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ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON
LOCAL GOVERNMENT

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Local Government herewith presents the proposed article on local government for consideration by the Convention. Also attached is a commentary on the proposed article.

Respectfully submitted,

John H. Rosswog, Chairman
John M. Cross
James P. Doogan
Victor Fischer
Eldor R. Lee
Maynard D. Lodborg
Victor C. Rivers
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 6

Introduced by Committee on Local Government

LOCAL GOVERNMENT

RESOLVED, that the following be agreed upon as part of the Alaska State Constitution.

ARTICLE ON LOCAL GOVERNMENT

Purpose and Liberal Construction

Section 1. The purposes of this Article are to secure the maximum amount of local self-government consistent with the state's responsibilities to the whole people and the state's membership in the Union, and to provide a framework which will accommodate future development and prevent the pyramid of independent tax-levying local government units. A liberal construction shall be given to the provisions of this Article in order that these purposes may be progressively achieved.

Section 2. The local government system of the state shall consist of two categories. These categories shall be known as boroughs and cities and all local government powers shall be vested in them.

Section 3. Boroughs shall be established according to such standards and in such manner as the legislature may provide. These standards shall include, but not
be limited to, such factors as population, geography, economy and transportation. Each borough shall embrace, to the maximum extent possible, an area and population with common interests. The entire area of the state shall be divided into boroughs. The legislature shall provide for three types of boroughs to be known as boroughs of the first class, boroughs of the second class, and boroughs of the third class. A minimum of three boroughs each of the first and second classes shall be established. The legislature shall provide the methods by which boroughs may be merged, consolidated, dissolved, reclassified or otherwise changed.

Powers of Boroughs

Section 4. The powers and functions appropriate to the local government requirements of each of the three classes of boroughs shall be conferred by law or charter. The descending order, in terms of powers and functions, shall be from the first through the third class. Boroughs of the first class shall be, and boroughs of the second class may be, municipal corporations.

Assembly

Section 5. The governing body of the borough shall be the assembly. It shall be composed of members of the city council or councils and of additional members from the area outside the city or cities.
but within the borough to be selected in the manner
and in the number to be prescribed by law or charter.

Section 6. Service areas may be established by
the assembly to provide special services within
portions of the borough in accordance with procedures
established by law or charter. The assembly shall
govern service areas. Participation by residents in
the administration of service areas may be provided
by law or charter. These special services shall be
provided only to the residents of the service area
and shall be financed by taxes, charges, or assess­
ments to be levied by the assembly within the service
area involved. Such taxes, charges, or assessments
shall be in addition to those that may be levied
throughout the entire area of the borough.

Section 7. A city shall be a municipal corporation
and shall be incorporated according to standards
established by law. It shall be a part of the borough
in which it is located. The governing body of a city
shall be a council and may exercise such powers and
functions as may be conferred by law or charter.
Cities may be merged, consolidated, dissolved, or
classified in a manner provided by law.

Section 8. The city council's jurisdiction shall
extend to those matters which involve the area within
the city. The assembly's jurisdiction shall extend
to those matters involving the whole or any portion of
the borough.

Section 9. The power of local government taxation
shall be exercised only by boroughs and cities.

Section 10. The qualified voters of any municipal
corporation are hereby vested with the power to adopt
or repeal a home rule charter of government in a
manner provided by law and to amend the charter in a
manner provided by the charter. In the absence of
such legislation, the governing body of a municipal
corporation in which the adoption of a charter is
proposed shall provide for the procedure to be fol­
lowed in the preparation, approval, or rejection of
the charter. Consideration shall be given in the
drafting of charters to such factors as representation
on the basis of population and area, adjustment of
existing indebtedness, and differential taxation based
upon benefits to be derived. All charters, or parts
thereof and amendments thereto, shall be submitted to
the qualified voters of the municipal corporation and
shall not become effective unless approved by a
majority of the qualified voters voting on the specific
question.

Section 11. A municipal corporation which adopts
a charter may exercise all legislative powers which
are not prohibited by this constitution, by law, or by its charter.

