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MINUTES - Aug 27

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Ex Officio, Wkg Grp

Policy group, Swendsen

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Attached: SB 5.5

Lt. Nells Anderson

City of McGrath

Minutes:

Policy, Tech, Ex-Off &
OTHERS

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TITLE 29 REVISION COMMITTEE
Policy Advisory Group Meeting

Minutes of August 27 & 28 1980

The first meeting of the Policy Advisory Group of the Title 29 Revision Committee was held August 27, 1980 in the Conference Room of the Legislative Information Office, 1024 6th Avenue, Anchorage, Alaska. The meeting was called to order by Billy G. Berrier, Director of the Division of Legal Services at 9:00 am.

Present were: Ted Berns, Terry Cook, Marilyn Dimmick, James Kohler, Gene Moore, Donna Sherby, Jonathan Solomon, Russell W. Walker, Ronald Larson, Senator Arliss Sturgulewski, Senator Bob Mulcahy, Representative Margaret Branson, Representative Charles H. Parr as members of the Policy Group. Also present were Phil Smith and Mr. Palmer McCarter, Ex Officio Members of the Policy Advisory Group. Allan E. Tesche attended representing the Technical Committee. Ted Berns and Russell Walker are also members of the Technical Committee. Mike Walleri of the Tanana Chiefs Conference, Inc., and Glen Svendsen, Administrative Assistant to the Senate Community and Regional Affairs Committee were present. Billy Berrier and Tamara Cook were present representing the Division of Legal Services, Legislative Affairs. Tam Cook explained that Ginny Chitwood from the Alaska Municipal League could not be present but would attend future meetings as an Ex Officio member.

The first order of business was the selection of a chairman for the committee. Nominations were opened and Senator Sturgulewski was nominated by Representative Parr. The nomination was seconded and Senator Sturgulewski was elected Chairman by acclamation.

Mr. Berrier spoke on the role of the Technical Revision Committee and asked for an appointment of a group. A motion to set up a Technical Revision Group was made by Representative Branson. The motion was seconded and carried. The Technical Revision Committee members will be Ted Berns, Richard Garnett, III; John Messenger, Jim Nordale, JoAnne Shanley, Gerald Lee Sharp, Allan Tesche, and Russell Walker.

The Ex Officio members were introduced and there was discussion as to their role. It was agreed that they should sit at the table and take part in the discussion. Palmer McCarter spoke about the role of Community and Regional Affairs. He said that there would be a representative of C&RA at every meeting, either he or Patrick Poland would attend. Mr. McCarter also presented a letter from the Local Boundary commission requesting the statutes regarding Development cities be left in Title 29 but improved. Phil Smith spoke on the concerns of RuralCAP regarding the impact of government on villages and rural areas.

Representative Parr suggested directions for the Policy Committee: 1). greater self determination and latitude for local governments; and 2.) that elected officials should be able to understand Title 29 without the help of attorneys. Senator Sturgulewski agreed that Title 29 needed clarification.

The members present of the Technical Committee met briefly and Ted Berns, as spokesman, gave a report regarding the ideas they discussed. The group recommended that Title 29 be broken down into three sections.

1. The first section to be general provisions applying to all local government.

2. The second section to be delineation of procedures and additional limits on specific forms of government.

3. The third section to be directory provisions to be used unless the local government adopts ordinances of their own.

It was decided that the Technical Committee should attempt to reorganize Title 29 along these lines and present a draft at the next meeting.

Mike Walleri, Village Government Specialist, Tanana Chiefs Conference, Inc., spoke, saying he would like a simplification of government.

A list of items pertaining to Title 29 included in the preliminary draft of the Alaska Municipal League 1981 policy statement was handed out.

Future meeting dates and places were discussed. None were decided upon.

The kinds of things applicable to all municipalities were discussed, such as incorporation, dissolution, boundary changes, classification of government, extraterritorial powers, merger/consolidation, revenue, taxation, bonding, and intergovernmental relations.

Protection of people in service areas who are not represented by local government, such as persons living outside city limits, was discussed.

The meeting recessed at 4:00 pm.

The meeting was called to order the second day at 9:00 am., Chairman Sturgulewski presiding. In addition to the persons present at the first day's meeting, Chris Johnson of House Research and Nels Franklin from near Dillingham were present, and introduced by Chairman Sturgulewski.

Ted Berns gave a recap of the first days meeting.

Terry Cook was appointed repository of ridiculous laws.

Senator Mulcahy spoke on the problem of getting information, drafts, and policy issues to all municipalities within the time constraints. Phil Smith suggested a teleconference and said that he would be presenting material at the Alaska Federation of Natives Convention (23-25 October 1980, in Anchorage). It was decided that the problem of getting materials and information to the public would be an agenda item at the next meeting. Palmer McCarter, Phil Smith, and Ginny Chitwood of the Alaska Municipal League were appointed to a committee to research this problem and make recommendations.

Melissa Fouse was introduced as the new secretary to the Title 29 Revision Committee.

As part of the reorganization of Title 29, there was discussion as to which statutes belonged in which category.

Representative Parr wants a uniform provision on executive session. There was discussion on executive sessions.

The question of retaining present categories of government was raised and discussed. Ted Berns suggested only two classes of boroughs and home rule, pointing out that there are no first class boroughs.

The question of development cities was raised and discussed. Should we retain, restructure, or eliminate development cities?

There was discussion on the third category. If a municipality chooses to follow procedures, should they be required to follow all of them?

Senator Mulcahy's legislation regarding the recognition of village governments was discussed. Copies of HB 192 are to be mailed to committee members.

There was discussion of persons representing committee members being allowed to vote. Mr. Berrier had reservations based on the appointment of the members of the commission according to resolution. It was decided that persons filling in for committee members be allowed to take part in the discussion, but would not be allowed to vote.

The meeting was adjourned at 12:00 pm.

Respectfully submitted,


Melissa Aber Fouse

TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting

Minutes of September 29 & 30, 1980

The second meeting of the Policy Advisory Group of the Title 29 Revision Commission was held September 29, 1980 in Courtroom K of the Alaska Court System Building, 303 K Street, Anchorage, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 9:00 a.m.

Present as members of the Policy Group were: Senator Arliss Sturgulewski, Representative Charles H. Parr, Ronald Larson, Russell W. Walker, Marilyn Dimmick, Donna Sherby, Jonathan Solomon, James Kohler, Ted Berns, and Dennis Sheldon representing Terry Cook. Ex-Officio members present were Ginny Chitwood and Phil Smith. Richard Garnett, III was there as a member of the Technical Committee. Ted Berns and Russell Walker are members of both the Policy Group and the Technical Group. Present from the staff of Legal Services were Jack Chenowith and Tamara Cook.

