the applicant a chance to address your observations?
- ▶ Are you basing your decision on information that was not available to your fellow council members?

35

It would have been different if you had traveled on the street for a site visit, disclosed this up front in the meeting, and explained what you observed while you were there.

36

Tips

► Be familiar with your upcoming agendas.

► As soon as you sense that you are about to be in an ex parte situation, stop the person from discussing it and tell them how they can be heard on the issue.

► Avoid putting personal mailing addresses on websites; instead, have your mail routed through your clerk's office.

► Note on agendas if an item is quasi-judicial.

37

Questions?

Always remember to check with your local attorney if you think you have been involved in an ex parte contact or if you are not sure if it is a quasi-judicial proceeding to which these rules apply.

38

Newly Elected Officials Training

- **Lobbying 101**
 - How to be effective advocates for your city or borough!

1

Need to Know - The Alaska Legislature

- Each "Legislature" consists of two sessions
- Session convenes in January of each year and by law are no longer than 90 days. However, the Constitution allows for up to 120 days.
- Senate – 20 Senators who serve 4-year terms
 - The Senate is presided over by the Senate President.
- House of Representatives – 40 Representatives serve 2-year terms
 - Each Senate district in Alaska has two corresponding House districts
 - The House of Representatives is presided over by the Speaker of the House.

2

What do Committees do?

- All Legislation is referred to Committees by the Presiding Officer
- Bills are scheduled at the discretion the Committee Chair
- Committee hearings on Legislation include the sponsor statement, **both invited and public testimony**
- Bills can be amended during the Committee process and on the Floor


Ten standing committees.

- Education
- Finance
- Health & Social Services
- Judiciary
- Labor & Commerce
- Community & Regional Affairs
- Resources
- Rules
- State Affairs
- Transportation

3

Committees 101

- ▶ Committees are an essential part of the legislative process
- ▶ Committees also:
 - Hold oversight hearings on governmental operations;
 - Identify issues suitable for legislative review;
 - Gather and evaluate information through public testimony;
 - Recommend courses of action
 - Consider Appointees made by the Governor



4

Budget Process


- (1) State agencies prepare their budget requests July-August
- (2) Requests are submitted in September to OMB for consideration by the director and Governor
- (3) Final budget requests approved by OMB Director and Governor are submitted in December to the Legislature
- (4) The bills are automatically referred to the Finance Committees in each body
- (5) Finance Subcommittees are appointed to handle each department's budget request
- (6) Each Subcommittee considers the budgets and makes recommendations
- (7) The full Finance Committee considers the bill, debates, amends, and passes out of committee.
- (8) The bills go to the floor ("second reading"). After amendments/discussion/debate, the bill is at "third reading" / final vote.
- (9) The operating budget has to travel through both bodies and have concurrence from the originating body. If the two bodies cannot agree on the budget, the items they cannot agree on will end up in conference committee.
- (10) When it is passed, it is transmitted to the Governor for his consideration and signature.

5

How to Begin

Know:

- The schedule
- The process
- The players
- Your position
- Your purpose
- Your objective



Check The Schedule
Check the legislative website, with your legislative liaison, and with legislative staff to know when a bill is scheduled to be heard. Be advised: schedules can change quickly, especially in the final days of a legislative session.

Know the Process and Players
Before testifying, know who is sponsoring the bill, who supports or opposes the bill and why. Be familiar with the committee chair, committee members, and legislative staff. Let the sponsor of the bill or any legislators know beforehand you are testifying on the bill.

Know the Purpose of Your Testimony
Understand why you are testifying. Are you there to persuade, disclose, provide expertise, or delay action on a bill? Know how to separate out the important points of your testimony to ensure they are heard.

6

Slide 4

HB1 This really applies to the Finance Committees
Heather Brakes, 2/12/2021

Slide 6

HB2 I would add that checking with the Committee Aide is always a good idea as well. (1) they have the most up to date information on the Chair's intent to hear the bill even before Basis is updated (2) they are then aware you're going to be testifying.
Heather Brakes, 2/12/2021

Influencing the Bill/Budget Process

- ▶ The opportunity to influence the bill appears multiple times in the legislative process
 - ▶ Working with the bill sponsor to draft or amend legislation
 - ▶ Speaking during the public comment process, or submitting testimony
 - ▶ Contacting Committee members and your Legislators
 - ▶ Repeating the process in the other body
 - ▶ Contacting your Legislators and other influential Legislators when it goes to the floor

7

Invited versus Public Testimony

What's the Difference?

Invited Testimony	Public Testimony
<ul style="list-style-type: none"> ▶ Invited to speak by the Committee ▶ Expert or Stakeholder opinion ▶ Time limits vary ▶ PowerPoints typically allowed 	<ul style="list-style-type: none"> ▶ Open to anyone ▶ Time limits apply ▶ Timing based position in a queue ▶ Option to submit written material

Versus

8

The Fundamentals

- ▶ Call in early – tell the operator which Committee and Bill you are calling to testify on
- ▶ Practice and time yourself
 - Time limits apply
- ▶ No guarantees
- ▶ Turn off volume of the live stream
- ▶ Ensure you are in a quiet setting
- ▶ Ensure you have a good connection
- ▶ Do not use a speaker phone

Call-in Numbers

- If calling from an ANC Prefix please call: 563-9085
- If calling from a JNU Prefix please call: 586-9085
- From any other prefix please call: 844-586-9085

9

How to Testify Telephonically

- Know the bill number and committee
- The Chair sets time limit
 - If you go over time, your phone line may be muted
 - 2-3 minutes is common
- Call 5 to 10 minutes prior to the scheduled start time
- When it is your turn to testify:

- * Your name will be called and you will hear the audio prompt, "Your line is unmuted."
 - * State your full name, where you are from, and your affiliation.
 - * "Chair and members of the committee, for the record, my name is _____, I am from _____ and am representing (myself, business or organization name)
 - * Provide your testimony.
- Keep it local:
 - How the issue affects their constituents; and
 - Humanize it
- ▶ Keep your points fresh and people will pay more attention
- ▶ Q&A may or may not occur

10

Testifying Tips

- ▶ Remain calm and professional
- ▶ Always address your testimony and any responses to the Chair of the Committee
- ▶ Speak:
 - Plainly;
 - Speak in easy-to-understand terms; and
 - Avoid jargon and acronyms
- ▶ If you don't know the answer, say so
- ▶ If you can find the answer, say that you'll follow up and provide that later
- ▶ Always follow-up

11

Written Testimony Tips

- ▶ Why provide written testimony?
 - Not every legislator will be in the room for the entire hearing
- ▶ Written testimony will ensure:
 - You get to say everything you want; and
 - That legislators will remember your statement later
- ▶ Written testimony may be provided if time doesn't allow:
 - Written testimony should be directed to the pertinent committee; and
 - Committee email address are located here:
<http://okleg.gov/docs/excel/Committee-Email-Addresses.xlsx>
- ▶ Written testimony becomes part of the record, is part of the bill packet to each committee as the bill moves through the entire process, and is easily accessible

12


HB3

Slide 12

HB3 Just to point out -- as opposed to oral testimony
Heather Brakes, 2/12/2021

AML as Your Advocate

Resolutions, Positions, Tracking, and Resources



- ▶ AML Advocacy:
 - <https://www.akml.org/legislative-advocacy/>
- ▶ AML Resolutions:
 - <https://www.akml.org/legislative-advocacy/2021/resolutions/>
- ▶ AML Legislative Tracker:
 - <https://www.akml.org/legislative-advocacy/legislative-tracker/>
- ▶ Resources:
 - <https://www.akml.org/legislative-advocacy/legislative-resources/>

13

Effective Lobbying/Advocacy

- ▶ Reach out to your legislator before or early in session to identify priorities
- ▶ Focus on negative or positive impacts to (1) your budget, (2) your ability to operate and maintain local control, and (3) residents in your community
- ▶ Respond to AML requests for impacts – identify the trade-offs you'll face
 - ▶ Increased taxes, reduced staffing, reductions or eliminations of programs, implementation challenges
- ▶ Share your stories – add a personal touch for how legislation or the budget might impact you or residents
- ▶ Maintain communication with your local and statewide media

14

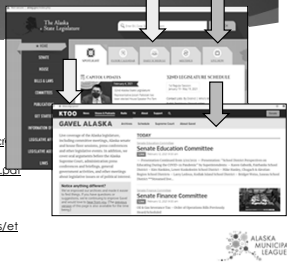
Supporting AML Advocacy

- ▶ AML follows all legislation with municipal impacts
- ▶ You will receive weekly updates on legislative activities, during session
- ▶ Each week we'll include a schedule for the next week
- ▶ You should:
 - ▶ Read through bills that we highlight
 - ▶ Contact your legislator or the Committee, if the bill negatively impacts you, or you support it
 - ▶ Listen to the Committee hearings that are relevant
- ▶ AML will sometimes push out Action Alerts, which we hope you will respond to by contacting Legislators or the Governor

15

The Basics

- ▶ How to watch:
 - <http://akleg.gov/index.php> or
 - <https://www.ktoo.org/gavel/>
- ▶ Terms to know:
 - <https://akleg.gov/docs/pdf/abbreviations.pdf>
 - <http://akleg.gov/docs/pdf/glossary.doc>
- ▶ Code of Conduct:
 - https://ethics.akleg.gov/documents/ethics_code.pdf



16

Resources

- ▶ AML weekly legislative update
- ▶ Legislative contact list
- ▶ Statewide media contact list
- ▶ www.akleg.gov
- ▶ BASIS
- ▶ CAPSIS

