



Exhibit F:

Charter for the

Chugach Regional

Borough

June 2026

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PREAMBLE

WE THE PEOPLE of the Chugach Regional Borough, deriving our authority from the will and consent of the people, and exercising the powers of home rule granted by the foundational political document, the Declaration of Independence; the supreme law of the land, the United States Constitution; and the highest law within the State of Alaska, the Alaska State Constitution, do hereby affirm that government exists only through the will of its people. To preserve our God-given rights, and to ensure that our local government faithfully serves and protects those rights and advances our best interests, we hereby establish this Charter.

ARTICLE I. NAME, TYPE, CLASS, AND BOUNDARIES

Section 1.05 Name

The Borough shall be a municipal corporation known as the “*Chugach Regional Borough*” and may use the name “Chugach Regional Home Rule Borough.” The Borough reserves the right to the exclusive use of the name “Chugach Regional Borough,” and any designated symbol such as a flag, a seal, or a slogan.

Section 1.10 Boundaries

The boundaries of the Chugach Regional Borough shall be defined by the official metes and bounds description and maps, including Assembly district maps, adopted with this Charter. These boundaries include all areas within the Borough on the date of ratification of this Charter and may be altered after adoption of this charter only in accordance with applicable law.

Section 1.15 Powers

- A. The Borough may exercise all powers not prohibited by the United States Constitution, the Constitution of the State of Alaska, Alaska Statute, or this Charter.
- B. A liberal construction shall be given to the powers of the Chugach Regional Borough. The specific enumeration of a particular power in this Charter shall not be construed as limiting the powers of the Borough.
- C. The purpose of the Chugach Regional Borough shall be:
 - 1. To protect the God-given rights of all individuals in the Borough
 - 2. To provide requested services in a way that facilitates the lives of all its residents with a minimum amount of taxation and bureaucracy

Section 1.20 Form of Government

- A. The Borough government is a non-unified home rule borough established by the voters.

- B. The Borough shall operate under a “manager plan” form of government.

Section 1.25. Intergovernmental and Private Enterprise Relations

Except as otherwise limited in this Charter, the Borough may exercise any of its powers or perform any of its functions and may participate in the financing of its powers and functions, jointly, in cooperation or by agreement with the State of Alaska, any department, agency or political subdivision of the State of Alaska, including a municipality or any municipal department or authority, any state within the United States; the United States government or any agency, subdivision or department of the United States; any tribe or tribal entity or corporation; any public or private corporation; or any other person that is in compliance with applicable laws, including this Charter.

Section 1.30 Elections - Neutrality and Exemptions

- A. *Election neutrality.* The Borough, its school district, and its subdivisions shall not advocate, through any speech or expenditure or donation of space or time, for any proposition, referendum, initiative or candidate appearing on any ballot. For any election it is administering, the Borough may present the necessary information that will be on the ballot. The Assembly may adopt an ordinance authorizing the Borough to publish and distribute a Voter’s Guide that will allow candidates or other persons to submit information regarding a Borough election.
- B. *APOC Exemption.* Elected officers of the Borough and all Borough elections and candidates in Borough elections shall be exempt from Alaska Statute 15.13 to the greatest extent permitted under law.

Section 1.35 Appointments and Contracting

For the purposes of this Charter, any use of the term “appoint” or “employ” or their derivatives also allows for the contracting out of the relevant position, programs or services.

Section 1.40 Non-Discrimination Provisions

- A. The Borough shall not implement or fund any discriminatory program, including but not limited to illegal “diversity, equity, inclusion, and accessibility” mandates, policies, programs, preferences, and activities in the Borough government.
- B. The Borough and its subdivisions shall respect the religious liberty of its residents, employees, and students, which includes the right to act or abstain from actions in accordance with one’s sincerely held religious beliefs. This includes persons individually or collectively exercising their religion through churches or other religious denominations, religious organizations, schools, private associations, and businesses.
- C. No person may be discriminated against by the Borough in any award, selection, employment, appointment, or promotion because of race, color, sex, creed, national origin, or unless otherwise contrary to law, because of the person's political opinions or affiliations.

ARTICLE II. LOCAL GOVERNANCE COMMISSIONS

Section 2.05 Purpose

The Borough shall create Local Governance Commissions in accordance with this Article. The Local Governance Commissions shall derive authority and power from the Assembly by ordinance. The Assembly may delegate additional powers to the Local Governance Commissions by ordinance.

Section 2.10 Local Governance Commissions - formation

- A. Except as provided otherwise in this Charter or required by the United States or Alaska constitutions, there shall be a Local Governance Commission for each Assembly district.

Section 2.15 Local Governance Commissions - composition

- A. Local Governance Commissions shall be established and members elected at the initial election for Borough officials.
- B. Except as otherwise permitted in this Charter, required by law, or approved by the voters, Local Government Commission members shall be elected or appointed from qualified Borough voters residing in the Assembly district served by that Local Government Commission.
- C. A Local Governance Commission shall have four general members and one Assembly member. At the initial election, two of the Local Governance Commission general members shall be elected to serve an initial two-year term and two shall be elected to fill an initial three-year term, as determined by lot. Upon the expiration of each of the initial terms of all Local Governance Commission general members, Local Governance Commission general members shall serve two-year terms.
- D. All Local Governance Commission members must be residents of the Local Governance Commission district that they serve. If a Local Governance Commission member no longer resides in the district for which that member serves, that member's seat becomes vacant on the date the member no longer resides in that district.
- E. The remaining members of a Local Governance Commission may appoint a Commission member to serve the remainder of the term of the seat vacated by a Local Governance Commission member.
- F. Each Local Governance Commission general member shall take an oath in the same manner as a member of the Assembly or the Mayor.

Section 2.20 Local Governance Commissions - procedures

- A. Each Local Governance Commission shall determine when and where to meet to conduct business.
- B. The Borough Clerk will assist a Local Governance Commission in its duties. All Local Governance Commission meetings must be publicly noticed.
- C. A Local Governance Commission may request help from the Borough Attorney for meetings and all Local Governance Commission members shall have access to the Borough Attorney.

Section 2.25 Local Governance Commissions - powers

- A. Except as otherwise provided in this Charter or by law that preempts this Charter, an ordinance opposed by the majority of local governance commissions by resolution(s) fails so long as the resolution(s) opposing the ordinance has/have been filed with the Borough clerk within 30 days of adoption of the ordinance, or another time period specified by this Charter. This subsection doesn't apply to ordinances making appropriations over \$10,000.
- B. A Local Governance Commission shall be able to submit an ordinance or resolution to the Assembly for its consideration.
- C. The Local Governance Commission for a district may remove the Assembly member or School Board representative for that district from office with a vote of a super majority of the Local Governance Commission. The Assembly member so removed is also removed from the Local Governance Commission. If removed, another elected and seated member of the Local Governance Commission shall be appointed by the Local Governance Commission to fill the vacated seat for the remainder of the removed member's term and there shall be an election for that seat at the next regular election that the seat would have been up for election.
- D. The Local Governance Commission shall appoint and may remove or replace, for any reason, its representative on any commission, board, committee, or task force of which the Local Governance Commission is allowed to choose a member.

ARTICLE III. THE ASSEMBLY

Section 3.05 Definition and Purpose

The Assembly serves as the governing legislative body of the Borough. Except as otherwise provided in this Charter, each seat on the Assembly shall serve a specific Assembly district.

Section 3.10 Membership, Composition, and Apportionment

- A. The Assembly is composed of one member from each Assembly district. At the initial election of officials, seven Assembly members shall be elected. Three of these members shall be elected to serve a two-year term and four shall be elected to serve a four-year term, as determined by lot. Upon the expiration of each of the initial terms of all Assembly members, Assembly members shall serve four-year terms.
- B. Assembly districts shall be formed of compact and contiguous territory containing as nearly as practicable a relatively integrated socioeconomic area. The districts formed must meet the qualifications of this section and apportionment requirements under the constitution of the State of Alaska. The Assembly will determine the method for reapportionment by ordinance.
- C. The Assembly shall determine and declare by resolution whether it is malapportioned within 30 days from:
 - 1. Receipt of the final report of each federal decennial census, including any supplementary data necessary to establish population distribution within the Borough;
 - 2. Receipt of a petition of 50 or more qualified voters alleging and containing reliable evidence that the Assembly is malapportioned; or

- 3. A joint resolution by at least three Local Governance Commissions alleging and containing reliable evidence that the Assembly is malapportioned.
- D. A candidate for the office of Assembly member shall be a qualified voter of the Borough and shall be a resident of the district for at least one year immediately preceding the election.
- E. Except as otherwise provided in this Charter, the regular term for an Assembly member shall be four years.
- F. An Assembly member shall remain a resident of the Borough and of the district from which elected while in office.
- G. No Assembly member may receive any compensation for serving on the Assembly, but may be reimbursed for expenses incurred in the discharge of that member's official duties. Unless otherwise provided by ordinance, an Assembly member may hold no other Borough office or compensated Borough employment.
- H. No Assembly member or other elected or appointed official will be required to surrender their first amendment rights. Assembly members may always give their opinion in public so long as they do not state they represent the body on which they serve or the Borough without having been authorized by that body to represent it or the Borough.

