



YOUR COMMUNITY YOUR CONSTITUTION YOUR CHOICE

A Charter is a Constitution for Local Government. You have before you such a constitution. During three months of intensive work, the Charter Commission has made choices. Do you like the choices offered? What changes would you suggest? Public input is asked May 27-June 5 at meetings across the area. We are willing to listen and make revisions...Come out and tell us what YOU think!

DESIGN AND PHOTOGRAPHY: TIM BITNEY

SUMMARY

Basic concepts in this charter, written as the constitution for a new government which would replace the Greater Anchorage Area Borough and the Cities of Anchorage, Glenn Alps and Girdwood, are:

- The new municipality will be known as Anchorage.
- An 11-member legislative body, called an Assembly, will be elected from 4 districts, which each Assemblyman serving 3 years.
- An Executive Mayor with administrative powers and a veto over Assembly actions. The Mayor is required to appoint a professional manager, who must be confirmed by the Assembly.
- A School Board composed of 7 members elected at-large and guaranteed certain powers in terms of school operation policy and personnel.
- Joint meetings of the Assembly and the School Board required 4 times yearly to

discuss and coordinate financial planning, capital improvements, the comprehensive plan, and other matters of mutual concern.

- Community Councils, to be established by the Assembly, to provide residents the opportunity for "maximum community self-determination without infringing on the rights of persons not represented by Community Councils."
- An Ombudsman, established by the Assembly, with terms, powers, and duties prescribed by the Assembly.
- Service areas, to provide and finance special services in specific areas, established by ordinance; effective only following approval of the voters in the area affected.

The PROCESS

The Alaska Constitution, drafted over a decade ago at the University of Alaska-Fairbanks, encouraged the minimizing of the number of local governments through Article X.

STEP 1: The process for unifying local government, set down later in Article 3, Sec. 29.68.240, etc., begins when the formation of a Charter Commission is proposed either by resolution of an Assembly or by a petition initiated by a voter, a borough assembly, or a city council.

There are restrictions on how often this may be done, and 25% of the voters from each of the cities and from the borough to be joined must sign the petition.

STEP 2: After a review of the petition, a call for nominations for Charter Commission candidates is made. The Commission must be composed of 11 members, elected at-large, again from within the cities, and from within the borough area, the numbers depending on the populations of each area of city.

STEP 3: At the next regular borough election, the questions of whether the area should unify its governments and the names of the candidates for the Charter Commission all appear on the ballot.

In order for unification to be approved, the concept must pass by a separate majority vote, one within the cities and one within the borough area.

STEP 4: A month after the election if certified, the Charter Commission if elected meets to choose officers, set up procedural rules, and begin its task of preparing a charter, which is a constitution for a local, home rule government. A majority of the Commission constitutes a quorum; no decision of the Commission is valid or binding unless approved by that quorum.

Meetings of the Commission are always open to the public. Before and after drafting the charter, the Commission must hold public meetings in each area of the borough represented on the Borough Assembly. Other such hearings may be held at the discretion of the commission.

STEP 5: The Charter Commission, working through long hours of deliberation, study and debate (of the Anchorage commission is any example), prepares, adopts and submits a proposed charter to the voters at a regular or special election.

The Charter must, by state law, include many provisions which protect the citizens and residents of the area, including provisions for fair adjustment of existing bonded indebtedness, transfer or other disposition of property and other rights and claims owned by local governments, and several other safeguards.

STEP 6: An election is held. If the charter is rejected, the Charter Commission goes back to prepare a second draft which must come before the voters within one year.

If the second charter fails, the commission is dissolved and the process must begin at Step 1 at some later date (depending on the area's enthusiasm for home rule).

However, if one of the proposed charters is ratified by the voters, the charter of a unified municipality is then in effect. It operates to organize a new government while dissolving the old ones under the transitional provisions which were adopted by the voters as part of the charter document.

STEP 7: Through its provisions for amendment, initiative, referendum and recall, the charter, like the Constitution of the United States, is a basic guide open to correction during its many years of service to its community.

PUBLIC MEETINGS

PUBLIC MEETINGS FOR YOUR INPUT ON THE FIRST DRAFT OF THE CHARTER

MAY 27, TUESDAY, 7:30 PM, CHUGIAK HIGH SCHOOL, LIBRARY

MAY 28, WEDNESDAY, 7:30 PM, CHESTER VALLEY ELEM, SUNKEN AREA

MAY 29, THURSDAY, 7:30 PM, WILLOW CREST ELEM, LIBRARY

JUNE 3, TUESDAY, 7:30 PM, GIRDWOOD ELEMENTARY, M-P ROOM

JUNE 4, WEDNESDAY, 7:30 PM, DIMOND HIGH SCHOOL, LIBRARY

JUNE 5, THURSDAY, 7:30 PM, CHUGACH ELEM, STUDENT CENTER

We need your ideas and changes now to make the final charter the best constitution for the new government of Anchorage.

