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CHAPTER 12. ALTERATION OF MUNICIPALITIES.

Article ^{uc} 1. CHANGE OF NAME.

Sec. 29.12.010. CHANGE OF MUNICIPAL NAME. (a) The governing body of a home rule or general law municipality may change the official municipal name by adopting an ordinance for the purpose and filing the ordinance with the office of the lieutenant governor. Upon receipt of a legally adopted ordinance ratified by the qualified voters voting on the question at a regular or special election, the lieutenant governor shall issue an appropriate order to the municipality changing its existing name. The name change shall become effective on a date fixed in the order and occurring within 45 days of receipt of the ordinance. A copy of the order shall be transmitted to the Department of Community and Regional Affairs.

(b) If an ordinance adopted under (a) of this section which results in an order changing the municipal name is subsequently repealed, the lieutenant governor shall issue a further order reinstating the former municipal name within 45 days of the date of the order, unless a different municipal name is adopted by ordinance transmitted to the lieutenant governor for implementation as provided in (a) of this section.

(c) When a municipal name change takes effect by means of an order issued under (a) or (b) of this section, civil or criminal suits, applications, petitions, hearings and other proceedings to which the municipality is a party and pending at or brought after the date the name change takes effect shall proceed in the name of the municipality as changed by the order.

Article ^{uc} 2. ANNEXATION AND EXCLUSION.

Sec. 29.12.040. LOCAL BOUNDARY COMMISSION. (a) The Local Boundary Commission may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first 10 days of any regular session. The change shall become effective 45 days after presen-

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1 tation or at the end of the session, whichever is earlier, unless disap-
2 proved by a resolution concurred in by a majority of the members of each
3 house.

4 (b) In addition to the regulations governing annexation by local
5 action adopted under AS 44.19.260, the Local Boundary Commission shall,
6 within 90 days of September 10, 1972, establish procedures for annexation
7 and exclusion of territory by cities and boroughs by local action. The pro-
8 cedures established under this subsection shall include

9 (1) a provision requiring that a proposed annexation and
10 exclusion must be approved by a majority of the voters voting on the question
11 residing within the area proposed to be annexed or excluded;

12 (2) provisions that municipally-owned property adjoining the
13 municipality may be annexed by ordinance without voter approval; and

14 (3) provisions that an area adjoining the municipality may
15 be annexed by ordinance without an election if all property owners and
16 voters within the area petition the assembly or council.

17 (c) A boundary change effected under (a) of this section prevails
18 over a boundary change initiated by local action, without regard to priority
19 in time.

20 Sec. 29.12.050. ANNEXATION OF MILITARY RESERVATIONS. A military
21 reservation may be annexed to a city or borough in the same manner as pre-
22 scribed for any other territory under Sec. 040 of this chapter. If
23 a city within an organized borough annexes a military reservation under this
24 section, the territory encompassing the military reservation automatically
25 is annexed to the borough of which the city is a part.

26 ^{uc.} Article 03. MERGER AND CONSOLIDATION.

27 Sec. 29.12.080. METHODS OF MERGER AND CONSOLIDATION. Two methods may
28 be used to initiate merger or consolidation of home rule and general law
29 municipalities:

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1 (1) petition to the Local Boundary Commission under regulations
2 adopted by the commission, or

3 (2) the local option method specified in Secs. 090-160 of this
4 chapter.

5 Sec. 29.12.090. PETITION. (a) Residents of two or more municipalities
6 may file a merger or consolidation petition with the Department of Community
7 and Regional Affairs. The petition must be signed by a number of municipal
8 voters of each municipality equal to at least 25 percent of the number of
9 votes cast in its last regular election.

10 (b) The petition includes

11 (1) the name and class of each municipality;

12 (2) the name and class of the proposed municipality;

13 (3) the proposed composition and apportionment of the assem-
14 bly or council;

15 (4) maps, documents, and other information which show that
16 the proposed municipality meets the standards for municipal incorporation .

17 Sec. 29.12.100. REVIEW. The Department of Community and Regional
18 Affairs shall review a petition for content and signatures and shall return
19 a deficient petition for correction or completion.

20 Sec. 29.12.110. INVESTIGATION. If the petition contains the required
21 information and signatures, the Department of Community and Regional Affairs
22 shall investigate the proposal.

23 Sec. 29.12.120. REPORT AND HEARING. (a) The Department of Community
24 and Regional Affairs shall report its findings to the Local Boundary Commission
25 with its recommendations regarding the merger or consolidation.

26 (b) The Local Boundary Commission shall hold at least one public
27 hearing in each of the municipalities included in the merger or consolida-
28 tion petition, unless officials of the municipalities agree to a single
29 hearing.

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1 Sec. 29.12.130. DECISION. If the Local Boundary Commission determines
2 that the proposed municipality fails to meet the standards for incorporation,
3 it shall reject the petition. If the commission determines that the proposed
4 municipality meets these standards, it shall accept the petition. If the
5 commission determines that the proposed boundaries or the composition and
6 apportionment of the assembly or council can be altered to meet the standards,
7 it may change the proposal and accept the petition. The decision may be
8 appealed under the Administrative Procedure Act (AS 44.62).

9 Sec. 29.12.140. ELECTION. (a) The Local Boundary Commission shall
10 immediately notify the lieutenant governor of its acceptance of a merger or
11 consolidation petition. Within 30 days after notification, the lieutenant
12 governor shall order an election within the area to be included in the new
13 municipality to determine whether the voters desire merger or consolidation.
14 The election is held not less than 30 nor more than 90 days after the election
15 order.

16 (b) A voter who is a resident of the area to be included within
17 the proposed municipality may vote.

18 (c) The lieutenant governor shall supervise the election in the
19 general manner prescribed by the Alaska Election Code (AS 15.05 -15.60).
20 The state shall pay all election costs.

21 (d) The lieutenant governor shall certify the election results.
22 If merger or consolidation is approved, he shall, within 10 days, set a date
23 for election of officers of the new municipality under AS 29.09.120. The
24 election date is not less than 60 nor more than 90 days after the election
25 order. This date is the effective date for the merger or consolidation.

26 Sec. 29.12.150. ASSETS AND LIABILITIES. (a) When two or more munici-
27 palities merge, one municipality succeeds to the rights, powers, duties,
28 assets and liabilities of the others.
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(b) When two or more municipalities consolidate, the newly incorporated municipality succeeds to the rights, powers, duties, assets and liabilities of the consolidated municipalities.

Sec. 29.12.160. ORDINANCES. The ordinances, resolutions, rules, regulations, procedures and orders of the former municipalities remain in force within their respective territories until superseded by the action of the successor municipality.

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Article 04. UNIFICATION OF LOCAL GOVERNMENTS.

Sec. 29.12.190. UNIFICATION OF LOCAL GOVERNMENTS AUTHORIZED. An organized borough and all cities within the borough may unite to form a single unit of home rule local government by complying with this chapter.

Sec. 29.12.200. UNIFICATION TO BE PROPOSED BY PETITION. (a) Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition. An assembly resolution for the purpose may be adopted not more often than once every 12 months.

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

Sec. 29.12.210. PETITION REQUIREMENTS. (a) The petition shall read:
"PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER
We, the undersigned, qualified voters of the Borough do hereby petition that the following proposition be placed before the voters as provided by law:
'Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the Borough 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 Class	Outside First Class
or	or

Signature

Address

Home Rule City

Home Rule City"

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1 (b) The petition shall be signed by at least

2 (1) that number of qualified voters of the borough living
3 outside all first class and home rule cities in the borough equal to 25
4 percent of the qualified voters who voted in the last regular borough elec-
5 tion; and

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

10 Sec. 29.12.220. REVIEW OF PETITION. Upon receipt of a petition, the
11 borough assembly shall review the petition within 15 days after its receipt
12 to determine whether it complies with Sec. 200 of this chapter.

13 If the petition does not meet the designated requirements, it shall be
14 immediately returned to the person who initiated the petition with a statement
15 indicating which requirements have not been satisfied.