Section 3.20 Meetings

- A. The Assembly shall hold at least one regular meeting every month at a time and place identified by ordinance, unless otherwise provided by ordinance. Meetings may be held virtually so long as a location for public participation is made available.
- B. Any three Assembly members or the Borough Manager may call a special meeting. At least twenty-four hours before a special meeting, copies of the notice shall be made available to the public. No business may be transacted at any special meeting except as stated in the notice of the meeting.
- C. All meetings of the Assembly shall be public and the public shall have reasonable opportunity to be heard. There will always be an agenda item that allows the public to speak on any matter before any public hearings on that agenda are held. The Assembly may recess a meeting or proceeding for the purpose of discussing in executive session any matter permitted by law. Except as provided by statute, the discussion of persons or finances shall not be cause for an executive session. All laws that allow for executive sessions shall be narrowly construed to disfavor executive sessions. An Assembly member who calls for an executive session in violation of the provisions of this subsection shall be deemed to have acted in violation of this Charter.
- D. A majority of the membership of the Assembly constitutes a quorum. In the absence of a quorum any number less than a quorum may recess or adjourn the meeting to a later date.
- E. Except as otherwise provided in this Charter, by ordinance, or State law, actions of the Assembly are adopted by an affirmative vote of the majority of seated members qualified to vote on the question posed. If a super majority is required for approval of an action under this Charter, by ordinance, or State law, such actions shall require an affirmative vote of 2/3 of seated members qualified to vote on the question. A majority vote for the Assembly shall be half of the total seats apportioned plus one rounded down. 4 votes for a 7-seat Assembly, no matter how many Assembly members are present for the vote. Similarly, a super majority vote will be two-thirds of the total seats apportioned plus one rounded down, so 5 for a 7-seat Assembly.

- F. Unless otherwise prohibited by law, each Assembly member present shall vote on each question.
- G. Except as otherwise provided in this Charter, the vote upon all matters considered by the Assembly shall be taken by "Yes" or "No" votes or equivalent and the record shall identify each Assembly member and how that member voted. The vote shall be made by roll call, electronic device, or other public method defined by the Assembly by ordinance.
- H. The Assembly shall adopt rules governing meeting procedures and the conduct of Assembly members by ordinance.
- I. The Assembly may not create a Board of Ethics.

Section 3.25 Chair of the Assembly

The presiding officer of the Assembly shall be the Mayor. A vice-mayor shall be elected from and by the Assembly members. Other positions may be created by the Assembly by ordinance. The vote for the election of the Vice-Mayor and any other officer positions shall be by secret ballot.

Section 3.30 Borough Clerk

The Assembly shall appoint a Borough Clerk and prescribe the duties of that office. The Clerk serves at the pleasure of the Assembly. If the Borough Clerk position is contracted out, the Assembly is still required to confirm the individual for that position. The Borough Clerk may appoint assistant Borough clerks. If appointed, the Borough Clerk shall appoint, lay off, suspend, demote, dismiss, remove, and manage the assistant Borough clerks, subject to the personnel regulations and fiscal limitations adopted by ordinance. Subject to this Charter and other provisions of law, the Borough Clerk will work with the Borough Manager to contract for services with other persons for the provision of administrative services to Borough commissions and boards and to administer Borough elections.

Section 3.35 Prohibitions

- A. Relationships with Employees. The Assembly shall not recommend or direct the appointment or removal of any officer or employee of the Borough administration, except for those that they are required to confirm. This in no way disallows them from modifying any part of the budget that may affect Borough officers or employees. Any appointee that requires Assembly confirmation may be removed by the majority of the Assembly.
- B. Except for the purpose of inquiry, neither the Assembly nor an individual Assembly member may give, either publicly or privately, orders on administrative matters to a Borough employee that is not appointed by the Assembly.
- C. No Assembly member may represent any client before any Borough department or agency.

Section 3.40 Forfeiture of Office

An Assembly member shall forfeit that member's office if that member:

- A. Fails to comply with all qualifications prescribed by this Charter;
- B. Fails to qualify or take office within 30 days after selection or appointment;
- C. Fails to attend three consecutive regular meetings of the Assembly without being excused by the Assembly;
- D. Is physically absent from the Borough for 90 consecutive days unless excused by the Assembly;
- E. Resigns and resignation is confirmed by Assembly;
- F. Is recalled or is removed by the Local Governance Commission on which they serve;
- G. One of the following is determined by a two-thirds vote of the Assembly:
 - 1. The Assembly member is physically or mentally unable to perform the duties of office;
 - 2. The Assembly member is convicted of a felony and the Assembly chooses to vacate the seat; or
 - 3. The Assembly member no longer physically resides in the Borough or their district.

Section 3.50 Vacancies

- A. The office of an Assembly member shall become vacant upon death, resignation, removal, or forfeiture from that office in any manner authorized by law or by this Charter. The official date of vacancy shall be the date the Assembly confirms the vacancy.
- B. The Local Governance Commission for the district of the vacated seat will call a meeting to appoint a new Assembly member from the elected members of its membership.

Section 3.55 Planning Commission

- A. The Assembly may create a planning commission by ordinance.
- B. The Assembly shall by ordinance prescribe the qualifications for Planning Commission members eligible for appointment, terms of appointment, and scope of the Planning Commission's authority.
- C. Each Local Governance Commission may appoint one person to serve on the Planning Commission, and those will be the only members of the Planning Commission. The Local Governance Commission may remove the appointed member via resolution.

Section 3.60 Other Boards and Commissions

Except for boards and commissions created or authorized by this Charter or as otherwise provided in this Charter, the Assembly may only create boards and commissions by an ordinance approved by the voters unless expressly required to form a board or commission by State law. Any ordinance creating a board or commission not authorized or created by this Charter must include the operation costs of that board or commission and identify the employees that will provide support to the board or commission.

ARTICLE IV. BOROUGH MANAGEMENT AND ADMINISTRATION

Section 4.05 Mayor

- A. The Mayor shall be a resident of the Borough and a registered voter in the Borough for at least one year before being able to register to run for office, and must remain a resident while in office. The term of Mayor shall be four years.
- B. The Mayor may not serve more than three four-year terms in total.
- C. The Mayor shall have authority to veto any ordinance or resolution. The mayor shall have the authority to veto completely or decrease any line in the budget. Any veto may be overridden by a super majority of the Assembly. The Mayor may not veto:
 - 1. Appropriation items in a school budget ordinance;
 - 2. Quasi-judicial actions taken by the Assembly, the Board of Equalization, the Board of Adjustment or the Planning Commission;
 - 3. An ordinance submitting approval or repeal of a manager plan of government to the voters.
- D. The Mayor shall certify the passage of all ordinances and resolutions passed by the Assembly and, to the extent required by applicable law, the executive power of the Borough is vested in the Mayor. The Mayor shall be recognized as the head of the Borough government for all ceremonial purposes and by the governor for purposes of military law. The Mayor may take part in all discussions before the Assembly, but may only vote to break a tie.
- E. The Mayor may serve as liaison between the Borough Manager and the Borough Assembly for the purpose of facilitating communication, ensuring that policy directives adopted by the Assembly are clearly conveyed, and reporting on matters of mutual concern. The liaison role is advisory and facilitative only, and shall not restrict, delay, or condition the Borough Manager's direct communication with the Assembly or any Assembly member. All contractual matters relating to the Borough Manager, including negotiation, execution, amendment, enforcement, suspension, or termination, shall be conducted exclusively by the Assembly through formal action.
- F. The Vice-Mayor shall act as mayor during the absence or temporary disability of the Mayor, or, if a vacancy occurs in the office of Mayor, until another mayor is elected.

Section 4.10 Manager - appointment

- A. There shall be a Borough Manager appointed by the majority of the Assembly who serves at the pleasure of the Assembly. At the time of appointment, the Borough Manager need not be a resident of the Borough, but during the Manager's tenure of office, the Manager shall reside within the Borough, and be in residence within 120 days of confirmation. No Assembly member nor the Mayor, may serve as Borough Manager while in office. No Assembly member nor the Mayor may be appointed Manager within 365 days of vacating office. The Assembly may suspend or remove the Manager at any time by a vote of the majority of the Assembly.
- B. The Assembly shall appoint a Borough Manager by ordinance but may appoint an interim Borough Manager by resolution. An interim Borough Manager may not serve more than one

year unless appointed by ordinance. The Assembly may enter into a contract for Borough Manager services with a term not to exceed five years. The Assembly may renew the appointment of a Borough Manager after the Manager's initial term but only by ordinance and only for terms of five years or less.

- C. If the Manager is absent from the Borough or unable or unwilling to perform the Manager's duties for more than 30 days without authorization of the Assembly, the Assembly may appoint an interim Borough Manager to serve until the manager resumes the position or a new Borough Manager is appointed. The appointment of an interim Manager becomes effective immediately unless otherwise specified by the Assembly. The Assembly shall appoint a new Borough Manager within six months after the position becomes vacant. This provision does not limit the Borough Manager's authority to designate an acting Borough Manager during absences that are 30 days or less or absences authorized by the Assembly.
- D. Except as otherwise provided in this Charter, the Assembly may by ordinance impose qualifications and terms of service on the Borough Manager. The Manager must be selected and evaluated solely on merit.
- E. The Assembly shall adopt an ordinance for the Borough Manager selection process that includes the opportunity for the public and the Local Governance Commissions to participate in the process.

Section 4.15 Manager - duties

- A. The Manager shall serve as the chief administrator and executive director of the Borough and shall be responsible for the execution of Borough laws and policies properly adopted by the Assembly, Local Governance Commissions or by Borough voters.
- B. The duties of the Manager may arise from law, including this Charter, or ordinances adopted by the Assembly, or from an agreement authorized by the Assembly. The duties shall include, but may not be limited to, the following:
 - 1. Appoint, lay off, suspend, demote, dismiss, remove, and manage an assistant Borough Manager, Chief Fiscal Officer, Public Works Director, and any other employees of the Borough, subject to fiscal limitations adopted by ordinance, personnel regulations, and any applicable contracts in place.
 - 2. Direct, supervise, manage, select, and terminate contractors and service providers to the Borough subject to the terms of any applicable agreements, laws, or regulations;
 - 3. Manage the maintenance, acquisition, sale, and disposal of Borough property, subject to applicable law;
 - 4. Direct and supervise the construction, maintenance, and operation of public works conducted by or on behalf of the Borough;
 - 5. Prepare and submit the annual budget and capital improvements program to the Assembly and the Local Governance Commissions as required by the Assembly;
 - 6. Prepare, publish, and present an annual report on the financial performance of the Borough after each fiscal year. Reports shall be published no later than three months after the end of the fiscal year that is the subject of the report unless the Assembly approves otherwise;
 - 7. Manage all contracts and agreements to which the Borough is a party subject to limitations in this Charter or other applicable law; and

- 8. Keep the Mayor, the Assembly, the Local Governance Commissions, and the public informed regarding projects and services provided or performed by the Borough and the financial implications of those projects and services.
- C. The Assembly may authorize the Manager to enter into contracts with third parties to perform one or more of the duties imposed upon the Manager.
- D. The Manager shall be permitted to participate in the discussion of all matters coming before the Assembly except for those matters in which the Manager has a conflict of interest or the Manager's participation is otherwise prohibited by law.