Optional Forms of Government

Section 12. The legislature shall provide optional forms of government for those municipal corporations which do not adopt charters. An authorized optional form may be adopted or abandoned by majority vote of the qualified voters of a municipal corporation voting thereon.

Boundaries

Section 13. The legislature shall provide for the rearrangement of local government boundaries to the end that those boundaries may be adjusted as conditions may require. The legislature shall establish a special agency which, on its own motion or on petition, in a manner prescribed by law shall consider all questions relating to the rearrangement of local government boundaries and the terms and conditions upon which such rearrangements may be made. This agency in its consideration of boundary rearrangements shall work toward the end that local government units embrace social, economic, and geographic areas which will make possible the maximum realization of the purpose of this Article. Decisions of this agency shall be final within 45 days after the convening of the next regular session of the legislature unless disapproved by the legislature prior to that time.
Section 14. Agreements may be made by any local government with any other local government, with the state or with the United States for a cooperative or joint administration of any of its functions or powers, and the legislature may facilitate such agreements. Any city may, subject to such limitations as established by law or charter, transfer to the borough in which it is located any of its functions or powers and may similarly revoke the transfer of any such functions or powers.

Section 15. The legislature shall provide an agency which shall render assistance and advice to local governments, collect and publish information relating to local government on a state-wide basis, review the activities of local governments, and perform such other duties as may be prescribed by law.

Section 16. The legislature shall provide for the integration of the special districts exercising local government powers with the government of the borough at the time the boroughs are established.

Section 17. Increased local government expenditures arising out of legislative acts shall not become effective until approved by the local government or until funds sufficient to meet the increased expenditures are granted by the state to the local governments.
Section 18. The legislature, in passing laws relating to cities and boroughs, may act only by laws which are of general terms and effects.
The committee on local government aimed at providing a maximum of self-government to people in all parts of Alaska. To meet this goal, two basic local government units were established—boroughs and cities. This framework is designed to accommodate today's needs and tomorrow's growth and development.

The proposed article is based upon experiences in the territory, the states, Canada and other countries. Proven principles and practices were brought together to establish a system of local government for the state of Alaska. It is a system which, in essence, many states have been attempting to achieve by modernizing existing units. We are fortunate in being able to start more or less from scratch.

The "borough", area-wise, is the larger of the two local government units. Cities would be located within the boundaries of the boroughs. The relationship between the two emphasizes mutual interest and cooperation.

Principles Underlying Proposed Local Government System:

1. **Self-governent**—The proposed article bridges the gap now existing in many parts of Alaska. It opens the way to democratic self-government for people now ruled directly from the
capital of the territory or even Washington, D.C. The proposed article allows some degree of self determination in local affairs whether in urban or sparsely populated areas. The highest form of self-government is exercised under home rule charters which cities and first class boroughs could secure.

2. **One basic local government system**—The proposed article vests all local government authority in boroughs and cities. It prevents creation of numerous types of local units which can become not only complicated but unworkable.

3. **Prevention of overlapping taxing authorities**—The proposed article grants local taxing power exclusively to boroughs and cities. This will allow consideration of all local needs in the levying of taxes and the allocation of funds. It will lead to balanced taxation. Single interest agencies with taxing authority often do not realize needs other than their own.

4. **Flexibility**—The proposed article provides a local government framework adaptable to different areas of the state as well as changes that occur with the passage of time. It allows classification of units on the basis of ability to provide and finance local services. It allows optional administrative forms, adoption of home rule charters, boundary changes, etc.

5. **State interest**—The proposed article recognizes that the state has a very definite interest in and concern with local
affairs. For example, the credit of the state is indirectly involved in local financial matters and local units are the agencies through which many state functions are performed. The proposal therefore gives the state power to establish and classify boroughs, to alter boundaries of local units, to prescribe powers of non-charter governments, to withhold authority from home-rule boroughs and cities and to exercise advisory and review functions.

The Borough

Under terms of the proposed article, all of Alaska would be subdivided into boroughs. Each would cover a large geographic area with common economic, social and political interests. Boundaries are to be established by the state.

