

Model Non-Unified/Unified Home Rule Borough Charter

Department of Commerce, Community, and Economic Development

Division of Community and Regional Affairs

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Introduction:

This document is a model home rule borough charter, provided in accordance with Alaska Statute 29.10.020 by the Division of Community and Regional Affairs (DCRA). It is intended to be a starting point for a region considering home rule borough incorporation, or an existing borough considering home rule reclassification. This model charter can be used as a starting point for either a unified or a non-unified borough. It is vital that each region considering this model charter form a charter commission to analyze the charter closely and make all changes necessary to ensure the proposed charter is the most practicable and appropriate for their region, best reflects the needs and desires of their people, and is consistent with federal and state laws.

Home rule municipalities are given broad powers by the State of Alaska. However, when making changes, deleting sections, or adding sections, consult Alaska Statute Section 29.10.200 Limitation of Home Rule Powers to ensure the changes being made are consistent with Alaska statutes. It is also imperative that any draft charter be reviewed by an attorney before proceeding to voters for consideration.

All underlined content in this model charter is indicated as such because it requires information, choices, or options to be considered independently by each municipality. The content should not be underlined in the final copy. All **[bracketed/bolded/italic]** content is notes to consider, and should be deleted in the final draft.

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PREAMBLE

We, the people of _____, exercising the powers of home rule granted by the Constitution of the State of Alaska, in order to provide for local government responsive to the will of the people and to the continuing needs of the community, hereby establish this charter of _____, Alaska.

ARTICLE I: NAME, TYPE, CLASS AND BOUNDARIES

Section 1.01 Name

The municipality shall be known as " _____, Alaska".

Section 1.02 Type and Class

The government is a non-unified/unified home rule borough.

Section 1.03 Boundaries

The boundaries of _____ shall include all areas within the borough on the date of ratification of this charter. The boundaries may be altered in the manner provided by law.

ARTICLE II: POWERS, INTERGOVERNMENTAL RELATIONS, INITIATIVE, REFERENDUM AND RECALL

Section 2.01 Powers of the Borough

The borough may exercise all legislative powers not prohibited by law or by this charter. The power of the borough shall be liberally construed. The specific enumeration of a particular power in this charter shall not be construed as limiting the powers of the municipality.

Section 2.02 Intergovernmental Relations

The borough may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement with any one or more local governments, the State of Alaska, the United States, or any agency or instrumentality of those governments. In the context of this charter, local governments include Native governmental organizations. [optional]

Section 2.03 Initiative and Referendum

The powers of initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds. The referendum shall not be applied to laws necessary for the immediate preservation of the public peace, health, or safety. The assembly, by ordinance, shall regulate the procedures for initiative and referendum.

Section 2.04 Recall

An elected official may be recalled by the voters in the manner provided by law.

ARTICLE III: THE ASSEMBLY

Section 3.01 Power, Composition and Apportionment

- a) The legislative power of _____ is vested in an assembly comprised of _____ members.
- b) Election districts, if established, shall be formed of compact and contiguous territory containing as nearly as practicable a relatively integrated socioeconomic area. The assembly shall be reapportioned whenever it becomes malapportioned. The assembly shall determine and declare by resolution whether it is malapportioned within thirty days from:
 - 1. Receipt of the final report of each federal decennial census, including any supplementary data necessary to establish population distribution within the borough;
 - 2. Receipt of a petition of fifty or more qualified voters alleging and containing reliable evidence that the assembly is malapportioned.
- c) If the assembly determines that it is malapportioned, it shall, within five months of the determination, reapportion itself in the manner provided by law.

[OR] b) Assembly members shall be elected at large.

[Select either b) and c), or b).]

Section 3.02 Term, Membership and Qualifications

- a) The term of an assembly member is three years and until a successor qualifies. ***[Note: AS 29.20.150 provides that a home rule borough may by charter or ordinance, provide for any term not exceeding four years.]***
- b) A candidate for the office of assembly member:
 - 1. Shall be a qualified voter of _____; and
 - 2. Shall be a resident of the district from which he/she seeks election for at least one year immediately preceding the election. ***[Note: The charter may provide for a shorter residency requirement, but no longer than one year, as per Alaska Supreme Court decision *Peloza vs. Freas* 1994.]***
- c) An assembly member shall remain a resident of _____ and of the district from which elected while in office.
- d) The assembly shall be the judge of the election and qualification of its members. A qualified voter may appeal to Superior Court for review of a decision of the assembly under this section.
- e) A person who has served on the assembly for three consecutive terms may not be re-elected to the assembly until one full term has intervened. ***[Note: The charter may provide for any or no term limit.]***

