



KENAI PENINSULA BOROUGH

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**DAVE CAREY
BOROUGH MAYOR**

MEMORANDUM

TO: Milli Martin, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: *WHL* Dave Carey, Borough Mayor
SC Colette Thompson, Borough Attorney
SB

FROM: Scott Bloom, Assistant Borough Attorney

DATE: June 25, 2009

SUBJECT: Ordinance 2009-31, Comparative Analysis on Manager Plans of Government

This report is intended to provide a general comparative analysis for Ordinance 2009-31 of how other boroughs segregate powers and duties between the assembly, mayor, and borough manager under the manager plan of government.¹ Of the seven second class boroughs in the state,² four have a manager plan of government. These are the Matanuska Susitna Borough, Bristol Bay Borough, Ketchikan Gateway Borough, and Kodiak Island Borough. This report also includes information from home rule boroughs and unified municipalities that have a manager form of government.³

KODIAK ISLAND BOROUGH (SECOND CLASS BOROUGH)

Assembly powers / responsibilities:

Legislative power of borough is vested in the assembly, which establishes borough policy by ordinance and resolutions.

Mayor powers / responsibilities:

Executive duties of the borough are vested in the mayor, who acts as the ceremonial head, presides at assembly meetings, and signs ordinances and other documents on behalf of the assembly.⁴ The mayor appoints members of certain boards, committees, and commissions with

¹ Information provided in this memorandum was extrapolated from municipal websites and web-published municipal codes which may not be current.

² Aleutians East Borough, Bristol Bay Borough, Fairbanks North Star Borough, Kenai Peninsula Borough, Ketchikan Gateway Borough, Kodiak Island Borough, and Matanuska Susitna Borough.

³ Of the nine boroughs that are not a second class borough, six have a manager form of government.

⁴ In the KGB Borough, as in others, failure by the mayor to sign ordinances does not invalidate them.

assembly confirmation. The mayor participates in assembly discussions but only votes if there is a tie, and the mayor has veto power. The mayor's salary is \$500 per month plus health and life insurance and expenses as approved by assembly.

Manager powers / responsibilities:

Administrative power of the borough is vested in the manager, who is chief administrative officer of the borough and has all powers and duties as set forth in AS 29.20.500. The manager has the supervision and control, directly and indirectly, over all departments, agencies, directors, and other employees except the borough clerk, clerk's office, and borough attorney. He or she is appointed by a majority vote of the assembly based on executive and administrative qualifications. The salary is set by the assembly. The manager holds office at the pleasure of the assembly subject to a contract of employment. The manager appoints employees and directors and suspends or removes employees or directors by written order. The manager enforces borough laws and carries out assembly directives, and prepares, submits, and executes budget and capital improvement programs as directed. The manager provides reports on the budget, capital improvements, and administrative activity to the assembly and public. The manager serves as personnel officer unless a personnel officer is otherwise appointed by the assembly. The manager may serve as the director of one or more departments.

KETCHIKAN GATEWAY BOROUGH (SECOND CLASS BOROUGH)

Assembly powers / responsibilities:

The assembly may establish departments and distribute functions among them, may appoint the manager as a head of a department, and may consent to one person heading more than one department. The assembly may establish boards or commissions. Each assembly member receives \$150 a month plus \$75 for assembly meetings attended.

Mayor powers / responsibilities:

The mayor presides at all assembly meetings, acts as ceremonial head of the borough, and signs ordinances and other documents on behalf of the assembly. The mayor may take part in any discussion before the assembly; however, he or she may only vote in case of a tie, and he or she has veto power. The mayor appoints members of boards and commissions with assembly confirmation, except as provided by code. The mayor's salary is \$500 per month, and \$75 for each meeting attended.

Manager powers / responsibilities:

The manager is the administrative head of the borough and all borough departments except the clerk's and attorney's departments. The manager is hired by the assembly, which also sets compensation for the position. The manager is responsible for developing and administering the budget and capital improvement program as well as reporting on the same. The manager makes hiring, firing, and disciplinary decisions and sets work schedules, assignments, performance evaluations, and other similar administrative matters.

MAT-SU BOROUGH (SECOND CLASS BOROUGH)

Assembly powers / responsibilities:

Legislative power is vested in the assembly, which formally establishes borough policy by ordinance or resolution. Assembly members are compensated \$6000 per year plus benefits and expenses.

Mayor powers / responsibilities:

Executive power is vested in the mayor, who presides at assembly meetings, discusses any item with the assembly, only votes in case of a tie, and has veto power. The mayor is the ceremonial head of the borough, signs documents on behalf of the borough with assembly authorization, and appoints members of boards and commissions with assembly confirmation. The mayor is compensated \$10,200 per year plus benefits and expenses and \$25 per day “to help cover the personal cost of the mayor in the performance of duties.”

