

HB

797



Alaska State Legislature

House of Representatives

Committee on

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

Community & Regional Affairs

BILL NUMBER AND TITLE: HB 797 Reclassification of Home Rule Cities

ORIGINAL SPONSOR: Branson
RECEIVED FROM: _____

OTHER SPONSORS: _____
FURTHER REFERRALS: _____

HEARING DATE: 3/21/80

Teleconference with Anch., Fbks.,
Valdez, Ketchikan, Sitka

MEMBERS PRESENT:	Bill Parker	X	Pat Carney	
	Margaret Branson	X	Charlie Parr	X
	Pat O'Connell		Fred Zharoff	X
			Ray Metcalfe	X

Charlie LaPage. City Council Member, Valdez/Box 830, Valdez 99686
Support HB 797. Has two questions:

1. p. 3 Lines 10,11 Assumes that the charter of the home rule city would become the charter of the unified municipality -What about provision for a new or transitional charter? This is not addressed.
 2. P. 3 Lines 25-29 This section seems to make moot the intent of the legislation as the unified municipality could be included in a borough at some later date.
- Parr - Asks if this isn't really annexation? Cites p. 3 lines 25-29.

LaPage points out that Valdez has discussed the situation with Cordova and agreed that it would be difficult for them to be together. Provides for a one-step conversion to a home rule municipality.

Parr- Again asks what the difference is between home rule borough and unified municipality and home rule city with annexed areas? Would have to provide services to annexed areas.

LaPage- Unified city/borough would be the best situation.

Parr- Isn't the issue that the pipeline revenues are at stake?

COMMITTEE ACTION: No action.

TAPE # SIDE _____ Footage _____

(b) If a proposed charter is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at a regular or special election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

Effect of amendment. — The 1972 amendment, effective July 1, 1972, substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in paragraph (2) substituted "Department of Community and Regional Affairs" for "Local Affairs Agency" in paragraph (2) of subsection (a).

Sec. 29.13.080. Charter amendment. A municipal charter may be amended as provided in the charter or by initiative referendum as provided in AS 29.28.060—29.28.110, except that no amendment shall be effective unless ratified by the voters. (§ 2 ch 118 SLA 1972)

Article 2. Home Rule Limitations.

Section

100. Limitation of home rule powers

Sec. 29.13.100. Limitation of home rule powers. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.13.080 (charter amendment)
- (2) AS 29.18.140 (borough transition)
- (3) AS 29.23.020—29.23.050 (city representation and vote on borough assembly)
- (4) AS 29.23.250(a) (election and term of mayor)
- (5) AS 29.23.540 (prohibitions respecting appointment and removal of personnel)
- (6) AS 29.23.560 (municipal reports)
- (7) AS 29.23.580 (meetings public)
- (8) AS 29.28.010, 29.28.020(b) — 29.28.030 (municipal elections)
- (9) AS 29.28.130—29.28.250 (recall)
- (10) AS 29.33.010(b) (areawide borough powers)
- (11) AS 29.33.290(c) (acquisition of additional areawide powers)
- (12) AS 29.43.020—29.43.040 (powers of cities outside boroughs)
- (13) AS 29.48.033 (garbage and solid waste services)
- (14) AS 29.48.035(b) (effect of areawide exercise of borough power)

- (15) AS 29.48.035(c) (borough building code jurisdiction within cities)
- (16) AS 29.48.037 (extraterritorial jurisdiction)
- (17) AS 29.48.040—29.48.100 (utilities)
- (18) AS 29.48.180 (codification)
- (19) Repealed by § 8 ch 147 SLA 1972, effective September 10, 1972.
- (20) AS 29.48.210 (expenditure of borough revenue)
- (21) AS 29.48.220 (post audit)
- (22) AS 29.53.010—29.53.350, 29.53.400 (borough and city property tax)
- (23) AS 29.53.415(d) (interest on sales tax)
- (24) AS 29.58.180(b) (security for bonds)
- (25) AS 29.58.315 (bond attorneys, bond and financial consultants)
- (26) AS 29.68.010 (annexation and exclusion)
- (27) AS 29.68.030—29.68.110 (merger and consolidation)
- (28) AS 29.68.500—29.68.580 (dissolution)
- (29) AS 29.73.020 (eminent domain)
- (30) AS 29.73.030 (adverse possession)
- (31) AS 29.73.040 (taxation of municipalities)
- (32) AS 29.73.050 (municipal name changes)
- (33) AS 29.23.555 (conflict of interest). (§ 2 ch 118 SLA 1972; am §§ 2, 8 ch 147 SLA 1972)