Section 3.03 Compensation

No assembly member may receive any compensation for serving on the assembly, but may be reimbursed for expenses incurred in the discharge of his/her official duties. Unless otherwise provided by ordinance, an assembly member may hold no other compensated borough office or employment. ***[Note: charter may provide for compensation or no compensation; may restrict borough employment or not restrict borough employment.]***

Section 3.04 Meetings and Procedures

- a) The mayor shall be the presiding officer and chair of assembly meetings.
- b) The assembly shall hold at least one regular meeting per month. The mayor or _____ assembly members may call special meetings.
- c) The assembly by ordinance shall determine its own rules and order of business, including provisions for reasonable notice to the public and to all assembly members of regular and special meetings. The assembly shall maintain a journal of its proceedings as a public record.

- d) Voting shall be by roll call, electronic device, or other public method as defined by assembly rule. The votes of all assembly members shall be recorded.
- e) _____ members of the assembly shall constitute a quorum; however, a smaller number may recess from time to time and compel the attendance of absent members as prescribed by assembly rule. ***[Note: this number should be a majority of the total body of the assembly.]***

Section 3.05 Clerk

The assembly shall appoint a borough clerk and prescribe the duties of that office. The clerk serves at the pleasure of the assembly, and under the day-to-day supervision of the mayor ***[OR] manager [choose one]***.

Section 3.06 Staff

Pursuant to ordinance, the assembly may engage such legal counsel, other professional advisors and staff as it requires in the execution of its legislative functions.

ARTICLE IV: THE EXECUTIVE BRANCH

Section 4.01 Office of the Mayor

- a) The executive and administrative power of _____ are vested in the mayor. The mayor is elected at-large for a three year term.
- b) A candidate for the office of mayor:
 - 1. Shall be a qualified voter of _____; and
 - 2. Shall be a resident of _____ for at least one year immediately preceding his/her election.
- c) The mayor shall remain a resident of _____ while in office.
- d) A person who has served as mayor for three consecutive terms may not be re-elected to that office until one full term has intervened. ***[Note: The charter may provide for any or no term limit.]***
- e) The compensation of the mayor shall be set and changed by the assembly. Compensation may not be reduced during the mayor's term without his/her consent.

- f) The mayor may accept or receive remunerative employment from any other sources, except those deemed to be in conflict of interest (as determined by the assembly) with his/her duties as mayor.

Section 4.02 Powers of the Mayor

- a) The mayor shall appoint all heads of borough departments, subject to confirmation by the assembly, on the basis of professional qualifications. Persons appointed by the mayor serve at the pleasure of the mayor.
- b) The mayor may participate in all assembly meetings to the same extent as an assembly member, but may not vote.
- c) The mayor has the veto power. The mayor also has line item veto power. The mayor may, by veto, strike or reduce items in a budget or appropriation measure. The veto must be exercised and submitted to the assembly with a written explanation within seven days of passage of the affected ordinance. The assembly, by a two-thirds majority vote of the total membership, may override a veto any time within 21 days after its exercise.
- d) In case of emergency, the mayor has the power of a peace officer and may exercise that power as chief executive officer to prevent disorder and to preserve the public health. The assembly by resolution may declare that the emergency no longer exists.

Section 4.03 Borough Administrator

- a) There shall be an administrator appointed by the mayor and confirmed by the assembly. The administrator serves at the pleasure of the mayor. The administrator is selected solely on the basis of professional qualifications. The administrator need not be a resident of the borough at the time of appointment, but must be a resident while in office.
- b) The administrator is responsible to the mayor for the overall conduct of the administrative functions of the borough.
- c) During the temporary absence or incapacity of the mayor the administrator shall assume the powers and duties of the mayor, except emergency and veto powers.

[OR]

Section 4.03 Manager

- a) There shall be a manager appointed by the mayor and confirmed by the assembly. The manager serves at the pleasure of the mayor. The manager is selected solely on the

basis of professional qualifications. The manager need not be a resident of the municipality at the time of appointment, but must be a resident while in office.

- b) The manager is responsible to the mayor for the overall conduct of the administrative functions of the municipality.
- c) During the temporary absence or incapacity of the mayor the manager shall assume the powers and duties of the mayor, except emergency and veto powers.