17



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

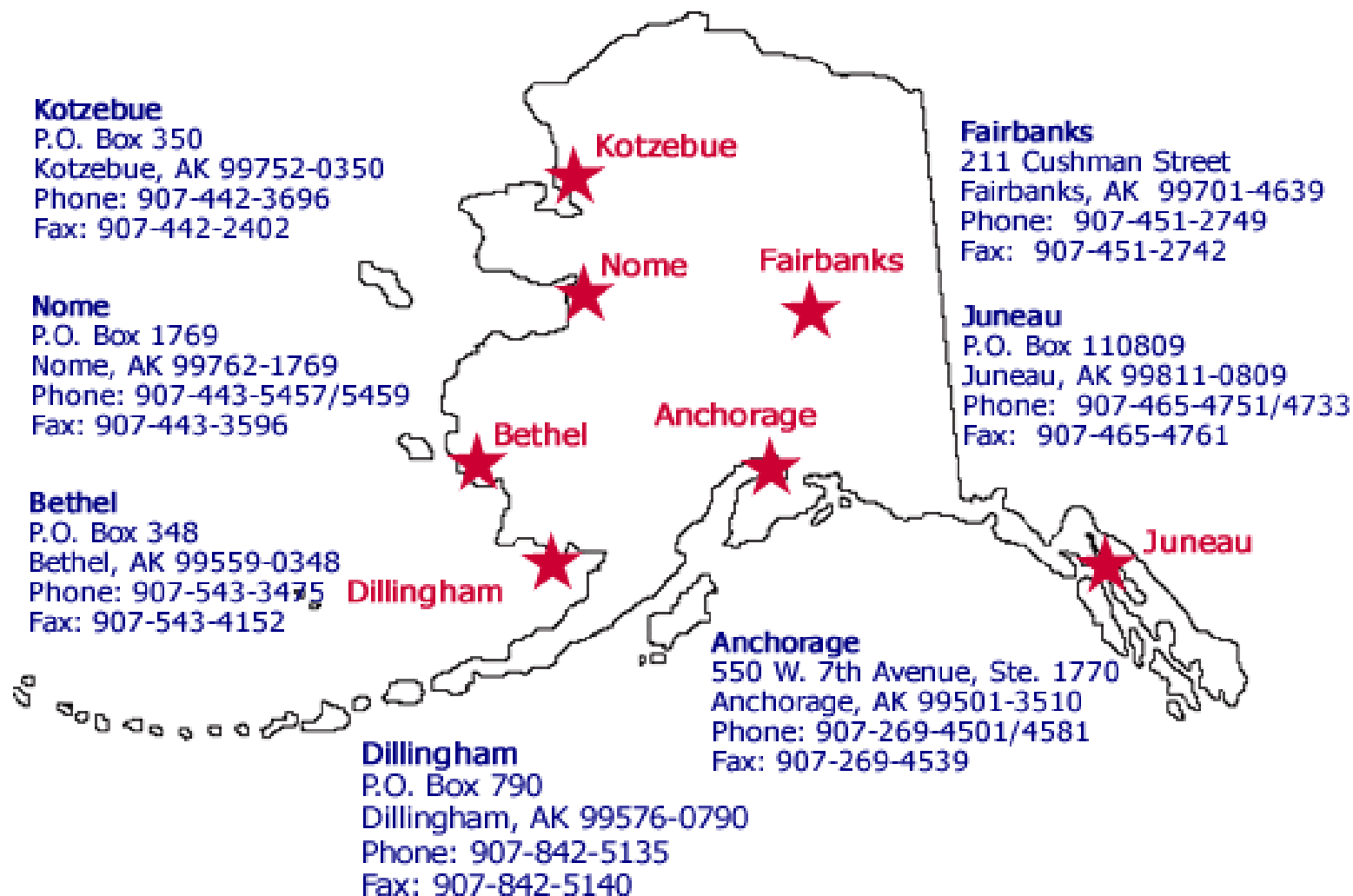
**DEPARTMENT OF COMMERCE, COMMUNITY AND
ECONOMIC DEVELOPMENT
Division of Community & Regional Affairs**

**Local Government 101:
Introduction to Title 29**

**Iura Leahu LGS 3
Brendan Smyth LGS 3
November 9, 2021**



DCRA Regional Offices





Local Government 101

- **Creation of Local Government in Alaska**
- **Classification of Local Government**
 - **Introduction to Title 29**
- **Division of Community & Regional Affairs (DCRA)**
 - **Questions?**



Local Government 101

Creation of Local Government 1955-56 Alaska Constitutional Convention





Alaska Constitution

Article X Provides:

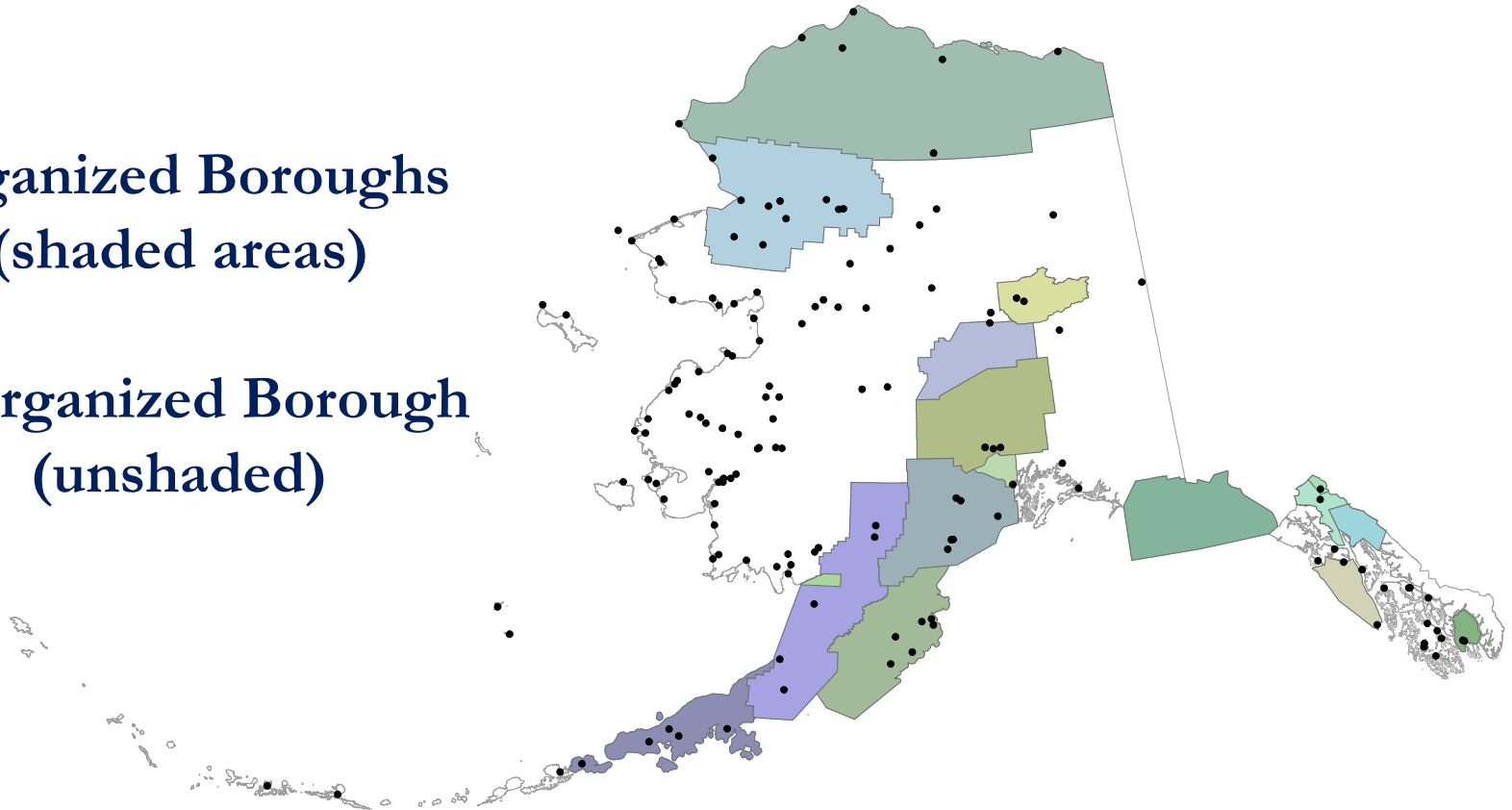
- Maximum local self-government.
- A liberal construction shall be given to the powers of local government units.
- All local government powers shall be vested in boroughs and cities.
- The entire state shall be divided into boroughs; organized or unorganized.
- The governing body of an organized borough shall be the assembly.
- The governing body of a city shall be the council.
- A local boundary commission or board shall be established by law.
- An agency – DCRA – shall be established by law...to advise and assist local governments.



Boroughs and Cities

**Organized Boroughs
(shaded areas)**

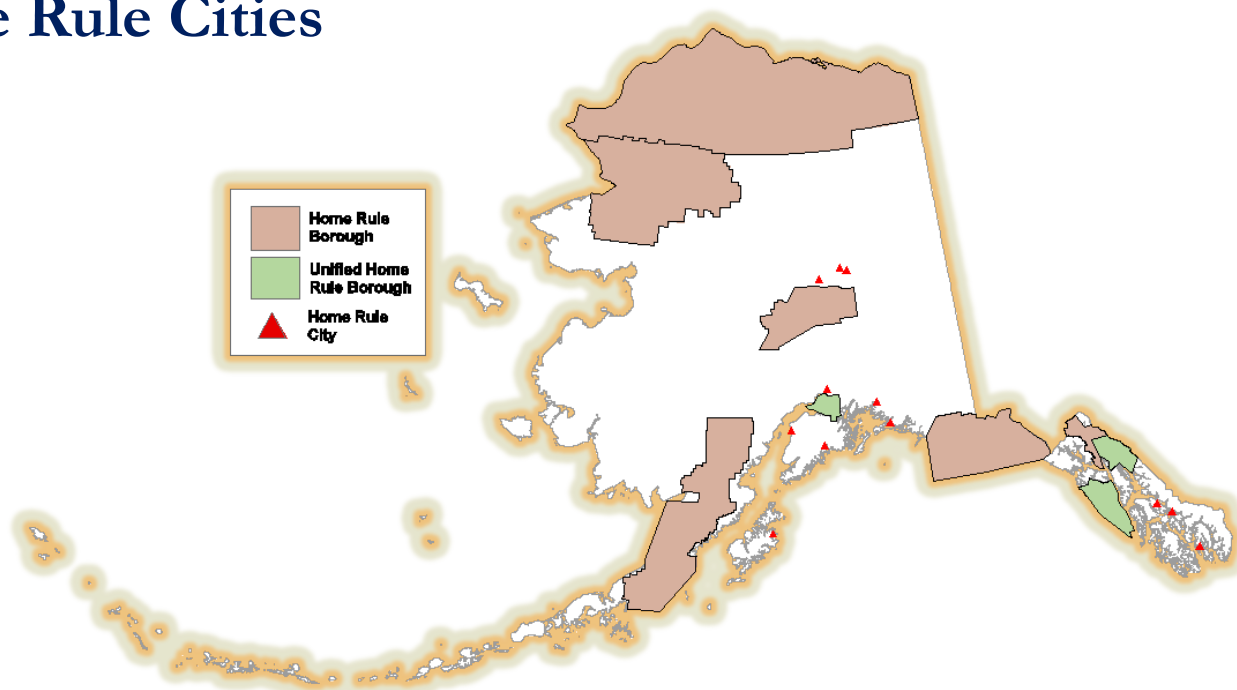
**Unorganized Borough
(unshaded)**





Home Rule

4 Unified Home Rule Boroughs
7 Non-unified Home Rule Boroughs
& 11 Home Rule Cities





Boroughs and Cities

As of today, there are 19 organized boroughs and 145 cities in Alaska.