Revisor's note (1972).—In ch. 118, SLA 1972, AS 29.48.035(b) was omitted from the list in AS 29.13.100. Since, by its own terms, it applies to home rule municipalities, it has been included here as AS 29.13.100(14); succeeding paragraphs (including the one added by § 2, ch. 147 SLA 1972)

have been renumbered. For specific discussion of AS 29.13.100, see 1972 House Journal, p. 1720 or 1972 Senate Journal Supplement No. 3, p. 3.

Effect of amendment. — The 1972 amendment, effective September 10, 1972, added paragraph (33) and repealed paragraph (19).

Chapter 18. Incorporation.

Article

1. Requirements (§§ 29.18.010—29.18.030)
2. Procedures (§§ 29.18.050—29.18.150)
3. Transitional Assistance (§§ 29.18.180—29.18.200)
4. Development Cities (§§ 29.18.220—29.18.460)

Article 1. Requirements.

Section

10. First class cities
20. Second class cities

Section

30. Organized boroughs

Sec. 29.18.010. First class cities. A community having 400 or more permanent residents may incorporate as a first class city. (§ 2 ch 118 SLA 1972)

C&RA

BILL WORK SHEET

BILL NO. ^{HB} 797 re Reclassification of Home Rule Cities

Received from _____
Referred to _____

Original Sponsor Denson
Fiscal Note _____

LAA Legal Research Contact _____

CONTACTS:

- *Valdez - Mark Lewis ✓
- Cordova - Perry Loretto ✓
- Strangell - Joyce Rasler, Clerk ✓ Four communities have messed out.
- Petersburg 772-4511 Jerry Van Vleet
- Elections - Patty Ann Palley re fiscal note
Official impact

Alaska State Legislature
**TELECONFERENCE
HEARINGS**



DATE 3/12/80

CONFIRMATION OF TELECONFERENCE

TO MARGE GORSUCH

FROM DEBORAH GAZAWAY

SCHEDULED DATE OF TELECONFERENCE 3/12/80

LOCATIONS ANCHORAGE - 1024 W. 6th

(Site, Room, etc.) FAIRBANKS - 101 College Rd., Bldg F, Rm 252
* KKen - 415 Main St., Rm 301

* SITKA - 210 LAKE ST

JUNEAU - CAPITOL BLDG, GOVERNOR'S CONFERENCE RM

TIME 1:30 PM.

SUBJECT HB 797

CHAIRMAN Rep. PARKER

NOTES * municipal officials from Haines + PETERSBURG WILL ATTEND
at either Sitka L.I.O. or Ketchikan L.I.O.

If any of the above information is incorrect or has changed since our last contact with you, please call the Juneau Teleconference Office ASAP.

Mailing Lists

Copy of Teleconference
Notice and copy of HB 797)

Cordova Times
PO 200
Cordova 99574

Petersburg Pilot
PO Box 9/30

Petersburg 99833

Valdez
Vanguard
PO Box 157

Valdez 99686

Strangell Sentinel
Box 798

Strangell 99929

KLAM

Cordova
Box 278
99574

KFSK - FM
Box 149
Petersburg 99833

KSTK - FM
Box 382
Strangell



Official Business

Alaska State Legislature

House of Representatives

Committee on

Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Rep. Margaret Branson
FROM: Rep. Bill Parker
RE: Teleconference HB 797
DATE: 3/14/80

Margaret,

Copies of HB 797 and the Teleconference notice have been forwarded to those on the attached mailing list.

Please let us know if you want any additional people contacted.

