



KENAI PENINSULA BOROUGH

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DAVE CAREY
BOROUGH MAYOR

MEMORANDUM

TO: David R. Carey, Borough Mayor
Milli Martin, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU:  Colette Thompson, Borough Attorney

FROM:  Scott Bloom, Assistant Borough Attorney

DATE: June 25, 2009

SUBJECT: Ordinance 2009-31, Manager Plan of Government

The following list describes the powers and duties conferred by state statutes to the borough mayor under a manager plan of government:¹

- May request a list of registered voters within municipal boundaries from State Elections Director. AS 15.07.140.
- Must notify the Alaska Division of Homeland Security and Emergency Management of the manner in which the borough is providing or securing disaster planning and intends to provide or secure emergency services, identify the person who heads the agency from which the services are or will be obtained, and furnish additional information relating to the services as the Alaska Division of Homeland Security and Emergency Management requires. AS 26.23.060(d).²
- Has authority to declare local disaster emergencies. AS 26.23.140(a).³
- Receives from the Commissioner of Commerce, Community and Economic Development orders of reapportionment. AS 29.20.080(e) and 29.20.090(e).

¹ This memo does not address any powers or duties conferred to the mayor by KPB code.

² Alaska Statute 26.23.060(d) confers this power/duty on the “principal executive officer” of the municipality. While AS 29.20.220(a) vests executive power with the mayor, no definition of “principal executive officer” is provided in statute. Different municipalities across the state have approached the issue differently. In the Kodiak Island Borough, an emergency services council declares local emergency disasters. In Juneau, the manager has declared local emergency disasters. If the borough were to move forward to a managerial form of government, the plan adopted may clarify who is the principal executive officer for this purpose.

³ *Id.*

- Is presiding officer of the assembly. AS 29.20.160.
- Is vested with executive power within municipality. AS 29.20.220(a).
- Acts as ceremonial head of the government. AS 29.20.220(b).
- Executes official documents upon authorization by the assembly. AS 29.20.220(b).
- May take part in the discussion of any matter before the assembly. AS 29.20.250(b).
- May vote in an assembly decision in case of a tie. AS 29.20.250(b).
- May designate, subject to assembly approval, a person to act as mayor during mayor's temporary absence. AS 29.20.260.
- Has veto power of ordinances, resolutions, motions, or other assembly actions except as otherwise provided. AS 29.20.270(a).
- Fills vacancies on utility board if borough operates a public utility. AS 29.20.310.
- Appoints members to boards other than board of adjustment and assembly members serving on board of equalization, subject to assembly confirmation. AS 29.20.320(b).
- May serve, with assembly consent, as head of one or more departments. AS 29.20.400(b). (This provision appears inconsistent with a manager plan of government, but is expressed without condition in state statute.)
- May introduce ordinances. AS 29.25.020(a)(1).
- Presents to the assembly protests filed by initiative or referendum petition signers of the clerk's certification that the petition was insufficient.
- Submits periodic and special reports to the assembly on request. AS 29.35.010(a)(4).
- Certifies election results regarding acquisition of additional powers as approved by voters to the Department of Commerce, Community and Economic Development. AS 29.35.330.
- Receives annual reports from port and solid waste authorities (if applicable). AS 29.35.700 and AS 29.35.895.
- Appoints a member to the planning commission subject to assembly confirmation. AS 29.40.020(a).
- Provides reports concerning the need for, desirable extent of, and estimated cost of special assessment districts. AS 29.46.020(a)(2). (This provision is optional and is currently superseded by borough code.)
- May request from the State the names of all fisheries businesses that filed fisheries business tax returns within the borough. AS 43.75.140.
- May appoint a representative to a municipal advisory group related to applications to develop state stranded gas resources that propose to make payments in lieu of taxes if the borough's revenue is affected by the activity. AS 43.82.510.