Home Rule Boroughs (11)

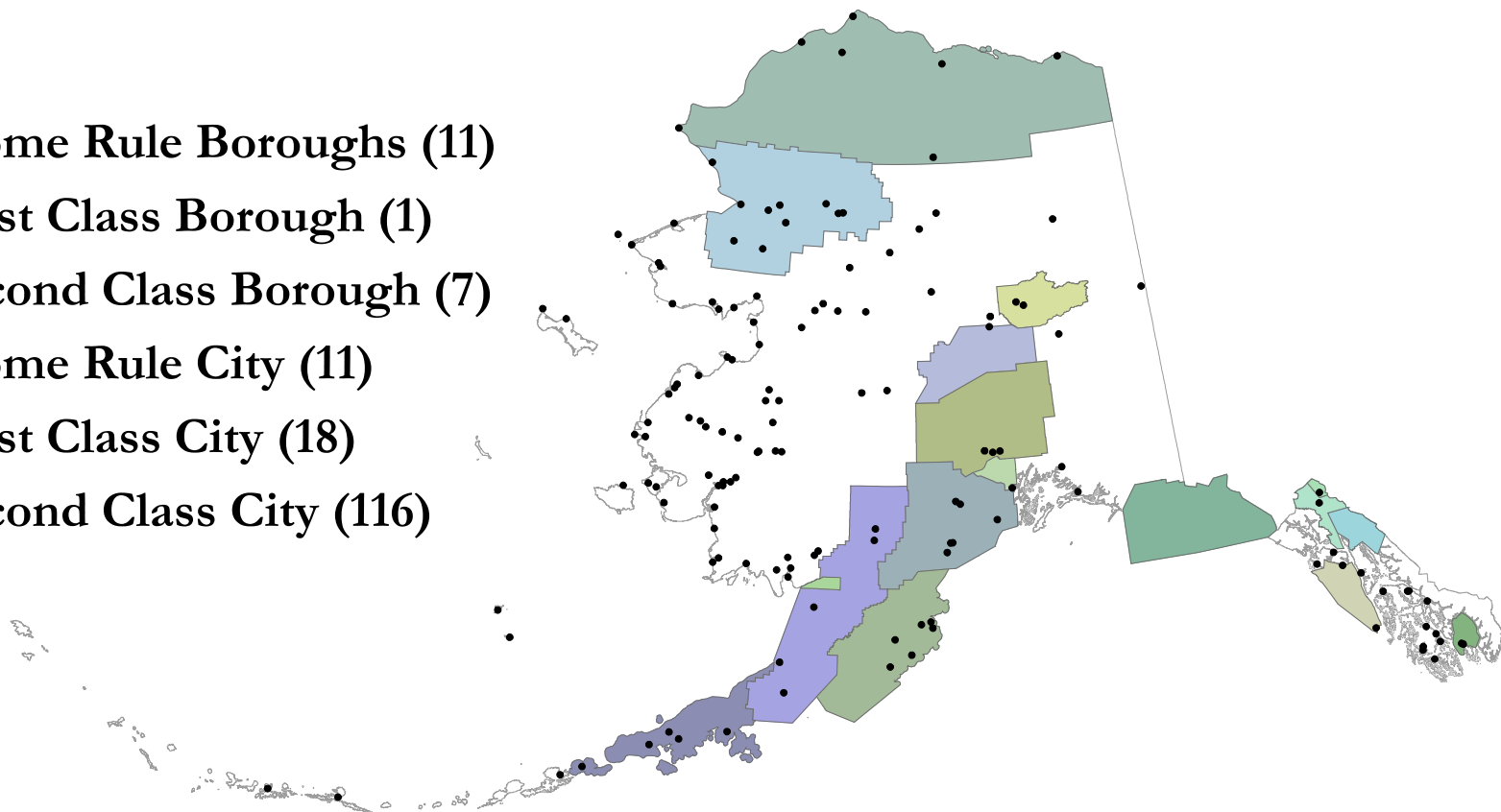
First Class Borough (1)

Second Class Borough (7)

Home Rule City (11)

First Class City (18)

Second Class City (116)





Municipalities

A municipality is any borough, city, or unified local government established and incorporated under Alaska law.





Requirements

All municipalities must conduct regular elections and hold regular meetings open to the public.



Other duties vary based on classification of the municipality and whether it is in an organized borough or the unorganized borough.



Education

Organized boroughs, as well as home rule and first class cities in the unorganized borough, must provide education services.

Education services for 2nd class cities in the unorganized borough are provided by state REAAs.





Planning, Platting, & Land Use Regulation





Taxation

Only boroughs and cities have the power to tax. (Article X)

Boroughs and cities are authorized to collect property, sales, and use taxes. (AS 29.45. Municipal Taxation)

Taxes must be adopted by ordinance. (AS 29.25.010(3))

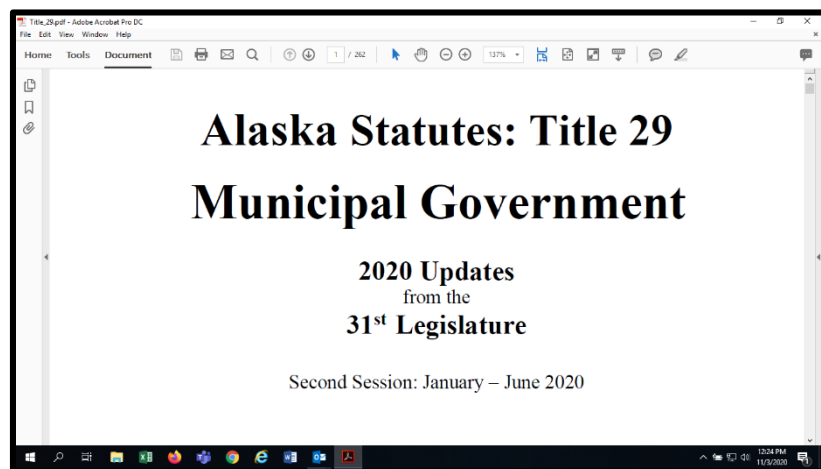
Taxes must be ratified by the voters. (AS 29.45.670)

A borough shall assess and collect property, sales, and use taxes that are levied in its boundaries. (AS 29.35.17(a))



Title 29

Title 29 of Alaska Statutes addresses Municipal Government in Alaska



TITLE 29 TABLE OF CONTENTS



- Chapter 3 The Unorganized Borough (29.03. ...)
- Chapter 4 Classification of Municipalities (29.04. ...)
- Chapter 5 Incorporation (29.05. ...)
- Chapter 6 Alteration of Municipalities (29.06. ...)
- Chapter 10 Home Rule Municipalities (29.10. ...)
- Chapter 20 Municipal Officers & Employees (29.20. ...)
- Chapter 25 Municipal Enactments (29.25. ...)**
- Chapter 26 Elections (29.26. ...)
- Chapter 35 Municipal Powers and Duties (29.35. ...)
- Chapter 40 Planning, Platting, & Land Use Regs (29.40. ...)
- Chapter 45 Municipal Taxation (29.45. ...)
- Chapter 46 Special Assessments (29.46. ...)
- Chapter 47 Municipal Debts (29.47. ...)
- Chapter 55 Municipal Programs (29.55. ...)

<https://www.commerce.alaska.gov/web/dcra/>



Title 29

Chapter 20: Municipal Officers and Employees

Chapter 25: Municipal Enactments

Chapter 26: Elections

Chapter 35: Municipal Powers & Duties



Governing Bodies

Conflict of Interest Ordinance (AS 29.20.010)

Legislative Power (AS 29.20.050)

Council Composition (AS 29.20.130)

Terms of Office (AS 29.20.150)

Procedures of Governing Body (AS 29.20.160)

Vacancies (AS 29.20.170-.180)



The Mayor

Executive Power (AS 29.20.220)

Election and Term (AS 29.20.230)

Qualifications (AS 29.20.240)

Powers and Duties (AS 29.20.250)

Veto (AS 29.20.270)

Vacancy (AS 29.20.280)



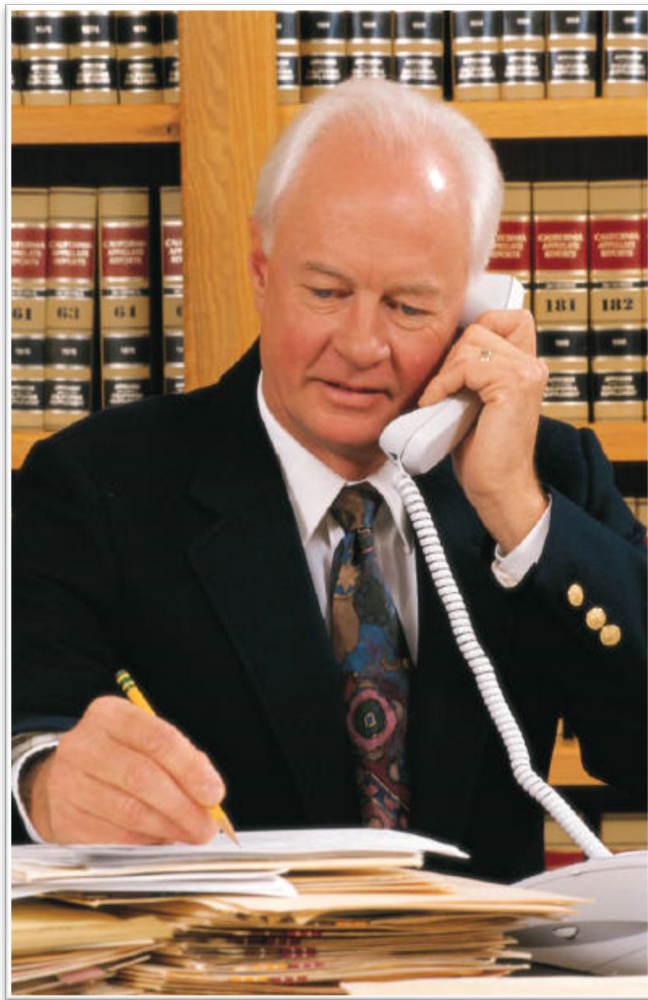
Appointment of Officials

AS 29.20.360

Unless otherwise provided by ordinance, the municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrator. Unless otherwise provided by ordinance, an official described in this section serves at the pleasure of the appointing authority and, if appointed by the chief administrator, must be confirmed by the governing body.



Municipal Attorney



AS 29.20.370

The municipal attorney is the legal advisor of the governing body, the school board, and the other officials of the municipality. The municipal attorney represents the municipality as attorney in civil and criminal proceedings.



Municipal Clerk



The municipal clerk provides administrative support to the governing body as identified in state law (AS 29.20.380).

The clerk is also typically the first person contacted when dealing with municipal government, when seeking public records, and when a citizen has a concern, question, or complaint.



Municipal Treasurer

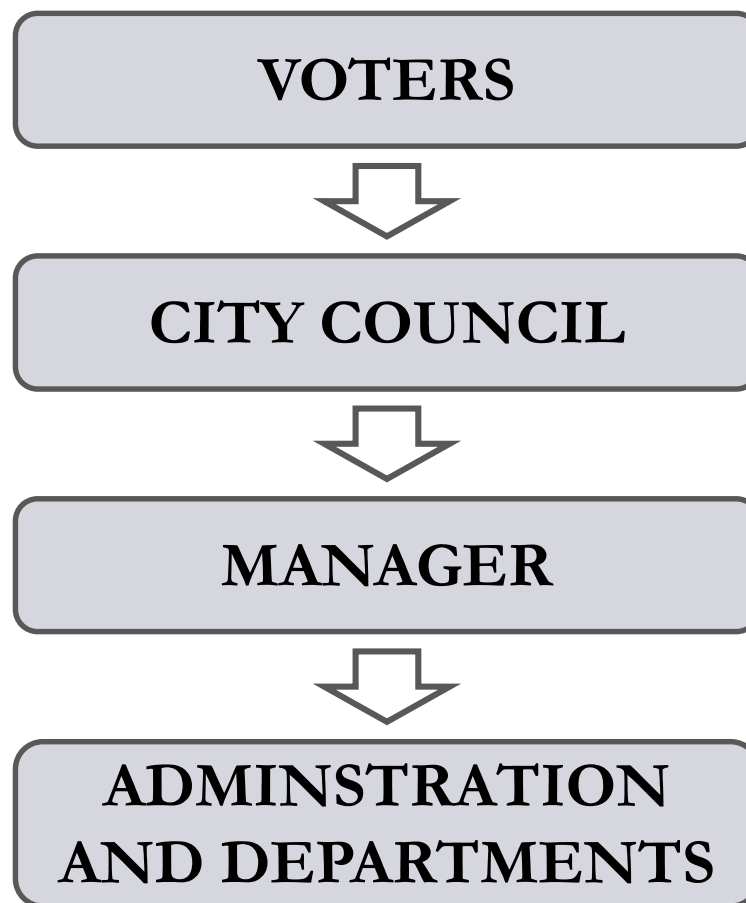
AS 29.20.390



Except as provided in AS 14.14.060, the treasurer is the custodian of all municipal funds, shall keep an itemized account of money received and disbursed, and shall pay money on vouchers drawn against appropriations.