Section 4.20 Chief Fiscal Officer

There shall be a chief fiscal officer appointed by the Borough Manager, subject to confirmation by the Assembly. The chief fiscal officer serves at the pleasure of the Borough Manager. The chief fiscal officer is the custodian of all Borough funds. The chief fiscal officer shall keep an itemized account of money received and disbursed, pay money on vouchers drawn against appropriations, and perform such other duties as the Assembly by ordinance may prescribe.

Section 4.25 Borough Attorney

There shall be a Borough attorney who shall serve as chief legal advisor to the Borough. The Borough attorney represents the Borough as an entity and does not represent the individual interests of Borough officers or officials. The Borough attorney shall, on request, advise the Borough, the Borough Manager, and all other officers and agencies of the Borough government regarding their legal powers, duties and functions, and draft or assist them in drafting legal documents. The Borough attorney shall represent the Borough in all civil and criminal proceedings in which the Borough is interested unless the Assembly secures special counsel for particular proceedings. The Borough attorney shall be appointed by the Borough Manager, subject to confirmation by the Assembly.

ARTICLE V. PUBLIC EDUCATION

Section 5.05 Definition and purpose

- A. The Borough shall operate a public school district in its bounds to be called the Chugach Regional Borough School District (CRBSD or CSD). The CSD will be operated based on the desire of the Borough to invest in education as the foundation for future generations to thrive and succeed. The focus of the CSD will be equipping individuals with the knowledge and skills needed to achieve their goals in a competitive workplace and contribute meaningfully to society.
- B. The people hold the power. The government and its leaders have a clear restriction of power and must protect the liberties of the citizens. The government has only the powers granted to it by Charter and can only conduct actions permitted by the Charter. The powers not delegated to the government nor permitted by the schools, are reserved to the schools respectively, or to the people.

Section 5.10 Form and foundation

- A. The CSD will have a school board with one member elected from each Assembly District. The Board will be comprised of seven members. For the initial election, two seats will start with one-year terms, three seats will start with two-year terms and two seats will start with three-year terms. Thereafter all School Board seats will have three-year terms. The Assembly may modify the term length if State law allows. The seats will use letters and align with district numbers (ex. District 1 will be Seat A).
- B. No School Board member may receive any compensation for serving on the School Board, but may be reimbursed for expenses incurred in the discharge of that member's official duties. Unless otherwise provided by ordinance, a School Board member may hold no other Borough office or compensated Borough employment.
- C. The CSD will have a Superintendent of Schools, hired by the School Board.
- D. The School District will be composed completely of schools based on the Charter School model as presented in state statute and this charter.
- E. With the establishment of the Chugach Regional Borough as a Non-unified Home Rule Borough, it will be eligible to receive state education funds.
- F. The district will contract with a bus service to provide district wide student bussing.

Section 5.15 Charter School Structure and Standards

- A. Each charter school will be a partnership between the stakeholders in the formation of each school's individual charter.
- B. Each charter school shall establish an Academic Policy Committee (APC) consisting of stakeholders. The APC will consist of parents, staff, and community members designated to supervise the academic operation and to ensure fulfillment of the mission of the public school.
- C. Each charter school will have the autonomy to control its budget, staffing, routine maintenance and operation of the building, curricula and the written standards for behavior, discipline and dress code.
- D. The APC will hire the principal of their charter school. The principal will be responsible for hiring and firing all staff and will be under the authority of the APC.
- E. The APC will inform all parents of any meetings, and publicly notice the meetings online. The meetings will be open and public testimony allowed from those who wish to speak. The APC is allowed to go into executive session. The APC will use rules of order that the Assembly mandates or the APC chooses.
- F. Each charter school will be responsible for reporting to the School Board its waitlist numbers, semesterly grade level class sizes, and a current disclosure of the school's finances, including income, costs and savings.
- G. Each charter school will hold an open enrollment which will be first-come, first-served until the capacity is met. Capacity is the maximum number of allowable students for that building as determined by the APC for that charter school. If the number of applicants exceed its capacity, then a lottery of those on the waitlist will be held to determine the order of

applicants who will be allowed to attend the school. The lottery will be computer generated at the district level.

- H. The definition of lottery as it pertains to schools will be a random selection process for determining which students will attend. A school lottery system only occurs when more students apply for admission than can be admitted and shall be conducted in compliance with state law.
- I. Each charter school will have a specific mission or education focus that aligns with the needs and interests of their community. These focuses could be career and technical programs, STEM, immersion programs, arts, academic, home school or other specialized approaches approved by the school's APC.
- J. The educational focuses of the elementary schools will dictate the needs of the middle and high school focuses.
- K. Each charter school will be required, at a minimum, to teach a district approved core curricula, to be defined as: a set of school courses with subjects considered essential to a suitable education that imparts the necessary skills and common cultural knowledge. The core curricula will, at a minimum, include Mathematics, English Language Arts (ELA), Science/Health, Social Studies/History/Civic Education (Civics), and Physical Education as per current Alaska State Requirements.
- L. Each charter school may choose their emphasis and decide the inclusion of Music, Sports, Art, or ROTC.
- M. Each charter school will be responsible for its budget, based on the revenue allocated for it, and will be able to save excess funds for future large projects, unforeseen expenses and future operating expenses. If the saved funds are to be spent on non-budgeted items, then it must be approved in an amendment to the charter school budget.
- N. Each charter school will establish education standards that meet or exceed Alaska State Standards. They will implement ongoing formative and summative assessments within their curricula to monitor and improve student learning and adjust instruction. Required Alaska State Department of Education assessment and screening schedules will be followed to measure student achievement, though other measures may also be used.
- O. Schools will be held accountable for their performance through multiple performance categories, such as: State Standardized Testing, and/or additional applied testing, attendance, surveys, as set by the School Board in conjunction with the Faculty Senate.
- P. Each charter school will also develop strategies for supporting students who may need additional assistance. This may include available State and Federal programs and will be conducted in accordance with State and Federal law.
- Q. Each charter school will be responsible for deciding if or how student nutrition (school lunches) will be addressed.

Section 5.20 School Board.

- A. The School Board has the following responsibilities.
 - 1. To oversee the schools to ensure that each adheres to required State Standards.

2. To support policies that promote the involvement of parents in their children's school's education program.
3. To report to the community the district finances, curricula, attendance levels, waitlists, current class sizes, and semesterly and test score aggregates when applicable.
4. To allow parents and community members to address the School Board.
5. To set up procedures to address the physical safety and privacy of students in locker rooms and restrooms by requiring a student to use only facilities designated for members of the student's biological sex.
6. To work with parents, teachers and school staff when adopting policy.
7. To create a Faculty Senate as per this charter.
8. To accept or refuse Federal funds, State contributions, or grants that the school district or individual school receives.
9. To allocate the funds to the individual schools based on the proportion that each school is eligible to receive;
 - a) for funds that are tied to "a student count based on a per-student basis" each school will receive the amount based on the student count that they have contributed into the total student count for the district; if a student transfers to a different school in the district, then the funds will follow the student in a timely manner using a pro-rated formula on a semester basis.
 - b) for funds that are for the school district in general it will be split between the schools on a pro-rata basis based on student count and will also follow the student as in 5.20.(A)(9)(a).
 - c) funds that are for a specific school or program will be allocated to that school, or those schools that implement that specific program on a pro-rata basis based on the student count of those who participate in that program.
- B. The School Board will determine a percentage of the revenue received that is allowed to be used for administrative costs. This can be deducted from that category of revenue in order to support the school district's administrative non-school-specific costs; any funds not used in this manner will at the end of the fiscal year be returned to the School District general fund; this percentage shall not exceed 4% as per AS 14.03.260. Administrative costs do not include maintenance managed by each school, or the budget of the CRSB to be used for Capital Improvements.
- C. The School Board shall fix the time and place of its regular meeting and adopt a procedure for holding special meetings. The Assembly and School Board and Local Governance Commissions may meet jointly at public meetings to deliberate upon matters of mutual interest.
- D. School Board members will be elected by the Assembly district. A candidate for the office of School Board shall be a qualified voter of the Borough and shall be a resident of the district for at least a year immediately preceding the election and shall reside in that district throughout their term.
 1. No School Board member shall be elected for more than two full terms.
 2. School Board members' terms will be staggered as per 5.10(A) and State law.

Section 5.25 Superintendent.

- A. The School Board will choose and oversee the Superintendent.
- B. The Superintendent will
 - 1. Serve as the primary spokesperson for the district.
 - 2. Implement district-wide policies established by the School Board.
 - 3. Ensure compliance with State and Federal Education laws and regulations.
 - 4. Ensure district funds are being allocated as the School Board has directed.
 - 5. Ensure transparency to the community.
 - 6. Develop and implement districtwide crisis management plans for emergencies.
 - 7. Implement the School Board's policies and requests.
 - 8. Oversee CSD Charter requirements regarding the schools in the district.
 - 9. Be responsible for the administrative duties of the school district not included in the jurisdiction of the individual schools.
 - 10. In an emergency as declared by the School Board, the Superintendent may hire interim principals for individual schools if the APC is non-functional.
 - 11. Submit a proposed annual budget to the School Board at such time as the Board may direct, but in no event later than the first day of January of the fiscal year next preceding the fiscal year to which the budget applies.

Section 5.30 Faculty Senate.

