

H B

7 9 0

STATE
of ALASKA

MEMORANDUM
OFFICE OF THE GOVERNOR

TO: [The Honorable John E. Havelock
Attorney General
Department of Law

DATE : April 21, 1972

FROM: Byron I. Mallott
Director
Local Affairs Agency

SUBJECT: HB 790 and HB 791

House Bills 790 and 791 were the subject of a public hearing for the joint House and Senate Local Government Committees last Monday evening. During the course of the hearing, certain members of the Local Government Committees questioned the effect of repealing section 3 (d) of chapter 52, SLA 1963. This section provides for the exclusion of the base proper areas of military bases from the Greater Anchorage Area, Kenai Peninsula, Kodiak Island and Fairbanks North Star Boroughs until such time that the base proper areas are no longer subject to military reservation status at which time they would automatically be annexed to the respective organized boroughs.

The specific question posed was whether or not, by repeal of section 3 (d), the bases proper of all of the defined military reservations would automatically be included within the organized boroughs which currently surround them. The joint committees requested that the Local Affairs Agency secure an Attorney General's opinion on this matter at the earliest possible date. Accordingly, we transmit this request to your office and offer the following discussion as a means by which you may be acquainted with some of the facts which we consider relevant to the question.

DISCUSSION

While House Bills 790 and 791 were being drafted in your office, the question of the nature of the effect of the repeal of section 3 (d) was thoroughly explored. It was generally concluded that military bases other than Elmendorf Air Force Base and Fort Richardson military reservation which would be annexed to the Greater Anchorage Area Borough under HB 790, would remain part of the Unorganized Borough until such time that the boundaries of the organized borough surrounding them were changed to annex them in a manner provided by law. At least the agency's reasoning on this point was that, subsequent to incorporation of the organized boroughs listed in the mandatory Borough Act and in 1966 the Local Boundary Commission held public hearings and made recommendations to the Alaska State Legislature to conform the election district boundary descriptions to metes and bounds criteria. This action was taken, apparently, under authority vested in the Commission at AS 07.10.125 (Boundary Adjustments). This statute was enacted as section 7, ch 52, SLA 1963 and provided for Local Boundary Commission public hearings and subsequent recommendations to the Legislature

Memo to:
Attorney General Havelock

-2-

April 21, 1972

to adjust organized borough boundaries. These boundary adjustments which are recommended by the Commission to the Legislature would become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by resolution concurred in by a majority of the members of each house.

Of the organized boroughs incorporated mandatorily, only the Fairbanks North Star Borough jurisdiction was materially changed by the Local Boundary Commission in 1966. The original Fairbanks North Star Borough boundaries were those of the Fairbanks Election District No. 19 as designated in Section 3, Article 14, of the State Constitution. This election district encompassed the entire Tanana River drainage system from the Alaska/Canada Border, northwest to and including Fairbanks and immediate environs. The Commission's redefinition of the borough boundaries restricted the borough to approximately 40% of its original size. With respect to the other mandated boroughs, the Commission, by and large, merely conformed election district descriptions to metes and bounds criteria. The Kodiak Island Borough incorporated by local action in 1963 and consequently, the Commission did not have to subsequently readjust or redefine the borough boundaries. In other words, Commission action with respect to boundaries of boroughs other than the Fairbanks North Star Borough appears to constitute ministerial change rather than substantive change.

Accordingly, the argument may be made that with respect to those mandated organized boroughs whose boundaries the Local Boundary Commission did not significantly alter from those specified in the mandatory Borough Act would automatically include military base areas immediately upon the effective date of the repeal of section 3 (d) of Chapter 52, SLA 1963. Obviously, this argument is incapable of any substantial measure of support, particularly since the statutes do not draw a distinction between redefinition of boundaries for conformity with metes and bounds criteria and redefinition for the purpose of annexing or detaching territory.

Several other problems have been brought to our attention concerning the repeal of section 3 (d). The military reservation status, both the Wildwood Air Force Station and the Kodiak Naval Station will be terminated on or about July 1 of this year. Assuming that we are correct in saying that the repeal of section 3 (d) will not automatically annex military bases to organized boroughs surrounding them we are confronted with the problem of whether or not the Wildwood and Kodiak Naval Station will end up in the Kenai Peninsula and Kodiak Island Boroughs, respectively, should House Bill 790 be enacted into law. As you know, the Air Force is de-activating the Wildwood Communications Station and the Department of the Navy is relinquishing the Kodiak Naval Station to the Department of Transportation, U. S. Coast Guard. Under the provision of section 3 (d), Wildwood and the Kodiak Naval Station will become parts of the

Memo to:
Attorney General Havelock

-3-

April 21, 1972

respective boroughs surrounding them at the time when their military status is terminated. The unfortunate result which would take place with the repeal of section 3 (d) would be that these areas would remain outside of their respective organized boroughs until the Local Boundary Commission or the Legislature provided for their inclusion.

We suggest that the question (if there is one) be resolved by repealing only subsections 2 and 3 of section 3 (d) of Chapter 52, SLA 1963. This will allow enactment of House Bills 790 and 791 without disturbing the relationships and events occurring in the other organized boroughs.

BIM:SJS:pak

cc: The Honorable Mike Miller
Chairman, House Local Government Committee

The Honorable John Rader
Chairman, Senate Local Government Committee

City of Anchorage

MEMORANDUM NO. 3456

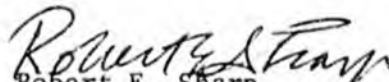
TO Files

DATE: April 24, 1972

FROM: City Manager

SUBJECT: H B 791- Education Powers on Military
Reservations-

Mr. Brown of Representative Begich's office called on April 21, 1972 and advised that Mr. Begich had checked out the above bill with U. S. Office of Education Officials. These officials said they had no objections to the bill.


Robert E. Sharp
City Manager

RES:al

cc: Chairman Miller, House Local Government Committee
Chairman Rader, Senate Local Government Committee

May 10, 1972

Mr. Robert E. Sharp
City Manager
City of Anchorage
P. O. Box 400
Anchorage, Alaska 99510

Dear Bob:

Just a short note to send you a copy of the enclosed
which I received from Colonel Castle.

All the best.

Sincerely,

Mike Miller, Representative
District Four (Juneau)

enc: Letter from Colonel Castle

cc: Local Affairs Agency

HEADQUARTERS, ALASKAN COMMAND

APO SEATTLE 98742



REPLY TO
ATTN OF: JA

8 MAR 1972

SUBJECT: House Bill 790 and House Bill 791

TO: Honorable Mike Miller, Chairman
House Local Government Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Mr. Miller

Mr. Robert E. Sharp, City Manager of Anchorage, forwarded to Lieutenant General Robert Ruegg, Commander in Chief, Alaskan Command, the readopted Council Resolution 32-R-72 adopted on 18 April 1972. The inference to be garnered from his letter to you was that the readoption would alleviate any disagreement the Commander in Chief had with the proposed annexation.