Manager Plan





Manager



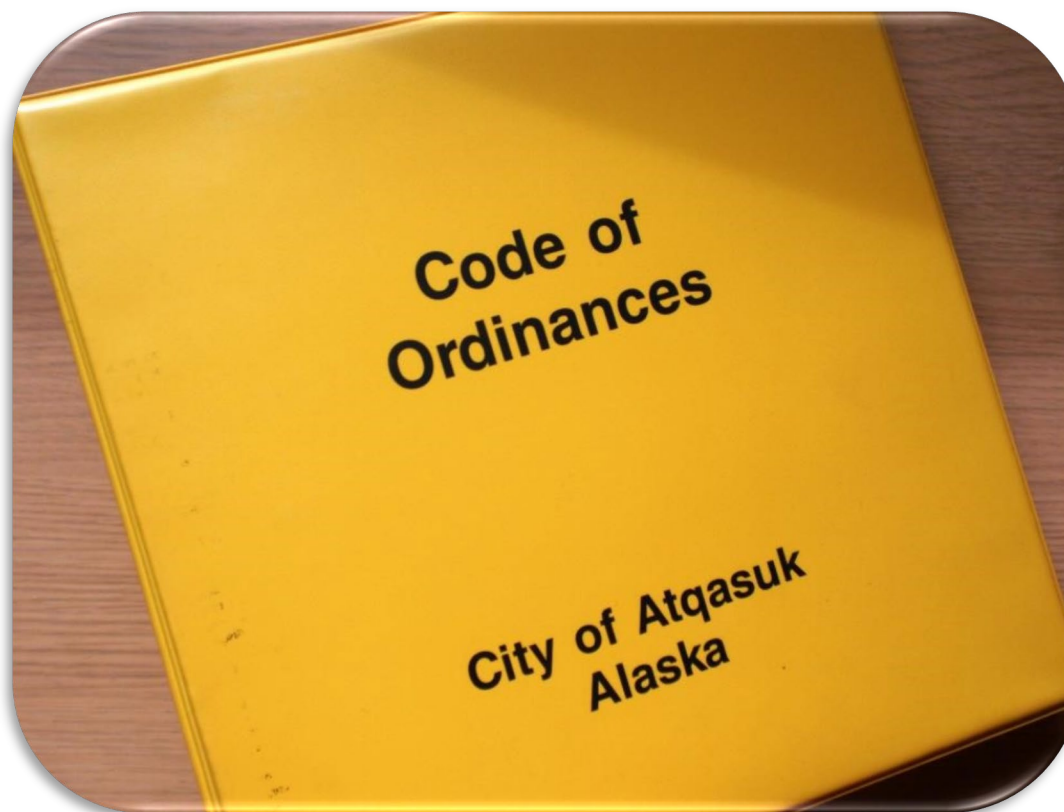


Manager



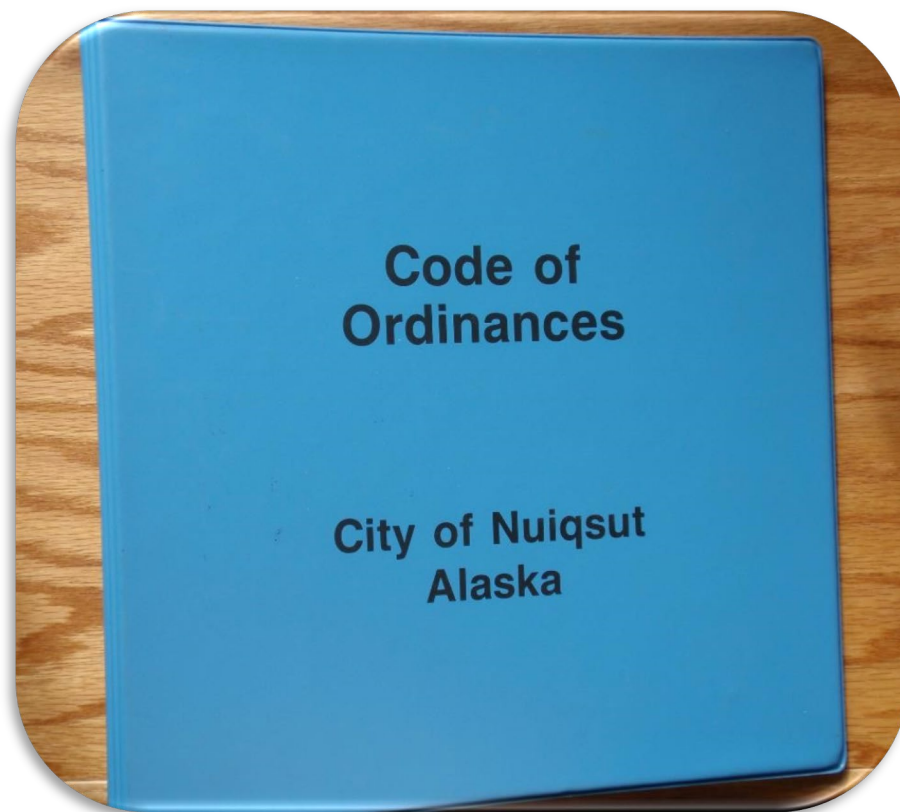


Municipal Enactments





Municipal Enactments





Elections





Powers and Duties

AS 29.35.010 grants all municipalities general powers (subject to other provisions of law) including powers to:

- Establish a municipal department;
- Levy a tax and impose a lien for its enforcement.
- Enforce an ordinance and prescribe a penalty for violation of it.
- Acquire, manage, control, use, and dispose of real and personal property.
- Expend money for a community purpose, facility, or service.
- Regulate the operation and use of a municipal right-of-way, facility, or service.
- Borrow money.
- Provide facilities or services for the confinement and care of prisoners.



Your role

As an elected official, you now have a role in:

- Policy making
- Budgeting and financial management
- Capital projects
- Community planning
- Employment tax compliance
- Local ordinances
- Monthly meetings
- Personnel management
- Public Safety
- Utility management



CAP & RUBA

Community Assistance Program

- Annual application, budget, and certified financial statement or audit.

RUBA Best Practices

- Bi-annual scoring of utility management capacity.
- Eligibility for capital project funding.



DCRA

Additional resources can be found at the State of Alaska, Division of Community Affairs website:

<https://www.commerce.alaska.gov/web/dcra/LocalGovernmentAssistance.aspx>

Alaska Statutes: Title 29

A Primer for City Council Members

RUBA On-line Training Courses (see schedule)



Questions?





Contact Information

Local Government Assistance

(907) 269-4540

Local Government Resource Desk

(907) 269-8122

ResourceDesk@alaska.gov

Newly Elected Officials (NEOs)
2021
Local Tax Policy in Alaska
Joe Caissie – Acting State Assessor; Department of
Commerce, Community & Economic Development

1

Responsible Tax Policy


2

Local Government in Alaska


- **Constitution of the State of Alaska**
- **Article 10 § 1**
 - “Maximum local self government”...
- **Current local governments:**
 - 19 Boroughs, 146 Cities

3


WHAT TAXES PROVIDE



Public Safety



Public Works



Schools

A MEANS FOR LOCAL GOVERNMENT TO PAY FOR PUBLIC SERVICES

Page • 4 4

4

Tax revenue allows the community to meet the needs of both residents and business.

- Public services support and encourage commerce.
- Public safety protects investments and reduces operating costs.
- Schools attract and retain residents.
- Roads and transportation support commerce.

Page • 5 5

5

What is Public Policy & Tax Policy?

▪ **Public policy:** What do you* want to do?

▪ **Tax policy:** How are you* going to pay for it?

*subject to terms and conditions

Page • 6 6

6

How Does Your Tax Policy Affect the General Public?

- Your **Tax Policy** may well dictate what people can or cannot afford to do with their money. In other words, your **tax policy** may change their spending habits!
- **Income effect:** Increasing taxes makes people poorer, less able to buy things.
- **Substitution effect:** Taxing alcohol makes people less likely to buy alcohol.
 - Important nuance: How much less likely?

Page • 7

7

7

Tax Policy Considerations

- **Who pays the tax?**
- **Who is exempt from taxation?**
- **Reliability of tax revenue?**
- **Cost of collecting the tax?**
- **Impact of tax on individuals and businesses?**

Page • 8

8

8

Who Pays the Tax?

- **Don't tax me, don't tax thee, tax the guy behind the tree.**



Page • 9

9

9

ALASKA
COMMERCIAL
AND ECONOMIC
DEVELOPMENT
Division of Community
and Economic Affairs

Who Pays the Tax - Basics

- Property Tax**
 - Paid by property owners, based on the value of the property.
 - Exemptions shift tax to remaining property owners.
 - Exemption of personal property shifts tax to real property owners.
- Sales and Use Tax**
 - Retail level sales paid by the buyer, based on price.
- Excise tax**
 - Wholesale level sales, paid by seller, based on number of units sold.

Page • 10

10

ALASKA
COMMERCIAL
AND ECONOMIC
DEVELOPMENT
Division of Community
and Economic Affairs

Who Pays the Tax - Advanced

Tax Incidence Analysis!

- Property Tax**
 - Paid by property owners, **renters, and customers**, based on the value of the property.
 - Exemptions shift tax to remaining property owners.
 - Exemption of personal property shifts tax to real property owners.
- Sales and Use Tax**
 - Retail level sales paid by the buyer **and seller**, based on price.
- Excise tax**
 - Wholesale level sales, paid by seller **and customers**, based on number of units sold.

Page • 11

11

ALASKA
COMMERCIAL
AND ECONOMIC
DEVELOPMENT
Division of Community
and Economic Affairs

Reliability of Tax Revenue

- Property Tax**
 - Buoyant tax adjustable based on tax rate.
- Sales Tax**
 - May change based on economy dependent on amount of actual sales each year.
- Excise Tax**
 - May change based on economy and quantity or price of goods sold each year.

Page • 12

12

ALASKA
COMMUNITY
AND ECONOMIC
DEVELOPMENT
Division of Community
and Economic Development

Cost of Tax Administration

- **Property Tax**
 - Most expensive tax to administer (property records).
 - Sales price disclosure.
 - 1% to 2% of tax revenue typical.
- **Sales Tax**
 - Economy from central administration.
 - Need for auditing.
- **Excise Tax**
 - Severance tax records.
 - Audit for fair and correct tax administration.

Page • 13

13

Budgets and Taxes

How They Work

- **Budget:** A statement of estimated revenues and expenses for a specified period of time, typically one year.

Page • 14
1

14

Budgets and Taxes (Cont.)

