



Robert Sivertsen, Mayor
334 Front Street
Ketchikan, AK 99901

(907) 228-5603 phone
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FYIa(8)

January 28, 2021

The Honorable Bert Stedman
State Capitol, Room 518
Juneau, AK 99801

Dear Senator Stedman:

RE: State of Alaska FY 2022 Proposed Budget

With regard to the above referenced subject, Governor Dunleavy's proposed budget for FY 2022 contains a provision by which the Department of Law would begin charging home rule municipalities for the prosecution of state misdemeanor crimes within their respective jurisdictions. Page 3 of the Change Record Detail for the Department of Law states the following:

"Juneau, Sitka, Ketchikan, Petersburg, Wrangell, Haines, and Yakutat are all home rule communities. Home rule communities have the legal authority to prosecute misdemeanors within their jurisdiction. The City and Borough of Juneau prosecutes the majority of misdemeanors within its boundaries and is currently the only community prosecuting any misdemeanors in the district. The Department of Law has historically taken responsibility for misdemeanor prosecutions and all related costs. Starting in FY2022 the Department of Law seeks reimbursement from the respective home rule communities to support some of the cost of this service. A memorandum of agreement will be arranged with each community based on average yearly misdemeanor prosecution volumes."

This statement is not accurate in that the City of Ketchikan does prosecute certain misdemeanors through its city attorney. Those misdemeanors include, but are not limited to, all vehicle and traffic statutes and regulations of the State of Alaska except felonies or misdemeanors where conviction imposes mandatory imprisonment greater than 72 hours. The City also pays the cost of providing a public defender for the misdemeanors that it prosecutes.

The City of Ketchikan strongly objects to this proposal for the following reasons. First, the City believes that the State of Alaska has a legal responsibility to prosecute violations of state law. The misdemeanor prosecutions that the proposal seeks to charge home rule municipalities for are violations of state laws exclusively. I believe requiring home rule municipalities to pay for a state obligation to prosecute misdemeanor violations of state law is legally questionable and is just another example of an ongoing effort by the state to shift its financial responsibilities to local jurisdictions.

Second, as you are aware the City of Ketchikan is located within the Ketchikan Gateway Borough, which is a second-class borough. The City makes up 59% percent of the Borough population. While no municipality should have to pay for State prosecutions, I

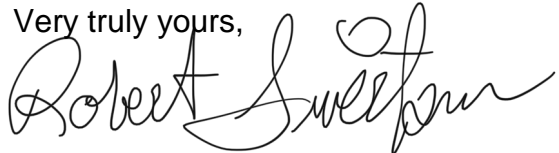
question the justification of the disparate treatment that City residents will be subjected to if the Department of Law's proposal goes through. Why will City residents be forced to pay when non-City residents will not?

Lastly, the Department of Law has projected the City's cost will be in excess of \$150,000 if the proposed provision to charge home rule municipalities for prosecutions of state misdemeanor crimes is allowed to stand. In 2020, the City of Ketchikan experienced revenue losses in the millions of dollars due to the COVID-19 pandemic and cancellation of the cruise ship season. As each day goes by, the prospects for a 2021 cruise ship season become increasingly bleak. The City can ill afford to assume the financial obligations of the state as it struggles to rebuild what is left of its economy in the wake of the COVID-19 virus.

For all of these reasons, I urge you to take whatever action is necessary to ensure that the Department of Law's misguided proposal does not go into effect. During these difficult times, Alaska's local governments, whether home rule or not, deserve better from the State.

Should you have any questions on this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert Sivertsen", with a stylized flourish at the end.

Robert W. Sivertsen
City Mayor

Cc: City of Ketchikan Councilmembers
Karl R. Amylon, City Manager
Lacey Simpson, Assistant City Manager
Mitch Seaver, City Attorney
Ray Matiashowski



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Representative Dan Ortiz
State Capitol, Room 513
Juneau, AK 99801

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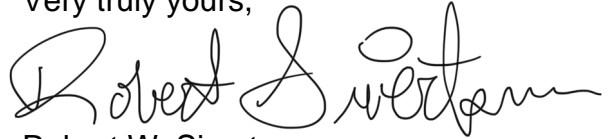
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Robert W. Sivertsen
City Mayor

Cc: City of Ketchikan Councilmembers
Karl R. Amylon, City Manager
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