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PREAMBLE

We, the People of Anchorage, in order to form a more responsive government, to achieve common goals, to support individual rights, and to secure maximum local control of local affairs, hereby establish this charter.

ARTICLE I NAME AND BOUNDARIES

Section 1.01 NAME

The municipality shall be known as Anchorage.

Section 1.02 BOUNDARIES

The boundaries of Anchorage shall include all areas within the Greater Anchorage Area Borough on the date of ratification of this charter.

ARTICLE II POWERS

Section 2.01 POWERS OF THE MUNICIPALITY

The municipality may exercise all legislative powers not prohibited by law.

Section 2.02 INITIATIVE AND REFERENDUM

(a) The powers of initiative and referendum are reserved for exercise by the people of Anchorage in the manner provided by law. The powers of initiative and referendum do not apply to ordinances establishing budgets, fixing mill levies, authorizing the issuance of bonds, or appropriating funds. A petition for initiative or referendum shall be signed by a number of qualified voters equal to at least 10 per cent of the voters who cast ballots at the last regularly scheduled mayoral election.

(b) Within 10 days from the filing of a petition for initiative or referendum, the municipal clerk shall certify on the petition whether or not it is sufficient. An initiative shall be submitted to the voters at the next general election held at least 45 days after certification of the petition. A referendum shall be submitted to the voters at a general or special election held not later than 75 days after certification of the petition.

(c) A referendum petition may be filed at any time. An ordinance or resolution is suspended by filing of a referendum petition only if the petition is filed within 60 days after the effective date of the ordinance or resolution. The suspension terminates on a finding of insufficiency of the petition, or upon certification of a majority vote against repeal.

(d) An initiative petition is void if the Assembly enacts an identical measure prior to the election.

(e) The Assembly may not repeal or substantially alter an ordinance enacted by initiative or enacted under (d) above, or reject a measure rejected by referendum within two years after certification of the election at which the enactment or rejection occurred.

Section 2.03 RECALL

An elected official may be recalled by the voters in a manner provided by law. A petition to place the recall of an elected official before the voters shall be signed by a number of qualified voters, residents of the district from which the official was elected, equal to at least 25 percent of the voters (or 15 percent of the voters in the case of an at-large office) who cast ballots for that office in that district at the last regularly scheduled mayoral election.

ARTICLE III THE ASSEMBLY

Section 3.01 COMPOSITION AND POWERS

The legislative power of Anchorage is vested in an Assembly of eleven (11) members. Three members are elected from each of three election districts and two members from a fourth election district. An election district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socioeconomic area. The Assembly shall be re-apportioned at least once every ten (10) years. Consistent with this section, the Assembly may be reapportioned and redistricted in a manner provided by law.

Section 3.02 TERM, MEMBERSHIP AND QUALIFICATIONS

(a) The term of an Assemblyman is three (3) years. The terms shall be staggered so that in each 3-person district one seat shall be filled at each regular municipal election. In the two-person district, one seat shall be filled at each regular municipal election, except the year in which the mayor is elected.

(b) A candidate for the office of Assemblyman

(1) shall be a qualified voter of Anchorage,

(2) shall be a resident of the district from which he seeks election for at least one year immediately preceding his nomination.

(c) An Assemblyman shall remain a resident of Anchorage 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.

Section 3.03 COMPENSATION

The compensation of Assemblymen shall be fixed by ordinance. An increase in compensation shall not take effect until certification of the results of the general election following the ordinance.

Section 3.04 DETERMINING VACANCIES

The Assembly by ordinance shall provide for determining the existence of a vacancy, including standards and procedures for removal of an Assemblyman from office, and, in cases of removal from office, provision for notice, public hearing and judicial review.

Section 3.05 FILLING VACANCIES

If a vacancy occurs on the Assembly, the remaining members shall fill the vacancy by appointment within 30 days. The persons 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 60 days remain in a term at the time a vacancy occurs, the vacancy shall not be filled. However, if at any time, Assembly membership is reduced to fewer than six members, the remaining members shall fill the vacancies by appointment within 7 days.