- **Balanced Budget** – A budget in which revenues equals or exceeds expenditures.
- **Capital Budget** – A budget of expenditure for the acquisition of long-term assets (such as buildings & equipment) showing planned expenditures and revenue sources.
- **Revenue sources include** all taxes, sales, property, excise, other fees and other income (such as games of chance, parking fines, building permits, etc.) to the municipality.

Page • 15
15

15

Tax Revenue Collected by Local Governments in 2017

Sales Tax	\$ 229,203,933	(13.2%)
Special Taxes	\$ 129,254,888	(7.4%)
Local Property Tax	\$ 930,055,612	(53.5%)
Oil & Gas Property Tax	\$ 446,756,597	(25.7%)
Total Tax Revenues	\$1,735,271,030	

PROPERTY TAXES MAKE UP OVER 79% OF ALL LOCAL TAX REVENUE FOR LOCAL GOVERNMENTS.

Page • 16

16

16

Tax type	Boroughs	Cities
Sales	9	113
Special	17	49
Property	15	21
NONE	0	22

Page • 17

17

17

Tax Alternatives

A wide variety of revenue alternatives are available for consideration by municipalities.

Some of these include:

- Sales Tax
- Excise Tax
- Property Tax
- Motor Vehicle Registration Tax
- Bed Tax
- Fuel Transfer Tax *(some restrictions apply; should be called the "Fuel Sale Transfer Tax")*
- Marijuana Tax

For a more detailed look at revenue alternatives, the Division of Community & Regional Affairs does conduct a Revenue Alternative workshop.

Page • 18

18

18

Sales Taxes

- Allowed by AS 29.45.650-.710.
- Does not apply to food stamps.
- Does not apply to storage, use, services, etc. of "orbital space facilities".
- Does not apply to "refined fuels" unless transfer is in connection to a sale.
- Does not apply to wholesale sales or transfers of refined fuels.
- Does not apply to a construction contract or sub-contract on a state construction project.
- A city or borough may provide for a real or personal property lien for non-payment of sales taxes.

Page • 19

19

19

Sales Tax (Cont.)

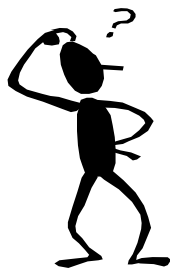
- No longer a statutory limit on amount of sales tax.
- May have seasonal sales taxes (higher rate during summer vs. lower rate in winter).
- May be multi-dimensional – higher bed tax rate, tobacco tax rate, etc., than a general sales tax rate.
- Alcohol tax does not have to match "general sales tax" rate (but you do have to have a sales tax of some kind).
- Exemptions may be granted by local ordinance .
- Must hold a vote in order to institute or increase a sales tax.

Page • 20

20

20

What is a tax exemption?



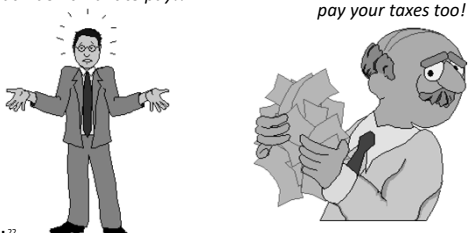
Page • 21

21

21

An exemption is a forgiveness of taxes. It *DOES NOT*** do away with the need for the revenue. In other words, ***someone else*** will end up paying more!**

But I don't want to pay!! *But I don't want to have to pay your taxes too!*



Page • 22 22

22

For Exemple

Let's say we need \$10,000 of property tax revenue from this town with five houses.

$10,000 / 1,550,000 = 6.45 \text{ mills}$

Values	Tax (6.45)			
\$150,000	\$968			
\$200,000	\$1,290			
\$300,000	\$1,935			
\$400,000	\$2,580			
\$500,000	\$3,225			
\$1,550,000	\$10,000			

Page • 23 23

23

For Exemple

Now let's give people a residential exemption of \$50,000.

We still need our \$10,000 of revenue – but we have a smaller base to tax now.

$\$10,000 / \$1,300,000 = 7.7 \text{ mills}$

Values	Tax (6.45)	New val	Tax (7.7)	
\$150,000	\$968	\$100,000	\$769	
\$200,000	\$1,290	\$150,000	\$1,154	
\$300,000	\$1,935	\$250,000	\$1,923	
\$400,000	\$2,580	\$350,000	\$2,692	
\$500,000	\$3,225	\$450,000	\$3,462	
\$1,550,000	\$10,000	\$1,300,000	\$10,000	

Page • 24 24

24

For Example

- Some helped, some hurt.
- The person with the \$400,000 house got \$50,000 exempted, but still saw taxes increase!
- Don't look at exemptions as tax reductions: look at them as redistributions of burden.

Values	Tax (6.45)	New value	Tax (7.7)	Change in taxes
\$150,000	\$968	\$100,000	\$769	-\$198
\$200,000	\$1,290	\$150,000	\$1,154	-\$136
\$300,000	\$1,935	\$250,000	\$1,923	-\$12
\$400,000	\$2,580	\$350,000	\$2,692	+\$112
\$500,000	\$3,225	\$450,000	\$3,462	+\$237
\$1,550,000	\$10,000	\$1,300,000	\$10,000	

Page • 25

25

25

Exemptions (Cont.)

- **Sales taxes** – Other than what has been discussed, other exemptions are totally up to local discretion (be careful of other state and federal laws though).
- **Property taxes** – Two types of exemptions.
 - **Mandatory** – Specific exemptions required by law.
 - **Optional** – List of exemptions municipality may authorize by local ordinances; some require voter approval.

Page • 26

26

26

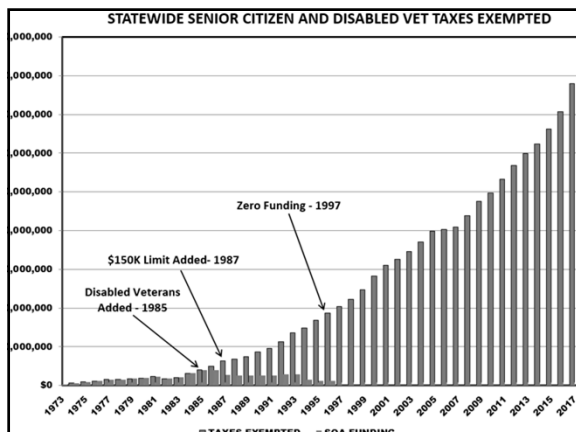
Required Property Tax Exemptions AS 29.45.030

- **Municipal, state property**
- **Property Used EXCLUSIVELY for Non-Profit:**
 - Religious purposes
 - Charitable purposes
 - Cemetery purposes
 - Hospital purposes
 - Educational purposes
- **Homes of Senior Citizens and Disabled Veterans – up to \$150,000**

Page • 27

27

27



28

Required Property Tax Exemptions (Cont.)

- Household furniture and personal items.
- Money on deposit.
- ANCSA property (Alaska Native Claims Settlement Act).
 - Unless developed or leased to third parties.
- Natural resources in place.
- Residences of ministers, priests, etc.
- Residences of teachers of a parochial schools if owned by the religious organization.

Page • 29

29

Optional Property Tax Exemptions AS 29.45.050

- Up to \$50K residential exemption.
- Historic sites & monuments.
- All of or any category of personal property.
- Profit of a non-profit organization used for community purposes.
- The value that exceeds \$150,000 of assessed value of homes of senior citizens & disabled veterans' homes.
- Certain economic development property.
- Certain "deteriorated" property; so, designated by the governing body.

Page • 30

30

The Property Tax: Cons


- Property taxes are an allocation of the cost of public services allocated based on the value of the property owned.
- Property taxes are based upon the principle that property is a measurement of wealth and that measurement is used for the basis of the tax.
- Consequently, property taxes are levied without regard to ability to pay.
- The property tax in Alaska is generally a tax on the market value of tangible assets, which is not related to the income of the property owner.

Page • 31

31

31

The Property Tax: Pros

- It is a stable a reliable source of revenue.
 - Property value can go up or down and still generate the same amount of revenue.
 - Under COVID, values have stayed steady so far...unlike sales tax.
- Property tax systems are generally more open and visible than administrative systems for other taxes.
 - Based on public records and recorded title. 
- Offers an appeal system unlike most other tax systems.
- Taxes secured by property; therefore, taxes are difficult to evade.

Page • 32

32

32

The Property Tax: Pros

- Collection costs are less than other types of taxes.
- Property data collected can be used for more than taxes: for example, public safety, and disaster recovery.
- Generally, people have an understanding of the system and property value.

Page • 33

33

33

Requirements for a Fair & Equitable Property Tax

- Accurate descriptions of property
- Market Data (disclosed sales prices)
- Assessment System

Page • 34

34

34

Property Tax Mill Rates

- Mill Rates are determined by dividing the Budget by the TOTAL Taxable Assessed Value.
- If the budget stays the same and the Assessed Values increase, the mill rate should decrease.
- A mill is 1/1000 of \$1 – A 10 mill tax equals a 10-cent tax for every \$100 of assessed value or \$1 for every \$1,000 of assessed value – a mill is .001.

Page • 35

35

35

Calculating the Mill Rate

Property Tax Levy: The Budget
Revenue from Property Taxes

Divided by

Total Assessed Value*

= Mill Rate

**Total Assessed Value means the value of all property AFTER all exemptions have been deducted. A Very Important Point!!*

Page • 36

36

36

Here's What it Looks Like:

Budget Amount	\$150,000	
	Divided by	= .01 or 10 mills
Total Assessed Value	\$15,000,000	
 Taxes on a \$150,000 house = \$1,500		
(\$150,000 X .01)		

Page • 37

37

37

Increase ONLY the Assessed Value, and....

Budget Amount	\$150,000	
	Divided by	= .006 or 6 mills
Total Assessed Value	\$25,000,000	
 Taxes on a \$150,000 house = \$900		
(\$150,000 X .006)		

Increasing the assessed value caused the mill rate to decrease and the tax on this house decreased \$600!!!

Page • 38

38

38

Conclusion:

- As a local elected official, it is your job to set local tax policy or decide not to and attempt to find other ways to pay for services.
- There are several revenue alternatives (taxes) available.
- But the fact remains that you need to make a choice, not an easy one, but one made based upon the economics of your municipality and the ability of your constituents to pay for the services they want.
- While it would be nice to have someone else pay for all our services, the fact is, they won't! But we must pay for them, somehow, and you are one of those who are in charge of finding a way!

Page • 39

39

39

Open Meetings Act COVID edition

Presented By:
Jill S. Dolan, Borough Attorney,
Fairbanks North Star Borough
Michael Gatti, Jermain, Dunnagan & Owens, P.C.
November 2021

1

Policies/Goals of OMA

- ▶ Maximize informed and principled decision-making
- ▶ Better decisions are made through public scrutiny
- ▶ The right to open meetings should be liberally construed
- ▶ Conservative approach to exceptions and executive sessions

2

Recall

- ▶ Allegations of OMA violations are a sufficient basis for a recall petition.
 - School board members allegedly participated in an executive session in which employees were discussed without being given notice or options to make the discussion public.
 - Three board members violated the OMA by not identifying the specific subject of executive session.