Mrs. Sheila Gallagher ^{ABC}
3201 " C" ST., Suite 201
Anchorage, Ak. 99503

Mr. Tom MOrhouse
Institute of Social/Ec
Research
707 A St. #206
Anchorage, Ak. 99501

Mr. Kenneth Van Brocklin
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mrs. Josephine Anderson
P.O. Box 351 ^{ABC}
Wrangell, Ak. 99929

Mr. James Nordale, Attorney
North Star Borough
P.O. Box 1267
Fbks., Ak. 99701

Mr. Hollis Henrichs
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Charles Bettisworth
Local Boundary Commission
P.O. Box 80299
Fairbanks, Ak. 99701

Mrs. Lisa Rudd
2827 Lore Road
Anchorage, Ak. 99507

M.C. Connie Taylor
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Sig Strandberg
Local Boundary Commission
7235 Blackberry St.
Anchorage, Ak. 99502

Dr. Lidiá Selkregg
P.O. Box 2217
Anchorage, Ak. 99510

Mr. Pete Isleib
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Ed Blantchford, Pres
Chugach Natives
903 W Northern Lights Blvd.
Anchorage, Ak. 99501

Mr. Lee Sharp
155 Soth Seward St.
Juneau, Ak. 99510

Ms. Jerry Van Vleck
Acting City Mgr.
P.O. Box 329
Petersburg, Ak. 99833

Mr. Barny Meyring
Philleo Engineering
129 Fbks. St.
Valdez, Ak. 99686

Mr. Tom Klinkner
900 W 5th Ave.
Anchorage, Ak. 99501

Mayor Richard Kito
P.O. Box 329
Petersburg, Ak. 99833

Mr. Jim Poor
Box 399
Cordova, Ak. 99574

Mr. Greg Machyowski
1220 Glacier
Juneau, Ak. 99801

Ms. Joyce Rasler
Clerk
P.O. Box 531
Wrangell, Ak. 99929

Mr. Perry Lovett
P.O. Box 1210
Cordova, Ak. 99574

Mayor Richard McCormick
P.O. Box 531
Wrangell, Ak. 99929

Mr. Richard Garnett, III
1342 W 12th Ave.
Anchorage, Ak. 99501

Mayor A.W. Hall
P.O. Box 1210
Cordova, Ak. 99574

Mr. Kenneth Mason
Council Member
P.O. Box 531
Wrangell, Ak. 99929

Mr. John Havelock
2024 Esquire Dr.
Anchorage, Ak. 99501

Mr. D. Narrance, Coucil
Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Robert Maxand
Council Member
P.O. Box 531
Wrangell, Ak. 99929

Mr. Vic Fischer
221 E 7th #204
Anchorage, Ak. 99501

Mr. Glenn Mast
Council Member
P.O. Box 1210
Cordova, Ak. 99574

Mr. Ken Bell
Council Member
P.O. Box 531
Wrangell, Ak. 99929

Larry Crawford
City Manager
Pouch 6-650
Anchorage, Alaska 99502

Mayor William R. Wood
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Paul Bear
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Willis Droz
City Manager
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Garry O'Conner
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Ms. Ruth Burnett
Council member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Fred Chiei
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Ted Lehne
Council Member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Rick Mystrom
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

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410 Cushman Street
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Mr. John Jaeger
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P.O. Box 307
Valdez, Alaska 99686

Mr. Ben March
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Mike Mikell
Council Member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Stephen McAlpine
Council Member
P.O. Box 307
Valdez, Alaska 99686