The borough will fill the gap so often caused by the absence of a unit sufficiently large enough to deal with a particular local government problem. For instance, such needs as schools, health service, police protection, recording, could be met at the borough level or in smaller areas within the borough.

Areas in Alaska vary widely as to economy, population size and density, means of transportation, financial ability to support local government and other factors. Therefore, three classes of boroughs were created to allow for variations.

A borough of the first class would offer the largest amount of authority and self-government to its citizens through adoption of home rule charters. The third class borough would have the most
limited scope, with the state performing most of the local functions. It could remain unorganized. A governing body might be elected to act in an advisory capacity to the state in cases where the state is providing funds to perform local services. The second class borough is granted powers falling in the range between the other two classes.

The governing body of the borough is to be known as the assembly. The basis for representation would be established by the legislature or by charter in the case of first class boroughs. Apportionment could be on the basis of population or area or both. Cities within boroughs would be represented by city council members.

("Burough" means a place organized for local government purposes. It was adopted by the committee after many names were reviewed. The committee felt it desirable to avoid any term, such as "county", already encumbered with detailed legal definitions or having a definite connotation in people's minds.)

Cities

The status of existing cities is not changed under the proposed article. Future incorporations would be governed by the legislature. Cities will have authority to adopt home rule charters.

Borough-City Relationships

The borough is created as a form of area government. Many boroughs of Alaska will have no cities within them. Others might include one or more cities, which would be part of the borough.
The borough would have no control over internal affairs of cities within its boundaries. The borough's jurisdiction would cover matters involving the borough as a whole, matters involving portions of the borough outside of cities and matters jointly involving the city and a surrounding area.

The committee believes that maximum cooperation between boroughs and cities and integration of their mutual functions will provide residents with best services at least cost. Provisions in this article facilitating mutual action include authority for cooperative agreements, for the transfer of functions from one unit to another and for establishment of service areas. Coordination will also be fostered by the provision that the city's representatives on the borough governing body be members of the city council since they know what the city can offer and are familiar with city needs.

**Service Areas**

Need may arise within a portion of a borough for services not required throughout its entire jurisdiction. These might include road improvements, fire protection, education, utilities. Any one service could be provided through establishment of a service area within which taxes, assessments or charges could be levied to cover the special cost.

Service areas would be under the jurisdiction of the borough's assembly. Thus all local taxes would be levied by a single agency. The borough assembly could, of course, establish advisory or admin-
istrative boards within service areas. For example, what is today an independent school district could exist within a borough. But budgetary review authority and allocation of funds would rest with the borough governing body rather than the city council. (It would also be possible to constitute the whole borough a school district.)

**Boundaries**

Under the proposed article the state establishes the original borough boundary lines. While this authority is left with the legislature, the local government committee envisions it would be done only after thorough study and consideration of economic, geographic, social and political factors.

Provision is also made for changes in the boundaries of boroughs and cities. Under the proposed article the legislature would establish a state agency or commission for this purpose. The local government committee believes boundaries should be left flexible to allow for changing conditions. Particularly in the case of boroughs, Alaska would thus avoid one of the pitfalls of stateside county government where boundaries are frozen by constitution or tradition.

Boundary changes could be made by the state agency upon petition or upon its own motion. The legislature would prescribe conditions for making changes and would be granted a veto power over all changes.

The advantage of the proposed method lies in placing the process at a level where area-wide or state-wide needs can be taken into account. By placing authority in this third party, arguments for and against the boundary change can be analyzed objectively.
The committee did not believe boundary questions should be placed in the hands of the court since this is a non-judicial matter.

**Application To Small Communities**

One of the local government problems in Alaska today is the inability of small communities to organize for provision of just one or a few local services. By authorizing the establishment of service areas within boroughs, the proposed article makes it possible for a small unincorporated community or a relatively isolated area to meet a specific local need.