3

Basic Formula

- ▶ Subject + Members=Public + Notice
- ▶ Subject: within body's authority or duties; includes all steps of deliberative process including inquiry and discussion
- ▶ Members=more than three or majority (includes committees)
- ▶ Public=everyone can attend
- ▶ Notice=date, time, and place, by print or broadcast media and posted at principal office

4

Timing and Notice of Subject

- ▶ Timing depends on the circumstance.
 - Complex, important vs proforma/ministerial
 - Follow any specific rules you have adopted
- ▶ Reasonable Notice
 - Includes the subject with some "specificity and clarity"
 - Be consistent (not "varied and confusing")
 - Ask: does it encourage/discourage citizen participation?

5

Exceptions

- ▶ Certain meetings are not included
 - Employee meetings
 - Managerial meetings of service area boards
 - Attendance at member organizations
 - Quasi-Judicial bodies in deliberations only
- ▶ Emergency Meetings
 - Give as much notice as possible. Is it actually an emergency?

6

Social media, texting, blogs

- ▶ A meeting can include “one-on-one conversations” between elected officials about “substantive” issues that have the effect of circumventing the Open Meetings Act, regardless of whether a quorum was present at any given time.
- ▶ A court may treat Facebook messages, text messages, tweets, or similar conversational technologies the same as emails.

7

Executive Sessions

- ▶ NOT a secret meeting
 - Still needs public notice, maybe individual notice
 - Requires a specific motion and vote
- ▶ Statutory exceptions
 - Adverse effect on finances
 - Prejudice reputation/character
 - Matters required to be confidential by law
 - Consideration of government records that are confidential by law
 - Attorney client communications
- ▶ Who can come? Do we record them?

8

Discussion of Common Scenarios and Questions

9

Who counts?

Who is a member of your body?

Elected but not sworn?

Mayor/Manager voting members?

10

Scenario

Bob applies for a rezone the assembly/council will hear next week. Bob invites you to his property to take a tour and review his development plans. You arrive, and a small group (including 3 other members) is gathered.

11

What do you do?

1. You head back to your car.
2. You stay because they are only talking about his development plans if the rezoning passes.
3. You politely tell Bob you have to leave and request he call you later with details of what everyone said.

12

Choice 2 - Violation

Brookwood Area Homeowners Association v Municipality of Anchorage.

Informal meeting of assembly members at a developer's office for a discussion of a proposed development when a rezone was scheduled a week later was subject to OMA.

13

Choice 3 - Violation

A member of the public can effectuate a serial meeting.

Be aware of telephone polling and email communications.

14

Scenario

You attend a properly noticed meeting. On the agenda is an item that you have emailed other members about and went to a site visit on. You are wondering whether you should tell anyone about the emails or your meeting(s) that may have been improper.

15

What do you do?

1. You stay quiet, so as not to taint this meeting too.
2. You bring a copy of the email, read it into the record, and describe your site visit.
3. You tell the clerk the body can no longer act on the rezone because you messed up.

16

Violation

Ok, I messed up. Can I get a do-over?

Voidable.
Conduct a substantial and public reconsideration.
Get to point of derailment and resume from there.

17

Scenario

At the end of the meeting agenda, there is an opportunity for mayor and assembly/council member comments. The mayor gives a 20 minute report on changes that should happen to your code to prevent contentious rezones.

18

What do you do?

1. You ask questions, and so do two other members.
2. You call a point of order, and ask that this be placed on the next agenda.
3. You suggest the agenda be amended to include the item so the discussion can continue.

19

Choice 1 - Violation

Remember—you have to give notice of the specific subject matter. You can not add items to the agenda by calling them mayor or staff briefings.

20

Choice 2 - Correct Choice

Put it on the next agenda. Brief updates are ok, but long reports should be noticed as should discussions with the body.

21

Choice 3 - Violation/Correction

Remember—you have to give notice of the specific subject matter. You cannot add items to the agenda at the same meeting.

22

Scenario

The mayor of your municipality confesses she was paid by a developer to advocate for his rezone. You file an ethics complaint, and the Ethics Board (which is the assembly in this case) convenes a meeting.

23

What happens next?

1. The clerk provides the mayor notice of the meeting.
2. The meeting notice is kept secret until after it is done, to protect the mayor's privacy.
3. The clerk publishes notice of the meeting in the paper, and provides personal notice to the mayor.

24

Choice 3

The notice requirements for a meeting apply to the Board.
Individual notice may be required in certain cases.

Termination of a property right
(employment or contract)

Quasi-judicial hearings.

Executive sessions held for the purpose of protecting someone's reputation or character.

25

Scenario

After a properly noticed hearing, the Board decides it needs to convene in executive session to discuss the ethics allegations regarding the mayor before rendering a decision.

26

What happens next?

1. The Board asks those in attendance to leave, and goes off record to talk more.
2. The Board makes a motion to convene in executive session for the purpose of discussing matters that could prejudice the reputation of the mayor, and passes it over the mayor's objection (she wants this to be in public to clear her name).
3. The Board asks the mayor if she wishes a public consideration, and honors her decision when she says yes.

27

Choice 1 - Violation/Correction

Hold up! You are discussing a specific individual. Have you provided the mayor an opportunity to have public consideration of the allegations?

(note that executive sessions do not need to specifically noticed on an agenda)

28

Choice 2 - Violation

Good job on making a motion before going into executive session, but the person that is the subject of the discussion has the opportunity to request a public consideration.

The Board, however, does not have to deliberate in front of the person. There is an exception in the OMA for deliberations of quasi-judicial bodies, solely when making a decision.

29

Scenario

Your assembly/council decides everyone needs to go to NEO training at AML.

30

What happens next?

1. The entire body can attend and does not need to notice a meeting (no business can be discussed).
2. The entire body can attend, provided you run an ad in the paper.
3. The entire body can attend, and if it runs an ad, can discuss municipal business.

31

Choice 2 – Acceptable

This is an acceptable answer, but you do not need to publish notice if you are attending meetings of a membership organization.

Choice 3

Notice of a meeting that the public will have no opportunity to attend is not going to save you. Be aware that if it is a paid event or attendance is otherwise restricted it will not be deemed a public meeting.

32

Social media best practices

- ▶ Post a disclaimer on your personal account identifying the account's purpose and stating that opinions expressed on it are your own and do not purport to reflect the opinions or views of the municipality;
- ▶ Limit the account to personal use;
- ▶ Understand and use privacy settings to manage the account;
- ▶ Have a plan in place for responding to or forwarding municipal-related comments to the municipality;
- ▶ As a part of this plan, understand how to preserve information on the account. For example, Facebook has a "Download Your Information" tool that can retrieve prior messages and an "Access Your Information" tool that can retrieve prior posts.

33

Social media “don’ts”

- ▶ Don’t use personal accounts to discuss substantive issues of municipal business with other elected officials;
- ▶ Don’t write posts on personal accounts that could be interpreted as “within the scope of employment” or that address municipal business;
- ▶ Don’t connect to private accounts from an official municipal account;
- ▶ Don’t use municipal devices to maintain or access your private account.

34

Q&A

- ▶ Please type your questions in the chat bar and we will get to as many as we can.
- ▶ We cannot provide legal advice on any specific matter.

35

Parliamentary Procedure for Local Government

Presenter:
Sheri Pierce, MMC

1

So, What is Parliamentary Procedure

- An organized system that allows a group of people to come together and **make a decision**.
- Made up of **basic principles and rules** that determine how the group will proceed through the decision-making process
- Helps the group **stay focused** on a single issue until the members resolve it
- **Not intended to prevent members from participating in the group!**

2

Organized – Efficient – On Track

- Roberts Rules is about conducting good meetings without any more formality than is absolutely necessary.
- Goal is to protect the rights of everyone and keep things orderly.

3

Which Rules Apply

- The adopted parliamentary authority
 - Roberts Rules of Order or Masons
- Special rules the governing body has adopted by ordinance or approved as policy
 - Policies and Procedures
- State statutes (Title 29)
 - Open Meetings Act and other applicable laws

4

General Meeting Procedures

- Must be a Quorum.

A majority of the members (more than half) of the Council/Assembly shall constitute a quorum for the transaction of business.

Example: A 7 member council requires 4 to be present to conduct a meeting. A quorum must be maintained for the **duration of the meeting**.

5

General Meeting Procedures

- Until a motion has been stated by the chair, no proposal may be debated
- The member who made the motion has the right to speak first
- Members address the chair and wait to be recognized
- All remarks must be addressed through the chair/presiding officer
- Each member has the right to participate and to share equally in the discussion
- No member may monopolize the discussion

6

General Meeting Procedures

- Members cannot speak more than twice or more than the allotted time
 - **Policy may establish a different rule**
- Members may not interrupt, except to raise legitimate points of order
- **Motives or personalities may not be attacked during debate**
- All remarks must be **relevant to the subject** (germane)
- Members must accept the will of the majority

7

The Role of the Chairman (Mayor/Assembly President)

- Determines who has the right to speak
- Impartially permits "pro" and "con" equal time
- Explains/clarifies issues without bias
- Should insist on decorum and order during debate
- Keeps discussion germane and discourages repetition
- Refrains from debate unless passing the gavel
 - **Policy may establish different rule.**
- States the motion clearly, takes the vote accurately, and announces the vote so all can hear

8

Role of the Chairman (Mayor or Assembly President)

- Because the chairman is presiding over the meeting, he or she should maintain an aura of neutrality and refrain from making any motions.
 - **Your Code of Ordinances or State Statutes may establish the rules for participation by the Chairman. Some municipalities/boroughs may allow the Mayor or Presiding Officer to take part in debate and vote on all questions.**
- **Presiding Officers should be facilitators, not dictators.**

9

Processing a Motion

- Step 1. A member makes a motion
- Step 2. Another member seconds the motion
- Step 3. The Chair states the motion, thereby formally placing it before the council/assembly
- Step 4. The members debate the motion
- Step 5. The Chair puts the question to a vote
- Step 6. The Chair announces the results of the vote

10

Making a Motion

- To make a motion you need to seek recognition from the chair, which you typically do by raising your hand. After the chair recognizes you, you are free to make a motion.

Use three short words: "I move that...."

- Be Precise
 - Make sure the motion states exactly what you want the organization to believe or do.

11

Making a Motion

- Only make motions you agree with.
Although it's not a violation of Robert's to do so, members should try to phrase their motions in such a way that he or she agrees with them. **This is important since the member who makes the motion is restricted from speaking against his or her motion during debate.**
- **But, you can vote against your own motion.** After the discussion, you may have changed your mind. This is the democratic process in action!

12

Making a Motion

- Use positive words to express a negative thought. It can be confusing to vote yes on a negative statement.

Consider the following two motions:

- I move that we not support the national dues increase.
- I move that we take a stand in opposition to the national dues increase.

How an item is listed on the agenda can assist a member in properly stating their motion.

13

Second the Motion

- A member makes a motion
- Another member seconds the motion
- The purpose of this step is to make sure that at least two members want to discuss the issue before the group spends time on it. The member who is the Second does not have to agree with the motion – only believe that it should be discussed and acted on.
- No second, no debate. In other words, if there is no second, then the motion dies for lack of a second. The group then proceeds to the next item on the agenda. *However....*

14

Transfer to the Members

- The Chair states the motion.
 - At this point, the ownership of the motion is transferred from the individual who made the motion to the whole group. Once the motion belongs to the group, it's the groups to do with as it pleases.
 - What if after debate I want to withdraw my motion? Since the motion no longer belongs to you, the Chair must ask permission from the group. If one member objects, the Chair must put your request to withdraw your motion to a vote.

