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CHAPTER 06. CLASSIFICATION OF MUNICIPALITIES

****Sec. 29.06.010. HOME RULE. A home rule municipality is a municipal corporation and political subdivision. It is a city ^{delete} [of the first class] or an organized borough which has adopted a home rule charter, or it is a municipality unified in accordance with AS 29.12.190 - 29.12.350. A home rule municipality has all legislative powers not prohibited by law or charter.

Sec. 29.06.020 GENERAL LAW. A general law municipality is a municipal corporation and political subdivision and is an unchartered borough or city. It has legislative powers conferred by law.

Sec 29.06.030. CLASSES OF GENERAL LAW. General law municipalities are of five classes:

- (1) first class boroughs;
- (2) second class boroughs;
- ~~(3) third class boroughs;~~
- (3) first class cities;
- (4) second class cities.

Sec. 29.06.040. RECLASSIFICATION. (a) A second class city may be reclassified as a first class city by holding an election on the question as provided in this subsection, if the Department of Community and Regional Affairs determines from the best figures available that the population of the city has reached 400 permanent residents.

(b) An election on the question of reclassification may be initiated in two ways:

(1) a number of voters equal to 15 percent of the number of votes cast in the city at the preceding regular election may file a petition with the council; or

(2) the council may propose reclassification.

(c) The council shall hold at least one public hearing within the

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ref to
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city on the question. The council shall then evaluate the ability of the city to assume first class status and make its findings public.

(d) The council shall, within 30 days after its findings have been made public, order an election to be held on the question. The election shall be held at least 30 days after the order and not later than the next regular election occurring after the 30-day period.

(e) If more than one question is to be voted on at the election, each appears separately on the ballot.

(f) The council shall certify the election results to the Department of Community and Regional Affairs. If the majority of votes cast on the question is favorable, the city shall be considered reclassified to first class status 30 days after certification of the election results.

(g) A second class borough may reclassify as a first class or third class borough, and a third class borough may reclassify as a first class or second class borough, in the manner provided by AS 29.36.110 -29.36.130 for the addition of powers by boroughs, except the petition or proposal requests reclassification instead of requesting addition of powers.

(h) At the time of voting on reclassification of a second class borough to third class status, borough voters in conformity with AS 29.36. shall elect an assembly to serve as the combined assembly and school board of the third class borough if reclassification is approved.

10 years. (i) At the time of voting on reclassification of a third class borough to second class or first class status, borough voters shall vote also on the question whether the borough shall upon reclassification retain a combined assembly and school board or a separate assembly and board as otherwise provided for first and second class boroughs. If the majority of votes cast on the question favors retention of the combined assembly and board, the assembly serving at the time of the reclassification election

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1 continues to serve as the assembly and board upon voter approval of reclas-
2 sification and until terms of assemblymen expire as provided before reclas-
3 sification. If a separate board and assembly are approved at the reclas-
4 sification election, a school board shall be elected in conformity with AS
5 14.12 at the next regular municipal election, if it occurs within 90 days of
6 the date of the reclassification election, or otherwise at a special
7 election within that time called by the assembly with expiration dates of
8 terms of members elected at the special election to coincide with the date
9 of the regular municipal election. Until a board is elected and qualified,
10 the assembly continues to serve as the board.

11 (j) The effective date of reclassification of a borough for which
12 reclassification is approved under (h) of this section is the first day of
13 the borough's fiscal year which begins at least six months after the date on
14 which the reclassification proposition has been approved by the voters.

15 ****Sec. 29.06.050. TRANSITION. Repeal.
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Proofed 12-30

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14 third class borough, and a third class borough may reclassify as a first
15 class or second class borough, in the manner provided by AS 29.36.110
16 -29.36.130 ~~(AS 29.33.270-29.33.290)~~ for the addition of powers by boroughs,
17 except the petition or proposal requests reclassification instead of
18 requesting addition of powers.

19 (h) At the time of voting on reclassification of a second class
20 borough to third class status, borough voters in conformity with AS 29.36.
21 ~~(AS 29.41)~~ shall elect an assembly to serve as the combined assembly and
22 school board of the third class borough if reclassification is approved.

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DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

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EXPLANATION: A reference to unified municipalities along with a cross-reference to provisions dealing with the organization of unified municipalities has been included so that this section will provide a complete definition of home rule. No substantive change.

OK

Branson
Moves to accept ^{ALL} changes
seconded



Sec. 29.06.050. Repeal

EXPLANATION: This section deals with the transition period following the 1972 revision of the Municipal Code and is of no effect. The reclassification of municipalities to conform to provisions of the 1972 Code were to have been essentially completed within two years of September 10, 1972.

Discussion

sugg. by TECH new transition
section be written after
all else drafted.

OK

1 CHAPTER 06. CLASSIFICATION OF MUNICIPALITIES

2 (CHAPTER 08. CLASSIFICATION OF MUNICIPALITIES)

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13 the borough's fiscal year which begins at least six months after the date on
14 which the reclassification proposition has been approved by the voters.

15 Sec. 29.06.050. (Sec.29.08.050.) TRANSITION. (a) On September 10,
16 1972, the current classification of existing home rule cities and of first
17 class cities having 400 or more permanent residents is not affected by this
18 Act. Second and third class cities incorporated before September 10, 1972
19 and having 400 or more permanent residents are reclassified as first class
20 cities. The city council shall certify by resolution the number of permanent
21 residents within the city. Upon the failure to certify, the Local Boundary
22 Commission shall hold a public hearing and make a determination as to clas-
23 sification as provided in (c) of this section.

24 (b) On September 10, 1972, fourth class cities incorporated
25 before that date are reclassified as second class cities subject to reclas-
26 sification under Sec. 40 of this chapter

27 (c) The Local Boundary Commission shall, within two years of
28 September 10, 1972, hold a public hearing in each city which was first,
29 second, or third class before that date and whose population is under 400

1 permanent residents. The commission shall determine in each case whether
2 the city should be classified as first or second class under the new clas-
3 sification. The commission's decision must be published at least once.
4 Unless objections are filed with the Local Boundary Commission by at least
5 five percent of the permanent residents of the city within 60 days, the
6 classification recommended by the commission becomes effective on the 61st
7 day. If objections are filed by at least five percent of the permanent
8 residents of the city, the commission shall submit its recommendation to the
9 legislature in the manner provided for submission of boundary changes in
10 Sec. 12, art. X of the state constitution.