- A. The School Board is to establish a Faculty Senate composed of one representative selected by each school from its current staff, excluding principals, as well as two at-large members who are former school employees. The members of the Faculty Senate will vote to select a board consisting of three members from the elementary level, one member from the middle school level, and one member from the high school level. The two at-large members will automatically be board members for a total of seven board members. The non-board members of the Faculty Senate will be available as third-party representatives in disputes where staff would like that representation and to advise the board.
- B. The Faculty Senate is to act as the intermediary in disputes between staff and the school administration, district administration, and the School Board. A member of the Faculty Senate may act as a third-party in disputes with staff and parents. It will act in a non-binding capacity to settle disputes without legal intervention. If disputes escalate to requiring legal counsel, then an out-of-district entity can be utilized to arbitrate the dispute.
- C. The Faculty Senate will
 - 1. use due process and the rules of order prescribed by the School Board.
 - 2. will set a meeting schedule not to be less than once a month to allow access of staff for grievance review.
 - 3. will rotate meeting locations through the schools within the district so as to allow each school to participate in absorbing the cost of administration of the Senate, i.e., printing, meeting space etc.
- D. The members of the Faculty Senate will not receive a stipend, or per diem for their time as a member of the Senate.
- E. Faculty Senate members will have staggered term limits of two consecutive years and may be selected to the Senate again after a two-year absence.

Section 5.35 Core Curricula Standards.

- A. Each charter school will teach the core curricula outlined in 5.15(K).
- B. Each charter school will select appropriate curricula that aligns with 5.15(K) and any State requirements.
- C. In each core subject, competition between individual students and schools will be encouraged to push academic boundaries and to exceed their own expectations in an enriched and competitive environment.
- D. Following are the minimum requirements for the chosen curricula, all of which will exceed State Standards.
 - 1. CIVICS
 - a) It will emphasize the history, the workings, and the responsibilities of living in a Constitutional Republic, with emphasis on American patriotism.
 - b) It will have in their history curricula, a comparison between a Constitutional Representative Republic, and other popular forms of government throughout history.
 - 2. MATH
 - a) It will focus on fundamental mathematical concepts and problem-solving skills.
 - b) Starting in elementary school the focus will be on fundamental mathematical concepts, including memorization, repetition, abstraction, deduction and real-world problem-solving skills. Middle and high school students will build on these strategies.
 - c) Strategies will be used or developed to foster mastery of essential math skills.
 - 3. SCIENCE
 - a) It will emphasize inquiry-based learning and scientific inquiry.
 - b) It will integrate hands-on experiments and real-world applications.
 - c) There will be a sequential development of core concepts that encourage discovery and higher-level critical thinking.
 - d) It will be open to using community resources to encourage and mentor students.
 - e) It will cultivate an environment for scientific competition.
 - 4. ENGLISH LANGUAGE ARTS (ELA)
 - a) Emphasis on writing skills development to build understanding of writing for various genres, including composition, proper English grammar, and critical thinking.
 - b) Effective reading instruction in relevant grade level texts using quality literature to develop skilled readers.
 - c) Develop opportunities for creative expression, persuasive writing and logic.
 - d) The use of Classical Literature will be interwoven throughout the ELA curricula to help develop better writers.
- E. The CSD School Board, School Superintendent, or any school principal shall not prohibit a public-school classroom teacher from discussing or answering questions from students regarding scientific theories about the origins of the universe and life.
- F. Staff of the CSD will not be required to participate in any activity that goes against their religious or moral beliefs.

Section 5.40 Hiring and Removal

- A. The Chugach Regional Borough School District will follow the State criteria for hiring certificated classroom teachers for traditional subjects. A school for vocational classes may hire teaching staff that have experience in their field of expertise and possess a Type M Limited Certificate.
- B. The School Board may remove the Superintendent at will.
- C. The School Board will set policy for procedures to follow when hiring and removing teachers.

Section 5.45 Parents

- A. All mention of parents in this charter apply to natural and adopted parents, legal guardians, or custodians.
- B. The CSD will foster strong community and parental engagement across the district to enrich the education experiences of the students. Parents will be encouraged to participate in volunteer activities and collaborate in curricula review and implementation.
- C. The CSD acknowledges that they are only assisting the parents in the education of their children, and that parents have full rights when it comes to their own children. Any parent may attend a class their child is in as long as they are not disruptive.
- D. The CSD recognizes the authority of the parent to remove their child from any activity, class or program they find objectionable.
- E. The CSD will ensure that school staff cannot give students any medications, surgery recommendations, therapy, or other medical advice or treatment without written parental or guardian consent.
- F. Parents have the right to review the school's curricula content, books available at the school or school sanctioned material on-line and performance standards at any time.
- G. The CSD will ensure that parents are notified of any content involving Human Growth & Development, anything related to sex education, school disciplinary actions and policy, and safety programs within the school.
- H. When a written request is submitted, the CSD will provide parents with a copy of their child's counseling record, medical record, public media release, and/or academic record held by the school.
- I. Schools will require written permission from a parent before a name used by the school to address or refer to their child is changed on school identification or in any records.

Section 5.50 Safety

- A. Each charter school will recognize all students' right to privacy in all biological gender specific areas of the building.
- B. Any event regulated by gender will be open to participants based on their biological gender.
- C. The School Board will set up procedures to address the physical safety and privacy of students as per 5.20.(A)(5).
- D. Schools of the CSD may not exclude individuals from participation in athletics, either interscholastic, intercollegiate, club, physical education, or intramural solely based on sex,

but shall require the individuals to participate with a gender-specific team if teams exist for each gender in that specific sport.

- E. Individuals of CSD will not harass, discriminate against, or grant discriminatory advantage to a staff member or student on the grounds of race, color, creed, biological sex, national origin, marital status, political or religious beliefs, physical or mental condition, family, social or cultural background.
- F. Individuals of CSD shall make reasonable effort to assure that a staff member or student is protected from harassment or discrimination on these grounds.
- G. Individuals of CSD shall not engage in a course of conduct that would encourage a reasonable person to develop a prejudice on these grounds.
- H. The CSD will notify parents if a school employee or contractor becomes aware of
 1. Bullying, including cyberbullying, of the child.
 2. The child's mental health and any suicidal ideation or instance of self-harm.
 3. A specific threat to the safety of the child.
 4. The possession or use of drugs and other controlled substances by the child.
 5. If a student brings a deadly weapon as defined by state statute to school.
- I. The CSD will notify parents at least 2 weeks in advance of any curricula, websites, literature, or materials for sex education, human reproductive education, or human sexuality education, or non-school district person or group speaking, in person or by live video feed, to the child in a class, school assembly, or other school-sponsored event; the notice must include the name of the speaker, the name of any organization or other entity being represented by the speaker, and the topic and purpose of the presentation.
- J. Notify parents as soon as the pertinent information is available of any violent activity occurring on school grounds or at school-sponsored activities in which an individual suffers an injury, except that the notification may not contain the name or grade level of any student involved in the activity.
- K. The CSD will not allow pornographic material to be used in the curricula, in the library or anywhere on school grounds. The CSD will do its utmost to block all access to pornographic websites through any internet it provides.

Section 5.55 Cooperation with other districts and the State of Alaska.

The School Board may cooperate with other school districts or State of Alaska operated schools when necessary to provide more efficient or economical educational services.

ARTICLE VI. CONTRACT SERVICES AND TRANSFER OF AUTHORITY

Section 6.05 Right to Contract for Services

- A. The Borough may exercise any of its powers or perform any of its functions jointly, in cooperation with or through an agreement with any other government, tribe, native corporation, private entity, agency, or instrumentality of these bodies or entities to the greatest extent permitted by law.

- B. The Assembly shall adopt procurement procedures by ordinance that prohibit conflicts of interest in the selection of Borough service providers.
- C. The Borough shall not provide services to the public that are available to the public from a private entity except where the Borough is required to provide the service by law or the provision of the service has been approved by qualified voters of the Borough at a Borough election.
- D. No money shall be withdrawn from Borough funds except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

Section 6.10 City Authority

- A. The Assembly and the Borough Manager shall, to the greatest extent permitted by law and except as otherwise provided in this Charter, transfer all requested legislative and executive authority and obligations to govern within the boundaries of a city within the Borough to that city. The request for any specific authority must come through ordinance from the governing body of the requesting city. The Assembly shall adopt ordinances transferring specific powers to cities within its boundaries in accordance with this article.
- B. All cities created in the Borough shall be under the authority of the Charter.

ARTICLE VII. SERVICE AREAS

Section 7.05 Purpose

Service areas may be established to provide services not provided on an area-wide basis or to provide a higher level of service than that provided on an area-wide basis. Except as otherwise provided in this Charter, no service area shall be formed without approval by the qualified voters residing within the service area at a Borough election.

Section 7.10 Service Areas-formation

- A. Except as prohibited by law, a service area may be created, altered, or abolished only with the approval of a majority of qualified voters who reside in the area covered by the service area voting on the question, or, if no qualified voter resides within the area covered by the service area, with the written consent of the owners of all real property within the area covered by the service area. The Assembly, by ordinance, may consolidate service areas in which services are provided by the Borough at the same level in each of the areas to be consolidated.
- B. The Assembly shall adopt procedures for creating, altering, abolishing, and operating service areas by ordinance. Services provided in a service area shall be financed by a uniform tax imposed within the service area.
- C. The Assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

ARTICLE VIII. LEGISLATION

Section 8.05 Form

The form of ordinances shall be prescribed by ordinance except that:

- A. Every proposed ordinance shall be introduced in writing.
- B. The subject of each ordinance shall be expressed in its title.
- C. Each ordinance shall be confined to one subject unless it is an ordinance establishing a budget or one codifying, revising or rearranging existing ordinances.

