

MEMORANDUM

DATE: May 4, 2026
TO: Breckan Hendricks, CBJ Municipal Clerk
FROM: Emily Wright, CBJ Municipal Attorney *EW*
SUBJECT: Certification of Petitions 1% Seasonal Sales Tax (May 1 – September 30)



**LAW
DEPARTMENT**
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I. Introduction

The Clerks Office received an initiative submitted by five citizens proposing a permanent 1% seasonal sales tax to fund both indoor and outdoor recreation in Juneau. 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).

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.

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.

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).

- (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 initiative 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: 1% Seasonal Sales Tax

The petition submitted proposes the implementation of a 1% seasonal sales tax from May to September to provide revenue to the City and Borough. The petition includes intent language that the citizens believe the best use for these funds will be to support both indoor and outdoor recreation.

The initiative is in the proper form and is limited to one topic, sales tax revenue from May to September. Further, the petition does not contain any subject restricted by Constitution or Charter. While the topic of the initiative is money and tax, it is a revenue initiative, not a proposed appropriation. The intent language does not represent a dedicated fund – which would infringe on the Assembly legislative authority. The intent language properly provides clear guidance to the Assembly regarding the use of funds and the citizens' priorities for the funds. Finally, the enacting language sets forth a timeline for enactment. Typically elections are certified at the end of October, this initiative would be effective 30 days later. In reality, this means that it will be implemented May of 2027.

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.

V. Suggested Impartial Summary for Initiative Petition

Short Title: 1% Seasonal Sales Tax

This initiative petition proposes to amend the City and Borough of Juneau (CBJ) Code 69.05.020 to implement a new permanent seasonal sales tax, effective May 1 through September 30 each year. The revenue from this tax is intended to help fund both indoor and outdoor recreation within the City and Borough of Juneau.