15

Debating a Motion

- Debate
 - Debate is limited to the specific motion that is being considered. In addition, only the specific aspects covered in the motion are open to debate, and not the whole subject. For example:
 - If the motion on the floor is to paint the firehouse green, the debate should focus on discussing the advantages and disadvantages of painting the building green. Not wander off to other aspects of the building such as replacing the roof, the condition of the lawn, or if the building should be sold or kept a few more years.

16

Public Comment

- Does the public have a right to speak during debate?
 - Roberts Rules of Order
 - A person who is not a member of the body that is meeting does not have the right to speak, unless the members give that non-member permission to speak.
 - However, AS 29.20.020 – Meetings Public reads as follows:
 - Meetings of all municipal bodies shall be public as provided in AS 44.62.310 (Open Meetings Act). The governing body shall provide reasonable opportunity for the public to be heard at regular and special meetings.

17

Public Comment

What is Reasonable?

- Check your code or policy.
- Some councils/assemblies allow for public comment after it has been ascertained by the Chair that there is no further debate by the members.
- Some provide a “Public Comment” place on the agenda at the beginning of the meeting
- Regardless, rules of conduct and a time limit should be established.

18

Call for the Vote

- The Chair puts the motion to a vote.
 - The presiding officer should restate the motion to remind members what they are voting on. "We will now vote on the motion to paint the firehouse green".
 - The presiding officer should call for votes in favor of and votes against the motion.
 - The presiding officer determines if the motion passed or failed and announces the determination to the members by saying "the motion is adopted" or "the motion is lost".
 - Move to the next item on the agenda.

19

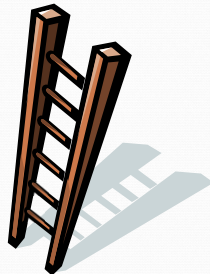
The Ladder of Motions

- First, remember that only one **main motion** is allowed on the floor at the same time. But many **secondary** motions can be on the floor at the time.
- As we discuss please keep in mind the terms *pending* and *immediately pending*.
- A concept in parliamentary procedure helps this scenario make sense. It is called the *precedence of motions*. If you understand the concept, you will know when motions are allowable, and when they are out of order.

20

Precedence of Motions

- | | | |
|---------|-----|-------------------------------|
| ORDER | 1. | Fix time to which to adjourn |
| OF | 2. | Adjourn |
| P | 3. | Recess |
| R | 4. | Raise a question of privilege |
| E | 5. | Call for orders of the day |
| C | 6. | Lay on the table |
| E | 7. | Previous question |
| D | 8. | Limit/extend limits of debate |
| E | 9. | Postpone to a time certain |
| N | 10. | Commit or refer |
| C | 11. | Secondary Amendment |
| E | 12. | Primary Amendment |
| OF | 13. | Postpone indefinitely |
| MOTIONS | 14. | Main motion |



21

Precedence of Motions

- When any of these motions on the list is the **immediately pending** motion, any motion above it on the list can be made at that time and any motion below it on this list cannot be made at that time.
- It is truly that simple. If you have this list in front of you at a meeting, you can easily check which motions can be made when.

1. Fix time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time certain
10. Commit or refer
11. Secondary Amendment
12. Primary Amendment
13. Postpone indefinitely
14. Main motion

22

While discussing the main motion, a member moves to amend the main motion, that proposed amendment is in order because it is #12 on the list, and 12 is higher than 14.

While discussing the amendment, another member moves to make a *secondary amendment*, in other words, to amend the amendment. Secondary amendment is #11 and higher than #12 on the ladder.

1. Fix time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time certain
10. Commit or refer
11. Secondary Amendment
12. Primary Amendment
13. Postpone indefinitely
14. Main motion

23

While we were discussing the *secondary amendment* (11) another member moves to *postpone the motion to the next meeting*. The motion to postpone to a certain time is #9 on the ladder, it is above #11 and is therefore in order.

While discussing the postponement (9), another member moves that this motion be *referred to a committee*...this motion is ruled "out of order", because *commit or refer* is #10 on the ladder.

1. Fix time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time certain
10. Commit or refer
11. Secondary Amendment
12. Primary Amendment
13. Postpone indefinitely
14. Main motion


24

You now have four different motions pending:

#9 – Postpone to a time certain
#11 – Secondary Amendment
#12 – Primary Amendment
#14 – Main Motion

Every motion that is pending is a step up the rung of the ladder. **When it is time to vote on the motion, you must come down the ladder, in reverse order of the steps you took up the ladder.**

1. Fix time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time certain
10. Commit or refer
11. Secondary Amendment
12. Primary Amendment
13. Postpone indefinitely
14. Main motion



25


We must now vote on those four motions in reverse order of how they were made.

#9 – Postpone to Certain Time
#11 – Secondary Amendment
#12 – Primary Amendment
#14 – Main Motion

In other words, the last motion made is the first one voted on and so on.

So, let's follow these steps in order:

1. Fix time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time certain
10. Commit or refer
11. Secondary Amendment
12. Primary Amendment
13. Postpone indefinitely
14. Main motion



26

The Vote and the Ladder

- **Vote on the motion to postpone to a certain time.**
 - If this motion passes, the main motion and the amendments that are pending will be postponed along with it to the next meeting. At the next meeting, you will have three motions still pending.
 - If the motion to postpone fails, you move down to the next pending motion on the ladder, which is the secondary amendment.
- **Vote on the secondary amendment.**
 - If the secondary amendment passes, the primary amendment is now changed. If it fails, you move down to the primary amendment as it was originally stated.

27

The Vote and the Ladder

- **Vote on the primary amendment.**
 - If the vote on the primary amendment passes, the main motion on the floor is now amended. If the primary amendment fails, the main motion on the floor is the original main motion.
- **Vote on the main motion.**
- **If you skip any of those steps, you violate the rules and fall off the ladder!**

28

Ladder of Motions

- There is of course, an exception to the ladder voting rule. That exception is unlucky motion #13 on the precedence of motions, which is the **Motion to Postpone Indefinitely**.
 - The purpose of the motion to postpone indefinitely is to kill the motion that is pending. Since the sole purpose of passing the motion to *postpone indefinitely* is to kill the main motion, if it passes, the main motion is thus killed and there does not need to be a vote on the main motion. You do not come down the final rung of the ladder, because the main motion is dead.

29

Ladder of Motions

- **You Can Go Back Up the Ladder**
 - The voting ladder in the precedence of motions is not a one-way ladder. In the process of debate, you can move up and down it, and then up and down again before finally processing (voting on) the main motion and getting off the ladder.
- **The Least You Need to Know**
 - The immediately pending motion is the motion that was last stated by the chair.
 - The precedence of motions indicates which motions precede other motions during debate.
 - Motions that don't follow the precedence of motions should be called out of order.
 - Don't skip steps on the ladder of motions!

30

Main Motions

- **Original Main Motion.**

- Introduces a substantive question as a new subject
- Object: Bring business before the board
- Form: I move that...or I move to.....

Rules:

- Needs a second.
- Is Debatable.
- Is amendable.
- Needs a majority vote.
- Can be reconsidered

31

Privileged Motions

- Privileged motions are a class of motions that are important enough to warrant interrupting all other motions. Because they are urgent issues, debate on them is not allowed.
 - Fix the time to which to adjourn
 - Adjourn
 - Recess
 - Questions of privilege
 - Call for orders of the day

32

Privileged Motions

- **Recess**

- Needs a second
- Is not debatable
- Is not amendable
- Needs a majority vote

A recess is a brief intermission taken by the council/assembly. *Exception: If the agenda for the meeting has a recess scheduled, or there is no objection, the presiding officer can call for that recess without requiring a motion.*

33

Privileged Motions

- **Adjourn – Closes the meeting.**

- Needs a second
- Is not debatable
- Is not amendable
- Needs a majority vote

Exception: If the business on the agenda is concluded, the Presiding officer may ask if there is any other business to come before the group. If there is none, then the presiding officer may simply say "Since there is no other business, the meeting is adjourned."

34

Privileged Motions

- **Question of Privilege**

- Used when there is a matter, either affecting the entire assembly or an individual in the assembly, that is so urgent that it must interrupt business and be taken care of right away.
- Example: There is an emergency and a member must be immediately excused from the meeting (personal).
- Or, a member points out there is a noise issue which is preventing the members from hearing what is going on at the meeting.

35

Privileged Motions

- **Question of Privilege**

- Can interrupt the speaker, if deemed appropriate to do so.
- Is ruled on by the Chair.

Member: I rise to a question of privilege.

Chair: State your question of privilege.

Member: (e.g. noise preventing from hearing, temperature of room)

Chair: (Chair resolves the question)

36

Privileged Motions

- **Call for Orders of the Day**

The call for orders of the day is used when the agenda or program is not being followed. This motion requires (demands) that the presiding officer follow the established agenda. (Get the meeting back on track)

- Can interrupt the speaker
- If the orders are going to be followed, it takes only one member to make this motion and no vote is needed
- If the group is going to deviate from the established agenda, a vote is needed. It takes a two thirds vote in the *negative* to deviate from the established agenda.

37

Subsidiary Motions

- Lay on the table
- Previous Question
- Limit or extend limits of debate
- Postpone to a certain time
- Commit or refer
- Amend
- Postpone indefinitely

38

Subsidiary Motions

- **Lay on the table**

- The object of this motion is to allow the group to set aside the pending motion in order to attend to more urgent business.

- **Abused and Confused**

This motion clearly wins the award for the most overused and abused of all of the motions. It is too often used to kill a motion. It is also improperly used to postpone a motion to the next meeting.

39

Subsidiary Motions

- **Lay on the Table Cont..**
It is frequently confused with and used in place of two other appropriate motions: Postpone Indefinitely and Postpone to a Certain Time.
Proper Use of Lay on the Table:
This motion is designed for unexpected urgent situations. It is also designed for setting something aside when you do not know when it will be time to bring it back again.

40

Subsidiary Motions

- Motion to Lay on the Table
 - Needs a second
 - Is NOT debatable
 - Is NOT amendable
 - Needs a majority vote
- Why does it matter when you confuse the motions?
If you want to kill a motion, you should use the motion to postpone indefinitely. Why? Because the motion to lay on the table is NOT debatable, therefore you can't talk about it or amend it before you vote on it. Those are two things you would want to do before killing an idea; if you don't you run the risk of violating the rights of the members.

41

Subsidiary Motions

- **Lay on the Table**
The motion to lay on the table is also improperly used to put a motion off to the next meeting. If you want to table something to a time specified (next meeting for example) the proper motion is to **postpone to a certain time**. The difference? Lay on the table is not debatable, is not amendable (so you can't set a time and date for when to address it again) and when you do bring it back up it needs a motion to "take from the table" to accomplish that.

42

Subsidiary Motions

- **Lay on the Table**

Postpone to a certain time is debatable and automatically comes up at the next meeting as an item of unfinished business on the agenda.

Using the appropriate motion protects the rights of the members, who should at least be allowed to discuss a motion before it is killed.

To bring the tabled motion back before the group a member must make the motion to "take from the table" by the end of the next regularly scheduled meeting.