There to make presentations to the Policy Group were C. Demming Cowles, Deputy Commissioner of the Department of Environmental Conservation; David Dye, Planner for the Department of Community and Regional Affairs; Dr. Fred McGinnis, Deputy Commissioner of the Department of Health and Social Services; Stephanie Scott, representing the Haines Borough Assembly; and Mike Wallerl representing Tanana Chiefs, Inc.

Guests and members of the public attending were: Stuart Bowdoin, Bristol Bay Borough; Gary Bradford, Bristol Bay Borough, Glen Svendsen, Administrative Assistant, Senate Community and Regional Affairs Committee; Cris Fowler, AOGA Regulatory Reform Committee; Ray Menninger from Haines; Jim Bennett, researcher for AVCP (Calista Corporation); Ellen Greenburg, and Emily Larson.

After the meeting was called to order and guests introduced themselves, Commissioner Cowles began the presentations. He spoke regarding the functions of the Department of Environmental Conservation which could be locally done and raised policy questions about whether state or local government should be in charge of the following functions:

1. Water system and sewage disposal inspections.
2. Subdivision review of on-site sanitation capabilities.
3. Basic sanitation inspections of restaurants, hotels, etc.

4. Clean up of small oil spills.
5. The issuing of oily waste burn permits and surface oiling permits.
6. Litter control.
7. Vehicular emissions control.

Changes to Title 29 would have to be made to allow for delegation of these powers. Commissioner Cowles suggested that the statutes could make it optional for small communities to assume these powers and provide for state reimbursement, because money for communities to perform these services is a problem.

Stephanie Scott representing the Haines Borough Assembly spoke next. The borough of Haines would like a clarification of the powers of third class boroughs. She reported that the Borough Chairman had the following recommendations to make:

1. Rewrite 29.48.260(e) to relieve procedural requirements under Libby vs. Dillingham.
2. Include inventories as optional exemptions from personal property taxation.

Ms. Scott stated there would be teleconference facilities available in Haines December 1, and there was a great deal of local interest in participating in a teleconference with the Policy Group.

David Dye, Planner III for the Department of Community and Regional Affairs made these recommendations from his division:

1. The law should be amended to allow municipal land exchanges with individuals. Municipal expansion land in some cases is located too far from the community to be used for municipal expansion. The definition of "municipal purpose" should be clarified.
2. Subsection (c) of 29.48.260 sets out two procedural requirements for land disposal. Mr. Dye recommends that lottery be added as an equitable way of disposing of land which is not based on wealth.
3. The provision for voter ratification of disposal of land valued at more than \$25,000.00 should be changed to reflect current land values. A more realistic figure would be 50,000.00 to 100,000.00 dollars.

4. Subsection (d) of 29.48.260 exempts lands derived from the state from procedural requirements. C&RA suggests that exemption turn on the purpose of disposal, not the source of the land.

5. Under ANCSA, people who have occupied land after December 18, 1971 do not receive title to that land. C&RA would like a preference right for occupiers of land after that date to allow them to purchase land without having to bid.

6. Mr. Dye would like a definition of "official map".

7. The wording of AS 29.23.090 should be changed to substitute "land use regulation" for "zoning".

8. C&RA suggests that rather than a platting waiver provision, the section include a "short plat" provision to allow for additional platting requirements if the land were subsequently re-subdivided.

9. AS 29.33.070(b)(2) allows boroughs to delegate planning and zoning to cities. The Department of Community and Regional Affairs believes in consistent area-wide planning and wants only the delegation of enforcement and administration of planning.

10. The sections regarding Development Cities should be deleted.

Mike Walleri of Tanana Chiefs, Inc. spoke regarding municipal lands disposal and the need for preference to occupiers of land regarding purchasing rights. This should, however, be subject to the municipality's sanction of the use of the land. Mr. Walleri recommends a waiver of the requirements for land payments to the municipality, or that the state assist buyers in paying for the land. Tanana Chiefs would support a lottery system if the preference rights and waiver of payments to municipalities were included. Mr. Walleri spoke in favor of integrating traditional native governments into the municipal system, possibly through recognition by the state of the status of native governments as local state governments.

Dr. Fred McGinnis of the Department of Health and Social services told us that his department recommends the delegation of health powers to municipalities. If municipalities were to take over the providing of services, the DHSS would still receive federal funding, would disburse the funds, would audit programs, supervise, and be responsible to the federal government for the administration of the programs. He emphasized that these powers should be optional rather than mandatory, and that in the absence of local government being able to take over the function of health services, a local contractor could provide them.

After the presentations, the committee considered Old Business. Phil Smith gave a report on the conclusions of the Information Dissemination Committee. Their recommendations are: take advantage of scheduled meetings and conventions being held by interested groups; put inserts in newsletters; buy space in newspapers; and use the teleconference network. Mr. Smith reported that the Alaska Federation of Natives Convention will be making a room available for us at the Sheraton. Chairman Sturgulewski said a member of each group should be available to attend the AFN Convention. She also directed the Department of Community and Regional Affairs to prepare an article on the Title 29 revision project for newsletters.

Ted Berns gave a report from the Technical Committee. He explained the draft index of Title 29, saying the reorganization had been done by subject matter. Mr. Berns told the Policy Group that the Technical Group was now ready to start drafting and the group had broken up into smaller groups to work on specific changes.

Chairman Sturgulewski said the Policy Group would like justification of all drafted changes in the form of memos pointing out the pluses and minuses of each change.

Ted Berns suggested that the Policy Group go through the index section by section and determine policy questions.

The Policy Group reviewed the index until recessing at 4:30.

The meeting was called to order 30 September 1980 at 9:00 a.m. by Chairman Sturgulewski. With the exception of Bob Lohr sitting in for Phil Smith, the same members were present. Guests were: Bob Walker of Exxon; Cris Fowler of the AOGA Regulatory Reform Committee; David Dye from the Department of Community and Regional Affairs; Stephanie Scott, Ray Menninger, and Vivian Menninger from the Haines Borough; Glen Svendsen, Administrative Assistant to the Senate Community and Regional Affairs Committee; and Mike Walleri, Tanana Chiefs, Inc.

The Policy Group continued their review of the Title 29 index and the Technical Group was directed to make recommendations regarding the following:

1. AS 29.13.100. Review and make recommendations as to the limitations of home rule powers.
2. Edit the whole of Title 29 so that definitions are consistent.
3. List those procedures which can be handled by ordinances.

