



LAWS OF ALASKA

1967

Source

Chapter No.

HB 297 am S

134

AN ACT

Authorizing a first class borough and all cities within the borough to unite to form a single unit of home rule local government; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 29 is amended by adding a new chapter to read:

CHAPTER 85. UNIFICATION OF LOCAL GOVERNMENTS.

Sec. 29.85.010. UNIFICATION OF LOCAL GOVERNMENTS AUTHORIZED. A first class borough and all cities within the borough may unite to form a single unit of home rule local government by complying with this chapter.

Sec. 29.85.020. UNIFICATION TO BE PROPOSED BY PETITION. (a) Unification shall be proposed by petition.

(b) The borough assembly, a city council, or a person living within the area of proposed unification may initiate the petition for unification.

Sec. 29.85.030. PETITION REQUIREMENTS. (a) The petition shall read:

"PETITION FOR UNIFICATION

We, the undersigned, qualified voters of the
Borough do hereby petition that the following two propositions be placed before the voters as provided by law:

(1) Shall the Borough and all cities within it unite into a single unit of home rule government after the election of a charter commission by the voters and the adoption of recommendations of the charter commission by a majority vote from the area of the borough outside first

class and home rule cities and a majority vote from the remaining area composed of all first class and home rule cities of the borough?

YES

NO

(2) Knowing that the powers and responsibilities of a home rule municipality are essentially the same whether it carries the name of borough or city, I would still prefer that, if the proposition above carries, the new home rule municipality be called a:

Borough

City

No preference (I would expect the charter commission to recommend an appropriate designation consistent with existing law.)

		Inside First	Outside First
		Class or Home	Class or Home
Signature	Address	Rule City	Rule City "

(b) The petition shall be signed by at least

(1) that number of qualified voters of the borough living outside all first class and home rule cities in the borough equal to 25 per cent of the qualified voters who voted in the last regular borough election; and

(2) that number of qualified voters residing in each first class and home rule city located in the borough equal to 25 per cent of the qualified voters who voted in the last regular borough election in each city.

Sec. 29.85.040. REVIEW OF PETITION. Upon receipt of a petition for unification, the borough assembly shall review the petition within 15 days after its receipt to determine whether it complies with sec. 30 of this chapter. If the petition does not meet the designated requirements, it shall be immediately returned to the person who initiated the petition with a statement indicating which requirements have not been satisfied.

Sec. 29.85.050. CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the borough assembly that a petition for unification meets the requirements of sec. 30 of this chapter, the assembly shall issue a call for the nomination of charter commission candidates, specifying the filing deadline and outlining the procedure described for making nominations under sec. 60 of this chapter.

Sec. 29.85.060. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a) Charter commission candidates shall be nominated by petition signed by at least 50 qualified voters of the area from which the candidate seeks election or by a number of qualified voters from that area equal to at least 10 per cent of the number of votes cast from that area in the last regular borough election, whichever is less.

(b) Nomination petitions shall be filed with the borough clerk on or before the date fixed by the borough assem-

bly, which date shall not be less than 30 days after notice of the call for nomination has been given throughout the borough.

Sec. 29.85.070. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the borough clerk.

Sec. 29.85.080. COMPOSITION OF CHARTER COMMISSION. The charter commission members shall be qualified voters and shall consist of 11 members, three of whom shall be residents elected at large from the area of the borough and eight of whom shall be (1) residents of and elected from the area outside cities in the borough or (2) residents of and elected from a city or cities in the borough. The number representing each of these areas shall be proportionate to the respective populations as determined by the Local Affairs Agency.

Sec. 29.85.090. ELECTION. (a) After receipt of a valid petition for unification, the borough assembly shall submit to the voters the question of whether that borough and all cities within it shall unite to form a single unit of home rule government. The vote shall be held at the next regular borough election scheduled at least 90 days after receipt of the valid petition.

(b) The ballots on the question of unification shall be worded exactly as in sec. 30(a)(1) and (2) of this chapter.

(c) The election of charter commission members shall take place at the same time as the election on the question of unification.

(d) All costs incurred in conducting an election under this chapter shall be paid by the borough.

Sec. 29.85.100. REQUIREMENTS FOR APPROVAL OF UNIFICATION AND ELECTION OF CHARTER COMMISSION. (a) The votes on unification shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and home rule cities of the borough. The other classification shall consist of all votes cast in the remaining areas of the borough. In order for unification to be approved it is necessary that a majority of the votes in each classification favor unification.

(b) If unification is approved, those charter commission candidates who received the highest number of votes from their respective areas shall serve as members of the commission.

Sec. 29.85.110. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a) The charter commission authorized by this chapter shall hold its first meeting within 30 days of the date of certification of its election. The commission shall elect from among its members a chairman and a deputy chairman.

(b) A majority of the total membership of the charter

commission shall constitute a quorum. No decision of the commission is valid or binding unless approved by that number of members necessary to constitute a quorum.

(c) The charter commission may elect other officers from among its membership, adopt rules governing its procedures and hire and discharge commission employees. Rules adopted must conform with the provisions of this chapter.

(d) Meetings of the charter commission shall be open to the public at all times. A journal of commission proceedings shall be kept and shall be available for public inspection at the borough office.