[Choose either “Borough Administrator” or “Manager”.]

Section 4.04 Borough Attorney

There shall be a borough attorney appointed by the mayor and confirmed by the assembly. The attorney serves at the pleasure of the mayor. The attorney shall advise and assist the borough government on legal matters.

Section 4.05 Chief Fiscal Officer

There shall be a chief fiscal officer appointed by the mayor and confirmed by the assembly. The chief fiscal officer serves at the pleasure of the mayor. The chief fiscal officer is the custodian of all borough funds. He/she shall keep an itemized account of money received and disbursed, pay money on vouchers drawn against appropriations, and perform such other duties as the assembly by ordinance may prescribe.

Section 4.06 Administrative Code

The assembly by ordinance shall adopt an administrative code providing for:

- a) The identity, function, and responsibility of each executive department and agency;
- b) Rules of practice and procedure governing administrative proceedings; and
- c) Personnel policy and rules preserving the merit principle of employment.

Section 4.07 Boards and Commissions

- a) The assembly by ordinance may provide for advisory, regulatory, appellate, or quasi-judicial boards or commissions. The ordinance shall prescribe the duties, terms, and qualifications of members.
- b) The mayor appoints the members of boards and commissions, unless otherwise specifically provided for in this charter. Appointments are subject to confirmation by the assembly.

- c) Boards and commissions may make recommendations to the assembly, the mayor, and heads of executive departments on matters specified in the ordinance creating the board or commission.
- d) The assembly by ordinance may create or designate itself to be a board of review, adjustment, or equalization. The ordinance shall prescribe the rules of procedure, including quorum and voting requirements.

ARTICLE V: EDUCATION

Section 5.01 Public School System

The system of public schools for the borough shall be operated by a school board of seven persons elected at-large from seats designated as Seat A, Seat B, Seat C, Seat D, Seat E, Seat F, and Seat G. ***[See AS 14.12.030 for requirements and options.]***

Section 5.02 Qualification, Term and Compensation

- a) A candidate for school board shall be a qualified borough voter. A school board member shall serve a three year term and shall remain a resident of _____ while in office.
- b) A person who has served on the school board for three consecutive terms may not be re-elected to the school board until one full term has intervened.
- c) The compensation of school board members shall be fixed by the assembly.

Section 5.03 Powers of the School Board

The school board has the powers provided by law, including but not limited to, the power to:

- a) Formulate policy for the operation of the schools;
- b) Appoint and provide for suspension and removal of school personnel, including the superintendent;
- c) Serve as a board of personnel appeals; and
- d) Generally supervise school district fiscal affairs, including preparation and submission of the annual budget and six-year plan.

Section 5.04 Joint Conferences

The assembly and school board shall meet at least two times yearly in public session to discuss and coordinate financial planning, capital improvement needs, the comprehensive plan, and other matters of mutual concern.

Section 5.05 Budget and Six-Year Plan

- a) The superintendent of schools shall submit to the school board at such time as the board directs a proposed budget for the next fiscal year and a proposed six-year plan for capital improvements and fiscal policies. The board shall hold at least one public hearing on the proposed budget and plan before they are submitted to the assembly, and at least one public hearing after assembly action if the total amount is different. The proposed budget and plan shall be approved and submitted to the assembly at least ninety days before the end of the current fiscal year of the school district.
- b) The assembly may increase or decrease the budget of the school district only as to total amount. The school district may not appropriate or otherwise incur the expenditure of any funds, regardless of the source, in excess of the total amount of the budget, as approved by the assembly, without prior approval by the assembly.
- c) The assembly shall approve the budget of the school district as amended and appropriate the necessary funds at least sixty days prior to the end of the fiscal year of the school district. If the assembly fails to approve the school district budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year of the school district without further assembly action.

ARTICLE VI: VACANCIES IN ELECTIVE OFFICE

Section 6.01 Determining Vacancies

- a) An elective office becomes vacant if the incumbent:
 1. Ceases to meet the qualifications prescribed for the office by this charter;
 2. Resigns and the resignation is accepted;
 3. Dies;
 4. Is judicially determined to be incompetent;
 5. Is convicted of a felony;
 6. Is removed from office for breach of the public trust;

7. Fails to take office within thirty days after election or appointment;
 8. Fails to attend three consecutive regular meetings of the assembly unless excused by the assembly;
 9. Is physically absent from the borough for ninety consecutive days unless excused by the assembly; or
 10. Is convicted of a felony or of an offense involving a violation of the oath of office.
- b) Proceedings for removal of an elected official for breach of the public trust may be initiated by a majority of all members of the assembly, or the school board in the case of removal of a school board member. In addition, proceedings for removal may be initiated by any duly constituted ethics board. The assembly by ordinance shall establish procedures for removal of elected officials for breach of the public trust, including provision for notice, a complete statement of the charge, a public hearing conducted by an impartial hearing officer, and judicial review. Removal must be approved by two-thirds of the authorized membership of the assembly or school board as the case may be.