Through establishment of service areas and assumption of administrative or advisory responsibility, the citizens of small communities or rural areas will be preparing themselves for full self-government. The committee felt the state has a particular responsibility to delegate authority in the administration of state financed local functions as well as to provide assistance and advice.
Constitutional Convention
XII/Local Government
December 19, 1955

ALASKA CONSTITUTIONAL CONVENTION

GENERAL DISCUSSION OF LOCAL GOVERNMENT UNDER PROPOSED ARTICLE

The committee on local government aimed at providing a maximum
of self-government to people in all parts of Alaska. To meet this
goal, two basic local government units were established--boroughs
and cities. This framework is designed to accommodate today's
needs and tomorrow's growth and development.

The proposed article is based upon experiences in the terri-
tory, the states, Canada and other countries. Proven principles
and practices were brought together to establish a system of local
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affairs whether in urban or sparsely populated areas. The
highest form of self-government is exercised under home rule
charters which cities and first class boroughs could secure.

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vests all local government authority in boroughs and cities.
It prevents creation of numerous types of local units which
can become not only complicated but unworkable.

3. **Prevention of overlapping taxing authorities**--The pro-
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forms, adoption of home rule charters, boundary changes, etc.

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state has a very definite interest in and concern with local
affairs. For example, the credit of the state is indirectly involved in local financial matters and local units are the agencies through which many state functions are performed. The proposal therefore gives the state power to establish and classify boroughs, to alter boundaries of local units, to prescribe powers of non-charter governments, to withhold authority from home-rule boroughs and cities and to exercise advisory and review functions.

The Borough

Under terms of the proposed article, all of Alaska would be subdivided into boroughs. Each would cover a large geographic area with common economic, social and political interests. Boundaries are to be established by the state.

The borough will fill the gap so often caused by the absence of a unit sufficiently large enough to deal with a particular local government problem. For instance, such needs as schools, health service, police protection, recording, could be met at the borough level or in smaller areas within the borough.

Areas in Alaska vary widely as to economy, population size and density, means of transportation, financial ability to support local government and other factors. Therefore, three classes of boroughs were created to allow for variations.

A borough of the first class would offer the largest amount of authority and self-government to its citizens through adoption of home rule charters. The third class borough would have the most
limited scope, with the state performing most of the local functions. It could remain unorganized. A governing body might be elected to act in an advisory capacity to the state in cases where the state is providing funds to perform local services. The second class borough is granted powers falling in the range between the other two classes.

The governing body of the borough is to be known as the assembly. The basis for representation would be established by the legislature or by charter in the case of first class boroughs. Apportionment could be on the basis of population or area or both. Cities within boroughs would be represented by city council members.

("Burough" means a place organized for local government purposes. It was adopted by the committee after many names were reviewed. The committee felt it desirable to avoid any term, such as "county", already encumbered with detailed legal definitions or having a definite connotation in people's minds.)

**Cities**

The status of existing cities is not changed under the proposed article. Future incorporations would be governed by the legislature. Cities will have authority to adopt home rule charters.

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The borough is created as a form of area government. Many boroughs of Alaska will have no cities within them. Others might include one or more cities, which would be part of the borough.
The borough would have no control over internal affairs of cities within its boundaries. The borough's jurisdiction would cover matters involving the borough as a whole, matters involving portions of the borough outside of cities and matters jointly involving the city and a surrounding area.

The committee believes that maximum cooperation between boroughs and cities and integration of their mutual functions will provide residents with best services at least cost. Provisions in this article facilitating mutual action include authority for cooperative agreements, for the transfer of functions from one unit to another and for establishment of service areas. Coordination will also be fostered by the provision that the city's representatives on the borough governing body be members of the city council since they know what the city can offer and are familiar with city needs.

Service Areas

Need may arise within a portion of a borough for services not required throughout its entire jurisdiction. These might include road improvements, fire protection, education, utilities. Any one service could be provided through establishment of a service area within which taxes, assessments or charges could be levied to cover the special cost.

Service areas would be under the jurisdiction of the borough's assembly. Thus all local taxes would be levied by a single agency. The borough assembly could, of course, establish advisory or admin-
istrative boards within service areas. For example, what is today an independent school district could exist within a borough. But budgetary review authority and allocation of funds would rest with the borough governing body rather than the city council. (It would also be possible to constitute the whole borough a school district.)