Mr. Dave Rose
Assemblyman
Pouch 6-650
Anchorage, Alaska 99502

Mr. Ron Punton
Council Member
410 Cushman Street
Fairbanks, Alaska 99701

Mr. Art Vergere
Council Member
P.O. Box 307
Valdez, Alaska 99686

Ms. Lidia Selkregg
Assemblyperson
Pouch 6-650
Anchorage, Alaska 99502

Mr. Robert Sunberg
Council Member
410 Cushman Street
Fairbanks Alaska 99701

Ms. Carol Maser
Assemblyperson
Pouch 6-650
Anchorage, Alaska 99502

Mayor Bill Walker
P.O. Box 307
Valdez, Alaska 99686

KRBD
2415 Hemlock St.
Ketchikan, AK 99901
Att: Carolyn Willingham

Name Nugget
P.O. Box 610
Nome, AK 99762
Att: Albro Gregory

Ketchikan Daily News
P.O. Box 7900
Ketchikan, AK 99901
Att: Ken O'Toole

KIFW
P.O. Box 229
Sitka, AK 99835
Att: Dave Selaski

Southeastern Log
P.O. Box 7900
Ketchikan, AK 99901
Att: Ken O'Toole

Sitka Daily Sentinel
P.O. Box 799
Sitka, AK 99835
Att: Thad Paulson

KMYT
P.O. Box 484
Kodiak, AK 99615
Att: Lin Stafford

KVOK
P.O. Box 53
Kodiak, AK 99615
Att: Loren Bridges

Kodiak Times
P.O. Box 631
Kodiak, AK 99615

Kodiak Daily Mirror
P.O. Box 1307
Kodiak, AK 99616
Att: Roger Brigham

KOTZ
P.O. Box 78
Kotzebue, AK 99752
Att: Brad Reeve

KICY
P.O. Box 820
Nome, AK 99762
Att: Ralph Fondell

KNOM
P.O. Box 988
Nome, AK 99762
Att: Tom Busch

KJZZ
338 Denali St.
Anchorage, AK 99501
Att: Bill Hampton

Anchorage Daily News
Pouch 6616
Anchorage, AK 99502
Att: Stan Abbott

KIAK
P.O. Box 73410
Fairbanks, AK 99707
Att: Peter Van Nort

KFQD
9200 Lake Otis
Anchorage, AK 99507
Att: Norma Herrin

Tundra Times
639 "I" St.
Anchorage, AK 99501

KJNP
P.O. Box 0
North Pole, AK 99705
Att: News Dept.

KANC
8819 Jewel Lake
Anchorage, AK 99502
Att: Shari Gilbert

The Valley Sun
Pouch M
Wasilla, AK 99687

KUAC
Univ. of AK
Fairbanks, AK 99701
Att: Phil Falkowski

KBYR
1007 W. 32nd Ave.
Anchorage, AK 99503
Att: Norma Goodman

The Chugiak-Eagle River
Star
Box 1107
Eagle River, AK 99577

Daily News Miner
P.O. Box 710
Fairbanks, AK 99707
Att: Dermot Cole

KENI
P.O. Box 1160
Anchorage, AK 99510
Att: Lynn Roberts

KYUK
P.O. Box 468
Bethel, AK 99559
Att: Carol Schatz

Tundra Times
410 2nd Ave.
Fairbanks, AK 99701
Attn: Editor

KHAR
3900 Old Seward Hwy.
Anchorage, AK
Att: Sandi Marsh

Tundra Drums
P.O. Box 868
Bethel, AK 99559
Att: Rosie Porter

KQOK
P.O. Box 950
Soldotna, AK 99669
Att: John Davidson

KYAK/KGOT
2800 E. Dowling
Anchorage, AK 99507
Att: Les Snow

KDLG
P.O. Box 670
Dillingham, AK 99576
Att: Bob King

KSRM
P.O. Box 950
Soldotna, AK 99669
Att: Jim Heim

KHVN
2607 Fairbanks
Anchorage, AK 99503
Att: Clay Shelton

Bay Advertiser
P.O. Box 224
Dillingham, AK 99576
Att: Dorothy Anderson

Peninsula Clarion
P.O. Box 1341
Kenai, AK 99611

KSKA
P.O. Box 1900
Anchorage, AK 99510

KFAR
P.O. Box 910
Fairbanks, AK 99707
Att: Phyllis Whitehead

Homer News
P.O. Box 254
Homer, AK 99603
Att: Tom Gibboney

Anchorage Times
P.O. Box 40
Anchorage, AK 99510
Att: Clint Andrews

KFRB
P.O. Box 950
Fairbanks, AK 99707
Att: Anne Spink

KTKN
P.O. Box 8500
Ketchikan, AK 99901

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 797
 Title An Act relating to the reclassification of home rule cities
 Requested by House Community & Regional Affairs Committee Date 3-18-80

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs
 Program Category Affected Development
 BRU, Program, or Subprogram(s) Affected Local Boundary Commission
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The agencies responsible for carrying out the tasks required by HB 797 are already in place and sufficiently funded. Reclassification by a home rule municipality to unified status would not, in itself, create any fiscal impact.

