

SUPREME COURT OF THE STATE OF ALASKA

Municipality of Anchorage v. Holleman

No. 6883; Supreme Court No. S-15315 · No. No. 6883; Supreme Court No. S-15315; Superior Court No. 3AN-13-06812 CI · Decided March 28, 2014

SUMMARY

The Alaska Supreme Court affirmed a superior court judgment requiring the Municipality of Anchorage to accept a referendum application seeking to repeal an ordinance revising municipal labor-relations rules. The court held that state law, the Anchorage Charter, and home-rule status did not preempt the referendum; the referendum did not make an appropriation; and the ordinance addressed legislative rather than administrative matters. The opinion explains the court’s application of Alaska’s rules governing direct legislation and appropriations.

CASE DETAILS

COURT	Supreme Court of the State of Alaska
WRITING FOR THE COURT	Maassen, Justice; Winfree, Justice; Stowers, Justice; Bolger, Justice; Matthews, Senior Justice
JURISDICTION	Alaska
DECIDED	March 28, 2014
DOCKET	No. 6883; Supreme Court No. S-15315; Superior Court No. 3AN-13-06812 CI
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Municipality appealed from a superior court order granting the referendum sponsors' motion for summary judgment and denying the Municipality's cross-motion for summary judgment. The superior court ordered the Municipality to accept the referendum application.
STANDARD OF REVIEW	Summary judgment is reviewed de novo and is affirmed when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. Questions of law, including interpretation of statutes, municipal charters, and municipal codes, are reviewed independently under the rule most persuasive in light of precedent, reason, and policy.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential
PARTIES	Municipality of Anchorage v. Sam Andrew Holleman, Jason Alward

TOPICS

ordinances home rule municipal law election law appellate procedure

PRACTICE AREAS

municipal law constitutional law election law employment law appellate procedure

QUESTIONS PRESENTED

1. Whether state law, the Anchorage Municipal Charter, or Anchorage's home-rule status preempted or exclusively assigned labor-relations legislation to the Anchorage Assembly, thereby barring the referendum.
2. Whether a referendum to repeal the labor-relations ordinance constituted an appropriation or otherwise improperly dealt with public assets.
3. Whether the ordinance was administrative rather than legislative and therefore outside the permissible scope of the referendum power.
4. Whether the referendum impermissibly divested the Assembly of its authority to enact labor-relations ordinances.

HOLDINGS

1. The referendum was not preempted. The Public Employment Relations Act granted the Assembly authority to opt out of the Act, but did not grant it exclusive authority to legislate about labor relations after opting out. The Charter provisions requiring an administrative code and a personnel classification system likewise did not exclude direct citizen legislation, and home-rule authority did not make the Assembly's legislative power exclusive absent an express limitation.
2. The referendum did not divest the Assembly of legislative power because it concerned only one enacted ordinance and did not subject future labor ordinances to popular approval or prevent the Assembly from legislating in the future.
3. The referendum did not constitute an appropriation. Although it concerned public revenue, it did not set aside, compel, or restrict the expenditure of a specified amount of money or property for a specific purpose in an executable, mandatory, and reasonably definite manner.
4. The ordinance was legislative, and the referendum seeking its repeal was therefore within the permissible scope of direct legislation.

KEY QUOTATIONS

“That a legislative body has the authority to make laws does not mean that its authority to make laws is exclusive of the citizens’ correlative right of direct legislation, absent some express limitation.” (at 8)

“This is not at all the “executable, mandatory, and reasonably definite” set-aside that our case law requires before we will find that an initiative or referendum makes an appropriation.” (at 13)

“Having reviewed the ordinance at issue here using the three guidelines of Swetzof, we conclude that the voters have a right to address it by referendum.” (at 17)

FACTUAL BACKGROUND

The Anchorage Assembly enacted Anchorage Ordinance No. 2013-37, which comprehensively amended the municipal employee-relations code. The ordinance addressed managed competition, compensation increases, employee benefits and holidays, union reimbursement for employee time, strikes, binding arbitration, overtime, collective bargaining, and related labor policies. Holleman and Alward sought a referendum to repeal the ordinance, but the Municipality rejected their application on the grounds that it concerned administrative matters and was otherwise barred by restrictions on direct legislation.

PROCEDURAL HISTORY

Holleman and Alward applied for a referendum to repeal an Anchorage ordinance substantially revising municipal employee-relations law. The Municipality rejected the application, and the sponsors sued for declaratory and injunctive relief. After the parties stipulated that no material facts were disputed, the superior court granted summary judgment to the sponsors and ordered acceptance of the application. The Alaska Supreme Court affirmed that order after oral argument and issued the opinion explaining its earlier affirmance.

DISPOSITION

affirmed

CASES CITED

- Municipality of Anchorage v. Repasky, 34 P.3d 302, 305 (Alaska 2001)
- Carmony v. McKechnie, 217 P.3d 818, 819, 821 (Alaska 2009)
- Sitkans for Responsible Gov't v. City & Borough of Sitka, 274 P.3d 486, 492 (Alaska 2012)
- Thomas v. Bailey, 595 P.2d 1, 3 (Alaska 1979)
- Whitson v. Anchorage, 608 P.2d 759, 761 (Alaska 1980)
- Anchorage Mun. Emps. Ass'n v. Municipality of Anchorage, 618 P.2d 575, 581 (Alaska 1980)
- Mukilteo Citizens for Simple Gov't v. City of Mukilteo, 272 P.3d 227, 233 (Wash. 2012)
- City of Sequim v. Malkasian, 138 P.3d 943, 949-51 (Wash. 2006)
- Vanvelzor v. Vanvelzor, 219 P.3d 184, 188 (Alaska 2009)
- Pebble Ltd. P'ship ex rel. Pebble Mines Corp. v. Parnell, 215 P.3d 1064, 1077 (Alaska 2009)
- Anchorage Citizens for Taxi Reform v. Municipality of Anchorage, 151 P.3d 418, 422-23 (Alaska 2006)
- Alliance of Concerned Taxpayers, Inc. v. Kenai Peninsula Borough, 273 P.3d 1128, 1136 (Alaska 2012)
- Alaska Action Ctr., Inc. v. Municipality of Anchorage, 84 P.3d 989, 993 (Alaska 2004)
- City of Fairbanks v. Fairbanks Convention & Visitors Bureau, 818 P.2d 1153, 1157 (Alaska 1991)
- Washington's Army v. City of Seward, 181 P.3d 1102, 1105-06 (Alaska 2008)
- Swetzof v. Philemonoff, 203 P.3d 471, 476-81 (Alaska 2009)

- Wolf v. Alaska State Hous. Auth., 514 P.2d 233, 235 n.13 (Alaska 1973)
- Griswold v. City of Homer, 186 P.3d 558, 561-62 (Alaska 2008)
- Mount Juneau Enters., Inc. v. City & Borough of Juneau, 923 P.2d 768, 776 (Alaska 1996)
- City of Louisville v. Fiscal Court of Jefferson Cnty., 623 S.W.2d 219, 224 (Ky. 1981)
- Housing Auth. of Eureka v. Superior Court, 219 P.2d 457, 461 (Cal. 1950)
- City of Wichita v. Kansas Taxpayers Network, Inc., 874 P.2d 667, 671-72 (Kan. 1994)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/alaska-supreme-court-of-the-state-of-alaska/2014/municipality-of-anchorage-v-holleman-oyegi2c0>