Section 3.06 PRESIDING OFFICER, MEETINGS AND PROCEDURES

(a) The Assembly shall elect annually from its membership a presiding officer known as "Chairman." The Chairman serves at the pleasure of the Assembly.

(b) The Assembly shall meet in regular session at least twice each month. The Mayor, the Chairman of the Assembly, or five Assemblymen 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 persons of regular and special meetings. The Assembly shall maintain a journal of its proceedings as a public record.

(d) Except on procedural motions, voting shall be by roll call or electronic device. All votes shall be recorded.

(e) Six 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.

Section 3.07 CLERK

The Assembly shall appoint a municipal clerk and prescribe the duties of that office. The clerk serves at the pleasure of the Assembly.

Section 3.08 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.

Section 3.09 OMBUDSMAN

There is established in the legislative branch of the municipality the office of ombudsman. The term of office, powers and duties shall be prescribed by ordinance.

ARTICLE IV THE EXECUTIVE BRANCH

Section 4.01 THE OFFICE OF THE MAYOR

(a) The executive and administrative power of Anchorage is vested in the Mayor. The Mayor is elected at large for a three year term. He may hold no other elective public office.

(b) A candidate for the office of Mayor

(1) Shall be a qualified voter of Anchorage,

(2) Shall be a legal resident of Anchorage for at least two years immediately preceding his nomination.

(c) The Mayor shall remain a resident of Anchorage while in office.

(d) A person who has served as Mayor for two consecutive terms may not be re-elected to that office until one full term has intervened.

(e) The compensation of the Mayor shall be fixed by ordinance and may not be reduced during his term of office without his consent.

Section 4.02 POWERS OF THE MAYOR

(a) The Mayor shall appoint all heads of municipal 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 Assemblyman, but may not vote.

(c) The Mayor has the veto power. The veto must be exercised and submitted to the Assembly with a written explanation within seven (7) days of passage of the ordinance affected. The Assembly, by two-thirds majority vote, may override a veto any time within twenty-one (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 VACANCIES IN THE OFFICE OF MAYOR

(a) The office of Mayor becomes vacant upon the death, resignation or removal from office of the incumbent.

(b) The Assembly by ordinance shall adopt standards and procedures for removal of the Mayor from office, including provision for notice, public hearing and judicial review.

(c) A vacancy in the office of Mayor shall be filled by a general or special election held not less than 90 days from the time the vacancy occurs. If less than 90 days remain in the term when the vacancy occurs, a special election to fill the vacancy shall not be held.

(d) When a vacancy occurs, the president of the Assembly shall serve as acting mayor until a successor is elected and takes office. The Assembly by ordinance shall provide for the further succession to the office of acting mayor.

Section 4.04 MUNICIPAL ATTORNEY

There shall be a municipal 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 municipal government on legal matters.

Section 4.05 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. He 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 over-all 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.

Section 4.06 ADMINISTRATIVE CODE

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

(1) The identity, function, and responsi-

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bility of each executive department and agency.

(2) Rules of practice and procedure governing administrative proceedings.

Section 4.07 BOARDS AND COMMISSIONS

(a) Boards and commissions may be established by ordinance. The ordinance shall prescribe the purpose, function, rules or procedure, and terms and qualifications of members of the board or commission. The assembly by ordinance may provide for regulatory, appellate or quasi-judicial boards or commissions.

(b) The Mayor appoints the members of boards and commissions unless otherwise specifically provided 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.

ARTICLE V COMMUNITY COUNCILS

Section 5.01 PROVISION

Community Councils may be established to provide residents the opportunity for maximum community self-determination without infringing upon the rights of persons not represented by Community Councils.

Section 5.02 POWERS

The legislative body, by ordinance, shall provide for procedures to allow for negotiation between the local government and each Community Council with respect to sharing of rights and powers, and may provide for each Community Council to supervise the furnishing of services in an area.

Section 5.03 ESTABLISHMENT

The Assembly, by ordinance, shall provide for the establishment, duties, and functions of Community Councils.

The ordinance shall provide that if a Community Council wishes to share rights and powers or supervise a service, a representative governing body shall be elected by the Community Council.

ARTICLE VI LEGISLATION

Section 6.01 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 an Assemblyman at a regular or special meeting of the Assembly. The Mayor may cause an ordinance to be introduced; each such ordinance shall state "By the Chairman of the Assembly at the request of the Mayor." Following introduction, 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 for inspection. The public hearing shall be held at least seven (7) days after publication of the notice.