(e) Except as provided in sec. 160(e) of this chapter, vacancies on the charter commission shall be filled by a majority vote of the commission. The person appointed to fill a vacancy must be a qualified voter of the same area as the person whom he succeeds and must have been a qualified voter of that area for at least one year immediately preceding the date of his appointment.

(f) The borough assembly may grant a per diem allowance to the commission members and may reimburse the members for travel expenses incurred in carrying out the duties prescribed by this chapter.

(g) Costs, fees and other expenses incurred by the charter commission are a debt of the borough and shall be paid upon proper verification.

Sec. 29.85.120. CHARTER PREPARATION. (a) A charter commission established under this chapter shall prepare, adopt and submit to the voters for approval or rejection at either the first or second regular borough election occurring after the date of the charter commission's first meeting, a proposed home rule charter for the area to be unified. The charter shall include among its provisions:

(1) provisions for adjustment of existing bonded indebtedness and other obligations in a manner which will preserve a fair and equitable burden of taxation for debt service;

(2) provision for the establishment of

(A) service areas;

(B) sections, if desired; and

(C) reapportionment of the sections, if established;

(3) provision for nonpartisan government and provision for the selection, organization, authority and responsibilities of the governing body and its executive;

(4) the transfer or other disposition of property and other rights, claims, assets and franchises of the local government to be unified under the charter;

(5) provision for exercise of the rights of initiative and referendum as required by AS 29.65.060;

- (6) a method of amending the charter;
- (7) the date on which the charter, if approved at the charter election required by sec. 160 of this chapter, is effective;
- (8) designation of the new municipality's official name, subject to the provisions of (b) of this section;
- (9) other charter provisions which the charter commission elects to include and which may be included in a home rule charter under this chapter and the constitution of the state.

(b) The area to be unified shall be known as a borough or a city or by some other designation consistent with existing law as determined by a plurality of the votes cast at the election held under sec. 90 of this chapter.

Sec. 29.85.130. PUBLIC HEARINGS. Both before and after drafting the proposed charter, the charter commission shall hold a public hearing in each area of the borough represented on the borough assembly. Other public hearings may be held by the charter commission whenever and wherever it believes necessary and appropriate.

Sec. 29.85.140. FILING OF PROPOSED CHARTER. Upon the adoption of a proposed home rule charter by the charter commission, the charter shall be signed by at least a majority of the total membership of the commission and shall be filed with the borough clerk. A copy with signatures affixed shall also be filed with the clerk of each city within the borough.

Sec. 29.85.150. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within 10 days after filing the proposed charter, the borough clerk shall have it published once in at least one newspaper having general circulation within the borough, if there is a newspaper having general circulation within the borough. In addition, the clerk shall have a copy of the proposed charter posted in at least three public places within each city of the borough and each area outside cities. Copies of the proposed charter shall be made available by the borough assembly to the public at both the office of the borough clerk and the office of the clerk of each city within the borough. The clerk shall publish notice by radio and television of the publication, posting and availability of the proposed charter in a manner intended to apprise the entire borough population of the existence of the proposed charter.

Sec. 29.85.160. ELECTION ON CHARTER. (a) The proposed charter adopted by the charter commission shall be submitted to the voters for ratification or rejection at the borough election specified in sec. 120 of this chapter. The borough clerk shall prepare the ballots for use in the election and shall give published notice of and otherwise conduct the election in the manner in which regular municipal elections are conducted. In addition, the clerk shall publish notice of the election by radio and television in a manner intended to apprise the entire borough population of the election.

(b) A person who is a qualified voter of the borough may vote in the election on the proposed charter.

(c) If a majority of the votes cast in the area of the borough outside all first class and home rule cities and a majority of the votes cast in the remaining area of the borough, composed of all first class and home rule cities, are cast in favor of the proposed charter, the charter is ratified. If the charter is ratified, two copies of the charter shall be filed with each of the following authorities:

- (1) secretary of state,
- (2) director of the local affairs agency,
- (3) district recorder for the area of the borough,
- (4) clerk of the borough,
- (5) clerk of each city in the borough.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit a different proposed charter to the voters at the next regular borough election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of unification shall be treated as if it had never been proposed or approved.

(e) If after the rejection of the first proposed charter, more than one-half of the charter commission members resign from the commission the borough assembly shall appoint new members to fill the vacancies in accordance with sec. 110(e) of this chapter.

Sec. 29.85.170. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon ratification, the charter of a unified municipality organized under secs. 10 - 220 of this chapter operates to dissolve all local governments within the area of unification in accordance with the charter.

Sec. 29.85.180. ASSETS AND LIABILITIES. A municipality created by unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness incurred before unification shall remain the tax obligation of the area which contracted the debt, except that the tax obligation may be spread over a larger area by vote of the governing body of the unified municipality.

Sec. 29.85.190. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality shall revise, repeal or reaffirm all borough and city ordinances, resolutions, and orders in force within the borough at the time of unification. Each ordinance, resolution, regulation or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.85.200. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to boroughs and cities shall remain in full force and effect with respect to a unified municipality

organized under secs. 10 - 220 of this chapter.

Sec. 29.85.210. POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under secs. 10 - 220 of this chapter shall have all powers

(1) not prohibited it by law or charter;

(2) granted to organized boroughs and first class cities.

Sec. 29.85.220. SCOPE OF CHAPTER. The procedure for unification authorized under secs. 10 - 220 of this chapter applies only to first class boroughs and cities within those boroughs.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.