16 Sec. 29.12.230 CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is
17 determined by the borough assembly that a petition meets the requirements of
18 Sec. 200 of this chapter, or the assembly by its resolution proposes an
19 election on formation of a charter commission to propose a unification
20 charter, the assembly shall issue a call for the nomination of charter
21 commission candidates, specifying the filing deadline and outlining the
22 procedure described for making nominations under Sec. 240 of this
23 chapter.

24 Sec. 29.12.240. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a)
25 Charter commission candidates shall be nominated by petition signed by at
26 least 50 qualified voters of the area from which the candidate seeks election
27 or by a number of qualified voters from that area equal to at least 10
28 percent of the number of votes cast from that area in the last regular
29 borough election, whichever is less.

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(b) Nomination petitions shall be filed with the borough clerk on or before the date fixed by the borough assembly, which date shall not be less than 30 days after notice of the call for nominations has been given through the borough.

Sec. 29.12.250. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the borough clerk.

****Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The charter commission shall consist of 11 voters, three of whom shall be residents elected at large from the area of the borough and eight of whom, proportionate to the population as determined by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a home rule or first class city in the borough; or,

(2) residents of and elected from a home rule or first class city in the borough.

(b) If at least one nomination of a qualified charter commission candidate for each available seat is not filed in accordance with AS 29.12.240 the resolution or petition for unification is void and no election on the question shall be held.

Sec. 29.12.270. ELECTION. (a) After receipt of a valid petition or adoption of an assembly resolution for the purpose, the borough assembly shall submit to the voters the question of whether that borough and all cities within it shall unite to form a single unit of home rule government. The vote shall be held at the next regular borough election scheduled at least 90 days after receipt of the valid petition or adoption of the resolution.

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1 (b) The ballot on the question of unification shall be worded
2 exactly as in Sec. 210(a) of this chapter.

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

5 (d) All costs incurred in conducting an election under this chap-
6 ter shall be paid by the borough.

7 Sec. 29.12.280. REQUIREMENTS FOR APPROVAL OF UNIFICATION AND ELECTION
8 OF CHARTER COMMISSION. (a) The votes on unification shall be tabulated in
9 two separate classifications. One classification shall consist of all votes
10 cast in the first class and home rule cities of the borough. The other
11 classification shall consist of all votes cast in the remaining areas of the
12 borough. In order for unification to be approved, it is necessary that a
13 majority of the votes in each classification favor unification.

14 (b) If unification is approved, those charter commission can-
15 didates who received the highest number of votes from their respective areas
16 shall serve as members of the commission.

17 Sec. 29.12.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a)
18 The charter commission authorized by this chapter shall hold its first
19 meeting within 30 days of the date of certification of its election. The
20 commission shall elect from among its members a chairman and a deputy chairman.

21 (b) A majority of the total membership of the charter commission
22 constitutes a quorum. No decision of the commission is valid or binding
23 unless approved by that number of members necessary to constitute a quorum.

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

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

(e) Except as provided in AS 29.12.340(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 borough assembly may grant a per diem allowance to the commission members and may reimburse the members for travel expenses incurred in carrying out the duties prescribed by this chapter.

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

Sec. 29.12.300. 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 a regular or special borough election called by the borough assembly held within 60 days of the date of publication and posting of the proposed charter as required in AS 29.12.380. The charter shall include among its provisions:

(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 AS 29.12.360;

(2) provisions for

(A) the establishment of service areas; and

(B) the establishment of districts or sections for the election of members of the legislative body of the unified municipality, if election of members of the legislative body is not areawide, and procedures by which to reapportion the election districts or sections;

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1 (C) reapportionment of the sections, if established;

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

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

8 (5) provision for exercise of the rights of initiative and
9 referendum as required by AS 29.15.050;

10 (6) a method of amending the charter;

11 (7) the date on which the charter, if approved at the charter
12 election required by AS 29.12.340, is effective;

13 (8) designation of the new municipality's official name,
14 subject to the provisions of (b) of this section;

15 (9) other charter provisions which the charter commission
16 elects to include and which may be included in a home rule charter under
17 this chapter and the state constitution.

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

20 Sec. 29.12.310. PUBLIC HEARINGS. Both before and after drafting the
21 proposed charter, the charter commission shall hold a public hearing in each
22 area of the borough represented on the borough assembly. Other public
23 hearings may be held by the charter commission whenever and wherever it
24 believes necessary and appropriate.

25 Sec. 29.12.320. FILING OF PROPOSED CHARTER. Upon the adoption of a
26 proposed home rule charter by the charter commission, the charter shall be
27 signed by at least a majority of the total membership of the commission and
28 shall be filed with the borough clerk. A copy with signatures affixed shall
29 also be filed with the clerk of each city within the borough.

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1 Sec. 29.12.330. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within
2 10 days after filing the proposed charter, the borough clerk shall have it
3 published once in at least one newspaper having general circulation distri-
4 buted within the borough, if there is a newspaper having general circulation
5 distributed within the borough. In addition, the clerk shall have a copy of
6 the proposed charter posted in at least three public places within each city
7 of the borough and each area outside cities. Copies of the proposed charter
8 shall be made available by the borough assembly to the public at both the
9 office of the borough clerk and the office of the clerk of each city within
10 the borough. The clerk shall publish notice by radio and television of the
11 publication, posting, and availability of the proposed charter in a manner
12 intended to apprise the entire borough population of the existence of the
13 proposed charter.

14 Sec. 29.12.340. ELECTION ON CHARTER. (a) The proposed charter adopted
15 by the charter commission shall be submitted to the voters for ratification
16 or rejection at the borough election specified in AS 29.12.300. The borough
17 clerk shall prepare the ballots for use in the election and shall give
18 published notice of and otherwise conduct the election in the manner in
19 which regular municipal elections are conducted. In addition, the clerk
20 shall publish notice of the election by radio and television in a manner
21 intended to apprise the entire borough population of the election.

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

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

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(1) lieutenant governor;

(2) commissioner of the Department of Community and Regional Affairs;

(3) district recorder for the area of the borough;

(4) clerk of the borough;

(5) clerk of each city in the borough.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit a proposed charter to the voters at a general or special borough election called by the borough and held within one year of 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 unification shall be treated as if it had never been proposed or approved.

(e) If after the rejection of the first proposed charter, more than one-half of the charter commission members resign from the commission, the borough assembly shall appoint new members to fill the vacancies in accordance with AS 29.12.160(e).

Sec. 29.12.350. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon ratification, the charter of a unified municipality organized under AS 29.12.190 - 390 operates to dissolve all local governments within the area of unification in accordance with the charter.

Sec. 29.12.360. ASSETS AND LIABILITIES. A municipality created by unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness 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, preunification bonded indebtedness or other debt for sewage col-

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lection 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. 29.12.370. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality shall revise, repeal, or reaffirm all borough and city ordinances, resolutions and orders in force within the borough at the time of unification. Each ordinance, resolution, regulation, or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.12.380. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to boroughs and cities shall remain in full force and effect with respect to a unified municipality organized under AS 29.12.190 - 29.12.390.

Sec. 29.12.390. POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under AS 29.12.190 - 29.12.390 shall have all powers

(1) not prohibited it by law or charter;

(2) granted to ~~organized~~ ^{home rule} boroughs and first class cities.

^{U.C.}
~~Article~~ 05. DISSOLUTION.

Sec. 29.12.420. METHODS OF DISSOLUTION. (a) Two petition methods may be used to initiate dissolution of home rule and general law municipalities:

(1) petition to the Local Boundary Commission under regulations adopted by the commission; or

(2) the local option method specified in AS 29.12.430 - 29.12.500

(b) A home rule or general law borough is dissolved when its entire territory is included within a home rule or first class city or cities. A city is dissolved when all its powers become areawide borough powers.

