Alaska Municipal Government

ROLES AND RESPONSIBILITIES OF PUBLIC OFFICIALS

Maximum Self-Government

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

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

Types of Municipalities

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

- General Law
  - AS 29.04.020. A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law.
General Law Municipalities
► Second Class Boroughs (must gain voter approval for authority to exercise non-area wide powers)
► First Class Cities (400+ permanent residents)
► Second Class Cities (25+ permanent residents)

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

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

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

Who is a Public Official?

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

Alaska Statutes 29.20

Mayor (AS 29.20.220-280)

- The executive power of a Municipality is vested in the mayor.
- Specific powers of the mayor vary depending on form of government or by municipal charter.
- The mayor may have veto power.
Governing Body
- Sets policy by:
  - Enacting Ordinances
  - Adopting the annual budget
- May serve as an appeal board
- May serve as liaison to various community and/or state organizations
- Acts as a lobbyist for the community

Members of the Governing Body
- Act as a body, not individually
- 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

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!
Ethical Responsibility

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

Staff Roles & Responsibilities

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

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

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

#### 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

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

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

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

QUESTIONS?

THANK YOU!

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

- Alaska Municipal League (Local Govt. Primer)
  https://www.akml.org/about/documents/
- State of Alaska – Dept. of Commerce, Community & Economic Development: Division of Community & Regional Affairs
  https://www.commerce.alaska.gov/web/dcra/
- Alaska Association of Municipal Clerks
  https://www.alaskaclerks.org/