**Boundaries**

Under the proposed article the state establishes the original borough boundary lines. While this authority is left with the legislature, the local government committee envisions it would be done only after thorough study and consideration of economic, geographic, social and political factors.

Provision is also made for changes in the boundaries of boroughs and cities. Under the proposed article the legislature would establish a state agency or commission for this purpose. The local government committee believes boundaries should be left flexible to allow for changing conditions. Particularly in the case of boroughs, Alaska would thus avoid one of the pitfalls of stateside county government where boundaries are frozen by constitution or tradition.

Boundary changes could be made by the state agency upon petition or upon its own motion. The legislature would prescribe conditions for making changes and would be granted a veto power over all changes.

The advantage of the proposed method lies in placing the process at a level where area-wide or state-wide needs can be taken into account. By placing authority in this third party, arguments for and against the boundary change can be analyzed objectively.
The committee did not believe boundary questions should be placed in the hands of the court since this is a non-judicial matter.

**Application To Small Communities**

One of the local government problems in Alaska today is the inability of small communities to organize for provision of just one or a few local services. By authorizing the establishment of service areas within boroughs, the proposed article makes it possible for a small unincorporated community or a relatively isolated area to meet a specific local need.

Through establishment of service areas and assumption of administrative or advisory responsibility, the citizens of small communities or rural areas will be preparing themselves for full self-government. The committee felt the state has a particular responsibility to delegate authority in the administration of state financed local functions as well as to provide assistance and advice.
Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Local Government herewith presents the revised proposed article on local government for consideration by the Convention. Also attached is a commentary on the proposed article.

Respectfully submitted,

John H. Rosswog, Chairman
John M. Cross
James P. Doogan
Victor Fischer
Eldor R. Lee
Maynard D. Longborg
Victor C. Rivers
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 6/a

Introduced by Committee on Local Government

LOCAL GOVERNMENT

RESOLVED, that the following be agreed upon as part of the Alaska State Constitution.

ARTICLE ON LOCAL GOVERNMENT

Section 1. The purposes of this Article are to secure the maximum amount of local self-government consistent with the interests and welfare of all the people of the state, and to provide a framework which will accommodate future development and prevent the duplication and overlapping of independent tax-levying local government units. A liberal construction shall be given to the provisions of this Article in order that these purposes may be achieved.

Section 2. All local government powers shall be vested in boroughs and cities. The state may delegate taxing powers only to organized boroughs and cities.

Section 3. Boroughs shall be established according to such standards and in such manner...
as the legislature may provide. These standards shall include, but not be limited to, such factors as population, geography, economy and transportation. Each borough shall embrace, to the maximum extent possible, an area and population with common interests. The entire area of the state shall be divided into boroughs which may be either organized or unorganized. The legislature shall classify boroughs and provide the methods by which they may be organized, incorporated, merged, consolidated, dissolved, reclassified or otherwise changed.

Section 4. The powers and functions appropriate to the local government requirements of each class of borough shall be conferred by law.

Section 5. The governing body of the organized borough shall be the assembly. The composition of the assembly shall be prescribed by law provided that each city shall be represented by persons who are members of its city council and that the additional members shall be elected by the voters living outside the cities.

Section 6. Service areas to provide special services within portions of an organized borough may be established, altered or abolished by the
assembly, subject to the provisions of law. The assembly may authorize the levying of such taxes, charges or assessments within a service area as may be necessary to finance the activities. No new service area shall be created when, in the judgment of the assembly, the objectives of Section 1 of this article would be better served by giving a new function or functions to an existing service area, incorporation of the area as a city, or annexation of the area to a city.

Section 7. The Legislature shall provide for the performance of necessary functions in unorganized boroughs, allowing for a maximum of local participation and responsibility.

Section 8. A city shall be incorporated according to standards established by law. It shall be a part of the borough in which it is located. The governing body of a city shall be a council which shall have such powers and functions as may be conferred by law or charter. Cities may be merged, consolidated, dissolved, or classified in a manner provided by law.