4. Prepare drafts to change prohibitions on powers.
5. Draft changes to the statute regarding initiative and referendum.
6. Draft provisions for emergency situations arising from the lack of a quorum.
7. Redraft statute enabling budget actions to take place other than by ordinance. Enable an individual municipality to set it's own limits.
8. Make recommendations regarding whether first class boroughs should be eliminated and consider the impact of this step.
9. Find out whether second class boroughs would still be able to implement a similar program if the statute about the Involvement of Young People in Local Government were to be deleted.

Chairman Sturgulewski directed that the Local Boundary Commission and Alan Tesche be invited to make a presentation in defense of retaining the statutes regarding Development Cities.

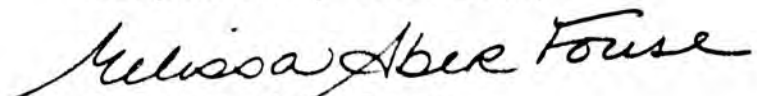
Ron Larson moved the Policy Group retain the 3-year residency requirement for candidates for municipal office. The motion was seconded, Jim Kohler raised a point of order. The motion carried.

Marilyn Dimmick moved that the wording of the grounds for recall be deleted. The motion was seconded. Ron Larson moved to table the motion. Larson's motion failed. Ted Berns moved to postpone the motion until the next meeting. The motion for postponement passed.

Bob Lohr of RuralCAP was directed to come back with specific recommendations for the Technical Group regarding small communities and their problems.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,


Melissa Aber Fouse
Secretary

TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting

Minutes of November 10 & 11, 1980

The third meeting of the Policy Advisory Group - Title 29 Revision Commission was held November 10 and 11, 1980 in the East Gold Room of the Traveler's Inn, Fairbanks, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 10:45 a.m.

Present as members of the Policy Advisory Group were: Senator Arliss Sturgulewski, Senator Bob Mulcahy, Senator-elect Charles Parr, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Donna Sherby, and Russell Walker. Present as Ex-Officio Members were Palmer McCarter, and Bonnie Hedley from RuralCAP substituting for Phil Smith. The Technical Committee was represented by Ted Berns and Russell Walker as members of both groups, and by Allan Tesche. Present from the staff of Legal Services were Billy G. Berrier, Director and Tamara Brandt Cook, Legislative Counsel.

Guests and members of the public attending were: Stephanie Scott, Haines Borough; Cris Fowler, AOGA; Bob Walker, Exxon; Mike Walleri, Tanana Chiefs; John Arney, Haines Borough; Bob Juettner, City of McGrath; Michael Tavoliero, City of Saxman; Marie Matsuno, Department of Community and Regional Affairs; Ivan Widom, City of Nome; Lisa Buskirk, Tanana Chiefs; John Halliwill, City of Haines; Tommy Nebel, Ketchikan Borough; Kathy Carssow, Ketchikan Borough; Marvin Yoder, Ketchikan Borough; Tom Blanton, Haines Borough; Jerry Clifton, Haines Borough Assembly; Dan Ogt, Kodiak Island Borough; Shirley Collins, Haines; Jack Carpenter, Sitnasuak Native Corporation; Edward A. Stahla, City of Wrangell; Richard Careaga, City of Unalaska; Robert Flint, Wohlforth & Flint; Jack P. Van Leuven, RainierBank.

There were no presentations by guests or members of the public.

Under Old Business, Palmer McCarter reported on ways of getting materials and information to the public. He said the Department of Community and Regional Affairs was planning newsletter inserts and coordinating with the University of Alaska for a special issue of their newsletter to include an insert concerning the revision of Title 29. Chairman Sturgulewski directed Bonnie Hedley to coordinate information activities with Mr. McCarter and Tamara Cook.

Bonnie Hedley gave a report from RuralCAP on special problems of rural communities. She stated that rural communities have little "hook-up" with state agencies and therefore have little access to programs and money. The legislature never meets as the assembly for the Unorganized Borough. It is felt that there are not enough people in small communities to perform all

the required municipal functions as well as the functions of existing forms of government, such as IRA councils. RuralCAP recommends the recognition of IRA councils. Chairman Sturgulewski directed staff to prepare a memo on these issues.

Mike Walleri presented a new draft of his report entitled "Tribal-State Relations, A New Paradigm for Local Government in Alaska". The chair directed staff to review it.

Chairman Sturgulewski reported attending a meeting of the AVCT in Bethel, and said they were getting funds to do a regional government study. She also reported on attending the AFN convention in Anchorage. The people she talked to questioned parallel governments and duplication of functions in the communities where there were municipal governments as well as traditional governments.

Ginny Chitwood of the Municipal League was stranded in Juneau due to weather and her report was postponed.

Billy Berrier reported what the Commission had done to date. Ted Berns said the Technical Committee planned to present final recommendations to the Policy Group by the 15th of December, 1980.

The Technical Committee presented their proposed drafts for consideration to the Policy Group. Representative Branson moved that the Policy Group accept all recommended changes except those requiring more discussion. The motion was seconded and carried. The following sections were accepted. (Note: There were wording changes in some in the following) Sec. 29.06.010, Sec. 29.06.050, Sec. 29.12.260, 29.15.020, 29.15.050, 29.15.110, 29.65.050, 29.30.010, 29.30.020, 29.30.030, 29.30.050, 29.30.095, 29.30.110, 29.30.120, 29.30.130, 29.30.140, 29.30.150, 29.30.160, 29.30.170, 29.30.180. Sections 29.09.180 and 29.30.040 were sent to subcommittees for study.

The meeting was recessed until 9:00 a.m. 11 November 1980.

At 9:00 a.m. 11 November 1980 the meeting was again called to order in the East Gold Room of the Traveler's Inn, Fairbanks, Alaska. All members of the Policy Advisory Group were in attendance. Members of the public and guests who attended the day before were present and the following people attended as well: Ginny Chitwood, Ex-Officio Member; Gerald Lee Sharp, Title 29 Technical Committee; Richard Garnett, III, Title 29 Technical Committee; David Dye, Department of Community and Regional Affairs; Leo Rasmussen, City of Nome; L.C. Farnen, City of Homer; Kathy Herold, City of Homer; Carol Maser, Anchorage Assembly; Jenny Files, Fort Yukon; and former Mayor Bill Wood, Fairbanks.

Mayor Wood gave the first presentation. He spoke on the need for municipalities to have developmental authority in order

to encourage investments within the cities and boroughs. He submitted a letter from the City of Fairbanks regarding tax incentive programs and referred to Fairbanks ordinance 3906. The Technical Committee was directed to review AS 29.53.025.