(c) An ordinance takes effect upon adoption or at a later date specified in the ordinance. Ordinances shall be attested by the municipal clerk and by the presiding officer of the Assembly.

Section 6.02 ACTIONS REQUIRING AN ORDINANCE

In addition to other actions for which this Charter requires an ordinance, the Assembly shall use ordinances to

- (1) adopt or amend the administrative code
- (2) levy taxes
- (3) authorize borrowing of money
- (4) grant, renew or extend a franchise
- (5) regulate the rate charged by a public utility

(6) provide for a fine or other penalty or establish a rule or regulation for the violation of which a fine or other penalty is imposed

(7) convey or lease, or authorize the conveyance or lease, of any lands of the municipality, except that, the Assembly may enact a general ordinance establishing procedures for the routine acquisition and disposition of interests in real property

(8) convey an interest in real property dedicated to public park or recreational purposes. An ordinance conveying an interest in real property dedicated to public park or recreational purposes is valid only upon approval by a majority of those voting on the question at a general or special election. The Assembly shall publish notice of the election, including a description of the property by popular place name and legal description, and the terms and conditions of the conveyance.

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 only during the meeting at which the ordinance is adopted. 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 Assemblymen immediately upon introduction of an emergency ordinance.

Section 6.04 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 6.05 CODIFICATION

The Assembly by ordinance shall provide for indexing and codification of all ordinances and resolutions adopted by the Assembly. Following preparation of the initial code of ordinances, all proposed ordinances shall be adopted as amendments or additions to the code.

ARTICLE VII ELECTIONS

Section 7.01 GENERAL ELECTIONS

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

Section 7.02 ELECTION PROCEDURES

All municipal elections shall be nonpartisan. The Assembly by ordinance shall establish procedures for general and special municipal elections, including provisions for absentee voting. In case of ties, the Assembly shall determine the successful candidate by lot.

Section 7.03 QUALIFICATIONS OF VOTERS

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

- (a) A qualified voter of the State of Alaska.
- (b) A resident of Anchorage for 30 days immediately preceding the election and a resident of the Assembly election district in which he seeks to vote.

ARTICLE VIII PLANNING

Section 8.01 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 municipality.

Section 8.02 PLANNING COMMISSION

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

ARTICLE IX EDUCATION

Section 9.01 PUBLIC SCHOOL SYSTEM

The system of public schools for the

municipality shall be operated by a School Board of seven persons elected at large.

Section 9.02 QUALIFICATION AND TERM

A candidate for School Board shall be a qualified municipal voter, and a resident of Anchorage for one year. A School Board member shall serve a three year term. Two seats shall be filled at each general election after the initial election under this charter, except that three seats shall be filled at the 1978 general election and at each general election every third year thereafter.

Section 9.03 DETERMINING VACANCIES

The Assembly by ordinance shall provide for determining the existence of a vacancy on the School Board, including standards and procedures for removal of a School Board member from office, and in cases of removal from office, provision for notice, public hearings and judicial review.

Section 9.04 FILLING VACANCIES

If a vacancy occurs on the School Board, the remaining members shall fill the vacancy by appointment within 30 days. The persons 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 60 days remain in a term at the time a vacancy occurs, the vacancy shall not be filled. However, if, at any time, School Board membership is reduced to fewer than four members, the remaining members shall fill the vacancies by appointment within 7 days.

Section 9.05 POWERS OF THE SCHOOL BOARD

The School Board has the powers provided by law, including but not limited to, the power to

(1) Formulate policy for the operation of the schools.

(2) Appoint and provide for suspension and removal of school personnel, including the superintendent.

(3) Serve as a board of personnel appeals.

Section 9.06 JOINT CONFERENCES

The Assembly and School Board shall meet at least four times yearly in public session to discuss and coordinate financial planning, capital improvement needs, the comprehensive plan, and other matters of mutual concern.

Section 9.07 BUDGET AND SIX-YEAR PLAN

The Superintendent of Schools shall submit to the School Board at such time as the board directs a proposed annual budget and a proposed six-year program for capital improvements and fiscal policies. The board shall hold at least one public hearing on the proposed budget and program before School Board recommendations to the Mayor, and again at least one public hearing after Assembly action. The proposed budget and program shall be approved and submitted to the Mayor at least 120 days before the end of the current fiscal year of the municipality.

ARTICLE X FINANCE

Section 10.01 FISCAL YEAR

The fiscal year for the municipality shall begin on the first day of January and end on the 31st day of December of that year. The fiscal year of the school district shall begin on the first day of July and end on the 30th day of June of the following year, unless otherwise provided by law. The Assembly by ordinance may change the fiscal year of the municipality. The change may not take effect until at least one year after enactment.