Section 8.10 Acts Required to be by Ordinance

The Assembly is required to exercise certain powers through the use of ordinances. In addition to the other acts required to be done by ordinance in this Charter or law, the Assembly shall use an ordinance to:

- A. Establish, alter, or abolish municipal departments;
- B. Provide for a fine or other penalty or establish rules or regulations for violation of which a fine or other penalty is imposed;
- C. Levy taxes;
- D. Make appropriations, including supplemental appropriations or transfer of appropriations;
- E. Authorize the Assembly to issue bonds or incur debt;
- F. Grant, renew, extend, or change the terms of a contract or lease, except to the extent otherwise permitted by ordinance or the terms of a contract or lease approved by ordinance;
- G. Convey or lease property or interests in property held by the Borough;
- H. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of Borough public works projects;
- I. Adopt, modify, or repeal the Comprehensive Plan, land use and subdivision regulations, or building and housing codes; or
- J. Approve the transfer of a power to or from the Borough from or to a city within the Borough.

Section 8.15 Enactment Procedures

- A. Non-emergency ordinances may be introduced by an Assembly member, a Local Governance Commission, the Mayor or the Borough Manager at a regular or special meeting.
- B. An ordinance presented for introduction shall be rejected, deferred, referred to staff or accepted by the Assembly. After acceptance of introduction by the Assembly, the Borough shall publish the ordinance and a notice setting out the time and place for a public hearing on the ordinance. At the public hearing on the ordinance, copies of the ordinance shall be available for review by all persons present who request them or, if not available, the ordinance shall be read in full. All persons present and in attendance on the published date of the public hearing shall have an opportunity to be heard before the hearing is closed. If the ordinance is amended after the hearing and the amendment is a substantial change or the change results in an increase in an obligation or reduction in a benefit to the public, another public hearing shall be held before the amended ordinance is adopted.

- C. Except as otherwise provided in this Charter, non-emergency ordinances that are to be codified take effect 30 days after being adopted unless a later date is specified in the ordinance.

Section 8.20 Emergency Ordinances

- A. To meet a public emergency, the Assembly may adopt non-codified, temporary-term ordinances effective on adoption. Every emergency ordinance must contain a finding by the Assembly that an emergency exists, a statement of the facts upon which the finding is based, and a statement that the Assembly provided as much notice as reasonably possible under the circumstances. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The emergency ordinance may not exceed the powers of the Borough as limited by Charter and State law.
- B. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The Assembly must print and make available copies of adopted emergency ordinances.
- C. Except as otherwise required by law, an emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its service.
- D. Emergency ordinances are effective for 15 days unless a longer period is approved by a non-emergency ordinance.

Section 8.25 Codification

- A. Each ordinance, as specified below, shall be codified after adoption.
- B. Within two years after adoption of this Charter, the Borough Clerk, with the advice and assistance of the Borough Attorney, shall have prepared a general codification of all Borough ordinances of general applicability having the force and effect of the law. The Borough Code shall be revised and printed at least every five years unless the Code is kept current by regular supplements.
- C. In this section, “codified” means that the ordinance has been given a serial number or other permanent identifying number and bearing a notation of the date of adoption and the designation of the adopting authority; that it has been entered by the Borough Clerk in a properly indexed book maintained for the purpose of organizing and recording the ordinances; or the ordinance is a provision included, or to be included, in a code of ordinances or other complete system of rules of conduct or behavior promulgated by the Assembly and kept current by the Borough at reasonable intervals.

Section 8.30 Authentication

The Borough Clerk shall authenticate by signature and date, all ordinances and resolutions adopted by the Assembly and cause them to be placed online and bound or recorded in full in properly indexed books, one of which shall be open to the public in a designated place during business hours.

Section 8.35 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 ordinance.

ARTICLE IX. ELECTIONS

Section 9.05 Administration

- A. All Borough elections shall be administered by the Borough Clerk.
- B. All Borough elections shall list the party or status of each candidate. The Assembly by ordinance shall establish procedures for regular and special Borough elections, including provisions for absentee voting. In the case of a tie, the Assembly shall determine the successful candidate by lot. The Assembly shall adopt an ordinance providing for the method used to determine the successful candidate by lot.
- C. All Borough elections shall use plurality voting, with a runoff allowed for mayoral election when no one achieves 40% of the votes cast.

Section 9.10 Regular Election

There shall be a regular election held every even numbered year on the Tuesday after the first Monday in November, which will also include School Board elections.

Section 9.15 School Board Election

There shall be a School Board election held every odd numbered year on the Tuesday after the first Monday in November.

Section 9.20 Voter Qualification

Except as otherwise provided in this Charter, to vote in any Borough election, a person must be:

- A. A qualified voter of the State of Alaska; and
- B. Except as otherwise provided in this Charter, a resident of the Borough and the Assembly district in which that voter seeks to vote for 30 days immediately preceding the election.

Section 9.25 Election Procedures

- A. Local elections in the Borough must be conducted with paper ballots and be hand counted.
- B. All ballots will be reconciled and accounted for.
- C. With the exception of absentee ballots, the Borough may not use a mail-in ballot system.
- D. The Borough may exercise Voter Registration Agency authority with State authorization.
- E. An Election Review Board may be established by ordinance, with representatives appointed by each Local Governance Commission.

ARTICLE X. INITIATIVE AND REFERENDUM

Section 10.05 Initiative and Referendum – Authorized – Exceptions

- A. The qualified voters of the Borough, by initiative, may propose and enact any ordinance which the Assembly has power to enact under this Charter, except as otherwise provided in this Charter or prohibited by the Alaska Constitution. The qualified voters of the Borough, by referendum, may approve or reject any ordinance passed by the Assembly except as otherwise provided in this Charter or by the Alaska Constitution.
- B. Ordinances dedicating revenues, ordinances making, repealing, transferring, or otherwise changing appropriations, ordinances creating courts, defining the jurisdiction of courts or prescribing their rules, and special ordinances, shall not be subject to either initiative or referendum. Emergency ordinances, which for purposes of this section are ordinances necessary for the immediate preservation of the public peace, health, or safety, shall not be subject to referendum.

Section 10.10 Petitions

- A. An initiative or referendum shall be proposed by filing an application with the Borough Clerk containing the ordinance to be initiated or referred. The application shall be signed by at least ten (10) voters who sponsor the petition. The application shall contain a copy of the ordinance initiated or sought to be referred to and conform to such other requirements as may be established by ordinance.
- B. Upon the Clerk's certification that the application is in proper form and meets the requirements of this chapter and the ordinances of the Borough, the Borough Clerk shall prepare a petition for circulation of signatures.
- C. The petition shall then be signed by a number of qualified voters of the Borough equal to at least twenty-five percent of the total votes cast at the immediately preceding regular borough election.
- D. A petition with sufficient signatures must be filed with the Borough Clerk within 90 days after the petition is issued by the Borough Clerk. Each copy of the petition filed must bear the sponsor's sworn statement that the sponsor personally circulated the petition, that all signatures were affixed in the presence of the sponsor, and that the sponsor believes the signatures to be those of the persons whose names they purport to be.
- E. Within 10 days after the petition is filed, the Borough Clerk, with such assistance from the Borough Attorney as the Borough Clerk deems necessary, shall ascertain whether the petition is legal and has sufficient signatures and shall certify the Borough Clerk's finding on that petition.
- F. If the Borough Clerk finds that a petition is insufficient, a sponsor of the petition may protest that decision by filing a written protest with the Borough Manager within seven days of the certification.
- G. The Borough Manager shall present the protest to the Assembly at its next regular meeting, and the Assembly shall hear and issue a decision on the protest.

Section 10.15 Ballot Title and Proposition-submission.

- A. If an initiative or a referendum petition is found to be legal and to have sufficient signatures, the Borough Clerk, with such assistance from the Borough Attorney as the Borough Clerk deems necessary, shall prepare the ballot title and proposition for the ordinance.
- B. The Borough Clerk shall place the question on the ballot for the next regular or, if already scheduled, special election occurring not sooner than 60 days after final determination of the legality and sufficiency of the petition. If no election is scheduled to occur within 75 days after the certification of a petition and the Assembly determines it is in the best interest of the Borough, the Assembly may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.
- C. If, in the case of an initiative petition, the Assembly enacts, prior to the election, an ordinance substantially the same as the one in the petition, or if the Assembly repeals the ordinance before the referendum election, the petition is void and the matter may not be placed before the voters.

Section 10.20 Vote Required-effect

- A. If a majority of the votes cast on the proposition favor the enactment of an initiative ordinance, it shall be enacted upon certification of the election, unless a different effective date is provided in the proposition. If at least as many votes are cast for the approval of a referred ordinance as are cast against it, it shall be approved and go into effect and becomes effective upon certification of the election, unless a different effective date is provided in the referendum; otherwise, it shall be rejected.
- B. If two or more initiated or referred ordinances which have conflicting provisions are enacted or approved at the same election, the one receiving the largest affirmative vote shall prevail.
- C. The effect of an ordinance may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed unless the modifying or negating measure is approved by the voters. If an ordinance is repealed in a referendum election or by the Assembly after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted for a period of two years unless the substantially similar legislation is approved by the voters.
- D. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. If an initiative or referendum measure is approved by the voters or the Assembly adopts a substantially similar measure after an initiative petition is filed or repeals an ordinance after a referendum is filed, a new petition application which would negate the earlier measure or enact an earlier repealed measure may not be filed sooner than six months after the earlier measure has been adopted or repealed.

Section 10.25 Further Regulation by Ordinance

The Assembly by ordinance may further regulate the procedures for initiative and referendum.

ARTICLE XI. RECALL

Section 11.05 Recall

An elected official of the Borough may be recalled by the voters.

Section 11.10 Grounds

Grounds for recall are malfeasance, misconduct, misfeasance, incompetence in office, or violation of the provisions of this Charter.

Section 11.15 Procedure

All procedures for recall shall be pursuant to AS 29.26.250 – AS 29.26.360.

