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CHAPTER 15. HOME RULE MUNICIPALITIES.

^{u.c.}
Article 1. CHARTERS.

Sec. 29.15.010. MUNICIPAL CHARTER ADOPTION. A first class ^{or second class} municipality

~~or second class~~ ^{delete} borough] may adopt a charter for its own government. A home rule municipality may amend its charter or adopt a new one. A charter is framed by a charter commission of seven members chosen by the municipal voters at a regular or special election. A candidate for the commission shall be a qualified voter of the municipality and a resident of the municipality for three years immediately preceding the election. A charter commission election is called by filing a petition with the borough assembly or the city council, or by resolution of the borough assembly or city council. The petition shall be signed by a number of municipal voters equal to 15 percent of the votes cast in the last regular election of the municipality.

Sec 29.15.020. NOMINATION. (a) Charter commission candidates are nominated by petitions signed by 50 voters or the number of qualified municipal voters equal to 10 percent of the number of votes cast in the last regular election, whichever is less.

**** (b) A nomination petition shall be filed with the borough or city clerk on or before a date to be fixed by the borough assembly or council. If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question shall be held.

Sec. 29.15.030. ELECTION. At the charter commission election the voters shall consider the question "Shall a charter commission be elected to frame a proposed new charter?" and shall select the members of the commission. If the question is approved, the seven candidates receiving the highest number of votes shall immediately organize as a charter commission.

Sec. 29.15.040. PREPARATION OF CHARTER. The charter commission shall, within one year, prepare a municipal charter. The proposed charter shall be

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1 signed by a majority of the charter commissioners and filed in the office of
2 the municipal clerk. Within 15 days, the borough assembly or city council
3 shall have the charter published once in a newspaper of general circulation
4 if distributed within the municipality. The clerk shall post copies of the
5 proposed charter in at least three public places and make copies available
6 at the office of the clerk. The commission shall give published notice of
7 and hold at least one public hearing on the proposed charter before the
8 signing and filing of the charter.

9 Sec. 29.15.050 INITIATIVE AND REFERENDUM. ****(a) A municipal charter
10 shall provide procedures for initiative and referendum.

11 (b) A charter may not require an initiative or referendum petition
12 to have a number of signatures greater than 25 percent of the total votes
13 cast at the last regular municipal election.

14 (c) A charter may not permit the initiative and referendum to be
15 used for a purpose prohibited by Sec. 7, art. XI of the state constitution.

16 Sec. 29.15.060. CHARTER ELECTION. The charter shall be submitted to
17 the municipal voters at a regular or special election held not less than 30
18 days nor more than 90 days from the publication of the charter.

19 Sec. 29.15.070. CHARTER ADOPTION. (a) If a majority of those voting
20 on the question favor the proposed charter, it becomes the organic law of
21 the municipality. Thereafter, the court shall take judicial notice of the
22 charter. The municipality shall file the indicated number of copies of the
23 charter with the

24 (1) lieutenant governor - two copies;

25 (2) Department of Community and Regional Affairs - two
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27 (3) district recorder - one copy;

28 (4) municipal clerk - one copy.
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(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.

Sec. 29.15.080. CHARTER AMENDMENT. A municipal charter may be amended as provided in the charter ☐ or by initiative ☐ referendum ☐ ~~as provided in~~ AS 29.30.090-29.30.180, [§] except that no amendment shall be effective unless ratified by the voters.

Article 2. HOME RULE LIMITATIONS

Sec. 29.15.110. LIMITATION OF HOME RULE POWERS. Only the following provisions of this title apply to home rule municipalities, as prohibitions on acting otherwise as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.09.140 Borough Transition
- (2) AS 29.12.010 Municipal Name Change
- (3) AS 29.12.040 Annexation and Exclusion
- (4) AS 29.12.080 - 29.12.160 Merger and Consolidation
- (5) AS 29.12.420 - 29.12.500 Dissolution
- (6) AS 29.15.080 Charter Amendment
- (7) AS 29.24.010 Conflict of Interest
- (8) AS 29.24.020 Meetings Public
- (9) ~~(Effective until January 1, 1981)~~ AS 29.23.020 - 29.23.050

Borough Assembly Representation

(Effective January 1, 1981) AS 29.24.060; 29.24.080 - 29.24.140
(29.23.021; 29.23.025 - 29.23.050) Borough assembly composition
and Apportionment; Borough Assembly Members

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*✓ Berns
deletion
sec.
as not "limitations"*