The Commander in Chief appreciated the expression of good faith by the City Council of Anchorage, but he would like to reiterate that this Resolution resolves only the potential problems involving the City of Anchorage. It would not, however, resolve any difficulties with the Borough and would not preclude a potentially disagreeable situation arising in other areas of the State of Alaska where military reservations are located in the proximity of inhabited areas.

As I expressed to your committee, the Commander in Chief does not favor annexation. However, with suitable safeguards contained in the legislation, he would not oppose annexation.

Sincerely

A handwritten signature in cursive script, reading "A. Castle", is written over the typed name.

ARNOLD C. CASTLE
Colonel, USAF
Staff Judge Advocate



May 10, 1972

Mr. Robert E. Sharp
City Manager
City of Anchorage
P. O. Box 400
Anchorage, Alaska 99510

Dear Bob:

Just a short note to send you a copy of the enclosed
which I received from Colonel Castle.

All the best.

Sincerely,

Mike Miller, Representative
District Four (Juneau)

enc: Letter from Colonel Castle

cc: Local Affairs Agency

HEADQUARTERS, ALASKAN COMMAND

APO SEATTLE 98742



REPLY TO
ATTN OF: JA

9 APR 1972

SUBJECT: House Bi'll 790 and House Bill 791

TO: Honorable Mike Miller, Chairman
House Local Government Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Mr. Miller

Mr. Robert E. Sharp, City Manager of Anchorage, forwarded to Lieutenant General Robert Ruegg, Commander in Chief, Alaskan Command, the readopted Council Resolution 32-R-72 adopted on 18 April 1972. The inference to be garnered from his letter to you was that the readoption would alleviate any disagreement the Commander in Chief had with the proposed annexation.

The Commander in Chief appreciated the expression of good faith by the City Council of Anchorage, but he would like to reiterate that this Resolution resolves only the potential problems involving the City of Anchorage. It would not, however, resolve any difficulties with the Borough and would not preclude a potentially disagreeable situation arising in other areas of the State of Alaska where military reservations are located in the proximity of inhabited areas.

As I expressed to your committee, the Commander in Chief does not favor annexation. However, with suitable safeguards contained in the legislation, he would not oppose annexation.

Sincerely

A handwritten signature in cursive script, appearing to read "A. Castle".

ARNOLD C. CASTLE
Colonel, USAF
Staff Judge Advocate





International

Polar air crossroads of the world

CITY OF ANCHORAGE



ALASKA

POST OFFICE BOX 400
ANCHORAGE, ALASKA
99510

April 19, 1972

Honorable Mike Miller, Chairman
House Local Government Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Mike:

The City Council passed and approved Resolution 32-R-72 on April 17, 1972. A copy of this resolution is enclosed.

Resolution 32-R-72 readopts Resolution 68-R-70 which was passed by Council in December 1970. Resolution 68-R-70 was enacted after consultation with the Military and it provides the record of intent of the City of Anchorage in the event that Elmendorf Air Force Base and Fort Richardson Military Reservation are annexed to the City of Anchorage. The Council readopted Resolution 68-R-70 to clarify for the benefit of the Alaska Command and subordinate Commands as to whether or not Resolution 68-R-70 is still in force and effect. You may recall that Colonel Castle, in testimony on House Bill 790 and House Bill 791 at the hearing before the joint Local Government Committees on April 17, 1972, raised some question in this regard because the annexation is being effected by passage of the above bills rather than by a report of action of the Local Boundary Commission. Although we feel that the procedure employed has no bearing whatsoever upon the effectiveness of Resolution 68-R-70, the City of Anchorage decided to readopt the resolution to remove any and all doubt. It is requested that Resolution 32-R-72 be made part of the permanent records of the Local Government Committees.


We urge prompt, favorable consideration of the passage of House Bill 790 and companion House Bill 791 annexing certain military reservation lands to the City of Anchorage. Passage of these bills will carry out the original action of the Local Boundary Commission in approving the annexation of these lands when the report of this Commission's action to the Legislature was



Honorable Mike Miller
April 19, 1972
Page 2

delayed to permit the State Administration to investigate the effect, if any, of the annexation on Federal school impact funds. House Bill 791 resolves all doubt concerning this matter, and under the terms of the bill the State Department of Education would continue to be responsible for the on-base schools although it could contract such operations with the local districts. I understand negotiations are now underway for such a contract.

Sincerely yours,


Robert E. Sharp
City Manager

RES:AFR

Enclosure

cc: Members, House Local Government Committee
Base Commander, Elmendorf Air Force Base
Post Commander, Fort Richardson
City Attorney
Commander in Chief, Alaskan Command
Hon. William A. Egan
Local Affairs Agency

CITY OF ANCHORAGE, ALASKA
RESOLUTION NO. 32-R-72

A RESOLUTION OF THE CITY OF ANCHORAGE, ALASKA, CONCERNING JURISDICTION OVER THE ADJACENT MILITARY RESERVATIONS IN THE EVENT OF ANNEXATION.

WHEREAS, the City of Anchorage initiated action in 1970 to annex certain areas (hereinafter referred to as military reservations) of Elmendorf Air Force Base and Fort Richardson military reservations through the Local Boundary Commission; and

WHEREAS, the Commission approved the annexation of these military reservations; and

WHEREAS, Commission notification to the Legislature during the first ten days of this session was withheld at the request of the state administration to permit clarification of the effect of such annexation on federal school impact funds; and

WHEREAS, the state administration has introduced in the Alaska Legislature, House Bill No. 790 to accomplish the annexation to the City of Anchorage originally contemplated by the Commission, as well as to annex portions of these military reservations to the Greater Anchorage Area Borough; and

WHEREAS, the state administration has also introduced in the Alaska Legislature a companion bill, House Bill No. 791, prohibiting boroughs from exercising the education power in areas having military reservation status, unless exercise of such power is approved by the Department of Education; and

WHEREAS, it is the desire of the Council of the City of Anchorage, in view of the modification in the original proceedings to accomplish this annexation, to readopt Resolution No. 68-R-70 of the City of Anchorage to assure all concerned that the prior action applies in the circumstances of the procedure now being employed to annex military reservations.

NOW, THEREFORE, THE CITY OF ANCHORAGE RESOLVES:

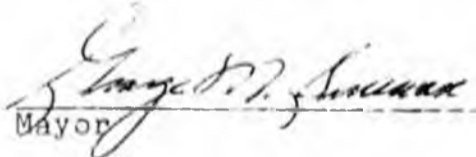
Section 1. Resolution 68-R-70 passed and approved on

the 22nd day of December, 1970, a copy of which is attached hereto and made a part hereof, is hereby readopted.

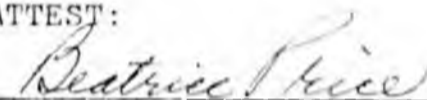
Section 2. The Council directs the City administration to file copies of this resolution with the House and Senate Local Government Committees of the Alaska Legislature and the Local Boundary Commission of the State of Alaska as part of the record of the annexation proceedings to show the intent of the City of Anchorage in regard to this annexation of the military reservations.

