

MEMORANDUM

DATE: May 6, 2026
TO: Breckan Hendricks, CBJ Municipal Clerk
FROM: Emily Wright, CBJ Municipal Attorney *EW*
SUBJECT: Certification of Petition Proposing Enactment of Property Tax Mill Rate



**LAW
DEPARTMENT**
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I. Introduction

The Clerks Office received a petition submitted by five citizens proposing a charter amendment. The proposed charter amendment would increase the total mill rate that may be designated by the Assembly to 12 mills, under CBJ Charter Sec. 9.7. As the City Clerk, you are empowered to make the final certification decision.¹ The following is offered to aid in your analysis and conclusion.

II. Legal Background

The Alaska Constitution Article XI, the City and Borough of Juneau (CBJ) Charter Sections 7 and 14, and the provisions of CBJ Code Chapter 29.10 provide the framework for petitions submitted by citizens of Juneau.² CBJ Charter provision 7.1 sets out the parameters for an initiative (or referendum) and 7.2 sets forth the requirements to commence the initiative (or referendum). Charter amendments are governed by Article 14 of the CBJ Charter. Charter Section 14.3 indicates that voters may propose a charter amendment to the voters by following the provision laid out in Charter Sections 7.2-7.9 (Initiative and Referendum).

7.1 The powers of the initiative and referendum are reserved to the people of the municipality with reference to all legislative authority which the assembly may exercise except that the powers of initiative and referendum shall not apply to ordinances establishing budgets, fixing mill levies, or to ordinances or other measures appropriating funds, provided, however, that this limitation on the powers of initiative and referendum shall not be construed to limit the power of the people to approve pursuant to Section 9.7 of this Charter a millage rate in excess of that otherwise imposed thereby.

7.2 (a) Any five qualified municipal voters may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall include the names and addresses of the members of the petitioners committee and shall specify the address to which all notices to the committee shall be sent. The affidavit shall set out in full the proposed initiative ordinance, resolution, or other measure; or cite the ordinance, resolution, or other measure to be referred.

¹ *Alaska Action Ctr., Inc. v. Municipality of Anchorage*, 84 P.3d 989, 992 (Alaska 2004) (concluding the Municipal Clerk has discretion to reject an initiative if it violates any of the restrictions on an initiative).

² Alaska Constitution, Article XI, Section 1; CBJ Charter Article 7; *Anchorage Citizens for Taxi Reform v. Municipality of Anchorage* (“*Anchorage Citizens*”), 151 P.3d 418, 422 (Alaska 2006) (applying the Alaska Constitution initiative provisions to a unified/home rule municipality).

The timing of charter amendments are set forth in Section 14.5. Notably, unlike initiatives and referendum, which contain timing limitations under Section 7.13, there are no such limitations for charter amendments. Section 7.13(b) states:

An election on an initiative or referred measure shall preclude the filing of a new initiative or referendum petition on the same or substantially the same matter sooner than one year after voter approval or disapproval of the initiative or referendum.

Conversely, under CBJ Charter 14.3, charter amendments are only subject to the procedures set forth in Sections 7.2-7.9, therefore the limits in Sections 7.13 do not apply. Under AS 29.10.100 the CBJ is authorized to set the parameters for charter amendments.³ There is no limiting language found in Charter Article 14.

CBJC Chapter 29.10 provides further guidance regarding the review and certification of an affidavit:

(b) Certification shall be denied if:

- (1) The affidavit is not substantially in the required form;
- (2) The proposed measure to be initiated is not in the required form; or
- (3) There are fewer than five qualified members on the committee.

(c) The proposed measure to be initiated shall be in the following form:

- (1) The measure shall be confined to one subject;
- (2) The measure may not include subjects restricted by Charter section 7.1 or article XI, section 7 of the Alaska Constitution.

III. Review

The use of the petition process for the people to propose legislation was a subject of long and healthy debate during the constitutional convention. Ultimately, the framers decided that the people, with some restrictions, must have the ability to legislate when they believe that their elected officials are not. Judicial review, with rare exceptions, will not occur until after certification and a vote of the people. The analysis before you is one of form only. With that in mind, below is a review of the proposal.

Short Title: Mill Rate Cap Change (Charter Amendment)

In 1995, Gary Jenkins proposed, and the voters ratified, the charter language we have today, establishing a 12 mill cap. At the time, the City Attorney, John Corso, flagged that similar charter amendments were being proposed and ratified throughout the state. He expressed some concern that the Alaska Supreme Court in *Whitson v. Anchorage*, 608 P.2d 759 (Alaska 1980), had opened the door to legal challenges to charter amendments dealing with tax levies. I provide this history only to indicate that there has been past review and a flag that a charter amendment having to do with tax levies may be vulnerable to lawsuits. It appears that since 1995 no such lawsuit has been filed.

In 2025, a charter amendment was presented by the Affordable Juneau Coalition and certified by the CBJ Clerk's Office. This amendment proposed to reduce the mill rate to 9 mills. The Affordable Juneau Coalition gathered the required signatures and ultimately the amendment was passed by the voters.⁴ This new charter amendment presented seeks to return the mill rate to 12 mills. Upon review of the charter, the charter convention notes, state law, and CBJ code, the

³ A home rule charter may be amended as provided in the charter, except that no amendment is effective unless ratified by the voters.

⁴ 5,163 Yes Votes to 5,006 No Votes.

submission of a charter amendment is proper as to timing. While initiatives and referendum have limits built in that appear to be crafted to either require a special election or to keep the provision in place such that petitioners must wait one election cycle before submitting a new proposal, charter amendments have no such limit. Given that Charter Section 9.7 has always contemplated that mill rate changes must be approved by a vote, the fact that we are now facing a mill rate question in back-to-back elections comports with the law and intent of the Charter framers.

In reviewing the language presented in the proposal, it meets all requirements to form. It is properly limited to one subject (mill rate), it is not clearly unconstitutional, and it does not involve a restricted subject. Therefore, the setting of a mill rate is a proper topic to be provided to the voters.

IV. Conclusion

I recommend that you verify that there are five qualified names presented on each petition. If the appropriate names are presented, I recommend you certify and issue signature booklets.