Section 10.02 SIX-YEAR PROGRAMS FOR PUBLIC SERVICES, CAPITAL IMPROVEMENTS AND FISCAL POLICY

The Mayor shall submit to the Assembly at least ninety (90) days before the end of the fiscal year a six-year program for public services, fiscal policies and capital improvements for the municipality including the school district. The program shall include estimates of the effect of capital

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improvements projects on maintenance, operation and personnel costs.

Section 10.03 OPERATING AND CAPITAL BUDGET

The Mayor shall submit to the Assembly, at least ninety (90) days before the end of the fiscal year, the proposed operating and capital budget. The form and content of the budget shall be consistent with the proposed six-year program. The Mayor shall submit with the budget an analysis of the fiscal implications of all tax levies and programs.

Section 10.04 BUDGET HEARING

The Assembly shall hold public hearings on the proposed budget and six-year program, one at least 21 days after submitted, and one at least seven (7) days prior to adoption.

Section 10.05 ASSEMBLY ACTION ON BUDGET

The Assembly may increase or decrease any appropriated item, and may add or delete items, in the proposed operating or capital budget of the municipality. The school district budget may be increased or decreased only as to total amount. The Assembly shall approve the budget as amended and appropriate the necessary funds at least twenty-one (21) days prior to the end of the fiscal year. If the Assembly fails to approve the budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year without further Assembly action.

Section 10.06 SUPPLEMENTAL AND EMERGENCY APPROPRIATIONS

(a) If, during any fiscal year, the Mayor certifies that revenues exceed budget estimates for the year, the Assembly may make supplemental appropriations up to the amount of the additional revenues.

(b) In the event of emergency, the Assembly may make appropriations by emergency ordinance. If funds available are insufficient to meet the appropriations, the Assembly, by emergency ordinance, may authorize issuance and sale of notes in anticipation of revenues for that fiscal year. The notes shall be repaid prior to the end of the fiscal year next following.

Section 10.07 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 by resolution may reduce any appropriation other than an appropriation for debt service. No appropriation may be reduced by more than the amount of the then unencumbered balance.

(b) Except as to the school budget, the Mayor may transfer all or part of any unencumbered balance between categories within the budget of any municipal department or agency. The school board may transfer part or all of any unencumbered balance between categories within the school budget. No transfer of funds is effective until a record of the transfer has been filed with the municipal clerk. The Assembly may transfer part or all of any unencumbered balance from one department or agency to another. No transfer may be made from appropriations for debt service or from funds appropriated in accordance with the terms of federal or state grants.

Section 10.08 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 10.09 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) The Assembly by ordinance may authorize a contract, lease, or obligation

requiring funds from future appropriations. A lease purchase agreement with respect to acquisition of a capital improvement valued in excess of \$1,000,000 is not valid until approved by the voters in the same manner as general obligation bonded indebtedness.

Section 10.10 COMPETITIVE BIDDING

The Assembly by ordinance shall provide for competitive bidding for goods and services and may make provision for exceptions.

Section 10.11 FINANCIAL AUDIT

The Assembly shall provide for an annual independent audit of all municipal accounts by a certified public accountant. The report of the audit shall be submitted to the Assembly within ninety (90) days following the close of the fiscal year.

ARTICLE XI TAXATION, SPECIAL ASSESSMENTS, AND SERVICE AREAS

Section 11.01 TAXING AUTHORITY

(a) The power of taxation shall never be surrendered, delegated, suspended or contracted away except as provided in this article.

(b) No sales tax ordinance is valid until ratified by a majority of those voting on the question of a general or special election.

(c) Private leaseholds, contracts or interests in land or property owned or held by the United States, the State or other political subdivisions shall be taxable to the extent of the interest.

Section 11.02 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.

Section 11.03 SERVICE AREAS

(a) A service area is established to provide and finance special services to a specific area by means of a uniform tax levy within the area.

(b) The Assembly, by ordinance, shall adopt procedures for creating, altering, abolishing and operating service areas.

(c) 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, with the written consent of the owners of all real property within the area affected.

Section 11.04 ASSESSMENT DISTRICTS

(a) An assessment district is established to provide and finance capital improvements by means of an assessment, or services by means of a tax levy, 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) Consistent with this section, the Assembly by ordinance shall adopt procedures for creating, altering, abolishing, and operating assessment districts.

