

Alaska Municipal Government
ROLES AND RESPONSIBILITIES OF PUBLIC OFFICIALS

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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

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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.

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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)

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General Law Municipalities

- ▶ Title 29 – Governing Authority
- ▶ General Powers (AS29.35.010)
- ▶ 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)

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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

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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.

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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

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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.

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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

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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

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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!

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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

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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

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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

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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

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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

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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

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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

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QUESTIONS?

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THANK YOU!

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

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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/>