(c) The Department of Community and Regional Affairs shall investigate a municipality which it considers to be inactive and shall report to the

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1 Local Boundary Commission on the status of the municipality. The commission
2 may submit its recommendation to the legislature that the municipality be
3 dissolved in the manner provided for submission of boundary changes in Sec.
4 12, art. X of the state constitution.

5 Sec. 29.12.430. PETITION. (a) Municipal residents may file a dissolution
6 petition with the Department of Community and Regional Affairs in the form
7 prescribed by the department. The petition must be signed by a number of
8 municipal voters equal to at least 25 percent of the number of votes cast in
9 the last regular municipal election.

10 (b) The petition includes

11 (1) the name of the municipality;

12 (2) maps, documents, and other information showing that the
13 municipality meets the standards for dissolution.

14 Sec. 29.12.440. STANDARDS. (a) Except as provided in (b) of this
15 section, a municipality may petition for dissolution when

16 (1) it is free of debt, or if in debt, each of its creditors
17 is satisfied with a method of repayment; and

18 (2) either it no longer meets the minimum standards prescribed
19 for incorporation by ch. 09 of this title, or it ceases to use each and
20 every one of its mandatory powers.

21 (b) A home rule or general law city in a borough may petition for
22 dissolution if the borough consents to assume the city's rights, powers,
23 duties, assets and liabilities. The consent must be ratified by a majority
24 of borough voters voting on the question.

25 Sec. 29.12.450. REVIEW. The Department of Community and Regional
26 Affairs shall review a petition for content and signatures and shall return
27 a deficient petition for correction or completion.

28 Sec. 29.12.460. INVESTIGATION. If the petition contains the required
29 information and signatures, the Department of Community and Regional Affairs
shall investigate the proposal.

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1 Sec. 29.12.470. REPORT AND HEARING. (a) The Department of Community
2 and Regional Affairs shall report its findings to the Local Boundary Com-
3 mission with its recommendation regarding the dissolution.

4 (b) The Local Boundary Commission shall hold at least one public
5 hearing in the area proposed to be dissolved.

6 Sec. 29.12.480. DECISION. If the Local Boundary Commission determines
7 that the municipality fails to meet the standards for dissolution, it shall
8 reject the petition. If the commission determines that the municipality
9 meets the standards, it shall accept the petition.

10 Sec. 29.12.490. ELECTION. (a) The Local Boundary Commission shall
11 immediately notify the lieutenant governor of its acceptance of a dis-
12 solution petition. Within 30 days after notification, the lieutenant
13 governor shall order an election within the municipality to determine
14 whether the voters desire dissolution. The election is at least 30 and not
15 more than 90 days after the election order.

16 (b) A person who is a qualified voter of the municipality may
17 vote in the dissolution election.

18 (c) The lieutenant governor shall supervise the election in the
19 general manner prescribed by the Alaska Election Code (AS 15.05-15.60). The
20 state shall pay all election costs.

21 (d) The lieutenant governor shall certify the election results.
22 If dissolution is approved, he shall declare that the municipality is dis-
23 solved effective on the date of certification.

24 Sec. 29.12.500. SUCCESSION. The government succeeding to a dissolved
25 municipality succeeds to all its rights, powers, duties, assets, and
26 liabilities as provided in AS 29.09.130-29.09.140.
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*Proofed 12-30*CHAPTER 12. ALTERATION OF MUNICIPALITIESArticle New. CHANGE OF NAME

Sec. 29.12.010. CHANGE OF MUNICIPAL NAME. (a) The governing body of a home rule or general law municipality may change the official municipal name by adopting an ordinance for the purpose and filing the ordinance with the office of the lieutenant governor. Upon receipt of a legally adopted ordinance ratified by the qualified voters voting on the question at a regular or special election, the lieutenant governor shall issue an appropriate order to the municipality changing its existing name. The name change shall become effective on a date fixed in the order and occurring within 45 days of receipt of the ordinance. A copy of the order shall be transmitted to the Department of Community and Regional Affairs.

(b) If an ordinance adopted under (a) of this section which results in an order changing the municipal name is subsequently repealed, the lieutenant governor shall issue a further order reinstating the former municipal name within 45 days of the date of the order, unless a different municipal name is adopted by ordinance transmitted to the lieutenant governor for implementation as provided in (a) of this section.

(c) When a municipal name change takes effect by means of an order issued under (a) or (b) of this section, civil or criminal suits, applications, petitions, hearings and other proceedings to which the municipality is a party and pending at or brought after the date the name change takes effect shall proceed in the name of the municipality as changed by the order.

Article 02. ANNEXATION AND EXCLUSION

Sec. 29.12.040. LOCAL BOUNDARY COMMISSION. (a) The Local Boundary Commission may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first 10 days of any regular session. The change shall become effective 45 days after presen-

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1 tation or at the end of the session, whichever is earlier, unless disap-
2 proved by a resolution concurred in by a majority of the members of each
3 house.

4 (b) In addition to the regulations governing annexation by local
5 action adopted under AS 44.19.260, the Local Boundary Commission shall,
6 within 90 days of September 10, 1972, establish procedures for annexation
7 and exclusion of territory by cities and boroughs by local action. The pro-
8 cedures established under this subsection shall include

9 (1) a provision requiring that a proposed annexation and
10 exclusion must be approved by a majority of the voters voting on the question
11 residing within the area proposed to be annexed or excluded;

12 (2) provisions that municipally-owned property adjoining the
13 municipality may be annexed by ordinance without voter approval; and

14 (3) provisions that an area adjoining the municipality may
15 be annexed by ordinance without an election if all property owners and
16 voters within the area petition the assembly or council.

17 (c) A boundary change effected under (a) of this section prevails
18 over a boundary change initiated by local action, without regard to priority
19 in time.

20 Sec. 29.12.050. ANNEXATION OF MILITARY RESERVATIONS. A military
21 reservation may be annexed to a city or borough in the same manner as pre-
22 scribed for any other territory under Sec. 040 (See, 10) of this chapter. If
23 a city within an organized borough annexes a military reservation under this
24 section, the territory encompassing the military reservation automatically
25 is annexed to the borough of which the city is a part.

26 Article 03. MERGER AND CONSOLIDATION

27 Sec. 29.12.080. METHODS OF MERGER AND CONSOLIDATION. Two methods may
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22 shall investigate the proposal.

23 Sec. 29.12.120. REPORT AND HEARING. (a) The Department of Community
24 and Regional Affairs shall report its findings to the Local Boundary Commission
25 with its recommendations regarding the merger or consolidation.

26 (b) The Local Boundary Commission shall hold at least one public
27 hearing in each of the municipalities included in the merger or consolida-
28 tion petition, unless officials of the municipalities agree to a single
29 hearing.

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1 Sec. 29.12.130. DECISION. If the Local Boundary Commission determines
2 that the proposed municipality fails to meet the standards for incorporation,
3 it shall reject the petition. If the commission determines that the proposed
4 municipality meets these standards, it shall accept the petition. If the
5 commission determines that the proposed boundaries or the composition and
6 apportionment of the assembly or council can be altered to meet the standards,
7 it may change the proposal and accept the petition. The decision may be
8 appealed under the Administrative Procedure Act (AS 44.62).

9 Sec. 29.12.140. ELECTION. (a) The Local Boundary Commission shall
10 immediately notify the lieutenant governor of its acceptance of a merger or
11 consolidation petition. Within 30 days after notification, the lieutenant
12 governor shall order an election within the area to be included in the new
13 municipality to determine whether the voters desire merger or consolidation.
14 The election is held not less than 30 nor more than 90 days after the election
15 order.

16 (b) A voter who is a resident of the area to be included within
17 the proposed municipality may vote.

18 (c) The lieutenant governor shall supervise the election in the
19 general manner prescribed by the Alaska Election Code (AS 15.05 -15.60).
20 The state shall pay all election costs.

21 (d) The lieutenant governor shall certify the election results.
22 If merger or consolidation is approved, he shall, within 10 days, set a date
23 for election of officers of the new municipality under AS 29.09.120 (~~AS~~
24 ~~29.18.120~~). The election date is not less than 60 nor more than 90 days
25 after the election order. This date is the effective date for the merger or
26 consolidation.