(c) An assessment district may be created, altered, or abolished only with the approval of the property owners who bear more than fifty percent of the cost of the improvement or service within the area affected. An assessment district with respect to which bonds have been sold may not be abolished until the bonds are repaid.

(d) 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.

(e) A special assessment may not be contested by civil action unless the action is brought within 60 days after confirmation of the assessment roll.

(f) An account for each special assessment district shall be created and kept separate from all other municipal accounts. Revenues collected within a special assessment district may be applied only to costs incurred with respect to that assessment district.

ARTICLE XII MUNICIPAL BORROWING

Section 12.01 AUTHORITY

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

Section 12.02 LIMITATIONS

No general obligation bonded indebtedness may be incurred unless authorized by the Assembly and ratified by a majority vote of those in the municipality voting on the question, except that refunding bonds may be issued without an election.

Section 12.03 FORM AND MANNER OF SALE

The Assembly by ordinance shall provide for the form and manner of sale of bonds and notes.

Section 12.04 SALE TO FINANCIAL CONSULTANTS PROHIBITED

No persons retained by the municipality to perform services relating to financial programming or to the issuance and sale of notes or bonds may bid on such bonds or notes, directly or indirectly, while so retained. Violation of the provisions of this section shall not invalidate the obligations.

Section 12.05 ACTIONS CHALLENGING THE VALIDITY OF OBLIGATIONS

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

Section 12.06 INTEREST AND PROFITS FROM INVESTMENTS

All interest and profits derived from the investment of the proceeds from the sale of any obligations shall be used solely for the purposes for which such obligations were issued, or for their retirement.

ARTICLE XIII MUNICIPAL UTILITIES

Section 13.01 MUNICIPAL UTILITIES

(a) Each municipal utility shall be operated in accordance with the general standards common to utilities providing the same utility service.

(b) Each municipal utility shall have a separate budget within the annual municipal budget, and the accounts of the utilities shall be separately kept and classified in accordance with the uniform accounts generally prescribed for public utilities providing the same utilities service.

(c) The assembly shall prescribe rules and procedures for the operation and management of municipal utilities.

Section 13.02 DISPOSAL OF UTILITIES

The municipality may sell, lease, or otherwise dispose of a municipal utility only pursuant to an ordinance is approved by a majority of the qualified voters voting on the question.

ARTICLE XIV GENERAL PROVISIONS

Section 14.01 EQUAL RIGHTS

The Assembly shall enact ordinances against invidious discrimination in housing, public accommodations, employment, education, and financing practices on the basis of race, religion, age, sex, color, national origin, marital status, or physical handicap.

Section 14.02 EQUAL RIGHTS COMMISSION

The Assembly by ordinance shall establish an Equal Rights Commission and prescribe its duties. Members of the commission shall be appointed by the Mayor and confirmed by the Assembly. The commission shall appoint its principal executive officer with the approval of the Mayor. The principal executive officer shall serve at the pleasure of the commission.

Section 14.03 CONFLICT OF INTEREST

An elected municipal officer may not participate in any official action in which he or a member of his household has a substantial financial interest unless after disclosure of the interest his participation is approved by a majority of the body. This prohibition

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shall be implemented in the manner provided by law, including provision for public disclosure of substantial financial interests of Assemblymen, School Board members, and members of regulatory, appellate and quasi-judicial boards and commissions. The assembly by ordinance shall adopt procedures dealing with conflict of interest on the part of municipal employees.

Section 14.04 PROHIBITIONS

Except where authorized by ordinance, an elective official of the municipality may not hold any other elective public office, municipal office or municipal employment during the term for which elected. An elected official may not hold compensated municipal employment for one year after he ceases to be an elected official. This prohibition does not apply to membership on an advisory board or commission. An independent contractor engaged through competitive bidding is not a municipal employee for purposes of this section.

Section 14.05 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 pending litigation or any matter the immediate public knowledge of which would tend to affect adversely the finances of the municipality or to defame or prejudice the character or reputation of any person. The general matter for consideration in executive session shall be expressed in the motion calling for the session. No official action may be taken in executive session.

Section 14.06 NOTICE OF CLAIMS

No claim may be brought against the municipality for damages for injury to person or property by reason of negligence or gross negligence unless, within four (4) months after the injury occurs, the person damaged, or his representative, serves written notice on an officer upon whom process may be served. The notice shall state that the person intends to hold the municipality liable for damages. It 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 is known, and the names and addresses of witnesses known to the claimant.