John Halliwill, Mayor of Haines spoke in favor of the elimination of Third Class Boroughs.

Bob Juettener, City Manager of McGrath spoke on the problems of communities with small populations supporting the large number of organizations making up municipal government. He recommended an evaluation of second class cities and abolishing those that are not functioning. He suggests that the group providing the best service delivery be chosen as the governing body of a community. He feels the different classifications of cities should be abolished and provisions made for local options concerning the assumption of powers and form of government. He sees a need in the bush for a means of dealing with the executive branch of government, perhaps a regional or sub-regional elected body in the Unorganized Borough.

Ivan Widom, City Manager of Nome said there was a need to regionalize concepts in order to see what is happening in specific areas. He recommends giving communities mechanisms for reaching the state in order to benefit from services offered. Mr. Widom also recommended giving communities the option of choosing their own form of government, such as home rule.

Michael Tavoleiro, City Manager of Saxman spoke next, saying there was no definition of local government, i.e., no expressed definition of eligibility characteristics. He feels that second class cities within an organized borough are disenfranchised from planning powers. He stated also that second class cities should have direct access to federal and state programs instead of being required to go through the borough. Mr. Tavoliero cited the Historical Districts program as an example. He feels that local communities should be allowed more self-sufficiency.

Larry Farnen, City Manager of Homer spoke in reference to 29.48.260. He recommended raising the dollar amount in that section from \$25,000 to \$250,000. He wants cities to have the authority to lease land to beneficial new industry. In reference to planning and zoning powers, Mr. Farnen recommended the statutory language be changed to allow boroughs to assume planning and zoning powers if the cities are not willing to exercise them.

Dan Ogt, Mayor of the Kodiak Island Borough cited AS 29.30.160 saying there was no provision for special elections, and recommended special elections be mandated in the statutes.

Richard Careaga, Planning Director for the City of Unalaska wants more definition/clarification of mandatory powers and duties.

Leo Rasmussen, Mayor of Nome said small government feels that it has lost control of its own destiny. Planning is being taken over by REAAs and SRAAs. He said Nome feels threatened by the possible organization of the Unorganized Borough and he asked for more local autonomy.

Returning to Old Business, the Policy Group continued its review of the recommended drafting changes submitted by the Technical Committee. Sec. 29.30.210 was reviewed. James Kohler moved to not accept the drafted change but to retain the current language. Charles Farr amended the motion, and it carried. The chair directed staff to clarify the wording of the current statute and resubmit it at the next meeting of the Policy Group. Secs. 29.30.220, 29.30.225, 29.30.230, 29.30.240, 29.30.250, 29.30.260, 29.30.270, 29.30.280, 29.30.290, 29.30.300, 29.30.310, 29.30.320, were accepted with no changes or some wording changes. 29.30.330 was sent back to the Technical Committee for redrafting.

Two subcommittees were formed and are to give reports at the next meeting on AS 29.09.180 Organization Grants (Chair-McCarter) and AS 29.30.040 Voter Qualifications (Chair-Dimmick).

Two sections of Title 29 considered obsolete were discussed. The Policy Group will recommend the repeal of the sections on Involvement of Young People in Local Government and the repeal of the sections on Development Cities.

The dates of the next meeting of the Policy Advisory Group were set for 15, 16, and 17 December, 1980 in Anchorage.

Staff is to review the definition of "petitioner".

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,



Melissa Aber Fouse
Secretary, Title 29 Commission

TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting

Minutes of December 15, 16, & 17, 1980

The fourth meeting of the Policy Advisory Group - Title 29 Revision Commission was held December 15, 16, & 17, 1980 in the Adventure Room of the Captain Cook Hotel, Anchorage, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 9:00 a.m.

Present as members of the Policy Advisory Group were: Senator Arliss Sturgulewski, Senator-elect Charles Parr, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Russell Walker, James Kohler and Jonathan Solomon. Present substituting for Ex-Officio members were Patrick Poland for Palmer McCarter and Marilyn Miller for Ginny Chitwood. The Technical Committee was represented by Ted Berns and Russell Walker as members of both groups. Present from the staff of Legal Services was Tamara Brandt Cook, Legislative Counsel.

Guests and members of the public attending were: Stephanie Scott, Haines Borough; Cris Fowler, AOGA; Robert Walker, Exxon; Carl Mogli, Napakiak; David Dye, Community Planning, Department of Community and Regional Affairs; and Jim Gottstein.

There were no presentations by guests or members of the public.

Chairman Sturgulewski reported on attending the meeting of the Rural Development Council. She says they are concerned with the definitions of "rural" and the relationship of rural communities with Title 29.

The chair requested copies of the Alaska Municipal League Policy Statement issued as a result of its November convention in Fairbanks.

The minutes of the previous meetings were approved as distributed with no corrections or additions.

Under Old Business, Patrick Poland reported that the news release prepared by Legal Services had been distributed and was expected to appear in the December issue of the RuralCAP newsletter. The newsletter distributed by the University of Alaska at Fairbanks was not expected to be published in December but the news release would be included when it was published.

The subcommittee report regarding AS 29.09.180 (Organization Grants) as postponed due to Marilyn Dimmick not being present.

The subcommittee report on AS 29.30.040 (Voter Qualification) was postponed to 17 December.

Minutes of Meeting
15, 16, & 17 Dec 80

Ted Berns reported on the Technical Committee's three day meeting saying they had covered a great deal of material in those three days and he hoped that the Policy Group would be able to review all the material produced by that meeting.

Tamara Brandt Cook reported on the format of the presentation of the bill. She said that a draft would be prepared, going first to the revisor of statutes, then to the legal editor and would then be put into final form for presentation to the rules committee for introduction into the legislature.

Turning to the proposed drafting changes submitted by the Technical Committee, it was agreed that the original motion to approve all changes unless otherwise noted would be held in force.

Approved by the Policy Group without changes were: AS 29.24.050, 29.24.125, 29.24.160, 29.24.206, 29.24.210, 29.24.240. Approved with minor wording changes were: AS 29.24.140, 29.24.145, 29.24.150, 29.24.175, 29.24.200, 29.24.250. Sections with substantive changes made by the Policy Group were: AS 29.24.170 and 29.24.205.

The meeting was recessed at 4:30 p.m. until 8:30 a.m. 16 December.

At 8:30 a.m. the meeting was called to order at the Captain Cook Hotel in the Quarterdeck 19 conference room. Policy Advisory Group members attending were: Senator Arliss Sturgulewski, Senator-elect Charles Parr, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Russell Walker, and Jonathan Solomon. Representing Ex-Officio members were Patrick Poland for Palmer McCarter and Marilyn Miller for Ginny Chitwood. Guests and members of the public attending were Stephanie Scott, Haines Borough; Robert Walker, Exxon; Cris Fowler, AOGA; David Dye, Community Planning, Department of Community and Regional Affairs, and Carl Mogli, Napakiak.