ARTICLE XII. PLANNING & LAND USE

Section 12.05 Comprehensive Plan Required

In recognition that the foremost aspect of land use involving private property is the protection of private property rights, and that community planning is best when organically derived from the will of the people in utilizing their God given property rights, the CRB will have the following Comprehensive plan that will only be modified by a Charter change:

“The Chugach Regional Borough recognizes that its role is to protect God-given property rights and that the best planning for land use is organically derived from the will of the people in utilizing those rights in their own best interests. All land use regulation will work for the decisions of the Assembly, Planning Commission and Borough Administration to protect individual property rights to the maximum extent possible.”

Section 12.10 Board of Adjustment

The Assembly shall sit as the Board of Adjustment for the Borough. The Assembly may implement different administrative levels of appeal, but the final level of appeal to the Borough shall be before the Board of Adjustment.

Section 12.15 Platting Restrictions

If the Assembly implements platting requirements, those requirements must comply with the following restrictions:

- A. The Borough shall not prohibit the use of a metes and bounds description for any lot or subdivision of less than 10 lots within its boundaries;

- B. Any lot recorded with the State with a metes and bounds description will be considered a legal lot;
- C. No subdivision of less than 10 lots will be required to have any designated road to be constructed before final approval of the subdivision;
- D. The Borough shall not require a property owner to publicly dedicate their land for access; and
- E. The Borough shall not be responsible for maintenance on private land.

Section 12.20 Zoning restrictions

If the Assembly implements zoning requirements, those requirements must comply with the following restrictions:

- A. No use can be allowed by statute or variance that is specifically forbidden by this charter or by ordinance.
- B. No zoning laws will be based on environmental protection, energy-efficiency or building codes.
- C. No developer will be forced by the Borough to zone their property to any specific zoning.

ARTICLE XIII. FINANCE

Section 13.05 Fiscal Year

The fiscal year of the Borough shall begin on July 1 and end on the last day of June unless the fiscal year is changed by ordinance.

Section 13.15 Operating and Capital Budget

- A. At least 90 days before the end of the Borough fiscal year, the Borough Manager shall submit to the Assembly a proposed operating and capital budget for the next fiscal year. The Manager shall submit with the budget an analysis of the fiscal implications of all tax levies and programs. The submitted budget must be balanced.
- B. The budgets will be made public on the Borough's website or any other platform that provides equivalent public access and is widely recognized for disseminating public information at the time of posting.
- C. Copies of the budgets will be sent to the Local Governance Commissions.

Section 13.20 Budget Hearings

- A. The Assembly shall hold at least two public hearings on the operating and capital budget before adoption. The public and Local Governance Commissions shall be able to testify at these meetings.
- B. If the adopted budget is rejected by the majority of Local Governance Commissions within 30 days of its adoption. The Assembly shall hold one more public hearing, with the budget ordinance reintroduced for consideration, amendment, and adoption.
- C. The final budget adopted by the Assembly shall be a balanced budget.

Section 13.25 Assembly Action on the Borough Budget

- A. The Assembly may increase or decrease any item and may add or delete items in the proposed operating or capital budget. The Assembly may determine not just the dollar amount of any particular line, but may also directly address budgeted positions including the number of employees needed for any position.
- B. Except as otherwise provided in this Charter, the Assembly shall approve the budget as amended and appropriate the necessary funds before the end of the fiscal year.
- C. If the Assembly fails to approve the budget and make the necessary appropriation within the time stated, the Assembly will hold such regular or special meetings as are necessary until a budget is approved and appropriations made.

Section 13.30 Reduction and Transfer of Appropriations

- A. If the Borough Manager determines that revenues will be less than appropriations for a fiscal year, the Manager shall notify the Assembly and the Assembly may reduce appropriations as needed. No appropriation may be reduced by more than the amount of the then-encumbered balance.
- B. Except as to the school budget, the Borough Manager may transfer all or part of any unencumbered balance between categories within an appropriation if approved by the Assembly. The School Board may transfer part or all of any unencumbered balance between categories within the appropriation for the school budget but must provide notice of the transfer to the Assembly. Except as to the school budget or otherwise provided in this Charter, the Assembly may transfer part or all of any unencumbered balance from one appropriation to another by ordinance.

Section 13.35 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 other long-term projects so designated by the Assembly 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 13.40 Administration of the Budget

- A. No payment shall be made, or obligation incurred except in accordance with appropriations. Obligations otherwise incurred are void. The Assembly by ordinance may provide for exceptions in the case of tax refunds and other routine payments.
- B. Every obligation incurred and every authorization of payment in violation of this Charter shall be void. Every payment made in violation of the provisions of this Charter shall be illegal. All officers or employees of the Borough who knowingly authorize or make such payment shall be jointly and severally liable to the Borough for the full amount paid. The Borough Manager shall take actions to collect the indebtedness unless otherwise directed by the Assembly by ordinance.
- C. Notwithstanding Section 13.40(A) of this Charter, the Assembly by ordinance may require payment of funds from appropriations of a later fiscal year or of more than one year for any

contract, lease, or note or bond obligation, or federal or state grant, or any other federal or state program in which the Borough would otherwise be prevented from participating by the requirements of this section.

- D. Except as otherwise provided by the Assembly by ordinance, the Assembly shall:
 - 1. Provide that all funds of the Borough from whatever source, including education function, shall be deposited in a central treasury;
 - 2. Provide for centralized accounting of all accounting functions of the Borough; and
 - 3. Provide for centralized purchasing of supplies, material, and equipment for the Borough and its departments, offices, and agencies.

Section 13.45 Borough Permanent Fund

- A. Upon formation of the Borough, an endowment trust fund (hereafter referred to as the “permanent fund”) shall be created, to be funded through the following mechanisms:
 - 1. All proceeds of detachment from the Municipality of Anchorage, beyond what is needed to fund the new government during the transition plan and until the first full fiscal year that real property tax revenues are received by the Borough.
 - 2. The proceeds of the sale of municipal real property and unneeded assets received through the transition.
 - 3. Any unencumbered amount the Assembly chooses to move into the permanent fund.
- B. The Borough Assembly may only appropriate from the permanent fund as follows:
 - 1. Distributions from the permanent fund may be used to retire debt of the Borough, if the term of the loan is greater than one year, with a majority vote by the Assembly.
 - 2. In any fiscal year, an amount not to exceed four (4) percent of the five (5) year average fund market value, to be computed using the five (5) prior years’ year-end audited market value, for Borough operations, and an additional 0.5% solely for capital needs. Generally accepted accounting principles (GAAP) shall be used for determining fund market value.
- C. No other expenditure or pledge of the fund is permitted unless approved by seventy (70) percent of the qualified voters on a ballot proposition in a regular election. No Borough funds shall be expended to influence future decisions to be made by voters regarding the fund’s principal.
- D. The principal of the fund shall be managed by the Chief Fiscal Officer under the oversight of a five (5) person fund review board, including one member of the Borough Assembly, appointed by the Mayor and confirmed by the Assembly.
- E. The principal of the fund shall be invested in such types of income producing investments as shall be specifically designated by ordinance. Investments shall be guided to ensure growth and stability of the fund. Investing shall not implement investment using principles based on environmental, social and governance aspects (ESG) or diversity, equity and inclusion aspects (DEI) or Corporate Social Responsibility aspects (CSR).

Section 13.50 Audit and Reporting

- A. The Borough Manager shall report to the Assembly all expenditures for each month no more than 30 days after the last day of that month.

- B. The Assembly shall provide for an annual independent audit of all Borough accounts by a certified public accountant. The audit report shall be provided to each Local Governance Commission and a summary of the report published.

Section 13.55 Procurement and Purchasing

The Assembly shall adopt procurement practices that include competitive bidding for goods and services. The Assembly may adopt exceptions to competitive bidding by ordinance.

Section 13.60 School District Assets

The School District shall not own major capital assets exceeding a value threshold established by the Borough Assembly. Such assets shall be owned by the Borough.

ARTICLE XIV. TAXATION

Section 14.05 Taxing Authority

- A. The taxing power of the Borough is vested solely in the Assembly. The taxing power may not be surrendered, delegated, suspended, or contracted away except as provided by law.
- B. No sales tax ordinance implementing or increasing a sales tax is valid until ratified by a majority of those voting on the question at a regular or special Borough election.

Section 14.10 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 eighty percent (80%) of full and true value, except as otherwise provided by law, and for notice of assessment, appeal, and judicial review.
- C. The Borough will allow the maximum residential tax exemption allowed by state law.
- D. In any property tax appeal, the burden of proof is on the Borough to defend the assessed value.
- E. Property taxes, with collection charges, penalties, and interest are first liens upon the property taxed.

Section 14.15 Property Tax Removal

The Assembly at the regular election every four years will bring forth a proposition to eliminate Property Tax and adopt an alternate form of taxation that can be voted on by the people unless the Property Tax has already been eliminated.

Section 14.20 State Subventions

State subventions, including but not limited to business license tax, fish processors tax, liquor license tax, electric and telephone cooperative tax, amusement and gaming device tax, aviation

fuel tax, and state-shared revenues, shall be allocated to cities within the Borough in direct proportion to the amount allocated to that city by the State of Alaska.