Section 9. The qualified voters of any borough of the first class or of any city of the first class may adopt, amend or repeal a home
rule charter of government in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class in which the adoption of a charter is proposed shall provide for the procedure to be followed in the preparation, approval, or rejection of the charter. All charters, or parts thereof and amendments thereto, shall be submitted to the qualified voters of the borough or city and shall not become effective unless approved by a majority of the qualified voters voting on the specific question.

Section 10. The legislature may extend home rule to other classes of boroughs and cities.

Section 11. A home rule borough or city may exercise all legislative powers which are not prohibited by this constitution, by law or by its charter.

Section 12. The legislature shall establish a local boundary commission and regulate its activities. The commission may, on its own motion or on petition, consider any proposed boundary change and present it to the legislature during the first ten days of any regular session. Any such change shall become effective at the end of
the session unless disapproved by a resolution
conceded in by a majority of all the members
of each house. The commission, subject to law,
may also establish terms and conditions upon which
local action to adjust local government boundaries
may be effectuated.

Section 13. Subject to procedures and limitations prescribed by law, agreements may be made
by any local government with any other local
government, with the state or with the United
States for a cooperative or joint administration
of any of its functions or powers. Any city may,
subject to such limitations as established by law
or charter, transfer to the borough in which it
is located any of its functions or powers and
may similarly revoke the transfer of any such
functions or powers.

Section 14. Provision shall be made by law
for an agency in the executive branch of the
government which shall render assistance and advice
to local governments and charter drafting agencies,
collect and publish information relating to local
government on a state-wide basis, review the
activities of local governments, and perform such
other duties as may be prescribed by law.
Section 15. The legislature shall provide for the integration of special districts performing local government functions with the government of a borough at the time the borough is organized.
Since the Territory of Alaska has no provisions for home rule and the people are governed directly from Washington, D.C. and the Capital of the territory, the Committee on Local Government is proposing this Article with the purpose of enabling the people in any part of Alaska to achieve a maximum amount of home rule for themselves. Studies were made of systems used in the United States, Canada and some European countries. The provisions of this article are intended to be self executing so far as possible. The plan is designed to accommodate today's needs and tomorrow's growth, and provides flexibility to meet the need for local government in all parts of Alaska.

We have not tried to detail the mechanics of setting up units of Local Government, but have tried to prepare a framework within which the Legislature of the State of Alaska can provide by law for local government and home rule.

Section 1. This section states the purpose and intent of this Article; to promote democratic self-government below the state level, guarding the interests and welfare of all concerned in a framework which will foster orderly development and prevent the abuses of duplication and overlapping of taxing entities.
Section 2. The purpose of this section is self-explanatory. It provides for no more than two levels of local government and local taxing power.

Section 3. Authorization of the legislature to divide the whole state into boroughs, some of which will doubtless remain for some time without fully organized governments. It provides for classification and alteration of boroughs.

Section 4. The legislature may make laws outlining the powers and functions appropriate to each class of borough.

Section 5. This section provides for representation of both rural and urban areas in the assembly, which is the governing body of the borough. Cities are to be represented on the assembly by certain members of their Councils to insure close cooperation between boroughs and cities. The actual method of apportionment is to be provided by the Legislature.

Section 6. Authorizes the borough assembly to establish special service areas, supported primarily by those benefited from such services.

Section 7. The State is authorized to provide for necessary services in unorganized boroughs with a maximum of local participation even in the smallest communities.

Section 8. This section provides for the incorporation, classification, government and powers of cities in accordance with law.
Section 9. Constitutional authority is given to first class boroughs and cities to adopt, repeal or amend home rule charters as the need arises. This is a self executing clause.

Section 10. This section provides that the legislature by law may extend home rule to any other classes of boroughs and cities.

Section 11. Home rule boroughs or cities have the power by their own law to govern themselves entirely unless otherwise prohibited by Constitutional or statutory law, or by their charters.

Section 12. This section provides for an agency that shall concern itself exclusively with local boundary questions. Boundary changes recommended by the agency are to be effective unless disapproved by the legislature.

Section 13. Boroughs and cities may make inter-governmental agreements with other boroughs, cities, the state and the United States, giving greater flexibility and closer cooperation between various levels of government.