- 1 ~~✓(10)~~ AS 29.24.150(c) Expulsion of Borough Assemblymen
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- 3 Office
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- 10 ~~(16)~~ AS 29.24.700 Municipal Reports
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- 13 ~~(18)~~ AS 29.27.060 Codification
- 14 (19) AS 29.30.010, 29.30.030(b) - 29.30.040 Municipal Elections
- 15 ~~✓(20)~~ AS 29.30.060(f) Expulsion, Removal from Office
- 16 (21) AS 29.30.210 - 29.30.330 Recall
- 17 (22) AS 29.33.020 Extraterritorial Jurisdiction
- 18 ~~✓(23)~~ AS 29.33.030 Eminent Domain
- 19 (24) AS 29.33.080 Garbage and Solid Waste Services
- 20 (25) AS 29.33.090(b) Effect of Areawide Exercise
- 21 of Borough Power
- 22 ~~(26)~~ AS 29.33.090(c) Borough Building Code *✓ on*
- 23 Jurisdiction within Cities
- 24 ~~(27)~~ AS 29.33.100 - 29.33.160 Utilities
- 25 **** (28) AS 29.33.220 Repeal
- 26 (29) AS 29.33.230 Post Audit
- 27 (30) AS 29.36.010(b) Areawide Borough Powers
- 28 (31) AS 29.36.040, AS 29.36.230(d), AS 14.12.020(a) Responsibility
- 29 for education on Military Reservations

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1 (32) AS 29.36.130(c) Acquisition of Additional
2 Areawide Powers

3 (33) AS 29.39.020 - 29.39.060 Powers of Cities Outside Boroughs

4 *Repeal* ~~(34)~~ AS 29.42.040(d) Zoning of State Land for
5 Homesite Entry

6 *Repeal* ~~(35)~~ AS 29.42.080(b) Applicability of Local
7 Platting Regulations to State Land in a Municipality

8 (36) AS 29.45.010 - 29.45.530 Borough
9 and City Property Taxes

10 ~~(37)~~ AS 29.45.020 *Taxpayer Notice*

11 ~~(38)~~ AS 29.45.580(d) Interest on Sales
12 Tax

13 (39) AS 29.48.090 Exemption from Special Assessment

14 *Repeal* ~~(40)~~ AS 29.51.420 - 29.51.430 Bonded Debt for
15 School Construction

16 (41) AS 29.51.210(b) Security for Bonds

17 *Repeal* ~~(42)~~ AS 29.51.390 Bond attorneys, Bond and Financial
18 Consultants

19 (43) AS 29.62. Municipal Tax Resource Equalization

20 (44) AS 29.62. State Aid for Miscellaneous Municipal
21 Services

22 (45) AS 29.71.010 Adverse Possession

23 (46) AS 29.71.020 Taxation of Municipalities
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~~29.12.080~~ $\hookrightarrow$
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~~29.12.420~~ $\hookrightarrow$
- (6) AS 29.15.080 Charter Amendment
- (7) AS 29.24.010 Conflict of Interest
- (8) AS 29.24.020~~(29.23.580)~~ Meetings Public
- (9) (Effective until January 1, 1981) AS 29.23.020-29 23.050
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 (Effective January 1, 198) AS 29.24.060; 29.24.080-29.24.140
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DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

✓ Sec. 29.15.020. NOMINATION.

(b) A nomination petition shall be filed with the borough or city clerk on or before a date to be fixed by the borough assembly or city council. If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question shall be held.

EXPLANATION: Subsection (b) has been added to avoid the expense and inconvenience of an election on the question of forming a charter commission if not enough nominations for commission members are received. An alternative would be to provide for appointment of members in such cases but it was felt that failure to nominate a sufficient number of commission candidates indicated a general lack of interest in the formation of a charter commission.

NO DISCUSSION - OK

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.15.050. INITIATIVE AND REFERENDUM. (a) A municipal charter shall provide procedures for initiative and referendum.

EXPLANATION: This is technical clean-up creating no substantive change in existing law. However, it has been argued that the phrase "charters shall provide the procedures" refers to the procedures set out in Title 29 applicable to general law municipalities. Consequently, "the" has been dropped in order to clarify the fact that home rule municipalities are free to establish procedures which may differ from those set out in Title 29.

OK No discussion

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.15.110. LIMITATION OF HOME RULE POWERS. ⁽³²⁾

(13) AS 29.24.340(a) (election and term of mayor) Repeal.

(19) AS 29.30.040 (voter qualification) *AS RETAINED & MADE UNIFORM STATEWIDE*

(28) AS 29.33.220 (expenditure of borough revenue) Repeal.

(13) No objections

EXPLANATION: AS 29.24.340(a) provides that a home rule city may prescribe additional residency requirements by charter for eligibility to hold the office of mayor. This is not a limitation and does not properly appear in the list of home rule limitations. That section also stipulates that a mayor must be a municipal voter, but it is felt that those sort of administrative decisions ought to be left up to a home rule municipality.

REPEAL NO OBJECTION
AS 29.30.010 provides that three judges shall be appointed for each polling place and that the assembly or council prescribe rules for conduction elections. These appear to be administrative decisions properly left up to a home rule municipality. This section is eliminated from (19) as a limitation.