43

Subsidiary Motions

- **Previous Question**

- Used to stop debate on a motion and any subsidiary motions. **The motion must be seconded, no debate is allowed, and a two-thirds vote is needed.**

This is the second most overused and abused of all of the motions. It is abused by people who don't understand that the motion requires a second, and that it needs a two thirds vote. They try to call it out, as a command, and intimidate the presiding officer into stopping debate without a vote.

44

Subsidiary Motions

- **Previous Question**
- **Script:**
 - Member: I move the previous question
 - Chair: Is there a second?
 - Member: I second the motion
 - Chair: The previous question is moved and seconded, this is not a debatable motion and takes a two-thirds vote. If you want to close debate, vote in favor of the motion. If you want debate to continue, vote against the motion.

45

Subsidiary Motions

- **Postpone to a Certain Time (Postpone Definitely)**
 - Sometimes you just don't have the information you need to make a decision, and more time is needed to gather the proper answers or invite a key person to address concerns. Under any of these circumstances, this motion, to postpone to a certain time, is for you!
 - The time set to postpone is limited to the current meeting, and up until the close of the next regularly scheduled meeting.

46

Subsidiary Motions

- Motion to Postpone to a Certain Time
 - Needs a second
 - Is debatable
 - Is amendable
 - Needs a majority vote

The item will come back on the agenda at the next regular meeting as "Unfinished Business", with the main motion still on the floor. At that time, the Chair will read the *motion pending* prior to postponement and discussion will resume.

47

Subsidiary Motions

- **Commit or Refer**
 - This motion sends the main motion to a smaller group (a committee) for further examination and refinement before the body votes on it. Be specific.
 - Recommend establishing a due date, or deadline for the committee to report back.
 - Item comes back to the members under "Unfinished Business" along with the committee report. Chair should read main motion which was made prior to sending to committee and discussion resumes.

48

Subsidiary Motions

- **Amend**

- This motion is the embodiment of the democratic process. If a motion is made and it is not acceptable as is, the amendment process gives the group the opportunity to fix it in a way that at least a majority can live with it. The intent of the motion is to modify the pending motion before it is voted on.
- The amendment must be *germaine*, which means that it must relate to the subject of the motion it is amending. You cannot introduce a new, independent issue as an amendment.

49

Subsidiary Motions

- Although the amendment must be germane, it does not have to maintain the intent for example:

The motion on the floor: "I move that we censure our president."

Amendment: I move to amend the motion by striking the word "censure" and inserting the word "thank" so that the motion will read "I move that we thank our president".

50

Subsidiary Motions

- **Amend**

An amendment to a motion can take three forms:

- **Insert or add.** This involves inserting or adding words or paragraphs.
- **Strike out.** This involves cutting words or paragraphs.
- **Strike and insert.** This involves substituting a word, paragraph, or the entire text with new text.

51

Subsidiary Motions

- **Amend**
 - Limited number: To avoid confusion there is a limit on the number of amendments that can be pending. There can be only one main motion, one primary amendment, and one secondary amendment pending at a time.
 - Primary amendment amends the pending main motion.
 - Secondary amendment can only amend the primary amendment.
 - Remember that after a primary amendment has been voted on, if it passed, it becomes a part of the motion it was amending. At this point a new primary amendment could be offered. Same is true for a secondary amendment.

52

Subsidiary Motions

- **Script: Motion to Amend**

Member: I move to amend "Motion A" by (inserting; striking out; striking out and inserting; or substituting) as follows _____.

Chair: Is there a second to the motion?

Member: I second the motion.

Chair: (Restates the amendment.) Is there any discussion?

Chair: Calls for the vote.

(Based on the outcome, the Chair should read the motion as amended, or if the motion to amend failed, read the main motion as originally stated before continuing discussion. This avoids confusion.)

53

Subsidiary Motions

- **Postpone Indefinitely**
 - A motion is made, and you don't think it is a good idea for this particular group. If the group votes it down, however, it will make the organization look bad. You just wish you could make it go away without having to vote on it.....
 - The motion you want is the motion to postpone indefinitely. It kills the main motion without having to take a vote on it.
 - Exception to "motion ladder". If the motion to postpone indefinitely passes, you do not take the final step down the motion ladder. You do not vote on the main motion.

54

Subsidiary Motions

- Things to remember!
 - Subsidiary motions are made when a main motion is already on the floor.
 - The motion to “lay on the table” is like 911 – use it only for emergencies!!
 - You can use the motion to postpone indefinitely to kill a main motion without voting on it.

55

Incidental Motions

- **Point of Order.**
 - If a member feels that the rules are not being followed, he or she can use this motion. It requires the chair to make a ruling and enforce the rules.
 - Or, if something inappropriate happens in a meeting, such as a member stooping to name-calling during a heated debate, it's the presiding officer's responsibility to call the member to order.
 - So, a member calls out “point of order”. The presiding officer asks the member to state their point. After hearing the member, the presiding officer must rule on it.

56

Incidental Motions

- Rules for Point of Order:
 - Does not need a second
 - May interrupt the speaker
 - Is *not* debatable
 - Is *not* amendable
 - Ruled by the Chair

57

Incidental Motions

- **Suspend the Rules**

- The motion to suspend the rules is used when the group wishes to do something that cannot be done without violating its own rules. But even with this motion, the group cannot violate its constitution, bylaws, or fundamental principles of parliamentary law.
- When making the motion, include the object of the suspension. For example, a citizen has to leave the meeting and you want to address "Item B" before they go. But, "Item B" is not on the agenda until much later in the meeting. You might say "I move we suspend the rules so that we can consider "Item B" at this time. If the motion passes, the group will take "Item B" up now instead of later in the agenda.

58

Incidental Motions

- **Suspend the Rules**

- You can't simply say "I move to suspend the rules" and then ignore all the rules and do whatever you want, having a free for all.
- Rules that can be suspended
 - Rules that relate to business procedures and to priority of business can be suspended. In addition, rules that are your standing rules or policies and procedures can be suspended.
 - Needs a second
 - Is not debatable
 - Is not amendable
 - Majority vote

59

Incidental Motions

- **Division of the Question**

- Sometimes, for the sake of speed, one motion includes multiple ideas. For example the question of purchasing uniforms and nets for the butterfly club. You may not have a problem with nets, but think a uniform is a little ridiculous, you can use the division of the question to split them up.
- To divide the motion a member should say "I move to divide the question" and then state exactly how he or she wants it divided. This motion takes a majority vote, but is usually handled by general consent if no objection.

60

Incidental Motions

- Division of the Question
 - Rules
 - If there is an objection, it must be processed as a motion
 - Needs a second
 - Is not debatable
 - Only amendable as to how the motion is divided
 - Needs a majority vote
 - If the question is divided, each section is treated as a separate motion as already been made. So, you discuss one, vote on it, and then go to the next one.

61

Incidental Motions

- Script: Division of the Question
 - Member: I move that the motion be divided and we consider each of the three recommendations separately.
 - Chair: It is moved that we divide the question and consider each of the three recommendations separately. Is there any objection to dividing the question? Hearing no objection, the motion before you at this time is Recommendation 1. Is there any discussion on Recommendation 1?

62

Incidental Motions

- Requests and Inquires
 - Parliamentary Inquiry. A question directed to the presiding officer concerning parliamentary law or the organization's rules as they apply to the business at hand.
 - Point of Information. A non-parliamentary question about the business at hand.
 - Withdrawal of a Motion. A request by the maker of the motion to remove the motion from consideration. (*After the motion has been stated by the presiding officer, it belongs to the council/assembly and the council/assembly's permission is needed to withdraw the motion. This can be by consent.*)

63

“Bring Back” Motions

- **Take from the Table**
 - A motion that was laid on the table can only be taken from the table during the remainder of the meeting at which it was laid on the table or before the conclusion of the next regularly scheduled meeting. The motion to take from the table can be made by any member, and it requires a majority vote to pass
 - Rules:
 - Needs a second
 - Is NOT debatable
 - Is NOT amendable
 - Needs a majority vote
 - May be made during the Unfinished or New Business portion of the agenda.

64

“Bring Back” Motions

- **Reconsider**
 - This motion wins the award for the “most challenging”!
 - The effect of the adoption of this motion is to erase the original vote on the motion and put the assembly in exactly the place it was in right before the vote occurred. If the motion to reconsider passes, the motion is put back on the floor, as if the original vote had not occurred, and discussion continues.
 - **The motion to reconsider can be made only by a member who voted on the prevailing side. So, if the motion passed, you had to have voted “yes” on it to move to reconsider it; if the motion failed, you had to have voted “no” to move to reconsider it.**

65

“Bring Back Motions”

- **Reconsidercont.**
 - The motion to reconsider can be made only on the day that the original motion was made.
 - However, this motion can be made at one time and processed (or called up) at another time. So even if you can't process the motion for whatever reason, such as time constraints, you can still make the motion and then call it up to discuss at a later time.
 - **What can't be reconsidered:**
 - A vote after something has been done as a result of that vote and it is too late to undo it.
 - An action in the nature of a contract, once the other party in the contract has been informed. The contract has been signed or verbally committed to.
 - A resignation that has been acted upon.
 - An election to or expulsion from membership, if the person was present or has already been notified.
 - Many types of motions cannot be reconsidered.

66

“Bring Back Motions”

- Rules for Motion to Reconsider:
 - Can only be made by a person who voted on the prevailing side.
 - Requires a second (anyone can second the motion)
 - Is debatable only if the motion being reconsidered was debatable.
 - Is NOT amendable.
 - Needs a majority vote.
 - Can be moved only on the same or the next *succeeding* day after the original vote was taken.

67

Questions?

Recommended References:

- The Complete Idiot’s Guide to Robert’s Rules
Nancy Sylvester, PRP, CPP-T
 - Robert’s Rules for Dummies
C. Alan Jennings, PRP
- Both can be purchased on Amazon.

68

Alaska Municipal Government

ROLES AND RESPONSIBILITIES OF PUBLIC OFFICIALS

1

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

2

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.

3

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)

4

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)

5

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

6

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.

7

Who is a Public Official?

Mayor	Municipal Attorney
City Council Members	Municipal Clerk
Borough Assembly Members	Municipal Treasurer
School Board Members	Municipal Manager or Administrator

Alaska Statutes 29.20

8

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.

9

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

10

Members of the Governing Body

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

11

Members of the Governing Body

- ▶ Educated yourself on issues and opinions of those you represent
- ▶ REMEMBER – You represent the entire community and not just those who voted for you!

12

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

13

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

14

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

15

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

16

Staff Roles & Responsibilities

Municipal Manager or Administrator

- ▶ Includes Municipal Manager and City or Borough Administrators
- ▶ Appointing authority - Governing Body (or Mayor in a strong Mayor form of government)
- ▶ Implements policy set by the governing body
- ▶ Responsible for hiring most city/borough employees
- ▶ Responsible for submitting annual budget to the governing body
- ▶ Exercises custody over all real and personal property owned by the municipality

17

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

18

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

19

QUESTIONS?

20

THANK YOU!

CBJ MUNICIPAL CLERK BETH MCEWEN, MMC
CBJ MUNICIPAL ATTORNEY ROBERT PALMER
HOLLY WELLS, PARTNER BIRCH HORTON BITTNER & CHEROT

21

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/>