IV. DATE 3-18-80 PREPARED BY Palmer McCarter
 AGENCY Community & Regional Affairs
 PHONE 465-4707

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



ADOPTED AUGUST 1972

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381

March 19, 1980

Representative Bill Parker
Chairman, House Community & Regional
Affairs Committee
Pouch V
Juneau, Alaska 99811

Re: HB 797, Reclassification of Home Rule Cities

Dear Sir:

The City of Wrangell is a Home Rule City located outside an organized borough and are very concerned with any legislation which may affect us.

We support the concept of House Bill No. 797. Adoption of this legislation would provide us with a flexibility that is not now available. The Voters would have the option of reclassification if they should determine it would be beneficial to the community.

Very truly yours,

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

Joyce Rasler, CMC
City Clerk

cc: E. J. Haugen, Representative
Pete Melend, Senator
Dept. of Community & Regional Affairs
Alaska Municipal League

TELECONFERENCE HEARINGS



SUBJECT: HB 797 - reclassification of home rule cities

COMMITTEE: House C&RA

DATE: March 21, 1980

TIME: 1:30 p.m.

SITES PARTICIPATING: Anch, Fbx, Ktn, Jnu, Sitka

CONFERENCE MODE: Audio

LOCATION: Room 301, SOB

MODERATOR: Bonnie Potter

NOTES:

CONFIRMATION OF CONFERENCE

CENTER: yes

PUBLICITY:

Invitational -

	Date	Quantity
PSAs	<u>3/17/8</u>	<u>3</u>
News releases (local)	<u>Ktn Daily News</u> <u>KRBA</u> <u>KTKN</u>	<u> </u>
News releases (outlying media)	<u> </u>	<u> </u>
Direct mail	<u> </u>	<u> </u>
Phone contacts	<u> </u>	<u> </u>
Other:		

NUMBER IN ATTENDANCE 3
NUMBER TESTIFYING 0

TELECONFERENCE HEARINGS



Time - PACIFIC STANBARD

TELECONFERENCE CONTACT SHEET

TAKEN BY FRED/DEBORAH

TOPIC: HB 997 - 'Reclassification of home rule cities'

CONTACT MAR Gonsuch

PHONE 465-3824

COMMITTEE: H CRA

DATE SCHEDULED 3/6/80

DATE: 3/21/80 DAY: FRIDAY

LOCATION _____

TIME: 1:30 PM SCHEDULED DURATION: 2-3 hrs.

MODERATOR _____

SITES PARTICIPATING: ANCH; Fbx; KKAN; JNO; STKA

CONFERENCE MODE: Audio Video _____

PUBLICITY:

PERSONS PARTICIPATING

SITE

chair: RFP. PARKER

JUNEAU

Invitational

Committee making contacts

PSAs date quantity

News Release date quantity

Summary to be provided

Text to be provided

Quotes to be provided

Direct Mail date quantity

Phone date quantity

Post at Info. Office

Post other local locations

SPECIAL NOTES:

Final committee is contacting the municipal people of each area

JUNEAU LOCATION:

Gov.'s Conf. Rm.

POST-TELECONFERENCE NOTE:

Participants 0

Observers 0

Total 0

TELECONFERENCE HEARINGS



Please Print.
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME CHARLES F. LAPAGE

Here to Testify

REPRESENTING CITY OF VALDEZ

Here to Observe

MAILING ADDRESS Box 830 VALDEZ Zip 99686

TELEPHONE NUMBER 835 4451

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Charles F. Lepage
(signature)

EVALUATION: Have you participated in other legislative teleconferences? No If so, how many? _____

How did you learn about this hearing?

Would you have participated in this hearing if the network were not available? No

If yes, did you use the network
 instead of travel
 instead of phone conversations
 instead of mailed testimony?

Are you also providing written testimony? _____

DATE March 21, 1980 SUBJECT House Senate HB 797 LOCATION Valdez

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 797
 Title An Act relating to the reclassification of home rule cities
 Requested by House Community & Regional Affairs Committee Date 3-18-80

II. FISCAL DETAIL

Agency Affected Community & Regional Affairs
 Program Category Affected Development
 BRU, Program, or Subprogram(s) Affected Local Boundary Commission

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The agencies responsible for carrying out the tasks required by HB 797 are already in place and sufficiently funded. Reclassification by a home rule municipality to unified status would not, in itself, create any fiscal impact.

