

Akiachak tribal effort takes six years

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JUNEAU — A major event in the evolving relationship between state and local governments occurred Feb. 2 when the state certified the results of an election on municipal dissolution in the Kuskokwim River village of Akiachak.

OPINION

Two and a half weeks earlier, the community had voted overwhelmingly (122-7) to formally dissolve its state-chartered municipal government.

Akiachak's action is not without sacrifices. The community loses a significant amount of state financial aid available to incorporated communities, and the village may lose direct control of some of the municipal government's assets. But the residents made it clear that they preferred to be governed by a tribal council.

Akiachak's bold move to replace its municipal form of government may or may not work for others, but it holds valuable lessons for those seeking a local government that works best in their community.

Significantly, Akiachak made its decision in a responsible, orderly manner, something other communities contemplating making the same move would do well to follow.

Simple, effective government

Akiachak's quest for a single local government — the tribal government — began more than six years ago. Community leaders had become concerned by what they perceived as a deterioration of community values. They also felt that they were virtually unable to control persons who had violated local laws and customs.

The leaders decided that having both

a municipal government and a tribal government was contributing to local problems. They felt that having both was confusing, inefficient and caused tension in the community.

They also believed their municipal government was hamstrung by senseless rules and procedures. Akiachak decided that having a single federally chartered tribal government would help the community return to a more traditional way of doing things and would promote traditional community values.

Akiachak's tribal leaders promise a local government system that is responsive both in terms of timeliness and community values and not dependent upon outsiders. Whether all that Akiachak hopes for can be obtained remains to be seen, but clearly they have taken a major step toward their goal of effective self-governance.

Breaking new ground

Getting the state to allow the community to dissolve its municipal government was not easy. The community's first efforts found state agencies and the court system agreeing that there was no legal means by which the city government could be dissolved.

Not willing to give up, Akiachak worked with rural legislators and the Department of Community and Regional Affairs to craft a law that would allow it to dissolve. After passage of that law in 1988, it still took the community some 18 months to wade through the process of legally dissolving the city.

It should not be a surprise to learn that the process can be compared to dissolving a private corporation — complete with major concerns about who gets the assets and assurances that all creditors have been paid.

As a result of Akiachak's pioneering efforts, other communities wishing to pursue municipal dissolution will find a clear set of rules to follow. As Akiachak's proposal worked its way through the system, questions about process and the interpretation of the

standards for dissolution were constantly being raised. Most of these questions have now been answered. Legal questions still surround the disposal of the community's assets, however.

Legal limbo

Still, formal dissolution takes time — up to a year or more. Regardless, the worst thing a community can do is to simply abandon its municipal government. It results in the community being thrown into a kind of governmental "no-man's land."

Even though residents of the community may consider a city dissolved after the city council resigns en masse and declares the city dissolved, this does not create a legal dissolution. State agencies cannot recognize the tribal government as the exclusive local government because, from a legal point of view, the city still exists.

Yet, since the city is not functional, state agencies cannot deal with it either. The result, as several communities have discovered, is that grants and funds are tied up allowing no state funds to go to the community.

If a community pursues dissolution through the legal process, state-funded construction projects, revenue sharing, municipal assistance and other state financial assistance can be maintained, for the most part, until the city is dissolved.

New solutions?

As we enter the 1990s, local governments in rural Alaska are facing serious challenges. Many are facing immediate financial crises, and it is almost certain that the fiscal picture facing local government will only get worse during the coming decade. State revenues will decline as North Slope oil production falls and state financial aid to local communities is in jeopardy of shrinking or even drying up completely.

No matter how dismal the picture may look, I'm confident the Alaskan spirit of working together, the strong sense of community we all have, will guide us to effective solutions. What won't work is tossing our hands in the air and walking away.

The case of Akiachak is one example of a community seriously attempting to address local problems. Akiachak did not walk away. The community worked together with the state to find solutions. Time will tell if it was the right choice, but it was Akiachak's choice.

The Akiachak solution may or may not work elsewhere. Willie Kasayulie and the other leaders of Akiachak should be saluted for developing their own vision of how local governance should work — and then laboring six years to implement that vision.