27 Sec. 29.12.150. ASSETS AND LIABILITIES. (a) When two or more munici-
28 palities merge, one municipality succeeds to the rights, powers, duties,
29 assets and liabilities of the others.

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(b) When two or more municipalities consolidate, the newly incorporated municipality succeeds to the rights, powers, duties, assets and liabilities of the consolidated municipalities.

Sec. 29.12.160. ORDINANCES. The ordinances, resolutions, rules, regulations, procedures and orders of the former municipalities remain in force within their respective territories until superseded by the action of the successor municipality.

Article 04. UNIFICATION OF LOCAL GOVERNMENTS

Sec. 29.12.190. UNIFICATION OF LOCAL GOVERNMENTS AUTHORIZED. An organized borough and all cities within the borough may unite to form a single unit of home rule local government by complying with this chapter.

Sec. 29.12.200. UNIFICATION TO BE PROPOSED BY PETITION. (a) Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition. An assembly resolution for the purpose may be adopted not more often than once every 12 months.

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

Sec. 29.12.210. PETITION REQUIREMENTS. (a) The petition shall read:
 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER
 We, the undersigned, qualified voters of the Borough do hereby petition that the following proposition be placed before the voters as provided by law:
 'Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the Borough 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 Class Outside First Class

or

or

Signature

Address

Home Rule City

Home Rule City

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(b) The petition shall be signed by at least

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

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

Sec. 29.12.220. REVIEW OF PETITION. Upon receipt of a petition, the borough assembly shall review the petition within 15 days after its receipt to determine whether it complies with Sec. 200 ~~(Sec. 260)~~ of this chapter. If the petition does not meet the designated requirements, it shall be immediately returned to the person who initiated the petition with a statement indicating which requirements have not been satisfied.

Sec. 29.12.230 CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the borough assembly that a petition meets the requirements of Sec. 260 of this chapter, or the assembly by its resolution proposes an election on formation of a charter commission to propose a unification charter, the assembly shall issue a call for the nomination of charter commission candidates, specifying the filing deadline and outlining the procedure described for making nominations under Sec. 240 ~~(Sec. 290)~~ of this chapter.

Sec. 29.12.240. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a) Charter commission candidates shall be nominated by petition signed by at least 50 qualified voters of the area from which the candidate seeks election or by a number of qualified voters from that area equal to at least 10 percent of the number of votes cast from that area in the last regular borough election, whichever is less.

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(b) Nomination petitions shall be filed with the borough clerk on or before the date fixed by the borough assembly, which date shall not be less than 30 days after notice of the call for nominations has been given through the borough.

Sec. 29.12.250. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the borough clerk.

****Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The charter commission shall consist of 11 voters, three of whom shall be residents elected at large from the area of the borough and eight of whom, proportionate to the population as determined by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a home rule or first class city in the borough; or,

(2) residents of and elected from a home rule or first class city in the borough.

(b) If at least one nomination of a qualified charter commission candidate for each available seat is not filed in accordance with AS 29.12.240 the resolution or petition for unification is void and no election on the question shall be held.

Sec. 29.12.270. ELECTION. (a) After receipt of a valid petition or adoption of an assembly resolution for the purpose, the borough assembly shall submit to the voters the question of whether that borough and all cities within it shall unite to form a single unit of home rule government. The vote shall be held at the next regular borough election scheduled at least 90 days after receipt of the valid petition or adoption of the resolution.

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1 (b) The ballot on the question of unification shall be worded
2 exactly as in Sec. 210(a) ~~{Sec. 260(a)}~~ of this chapter.

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

5 (d) All costs incurred in conducting an election under this chap-
6 ter shall be paid by the borough.

7 Sec. 29.12.280. REQUIREMENTS FOR APPROVAL OF UNIFICATION AND ELECTION
8 OF CHARTER COMMISSION. (a) The votes on unification shall be tabulated in
9 two separate classifications. One classification shall consist of all votes
10 cast in the first class and home rule cities of the borough. The other
11 classification shall consist of all votes cast in the remaining areas of the
12 borough. In order for unification to be approved, it is necessary that a
13 majority of the votes in each classification favor unification.

14 (b) If unification is approved, those charter commission can-
15 didates who received the highest number of votes from their respective areas
16 shall serve as members of the commission.

17 Sec. 29.12.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a)
18 The charter commission authorized by this chapter shall hold its first
19 meeting within 30 days of the date of certification of its election. The
20 commission shall elect from among its members a chairman and a deputy chairman.

21 (b) A majority of the total membership of the charter commission
22 constitutes a quorum. No decision of the commission is valid or binding
23 unless approved by that number of members necessary to constitute a quorum.

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

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

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1 (e) Except as provided in AS 29.12.340(e), vacancies on the
2 charter commission shall be filled by a majority vote of the commission .
3 The person appointed to fill a vacancy must be a qualified voter of the same
4 area as the person whom he succeeds and must have been a qualified voter of
5 that area for at least one year immediately preceding the date of his appoint-
6 ment.

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

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

12 Sec. 29.12.300. CHARTER PREPARATION. (a) A charter commission
13 established under this chapter shall prepare, adopt and submit a proposed
14 home rule charter for the area to be unified to the voters for approval or
15 rejection at a regular or special borough election called by the borough
16 assembly held within 60 days of the date of publication and posting of the
17 proposed charter as required in AS 29.12.380. The charter shall include
18 among its provisions:

19 (1) provisions for adjustment of existing bonded indebtedness
20 and other obligations in a manner which will reserve a fair and equitable
21 burden of taxation for debt service, subject to AS 29.12.360;

22 (2) provisions for

23 (A) the establishment of service areas; and

24 (B) the establishment of districts or sections for
25 the election of members of the legislative body of the unified
26 municipality, if election of members of the legislative body is
27 not areawide, and procedures by which to reapportion the election
28 districts or sections;
29

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1 (C) reapportionment of the sections, if established;

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

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

8 (5) provision for exercise of the rights of initiative and
9 referendum as required by AS 29.15.050;

10 (6) a method of amending the charter;

11 (7) the date on which the charter, if approved at the charter
12 election required by AS 29.12.340, is effective;

13 (8) designation of the new municipality's official name,
14 subject to the provisions of (b) of this section;

15 (9) other charter provisions which the charter commission
16 elects to include and which may be included in a home rule charter under
17 this chapter and the state constitution.

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

20 Sec. 29.12.310. PUBLIC HEARINGS. Both before and after drafting the
21 proposed charter, the charter commission shall hold a public hearing in each
22 area of the borough represented on the borough assembly. Other public
23 hearings may be held by the charter commission whenever and wherever it
24 believes necessary and appropriate.

25 Sec. 29.12.320. FILING OF PROPOSED CHARTER. Upon the adoption of a
26 proposed home rule charter by the charter commission, the charter shall be
27 signed by at least a majority of the total membership of the commission and
28 shall be filed with the borough clerk. A copy with signatures affixed shall
29 also be filed with the clerk of each city within the borough.

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1 Sec. 29.12.330. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within
2 10 days after filing the proposed charter, the borough clerk shall have it
3 published once in at least one newspaper having general circulation distri-
4 buted within the borough, if there is a newspaper having general circulation
5 distributed within the borough. In addition, the clerk shall have a copy of
6 the proposed charter posted in at least three public places within each city
7 of the borough and each area outside cities. Copies of the proposed charter
8 shall be made available by the borough assembly to the public at both the
9 office of the borough clerk and the office of the clerk of each city within
10 the borough. The clerk shall publish notice by radio and television of the
11 publication, posting, and availability of the proposed charter in a manner
12 intended to apprise the entire borough population of the existence of the
13 proposed charter.