Section 14. This section provides for an agency in the executive branch to help the people and local officials in the various parts of the State obtain by their own efforts the kind of local self-government they need and can afford. The agency will carry on a continuing study to assist the people and the Legislature in determining what changes may be necessary from time to time in the interest of better local government for all.
Section 15. The legislature is directed to bring special districts within the jurisdiction of organized boroughs as contemplated by this Article.

The name Borough was chosen from Black's Law Dictionary which states that a Borough is "a place for local government purposes." County was not used because of a wish to avoid undesirable connotations that attach to it and also because of its weak legal status in many states.
CONSTITUTIONAL CONVENTION OF ALASKA

COMMITTEE PROPOSAL NO. 6/a

Introduced by Committee on Local Government

LOCAL GOVERNMENT

RESOLVED, that the following be agreed upon as part of the Alaska State Constitution.

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Section 1. The purposes of this Article are to secure the maximum amount of local self-government consistent with the interests and welfare of all the people of the state, and to provide a framework which will accommodate future development and prevent the duplication and overlapping of independent tax-levying jurisdictions and otherwise minimize the number of local government units. A liberal construction shall be given to the powers of local governments.

Section 2. All local government powers shall be vested in boroughs and cities. The state may delegate taxing powers to organized boroughs and cities only.
Section 3. Boroughs shall be established according to such standards and in such manner as the legislature may provide. These standards shall include, but not be limited to, such factors as population, geography, economy and transportation. Each borough shall embrace, to the maximum extent possible, an area and population with common interests. The entire area of the state shall be divided into boroughs which may be either organized or unorganized. The legislature shall classify boroughs and provide the methods by which they may be organized, incorporated, merged, consolidated, dissolved, reclassified or otherwise changed.

Section 4. The powers and functions appropriate to the local government requirements of each class of borough shall be conferred by law.

Section 5. The governing body of the organized borough shall be the assembly. The composition of the assembly shall be established in accordance with law or charter, provided that each city of the first class and each city of any other class designated by law shall be represented by one or more persons who shall be members of its city council and that the
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<td>6.</td>
<td>established, altered or abolished by the assembly,</td>
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<td>7.</td>
<td>subject to the provisions of law or charter. The</td>
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<td>8.</td>
<td>assembly may authorize the levying of such taxes,</td>
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<td>9.</td>
<td>charges or assessments within a service area as may</td>
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<td>10.</td>
<td>be necessary to finance the activities. No new</td>
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<td>11.</td>
<td>service area shall be created when, in the judg-</td>
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<td>12.</td>
<td>ment of the assembly, the objectives of Section 1</td>
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<td>13.</td>
<td>of this Article would be better served by giving</td>
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<td>14.</td>
<td>a new function or functions to an existing service</td>
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<td>15.</td>
<td>area, incorporation of the area as a city, or</td>
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<td>16.</td>
<td>annexation of the area to a city.</td>
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<table>
<thead>
<tr>
<th>Unorganized Boroughs</th>
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<tbody>
<tr>
<td>17.</td>
<td>Section 7. The Legislature shall provide for</td>
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<td>18.</td>
<td>the performance of services it deems necessary</td>
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<td>19.</td>
<td>or advisable in unorganized boroughs, allowing</td>
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<td>20.</td>
<td>for the greatest possible measure of local</td>
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<tr>
<td>21.</td>
<td>participation and responsibility.</td>
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<tr>
<th>Cities</th>
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<td>22.</td>
<td>Section 8. A city shall be incorporated accord-</td>
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<td>23.</td>
<td>ing to provisions established by law. It shall be</td>
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<td>24.</td>
<td>a part of the borough in which it is located. The</td>
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<td>25.</td>
<td>governing body of a city shall be a council which</td>
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shall have such powers and functions as may be
collected by law or charter. Cities may be
merged, consolidated, dissolved, or classified
in a manner provided by law.