Section 14.07 OATHS OF OFFICE

Municipal officers, before taking office, shall affirm in writing that they will honestly, faithfully and impartially perform their duties. The oath is filed with the municipal clerk.

Section 14.08 CONTINUATION IN OFFICE

Each elected municipal officer shall continue to serve until his successor qualifies and takes office.

Section 14.09 ADVERSE POSSESSION

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

Section 14.10 RESIDUAL POWER

The enumeration of specified powers in this constitution may not be construed to limit the powers of the municipality.

Section 14.11 PROVISIONS SELF-EXECUTING

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

Section 14.12 INTERPRETATION

Titles and subtitles shall not be used in construing this charter. Personal pronouns used in this charter shall be construed as including either sex.

Section 14.13 SEPARABILITY

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 14.14 DEFINITIONS

(a) "Emergency" means a sudden, unforeseen occurrence or condition which results or apparently will result in a relatively permanent insufficiency of services or facilities substantial enough to endanger the public safety or welfare.

(b) "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 which are valid limitations on the exercise of legislative power by home rule governments.

(c) "Publish" means to cause to be printed at least once in at least one newspaper of general circulation within the municipality, the matter required by law to be published. The Assembly may provide for additional modes of dissemination.

**ARTICLE XV
CHARTER AMENDMENT****Section 15.01 VOTE REQUIRED**

This charter may be amended only upon the concurrence of a majority of the qualified voters of Anchorage voting on a proposed amendment.

Section 15.02 PROCEDURE

Amendments to this charter may be proposed by the Assembly by ordinance, by a charter commission established in the manner provided by law, or by initiative petition. Proposed amendments shall be submitted to the voters at the next general or special election occurring more than 45 days after the effective date of the proposal. If the proposed amendment is approved by the voters, it becomes effective at the time set in the amendment, or, if no time is set, 30 days after certification of the results of the election.

**ARTICLE XVI
TRANSITION****Section 16.01 EFFECTIVE DATE**

This charter shall be effective immediately on ratification.

Section 16.02 INTERIM GOVERNMENT

(a) For purposes of this charter, the term "former governments" shall mean the governing bodies of the Greater Anchorage Area Borough and cities of Anchorage, Girdwood and Glen Alps functioning at the time of this charter. The former governments shall cooperate fully in the implementation of this charter. The governing bodies of the former governments shall continue to have the power to carry out the functions provided for in these transitional provisions until the former governments are dissolved.

(b) For the purpose of the election of the first Mayor, Assembly and School Board under this charter, the election ordinances of the Greater Anchorage Area Borough shall apply, except that, nominating petitions may be filed no later than September 5, 1975, and there shall be no run-off with respect to any office. The election under this charter shall be held on October 7, 1975. No former government may hold an election after the date of ratification of this charter. Any election concerning bond propositions set after the ratification election shall be voted on under authority of this charter on October 7, 1975.

(c) The persons elected under this charter shall take office on certification of the election of the Mayor. At that moment the former governments are dissolved and the new government shall succeed to all the authority, powers and duties of the former governments. Former cities shall comprise service areas for provision of services rendered by those cities within their respective areas as of the date of ratification of this charter. Each department and agency of each former government shall become a department or agency of the new government. All non-elective officers and employees of each former government shall become officers and employees of the new government.

Section 16.03 INITIAL TERMS OF OFFICE

(a) The Mayor elected at the initial election under this charter shall serve a three-year term.

(b) Three School Board members shall be elected to a three-year term, two members to a two-year term, and two members to a one-year term.

(c) Eleven (11) Assemblymen shall be elected as follows:

(1) One member from each three-member district shall be elected to a three-year term.

(2) One member from each district shall be elected to a two-year term.

(3) One member from each district shall be elected to a one-year term.

(d) The various Assembly and School Board seats shall remain staggered in the pattern established under this section.

Section 16.04 ORGANIZATION OF THE EXECUTIVE BRANCH

(a) On or before May 1, 1976, the Mayor shall submit to the Assembly in the form of a proposed ordinance an administrative code containing a plan of organization for the executive branch. The proposed ordinance shall become law 20 days after submitted unless sooner adopted, with or without amendment, or rejected by the Assembly. If the proposal made by the Mayor is rejected, he shall propose an alternate to the Assembly within 15 days of the rejection. If before July 1, 1976, no such ordinance has been adopted by the Assembly, the alternate proposal submitted by the Mayor shall become law.