14 Sec. 29.12.340. ELECTION ON CHARTER. (a) The proposed charter adopted
15 by the charter commission shall be submitted to the voters for ratification
16 or rejection at the borough election specified in AS 29.12.300. The borough
17 clerk shall prepare the ballots for use in the election and shall give
18 published notice of and otherwise conduct the election in the manner in
19 which regular municipal elections are conducted. In addition, the clerk
20 shall publish notice of the election by radio and television in a manner
21 intended to apprise the entire borough population of the election.

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

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

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(1) lieutenant governor;

(2) commissioner of the Department of Community and Regional Affairs;

(3) district recorder for the area of the borough;

(4) clerk of the borough;

(5) clerk of each city in the borough.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit a proposed charter to the voters at a general or special borough election called by the borough and held within one year of 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 unification shall be treated as if it had never been proposed or approved.

(e) If after the rejection of the first proposed charter, more than one-half of the charter commission members resign from the commission, the borough assembly shall appoint new members to fill the vacancies in accordance with AS 29.12.160(e).

Sec. 29.12.350. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon ratification, the charter of a unified municipality organized under AS 29.12.190 - 390 operates to dissolve all local governments within the area of unification in accordance with the charter.

Sec. 29.12.360. ASSETS AND LIABILITIES. A municipality created by unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness 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, preunification bonded indebtedness or other debt for sewage col-

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lection 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. 29.12.370. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality shall revise, repeal, or reaffirm all borough and city ordinances, resolutions and orders in force within the borough at the time of unification. Each ordinance, resolution, regulation, or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.12.380. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from state or federal government to boroughs and cities shall remain in full force and effect with respect to a unified municipality organized under AS 29.12.190 - ^{29.12.} ~~390~~.

Sec. 29.12.390 POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under AS 29.12.190 - ^{29.12.} ~~390~~ shall have all powers

- (1) not prohibited it by law or charter;
- (2) granted to organized boroughs and first class cities.

Article 05. DISSOLUTION

Sec. 29.12.420. METHODS OF DISSOLUTION. (a) Two petition methods may be used to initiate dissolution of home rule and general law municipalities:

(1) petition to the Local Boundary Commission under regulations adopted by the commission; or

(2) the local option method specified in AS 29.12.430 - ^{29.12.} ~~500~~

(b) A home rule or general law borough is dissolved when its entire territory is included within a home rule or first class city or cities. A city is dissolved when all its powers become areawide borough powers.

(c) The Department of Community and Regional Affairs shall investigate a municipality which it considers to be inactive and shall report to the

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1 Local Boundary Commission on the status of the municipality. The commission
2 may submit its recommendation to the legislature that the municipality be
3 dissolved in the manner provided for submission of boundary changes in Sec.
4 12, art. X of the state constitution.

5 Sec. 29.12.430. PETITION. (a) Municipal residents may file a dissolution
6 petition with the Department of Community and Regional Affairs in the form
7 prescribed by the department. The petition must be signed by a number of
8 municipal voters equal to at least 25 percent of the number of votes cast in
9 the last regular municipal election.

10 (b) The petition includes

11 (1) the name of the municipality;

12 (2) maps, documents, and other information showing that the
13 municipality meets the standards for dissolution.

14 Sec. 29.12.450. STANDARDS. (a) Except as provided in (b) of this
15 section, a municipality may petition for dissolution when

16 (1) it is free of debt, or if in debt, each of its creditors
17 is satisfied with a method of repayment; and

18 (2) either it no longer meets the minimum standards prescribed
19 for incorporation by ch. 09 of this title, or it ceases to use each and
20 every one of its mandatory powers.

21 (b) A home rule or general law city in a borough may petition for
22 dissolution if the borough consents to assume the city's rights, powers,
23 duties, assets and liabilities. The consent must be ratified by a majority
24 of borough voters voting on the question.

25 Sec. 29.12.460. REVIEW. The Department of Community and Regional
26 Affairs shall review a petition for content and signatures and shall return
27 a deficient petition for correction or completion.

28 Sec. 29.12.470. INVESTIGATION. If the petition contains the required
29 information and signatures, the Department of Community and Regional Affairs
shall investigate the proposal.

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1 Sec. 29.12.4⁸70. REPORT AND HEARING. (a) The Department of Community
2 and Regional Affairs shall report its findings to the Local Boundary Commission
3 with its recommendation regarding the dissolution.

4 (b) The Local Boundary Commission shall hold at least one public
5 hearing in the area proposed to be dissolved.

6 Sec. 29.12.4⁹80. DECISION. If the Local Boundary Commission determines
7 that the municipality fails to meet the standards for dissolution, it shall
8 reject the petition. If the commission determines that the municipality
9 meets the standards, it shall accept the petition.

10 Sec. 29.12.5⁰⁰00. ELECTION. (a) The Local Boundary Commission shall
11 immediately notify the lieutenant governor of its acceptance of a dissolution
12 petition. Within 30 days after notification, the lieutenant governor shall
13 order an election within the municipality to determine whether the voters
14 desire dissolution. The election is at least 30 and not more than 90 days
15 after the election order.

16 (b) A person who is a qualified voter of the municipality may
17 vote in the dissolution election.

18 (c) The lieutenant governor shall supervise the election in the
19 general manner prescribed by the Alaska Election Code (AS 15.05-15.60). The
20 state shall pay all election costs.

21 (d) The lieutenant governor shall certify the election results.
22 If dissolution is approved, he shall declare that the municipality is dis-
23 solved effective on the date of certification.

24 Sec. 29.12.5¹00. SUCCESSION. The government succeeding to a dissolved
25 municipality succeeds to all its rights, powers, duties, assets, and liabilities
26 as provided in AS 29.09.130-29.09.140.
27
28
29

DRAFTED CHANGES ALTERED BY THE POLICY GROUP - 10 & 11 November 1980

Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The charter commission shall consist of 11 voters, three of whom shall be residents elected at large from the area of the borough and eight of whom, proportionate to the population as determined by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a home rule or first class city in the borough, or;

(2) residents of and elected from a home rule or first class city in the borough.

(b) If at least one nomination of a qualified charter commission candidate for each available seat is not filed in accordance with AS 29.12.240 the resolution or petition for unification is void and no election on the question shall be held.

EXPLANATION: Subsection (a) has been altered so that second class cities are included within the area outside cities for purposes of selecting representatives on the charter commission. This was done so that first class and home rule cities, with their greater concentrations of population, have less chance of overwhelming the rest of the borough. Subsection (b) has been added to avoid the expense and inconvenience of an election in the question of unification if not enough nominations of commission members are received. It is felt that failure to nominate a sufficient number of commission candidates indicates a general lack of interest in the question of unification.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION.

sugg
(b) If at least one nomination of a qualified charter commission candidate is not filed in accordance with AS 29.12.240. for each available seat the resolution or petition for unification is void and no election on the question of unification shall be held.

*motion by Braison
no obj. no vote

EXPLANATION: Subsection (b) has been added to avoid the expense and inconvenience of an election on unification where there is not enough interest in the question to assure that a charter commission can be formed. An alternative would be to provide for appointment of members when not enough nominations are received, but it was felt that in such cases basic interest in unification was probably lacking so the process should be halted.

OK

Discussion:

CERA agrees - has happened in past

V pg 19

Par motion

2nd class cities be included in area
outside 1st & HR in both 210 & 260 (all)
motion carried unan.
back to tech for drafting.

1 CHAPTER 12. ALTERATION OF MUNICIPALITIES

2 (CHAPTER 68. ALTERATION OF BOUNDARIES)

3 Article New. CHANGE OF NAME

4 Sec. 29.12.010. (Sec. 29.73.050.) CHANGE OF MUNICIPAL NAME. (a) The
5 governing body of a home rule or general law municipality may change the
6 official municipal name by adopting an ordinance for the purpose and filing
7 the ordinance with the office of the lieutenant governor. Upon receipt of a
8 legally adopted ordinance ratified by the qualified voters voting on the
9 question at a regular or special election, the lieutenant governor shall
10 issue an appropriate order to the municipality changing its existing name.
11 The name change shall become effective on a date fixed in the order and
12 occurring within 45 days of receipt of the ordinance. A copy of the order
13 shall be transmitted to the Department of Community and Regional Affairs.