Manager powers / responsibilities:

Administrative power is vested in the manager, who serves at the pleasure of the assembly, which sets the manager’s compensation. The manager is subject to regulations for other borough employees and is responsible for administration of borough affairs placed in the manager’s charge by law and ordinance. The manager implements policy of the borough as established by the assembly. The manager appoints, suspends, and removes employees and administrative officials except as otherwise provided and serves as personnel officer unless the assembly appoints a separate personnel officer. The manager directs and supervises all employees and officers except those in the clerk’s and attorney’s offices and as otherwise provided by statute. The manager supervises enforcement of law and carries out assembly directives and acts as treasurer. The manager prepares the budget for assembly consideration, executes budget and capital improvements as adopted, and exercises custody of all real and personal property of borough, except that of the school district. The manager supervises construction, maintenance, and operations of public facilities. At least annually, the manager prepares performance measures that describe effectiveness and efficiency of the borough’s administrative units.

BRISTOL BAY BOROUGH (SECOND CLASS BOROUGH)

Assembly powers / responsibilities:

Code not available.

Mayor powers / responsibilities:

Code not available.

Manager powers / responsibilities:

The manager is chief administrative officer of borough and is responsible for the daily administration of borough affairs. The manager serves as personnel officer, appoints department heads and is charged with the suspension, removal, and review of administrative officers and employees in the manager’s charge. The manager is responsible for preparation and presentation of the budget and capital improvement projects to assembly. The manager manages the

approved budget and capital improvement projects, and provides the assembly with an annual financial audit. The manager is also responsible for custody and control of the borough's real and personal property.

HAINES BOROUGH (HOME RULE BOROUGH)

Assembly powers / responsibilities:

Legislative powers are vested in assembly, which adopts the budget, raises revenue, authorizes the borrowing of money, makes appropriations, regulates salaries and wages and other fiscal affairs of borough, including rates charged by public utilities. The assembly inquires into the conduct of any office, department, or agency and investigates borough affairs including appointing, electing, or removing its own borough officers or providing a method for same. However, the assembly cannot direct or request the appointment of any person to, or removal from, office or employment under the manager except as provided by ordinance. Compensation is \$100 per meeting plus \$10 for travel to meetings and benefits.

Mayor powers / responsibilities:

Executive power is vested in the mayor, who presides at assembly meetings, acts as ceremonial head, and signs documents on the borough's behalf upon assembly authorization. The mayor has veto power and may take part in matters before assembly but cannot vote unless there is a tie. The mayor reviews and makes recommendations for amendments to the annual budget and capital improvement programs prior to submission to the assembly. The mayor executes other powers and duties specified in law. Acts as ex officio chair of various boards and commissions when required. Compensation is \$1,000 per month.

Manager powers / responsibilities:

The manager is the chief administrative officer of the borough, appointed by the assembly, and is an at-will officer who may be dismissed at any time by the assembly, with or without cause, and with or without notice. The manager is responsible for carrying out the administration of the borough and supervises enforcement of borough law and carries out policy and directives of assembly. The manager serves as personnel director and provides for employee evaluations, unless the assembly authorizes appointment of a personnel director, and he or she appoints, suspends, or removes employees and administrative officials, except as otherwise provided. The manager prepares and submits the budget to the assembly, executes the budget as adopted, and exercises custody and control of real and personal property of the borough.

CITY AND BOROUGH OF JUNEAU (UNIFIED HOME RULE MUNICIPALITY)

Assembly powers / responsibilities:

The assembly is the governing body of the municipality, exercises legislative and policy-making powers, and provides for performance of all duties and obligations imposed by charter. The assembly appoints and enters into a contract with the manager and may suspend or remove manager at any time.

Mayor powers / responsibilities:

The mayor performs duties required by charter or by the assembly. The mayor is head of the municipality for ceremonial purposes and recognized by the governor for purposes of martial law. The mayor presides at assembly meetings and is a member of assembly with all powers and duties of office but has no veto power. In emergencies the mayor has the powers conferred by law upon peace officers and exercises such powers to prevent disorder, preserve public peace and health, and to provide for safety of person and property. Compensation is set by the assembly.

Manager powers / responsibilities:

The manager is the chief administrative officer of the municipality, responsible to the assembly, and is appointed solely on the basis of executive and administrative experience. The manager must execute all ordinances and applicable laws. He or she appoints or removes heads of administrative departments subject to personnel regulations and authorizes administrative officers to appoint or remove subordinates subject to personnel regulations. The manager directs care and custody of property and directs and supervises construction, maintenance, and operation of municipal public works. The manager prepares and submits budget and capital projects and keeps the assembly fully advised on the financial condition of the municipality. The manager has the right to take part in discussion of matters coming before assembly.

LAKE AND PENINSULA BOROUGH (HOME RULE BOROUGH)**Assembly powers / responsibilities:**

Compensation is \$100 per member per meeting day.