Section 6.02 Filling Vacancies in Elective Office

- a) If a vacancy occurs on the school board, the remaining members shall appoint a qualified person to fill the vacancy within thirty days. The person appointed shall serve until the next regular election, at which time a successor shall be elected to serve the balance of the term. If less than thirty days remain in a term when a vacancy occurs, the vacancy shall not be filled. However, if at any time, the membership is reduced to fewer than a quorum, the remaining members, within seven days, shall appoint a number of qualified persons sufficient to constitute a quorum.
- b) If a vacancy occurs on the assembly, the remaining members may appoint a qualified person to fill the vacancy within thirty days. The person appointed shall serve until the next regular or special election, at which time a successor shall be elected to serve the balance of the term. If less than thirty days remain in a term when a vacancy occurs, the vacancy shall not be filled. However, if at any time, the membership is reduced to fewer than a quorum, the remaining members, within seven days, shall appoint a number of qualified persons sufficient to constitute a quorum.
- c) A vacancy in the office of mayor shall be filled at a regular or special election held not fewer than ninety days from the time the vacancy occurs. If fewer than ninety days remain in the term when the vacancy occurs, the vacancy shall not be filled. When a vacancy occurs in the office of mayor, the chair of the assembly shall serve as acting mayor until a successor is elected and takes office. The acting mayor has the veto

power, but may not vote on assembly action. The assembly by ordinance shall provide for further succession to the office of acting mayor.

ARTICLE VII: SERVICE AREAS AND ASSESSMENT DISTRICTS

Section 7.01 Service Areas

- a) Service areas shall be established according to criteria of need and economic operating efficiency. A new service area shall not be established if, consistent with the purposes of Article X of the Constitution of the State of Alaska, the new service can be provided by an existing service area, by annexation to a city, or by incorporation as a city.
- b) A service area may be created, altered, or abolished only with the approval of a majority of those voting on the question within the area affected, or, if no qualified voter resides within the area, with the written consent of the owners of all real property within the area affected. However, the assembly, by ordinance may consolidate service areas in which services are provided by the borough at the same level in each of the areas to be consolidated. ***[Note: Some home rule borough charters provide that the assembly may establish, alter, or abolish service areas by ordinance. In that case, this subsection (b) would be removed.]***
- c) The assembly by ordinance shall adopt procedures for creating, altering, abolishing, and operating service areas. Services provided in a service area shall be financed by a uniform tax levy within the area.
- d) The assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

Section 7.02 Assessment Districts

- a) The assembly by ordinance may establish assessment districts to provide and finance capital improvements by means of an assessment, or services by means of a tax levy. The assessment or levy shall be proportionate to the benefit received from and the burden imposed upon the improvement or service. The assembly by ordinance shall prescribe uniform criteria for allocating the cost of the improvement or service within an assessment district.
- b) An assessment district may be created or extended only with the approval of the property owners who would bear more than fifty percent of the estimated cost of the improvement or service. An assessment district created to finance a capital improvement may be dissolved by assembly resolution at any time after the district's share of the cost of the improvement has been paid. An assessment district created to

finance a service may not be dissolved without the approval of the property owners who bear more than fifty percent of the cost of providing the service, exclusive of state and federal grants.

- c) A special assessment for capital improvements, with interest and collection charges, is a lien on the property assessed, second only to property taxes and prior special assessments.
- d) A special assessment may not be contested by civil action unless the action is brought within sixty days after confirmation of the assessment roll.
- e) An account or accounts for each special assessment district shall be created and kept separate from all other borough accounts. Revenues collected within a special assessment district may be applied only to costs incurred with respect to that assessment district.

[This section may also be referred to as “Local Improvement Districts”.]