There were no presentations by guests or members of the public.

Approved by the Policy Group without changes were: AS 29.24.160, 29.24.200(e), 29.24.210, 29.24.390, 29.24.430, 29.24.450, 29.24.480, 29.24.510, 29.24.515, 29.24.570, 29.24.620, 29.24.630, 29.24.640, 29.24.670, 29.33.030, 29.33.190, 29.33.210, 29.33.220, 29.42.020, 29.42.030, 29.42.060, 29.42.070, 29.42.085, 29.42.090, 29.42.100, 29.42.115, 29.42.120, 29.42.130, 29.42.150. Accepted by the Policy Group with wording changes were: AS 29.24.010, 29.24.530, 29.24.680, 29.24.690, 29.33.090, 29.42.010, 29.42.050, 29.42.080, 29.42.160. Sections with substantive changes made by the Policy Group were: 29.24.420, 29.33.010, 29.33.020, 29.33.070, 29.33.130, 29.33.140, 29.33.150, 29.33.160, 29.33.200, 29.29.060. A drafted section sent back to the Technical Committee for further review was 29.42.040. Drafted changes not accepted by the Policy Group were AS 29.33.120 and 29.33.110.

Section 29.39.060 (Planning & Land Use Regulation) was earmarked as a policy issue to be reviewed later.

The meeting was recessed at 4:30 p.m. due to lack of a quorum.

At 8:30 a.m. 17 December 1980 the Policy Advisory Group meeting was again called to order in the Captain Cook Hotel, Quarterdeck 19 conference room. Members attending were: Senator Arliss Sturgulewski, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Russell Walker, and Jonathan Solomon. Representing Ex-Officio members were Patrick Poland for Palmer McCarter and Marilyn Miller for Ginny Chitwood. Guests and members of the public attending were Stephanie Scott, Haines Borough; Robert Walker, Exxon; Cris Fowler, AOGA; Carl Mogli, Napakiak; David Dye, Community Planning, Department of Community and Regional Affairs; and Timothy Troll, City Manager of St. Mary's. John Messenger represented the Technical Committee briefly, explaining the changes to the sections regarding bonding.

Sections accepted without changes by the Policy Advisory Group were: AS 29.39.060, 29.39.070, 29.39.080, 29.45.010, 29.45.020, 29.45.050, 29.45.100, 29.45.140, 29.45.150, 29.45.220, 29.45.240, 29.45.250, 29.45.260, 29.45.300, 29.45.310, 29.45.320, 29.45.400, 29.45.410, 29.45.440, 29.45.450, 29.45.460, 29.45.570, 29.45.590, 29.48.010, 29.48.020, 29.48.030, 29.48.040, 29.48.050, 29.48.060, 29.48.070, 29.48.080, 29.48.090, 29.48.105, 29.48.115, 29.48.120, 29.51.280, 29.51.340, 29.51.370, 29.51.390, 29.51.420, 29.51.430, 29.51.440, 29.51.250, 29.51.380, 29.51.370, 29.51.050, 29.51.150, 29.51.305, 29.51.240, 29.51.350, 37.30.100. Sections accepted with wording changes were: AS 29.27.080, 29.36.170, 29.36.270, 29.45.210, 29.51.410. Sections accepted with substantive changes made by the Policy Group were: AS 29.45.030, 29.45.545. Sections not accepted were AS 29.45.030 and 29.48.090. A section sent back to the Technical Committee for new language was 29.45.610. The Policy Group moved to repeal AS 29.45.060.

The chair directed the Technical Committee to review the following: Can a city be inside/a part of a service area? Staff is to review service area language throughout the Title. The Technical Committee is to bring back wording to allow the transition from any class of city to Home Rule.

Stephanie Scott representing the Haines Borough spoke in defense of third class boroughs. The Haines Borough objects to the recommendation that third class boroughs be eliminated. She distributed a letter from the mayor of the Haines Borough asking what the basis for the recommendation was. The Haines borough wants a list of the reasons for the elimination of the third class borough. Marilyn Miller said that the Alaska Municipal League concurred with the elimination of third class boroughs, or at least opposed the formation of any more third class boroughs. The City of Haines also concurs with the elimination of third

Title 29 Revision Commission
Minutes of Meeting
15, 16, & 17 Dec 80

class boroughs. Ted Berns made a motion that the Policy Group go on the record as concurring with the Alaska Municipal League's position that third class boroughs be eliminated. The motion carried. The chair directed the Technical Committee to draft language which eliminates the formation of third class boroughs but which does not alter the status of the Haines Borough.

The question of Organization Grants is to be held for the next meeting of the Policy Group.

The chair directed the Department of Community and Regional Affairs to look into dissemination of information regarding non-taxable property to state assessors.

Tim Troll says the 14c3 negotiations are affected by the current municipal properties statute and approves of the recommended change.

The dates of the next Policy Advisory Group meeting were set for the 17th and 18th of January, 1981 in Juneau. The Technical Group will have one more meeting as well.

The meeting was adjourned at 4:30 p.m. 17 December 1980.

Respectfully submitted,



Melissa Aber Fouse
Secretary, Title 29 Revision Commission

10 NOV
Attending: Am.

Stephaie Scott, Haines Borough

Cris Fowler, AGOA

WANTS TEXT & NOTICE

Bob Walker, Exxon OF TECH MTS.

Mike Walleri, Tanana Chiefs

John Arney, Haines Boro

✓ Bob Mettner, McGrath (Draft Text)

Michael Tapoliero, City Layman

~~Resolution~~
copies of ALL Box 8676, Ref. 99401

Marie Matsuno, CERA

Jan Widon, Nome

Lisa Buskirk, Tanana Chief

John Halliwell, Mayor Haines

Tommy Nebel, Ket Boro

Kathy Carssow, Ket Boro

Marvin Yoder, Ket Boro

Tom Blanton, Haines Atty

Jerry Clifton, Haines Assembly

DAN Ogt, Mayor KIB Kodiak Island Boro.

Allan Tesche.