14 (b) If an ordinance adopted under (a) of this section which
15 results in an order changing the municipal name is subsequently repealed,
16 the lieutenant governor shall issue a further order reinstating the former
17 municipal name within 45 days of the date of the order, unless a different
18 municipal name is adopted by ordinance transmitted to the lieutenant
19 governor for implementation as provided in (a) of this section.

20 (c) When a municipal name change takes effect by means of an
21 order issued under (a) or (b) of this section, civil or criminal suits,
22 applications, petitions, hearings and other proceedings to which the
23 municipality is a party and pending at or brought after the date the name
24 change takes effect shall proceed in the name of the municipality as changed
25 by the order.

26 Article 02. ANNEXATION AND EXCLUSION

27 (Article 1. ANNEXATION AND EXCLUSION)

28 Sec. 29.12.040. (Sec. 29.68.010.) LOCAL BOUNDARY COMMISSION. (a) The
29 Local Boundary Commission may consider any proposed local government

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1 boundary change. It may present proposed changes to the legislature during
2 the first 10 days of any regular session. The change shall become effective
3 45 days after presentation or at the end of the session, whichever is
4 earlier, unless disapproved by a resolution concurred in by a majority of
5 the members of each house.

6 (b) In addition to the regulations governing annexation by local
7 action adopted under AS 44.19.260, the Local Boundary Commission shall,
8 within 90 days of September 10, 1972, establish procedures for annexation
9 and exclusion of territory by cities and boroughs by local action. The pro-
10 cedures established under this subsection shall include

11 (1) a provision requiring that a proposed annexation and
12 exclusion must be approved by a majority of the voters voting on the
13 question residing within the area proposed to be annexed or excluded;

14 (2) provisions that municipally-owned property adjoining the
15 municipality may be annexed by ordinance without voter approval; and

16 (3) provisions that an area adjoining the municipality may
17 be annexed by ordinance without an election if all property owners and
18 voters within the area petition the assembly or council.

19 (c) A boundary change effected under (a) of this section prevails
20 over a boundary change initiated by local action, without regard to priority
21 in time.

22 Sec. 29.12.050. (Sec. 29.68.020.) ANNEXATION OF MILITARY
23 RESERVATIONS. A military reservation may be annexed to a city or borough in
24 the same manner as prescribed for any other territory under Sec. 040 (Sec.
25 10) of this chapter. If a city within an organized borough annexes a
26 military reservation under this section, the territory encompassing the
27 military reservation automatically is annexed to the borough of which the
28 city is a part.
29

Article 03. MERGER AND CONSOLDIATION

(Article 3. MERGER AND CONSOLIDATION)

Sec. 29.12.080. (Sec. 29.68.030.) METHODS OF MERGER AND CONSOLIDATION.

Two methods may be used to initiate merger or consolidation of home rule and general law municipalities:

(1) petition to the Local Boundary Commission under regulations adopted by the commission, or

(2) the local option method specified in Secs. 090-160 (Secs. 40-110) of this chapter .

Sec. 29.12.090. (Sec. 29.68.040.) PETITION. (a) Residents of two or more municipalities may file a merger or consolidation petition with the Department of Community and Regional Affairs. The petition must be signed by a number of municipal voters of each municipality equal to at least 25 percent of the number of votes cast in its last regular election.

(b) The petition includes

(1) the name and class of each municipality;

(2) the name and class of the proposed municipality;

(3) the proposed composition and apportionment of the assembly or council;

(4) maps, documents, and other information which show that the proposed municipality meets the standards for municipal incorporation .

Sec. 29.12.100. (Sec. 29.68.050.) REVIEW. The Department of Community and Regional Affairs shall review a petition for content and signatures and shall return a deficient petition for correction or completion.

Sec. 29.12.110. (Sec. 29.68.060.) INVESTIGATION. If the petition contains the required information and signatures, the Department of Community and Regional Affairs shall investigate the proposal.

Sec. 29.12.120. (Sec. 29.68.070.) REPORT AND HEARING. (a) The Department of Community and Regional Affairs shall report its findings to the Local

1 Boundary Commission with its recommendations regarding the merger or consolida-
2 tion.

3 (b) The Local Boundary Commission shall hold at least one public
4 hearing in each of the municipalities included in the merger or consolida-
5 tion petition, unless officials of the municipalities agree to a single
6 hearing.

7 Sec. 29.12.130. (Sec. 29.68.080.) DECISION. If the Local Boundary
8 Commission determines that the proposed municipality fails to meet the stan-
9 dards for incorporation, it shall reject the petition. If the commission
10 determines that the proposed municipality meets these standards, it shall
11 accept the petition. If the commission determines that the proposed boun-
12 daries or the composition and apportionment of the assembly or council can
13 be altered to meet the standards, it may change the proposal and accept the
14 petition. The decision may be appealed under the Administrative Procedure
15 Act (AS 44.62).

16 Sec. 29.12.140. (Sec. 29.68.090.) ELECTION. (a) The Local Boundary
17 Commission shall immediately notify the lieutenant governor of its accep-
18 tance of a merger or consolidation petition. Within 30 days after notifi-
19 cation, the lieutenant governor shall order an election within the area to
20 be included in the new municipality to determine whether the voters desire
21 merger or consolidation. The election is held not less than 30 nor more
22 than 90 days after the election order.

23 (b) A voter who is a resident of the area to be included within
24 the proposed municipality may vote.

25 (c) The lieutenant governor shall supervise the election in the
26 general manner prescribed by the Alaska Election Code (AS 15.05 -15.60).
27 The state shall pay all election costs.

28 (d) The lieutenant governor shall certify the election results.
29 If merger or consolidation is approved, he shall, within 10 days, set a date

for election of officers of the new municipality under AS 29.09.120 (AS 29.18.120). The election date is not less than 60 nor more than 90 days after the election order. This date is the effective date for the merger or consolidation.

Sec. 29.12.150. (Sec. 29.68.100.) ASSETS AND LIABILITIES. (a) When two or more municipalities merge, one municipality succeeds to the rights, powers, duties, assets and liabilities of the others.

(b) When two or more municipalities consolidate, the newly incorporated municipality succeeds to the rights, powers, duties, assets and liabilities of the consolidated municipalities.

Sec. 29.12.160. (Sec. 29.68.110.) ORDINANCES. The ordinances, resolutions, rules, regulations, procedures and orders of the former municipalities remain in force within their respective territories until superseded by the action of the successor municipality.

Article 04. UNIFICATION OF LOCAL GOVERNMENTS

(Article 3. UNIFICATION OF LOCAL GOVERNMENTS)

Sec. 29.12.190. (Sec. 29.68.240.) UNIFICATION OF LOCAL GOVERNMENTS AUTHORIZED. An organized borough and all cities within the borough may unite to form a single unit of home rule local government by complying with this chapter.

Sec. 29.12.200. (Sec. 29.68.250.) UNIFICATION TO BE PROPOSED BY PETITION. (a) Formation of a charter commission to propose a unification charter shall be proposed by resolution of the assembly or by petition. An assembly resolution for the purpose may be adopted not more often than once every 12 months.

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

Sec. 29.12.210. (Sec. 29.68.260.) PETITION REQUIREMENTS. (a) The petition shall read: "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE

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1 UNIFICATION CHARTER We, the undersigned, qualified voters of the Borough do
 2 hereby petition that the following proposition be placed before the voters
 3 as provided by law: 'Shall a charter commission be formed (and charter com-
 4 mission members be elected as elsewhere provided on this ballot) to prepare,
 5 adopt and submit to the voters for their approval or rejection a proposed
 6 charter uniting the Borough and all cities within it as a single unit of
 7 home rule government having the powers, duties and functions of a unified
 8 government as authorized by law? Yes [] No []'

9		Inside First	Outside First Class
10		or Home Class	or Home
11	Signature	Address	Rule City
			Rule City

12 (b) The petition shall be signed by at least

13 (1) that number of qualified voters of the borough living
 14 outside all first class and home rule cities in the borough equal to 25
 15 percent of the qualified voters who voted in the last regular borough elec-
 16 tion; and

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

21 Sec. 29.12.220. (Sec. 29.68.270.) REVIEW OF PETITION. Upon receipt
 22 of a petition, the borough assembly shall review the petition within 15 days
 23 after its receipt to determine whether it complies with Sec. 200 (Sec. 260)
 24 of this chapter. If the petition does not meet the designated requirements,
 25 it shall be immediately returned to the person who initiated the petition
 26 with a statement indicating which requirements have not been satisfied.