Mayor powers / responsibilities:

The mayor is the presiding officer at assembly meetings, preserves order and decorum among assembly members, and is responsible for conduct at all meetings and compliance with rules. At any time, the mayor may make rules deemed proper to preserve order among spectators during an assembly session and may speak to points of order and shall decide all points of order subject to assembly appeal. The mayor participates as an assembly member on all issues and shall vote on every issue but has no veto power. The mayor is the head of the borough for ceremonial purposes. The mayor is recognized by the governor for purposes of martial law and assumes all powers conferred by law in emergency situations. Performs all duties required by borough charter or ordinance. Compensation is \$100 per meeting day.

Manager powers / responsibilities:

As chief administrative officer of the borough, the manager is responsible to the assembly and can participate in discussions of all matters before the assembly. Subject to an employment contract, the manager serves at the pleasure of the assembly and may be removed with or without cause by majority vote. The manager is appointed based solely on administrative and executive qualifications. Borough employees and administrative officers are appointed by the manager who is authorized to suspend or remove the same by written order except as provided otherwise in code or law. The manager may hire necessary assistants and authorize an administrative officer to appoint, suspend, or remove subordinates in his or her department. The manager

serves as the borough personnel officer unless the assembly authorizes the appointment of a personnel officer. Subject to assembly approval, the manager shall have the power to make rules and regulations relating to the hiring and firing, retirement classification, salaries and the like of all employees. The manager supervises enforcement of borough law. The manager prepares and submits budget and capital improvement projects and executes same as adopted and makes financial reports to the assembly. The manager directs the care and custody of all borough property and directs and supervises the construction, maintenance, and operation of borough facilities, excluding schools. The assembly and the mayor cannot give direction to the manager's subordinates.

CITY AND BOROUGH OF SITKA (UNIFIED HOME RULE MUNICIPALITY)

Assembly powers / responsibilities:

Assembly appoints to board and commissions after advertising. Salary is \$300 per member per month.

Mayor powers / responsibilities:

Salary is \$500 per month.

Manager powers / responsibilities:

The manager reports to the assembly and is responsible for day-to-day administration of government, including managing the budget, departments, and operations.

CITY AND BOROUGH OF WRANGELL (UNIFIED MUNICIPALITY)

Assembly powers / responsibilities:

The assembly appoints the manager by majority vote and sets the manager's salary.

Mayor powers / responsibilities:

The mayor shall preside at all meetings of the assembly and shall certify passage of ordinances and resolutions. The mayor can alter the sequence of matters to be considered from agenda. The mayor has all powers, rights, privileges, and duties and responsibilities of assembly members. The mayor can vote but cannot initiate motions and has no veto power.

Manager powers / responsibilities:

The manager is chosen based on administrative and executive qualifications and serves at pleasure of the assembly and can be removed by majority vote of no confidence with or without cause. The manager carries out directives of the assembly. The manager submits all communications received by the municipal attorney to assembly. He or she has a right to take part in all assembly discussions when requested to do so but has no right to vote. The manager serves as personnel officer unless the assembly authorizes the manager to appoint a personnel officer. The manager appoints, employs, and when necessary for the good of borough, lays off, suspends, demotes, and/or removes administrative department heads, officers, and employees except as otherwise provided by ordinance. The manager has no governing power over the

municipal attorney or clerk. The manager submits the operating budget and financial reports to the assembly and countersigns all municipal checks. The manager exercises custody over all municipal property. The manager submits all contracts to the assembly for approval and monitors and performs contracts within the budget approved by the assembly.

CITY AND BOROUGH OF YAKUTAT (HOME RULE)

Assembly powers / responsibilities:

The assembly appoints the manager and determines compensation for elected officials and the manager.

Mayor powers / responsibilities:

The mayor is the ceremonial head of the borough, executes and signs documents on behalf of the borough upon assembly authorization, and acts as ex-officio chairman of the board of adjustment and board of equalization. The mayor presides at all meetings of the assembly, preserves order and decorum among assembly members, and is responsible for conduct of all meetings and compliance with assembly rules. The mayor can make rules at any time to preserve the order of spectators during assembly meetings, can speak to points of order, and shall decide all points of order subject to assembly appeal. The mayor can only vote in case of tie and has veto power.

Manager powers / responsibilities:

The manager is chief administrative officer, serves at the pleasure of the assembly, and is appointed solely on the basis of administrative and executive qualifications. The manager appoints employees and administrative officers except as provided otherwise in code and law. The manager may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in the department. The manager serves as the personnel officer, unless the assembly authorizes the appointment of a personnel officer, and is authorized to suspend or remove by written order borough employees and administrative officers, except as provided otherwise in law. The manager supervises enforcement of borough law and performs other duties as provided by law and charter. The manager prepares the annual budget and capital improvement program for assembly consideration, executes the budget as adopted, and makes financial reports to the assembly. The manager has direct care and custody of borough property and directs and supervises the construction, maintenance, and operation of public works. The manager has the right to take part in discussion of all matters coming before the assembly. Except for purposes of inquiry, the assembly and mayor shall deal with the borough administrative service solely through the manager.