Section 14.25 Revenue Cap

- A. Except as provided in this section, the total amount of municipal tax and fees that can be levied during a fiscal year shall not exceed the total amount approved by the Assembly for the preceding year by more than a percentage determined by adding the percentage increase in the Federal Consumer Price Index for Anchorage from the preceding fiscal year.
- B. The limitations set forth in subsection A of this section do not apply to the following:
 - 1. Any appropriation made to pay or secure payment of principal and/or interest on bonds.
 - 2. Taxes required to fund additional services authorized by voter approved ballot measures.
 - 3. Funding of judgments entered against the Borough.
 - 4. Special appropriations necessary on an emergency basis to fund unavoidable expenses ensuring public peace, health, and safety. This section does not give the Borough authority for any actions that the State, this Charter, or ordinance has prohibited for the Borough.
 - 5. Any taxes approved by the voters.
- C. The estimate of maximum allowable tax and fee revenue under subsections B and C of this section is computed for the next fiscal year as follows:
 - 1. Formula: The formula for the computation of the maximum allowable tax is: $(A-B)+D+F=G$, where:
 - a) "A" equals the amount of actual taxes levied by the Borough in the current fiscal year.
 - b) "B" equals the amount of the actual payment of principal and interest on bonds made in the current fiscal year.
 - c) "D" is the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for Anchorage, Alaska, during the prior fiscal year multiplied by the net taxes and fees levied (A-B) in the current fiscal year.
 - d) "F" equals the total amount of all exclusions as per subsection B of this section
 - 2. As used in the Borough Charter section 14.25 the following definitions apply:
 - a) *Additional voter-approved services* include, but are not limited to: (i) a service specifically authorized by the voters in any ballot issue; and (ii) programs directly related to voter-approved capital projects which are in addition to services in the current fiscal year budget. Taxes required to provide an additional voter-approved service are the estimated first full-year costs of additional voter-approved service less revenues, other than taxes, projected to be generated from the additional voter-approved service, for the number of months in the next fiscal year for which the additional voter-approved service will be operated.
 - b) *Current fiscal year* is the fiscal year during which the next fiscal year budget is prepared.
 - c) *Emergency* includes extraordinary expenditures related to the occurrence or imminent threat of severe or widespread damage, injury or loss of life or property which results from any natural or manmade cause, including, but not limited to the following: fire; explosion; flood; earthquake; landslide; mudslide; volcanic activity; avalanche; weather condition; wind-driven water; air contamination; epidemic; blight; infestation; riot or equipment failure or shortage of food, water,

fuel or clothing; or the release of oil or a hazardous substance requiring prompt action to avert environmental change or damage.

- d) *Fiscal year* means the fiscal year as established by the Borough Assembly in accordance with this Charter and applicable Code provisions.
- e) *New judgments* is the judgment reserve sufficient to cover the total cost of all judgments and arbitration awards during the next fiscal year, including (i) principal, interest, fees and costs, and (ii) additional services which may be required by a court order.
- f) *Next fiscal year* is the fiscal year following the current fiscal year and for which the new budget is being prepared.
- g) *Prior fiscal year* is the fiscal year, immediately preceding the current fiscal year.

ARTICLE XV. BOROUGH BORROWING

Section 15.05 Authority

The Borough may by ordinance borrow money for any public purpose, and issue its evidences of indebtedness for that purpose.

Section 15.10 Limitations

- A. No general obligation bonded indebtedness may be incurred unless authorized by the Assembly and ratified by a majority vote of those in the Borough voting on the question, except that bonds may be refinanced without an election as long as no additional monies are added to the bonds, and the refinance is beneficial, either with lower overall payments, shorter term, or other tangible benefit.
- B. Tax or revenue anticipation notes shall be repaid within 12 months from their date of issuance. When the taxes or revenues anticipated are not received within this time, the Assembly may renew the notes for a period not to exceed six months.

Section 15.15 Form and Manner of Sale

The Assembly by ordinance shall provide its financial consultants the form and manner of sale of bonds and notes including reasonable limitation upon the sale of bonds and notes.

Section 15.20 Actions Challenging the Validity of Obligations

An action challenging the validity of obligations of the Borough or of an election or tax levy with respect to an obligation of the Borough must be raised 30 days or less after the ordinance authorizing the obligation has been adopted or 30 days or less after the certification of the election at which the voters approved the obligation.

Section 15.25 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 XVI. ASSESSMENT DISTRICTS

Section 16.05 Assessment Districts

Until the Borough eliminates property tax as a revenue source:

- A. The Assembly by ordinance may establish assessment districts to provide and finance capital improvements by means of an assessment, or services by means of a tax levy. The assessment or levy shall be proportionate to the benefit received from and the burden imposed upon the improvement or service. The Assembly by ordinance shall prescribe uniform criteria for allocating the cost of the improvement or service within an assessment district.
- B. An assessment district may be created or extended only with the approval of the property owners who would bear more than 50 percent of the estimated cost of the improvement or service. An assessment district created to finance a capital improvement will be dissolved by Assembly resolution at any time after the district's share of the cost of the improvement has been paid. An assessment district created to finance a service may not be dissolved without the approval of the property owners who bear more than 50 percent of the cost of providing the service, exclusive of state and federal grants.
- C. Except as otherwise provided by applicable law, a special assessment for capital improvements, with interest and collection charges, is a lien on the property assessed, second only to property taxes and prior special assessments.
- D. A special assessment may not be contested by civil action unless the action is brought within 60 days after confirmation of the assessment roll.
- E. An account or accounts for each special assessment district shall be created and kept separate from all other municipal accounts. Revenues collected within a special assessment district may be applied only to costs incurred with respect to that assessment district.

ARTICLE XVII. GENERAL PROVISIONS

Section 17.05 Conflicts of Interest

- A. No elected or appointed official may vote on any question on which that official has a substantial financial interest. Any Borough officer, employee, or Assembly member who has a substantial financial interest in any contract with the Borough or in the sale of any land, material, supplies, or services to the Borough, shall disclose that interest to the body on which that official serves and shall refrain from participating in that official's capacity as a Borough officer, employee, or Assembly member in that matter.

- B. Any Borough officer, employee, contractor, agent or Assembly member who conceals such financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office and shall forfeit that office or employment. Violation of this section with the knowledge expressed or implied of the person contracting with or making a sale to the Borough shall render the contract or sale to the Borough voidable by the Borough Manager or the Assembly.
- C. The Assembly may prescribe additional laws governing conflicts of interest by ordinance.

Section 17.10 Prohibitions

- A. No person may willfully falsify any test, certification, or appointment under this Charter or Borough ordinance or in any manner commit or attempt to commit any fraud to prevent the impartial execution award, selection, employment, appointment, or promotion by the Borough.
- B. No person may offer, give or receive any money, service, or other valuable thing to the Borough Manager or an Assembly member with the intent of influencing any award, selection, employment, appointment or promotion by the Borough.
- C. No Assembly member, municipal officer, or administrative employee may directly or indirectly solicit a contribution for any political party or purpose from any person holding a compensated municipal position.

Section 17.15. Oath of Office

Every elected or appointed official and officer of the Borough, its school district or its subdivisions, before taking any action or casting a vote on behalf of the Borough, shall take the oath or affirmation required by Section 5 of Article XII, Constitution of the State of Alaska. Oaths of office shall be filed with the Borough Clerk. The Assembly may expand upon the oath or affirmation required under this Charter. A breach of oath or affirmation of office shall constitute misconduct for purposes of recall and is a violation of this Charter.

Section 17.20 Continuation in Office

Every official elected or appointed for a term ending at a definite time shall continue to serve until that official's successor qualifies and takes office, except when the official vacates that office.

Section 17.25 Notice of Lien

When any lien other than for ad valorem taxes or special assessments is placed by the Borough on any real property, notification of the lien shall be sent by registered mail to the person whose name appears as owner of the property on the most recent tax assessment roll at the address identified on the assessment roll or another address required by applicable law for notification of lien.

Section 17.30 Dedication of Borough Property

Dedication of streets, rights-of-way, easements or other areas for public use by the Assembly may not be construed to require the Borough to maintain, improve, or provide for Borough services in the area dedicated and the dedication does not impose any liability on the Borough for the condition of the area dedicated.

Section 17.35 Borough Proceedings

- A. The Assembly shall adopt by ordinance 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.
- B. Ordinances under this section shall be reviewed by the Borough Attorney for compliance with due process requirements under the constitutions of the United States and the State of Alaska.
- C. The Borough will always have the burden of proof for any violation of code.

Section 17.40 Provisions Self-Executing

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

Section 17.45 Adverse Possession

The Borough may not be divested of title to real property by adverse possession, prescriptive easement or eminent domain. Except as otherwise provided in this Charter, the Borough may not divest a title to real property of any person by adverse possession, prescriptive easement or eminent domain.

Section 17.50 Actionable Claims

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

Section 17.55 Claims for Injuries

- A. The Borough 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 that 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 Borough 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 Borough 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 Borough Manager a claim in writing under oath setting forth with specificity the nature and extent of the injury and the amount of damages claimed. The Borough Manager shall promptly present the claim to the Assembly for action.

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

Section 17.60 Public Records

All records of the Borough shall be public except as otherwise provided by law. Records shall be available online and at a location specified by the Borough for public inspection and for distribution at such reasonable price as the Assembly may direct. Copies certified by the Borough Clerk shall be prima facie evidence of their contents.

Section 17.65 Interpretation

- A. Titles and subtitles shall not be used in construing this Charter. Words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words of the neuter gender may refer to any gender.
- B. References in this Charter to particular powers, duties, and procedures of Borough officers and agencies may not be construed as implied limitations on other Borough activities not prohibited by law.

Section 17.70 Definitions

Words used in this Charter shall have their ordinary dictionary meanings, except as otherwise specifically indicated by the context in which used or defined in the section. 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.

“Appropriation” means a unit of funding provided for by the Assembly in the Borough budget. An appropriation may be specific as to particular expenditures or general as to an entire department or agency, as the Assembly deems appropriate.

“Categories” means actual proposed expenditures to be made from an appropriation.

“Borough” means the Chugach Regional Borough of Alaska.

“Interest in property” or “Interest in property” means any interest in real property or improvements on real property, excluding revocable permits or licenses, rights-of-way or easements that the Assembly determines do not rise to the level of an interest in land or property.

“Law” means this Charter, the ordinances and resolutions preserved by or enacted pursuant to this Charter, 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.

“Liaison” means a role limited to the exchange of information, facilitation of communication, and reporting between two or more parties. A liaison does not possess independent decision-making authority, supervisory power, or control over contracts, personnel actions, or operational management, unless expressly granted by ordinance for a specific, limited purpose.

“Person” means an individual or groups of individuals, private or public corporation, company, organization, association, firm, or any other entity.

“Publish,” “published” or “publication” means publication in a manner that complies with applicable law. The Assembly may provide for additional modes of dissemination.

“Referendum” means the process of repealing an ordinance or resolution by vote of the people without Assembly action.