(b) Current employees affected by unification of duplicative agencies of the former governments are entitled to preference in other municipal employment in comparable capacities. Pending adoption by the Assembly of a comprehensive personnel classification and procedures ordinance, current employees of the former governments may be terminated only for cause. Pension plans, retirement plans, collective bargaining agreements, and other existing employee benefits shall not be diminished by adoption of this charter, pending adoption of the administrative code.

Section 16.05 TRANSITION AND PRIOR LAW

(a) The ordinances, resolutions, regulations and orders of the former governments in effect on the date of ratification are hereby adopted and preserved, each to have effect in the area in which it was effective prior to ratification, subject to amendment or repeal in a manner prescribed in this charter.

(b) All existing special assessment districts, service areas, boards of supervisors for service areas, community councils recognized under municipal ordinance, and municipal regulatory and advisory boards and commissions, shall continue to function until altered in accordance with this charter.

(c) Whenever the Mayor identifies an apparent conflict between the ordinances of the former governments, affecting the implementation of the unified government activity, he shall designate in writing which ordinance shall govern. The designation shall be effective immediately and shall be communicated to the Assembly. The Assembly, by inaction, may approve the designation, or, may disapprove it by adopting, within 14 days, a resolution containing a contrary designation.

(d) Prior to July 1, 1976, the Mayor shall prepare and submit for Assembly action a compilation of the ordinances then in effect. The compilation shall include recommendations from the Mayor as to the form and content of the initial code of ordinances. Based upon the compilation, the Assembly shall enact a code of ordinances not later than August 1, 1977. Enactment of the code shall repeal all ordinances of the former governments not included in the code. Repeal of ordinances of the former governments is not retroactive and does not affect pending court actions.

(e) Any bond of a former government authorized and unissued on the date of ratification or authorized at the initial election under this charter, remains authorized and may be issued at the discretion of the Assembly without additional ratification and subject to the procedures provided by law.

THE CHARTER

NOTES

Section 16.06 FINANCE

(a) The unified government fiscal year will be January 1 through December 31. Utilities formerly belonging to the City of Anchorage will continue to operate on a January 1 through December 31 fiscal year. The fiscal year of the school district is not affected by adoption of this charter.

(b) Immediately after ratification of this charter, the Greater Anchorage Area Borough Assembly will prepare a six-month budget for the period July 1, 1976, through December 31, 1976. The Assembly shall approve and appropriate funds for this budget.

(c) Not later than December 31, 1976, the Assembly of the new government shall prepare a financial report covering the activities provided for in the budgets of the City of Anchorage and the Greater Anchorage Area Borough for the period January 1, 1976, through December 31, 1976.

(d) The Assembly for the new government shall prepare, approve and appropriate for a single integrated budget for Anchorage for the period January 1, 1977, through December 31, 1977. The budget shall be prepared, approved and appropriated for in accordance with the provisions of

this charter.

Section 16.07 ASSETS AND LIABILITIES

The new government shall succeed to all of the assets, including property, claims and franchises, and liabilities, including bonds and other obligations, of the former governments, provided that, pre-unification bonded indebtedness or other debt for sewage collection systems, water distribution systems, and streets shall remain the tax obligation of the area which incurred the debt.

FEEDBACK

PLEASE CLIP AND MAIL THIS FORM. WE NEED YOUR THOUGHTS ON THE CHARTER TODAY! THANK YOU.

Q. Area of residence

A. _____

Q. What Comments would you like to make about the Charter?

A. _____

Q. What one section (concept) do you most approve of?

A. _____

Q. What one section (concept) do you most disapprove?

A. _____

----- cut along line -----

THE COMMISSION

Charter Commission 278-1211

AREA WIDE

DICK FISCHER 272-6422 or 274-1445

JOE JOSEPHSON 272-8531 or 277-4419

ARLISS STURGULEWSKI 279-4939

CITY

SHARI HOLMES 279-6064 or 277-8564

JIM PARSONS 279-3735 or 278-4657

FRANK REED SR. 279-5641 or 272-2218

BILL SHEFFIELD 274-6631 or 277-9752

BOROUGH

JANE ANGVIK 274-3611 or 344-8847

FRED CHIEI 272-1113 or 344-3631

MARY FROHNE 344-3826

LISA PARKER 333-5189

ATTORNEY

RICHARD GARNETT III

EXECUTIVE SECRETARY

EVY WALTERS

YOUR COMMUNITY
YOUR CONSTITUTION
YOUR CHOICE

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POSTAGE

THE CHARTER COMMISSION
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ANCHORAGE, ALASKA 99501

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