Section 9. The qualified voters of any
borough of the first class or of any city of the
first class may adopt, amend or repeal a home rule
charter of government in a manner provided by
law. In the absence of such legislation, the
governing body of a borough or city of the first
class in which the adoption of a charter is pro-
posed shall provide for the procedure to be
followed in the preparation, approval, or rejection
of the charter. All charters, or parts thereof
and amendments thereto, shall be submitted to the
qualified voters of the borough or city and shall
not become effective unless approved by a majority
of the qualified voters voting on the specific
question.

Section 10. The legislature may extend home
rule to other boroughs and cities.

Section 11. A home rule borough or city may
exercise all legislative powers which are not
prohibited by this constitution, by law or by
its charter.
Section 12. The legislature shall establish a local boundary commission or board in the executive branch and regulate its activities. The commission or board may, on its own motion or on petition, consider any proposed local government boundary change and present it to the legislature during the first ten days of any regular session. Any such change shall become effective at the end of the session unless disapproved by a resolution concurred in by a majority of all the members of each house. The commission or board, subject to law, may also establish terms and conditions upon which local action to adjust local government boundaries may be effectuated.

Section 13. Subject to procedures and limitations prescribed by law, agreements may be made by any local government with any other local government, with the state or with the United States, including cooperative or joint administration of any of its functions or powers. Any city may, subject to such limitations as established by law or charter, transfer to the borough in which it is located any of its functions or powers and may similarly revoke the transfer of any such functions or powers.
Section 14. Provision shall be made by law for an agency in the executive branch of the government to render assistance and advice to local governments and their charter drafting agencies, to collect and publish information relating to local government on a state-wide basis, review the activities of local governments, and perform such other duties as may be prescribed by law.

Section 15. The legislature shall provide for the integration, consistent with the provisions of this article, of special districts performing local government functions with the government of a borough at the time the borough is organized.
Hon. William A. Egan, President  
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents its redraft of the Article on Local Government for consideration by the Convention.

Respectfully submitted,

George Sundborg, Chairman  
R. Rolland Armstrong  
Edward V. Davis  
Victor Fischer  
Mildred R. Hermann  
James J. Hurley  
Maurice T. Johnson  
George M. McLaughlin  
Katherine D. Nordale
CONSTITUTIONAL CONVENTION OF ALASKA

RESOLVED, that the following be agreed upon as part of the Alaska State Constitution.

ARTICLE X
LOCAL GOVERNMENT

Purpose and Construction

1 Section 1. The purpose of this article is to
provide for maximum local self-government with a minimum
of local government units and to prevent duplication of
tax-levying jurisdictions. A liberal construction shall
be given to the powers of local government units.

Local Government Powers

2 Section 2. All local government powers shall be
vested in boroughs and cities. The State may delegate
taxing powers to organized boroughs and cities only.

Boroughs

3 Section 3. The entire State shall be divided into
boroughs, organized or unorganized. They shall be estab-
lished in a manner and according to standards provided
by law. The standards shall include geography, economy,
transportation and other factors. Each borough shall
embrace an area and population with common interests to
the maximum degree possible. The legislature shall
classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, dissolved or reclassified shall be prescribed by law.

Section 4. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter. Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council. The other members of the assembly shall be elected from and by the qualified voters resident outside such cities.

Section 5. Service areas to provide special services within an organized borough may be established, altered or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges or assessments within a service area to finance the special services.

Section 6. The legislature shall provide for the performance of services in unorganized boroughs, allowing for maximum local participation and responsibility.
Section 7. Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified or dissolved in the manner provided by law.

Section 8. The governing body of a city shall be the council.

Section 9. The qualified voters of any borough of the first class or city of the first class may adopt, amend or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city and shall become effective if approved by a majority of those who vote on the specific question.

Section 10. The legislature may extend home rule to other boroughs and cities.

Section 11. A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

Section 12. A local boundary commission or board
Agreements; Transfer of Powers

Local Government Agency

shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

Section 13. Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State or with the United States unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

Section 14. An agency shall be established by law in the executive branch of the state government. It shall advise and assist local governments, review their activities, collect and publish local government information and perform other duties prescribed by law.
Section 15. At the time a borough is organized, special service districts performing local functions shall be integrated with the government of the borough as provided by law.