Section 3. Publication of this resolution shall be made by posting a copy thereof on the City Hall Bulletin Board for a period of ten (10) days following its passage and approval.

Passed and approved by the City Council of the City of Anchorage, Alaska, this 18th day of April, 1972.



Mayor

ATTEST:


City Clerk

CITY OF ANCHORAGE, ALASKA
RESOLUTION NO. 68-R-70 *

A RESOLUTION OF THE CITY OF ANCHORAGE, ALASKA, CONCERNING THE JURISDICTION OVER THE ADJACENT MILITARY RESERVATIONS IN THE EVENT OF ANNEXATION.

WHEREAS, the City of Anchorage is seeking to annex certain areas (hereinafter referred to as "military reservations to be annexed") of the Elmendorf Air Force Base and Fort Richardson military reservations in Alaska; and

WHEREAS, the City recognizes the federal function, purpose and control of these military reservations; and

WHEREAS, the City deems it in the best interest of the City to avoid any disputes over the applicability of City ordinances on the military reservations; and

WHEREAS, in seeking annexation of the military reservations to be annexed it is not the intent of the City to levy any ad valorem taxes on any property within the military reservations to be annexed, nor is it the intent of the City in the military reservations to be annexed to levy any poll, sales, use, license, or regulatory tax upon military property, upon military or military connected activities, or upon activities or property of military dependents; and

WHEREAS, the City understands that the United States Government on behalf of the military reservations concerned would continue not to have any opposition to such annexation if the City were not to levy the aforesaid taxes; and

WHEREAS, in establishing any differential taxation area, comprised solely of the military reservations to be annexed, further State or City legislative changes may be necessary, and the City intends to pursue the necessary legislative changes, if any, in order to permit the establishment of such a differential taxation within the military reservations to be annexed to the extent they remain Federal property; and

WHEREAS, as used above the terms "taxation" and "taxes" are intended to include, but not necessarily be limited to, any ad valorem, use, sales, regulatory, poll or licensing tax or fees:

NOW, THEREFORE, THE CITY OF ANCHORAGE RESOLVES:

Section 1. The City will seek to insure that no tax, whatsoever, is levied by the City within the military reservations to be annexed to the extent the military reservations to be annexed remain federal property, on property located on the military reservations to be annexed, nor on military or military connected activities, nor on property or activities upon the military reservations to be annexed of military dependents resident upon such reservations.

Section 2. That the City will hereafter enact no tax, or any type, applicable to the military reservations to be annexed to the extent that they remain federal property.

Section 3. That the City will hereafter enact no ordinance regulating military activities or military connected activities or activities upon the military reservations to be annexed of military dependents resident upon the reservations unless such regulation is expressly authorized by federal law.

Section 4. That no existing City ordinance or administrative regulation, or subsequently adopted ordinance or regulation, will be enforced on the military reservations without prior approval of the installation commander concerned.

Section 5. That the City will not revoke or declare this resolution invalid without first taking appropriate action to nullify any annexation to the City of the military reservations to be annexed.

Section 6. The City Council directs that this Resolution be filed with the State of Alaska Local Boundary Commission as part of the record in the annexation proceedings to show the intent of the City as to taxation upon property within the military reservations to be annexed.

Section 7. Publication of this resolution shall be made by posting a copy thereof on the City Hall Bulletin Board for a period of ten days following its passage and approval.

Passed and approved by the City Council of the City of Anchorage, Alaska, this 22nd day of December, 1970.

George M. Scollina
Mayor

ATTEST:

[Signature]
City Clerk



International

Polar air crossroads of the world

CITY OF ANCHORAGE



ALASKA

POST OFFICE BOX 400
ANCHORAGE, ALASKA
99510

April 19, 1972

Colonel Arthur H. Hughes
Commanding Officer
Elmendorf A. F. Base
Alaska 99506

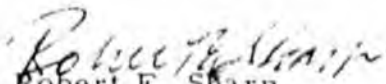
Dear Colonel Hughes:

I am enclosing copies of my letters of April 19, 1972 to the Chairmen of the House and Senate Local Government Committees of the Alaska Legislature. These letters transmit Resolution 32-R-72 of the City of Anchorage which readopts Resolution 68-R-70 passed in December 1970.

The purpose of passage of Resolution 32-R-72 is to clarify the fact that the City's original intent in regard to Elmendorf Air Force Base and Fort Richardson remains unchanged although the current method of annexation will be through legislative enactment rather than the procedure prescribed through the Local Boundary Commission. The effect of annexation remains the same regardless of the procedure used. However, to remove any doubt, we have asked Council and they have readopted, in Resolution 32-R-72, the resolution that was worked out between the military and the City of Anchorage in 1970.

If you should have any questions on this matter, please advise me.

Sincerely yours,


Robert E. Sharp
City Manager

RES:AFR
Enclosure

cc: House and Senate Local Government Committee
City Attorney





International

Polar air crossroads of the world

CITY OF ANCHORAGE



ALASKA

POST OFFICE BOX 110
ANCHORAGE, ALASKA
99510

April 19, 1972

Colonel John T. Turner
Commanding Officer
Fort Richardson, Alaska 99505

Dear Colonel Turner:

I am enclosing copies of my letters of April 19, 1972 to the Chairmen of the House and Senate Local Government Committees of the Alaska Legislature. These letters transmit Resolution 32-R-72 of the City of Anchorage which readopts Resolution 68-R-70 passed in December 1970.

The purpose of passage of Resolution 32-R-72 is to clarify the fact that the City's original intent in regard to Elmendorf Air Force Base and Fort Richardson remains unchanged although the current method of annexation will be through legislative enactment rather than the procedure prescribed through the Local Boundary Commission. The effect of annexation remains the same regardless of the procedure used. However, to remove any doubt, we have asked Council and they have readopted, in Resolution 32-R-72, the resolution that was worked out between the military and the City of Anchorage in 1970.

If you should have any questions on this matter, please advise me.

Sincerely yours,


Robert E. Sharp
City Manager

RES:AFR
Enclosure

cc: House and Senate Local Government Committees
City Attorney



File

TELETYPE

RCA TELETYPE SERVICE, INC.

JUNEAU, ALASKA 99901
JUN 6 11 8 27

RECEIVED FROM

ANCHORAGE, ALASKA

REP NIKO MILLER

JUN

EFFECTIVELY CORRECT YOUR ADDRESS IN YOURS 46792 AND

46791 OUT OF COMMUNITY

MILWAUKEE CITY COUNCIL

File

LB 635 PJ

TELETYPE UNIT
ANCHORAGE ALASKA
JUNEAU A 00001

1972 APR 11 PM 6 29

AL367

AFA016 PDF

ANCHORAGE ALASKA 11 410P AST

REP MIKE MILLER

JIN

REQUEST JOINT HEARINGS HOUSE AND SENATE LOCAL GOVERNMENT
COMMITTEES ON HOUSE BILL 790 AUTHORIZING ANNEXATION
OF ELMENDORF AND FORT RICHARDSON TO THE CITY OF
ANCHORAGE SUGGEST AFTERNOON OR EVENING OF APRIL 17 1972
MAYOR CITY ANAGER CITY ATTORNEY AND OTHER CITY ADMINISTRATIVE
STAFF WILL PLAN TO PRESENT TESTIMONY ALSO REQUEST STATE
ADMINISTRATION BE INVITED TO TESTIFY AT SAME TIME PLEASE
ADVISE

ROBERT E SHARP CITY MANAGER CITY OF ANCHORAGE

790 17 1972

(18).

TELETYPE NO. 789-4051
TO Mrs M.
1207
[Signature]
D. L.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

WILLIAM A. EGAN, GOVERNOR

POUCH K — STATE CAPITOL
JUNEAU 99801

May 2, 1972

Byron I. Mallott, Director
Local Affairs Agency
Pouch AB
Juneau, Alaska 99801

Re: Military Bases - Inclusion
in Boroughs

Dear Mr. Mallott:

You have asked for our opinion on the affect of repeal of section 3(d) of chapter 52, SLA 1963. The question arises in connection with HB 790 and HB 791 which provide for annexation of Fort Richardson and Elmendorf AFB to the City and Borough of Anchorage. Section 3 (d) provides that enumerated military bases are excluded from the boroughs established by chapter 52, SLA 1963 until such time as the bases lose their military status.

In particular, you ask whether the repeal would cause all of the named bases automatically to become part of the boroughs in which they are located or whether repeal would simply remove the prohibition against inclusion in the borough. Under the latter interpretation, the base areas would remain unorganized until such time as the Boundary Commission specifically included them in the boroughs.

In our opinion, repeal of section 3(d) alone, without other legislative action, would automatically make the bases part of the surrounding boroughs. Section 3(d) is a specific exception to section 3(a) which incorporates eight boroughs within eight designated election districts. Removal of the exclusion would simply leave the boroughs as described in section 3(a) without any special treatment for military areas.

In our view, changes to the boundaries of the original boroughs do not affect this result. The possibility of boundary changes by Boundary Commission action is always present with respect to any borough. A boundary change does not affect the basic identity of the boroughs created under section 3(a).

Byron I. Mallott, Director

May 2, 1972

- 2 -

As summarized in 82 CJS Statutes, Section 384 p. 901:

An amended Act is ordinarily to be construed as if the original statute had been repealed, and a new and independent Act in the amended form had been adopted in its stead; or, as frequently stated by the courts, as far as any action after the adoption of the amendment is concerned, as if the statute had been originally enacted in its amended form.

Accordingly, we believe that if the intent of the legislature is to permit immediate annexation of Fort Richardson and Elmendorf Air Force Base to the City and Borough of Anchorage, but not to include other bases in their respective boroughs, only subsections 2 and 3 of section 3(d) 52 SLA, 1963 should be repealed.

To make the legal effect of the repeal clear beyond doubt, we also suggest the following amendment to section 3(a)(4) of chapter 52, SLA 1963:

- (4) Anchorage Election District #8, including Fort Richardson Army Base (base proper) and Elmendorf Air Force Base (base proper).

Sincerely,

JOHN E. HAVELOCK
ATTORNEY GENERAL

BY: *Richard W. Garnett III*

Richard W. Garnett III
Assistant Attorney General

RWG:fw

Mike

Billis :

1. Precedent
2. Political "balance" (conservative vote)
- 3
4. Loss of 874 funds
5. Staffing - stop to further review

Neil Parker :

1. wants to spend more per case

Jim G

1 / 6

UNITED STATES of America,
 Plaintiff,
 v.
 CITY OF BELLEVUE, NEBRASKA,
 et al., Defendants.
 Civ. No. 63267.

United States District Court,
 D. Nebraska.
 Nov. 2, 1971.

Action by United States to enjoin enforcement of a city ordinance purporting to annex Offutt Air Force Base and Capehart Housing Area, both of which consisted of lands owned by the United States. The District Court, Richard E. Robinson, Chief Judge, held that the purported annexation was invalid as a matter of Nebraska law because undertaken solely for revenue purposes and that in any event the interests of the United States in providing for the national security without interference by individual states or their political subdivisions, outweighed any interests of the city of Bellevue, Nebraska, in acquiring the territory encompassed by the base and the housing area.

Permanent injunctive relief granted.

1. United States ⇨3

United States exercises exclusive legislative jurisdiction over that portion of real estate known as Offutt Air Force Base. U.S.C.A.Const. art. 1, § 8, cl. 17.

2. United States ⇨3

City of Bellevue, Nebraska had power and authority to annex both air force base, over which United States exercised exclusive legislative jurisdiction, and housing area which, although owned by United States, remained subject to legislative jurisdiction of state of Nebraska, and such power included power to tax and regulate in both areas to extent permitted by Congress. U.S.C.A.Const. art. 1, § 8, cl. 17.

331 F.Supp.—56

3. Courts ⇨260.4

Where basic principles of Nebraska's law of annexation were well established, and court discerned no "special circumstance" calling for application of abstention doctrine, court would not, in proceeding by United States for injunction, abstain from determining legality of annexation of lands owned by United States. U.S.C.A.Const. art. 1, § 8, cl. 17; R.R.S.Neb.1943, §§ 16-117 to 16-121.

4. Municipal Corporations ⇨33(9)

United States had no standing to contest validity of city's annexation of alleged agricultural lands which United States did not own and in which it had no interest, though, but for such annexation, lands of United States would not be lands contiguous to city, subject to annexation as such. R.R.S.Neb.1943, § 16-117.

5. Municipal Corporations ⇨29(3)

That city's annexation of lands owned by United States allegedly constituted "patent gerrymandering" did not establish invalidity of such annexation. R.R.S.Neb.1943, §§ 16-118 to 16-121.

6. Municipal Corporations ⇨33(9)

Where court could not say that it was impossible for city to provide to inhabitants of annexed housing area those benefits required by Nebraska statute to be provided by city within one year after annexation, action contesting annexation on ground of such impossibility was premature. R.R.S.Neb.1943, § 16-120.

7. Municipal Corporations ⇨29(3)

Where sole purpose of city's ordinance annexing air force base and housing area owned by United States was to increase city's revenue, annexation was invalid under Nebraska law. R.R.S.Neb. 1943, §§ 16-117 to 16-121.