ARTICLE VIII: LEGISLATION

Section 8.01 Introduction and Enactment of Ordinances

- a) An ordinance shall be introduced in writing in the form required by assembly rule.
- b) An ordinance may be introduced by the mayor or an assembly member at a regular or special meeting of the assembly. Following introduction and upon approval of three assembly members, the clerk shall publish a notice containing the text of the ordinance or an informative summary of its contents, the time and place for a public hearing on the ordinance, and the time and place where copies of the ordinance are available. The public hearing shall be held at least five days after publication of the notice. ***[A longer time period may be required, but not shorter.]***
- c) An ordinance takes effect upon adoption or at a later date specified in the ordinance.

Section 8.02 Actions Requiring an Ordinance

In addition to other actions that require an ordinance, the assembly shall use ordinances to:

- a) Establish, alter, or abolish municipal departments;
- b) Provide for a fine or other penalty, or establish rules and regulations for violation of which a fine or other penalty is imposed;
- c) Fix the compensation of members of the assembly and the mayor;
- d) Provide for the levying of taxes

- e) Make appropriations, including supplemental appropriations or transfer of appropriations;
 - f) Grant, renew or extend a franchise;
 - g) Adopt, modify, or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
 - h) Approve the transfer of a power to a first or second class borough from a city;
 - i) Designate the borough seat;
 - j) Provide for the retention or sale of tax-foreclosed property; and
 - k) Exempt contractors from compliance with general requirements relating to payments and performance bonds in the construction or repair of municipal public works projects;
- [Note: this provision is a specific requirement of AS 29.10.200(18).]***

Section 8.03 Emergency Ordinances

In case of an emergency, an ordinance may be introduced and adopted at the same meeting. An emergency ordinance shall contain a finding that an emergency exists and a statement of the facts constituting the emergency. An emergency ordinance is adopted upon the affirmative vote of all members present, or of three-fourths of the total membership, whichever is less. The mayor may veto an emergency ordinance within 36 hours after adoption of the ordinance. An emergency ordinance is effective for 60 days unless sooner repealed by resolution. A reasonable attempt shall be made to notify the mayor and all assembly members immediately upon introduction of an emergency ordinance.

Section 8.04 Adoption by Reference

The assembly by ordinance may adopt by reference a standard code of regulations or a portion of the statutes of the State of Alaska. The matter adopted by reference shall be made available to the public in a manner prescribed by assembly rule.

Section 8.05 Codification

- a) Each ordinance shall be codified after it is adopted.
- b) The borough code shall be kept current by regular supplements. ***[OR]***
The borough code shall be revised and printed at least every five years.

ARTICLE IX: ELECTIONS

Section 9.01 Regular Elections

A regular election shall be held annually on the first Tuesday in October, unless otherwise specified by ordinance.

Section 9.02 Election Procedures

- a) All borough elections shall be nonpartisan. The assembly by ordinance shall establish procedures for regular and special borough elections, including provisions for absentee voting. In case of ties, the assembly shall determine the successful candidate by lot.
- b) The qualified candidate for an assembly seat who receives the highest number of votes for the seat shall be elected to that seat.
- c) If no candidate for the office of mayor receives more than 40 percent of the votes cast for the office of mayor, the assembly, within three weeks from the date of certification of the election, shall hold a run-off election between the two candidates receiving the highest number of votes for the office. ***[Optional: the mayor may be elected by a simple majority, in which case, use the language from subsection (b).]***

Section 9.03 Qualifications of Voters

To vote in any borough election, a person must be:

- a) A qualified voter of the State of Alaska; and
- b) A resident of _____ for 30 days immediately preceding the election and a resident of the precinct in which he/she seeks to vote.

ARTICLE X: PLANNING

Section 10.01 Comprehensive Plan Required

The assembly by ordinance shall adopt and implement, and from time to time modify, a comprehensive plan setting forth goals, objectives, and policies governing the future development of the borough.

Section 10.02 Planning Commission

There shall be a planning commission constituted as provided by ordinance.

ARTICLE XI: FINANCE

Section 11.01 Fiscal Year

The fiscal year of the borough shall begin on the first day of July and end on the last day of June.

Section 11.03 Operating and Capital Budget

At least 90 days before the end of the fiscal year of the borough the mayor shall submit to the assembly a proposed operating and capital budget for the next fiscal year. The mayor shall submit with the budget an analysis of the fiscal implications of all tax levies and programs.

Section 11.04 Budget Hearing

The assembly shall hold at least one public hearing on the proposed operating and capital budget for the next fiscal year.