“Resident” means a person whose habitation is within the area in question and who intends to maintain said habitation in that area.

Section 17.80 Severability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. 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.

XVIII. CHARTER AMENDMENT

Section 18.05 Amendment Proposal

Amendments to this Charter may be proposed by:

- A. An ordinance of the Assembly containing the full text of the proposed amendment;
- B. Initiative petition;
- C. A joint resolution by three or more Local Governance Commissions; or

Section 18.10 Charter Amendment Approval

- A. Proposed amendments shall be submitted to the qualified voters of the Borough at the next regular or special election occurring more than 90 days after the adoption of the ordinance, certification of the initiative petition or the effective date of the joint Local Governance Commission resolution.

- B. A notice containing the full text of each proposed amendment shall be published at least 60 days before the election.
- C. Except as otherwise provided in this subsection, if more than one amendment is proposed, each amendment must be placed on the ballot separately so that the voters vote on each amendment separately. Amendments that are so interrelated that they must be approved or rejected together may be submitted as one amendment. The Borough Clerk shall determine if a proposed amendment is so interrelated that it must be placed on the ballot as one amendment.

Section 18.15 Charter Amendment Effective Date

- A. If a majority of the qualified voters voting on a proposed amendment approve the amendment, it becomes effective on the date specified in the amendment. If no effective date is specified in the proposed amendment, it becomes effective 30 days after the certification of the election.
- B. Amendments to this Charter shall be electronically submitted to the following:
 1. The lieutenant governor;
 2. The Alaska Department of Community and Regional Affairs;
 3. The Borough Clerk;
 4. Any City Clerk of a city located within the Borough; and
 5. All Local Governance Commissions.

XIX. LABOR & CONTRACTS

Section 19.05 PERA

Except as required for employees of the Borough school district, AS 23.40.070 through AS 23.40.260 do not apply to the Borough or employees of the Borough.

Section 19.10 Contract Limits

- A. The Administration, the Assembly, and the School Board will not enter into any contract that restricts the Borough's ability to hire, fire, transfer or otherwise manage its employees.
- B. The Administration, the Assembly, and the School Board will not enter into any contract that restricts their ability to allow volunteers to participate in Borough activity.
- C. The Administration, the Assembly, and the School Board will not enter into any Project Labor Agreements, or require in a contract, bid specification, project agreement or other controlling documents
 1. that a bidder, offeror, contractor or subcontractor enters into, or adheres to, agreements with one or more labor organizations, with respect to the specific construction project or another related construction project; or
 2. discriminate against or give preference to a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor or subcontractor

- a) becomes a signatory, or otherwise adheres to, an agreement with one or more labor organizations with respect to that construction project or another related construction project; or
 - b) refuses to become a signatory, or otherwise adhere to, an agreement with one or more labor organizations with respect to that construction project or another related construction project.
- D. 19.10(C) also applies with respect to subcontracts awarded under such contracts.
- E. The Administration, the Assembly, and the School Board will not accept any grants or assistance that has a contingency that is disallowed in this section.

XX. SPECIAL PROVISIONS

Section 20.05 Limitation of Powers

- A. The Borough will not exercise the following powers unless through exceptions contained in this Charter. This does not apply to following required regulations with regards to a particular infrastructure project.
 - 1. Health powers, except that the Borough may exercise health powers to the extent necessary to provide emergency medical services, fire protection and response services, and public safety services within the boundaries of the Borough.
 - 2. The Borough, and its subdivisions, shall not implement requirements or mandates for an individual's health decisions, including employees and students, to include (but not limited to):
 - a). wearing masks for the purpose of stopping the transmission of viral or bacterial agents.
 - b). taking vaccines or any injectable or consumable substance.
 - 3. Environmental, including Air Quality
 - 4. The power of eminent domain except where necessary to protect public health, welfare, and safety.
 - 5. The adoption of prescriptive easements.
 - 6. The exercise of powers outside the boundaries of the Borough or property annexed to the Borough. The Borough may authorize services by an entity outside the boundaries of the Borough and/or agree to the exercise of jurisdiction within its boundaries by another municipal corporation or the State of Alaska.
 - 7. The power to require connection to public utilities.
 - 8. The power to foreclose on property for delinquent taxes or associated fees. This limitation does not prohibit the Borough from recovering fees owed to it for delinquent taxes.
 - 9. The Borough and its subdivisions shall not acquire membership in any organization that promotes legislation, such as the Alaska Municipal League, or the American Association or the Alaska Association of School Boards. This prohibition does not prohibit individual employees in participating in these associations.
 - 10. The Borough shall not require a permit for any building or roadway construction on private property.

- B. The Borough shall not tax personal property or implement a business personal property tax.

Section 20.10 Additional Powers

The Borough may exercise all powers not prohibited by law or this Charter. In addition to any other powers exercised by the Borough, the Borough Assembly may, by ordinance:

1. Require the police chief to be elected by the voters; and/or
2. Establish a municipal court to hear matters within the Borough's jurisdiction.

Section 20.15 Marijuana Regulation

The sale or importation for sale of marijuana and any marijuana product and the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores is prohibited within the Borough.

ARTICLE XXI. TRANSITION

Section 21.05 Transition Plan

A Transition Plan, including the services being assumed with budgets, a timeline for assuming those services and the methodology of the transfer of all assets and liabilities has been submitted to the State of Alaska Local Boundary Commission. This chapter will be on the specific exceptions to this charter for the period of transition and some implementation details.

Section 21.10 Pre-incorporation Assets and Liabilities

- A. The Borough shall succeed to its share of all assets and liabilities of the Municipality of Anchorage and Anchorage School District as per the Transition Plan Part 2, Assets and Liabilities.
- B. The tax obligation of an area for bonded indebtedness or other liability incurred prior to incorporation of the Borough may be spread over a larger area by ordinance if the asset, for which the bonded indebtedness or other liability was incurred, was used for the benefit of the larger area prior to incorporation.

Section 21.15 Service Area Functions to Continue

- A. The Borough will on the dates it sets for the specific transitions dissolve and consolidate the Chugiak/Birchwood/Eagle River Rural Road Service Area (CBERRRSA), the contributory RSAs (including Eaglewood and Gateway), the Eagle River/Chugiak Parks & Recreation Service Area and the Eagle River Street Lights Service Area into the Department of Public Works. Within twelve (12) months the Borough will create one or more Street Lighting Special Assessment Districts to finance capital installation/replacement and, as authorized by ordinance, operation and maintenance, using procedures for petitions, notice, hearings,

assessment rolls, proportional apportionment by special benefit, liens, and collection as provided by law. The existing funds for these service areas will be received from the Municipality of Anchorage into the General Fund, but the specific funds will be designated for the specific areas and functions formerly served by the service areas.

- B. Budgetary surpluses and/or reserve accounts from whatever source of a service area existing on the date of incorporation that is being maintained as a service area shall be credited to the area of the service area.
- C. Subject to this Charter, service areas in existence on the effective date of this Charter shall continue to exist. The functions of service areas being exercised immediately before the effective date of this Charter may continue insofar as consistent with this Charter, except that the Assembly may alter, consolidate, or abolish service areas and may add or eliminate services as provided by this Charter.

Section 21.20 Effective Date

At the first meeting of the Assembly, the provisions of this Charter shall be in effect insofar as they are applicable to the appointment of a Borough Manager, preparation and adoption of the initial budget, and general organization of the Borough.

Section 21.25 Election Dating

- A. For this section, the initial election shall be the state-run election for the boundary change and the first set of officials.
- B. For the office of Mayor, if the initial election is less than 36 months from the next even year election that would also be the same day for a U.S. Presidential election, then that time between the initial election and that specified election will be added to the initial term of the Mayor. If the initial election is more than 18 months from that specified election then that time period will be considered one full term served for the Mayor.
- C. For all offices except the School Board and Mayor, if the initial election is less than 18 months from the next even year election date, then that time between the initial election and the next even year election will be added to all initial terms. If the initial election is more than 18 months from the next even year election date, then the time between the initial election and the next even year election will be counted as two years towards the seat's initial term.
- D. For the School Board, the time between the initial election and the next annual election date will be added to all initial terms.
- E. The first election for the Property Tax Removal proposition specified in 14.15 will be at the first regular even year election that includes a mayoral race and is four years or more from the date of the initial election.

Section 21.30 Administration

- A. Upon incorporation, the Mayor shall serve as Borough Manager until the appointment of a Borough Manager by the Assembly. The Assembly must appoint a Borough Manager within

90 days of contracting a company to manage the transition and administrative duties, or 120 days after certification if that contract isn't in place by then. The Mayor may appoint a person to serve temporarily as Borough Clerk and Borough Chief Fiscal Officer for a period of up to 120 days.

- B. Until the State certifies the incorporation election, the Borough has no contracting or fiscal authority. The petition sponsors or a designated Transition Committee may conduct planning, due diligence, and negotiations with the Municipality of Anchorage (MOA) and other parties, but any document executed before certification shall be a nonbinding letter of intent, term sheet, or draft intergovernmental agreement (IGA) expressly contingent upon incorporation and later Assembly ratification.
- C. After certification, the Borough and MOA shall identify, value, and transfer assets, facilities, equipment, records, and function-related liabilities necessary to the services assumed by the Borough, using the inventories, schedules and methods approved by the State of Alaska Local Boundary Commission or prepared during the preparatory period. Transfers must preserve asset value and ensure an orderly handoff of rights, permits, and data needed for uninterrupted service.
- D. The ability to propose initiatives as per Section 10 will not apply until after the first regular even year election.
- E. The ability of the Local Governance Commissions to remove their Assembly or School Board member as per 2.25(C) will not apply until after the first regular even year election.
- F. The Revenue Cap in Chapter 14.25 will not be in effect until the fiscal year after the first fiscal year in which all services have been assumed from the Municipality of Anchorage and the Anchorage School District.
- G. The component of 17.60 that requires all the records to be online will not be in effect until after the transition is complete.