IV. DATE 3-18-80 PREPARED BY Palmer McCarter
 AGENCY Community & Regional Affairs
 PHONE 465-4707
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Article 5. Simultaneous
Incorporation and Unification

Sec. 29.68.620. SIMULTANEOUS INCORPORATION AND UNIFICATION AUTHORIZED. Notwithstanding other provisions of law relating to incorporation and unification, an area conforming to the standards set forth in A.S. 29.18.030, which contains one or more cities within its proposed boundaries, may simultaneously incorporate and unite to form a single unified municipality by complying with this chapter.

Sec. 29.68.630. SIMULTANEOUS INCORPORATION AND UNIFICATION TO BE PROPOSED BY PETITION OR RESOLUTION. Simultaneous incorporation and unification of an area shall be proposed by filing a petition with the Department of Community and Regional

Affairs conforming with the requirements of section 640 of this chapter, or by resolution of the council of a first class home rule city within the proposed unified municipality. Such a resolution shall present the proposition required in §640(a) of this chapter, include all information required by §640(c), and shall be presented to the Department of Community and Regional Affairs. Such a resolution may be adopted not more often than once every 12 months.

Sec. 29.68.640. PETITION REQUIREMENTS.

(a) The petition shall read:

"PETITION FOR ELECTION CONCERNING
SIMULTANEOUS INCORPORATION AND
UNIFICATION AND ELECTION OF
CHARTER COMMISSION TO PROPOSE
UNIFICATION CHARTER

We, the undersigned, qualified voters of the proposed unified municipality do hereby petition that the following proposition be placed before the voters within the proposed unified municipality as provided by law:

'Shall there be simultaneous incorporation of the area described as and formation of a charter commission (the charter commission members to be elected as elsewhere provided in this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the incorporated area and all cities within it as a single unit of home rule government having the powers,

duties and functions of a unified government as authorized by law?

Yes [] No []'

	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 within the proposed unified municipality who live outside of all first class and home rule cities in the proposed unified municipality equal to 25 per cent of the qualified voters who voted in the last general election; and

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

(c) The petition shall include all information about the proposed unified municipality which is required by A.S. 29.18.050.

Sec. 29.68.650. REVIEW. The Department of Community and Regional Affairs shall review the petition to determine whether it complies with §640 of this chapter. A deficient petition shall be immediately returned to the person who initiated it with a statement indicating which requirements have not been satisfied.

Sec. 29.68.660. INVESTIGATION AND CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the Department of Community and Regional Affairs that a petition meets the requirements of §640 of this chapter, the following actions shall be taken:

(1) the Department of Community and Regional Affairs shall comply with the provisions of A.S. 29.18.070 and A.S. 29.18.080(a), concerning the incorporation aspects of the petition or resolution;

(2) the Local Boundary Commission shall comply with the provisions of A.S. 29.18.080(b) and A.S. 29.18.090 concerning the incorporation aspects of the petition or resolution.

Sec. 29.68.780. ELECTION ON CHARTER.

(a) The proposed charter adopted by the charter commission shall be submitted to the voters at the election specified in §740 of this chapter. The Department of Community and Regional Affairs shall prepare the ballots for use in the election in the manner in which regular municipal elections are conducted. In addition, the Department of Community and Regional Affairs shall publish notice of the election by radio and television in a manner intended to apprise the entire proposed unified municipality population of the election.

(b) A person who is a qualified voter within the proposed unified municipality may vote in the election on the proposed charter.

(c) If a majority of the votes cast in the area of the proposed unified municipality outside all first class and home rule cities and a majority of the votes cast in the remaining area of the proposed unified municipality, 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:

the Department of Community and Regional Affairs. A copy with signatures affixed shall also be filed with the clerk of each city within the proposed unified municipality.

Sec. 29.68.770. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within 10 days after filing the proposed charter, the Department of Community and Regional Affairs shall have it published once in at least one newspaper having general circulation distributed within the proposed unified municipality, if there is a newspaper having general circulation distributed within the proposed unified municipality. In addition, the Department of Community and Regional Affairs shall have a copy of the proposed charter posted in at least three public places within each city of the proposed unified municipality and each area outside cities. Copies of the proposed charter shall be made available by the Department of Community and Regional Affairs to the public at both the office of the Department of Community and Regional Affairs and the office of the clerk of each city within the proposed unified municipality. The Department of Community and Regional Affairs 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 proposed unified municipality population of the existence of the proposed charter.