Section 11.05 Assembly Action on the Borough Budget

- a) The assembly may increase or decrease any item, and may add or delete items in the proposed operating or capital budget of the borough.
- b) The assembly shall approve the budget of the borough as amended and appropriate the necessary funds at least 21 days prior to the end of the fiscal year.
- c) If the council fails to approve the budget and make the necessary appropriation within the time stated, either before or by veto override after a veto of all or a portion of the budget, the council shall hold such regular or special meetings as are necessary to adopt a budget and make the necessary appropriation before the end of the fiscal year.

Section 11.06 Reduction and Transfer of Appropriations

- a) If the mayor determines that revenues will be less than appropriations for a fiscal year, the mayor shall so report to the assembly. The assembly may reduce appropriations as it deems necessary. No appropriation may be reduced by more than the amount of the then-encumbered balance.
- b) Except as to the school budget, the mayor may transfer all or part of any unencumbered balance between categories within an appropriation. The school board may transfer part or all of any unencumbered balance between categories within the appropriation for the school budget. Except as to the school budget, the assembly may transfer part or all of any unencumbered balance from one appropriation to another.

Section 11.07 Lapse of Appropriations

At the close of the fiscal year, an unencumbered appropriation shall lapse into the fund from which appropriated. An appropriation for capital improvement, or in connection with requirements of federal and state grants, shall not lapse until the purpose of the appropriation has been accomplished or abandoned.

Section 11.08 Administration of the Budget

- a) No payment shall be made, or obligation incurred except in accordance with appropriations. Obligations otherwise incurred are void. The assembly by ordinance may provide for exceptions in the case of tax refunds and other routine payments.
- b) Every obligation incurred and every authorization of payment in violation of this charter shall be void. Every payment made in violation of the provisions of this charter shall be illegal. All officers or employees of the municipality who knowingly authorize or make such payment shall be jointly and severally liable to the municipality for the full amount paid. The manager **[OR]** administrator shall proceed forthwith to collect the indebtedness unless otherwise directed by the assembly.
- c) Notwithstanding Section 11.08(a) of this charter, the assembly by ordinance may require payment of funds from appropriations of a later fiscal year or of more than one year for any contract, lease, or note or bond obligation, or federal or state grant, or any other federal or state program that the municipality may not otherwise participate in.
- d) Except as otherwise provided by the assembly by ordinance, the assembly shall:
 - 1) Provide that all funds of the municipality from whatever source, including education function, shall be deposited in a central treasury;
 - 2) Provide for centralized accounting of all accounting functions of the municipality; and
 - 3) Provide for centralized purchasing of supplies, material, and equipment for the municipality and its departments, offices, and agencies.

Section 11.09 Competitive Bidding

The assembly by ordinance shall provide for competitive bidding for goods and services and shall make provision for any exceptions.

Section 11.10 Financial Audit

The assembly shall provide for an annual independent audit of all borough accounts by a certified public accountant.

ARTICLE XII: TAXATION

Section 12.01 Taxing Authority

- a) The taxing power of the borough is vested solely in the assembly. The taxing power may not be surrendered, delegated, suspended, or contracted away except as provided by law.
- b) No sales tax ordinance is valid until ratified by a majority of those voting on the question at a regular or special election. **[Optional]**

Section 12.02 Tax Procedures

- a) The assembly by ordinance shall adopt procedures for tax assessment, levy, and collection.
- b) The procedures shall provide for assessment of property at full and true value, except as otherwise provided by law, and for notice of assessment, appeal, and judicial review.
- c) Property taxes, with collection charges, penalties, and interest are first liens upon the property.

ARTICLE XIII: BOROUGH BORROWING

Section 13.01 Authority

The borough may borrow money for any public purpose, and issue its evidences of indebtedness therefor.

Section 13.02 Limitations

- a) No general obligation bonded indebtedness may be incurred unless authorized by the assembly and ratified by a majority vote of those in the borough voting on the question, except that bonds may be refinanced without an election.

- b) Tax or revenue anticipation notes shall be repaid within 12 months from their date of issuance. When the taxes or revenues anticipated are not received within this time, the assembly may renew the notes for a period not to exceed six months.

Section 13.03 Form and Manner of Sale

The assembly by ordinance shall provide for the form and manner of sale of bonds and notes including reasonable limitation upon the sale of bonds and notes to financial consultants of the borough.

Section 13.04 Actions Challenging the Validity of Obligations

An action challenging the validity of obligations of the borough or of an election or tax levy with respect to an obligation may be instituted only within 30 days after the adoption of the ordinance or resolution or certification of the election results, as the case may be.