8. United States ⇨3

Interests of United States in providing for national security without interference by individual states or their political subdivisions outweighed any in-

PLEASE NOTE: REFER TO YOUR LAW LIBRARY TO READ THIS
 OPINION IN ITS ENTIRETY. VOLUME 334 OF THE FEDERAL SUPPLEMENT, PAGE 381

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Yellow - 1000-1500
Green - A.D.W.
Blue - A.T.B.
Red - 1000-1500



4-17-72

Don Berry, EA, AML

Robert

Mendes

Ed } LAA
Don }

Sue, son

Rader

Frank Sharp City, Mex

Chance

Paul Stone

Col. Castle, rep

Collette

Brook

General Gregory

~~Andrew~~

~~Ed Baker~~

Bob Sharp

HR 790 - rep. Millington & Co - ✓

HR 791 - ✓

HR 792 - ✓

HR 793 - ✓

HR 794 - ✓

HR 795 - ✓

HR 796 - ✓

HR 797 - ✓

HR 798 - ✓

HR 799 - ✓

HR 800 - ✓

HR 801 - ✓

HR 802 - ✓

HR 803 - ✓

HR 804 - ✓

Lid Clark -
- - - - -

drugs - Cash 1000 -
- - - - -

Geo. Sullivan
Manager

3980 1 1/2 - 1000 - 2 1/2
1 1/2 - 1000 - 2 1/2
2 1/2 - 1000 - 2 1/2
2 1/2 - 1000 - 2 1/2

2000 3000 4000 5000

due

2000.00 - 1000 -

307
15

T. L.

John Spencer, Ancho City Atty.

Des Sullivan - Mayor

Earl H. Schmen, Deputy Chief of Police Ancho.

Sid Clark, Public Works Director, G.A.A.B.

STATEMENT OF THE CITY OF ANCHORAGE IN
SUPPORT OF THE PASSAGE OF HOUSE BILL NO. 790,
RELATING TO THE BOUNDARIES OF THE CITY OF
ANCHORAGE AND GREATER ANCHORAGE AREA BOROUGH;
AND COMPANION HOUSE BILL NO. 791 RELATING TO
EDUCATION POWERS ON MILITARY RESERVATIONS

April 17, 1972

House Bill No. 790 provides for the annexation of all of Elmendorf Air Force Base and Ft. Richardson Military Reservations to the Greater Anchorage Area Borough and a portion of these reservations to the City of Anchorage. Companion House Bill No. 791 would reserve education powers on military reservations to the State unless delegated to local districts by the Alaska Department of Education.

The City of Anchorage, following constitutional and statutory provisions governing annexations petitioned the Local Boundary Commission in 1970 for the annexation of all of the military reservations not currently in the City limits, and certain lands on the northwest shore of Knik Arm. The Commission approved in early 1972 a portion of the petition, which is displayed on a map at this hearing and described in House Bill No. 790, and reserved its decision on the balance of the area contained in the petition. Just before the Commission's decision was to be reported to the Legislature during the first ten days of this session the State Administration asked the Commission to hold up the report so a check could be made on the effect the annexation might have on so-called "P. L. 874" federal school impact funds. The Commission complied with the request and recently the Attorney General issued an opinion on the matter. The Attorney General did not directly address the matter of school funds but indicated legal problems connected with a city being in both an organized borough and an unorganized borough. Since this opinion was issued the State Administration has introduced H. B. Nos. 790 and 791 to clear legal problems the Attorney General discussed in his opinion earlier this

year. Since the legislation proposed will accomplish the annexation of the area to the City of Anchorage that the Commission originally approved, any discussion of differing legal views would serve no purpose at this time.

The City of Anchorage in 1970 had a population of 48,029, according to the U. S. Bureau of Census. Of this total 6,544 resided on Elmendorf Air Force Base. The portion of Elmendorf and Ft. Richardson Military Reservations to be annexed to the City under H. B. No. 790 had a population of 16,769 in 1970. Combined the City/Bases population as of the 1970 census totaled 64,778. The last official estimate of the City on July 1, 1971 was 50,556. No current estimate of the population on Elmendorf and Ft. Richardson has been made, but it is probably slightly lower than 1970. Incidentally, the portion of the City which is part of Elmendorf Air Force Base Military Reservation was part of the original incorporation of the City of Anchorage in 1920, a period of almost 52 years ago.

The City of Anchorage appreciates the economic activity generated by Elmendorf and Ft. Richardson. At the same time these bases have a direct impact on City governmental services and costs. The majority of local revenues are from property taxes and these bases are outside the City's taxing jurisdiction and the federal properties are tax exempt. Federal impact funds, with which the State Administration was properly concerned, are available for only school impact. However, P. L. 874 clearly recognizes the financial impact military and other federal establishments by their tax exempt status have on local and state governments. The annexation of these bases would be advantageous to the City in the receipt of State shared revenues which are computed on a per capita basis. Based on the 1970 census of the area to be annexed, the following tabulation reflects the State shared revenues affected:

Police Protection	@	\$10.00	X	16,769	=	\$167,690
Fire Protection	@	5.00	X	16,769	=	83,845
Parks & Recreation	@	5.00	X	16,769	=	83,845
Transportation Services	@	5.00	X	16,769	=	<u>83,845</u>
<u>Total</u>						<u>\$419,225</u>

We are completely convinced the City of Anchorage is entitled to the increased State shared revenues which would result from this annexation. We will later discuss not only the impact in the State shared revenue areas of service but other governmental services affected by the military establishment.

This is the age of rapid change in technology and defense and diplomatic strategy and other changes which have and can affect every military base in Alaska. Recent announcements reducing Naval forces at Kodiak, Air Force personnel at Wildwood, and Army forces throughout Alaska are clear evidence of the vulnerability of any Alaskan military base to not only reductions in force but deactivation. It is clearly in the State, and local interest, to annex all Alaskan military bases to the nearby cities. It is next to impossible to convert military installations to private use on a timely basis to avoid great economic voids without having a local government immediately available to supply police, fire, street, building, and a host of other governmental services necessary for a civilian community. If annexation and advance planning is done great adverse economic impact can be avoided or minimized in communities adjacent to major military installations. There is no reason why bases being curtailed in strength and adjacent communities cannot cooperate through annexation in the joint utilization of major facilities. Such facilities could include docks, airports, public buildings, recreation areas, and a host of other facilities for which compatible use plans could be mutually agreed upon by the

parties. It is no longer tenable for the federal government to over and under utilize a public facility on the one hand and on the other make federal grants to partially finance the same type facility in the same community. This is particularly true of docks and certain type airports. This is not to suggest the military mission should not remain paramount. It does suggest the possibility of much closer cooperation, joint use of facilities, and cooperative service agreements to permit both the military and civilian communities to better and more economically accomplish their respective missions and responsibilities.

Police protection is one of the most important local government services provided by the City, and the military bases have a great impact on this service and its cost. The City of Anchorage's 1972 budget for Police services (exclusive of Greater Anchorage Area Borough contract services in Spenard Service Area) totals \$2,686,550 (plus a pay adjustment not included in original budget) and authorized personnel totaling 153. For a City of 50,000 population both the amount and manpower employed is at least double what a City of comparable size in the other states would be spending unless surrounded by military bases and highly urbanized areas similar to the City of Anchorage situation. The Deputy Chief of Police, Earl Hibpshman, will present detailed testimony which will clearly demonstrate the military impact on all functional areas of the Police Department. After extensive research by Chief Hibpshman and staff officers it is conservatively estimated that departmental costs alone allocatable to military impact will total well over \$3~~00~~0,000 a year. When you consider related expenses of prosecution, court, legislative and general administration the total would be still higher. This total is far in excess of increased State shared revenue which would result from this annexation for police protection.