- (1) lieutenant governor;
- (2) commissioner of the Department of Community and Regional Affairs;
- (3) district recorder for the area of the unified municipality;
- (4) clerk of each city in the unified municipality.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit another proposed charter to the voters within the proposed unified municipality at a general election, or a special election called by the Department of Community and Regional Affairs, held within 120 days of the date of the first charter election. If the second proposed charter is also rejected, the Charter Commission shall submit a third proposed charter to the voters at an election called by the Department of Community and Regional Affairs and held within 120 days of the second charter election. If the third proposed charter is rejected, the Charter Commission shall be dissolved, and the question of simultaneous incorporation and unification shall be treated as if it had never been proposed or approved.

Sec. 29.68.790. ELECTION OF INITIAL OFFICERS AND EFFECT OF RATIFIED CHARTER.

(a) After ratification of the charter, nominations for initial officers of the unified municipality shall be made by petition in the form prescribed by the lieutenant governor which include the name and address of the nominee and a statement of the nominee that he is qualified under the provisions of this title for the office that he seeks. A person may file for and occupy more than one office, but he may not serve simultaneously as municipal mayor and as member of the municipal assembly or council. Petitions to nominate elected municipal officers must include the signatures and resident addresses of 50 voters in the area of the unified municipality, or that area of the unified municipality from which the officers are to be elected under the composition and apportionment set out in the accepted incorporation petition.

(b) Election of the initial officers shall occur within 90 days after ratification of the charter. The elected initial officers shall take office on the first Monday following certification of their election. The initial elected assembly or council members shall determine by lot the length of their terms of office so that a proportionate number of terms expire each year, resulting in staggered terms of office for members subsequently elected.

(8) designation of the new unified 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 state constitution.

(b) The area to be unified shall be known as a borough or a city or by some other designation consistent with existing law.

Sec. 29.68.750. PUBLIC HEARINGS. Both before and after drafting the proposed charter, the charter commission shall hold a public hearing in each area of the proposed unified municipality represented on the charter commission by the eight charter commission members who were not elected at large. Other public hearings may be held by the charter commission whenever and wherever it believes necessary and appropriate.

Sec. 29.68.760. 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

(1) provisions for adjustment of existing bonded indebtedness and other obligations in a manner which will reserve a fair and equitable burden of taxation for debt service, subject to §800 of this chapter;

(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 and administrator;

(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 A.S. 29.13.050;

(6) a method of amending the charter;

(7) the date on which the charter, if approved at the charter election required by §780 of this chapter, is effective;

(e) 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 Department of Community and Regional Affairs 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 shall be paid by the State.

Sec. 29.68.740. CHARTER PREPARATION.

(a) A charter commission established under this chapter shall prepare, adopt and submit a proposed home rule charter for the area to be unified to the voters for approval or rejection at an election called by the Department of Community and Regional Affairs and held within 60 days of the date of publication and posting of the proposed charter as required in §770 of this chapter. The charter shall include among its provisions:

candidates who received the highest number of votes from their respective areas shall serve as members of the commission.

Sec. 29.68.730. 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 constitutes 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 Department of Community and Regional Affairs.

(c) The election of charter commission members shall take place at the same time as the election on the question of simultaneous incorporation and unification. If the petition fails, no charter commission members are elected.

(d) An Alaska voter who has been a resident of the area within the proposed unified municipality for 30 days before the date of the election order may vote.

(e) The lieutenant governor shall supervise the election in the general manner prescribed by the Alaska Election Code (A.S. 15.05 - 15.60). The State shall pay all election costs under this section.

Sec. 29.68.710. REQUIREMENTS FOR APPROVAL OF SIMULTANEOUS INCORPORATION AND UNIFICATION. If a majority of the votes cast within the boundaries of the proposed unified municipality favors the proposition for simultaneous incorporation and unification, the proposition shall be approved.

