

Model Home Rule City Charter

(Unorganized Borough)

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 city 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 community considering home rule city incorporation, or an existing city considering home rule reclassification. It is vital that each community considering this 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 community, 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.

This model charter assumes the city is in the unorganized borough, and therefore the city is a school district. A charter assuming the city is in a borough, and therefore is not a school district, is available upon request.

The Division of Community and Regional Affairs and Local Boundary Commission staff are available to provide advice and information throughout the charter commission process.

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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: INCORPORATION, FORM OF GOVERNMENT, POWERS, INTERPRETATION

Section 1.01 Incorporation

The _____, Alaska, shall be a municipal body politic and corporate in perpetuity under the name of “ _____, Alaska.” It shall succeed to and possess all property, rights, privileges, franchises, powers, and immunities now belonging to the corporation known as the _____, Alaska; and shall be liable for all debts and other obligations for which the corporation is legally bound at the time this charter goes into effect.

Section 1.02 Boundaries

The boundaries of the city as they exist at the time this charter goes into effect shall remain the boundaries of the city until they are changed in a manner authorized by law.

Section 1.03 Form of Government

The form of municipal government provided by this charter shall be known as the “council-manager” **[OR]** “council-mayor” form of government. All powers of the city shall be exercised in the manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the city council may prescribe by ordinance.

Section 1.04 Powers of the City

The city may exercise all legislative powers not prohibited by law or by this charter. The enumeration or mention of particular powers of this charter shall not be deemed to be exclusive or limiting.

Section 1.05 Applicability of State Law

Provision of state law relating to matters which may be regulated by home-rule cities shall be in effect in the city only insofar as they are applicable and are not superseded by this charter or by ordinance.

ARTICLE II: THE COUNCIL

Section 2.01 Council: Number, Term, Qualifications

The city council shall consist of ____ council members and a mayor, each of whom shall be elected to a designated seat (Seats A through ____). The council and mayor shall be elected at large. ***[At-large election not required for home-rule. Election districts may be created.]***

Section 2.02 Qualifications

Each council member and the mayor shall be a qualified voter of the city and shall have resided therein for one year immediately prior to filing their declaration of candidacy. ***[Note: The charter may provide for a shorter residency requirement, but no longer than one year, as per Alaska Supreme Court decision *Pelozo vs. Freas 1994.*]***

Section 2.03 Meetings

- a) The council shall meet regularly at such times as may be prescribed by ordinance, but not less frequently than one time each month. Provision may be made by ordinance for special meetings. All meetings of the council shall be open to the public with the exception of executive sessions as provided for in state law.
- b) The council, by ordinance, shall determine its own rules of procedure and order of business. It shall keep a journal of its proceedings which shall be open to public inspection.
- c) A majority of the total membership if the city council shall constitute a quorum.

ARTICLE III: THE EXECUTIVE BRANCH

Section 3.01 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 reelected to that office until one full term has intervened. ***[The charter may provide for any or no term limit.]***
 - e) The compensation of the mayor shall be set and changed by the council. 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 council) with his/her duties as mayor.

Section 3.02 Powers of the Mayor

- a) The mayor shall appoint all heads of city departments, subject to confirmation by the council, 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 council meetings to the same extent as a council member, but may not vote.
- c) The mayor has the veto power and 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 council with a written explanation within seven days of passage of the affected ordinance. The council, 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 council by resolution may declare that the emergency no longer exists.

Section 3.03 City Administrator

- a) There shall be an administrator appointed by the mayor and confirmed by the council. 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 city 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 city.

- 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 3.03 Manager

- a) There shall be a manager appointed by the mayor and confirmed by the council. 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 “City Administrator” or “Manager”.]

Section 3.04 City Clerk

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

Section 3.05 City Attorney

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

Section 3.06 Chief Fiscal Officer

There shall be a chief fiscal officer appointed by the mayor and confirmed by the council. The chief fiscal officer serves at the pleasure of the mayor. The chief fiscal officer is the custodian of all city 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 council by ordinance may prescribe.

Section 3.07 Administrative Code

The council 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 3.08 Boards and Commissions

- a) The council 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, subject to confirmation by the council.
- c) Boards and commissions may make recommendations to the council, the mayor, and heads of executive departments on matters specified in the ordinance creating the board or commission.
- d) The council 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 IV: EDUCATION

Section 4.01 Public School System

The system of public schools for the city 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 4.02 Qualification, Term and Compensation

- a) A candidate for school board shall be a qualified city 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 council.

Section 4.03 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 4.04 Joint Conferences

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

Section 4.05 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 council, and at least one public hearing after council action if the total amount is different. The proposed budget and plan shall be approved and submitted to the council at least 90 days before the end of the current fiscal year of the school district.
- b) The council 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 council, without prior approval by the council.
- c) The council shall approve the budget of the school district as amended and appropriate the necessary funds at least 60 days prior to the end of the fiscal year of the school district. If the council 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 council action.

ARTICLE V: VACANCIES IN ELECTIVE OFFICE

Section 5.01 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 council unless excused by the council;
 9. Is physically absent from the city for ninety consecutive days unless excused by the council; 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 council, 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 council 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 council or school board as the case may be.

Section 5.02 Recall and Removal

The mayor or any council member may be recalled by the voters in the manner provided by law. The mayor or any council member may be removed from office for any cause specified by applicable state law in the manner prescribed thereby and by ordinance.

Section 5.03 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 council, 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 council 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 council action. The council by ordinance shall provide for further succession to the office of acting mayor.

ARTICLE VI: LEGISLATION

Section 6.01 Introduction and Enactment of Ordinances

- a) An ordinance shall be introduced in writing in the form required by code.
- b) An ordinance may be introduced by the mayor or a council member at a regular or special meeting of the council. Following introduction and upon approval of three council 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 6.02 Actions Requiring an Ordinance

In addition to other actions that require an ordinance, the council 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 council 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 city from a city;
- i) Designate the city 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 6.03 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 council members immediately upon introduction of an emergency ordinance.

Section 6.04 Adoption by Reference

The council 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 council rule.

Section 6.05 Codification

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

ARTICLE VII: ELECTIONS

Section 7.01 Regular Elections

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

Section 7.02 Election Procedures

- a) All city elections shall be nonpartisan. The council by ordinance shall establish procedures for regular and special city elections, including provisions for absentee voting. In case of ties, the council shall determine the successful candidate by lot.
- b) The qualified candidate for a council 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 council, 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 7.03 Qualifications of Voters

To vote in any city 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 VIII: PLANNING

Section 8.01 Comprehensive Plan Required

The council 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 city.

Section 8.02 Planning Commission

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

ARTICLE IX: FINANCE

Section 9.01 Fiscal Year

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

Section 9.02 Operating and Capital Budget

At least 90 days before the end of the fiscal year of the city the mayor shall submit to the council 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 9.03 Budget Hearing

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

Section 9.04 Council Action on the City Budget

- a) The council may increase or decrease any item, and may add or delete items in the proposed operating or capital budget of the city.
- b) The council shall approve the budget of the city 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 9.05 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 council. The council 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 council may transfer part or all of any unencumbered balance from one appropriation to another.

Section 9.06 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 9.07 Administration of the Budget

- a) No payment shall be made, or obligation incurred except in accordance with appropriations. Obligations otherwise incurred are void. The council 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 council.
- c) Notwithstanding Section 11.08(a) of this charter, the council 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 council by ordinance, the council shall:
 - 1) Provide that all funds of the municipality from whatever source, including education functions, 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 9.08 Competitive Bidding

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

Section 9.09 Financial Audit

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

ARTICLE X: TAXATION

Section 10.01 Taxing Authority

- a) The taxing power of the city is vested solely in the council. 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 10.02 Tax Procedures

- a) The council 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 XI: CITY BORROWING

Section 11.01 Authority

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

Section 11.02 Limitations

- a) No general obligation bonded indebtedness may be incurred unless authorized by the council and ratified by a majority vote of those in the city 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 council may renew the notes for a period not to exceed six months.

Section 11.03 Form and Manner of Sale

The council 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 city.

Section 11.04 Actions Challenging the Validity of Obligations

An action challenging the validity of obligations of the city 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 11.05 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 XII: GENERAL PROVISIONS

Section 12.01 Personal Financial Interest

- a) No elected official may vote on any question on which he has a substantial financial interest. Any city officer, employee, or council member who has a substantial financial interest in any contract with the city or in the sale of any land, material, supplies, or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from participating in his/her capacity as a city officer, employee, or council member in the making of such sale or in the making or performance of such contract.
- b) Any city officer, employee, or council 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 city shall render the contract or sale to the city violable by the administrator or the council.
- c) The council by ordinance may prescribe additional rules and penalties to prevent conflicts of interest.

Section 12.02 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 council 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 12.03 Public Meetings

All meetings of the council, the school board and other boards and commissions shall be public. The council 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 12.04 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 council may direct. Copies certified by the clerk shall be prima facie evidence of their contents.

Section 12.05 Oaths of Office

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

Section 12.06 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 12.07 City Proceedings

The council 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 12.08 Provisions Self-Executing

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

Section 12.9 Adverse Possession

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

Section 12.10 Actionable Claims

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

Section 12.10 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 council 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 12.11 City Name

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

Section 12.12 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 city officers and agencies may not be construed as implied limitations on other city activities not prohibited by law.

Section 12.13 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 12.14 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 council in the city budget. An appropriation may be specific as to particular expenditures or general as to an entire department or agency, as the council 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 council 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 council finds to be without substantial value to the City.
- 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) "City" means the " _____".
- i) "Publish" means to cause to be printed in the matter 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 council 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 "City 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 XIII: CHARTER AMENDMENT

Section 13.01 Proposal

Amendments to this charter may be proposed by:

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

Section 13.02 Election

- a) Proposed amendments shall be submitted to the qualified voters of the city 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 XIV: TRANSITION

Section 14.01 Effective Date

This charter takes effect upon the effective date of ratification.

Section 14.02 Initial Election and Terms of Mayor, Council, and School Board

- a) The initial council 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 council 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 2.01.]***

Section 14.03 Code of Ordinances

Not later than _____, the council shall enact a code or ordinances. ***[If the city is newly incorporated.]***

[OR]

Not later than _____, the council shall amend the city's code or ordinances to reflect this charter. ***[If the city is reclassifying from first class to home rule and already has a code.]***

Section 14.04 Transitions and Continuations

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

contracts until new contracts are agreed upon. ***[Include language as appropriate pertaining to transitioning employees from previous government to city, or delete.]***

Section 14.05 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 14.06 Definitions for Transition

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