The Traffic Engineering Department works closely with the Police Department. Chief Hibpshman will display maps showing the main entrances to Elmendorf and Ft. Richardson along with traffic volumes and traffic desire lines. The policing

of the daily movement of thousands of motor vehicles through the City to these bases is only one element of the military impact. Most all of these access routes are near or over capacity. Exhaustive engineering effort has and is going on to try to find the solution to the highway access to these bases. The City is spending thousands of man hours each year in its engineering, public works, property management and other City Administration personnel time working with State and Borough personnel trying to solve this problem. In the meantime, extraordinary street and traffic maintenance efforts are being expended to move the traffic as safely as possible to and from these bases.

The Port of Anchorage had the only dock standing in Southcentral Alaska after the disastrous 1964 Alaska earthquake. The important role played by this facility in the recovery period has continued to be as equally important in providing a regular but vital transportation service at reduced costs to shippers and consumers in particularly Southcentral and Central Alaska. Over 200,000 people benefit from this transportation facility. This relatively new transportation facility is still being developed both physically and financially. Although great progress has been made it is still supported substantially by Anchorage City taxpayers. This facility is of great benefit to the military bases. Sixteen (16) per cent or 300,000 tons of cargo destined for the two military bases crossed the docks in 1971. Landings for 1971 included five large tankers and twenty-eight (28) barges carrying P.O.L. products and seventy-four (74) vessels carrying general cargo. After all port revenues had been expended, the City general fund, largely supported by property taxes, paid \$2,094,000 during the period 1967-1971 in principal and interest on General Obligation Bonds issued to build the Port of Anchorage. In 1972 the debt service to be paid from the General Fund will amount to over \$400,000. At a time when port revenues are becoming available for transfer to the General Fund the increased cargo requires an outlay of over \$15 million in the next few years to add both P.O.L. and general cargo berths and related facilities. The benefit of

this facility is not limited to the military bases but to a much wider area of Alaska, including parts of Central, Northwestern and Southcentral Alaska. The City feels the increased State shared revenues from among the bases is justified. In addition there is justification under the State shared revenue program to include in the calculation the population of the area served by the Port of Anchorage which totals some 200,000 people.

This figure is broken down as follows:*

Greater Anchorage	123,631
Matanuska-Susitna	6,425
Fairbanks (two census districts)	48,171
Kenai-Cook Inlet	14,053
Kodiak	<u>9,235</u>
<u>Total</u>	<u>201,515</u>

*Source: TAMS Engineering Report, October, 1970.

We would urge this Committee and the Legislature to give serious consideration to amending the State shared revenue program to include all people served in cases of this kind.

Merrill Field is another transportation facility owned and operated by the City which is open to military personnel, and it is used by flying clubs from both bases. However, this usage constitutes an impact of less than five per cent of the over 250,000 or more operations a year.

The City and Elmendorf water systems are interconnected on Government Hill to provide back-up in case of a conflagration in the City or on the base. This intertie was made in the early 1950's. At about the same time a mutual aid fire agreement was entered into and cooperative fire service efforts have continued in the 20 years or more since the initial agreements. The City's Class 3 fire rating adequately demonstrates the excellent water system and Fire Department back-up provided through

the mutual and cooperative agreements mentioned.

The City of Anchorage spends annually over \$1.3 million in operations and maintenance of its Department of Parks and Recreation facilities and programs and almost \$0.5 million on capital improvements. These facilities and programs are open to everyone, and they are used by everyone in the entire Greater Anchorage Area. The enclosed copy of the 1972 Spring-Summer program exemplifies this program which is so important to living in this area. It will be noted that most facilities and activities are free, and when charges are made they are nominal and normally designed to recover part of the direct out-of-pocket type costs normally recovered in this manner. Total revenues are insignificant compared with the budget.

Until this year, the City was the only agency in the area with a comprehensive Parks and Recreation program open to the general public. This is the reason the City's budget is almost double per capita for a City of this size. Records are not maintained of all visitors or participants. However, department supervisors thoroughly familiar with the facilities' use and recreation program estimate an over-all military impact of ten (10) per cent, with team sports ranging up to thirty (30) per cent. The military are very much a part of the civilian community.

Demand on the Parks and Recreation facilities continue to mount each year. The City will consider this year on funding another long-range capital improvement program. A bond proposition of substantial amount will probably be placed before the voters at the General Municipal Election in October of this year since the prior authorization has been used.

The impact of military bases on contiguous or adjacent cities has been recognized. The federal school impact funds is an example already cited. A number of states, including California and Washington as examples, recognize the impact and have authorized or permitted annexation of military bases so state shared programs of these cities could be increased to at least partially offset the impact on local property taxes. The City of Anchorage feels the Alaska Legislature should

adopt a similar policy. Therefore, we urge the prompt passage of H.B. No. 790 and the companion education measure, H.B. No. 791.

SWIMMING
(Summer)

WEST HIGH POOL

Instruction 9 am - 12 Noon
Recreation Swim 1-10 pm

ADMISSION

Children (under 18) \$.50
Adults 1.00
Instruction (10 lessons) 5.00

* * *

GOOSE LAKE

Recreation Swim 11 am-8 pm
Admission Free



GOLF

RUSSIAN JACK SPRINGS PARK

9 Holes -- Astroturf Tees and Greens

Playing Hours - 7 am-10 pm
For information concerning
Green Fees, contact Parks and
Recreation Office 274-2525 or
the Golf Course 333-9595.



SEASON TICKETS AVAILABLE

GREENHOUSE

RUSSIAN JACK SPRINGS PARK

Open Daily 8 am-4 pm
Open Weekends 8 am-4 pm

ANCHORAGE

HISTORICAL AND FINE ARTS MUSEUM

Permanent exhibits of archaeological, ethnological and historical materials illustrate the prehistoric, Russian and American periods in Alaska, and historic and contemporary native art. Temporary art exhibitions change monthly.

Summer Exhibitions-1972

June - Festival of Native Arts
July - Contemporary Sioux Indian
Painting

August - Alaska's Vanishing Totems

Summer Hours (Memorial Day to Labor Day)

Tuesday thru Saturday: 9 am-8 pm
Sunday: 1 pm-5 pm
Monday: Closed

CITY OF ANCHORAGE
PARKS AND RECREATION DEPARTMENT

STATEMENT OF MISSION: To fulfill the basic need of the community for Park and Open Space lands in accordance with City Council established standards, the Parks and Recreation Department is charged with the responsibility to plan, acquire, develop, improve and maintain such land. Contingent upon these five responsibilities is the added obligation of administering a comprehensive, diversified, all-age, year around program of active and passive recreational activities.