27 Sec. 29.12.230. (Sec. 29.68.280.) CALL FOR CHARTER COMMISSION
 28 NOMINATIONS. Once it is determined by the borough assembly that a petition
 29 meets the requirements of Sec. 260 of this chapter, or the assembly by its

1 resolution proposes an election on formation of a charter commission to
 2 propose a unification charter, the assembly shall issue a call for the
 3 nomination of charter commission candidates, specifying the filing deadline
 4 and outlining the procedure described for making nominations under Sec. 240
 5 (Sec. 290) of this chapter.

6 Sec. 29.12.240. (Sec. 29.68.290.) NOMINATION OF CHARTER COMMISSION
 7 CANDIDATES. (a) Charter commission candidates shall be nominated by petition
 8 signed by at least 50 qualified voters of the area from which the candidate
 9 seeks election or by a number of qualified voters from that area equal to at
 10 least 10 percent of the number of votes cast from that area in the last
 11 regular borough election, whichever is less.

12 (b) Nomination petitions shall be filed with the borough clerk on
 13 or before the date fixed by the borough assembly, which date shall not be
 14 less than 30 days after notice of the call for nominations has been given
 15 through the borough.

16 Sec. 29.12.250. (Sec. 29.68.300.) QUALIFICATIONS OF CHARTER COM-
 17 MISSION CANDIDATES. A person is eligible to be nominated as a candidate for
 18 the charter commission if he has been a qualified voter of the area from
 19 which he seeks election for at least

DRAFTED CHANGES ALTERED BY THE POLICY GROUP - 10 & 11 November 1980 ng the date

Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The
 charter commission shall consist of 11 voters, three of whom
 shall be residents elected at large from the area of the borough
 and eight of whom, proportionate to the population as determined
 by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a
 home rule or first class city in the borough, or;

(2) residents of and elected from a home rule or first
 class city in the borough.

2 (b) If at least one nomination of a qualified charter
 commission candidate for each available seat is not filed in
 accordance with AS 29.12.240 the resolution or petition for
 unification is void and no election on the question shall be
 held.

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1 Sec. 29.12.270. (Sec. 29.68.320.) ELECTION. (a) After receipt of a
2 valid petition or adoption of an assembly resolution for the purpose, the
3 borough assembly shall submit to the voters the question of whether that
4 borough and all cities within it shall unite to form a single unit of home
5 rule government. The vote shall be held at the next regular borough election
6 scheduled at least 90 days after receipt of the valid petition or adoption
7 of the resolution.

8 (b) The ballot on the question of unification shall be worded
9 exactly as in Sec. 210(a) [Sec. 260(a)] of this chapter.

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

12 (d) All costs incurred in conducting an election under this chap-
13 ter shall be paid by the borough.

14 Sec. 29.12.280. (Sec. 29.68.330.) REQUIREMENTS FOR APPROVAL OF UNIFI-
15 CATION AND ELECTION OF CHARTER COMMISSION. (a) The votes on unification
16 shall be tabulated in two separate classifications. One classification
17 shall consist of all votes cast in the first class and home rule cities of
18 the borough. The other classification shall consist of all votes cast in
19 the remaining areas of the borough. In order for unification to be approved,
20 it is necessary that a majority of the votes in each classification favor
21 unification.

22 (b) If unification is approved, those charter commission can-
23 didates who received the highest number of votes from their respective areas
24 shall serve as members of the commission.

25 Sec. 29.12.290. (Sec. 29.68.340.) CHARTER COMMISSION ORGANIZATION AND
26 PROCEDURE. (a) The charter commission authorized by this chapter shall hold
27 its first meeting within 30 days of the date of certification of its elec-
28 tion. The commission shall elect from among its members a chairman and a
29 Deputy Chairman.

1 (b) A majority of the total membership of the charter commission
2 constitutes a quorum. No decision of the commission is valid or binding
3 unless approved by that number of members necessary to constitute a quorum.

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

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

11 (e) Except as provided in Sec. 340(e) [Sec. 390(e)] of this
12 chapter, vacancies on the charter commission shall be filled by a majority
13 vote of the commission. The person appointed to fill a vacancy must be a
14 qualified voter of the same area as the person whom he succeeds and must
15 have been a qualified voter of that area for at least one year immediately
16 preceding the date of his appointment.

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

20 (g) Costs, fees, and other expenses incurred by the charter com-
21 mission are a debt of the borough and shall be paid upon proper veri-
22 fication.

23 Sec. 29.12.300. (Sec. 29.68.350.) CHARTER PREPARATION. (a) A charter
24 commission established under this chapter shall prepare, adopt and submit a
25 proposed home rule charter for the area to be unified to the voters for
26 approval or rejection at a regular or special borough election called by the
27 borough assembly held within 60 days of the date of publication and posting
28 of the proposed charter as required in Sec. 380 of this chapter. The
29 charter shall include among its provisions:

1 (1) provisions for adjustment of existing bonded indebtedness
2 and other obligations in a manner which will reserve a fair and equitable
3 burden of taxation for debt service, subject to Sec. 360 (Sec. 410) of this
4 chapter;

5 (2) provisions for

6 (A) the establishment of service areas; and

7 (B) the establishment of districts or sections for
8 the election of members of the legislative body of the unified
9 municipality, if election of members of the legislative body is
10 not areawide, and procedures by which to reapportion the election
11 districts or sections;

12 (C) reapportionment of the sections, if established;

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

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

19 (5) provision for exercise of the rights of initiative and
20 referendum as required by AS 29.15.050 (AS 29.13.050);

21 (6) a method of amending the charter;

22 (7) the date on which the charter, if approved at the charter
23 election required by Sec. 340 (Sec. 390) of this chapter, is effective;

24 (8) designation of the new municipality's official name,
25 subject to the provisions of (b) of this section;

26 (9) other charter provisions which the charter commission
27 elects to include and which may be included in a home rule charter under
28 this chapter and the state constitution.
29

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

3 Sec. 29.12.310. (Sec. 29.68.360.) PUBLIC HEARINGS. Both before and
4 after drafting the proposed charter, the charter commission shall hold a
5 public hearing in each area of the borough represented on the borough assem-
6 bly. Other public hearings may be held by the charter commission whenever
7 and wherever it believes necessary and appropriate.

8 Sec. 29.12.320. (Sec. 29.68.370.) FILING OF PROPOSED CHARTER. Upon
9 the adoption of a proposed home rule charter by the charter commission, the
10 charter shall be signed by at least a majority of the total membership of
11 the commission and shall be filed with the borough clerk. A copy with
12 signatures affixed shall also be filed with the clerk of each city within
13 the borough.

14 Sec. 29.12.330. (Sec. 29.68.380.) PUBLICATION AND POSTING OF PROPOSED
15 CHARTER. Within 10 days after filing the proposed charter, the borough
16 clerk shall have it published once in at least one newspaper having general
17 circulation distributed within the borough, if there is a newspaper having
18 general circulation distributed within the borough. In addition, the clerk
19 shall have a copy of the proposed charter posted in at least three public
20 places within each city of the borough and each area outside cities. Copies
21 of the proposed charter shall be made available by the borough assembly to
22 the public at both the office of the borough clerk and the office of the
23 clerk of each city within the borough. The clerk shall publish notice by
24 radio and television of the publication, posting, and availability of the
25 proposed charter in a manner intended to apprise the entire borough pop-
26 ulation of the existence of the proposed charter.