Shirley Collins, Haines Clerk

11 Nov

Stephanie Scott

Cris Fowler - Text 425 G. Suite 750
01

Bob Walker

John Arney

John Halliwell

Tom Blanton, Haines Atty

Bob Juettnier, McGrath

Mike Waller, Tanana Chiefs

Michael Tavoliero, City of Saxman

David Dye, CERH

Lee Sharp, Tech Grp

Allan Tische Tech Grp

Richard Careaga, Planning Dir Unalaska

Richard Garnett, Tech Grp

Leo ^{Romus} ~~Rossenwasser~~, Mayor of Nome

Kathy Herald, City Clerk } Box Minutes

Finner, City Mgr. Homer } 335 99603

Carol Maser, Arch Assoy.

Jerrey Clifton, Haines Assoy.

Jenny Files, Ft. Yukon

Marie Matsuno

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting

Minutes of January 17th and 18th, 1981

The fifth meeting of the Policy Advisory Group - Title 29 Revision Commission was held January 17th and 18th, 1981 in Room 320 of the Court Building, Juneau, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 9:00 a.m.

Present as members of the Policy Advisory Group were: Senator Arliss Sturgulewski, Senator Charles Parr, Senator Bob Mulcahy, Ted Berns, Margaret Branson, Tim Troll substituting for Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Russell Walker, James Kohler and Jonathan Solomon. Present as Ex-Officio members were Palmer McCarter, Ginny Chitwood, and Phil Smith. Present representing the Technical Committee were Lee Sharp and Jim Nordale. Ted Berns and Russell Walker are members of both groups. Present from the staff of Legal Services were Tamara Brandt Cook, Legislative Counsel, and Bernie Tuggle, Legal Extern.

Guests and members of the public attending were: Senator Don Gilman, Chairman, Senate Community and Regional Affairs Committee; David Dye, Legislative Assistant; Stephanie Scott, Haines Borough; Glen Svendsen, Legislative Assistant to Senator Sturgulewski.

Larry Kimball of the Division of Community Planning, Department of Community and Regional Affairs gave a presentation concerning planning for small communities.

Under Old Business, the approval of the minutes was postponed until copies of the minutes could be distributed and read by all the members present.

The report by the subcommittee chairman on AS 29.09.180 was postponed due to the Technical Committee resubmitting a recommendation and the Department of Community and Regional Affairs having drafted a bill changing the current statute.

The subcommittee report on AS 29.30.040 Voter Qualification resulted in the section being changed to require voters to be registered to vote 30 days before the municipal election in which they are seeking to vote. Municipalities may require, by ordinance, that voters be registered within their own precincts.

Presentations of recommendations by the Technical Group followed the subcommittee reports. The Policy Group adopted the recommended changes to Sections 29.06.010, 29.06.040, 29.06.050, 29.12.390, 29.24.170, 29.24.590, 29.27.050, 29.27.080, 29.30.160, 29.30.300, 29.30.330, 29.42.180, 29.33.200. Sections adopted by the Policy Group with wording changes were: 20.30.030. Recommendations not adopted were: 29.09.180, 29.24.010, 29.24.430, 29.27.010.

The minutes for the December Policy Group meeting were approved as corrected.

Senator Parr asked if minority reports would be part of the submission of the bill. The Chair said it would be individual responsibility to make available.

The meeting recessed at 5:00 p.m.

The meeting was called to order at 9:00 a.m. 18 January 1981 in the House Finance Committee Room. With the exception of Marilyn Miller substituting for Ginny Chitwood and the absence of Phil Smith the members attending were the same as the previous day. Guests and members attending were Stephanie Scott, Haines Borough; David Dye, Legislative Assistant, Senate Community and Regional Affairs Committee, and Glen Svendsen, Administrative Assistant to Senator Sturgulewski.

There were no presentations by guests or members of the public.

Tim Troll of St. Mary's had questions to ask on behalf of Terry Cook, Policy Group member from Alakanuk. All of the questions had been satisfied during the revision process with the exception of the post audit requirement for second class cities. The Chair directed Palmer McCarter to check into the audit requirement and respond to Tim Troll.

Ted Berns submitted a reorganized Municipal Powers and Duties section. The recommendation was accepted with the following exceptions: 29.33.010, 29.33.050(b), 29.33.070, 29.33.140, 29.33.150 wording changes. Sections 29.33.130 and 29.33.160 were accepted with substantive changes. (NOTE: These numbers are those used in Mr. Berns draft.)

Under policy issues discussed by the group: The chair will investigate wording and the issue of including unified municipalities in the mandatory powers sections. Land use being a specific problem. The Chair will also oversee the issue of municipalities having the power to accept grant monies. The Chair directed staff to clarify the wording of sections 29.33.160(c) and 29.36.130(c). Section 29.33.080 has been affected by legislation changing Title 42 and needs to be changed to conform.

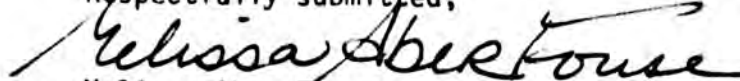
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Staff was directed to draft language to allow the Third class borough to go directly to Home Rule status. The issue of including language guiding the existing third class borough in the current statute was discussed. Ms. Cook said it would be inconsistent with previous "grandfathered" provisions. Palmer McCarter said the Department of Community and Regional Affairs would be willing to put out a handbook for Haines to follow.

Ronald Larson made a motion allowing staff and the Chair to review and clarify inconsistencies in the final draft.

The revised Title 29 was adopted unanimously and the meeting was adjourned at 4:00 p.m.

Respectfully submitted,



Melissa Aber Fouse
Secretary, Title 29 Revision

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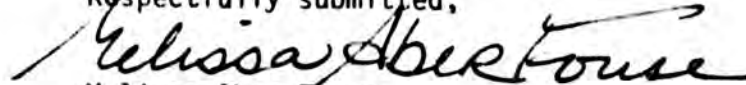
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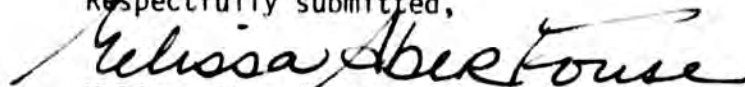
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Melissa Aber Fouse
Secretary, Title 29 Revision

Title 29 Commission - Policy Group Members

✓ Gene Moore
P.O. Box 186
Kotzebue, AK 99752
442-3401

✓ James Kohler
P.O. Box 6
Yakutat, AK 99689
567-5927 784-3324

✓ Jonathan Solomon
P.O. Box 269
Fort Yukon, AK 99740
662-2479-0/456-7092-14

✓ Ronald Larson
Box B
Palmer, AK 99645
745-4801

✓ Russell W. Walker *
Box 7300
Ketchikan, AK 99901
225-3111 ext. 327

✓ Ted Berns *
Pouch 6-650
Anchorage, AK 99502
264-4545

✓ Terry Cook
Box 33
Alakanuk, AK 99554
238-3313

✓ Donna Sherby
P.O. Box 1210
Cordova, AK 99574
424-3237

✓ Marilyn Dimmick
Box 151
Ninilchik, AK 99639
567-3927

262-4441 K. BORO Clerk

* Members of both groups

Pouch Senator
Juneau

Representative Charles H. Parr
S.R. Box 50599
Fairbanks, AK 99708
456-5029-0/488-2555-4