Sec. 29.68.720. REQUIREMENTS FOR ELECTION OF CHARTER COMMISSION. If simultaneous incorporation and unification is approved, those charter commission

each of these areas shall be proportionate to the respective populations as determined by the Department of Community and Regional Affairs.

Sec. 29.68.700. ELECTION. (a) After accepting the petition or resolution for simultaneous incorporation and unification, and after the date fixed for receiving nominations for charter commission candidates, the Department of Community and Regional Affairs shall immediately notify the lieutenant governor of its acceptance of the petition. Within 30 days after notification, the lieutenant governor shall order an election in the proposed unified municipality to determine whether the voters desire simultaneous incorporation and unification of the proposed unified municipality. The election shall be held not less than 30 nor more than 90 days after the date of the election order.

(b) The ballot on the question of simultaneous unification and incorporation shall be worded exactly as provided in §640(a) of this chapter.

after notice of the call for nominations has been given by the Department of Community and Regional Affairs.

Sec. 29.68.680. 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 within the proposed unified municipality from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the Department of Community and Regional Affairs.

Sec. 29.68.690. 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 proposed unified municipality and 8 of whom shall be (1) residents of and elected from the area outside cities in the proposed unified municipality or (2) residents of and elected from a city or cities in the proposed unified municipality. The number representing

(3) if the Local Boundary Commission determines that the proposed municipality meets the standards for incorporation, it shall accept the petition or resolution and the Department of Community and Regional Affairs shall issue a call for the nomination of charter commission candidates, specifying the filing deadline and outlining the procedure described for making nominations under §670 of this chapter.

Sec. 29.68.670. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a) Charter commission candidates shall be nominated by a petition signed by at least 50 qualified voters of the area within the proposed unified municipality 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 general election, whichever is less.

(b) Nomination petitions shall be filed with the Department of Community and Regional Affairs on or before the date set by the Department of Community and Regional Affairs, which date shall not be less than 30 days

Sec. 29.68.650. REVIEW. The Department of Community and Regional Affairs shall review the petition to determine whether it complies with §640 of this chapter. A deficient petition shall be immediately returned to the person who initiated it with a statement indicating which requirements have not been satisfied.

Sec. 29.68.660. INVESTIGATION AND CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the Department of Community and Regional Affairs that a petition meets the requirements of §640 of this chapter, the following actions shall be taken:

(1) the Department of Community and Regional Affairs shall comply with the provisions of A.S. 29.18.070 and A.S. 29.18.080(a), concerning the incorporation aspects of the petition or resolution;

(2) the Local Boundary Commission shall comply with the provisions of A.S. 29.18.080(b) and A.S. 29.18.090 concerning the incorporation aspects of the petition or resolution.

duties and functions of a unified government as authorized by law?

Yes [] No []'

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 within the proposed unified municipality who live outside of all first class and home rule cities in the proposed unified municipality equal to 25 per cent of the qualified voters who voted in the last general election; and

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

(c) The petition shall include all information about the proposed unified municipality which is required by A.S. 29.18.050.

shall revise, repeal, or reaffirm all city ordinances, resolutions and orders in force within the unified municipality 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. 29.68.820. 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 cities shall remain in full force and effect with respect to a unified municipality organized under §§ 620 - 830 of this chapter.

Sec. 29.68.830. POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under §§ 620 - 830 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. 29.68.840. EFFECT. §§620 - 830 of this chapter do not modify the procedures for incorporation pursuant to §§29.18.050 - 29.18.150 or for unification pursuant to §§29.68.240 - 29.68.440.

(c) The ratified charter becomes effective on the same day that the elected initial officers take office and operates to dissolve all local governments within the area of the unified municipality in accordance with the charter.

Sec. 29.68.800. ASSETS AND LIABILITIES.

A municipality created by simultaneous incorporation and unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness or other debt 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 ordinance if the governing body determines that the asset for which the bonded indebtedness or other debt was incurred was used for the benefit of the larger area before unification, or is so used after unification. However, pre-unification bonded indebtedness or other debt for sewage collection systems, water distribution systems, and streets, even if determined to be used for the benefit of a larger area than that which incurred the debt, shall remain the tax obligation of the area which incurred the debt.

Sec. 29.68.810. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality