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CHAPTER 21. CAPITAL CITY

Sec. 29.21.010. INCORPORATION. There is created and incorporated a city of the state as the capital city of Alaska which is a city of the first class. The capital city has all the powers of a first class city.

Sec. 29.21.020. BOUNDARIES. The boundaries of the capital city shall include all of that area of land designated by the voters of Alaska as the new capital site of the state.

Sec. 29.21.030. CITY COUNCIL. (a) Until council members elected by the residents of the capital city take office as provided in AS 29.21.060 the council of the capital city shall have five members, four of whom shall be appointed by the governor and shall serve at the pleasure of the governor. The development corporation shall designate one person to serve as a member of the council. The council members appointed by the governor or designated by the development corporation shall serve an initial term which expires on the Monday following the first Tuesday in October of the calendar year following the calendar year of initial appointment or designation. Council members may be reappointed by the governor or redesignated by the development corporation. Except as provided in AS 29.21.160 the successors of the initial appointees and designee shall serve for a term of two years commencing on the date the initial appointments and designation expire. Each appointee and designee shall hold office for the term of his appointment and until his successor has been appointed or designated and has qualified.

(b) Council members appointed by the governor or designated by the development corporation need not be residents of the capital city.

(c) The council shall elect a chairman from among its membership. The chairman presides at council meetings, determines the agenda for council meetings, and carries out the other duties specified by ordinance.

Sec. 29.21.040. FILLING A VACANCY. If a vacancy occurs among the members appointed by the governor, the governor shall designate the replacement who shall serve for the unexpired portion of the term.

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1 Sec. 29.21.050. APPOINTMENT OF CITY OFFICIALS. Until a mayor is
2 elected in accordance with AS 29.21.060, the council shall appoint a city
3 manager for the capital city to serve at the pleasure of the council. The
4 city manager may not be a council member.

5 Sec. 29.21.060. TRANSITION. (a) When the capital city attains a
6 population of 400 permanent residents, as certified by the lieutenant
7 governor based on the best information available, the lieutenant governor
8 shall notify the council of this determination. The lieutenant governor
9 shall specify an election date which shall be the first Tuesday of October
10 following the notification, except that if it is less than six months from
11 the date of the certification to the first Tuesday of October then the
12 election date shall be the first Tuesday of October of the year following.
13 The elected members shall take office on the Monday following the election.

14 (b) After the lieutenant governor has specified the election date,
15 the council shall make arrangements for an election at which five council
16 members and a mayor shall be elected in the manner prescribed by ordinance
17 and law. The expenses of the election shall be borne by the state. The
18 council of the capital city shall have six members. The governor shall
19 designate

20 one council member holding office on the date of the election to remain a
21 member of the council for a single three-year term commencing on the date
22 the elected council members take office. The successors to the appointed
23 council members shall be elected by the residents, except that if the
24 appointed council member leaves office during the three years, the governor
25 may appoint a successor. The terms of all other appointed or designated
26 council members expire when the elected council members take office. The
27 term of elected council members is as provided in AS 29.24.280 except that
28 three of the members are elected for an initial term of one year.
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1 *Sec. 29.21.070. PLANNING AND LAND USE REGULATION AUTHORITY. The
2 general development plan and specific development plans constitute the land
3 use plan for the capital city area. When a parcel of land has been developed
4 in accordance with the applicable specific development plan, that parcel
5 becomes subject to all planning, zoning, subdivision, building code or other
6 similar ordinances of the Matanuska-Susitna Borough.

7 Sec. 29.21.080. TRANSFER OF UTILITIES TO THE CAPITAL CITY. The
8 development corporation, in cooperation with the capital city, shall arrange
9 for and agree to an orderly schedule for transferring to the capital city
10 ownership of, and financial and operational responsibility for utilities and
11 any other facilities which the development corporation considers to be
12 integral parts of the capital city infrastructure. Before January 1, 1985,
13 the development corporation and the council of the capital city shall jointly
14 retain independent consultants to study and determine an orderly schedule
15 for transfer of these utilities and facilities to the capital city. The
16 study shall consider the capabilities of the capital city and its existing
17 and anticipated residents to finance the cost of these utilities and other
18 facilities and their operating expenses. The consultants shall propose a
19 recommended schedule for and terms of transfer which are commensurate with
20 the capital city's existing and anticipated population, tax base and any
21 other factors relating to its capability to finance and operate these
22 facilities as they consider appropriate. The development corporation shall,
23 after considering the consultants' report, propose a schedule of and terms
24 and conditions of the transfer to the capital city, which shall, upon review
25 and approval by the council, be included in an agreement between the
26 development corporation and the capital city. If the development corporation
27 and the capital city are unable to agree within six months after the
28 development corporation submits its proposal, the development corporation
29 shall submit the proposal to the Legislative Budget and Audit Committee

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1 which shall consider the proposal, and if the committee considers it approp-
2 riate to do so, shall recommend to the legislature legislation it considers
3 desirable for the disposition of the utilities and other facilities. If the
4 legislature does not enact legislation regarding the disposition within one
5 year after the proposal is submitted to the Legislative Budget and Audit
6 Committee, the development corporation may at any time thereafter sell or
7 dispose of the utilities and facilities or any of them to a private person
8 or entity or government body, or continue to operate them.

9 Sec. 29.21.090. DEFINITIONS. In AS 29.21.010 - 29.21.090, unless
10 the context requires otherwise,

11 (1) "capital city area" means the area described in AS
12 29.21.020

13 (2) "capital city " means the municipality incorporated by
14 this chapter;

15 (3) "development corporation" means the Alaska Capital City
16 Development Corporation;

17 (4) "general development plan" has the same meaning as
18 provided in AS 44.07.360 and includes amendments to the general development
19 plan;

20 (5) "specific development plan" has the same meaning as
21 provided in AS 44.07.360 and includes amendments to each specific development
22 plan.

23 Sec. 29.21.100. SHORT TITLE. AS 29.21.010 - 100 of this chapter may
24 be cited as the Capital City Incorporation Act.

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*Proofed 12-30*CHAPTER 21. CAPITAL CITY

Sec. 29.21.010. INCORPORATION. There is created and incorporated a city of the state as the capital city of Alaska which is a city of the first class. The capital city has all the powers of a first class city.

Sec. 29.21.020. BOUNDARIES. The boundaries of the capital city shall include all of that area of land designated by the voters of Alaska as the new capital site of the state.

Sec. 29.21.030. CITY COUNCIL. (a) Until council members elected by the residents of the capital city take office as provided in AS 29.21.060 the council of the capital city shall have five members, four of whom shall be appointed by the governor and shall serve at the pleasure of the governor. The development corporation shall designate one person to serve as a member of the council. The council members appointed by the governor or designated by the development corporation shall serve an initial term which expires on the Monday following the first Tuesday in October of the calendar year following the calendar year of initial appointment or designation. Council members may be reappointed by the governor or redesignated by the development corporation. Except as provided in AS 29.21.160 the successors of the initial appointees and designee shall serve for a term of two years commencing on the date the initial appointments and designation expire. Each appointee and designee shall hold office for the term of his appointment and until his successor has been appointed or designated and has qualified.

(b) Council members appointed by the governor or designated by the development corporation need not be residents of the capital city.

(c) The council shall elect a chairman from among its membership. The chairman presides at council meetings, determines the agenda for council meetings, and carries out the other duties specified by ordinance.

Sec. 29.21.040. FILLING A VACANCY. If a vacancy occurs among the members appointed by the governor, the governor shall designate the replacement who shall serve for the unexpired portion of the term.

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1 Sec. 29.21.050. APPOINTMENT OF CITY OFFICIALS. Until a mayor is
2 elected in accordance with AS 29.21.060, the council shall appoint a city
3 manager for the capital city to serve at the pleasure of the council. The
4 city manager may not be a council member.

5 Sec. 29.21.060.  TRANSITION. (a) When the capital city attains a
6 population of 400 permanent residents, as certified by the lieutenant governor
7 based on the best information available, the lieutenant governor shall
8 notify the council of this determination. The lieutenant governor shall
9 specify an election date which shall be the first Tuesday of October following
10 the notification, except that if it is less than six months from the date of
11 the certification to the first Tuesday of October then the election date
12 shall be the first Tuesday of October of the year following. The elected
13 members shall take office on the Monday following the election.

14 (b) After the lieutenant governor has specified the election date,
15 the council shall make arrangements for an election at which five council
16 members and a mayor shall be elected in the manner prescribed by ordinance
17 and law. The expenses of the election shall be borne by the state. The
18 council of the capital city shall have six members. The governor shall
19 designate

20 one council member holding office on the date of the election to remain a
21 member of the council for a single three-year term commencing on the date
22 the elected council members take office. The successors to the appointed
23 council members shall be elected by the residents, except that if the
24 appointed council member leaves office during the three years, the governor
25 may appoint a successor. The terms of all other appointed or designated
26 council members expire when the elected council members take office. The
27 term of elected council members is as provided in AS 29.24.280 except that
28 three of the members are elected for an initial term of one year.
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1 *Sec. 29.21.070. PLANNING AND LAND USE REGULATION AUTHORITY. The
2 general development plan and specific development plans constitute the land
3 use plan for the capital city area. When a parcel of land has been developed
4 in accordance with the applicable specific development plan, that parcel
5 becomes subject to all planning, zoning, subdivision, building code or other
6 similar ordinances of the Matanuska-Susitna Borough.

7 Sec. 29.21.080. TRANSFER OF UTILITIES TO THE CAPITAL CITY. The
8 development corporation, in cooperation with the capital city, shall arrange
9 for and agree to an orderly schedule for transferring to the capital city
10 ownership of, and financial and operational responsibility for utilities and
11 any other facilities which the development corporation considers to be
12 integral parts of the capital city infrastructure. Before January 1, 1985,
13 the development corporation and the council of the capital city shall jointly
14 retain independent consultants to study and determine an orderly schedule
15 for transfer of these utilities and facilities to the capital city. The
16 study shall consider the capabilities of the capital city and its existing
17 and anticipated residents to finance the cost of these utilities and other
18 facilities and their operating expenses. The consultants shall propose a
19 recommended schedule for and terms of transfer which are commensurate with
20 the capital city's existing and anticipated population, tax base and any
21 other factors relating to its capability to finance and operate these
22 facilities as they consider appropriate. The development corporation shall,
23 after considering the consultants' report, propose a schedule of and terms
24 and conditions of the transfer to the capital city, which shall, upon review
25 and approval by the council, be included in an agreement between the developer
26 corporation and the capital city. If the development corporation and the
27 capital city are unable to agree within six months after the development
28 corporation submits its proposal, the development corporation shall submit
29 the proposal to the Legislative Budget and Audit Committee which shall

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1 consider the proposal, and if the committee considers it appropriate to do
2 so, shall recommend to the legislature legislation it considers desirable
3 for the disposition of the utilities and other facilities. If the legislature
4 does not enact legislation regarding the disposition within one year after
5 the proposal is submitted to the Legislative Budget and Audit Committee, the
6 development corporation may at any time thereafter sell or dispose of the
7 utilities and facilities or any of them to a private person or entity or
8 government body, or continue to operate them.

9 Sec. 29.21.090. DEFINITIONS. In AS 29.21.010 - 29.21.090, unless
10 the context requires otherwise,

11 (1) "capital city area" means the area described in AS 29.21.020

12 (2) "capital city " means the municipality incorporated by
13 this chapter;

14 (3) "development corporation" means the Alaska Capital City
15 Development Corporation;

16 (4) "general development plan" has the same meaning as provided
17 in AS 44.07.360 and includes amendments to the general development plan;

18 (5) "specific development plan" has the same meaning as
19 provided in AS 44.07.360 and includes amendments to each specific development
20 plan.

21 Sec. 29.21.100. SHORT TITLE. AS 29.21.010 - 100 of this chapter may
22 be cited as the Capital City Incorporation Act.
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1 CHAPTER 21. CAPITAL CITY

2 (Article 5. CAPITAL CITY INCORPORATION)

3 Sec. 29.21.010. (Sec. 29.18.510.) INCORPORATION. There is created
4 and incorporated a city of the state as the capital city of Alaska which is
5 a city of the first class. The capital city has all the powers of a first
6 class city.

7 Sec. 29.21.020. (Sec. 29.18.520.) BOUNDARIES. The boundaries of the
8 capital city shall include all of that area of land designated by the voters
9 of Alaska as the new capital site of the state.

10 Sec. 29.21.030. (Sec. 29.18.530.) CITY COUNCIL. (a) Until council
11 members elected by the residents of the capital city take office as provided
12 in Sec. 060 (Sec. 570) of this chapter, the council of the capital city
13 shall have five members, four of whom shall be appointed by the governor and
14 shall serve at the pleasure of the governor. The development corporation
15 shall designate one person to serve as a member of the council. The council
16 members appointed by the governor or designated by the development corporation
17 shall serve an initial term which expires on the Monday following the first
18 Tuesday in October of the calendar year following the calendar year of
19 initial appointment or designation. Council members may be reappointed by
20 the governor or redesignated by the development corporation. Except as
21 provided in Sec. 060 Sec. 570 of this chapter, the successors of the initial
22 appointees and designee shall serve for a term of two years commencing on
23 the date the initial appointments and designation expire. Each appointee
24 and designee shall hold office for the term of his appointment and until his
25 successor has been appointed or designated and has qualified.

26 (b) Council members appointed by the governor or designated by the
27 development corporation need not be residents of the capital city.

28 (c) The council shall elect a chairman from among its membership.
29 The chairman presides at council meetings, determines the agenda for council
meetings, and carries out the other duties specified by ordinance.

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1 Sec. 29.21.040. (Sec. 29.18.540.) FILLING A VACANCY. If a vacancy
2 occurs among the members appointed by the governor, the governor shall
3 designate the replacement who shall serve for the unexpired portion of the
4 term.

5 Sec. 29.21.050. (Sec. 29.18.550.) APPOINTMENT OF CITY OFFICIALS.
6 Until a mayor is elected in accordance with Sec. 060 (Sec. 570) of this
7 chapter, the council shall appoint a city manager for the capital city to
8 serve at the pleasure of the council. The city manager may not be a council
9 member.

10 Sec. 29.21.060. (Sec. 29.18.570.) TRANSITION. (a) When the
11 capital city attains a population of 400 permanent residents, as certified
12 by the lieutenant governor based on the best information available, the
13 lieutenant governor shall notify the council of this determination. The
14 lieutenant governor shall specify an election date which shall be the first
15 Tuesday of October following the notification, except that if it is less
16 than six months from the date of the certification to the first Tuesday of
17 October then the election date shall be the first Tuesday of October of the
18 year following. The elected members shall take office on the Monday
19 following the election.

20 (b) After the lieutenant governor has specified the election date,
21 the council shall make arrangements for an election at which five council
22 members and a mayor shall be elected in the manner prescribed by ordinance
23 and law. The expenses of the election shall be borne by the state. The
24 council of the capital city shall have six members. The governor shall
25 designate

26 one council member holding office on the date of the election to remain a
27 member of the council for a single three-year term commencing on the date
28 the elected council members take office. The successors to the appointed
29 council members shall be elected by the residents, except that if the

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1 appointed council member leaves office during the three years, the governor
2 may appoint a successor. The terms of all other appointed or designated
3 council members expire when the elected council members take office. The
4 term of elected council members is as provided in AS 29.24.280 [AS 29.23.200(c)
5 except that three of the members are elected for an initial term of one
6 year.

7 Sec. 29.21.070. (Sec. 29.18.580.) PLANNING AND ZONING AUTHORITY. The
8 general development plan and specific development plans constitute the land
9 use plan for the capital city area. When a parcel of land has been developed
10 in accordance with the applicable specific development plan, that parcel
11 becomes subject to all planning, zoning, subdivision, building code or other
12 similar ordinances of the Matanuska-Susitna Borough.

13 Sec. 29.21.080. (Sec. 29.18.590.) TRANSFER OF UTILITIES TO THE
14 CAPITAL CITY. The development corporation, in cooperation with the capital
15 city, shall arrange for and agree to an orderly schedule for transferring to
16 the capital city ownership of, and financial and operational responsibility
17 for utilities and any other facilities which the development corporation
18 considers to be integral parts of the capital city infrastructure. Before
19 January 1, 1985, the development corporation and the council of the capital
20 city shall jointly retain independent consultants to study and determine an
21 orderly schedule for transfer of these utilities and facilities to the
22 capital city. The study shall consider the capabilities of the capital city
23 and its existing and anticipated residents to finance the cost of these
24 utilities and other facilities and their operating expenses. The consultants
25 shall propose a recommended schedule for and terms of transfer which are
26 commensurate with the capital city's existing and anticipated population,
27 tax base and any other factors relating to its capability to finance and
28 operate these facilities as they consider appropriate. The development
29 corporation shall, after considering the consultants' report, propose a

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1 schedule of and terms and conditions of the transfer to the capital city,
2 which shall, upon review and approval by the council, be included in an
3 agreement between the development corporation and the capital city. If the
4 development corporation and the capital city are unable to agree within six
5 months after the development corporation submits its proposal, the development
6 corporation shall submit the proposal to the Legislative Budget and Audit
7 Committee which shall consider the proposal, and if the committee considers
8 it appropriate to do so, shall recommend to the legislature legislation it
9 considers desirable for the disposition of the utilities and other facilities.
10 If the legislature does not enact legislation regarding the disposition
11 within one year after the proposal is submitted to the Legislative Budget
12 and Audit Committee, the development corporation may at any time thereafter
13 sell or dispose of the utilities and facilities or any of them to a private
14 person or entity or government body, or continue to operate them.

15 Sec. 29.21.090. (Sec. 29.18.600.) DEFINITIONS. In Secs. 010-090
16 Secs. 510-600 of this chapter, unless the context requires otherwise,

17 (1) "capital city area" means the area described in Sec. 020
18 (Sec. 520) of this chapter;

19 (2) "capital city" means the municipality incorporated by
20 this chapter;

21 (3) "development corporation" means the Alaska Capital City
22 Development Corporation;

23 (4) "general development plan" has the same meaning as provided
24 in AS 44.07.360 and includes amendments to the general development plan;

25 (5) "specific development plan" has the same meaning as
26 provided in AS 44.07.360 and includes amendments to each specific development
27 plan.

28 Sec. 29.21.100. (Sec. 29.18.610.) SHORT TITLE. Sections 010-100
29 (Sections 510-610) of this chapter may be cited as the Capital City
Incorporation Act.