Section 13.05 Proceeds from Sale of Obligations

Proceeds derived from the sale of obligations shall be used solely for the purposes for which the obligations were issued, or for payment of principal or interest or other charges with respect to the obligations.

ARTICLE XIV: GENERAL PROVISIONS

Section 14.01 Personal Financial Interest

- a) No elected official may vote on any question on which he has a substantial financial interest. Any borough officer, employee, or assembly member who has a substantial financial interest in any contract with the borough or in the sale of any land, material, supplies, or services to the borough or to a contractor supplying the borough shall make known that interest and shall refrain from participating in his/her capacity as a borough officer, employee, or assembly member in the making of such sale or in the making or performance of such contract.
- b) Any borough officer, employee, or assembly member who conceals such financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office and shall forfeit his/her office or employment. Violation of this section with the knowledge expressed or implied of the person contracting with or making a sale to the borough shall render the contract or sale to the borough violable by the administrator or the assembly.

- c) The assembly by ordinance may prescribe additional rules and penalties to prevent conflicts of interest.

Section 14.02 Prohibitions

- a) No person may be discriminated against in any municipal appointment, employment, or promotion because of race, sex, color, political or religious affiliation, or national origin.
- b) No person may willfully falsify any test, certification, or appointment under the personnel regulations, or in any manner commit or attempt to commit any fraud to prevent the impartial execution of such regulations.
- c) No person may offer, give, or receive any money, service, or other valuable thing to influence municipal appointment, employment, or promotion.
- d) No assembly member, municipal officer, or administrative employee may directly or indirectly solicit a contribution for any political party or purpose from any person holding a compensated municipal position.

Section 14.03 Public Meetings

All meetings of the assembly, the school board and other boards and commissions shall be public. The assembly by ordinance shall adopt procedures for maximum reasonable public notice of all meetings. At each such meeting the public shall have reasonable opportunity to be heard. An executive session may be held to discuss only matters permitted by AS 44.62.310(c), and in accordance with AS 44.62.310-44.62.312.

Section 14.04 Public Records

All records of the municipality shall be public except as otherwise provided by law. Records shall be available at municipal offices for public inspection and for distribution at such reasonable price as the assembly may direct. Copies certified by the clerk shall be prima facie evidence of their contents.

Section 14.05 Oaths of Office

Before office, every elected and appointed borough officer shall take and subscribe to an oath or affirmation of office as the assembly may require.

Section 14.06 Continuation in Office

Every officer who is elected or appointed for a term ending at a definite time shall continue to serve until the officer's successor qualifies and takes office, except in cases of death, resignation, or termination by law or this charter.

Section 14.07 Borough Proceedings

The assembly by ordinance shall establish procedures governing administrative proceedings in which the legal rights, duties, privileges, or penalties of persons are to be determined; ensure fair and equal treatment of all persons involved in such proceedings; and provide for the conduct of such proceedings in an orderly and uniform manner.

Section 14.08 Provisions Self-Executing

The provisions of this charter shall be construed as self-executing whenever possible.

Section 14.09 Adverse Possession

The municipality may not be divested of title to real property by adverse possession.

Section 14.10 Actionable Claims

Except as provided in this charter, provisions of law governing claims against municipal corporations apply to claims actionable against the municipality.

Section 14.11 Claims for Injuries

- a) The municipality shall not be liable in damages for injury to person or property by reason of negligence or gross negligence unless, within four months after the injury occurs, the person damaged or the person's representative serves written notice to an officer upon whom process may be served. The notice shall state that the person intends to hold the municipality liable for damages and shall set forth with clarity the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant.
- b) No person may bring an action against the municipality for damages to person or property by reason of negligence or gross negligence unless the action is brought within the period prescribed by law and the person has first presented to the manager a claim in writing under oath setting forth specifically the nature and extent of the injury and

the amount of damages claimed. The manager shall promptly present the claim to the assembly for action.

- c) Failure to give notice of injury or to present a claim within the time and in the manner provided shall bar any action upon the claim.
- d) This section does not waive any defense of immunity which the municipality may have from claims for damages to persons or property.

Section 14.12 Borough Name

The borough may use the name "_____ " wherever for bonding or other purposes it is to the advantage of the borough to do so.

