

**NORTHWEST ARCTIC BOROUGH ASSEMBLY
RESOLUTION 21-08**

**A RESOLUTION OF THE NORTHWEST
ARCTIC BOROUGH ASSEMBLY OPPOSING
THAT PORTION OF THE STATE OF ALASKA'S
PROPOSED FY 2022 BUDGET WHICH WOULD
CHARGE HOME RULE MUNICIPALITIES FOR
THE PROSECUTION OF STATE
MISDEMEANOR CRIMES WITHIN EACH
JURISDICTION.**

WHEREAS: the Governor's proposed budget for FY 2022 contains a proposal to charge home rule municipalities for the prosecution of state misdemeanor crimes within each jurisdiction, or else force municipalities to prosecute their own misdemeanor crimes; and

WHEREAS: under AS 44.23.020(b)(4), the state is obligated to prosecute "all cases involving violation of state law"; and

WHEREAS: the state does not prosecute municipal ordinances, including municipal misdemeanors; and

WHEREAS: the misdemeanor prosecutions for which the proposal seeks to charge municipalities are violations of state laws exclusively; and

WHEREAS: forcing municipalities to pay for state obligations explicitly provided for in statute is legally questionable and impedes a local government's ability to self-govern, contrary to Alaska Constitution Article X, Sec. 1; and

WHEREAS: the Northwest Arctic Borough does not have a police department and does not retain its own judge, prosecutor, or public defender; and

WHEREAS: adding these positions, or paying the state to prosecute misdemeanor crimes, would be financially detrimental to the Borough; and

WHEREAS: currently, the Kotzebue District Attorney's Office, which covers the Borough, is dismissing misdemeanor crimes at an alarming rate and it being told to do so by the Attorney General's Office to save time

and money, and this inexcusable behavior undermines the citizens' right to be protected by our system of justice; and

WHEREAS: the Borough has not been offered or given any assurances that state misdemeanor crimes will be given any attention by the district attorneys if the Borough agrees to pay.

NOW THEREFORE BE IT RESOLVED: the Northwest Arctic Borough Assembly hereby opposes that portion of the State of Alaska's proposed FY 2022 budget that would charge home rule municipalities for the prosecution of state misdemeanor crimes within each jurisdiction.

BE IT FURTHER RESOLVED: the Borough Clerk is directed to furnish a copy of this resolution to the Governor's Office.

BE IT FURTHER RESOLVED: this resolution shall take effect immediately on adoption.

PASSED AND ADOPTED THIS 24th DAY OF MARCH, 2021.



Nathan Hadley, Sr., Assembly President

PASSED AND APPROVED THIS 24th DAY OF MARCH, 2021.



Lucy S. Nelson, Mayor

SIGNED AND ATTESTED TO THIS 24th DAY OF MARCH, 2021.



Helena Hildreth, Borough Clerk

ATTEST:

