

HB

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14B66

January 14, 1977

The Honorable Hugh Malone  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill relating to the community legal assistance fund (AS 44.47.200 - 44.47.230). This bill will permit the Department of Community and Regional Affairs, using funds from the community legal assistance fund, to contract directly with the Department of Law to provide direct legal assistance to eligible communities or regions in the limited areas of ordinance codification and statutory interpretation when that interpretation is not related to litigation in which the eligible community or region is a party.

The bill is designed to remedy a deficiency in the existing community legal assistance program. Existing statutes do not permit community legal assistance funds to be expended for general legal work such as ordinance codification and statutory interpretation. Review of the program during FY 1976 showed that most of the applications received requested this kind of assistance. As a result, only two applications (seeking legal costs for developing ordinances related to specific, unique situations) were approved. The amendments in this bill will permit community legal assistance funds to be used for the limited purposes of ordinance codification and statutory interpretation not related to litigation, the two areas of eligible communities' greatest need, while continuing to provide for retention of private attorneys to handle specific problems as originally contemplated.

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

TO: [ Palmer McCarter, Director  
Local Government Assistance

DATE : August 10, 1976

FROM: David Jensen *Dave*  
Local Government Specialist

SUBJECT: Proposal for amending 44.47.200

Throughout the past year we have administered the Community Legal Assistance Grant Program. The program somehow seems appropriate in concept but proves difficult in application to real situations.

As you know we have approved only two applications for legal assistance. Both applications were for legal costs in developing an ordinance or ordinances related to specific situations. Most inquiries for information on the program have been in the nature of requests for ordinance codification or code development. (See attached summary) We have held the view that general ordinance writing, code development and codification are functions common to all cities and hence general legal work. Clearly the grant fund does not allow for us to take any other viewpoint. If we were to grant funds for general ordinance work we would soon exhaust the funds available and serve only a handful of cities.

Since the majority of requests are for general ordinance development perhaps we should consider a means to accomodate the requests. As I mentioned earlier we cannot give grants to each city requesting ordinances without quickly exhausting the grant fund. Private attorneys are asking approximately \$75.00 per hour.

I suggest that an attorney hired for the specific purpose of writing ordinances would be far more cost effective than contracting with private attorneys.

I envisage a program where we could hire an attorney (part-time or full-time) who could write ordinances as requested by cities. I believe there are sufficient funds to hire an attorney and still leave funds available for grants for "exceptional" circumstances.

I am attaching a proposed legislation that would, I believe, allow a change in the existing program to accomodate requests for ordinance writing at a cost the fund will bear.

DJ/ajr  
Attachments (2)

RECEIVED  
AUG 12 1976

DEPT OF COMMUNITY  
AND REGIONAL AFF. 136

INQUIRIES

By Phone

Wasilla  
Alaska Court System

Nature

General ordinances  
General ordinances

By Correspondence

Pelican  
Metlakatla  
Whittier  
Kotlik

Codification of ordinances  
General ordinances  
Codification of ordinances  
Hire an attorney to charge former  
council for misuse of funds  
Study AVEC contract for legality  
Land dispute  
Land dispute - management of  
2nd class city

Shageluk  
Akolmiut  
Tunurak

Applications (rejected)

Klawock  
Kawerak  
Arctic Village

Develop zoning ordinances and  
tax ordinances  
Study justice system in region  
and develop ordinances  
Negotiate transfer of BIA  
services to village

Applications (~~pending~~) approved

Kodiak Area Community Development  
Corporation

Specific Ordinances for Kodiak  
area cities

Applications (approved)

Anderson \$5,000  
McGrath \$5,000

Develop watershed ordinance  
Land transfer and ordinance  
development

approved  
Kupreanof \$5000 - Land title probs.

## Article 6. Community Legal Assistance

### Section

- 200. Community legal assistance fund
- 210. Eligibility
- 220. Grants
- 230. Regulations

Sec. 44.47.200. Community legal assistance fund. There is created in the Department of Community and Regional Affairs the community legal assistance fund. From legislative appropriations to the fund, the department may make grants to eligible communities and regions for the purpose of enabling them to obtain legal assistance. The department may hire an attorney on a permanent or part-time basis for the purpose of providing direct legal assistance to eligible communities and regions.