Section 14.13 Interpretation

- a) Titles and subtitles shall not be used in construing this charter. Personal pronouns used in this charter shall be construed as including either sex.
- b) References in this charter to particular powers, duties, and procedures of borough officers and agencies may not be construed as implied limitations on other borough activities not prohibited by law.

Section 14.14 Severability

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 14.15 Definitions

Words used in this charter shall have their ordinary dictionary meanings, except as otherwise specifically indicated by the context or defined herein. All words indicating the present tense are not limited to the time of adoption of this charter, but may extend to and include the time an event or requirement occurs to which the provision is applied. The singular includes the plural and the plural includes the singular.

- a) "Appropriation" means a unit of funding provided for by the assembly in the borough budget. An appropriation may be specific as to particular expenditures or general as to an entire department or agency, as the assembly deems appropriate.
- b) "Categories" means actual proposed expenditures to be made from an appropriation.

- c) "Code" means the general codification of all ordinances and resolutions of general effect, including all amendments and additions.
- d) "Emergency" means an unforeseen occurrence or condition which results or apparently will result in an insufficiency of services or facilities substantial enough to endanger the public health, safety or welfare.
- e) "Initiative" means the process of enacting an ordinance or resolution by vote of the people without assembly action.
- f) "Interest in lands" means any estate in real property or improvements thereon excluding revocable permits or licenses, rights-of-way, or easements that the assembly finds to be without substantial value to the Borough.
- g) "Law" means this charter, the ordinances and resolutions preserved by this charter, or enacted pursuant to it, and those portions of the statutes of the State of Alaska and the constitutions of the State of Alaska and of the United States that are valid limitations on the exercise of legislative power by home rule governments.
- h) "Borough" means the " _____".
- i) "Publish" means to cause to be printed in the manner required by law to be published. The council shall provide for additional modes of dissemination.
- j) "Referendum" means the process of repealing an ordinance or resolution by vote of the people without assembly action.
- k) "Resident" means a person whose habitation is within the area in question and who intends to maintain said habitation in that area.
- l) "State" means the State of Alaska.
- m) "Utility" or "Borough Utility" means a utility that belonged to a former government and whose rates are subject to regulation by the Alaska Public Utilities Commission on the date this charter becomes effective.

ARTICLE XV: CHARTER AMENDMENT

Section 15.01 Proposal

Amendments to this charter may be proposed by:

- a) Ordinance approved by two-thirds of the total membership of the assembly; or
- b) Report of a charter commission established in the manner provided by law; or
- c) Initiative petition.

Section 15.02 Election

- a) Proposed amendments shall be submitted to the qualified voters of the borough at the next general or special election occurring more than 45 days after the adoption of the ordinance, approval of the final report of the charter commission, or certification of the initiative petition. A notice containing the text of each proposed amendment shall be published.
- b) If a majority of the qualified voters voting on a proposed amendment approve, the amendment shall become effective at the time fixed therein, or if no time is fixed, 30 days after certification of the election.

ARTICLE XVI: TRANSITION

Section 16.01 Effective Date

This charter takes effect upon the effective date of ratification.

Section 16.02 Initial Election and Terms of Mayor, Assembly, and School Board

- a) The initial assembly and school board shall be elected as provided in state law and provisions of this charter.
- b) For purposes of the election of the initial assembly members and school board members: Seats A and D, shall be designated as one-year seats; Seats B and E shall be designated as two-year seats; Seats C, F and G shall be designated as three-year seats.
[Amend as appropriate to remain consistent with Section 3.01(a).]

Section 16.03 Code of Ordinances

Not later than _____, the assembly shall enact a code or ordinances.

Section 16.04 Transitions and Continuations

- a) All employees and assets of the _____ Regional Educational Attendance Area (REAA) existing immediately before the _____ assumes control of the REAA shall transition to the borough and continue employment under previous contracts until new contracts are agreed upon. ***[Include language as appropriate pertaining to transition from REAA, or otherwise, to borough, etc., or delete.]***
- b) All employees and assets of the _____ existing immediately before the _____ assumes control shall transition to the borough and continue employment under previous contracts until new contracts are agreed upon. ***[Include language as***

appropriate pertaining to transitioning employees from previous government to borough, or delete.]

Section 16.05 Transition Plan

Other provisions concerning the transition shall be governed by the transition plan included with the petition, as approved by the Local Boundary Commission or otherwise.

Section 16.06 Definitions for Transition

In this article, "former governments" means the former City of _____, and the former _____ Borough. "New government" means the _____.