HISTORY: The City Council, in 1948, established an Improvement District encompassing the entire City and an Advisory Board of Parks and Playgrounds. The first operations under the direction of this Board were conducted by a single Playground Supervisor. Further action by the City Council in 1953 created a Parks and Recreation Advisory Board and a Parks and Recreation Department, then comprised of only the Director and one other employee. From this nucleus has grown the present system encompassing over 1,400 acres valued at approximately \$35.8 million and operated by over 100 permanent and temporary employees plus a varying number of enrollees from several Federal Manpower Programs.

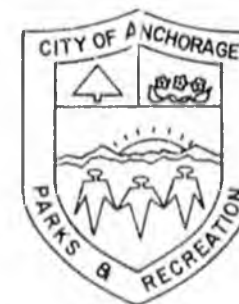
OPEN INVITATION: The Parks are yours to enjoy; with your considerate use they will become even more beautiful for future generations. Participate in the activities presented, as they are for your recreation and the enrichment of the Anchorage way of life.

B. W. Creighton, Director
Parks and Recreation Dept.



Invitation
to
Leisure

Spring - Summer
1972



SUMMER PLAYGROUND PROGRAMS

Theme: "American Heritage"
June 13, 1972 to August 11, 1972. The following locations will have supervised recreation for youngsters ages 6 through 12, Monday through Friday:
10 a.m. to 12 noon - 1 p.m. to 4 p.m.

Airport Heights School
2765 East 16th Avenue

Fairview School
1327 Nelchina Street

Inlet View School
1219 N Street

Rogers Park School
1400 E. Northern Lights Blvd.

Mt. View Recreation Center
Peterkin and Price Streets

Turnagain School
3500 W. Northern Lights Blvd.

Williwaw School
712 South Bragaw Street

1 p.m. to 5 p.m. only

Government Hill Recreation Center
Loop Road and Harvard Drive

Central Recreation Center
10th and E Streets

TEEN CENTERS

Youth entering junior high or older are welcome to attend a teen center at the following locations Monday through Friday. Dances are held at various times and Centers.

2 p.m. to 5 p.m. and 6 p.m. to 10 p.m.

Wendler Junior High School
2905 Lake Otis Parkway

Clark Junior High School
150 South Bragaw Street

Romig Junior High School
3600 Minnesota Drive

6 p.m. to 10 p.m. only

Government Hill Recreation Center
Loop Road and Harvard Drive

Central Recreation Center
10th and E Streets

Tues-Sat 3 p.m. to 11 p.m., Closed Sun & Mon.

Community Center
6th and G Streets (Basement)

SPECIAL PROGRAMS

"Concerts In The Park"
9th & O St (Delaney Park)

Wednesday, June 7, 8-9 p.m.
U. S. Army Alaska Band and
Alaskan Air Command Band

Wednesday, June 14, 8-9 p.m.
Alaskan Air Command Band

Wednesday, June 21, 8-9 p.m.
U. S. Army Alaska Band

Wednesday, June 28, 8-9 p.m.
Alaskan Air Command Band

Wednesday, July 5, 8-9 p.m.
U. S. Army Alaska Band

Wednesday, July 12, 8-9 p.m.
Alaskan Air Command Band

Wednesday, July 19, 8-9 p.m.
U. S. Army Alaska Band

Wednesday, July 26, 8-9 p.m.
Alaskan Air Command Band

Wednesday, August 2, 8-9 p.m.
U. S. Army Alaska Band

Wednesday, August 9, 8-9 p.m.
Alaskan Air Command Band

Wednesday, August 16, 7:30 - 9 p.m.
"Grand Finale" - U. S. Army Alaska Band &
Alaskan Air Command Band.

Second Annual Children's Parade. Wednesday,
August 9, 6:30 p.m. Theme: "American Heritage".
Open to all children. Call Parks & Recreation
Department 274-2525 Ext. 365 for information.

Baton Twirling: Classes to be scheduled. Call
Susan Shrieve, 865-3152 or Lyia Bonney, 272-3970
for information.

Art Classes: Instruction in charcoal, polymer
acrylics, oil and pastel. Call Robert Hayes,
344-6408 for information.

Tap Dancing: Call Susan Shrieve, 865-3152
for information.

Adult and Teen Ballroom Dance: Call Jerry Neerin,
279-2224 for information.

Guitar Lessons: Call Mary Wagner, 277-6804
or Wayne Mason, 272-2892 for information

SUMMER ATHLETICS

BASEBALL

Anchorage Baseball Club, Inc. - Glacier Pilots
Mulcahy Park, 16th and Cordova Street
June 1, to July 15. For schedule and ticket
prices call 274-3627.

Boy's Club - American Legion - Sports Complex
Diamond #1, Monday through Friday.

Boy's Club - Babe Ruth - Lake Otis Parkway,
9th & B Street, Sports Complex Diamonds #3 and
#4, Monday - Friday, June 1 through summer.

Little League - 16th & E Street, Nichols,
Tikishla and Lynary, Monday through Friday,
May through July.

SOFTBALL

May 15, through summer at Delaney Park.
Women's Fastpitch - Diamond #1 (9th & C) Mon-Fri
Women's Slowpitch - Diamond #1 (9th & C) Mon-Fri
Men's Fastpitch - Diamond #2 (9th & E) Mon-Thur
Men's Slowpitch - Diamond #3 (9th & F) Mon-Fri
Men's Slowpitch - Diamond #4 (9th & G) Mon-Fri
Men's Slowpitch - Diamond #5 (9th & H) Mon-Fri
Men's Slowpitch - Diamond #2, Sports Complex
Monday - Friday

SOCCER

Anchorage Soccer Association, May 15 through
Summer
Delaney Park (9th & L) Tues-Thurs.
Anchorage Stadium (16th & Cordova St.) Mon-Fri
Buttress Area (3rd & B) Junior Soccer, Mon-Fri

TENNIS

Municipal Courts - 9th & C, Sports Complex,
Goose Lake and Lynary Parks. Lessons to be
scheduled. Call Parks & Recreation office
274-2525, Ext. 365 for information.

GYMNASIUM

Community Center, 6th and G Street.
Monday through Friday, 8 a.m. to 11 p.m.
Saturdays, 1 p.m. to 11 p.m.
Sunday - Closed.

The Parks and Recreation
Department cooperates with
many organizations to aid
in presenting and coordinating
an all-age diversified pro-
gram for the citizens of
Anchorage.