27 Sec. 29.12.340. (Sec. 29.68.390.) ELECTION ON CHARTER. (a) The pro-
28 posed charter adopted by the charter commission shall be submitted to the
29 voters for ratification or rejection at the borough election specified in

1 Sec. 300 (Sec. 350) of this chapter. The borough clerk shall prepare the
2 ballots for use in the election and shall give published notice of and
3 otherwise conduct the election in the manner in which regular municipal
4 elections are conducted. In addition, the clerk shall publish notice of the
5 election by radio and television in a manner intended to apprise the entire
6 borough population of the election.

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

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

15 (1) lieutenant governor;

16 (2) commissioner of the Department of Community and Regional
17 Affairs;

18 (3) district recorder for the area of the borough;

19 (4) clerk of the borough;

20 (5) clerk of each city in the borough.

21 (d) If a proposed charter is rejected, the charter commission
22 shall prepare, adopt and submit a proposed charter to the voters at a general
23 or special borough election called by the borough and held within one year
24 of the date of the first charter election. If the second proposed charter
25 is also rejected, the charter commission shall be dissolved and the question
26 of unification shall be treated as if it had never been proposed or approved.

27 (e) If after the rejection of the first proposed charter, more
28 than one-half of the charter commission members resign from the commission,
29 the borough assembly shall appoint new members to fill the vacancies in
accordance with Sec. 160(e) [Sec. 110(e)] of this chapter.

1 Sec. 29.12.350. (Sec. 29.68.400.) EFFECT OF THE CHARTER AFTER RATIFI-
2 CATION. Upon ratification, the charter of a unified municipality organized
3 under Secs. 190-390 (Secs. 240-440) of this chapter operates to dissolve
4 all local governments within the area of unification in accordance with the
5 charter.

6 Sec. 29.12.360. (Sec. 29.68.410.) ASSETS AND LIABILITIES. A munici-
7 pality created by unification shall succeed to all the assets and liabil-
8 ities of the local governments it unified. A bonded indebtedness or other
9 debt incurred before unification shall remain the tax obligation of the area
10 which contracted the debt, except that the tax obligation may be spread over
11 a larger area by ordinance if the governing body determines that the asset
12 for which the bonded indebtedness or other debt was incurred was used for
13 the benefit of the larger area before unification, or is so used after
14 unification. However, preunification bonded indebtedness or other debt for
15 sewage collection systems, water distribution systems, and streets, even if
16 determined to be used for the benefit of a larger area than that which
17 incurred the debt, shall remain the tax obligation of the area which incurred
18 the debt.

19 Sec. 29.12.370. (Sec. 29.68.420.) ORDINANCES. Within two years after
20 ratification of the charter, the governing body of the unified municipality
21 shall revise, repeal, or reaffirm all borough and city ordinances, reso-
22 lutions and orders in force within the borough at the time of unification.
23 Each ordinance, resolution, regulation, or order in force at the time of
24 unification shall remain in force until superseded by action of the new
25 governing body.

26 Sec. 29.12.380. (Sec. 29.68.430.) RIGHT TO STATE AND FEDERAL FUNDS
27 PRESERVED. All provisions of law authorizing contributions of any kind, in
28 money or otherwise, from the state or federal government to boroughs and
29 cities shall remain in full force and effect with respect to a unified
municipality organized under Secs. 190-390 (Secs. 240-440) of this chapter.

1 Sec. 29.12.390. (Sec. 29.68.440.) POWERS OF A UNIFIED MUNICIPALITY.

2 A municipality organized under Secs. 190-390 (Secs. 240-440) of this chapter
3 shall have all powers

4 (1) not prohibited it by law or charter;

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

6 Article 05. DISSOLUTION

7 (Article 5. DISSOLUTION)

8 Sec. 29.12.420. (Sec. 29.68.500.) METHODS OF DISSOLUTION. (a) Two
9 petition methods may be used to initiate dissolution of home rule and general
10 law municipalities:

11 (1) petition to the Local Boundary Commission under regulations
12 adopted by the commission; or

13 (2) the local option method specified in Secs. 430-500 (Secs.
14 510-580)
15 of this chapter.

16 (b) A home rule or general law borough is dissolved when its
17 entire territory is included within a home rule or first class city or
18 cities. A city is dissolved when all its powers become areawide borough
19 powers.

20 (c) The Department of Community and Regional Affairs shall
21 investigate a municipality which it considers to be inactive and shall
22 report to the Local Boundary Commission on the status of the municipality.
23 The commission may submit its recommendation to the legislature that the
24 municipality be dissolved in the manner provided for submission of boundary
25 changes in Sec. 12, art. X of the state constitution.

26 Sec. 29.12.430. (Sec. 29.68.510.) PETITION. (a) Municipal residents
27 may file a dissolution petition with the Department of Community and Regional
28 Affairs in the form prescribed by the department. The petition must be
29 signed by a number of municipal voters equal to at least 25 percent of the
number of votes cast in the last regular municipal election.

1 (b) The petition includes

2 (1) the name of the municipality;

3 (2) maps, documents, and other information showing that the
4 municipality meets the standards for dissolution.

5 Sec. 29.12.450. (Sec. 29.68.520.) STANDARDS. (a) Except as provided
6 in (b) of this section, a municipality may petition for dissolution when

7 (1) it is free of debt, or if in debt, each of its creditors
8 is satisfied with a method of repayment; and

9 (2) either it no longer meets the minimum standards prescribed
10 for incorporation by ch. 09 (ch. 18) of this title, or it ceases to use each
11 and every one of its mandatory powers.

12 (b) A home rule or general law city in a borough may petition for
13 dissolution if the borough consents to assume the city's rights, powers,
14 duties, assets and liabilities. The consent must be ratified by a majority
15 of borough voters voting on the question.

16 Sec. 29.12.460⁶. (Sec. 29.68.530.) REVIEW. The Department of Community
17 and Regional Affairs shall review a petition for content and signatures and
18 shall return a deficient petition for correction or completion.

19 Sec. 29.12.470⁷. (Sec. 29.68.540.) INVESTIGATION. If the petition
20 contains the required information and signatures, the Department of Community
21 and Regional Affairs shall investigate the proposal.

22 Sec. 29.12.480⁸. (Sec. 29.68.550.) REPORT AND HEARING. (a) The
23 Department of Community and Regional Affairs shall report its findings to
24 the Local Boundary Commission with its recommendation regarding the
25 dissolution.

26 (b) The Local Boundary Commission shall hold at least one public
27 hearing in the area proposed to be dissolved.

28 Sec. 29.12.490⁹. (Sec. 29.68.560.) DECISION. If the Local Boundary
29 Commission determines that the municipality fails to meet the standards for

1 dissolution, it shall reject the petition. If the commission determines
2 that the municipality meets the standards, it shall accept the petition.

3 Sec. 29.12.⁵⁰⁰~~490~~. (Sec. 29.68.570.) ELECTION. (a) The Local Boundary
4 Commission shall immediately notify the lieutenant governor of its acceptance
5 of a dissolution petition. Within 30 days after notification, the lieutenant
6 governor shall order an election within the municipality to determine whether
7 the voters desire dissolution. The election is at least 30 and not more
8 than 90 days after the election order.

9 (b) A person who is a qualified voter of the municipality may
10 vote in the dissolution election.

11 (c) The lieutenant governor shall supervise the election in the
12 general manner prescribed by the Alaska Election Code (AS 15.05-15.60). The
13 state shall pay all election costs.

14 (d) The lieutenant governor shall certify the election results.
15 If dissolution is approved, he shall declare that the municipality is dis-
16 solved effective on the date of certification.

17 Sec. 29.12.¹⁰~~500~~. (Sec. 29.68.580.) SUCCESSION. The government suc-
18 ceeding to a dissolved municipality succeeds to all its rights, powers,
19 duties, assets, and liabilities as provided in AS 29.09.130-29.09.140 (AS
20 29.18.130-29.18.140).