REPEAL NO OBJECTION
AS 29.30.030(b) provides that the assembly or council may call a special election upon at least 20 days notice. This is an administrative matter properly left up to home rule municipalities and was eliminated from (19). However, it was felt that AS 29.30.040 dealing with voter qualifications ought to be included as a limitation on home rule powers to preserve uniformity across the state in this area.

NO OBJECTION
AS 29.33.220 provides that revenues collected on an areawide basis may be expended on general administrative costs and on areawide functions only. Likewise, revenues collected outside cites may be expended on general administrative costs and in providing services outside cities. It was felt that home rule municipalities ought to be given more flexibility in managing revenues.

Service area money spent onkeely

1 CHAPTER 15. HOME RULE MUNICIPALITIES

2 (CHAPTER 13. HOME RULE MUNICIPALITIES)

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- (4) AS 29.12.080-160 (29.68.030-29.68.110) Merger and Consolidation
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22 (25) AS 29.33.090[b] (29.48.035[b]) Effect of Areawide Exercise
23 of Porough Power
24 (26) AS 29.33.090[c] (29.48.035[c]) Borough Building Code
25 Jurisdiction within Cities
26 (27) AS 29.33.100-29.33.160 (29.48.040-29.48.100) Utilities
27 (28) AS 29.33.220 (29.48.210) Expenditure of Borough Revenue
28 (29) AS 29.33.230 (29.48.220) Post Audit
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- 1 (10) AS 29.24.150 [29.23.060(c)] Expulsion of Borough Assemblymen
2
3 (11) AS 29.24.200 [29.23.130(f)] Removal of Borough Mayor from
4 Office
5 (12) AS 29.24.290 [29.23.210(b)] Expulsion of City Councilman
6 from Office
7 (13) AS 29.24.340[a] (29.23.250[a]) Election and Term of
8 Mayor
9 (14) AS 29.24.350 (29.23.255) Removal of Mayor from Office
10 (15) AS 29.24.680 (29.23.540) Prohibitions Respecting Appointment
11 and Removal of Personnel
12 (16) AS 29.24.700 (29.23.560) Municipal Reports
13 (17) AS 29.27.010[a][12] (29.48.130[a][12]) Municipal Exemption
14 on Contractor Bond Requirements
15 (18) AS 29.27.060 (29.48.180) Codification
16 (19) AS 29.30.010, 29.30.030[b]-29.30.040 (29.28.010, 29.28.020[b])
17 29.28.030 Municipal Elections
18 (20) AS 29.30.060 [29.28.050(f)] Expulsion, Removal from Office
19 (21) AS 29.30.210-29.30.330 (29.28.130-29.28.250) Recall
20 (22) AS 29.33.020 (29.48.037) Extraterritorial jurisdiction
21 (23) AS 29.33.030 (29.73.020) Eminent Domain
22 (24) AS 29.33.080 (29.48.033) Garbage and Solid Waste Services
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- (30) AS 29.36.010[b] (29.33.010[b]) Areawide Borough Powers
- (31) AS 29.36.040, AS 29.36.230(d), AS 14.12.020[a] (29.33.050, 29.41.010[d], 14.12.020[a]) Responsibility for education on Military Reservations
- (32) AS 29.36.130[c] (29.33.290[c]) Acquisition of Additional Areawide Powers
- (33) AS 29.39.020-29.39.060 (29.43.020-29.43.040) Powers of Cities Outside Boroughs
- (34) AS 29.42.040[d] (29.33.090[d]) Zoning of State Land for Homesite Entry
- (35) AS 29.42.080[b] (29.33.150[b]) Applicability of Local Platting Regulations to State Land in a Municipality
- (36) AS 29.45.010-29.45.530 (29.53.010-53.400) Borough and City Property Taxes
- (37) AS 29.45.020 [AS 29.73.060(070)] Taxpayer Notice
- (38) AS 29.45.580[d] (29.53.415[d]) Interest on Sales Tax
- (39) AS 29.48.090 (29.63.065) Exemption from Special Assessment
- (40) AS 29.51.420-29.51.430 (29.58.345-29.58.350) Bonded Debt for School Construction
- (41) AS 29.51.210[b] (29.58.180[b]) Security for Bonds
- (42) AS 29.51.390 (29.58.315) Bond attorneys, Bond and Financial Consultants
- (43) AS 29.62. (29.88) Municipal Tax Resource Equalization
- (44) AS 29.62. (29.89) State Aid for Miscellaneous Municipal Services
- (45) AS 29.71.010 (29.73.030) Adverse Possession
- (46) AS 29.71.020 (29.73.040) Taxation of Municipalities

- 1 (30) AS 29.36.010[b] (29.33.010[b]), Areawide Borough Powers
2 (31) AS 29.36.050, AS 29.36.320, AS 14.12.020[a] (29.33.050,
3 29.41.010[d], 14.12.020[a]) Responsibility for education
4 on Military Reservations
5 (32) AS 29.36.130[c] (29.33.290[c]) Acquisition of Additional
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8 Powers of Cities Outside Boroughs
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