Statement by Earl W. Hibpslman
Deputy Chief
Anchorage Police Department

IN SUPPORT OF HOUSE BILL 790 - ANNEXING PORTIONS OF ELEMENDORF AIR FORCE BASE
AND FORT RICHARDSON MILITARY RESERVATION TO THE CITY OF ANCHORAGE

Date of Hearing - April 17, 1972

The Anchorage Police Department's authorized strength is one hundred, thirty-four (134) personnel. The following is an outline of our manpower distribution within our organization:

Administration	Three (3) Officers One (1) Secretary One (1) Clerk
Jail	One (1) Officer One (1) Warden Six (6) Jailers Five (5) Matrons
Records & Communications	Six point five (6.5) Officers Two (2) I D Technicians Eight (8) Record Clerks Fifteen (15) Communication Clerks
Traffic	Ten (10) Officers Six (6) Meter Maids
Training & Community Relations	Two (2) Officers
Patrol	Forty-two point five (42.5) Officers
Juvenile	Three (3) Officers
Investigators	Fifteen (15) Officers
Service Section	Four (4) Warrent Officers Two (2) Clerks

In addition to the above, the City of Anchorage contracts with the Greater Anchorage Borough to supply Police services for the Spenard Service District, which lies adjacent to the city on the south. The Spenard Service area operating budget is \$706,740, and the function is manned by thirty-two (32) Officers.

The percentages which are dealt with in this document are only those of the City of Anchorage and do not reflect percentages of the Spenard Contract Budget.

In preparing this document, I have personally directed research to be done and have contacted the various Field Commanders reference to the needed material.

Deputy Chief Hibpshman
House Bill 790
Page two

The Anchorage Police Department is charged with the enforcement of Federal, state, and local statutes within the corporate limits. At this time the military does not furnish twon patrols for the city.

The Anchorage Police Department furnishes information and assistance to the military as requested; but the control of military, off base, is the responsibility of the Anchorage Police Department.

Th military bases are situated very close to the city, and in the case of Elemendorf, the city and base have a common boundary. Two of the main roads leading from the base lead directly into the central business district and the distances are short. The distance from Elemendorf Government Hill into the central business district is 1.6 miles and the distance from the Post Road route into the central business district is 2.3 miles.

The central business district of the city is attractive to many of the young men from both military bases. Located here are the shops and bars and businesses that attract them. Many of these young men, as young men everywhere, seek pleasure and excitement.

Wherever there are concentrations of men there is also a concentration of those elements of society who seek to peddle their wares or take all they can from the men.

Patrol Commanders estimate that on week nights, thirty (30) per cent of the persons in the central business district are military, on a regular weekend night, fifty (50) per cent are military and on a weekend following a military payday, as high as eighty (80) per cent are military.

This central business district is by far the highest crime rate area of the city, and certainly the high concentration of military personel is a major contribution factor. This is not to say that the soldiers and airmen are committing all of this crime. To the contrary, on many occasions they are victims of crimes: however, regardless of who is the victim or the perpatrator, this area demands a great concentration of Police equipment and manpower.

Primarily, two of the Patrol shifts are affected and these are the afternoon and night shifts. The standard Patrol assignment breakdown allots two (2) uniform Patrol vehicles primarily to the central business district area, and one footpatrol to the central business district. On payday weekend nights, one additional footpatrol is assigned. In addition to the Patrolmen, the shift supervisor watches this area as often as possible. This is not the only place where military go, but it is by far, the greatest concentration. When we compare this concentrated effort with other military related contacts throughout the city, we estimate that fifteen (15) per cent of our uniformed Patrol function is military related.

Deputy Chief Hibpshman
House Bill 790
Page three

The military men also comprise the highest percentage of those who are the contacts with prostitutes and they, therefore, are the most frequent victim of assaults and rollings committed by those persons. A recent study was made to determine the percentage of military involved in those incidents. This study shows that thirty (30) per cent of these incidents involve military personel.

In the area of drugs, there is no way to determine what percent of military use some type of drugs. There are estimates that the percentage run somewhere near ten (10) per cent, and this estimate is by investigations working in the field. Another factor is that of those using drugs most are obtaining them from contacts within the city and most of these contacts are made in the city. Therefore, the Police drug effort is determined at ten (10) per cent of the function.

In the area of Police contacts with citizens, research shows that the Anchorage Police make personal contacts on the average of one hundred (100) persons per day, of which twenty-nine (29) are military related. Contacts with persons are only part of the Police function, so this does not mean that twenty-nine (29) per cent of the work is military. It only means that that portion of the work dealing with personal contact is found to be twenty-nine (29) per cent. This, when the Record Section is considered, constitutes an estimated fifteen (15) per cent of the Records function.

When we consider jail costs, we arrive at the figure by finding the percentage of total arrests which are known to be military. This examination shows that 5.9 per cent of those arrested are military.

It is estimated that fifteen (15) per cent of the communications costs is military related.

Another support section is training and community relations, where again, the percentage is estimated at fifteen per cent (15).

In the area of Police investigations, our research reveals fifteen (15) per cent of the overall function is directly related to military personel, either as subjects who have committed crimes, or as victims or witnesses of crimes.

Another area of Police concentration and cost is that dealing with moving and nonmoving traffic violations. A review of our records shows about ten (10) per cent of the total number are military. Figuring at ten (10) per cent of the total citations, we determined that during 1971, there were 15,600 nonmoving violations and 1,034 moving violations given to military personel. In researching the records of the traffic section, we found that nine point five (9.5) per cent of the DWI, accidents and traffic incidents, in these categories involved military personal.

The Juvenile Section costs is the most difficult to estimate. The percentage of military-juvenile dependant cases is estimated to be very small, at around two (2) per cent of the total. However, serious problems do frequently arrive because runaway or missing juvenile civilian females are frequently in contact with or assisted by military personel. It is only roughly estimated that the military contributes about five (5) per cent of the juvenile section functions.

Deputy Chief Hibpshman
House Bill 790
Page four

The Warrant Section is that function dealing with service of traffic warrants, subpoenas and summonses, on those persons who fail to appear relating to traffic violations. It is estimated that ten (10) per cent of these documents are directed toward military.

The Administrative time costs which can be contributed to the military is estimated at ten (10) per cent.

The combined Police Department costs only as related in this document amounts annually to \$306,306.

The Anchorage Police Department does now, and has always had, excellent relations with the offices of the Provost Marshalls, Service Police and Investigative Units, and Military Intelligence, on the local military bases. The primary problems arise from young men being away from home. Some of these commit crime and many become the victims of crimes. This, in turn, generates a major Police function.

Cost tabulations are furnished on a separate sheet for your consideration.

Earl W. Hibpshman
Deputy Chief
Anchorage Police Department

EWH/nla

* COL. CASTLE Representing Gen. Ruess (?)

- Unless resolution comes from legislators (similar to AAC res), military opposes,
- Military sees no ~~advantage~~ advantage to arm action.
- Similar federal case in Washington, Court does not grant remedy.
- For veterans, some are in military medical history.
- Subj. call for law that tax a contractor. (Ex. - some tax on contractors, perhaps on the public contract.)
- Subject P opposition to military activities.

OXON ABBOTSINGTON -

✓ 18M ...
 5450M to AAC
 55/97M to BORO

* SUB PLAN - AAC BORO - expenses unless capturing but could benefit.