

Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL ORDINANCE - ALASKA

Municipality of Anchorage v. Holleman

Supreme Court of Alaska - March 28, 2014 - P.3d - 2014 WL 1266787

Citizen-sponsors brought declaratory judgment action seeking to repeal municipal ordinance by referendum. The Superior Court granted summary judgment in favor of citizen-sponsors, and ordered that referendum application be accepted. Municipality appealed.

The Supreme Court of Alaska held that:

- Referendum application was not preempted by the Public Employment Relations Act (PERA);
- Referendum application was not preempted by municipal charter;
- Municipality's home-rule status to enact labor ordinances was not exclusive of the citizens' correlative right of direct legislation;
- Referendum sought by citizen-sponsors did not violate the Constitution's prohibition against application of a referendum to dedications of revenue or appropriations, or municipal charter's corresponding prohibitions against use of a referendum for establishing budgets or appropriating funds; and
- Municipal ordinance, and therefore the referendum seeking to repeal it, were legislative rather than administrative.