Sec. 44.47.210. Eligibility. First and second class cities and un-incorporated villages, and regional associations of those communities, may apply to the department for legal assistance under §200 of this chapter. Legal assistance shall be made only to those communities or regions that would otherwise be unable to obtain legal assistance. No regional or village corporation formed under the Alaska Native Claims Settlement Act (P.L. 92-203) is eligible for legal assistance under §200 of this chapter.

Sec. 44.47.220. Community Legal Assistance. Legal assistance made under §200 of this chapter shall be for a single legal project and not for the provision of general legal counsel. The department shall assure that any grant made is spent for necessary legal assistance and that appropriate accounting procedures are maintained. Grants may not exceed \$20,000.00.

Sec. 44.47.230. Regulations. The department shall adopt regulations to carry out the purpose of §§200-220 of this chapter.

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
524 WEST SIXTH AVENUE, SUITE 204  
ANCHORAGE, ALASKA 99501  
TELEPHONE 272-9431

RECEIVED  
AUG 16 1976  
DEPT. OF COMMUNITY  
AND REGIONAL AFFAIRS

August 12, 1976

Honorable Lee McAnerney  
Commissioner  
Department of Community and Region Affairs  
Pouch B  
Juneau, Alaska 99801

Dear Commissioner McAnerney:

I have had several conversations with you and David Jensen concerning the Community Legal Assistance program. I would like to outline my thoughts concerning a possible change in the present legislation, which I believe, would make the program more responsive to village needs and provide for a better and more efficient use of the funds.

As it is presently established, the Community Legal Assistance Grant Fund enables first and second class cities and unincorporated villages and regional associations of those communities to apply to the Department of Community and Regional Affairs for grants to enable the community to obtain legal counsel for general legal assistance. One of the main objectives of this legislation was to make funds available to communities for legal counsel to assist them in the development of ordinances and assist them with establishment of viable local governments. As you know, this was a recommendation of the delegates to the Bush Justice Conference held in Minto, in 1974. The specific recommendation is as follows: "That the Department of Community and Regional Affairs should provide attorneys residing in regional villages and help them codify their customary and traditional laws."

Recent conversations with you and Dave Jensen indicate you have contemplated amending the program to enable the Department to hire at least one, and possibly two, attorneys to work on a permanent or part-time basis for the purpose of providing direct legal assistance to eligible communities and regions. We believe this would be a good thing and support your efforts so long as no substantive changes are made in the existing law.

Our reasons are twofold: First, representation of cities, the development of municipal ordinances and establishment of local governments is a highly specialized area of the law.

It requires a great deal of research and familiarity with municipal law, administrative law, and revenue sharing to do this. As the program is presently set up, successful grant applicants hire attorneys to do this work for them. There is no assurance that the attorneys they might hire have experience or expertise in the field, on intimate knowledge of the community. Should the Department have attorneys on staff with the responsibility for this, they could develop model ordinances based on their research and experience much easier and with less attorney time involved than attorneys lacking knowledge or background in this field. Attorneys working in your department would also have the advantage of being able to call on people in your department who have considerable experience working with rural communities, and a great deal of familiarity with their special needs. They would also be able to assist the staff attorneys in bridging the cultural and language gaps that occur when working with Native villages in Alaska.

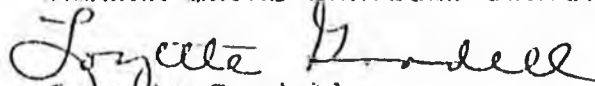
The second reason for our support of your proposal is that although Alaska Legal Services has been asked many times to perform this legal work for villages, and we recognize the great need of the communities for this help, we are unable to do so because of potential conflict situations. Our Board has established that our priorities for providing legal assistance are to low income individuals, and although we frequently do provide assistance to groups which meet our income guidelines, the Board has determined that it could pose conflict situations should we become the attorney of record for villages and small rural cities.

For these reasons I believe it would be an improvement of the current program for your department to have attorneys on staff who have the capability and responsibility for providing this assistance. It would be a much more efficient method for providing this much-needed assistance and I believe more communities would be served as a result. One problem with the present grant program is that many communities who need this help are unaware of the program, and even if they are aware, there are no people in the community sufficiently skilled to make the application. The change you propose could help bridge that gap also.

Alaska Legal Services supports this program, and if we can do anything to assist you with its implementation, please let me know. If we can provide further information, please contact me.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION



Loyette Goodell  
Executive Director

LG/lag

cc: David Jensen