Representative Margaret A. Branson
P.O. Box 740
Cooper Landing, AK 99572
595-1265

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, AK 99501
279-4939

Senator Bob Mulcahy
P.O. Box 246
Kodiak, AK 99615
486-3561

Campaign
Hedges

Minutes Jan. 17, 18

Sent to these people

TITLE 29 COMMISSION - Working Group Members

Ted Berns

Pouch 6-650

Anchorage, AK 99502

~~264-4545~~

Richard Garnett, III

~~900 West Fifth Avenue, Suite 540~~

~~Anchorage, AK 99501~~

~~276-2221~~

John Messenger

420 "L" Street, Suite 404

Anchorage, AK 99501

~~276-1969~~

Jim Nordale

P.O. Box 1267

Fairbanks, AK 99707

~~452-4761~~

Gerald Lee Sharp

155 South Seward

Juneau, AK 99801

~~586-3300~~

Allan E. Tesche

Box 8

~~Palmer, AK 99801~~

~~745-3246-4801~~

Russell W. Walker

Box 7300

Ketchikan, AK 99901

~~225-3111 ext 327~~

JoAnne Shanley

P.O. Box 337

Seward, AK 99664

~~224-5216~~

Suite 201
1345 W. 9th Ave
ANCHORAGE, AK 99501

See Berns

will be in
1-1-2001

Title 29 Commission - Ex Officio Members

Palmer McCarter
Director, Division of Local Government Assistance
Department of Community and Regional Affairs
Pouch B

Juneau, AK 99811

Mail Stop # 2100

445-4707

Ginny Chitwood

Alaska Municipal League

204 North Franklin

Juneau, AK 99801

586-1325

Phil Smith

RuralCAP

P.O. Box 3-3908

Anchorage, AK 99501

327 Eagle St.

279-2511

Pat Poland

276-1721

264-2201

Note: These ex-officio members will probably attend meetings of both the Policy and Working groups.

Minutes

1 Exxon, USA ATTN: Bob Walker
Pouch 6601
Anchorage, AK 99502
2 Bob Loescher, Tlingit-Haida Central Council
1 SeAlaska Plaza, Suite 400
Juneau, AK 99801
3 Ron Whitcraft, Room 508 Capitol Building
Pouch V
Juneau, AK 99801

Theresa Heber-
Attended tech mtg
04 & 05 Dec

~~4 Glenn Svendsen~~
~~Admin. Asst., Senat Committee C&RA~~
~~Mail Stop 3100~~

5 Stephanie K. Scott, Admin. Asst.
Box H
Haines, AK 99827

6 Ivan Widom, City Manager
Box 281
Nome, AK 99762

Glenn Svendsen
Admin. Asst., Senate Committee C&RA
Mail Stop 3100

City Mgr
Haidaburg, AK

LOOK up ZIP

Ms Mike Dalton
Rural Dev. Council
Mail Stop #2100

Mr. Conrad Borge
North Slope Borough
P.O. Box 31
Barrow, AK 99803

3037
5120
Melissa -

Please send attached material to:

Sharon Zandman
North Pacific Rim
Suite 203
903 W. Northern Lights Blvd
Anchorage, Alaska 99503

Along with:

- 1.) copies of minutes to date
- 2.) copy of Resolution establishing project
- 3.) copies of the appendices removed
from Arlin's final committee Report

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
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MEMBERS:	PRESENT:	Vote #1	Vote #2	Vote #3	Vote #4	Vote #5	Vote #6	Vote #7	Vote #8
Ted Berns	✓								
Margaret Branson	✓								
Terry Cook	✓								
Marilyn Dimmick	✓								
James Kohler	AFT								
Ronald Larson	✓								
Gene Moore	✓								
Bob Mulcahy	✓								
Charles Parr	✓								
Donna Sherby	✓								
Arliss Sturgulewski	✓								
Jonathan Solomon									
Russell Walker	✓								
Substitute									
name: <i>Bonnie</i>		XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
for: <i>Hedley</i>									
Substitute									
name:		XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
for:									
EX-OFFICIO MEMBERS:									
Ginny Chitwood	✓								
Palmer McCarter	✓								
Phil Smith	✓								
Substitute									
name:		XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
for:									

Pat Poland

[illegible]

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Proposed Agenda

The proposed agenda for the meeting is:

1. Introduction of policy advisory group members.
2. Selection of a chairman.
3. Discussion of the role of the technical revision committee.
4. Discussion of the role of proposed ex-officio members representing Community and Regional Affairs, Ruralcap, and the Municipal League.
5. Presentation of proposed items for consideration by staff and ex-officio members.
6. Open discussion.
7. Setting future meeting dates for the policy advisory group.

September 10, 1980

Ms. Ginny Chitwood
204 North Franklin
Juneau, AK 99801

Dear Ms. Chitwood:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

The dates for the next meeting of the Policy Advisory Group have been set for the 29th and 30th of September, 1980. The meeting will be held in Anchorage at the Legislative Information Office, 1024 West 6th Avenue. It will begin at 9:00 am in the conference room on the second floor.

Please let me know if there is anything I can do to assist you regarding this or any other of our meetings. I will be happy to make travel or hotel reservations, and send or bring copies of information you would like to have. My telephone number in Juneau is 465-3809, or you can call 465-3867.

Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook

September 10, 1980

Mr. Phil Smith,
327 Eagle Street
Anchorage, AK 99501

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enclosures

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Tamara Brandt Cook

September 10, 1980

Ms. Marilyn Dimmick
Box 151
Ninilchik, AK 99639

Dear Ms. Dimmick:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Justtner, City Administrator of McGrath, to Senator Sturgulewski.

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Please let me know if there is anything I can do to assist you regarding this or any other of our meetings. I will be happy to make travel or hotel reservations, and send or bring copies of information you would like to have. My telephone number in Juneau is 465-3809, or you can call 465-3867.

Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. James Kohler
P.O. Box 6
Yakutat, AK 99689

Dear Mr. Kohler:

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September 10, 1980

Mr. Gene Moore
P.O. Box 186
Kotzebue, AK 99752

Dear Mr. Moore:

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Phil Smith

September 10, 1980

Ms. Donna Sherby
P.O. Box 1210
Cordova, AK 99574

Dear Ms. Sherby:

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Phil Smith

September 10, 1980

Mr. Russell W. Walker
Box 7300
Ketchikan, AK 99901

Dear Mr. Walker:

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Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Representative Margaret Branson
P.O. Box 740
Cooper Landing, AK 99572

Dear Representative Branson:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Justtner, City Administrator of McGrath, to Senator Sturgulewski.

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Palmer McCarter
Phil Smith

September 10, 1980

Representative Charles H. Parr
S.R. Box 50599
Fairbanks, AK 99708

Dear Representative Parr:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

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Palmer McCarter
Phil Smith

September 10, 1980

Senator Bob Mulcahy
P.O. Box 246
Kodiak, AK 99615

Dear Senator Mulcahy:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettnar, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

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Secretary, Title 29 Commission

maf

enclosures

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Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, AK 99501

Dear Senator Sturgulewski:

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maf

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cc: Billy G. Revrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Ronald Larson
Box B
Palmer, AK 99645

Dear Mr. Larson:

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Secretary, Title 29 Commission

maf

enclosures

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Palmer McCarter
Phil Smith

September 10, 1980

Mr. Jonathan Solomon
P.O. Box 269
Fort Yukon, AK 99740

Dear Mr. Solomon:

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maf

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Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

Mr. Terry Cook
Box 33
Alakanuk, AK 99554

Dear Mr. Cook:

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cc: Billy G. Berrier
Tamara Brandt Cook
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Palmer McCarter
Phil Smith

September 10, 1980

Mr. Ted Berns
Pouch 6-650
Anchorage, AK 99502

Dear Mr. Berns:

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Secretary, Title 29 Commission

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Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

Billie Benier

Attended
Wkg. Mem.
Others

Alan Tesche
Gene Moore
Russ Walker
Jim Kolher
Bob Mulahy
Ted Beers

Ron Larson -
Donna Shenky
Margaret Branson
Arliiss
Charlie Parr

Terry Cook

MORE!

1) Working draft - re organization

Business

I Selection of Chairman

Solomon?

- 1) Sen. Sturgeswiski - nominated by whom.
seconded
- 2) Nominations closed

~~II recess to get coffee cups~~

III - Meeting called to order: Others present
9:00AM DATE, Leg. Info Office
1024 6th Ave. ANCH

Phil Smith - Ruralcap

Glen Sverdrup - Administrative Asst to
Carter McCarter - Senator ~~Sturgeswiski~~
CERA

Walleris - Tanana Chiefs
Walleris Tanana Chiefs Conference, Inc.

IV Billie - on role of technical revision
committee - Ask for appointment of
technical revision group made up of municipal
attorneys. No provision for them in the
resolution, but funding left in.

On suggest ~~OT~~ → 1. Motion to set up ~~group~~ by Branson
2. Second
- Motion carried

Discussion of Time Frame
May ask for extension
(Leg)

Wkg w RuralCAP, Mun. Lg.

TECHNICAL Revision Group!

Phil
Smith *

Status of village govt in relationship to
State govt. ~~control~~. Avenues of part-
no control. Plan to attend mtgs &
contribute.

P. McCarter will attend. Patrick Poland
(Municipal ^{opinion} League - active)
CERA has ^{collected} looked at AG's opinions
for ^{muni} from 1972 concerning
language of Title 29. Feels valuable
in ident. sections needing to be looked
at. Will be providing ^{recommendations} information ~~collected~~
by Div of Comm. Planning re: planning
sections of T. 29
Local boundary commission - dev. cities leg
Letter fm staff ↑ recd. left in wkcd
on and improved. ^{concept}

Mary Jo Weits, CERA, ^{MTZ, ANCH} Nov 5, 6 & 7

Banner Conflict between details & seek
determination local autonomy - looked at
carefully.

* Role of ex-officio members. Billie

Municipalities of CIRA to be represented by Palmer McArthur County
up by ML RuralCap - Phil Smith ^{at times}

etc. conduit to mun, CIRA to St. Gov., RuralCap local govt tied into RuralCap

→ Ferry Cook ^{assisted} comb. large out area
wkg closely w/ division Pleased w/ ^{capability} contribution of 3.

role, alt. P. McArthur - on defensive of municipal league
mtgs, contrib have been active up to now & will

be invited to part. continue despite not attending

Vote? Jim Presented letter from Local Boundary
Commission - wanting Rev. Citrus left

so vote. in, but improved

Place at table. Agreed to.

→ Jonathan Solomon assisted

Phil Smith - concerns of RURALCAP - impact of govt on villages
Rip Pass - Suggests directions for committee ^{municipal areas}

1) Greater self ^{latitude} determination for local gov.

2) Elected official should be able to

understand title 29 without help of attorneys.

↑ Supported by Ted Beens

Open Discussion

Sen. Stueg. clarification

VI Organization problems - Billie

Break

~~Side 2 - Tape 1~~ Tape 2

VII Organization of Title 29 - Billie

Tam -

Open discussion

Ch 3 Links applicable to all boroughs

Help to have
Concept recon. needs

~~There~~ 3 cat/areas

Ted

1. Handled uniformly state-wide
2. Loc. gov. must be the law ^{case by case}
3. ~~Direct~~ outlining proc - given choice of making own ordinances or following guidelines by state

Terry: sections "or ^{def by} ordinance" local implementation

Modified form of Home Rule. - for Gen Rule municipalities

Origins of Title 29
Title 10 of Const.
Rev.

Org struc & def of Title 29

Three things to keep in mind.

Local Gov. Law

Not much help from laws in other states.

Amendments made since '72 need to be codified & look ^{compare} at policy chgs.

Re: org so as to be easier access findable!

who?
Motion to Allow Technical group to re-organize -
Submit work product
Motion carried.

- Tanana Chiefs - Mike Walleri - Village Gov.
Specialist Tanana Chiefs Conference
- deals w/ unorganized borough
- would like a simplification of gov.

- (Pass out from Municipal League
- ~~others~~ Items put. to T. 29
incl. in prelim draft in AML 1981
- Palmer-MacArthur - incorporate programs located
in other Titles into 29. (public disclosure,
service roads) etc.
- ~~Motion~~ - report from staff on other Titles
affecting 29 Directly, to be presented

Future meeting dates, places

Tape 2, side 2

- Staff coordinate with Municipal League to
present material to committee (Committee
to present material to league?)

Recess

Tech Comm. - org. arrangement

Starting point - limitations of home
Rule powers

Recess meeting

1) What kinds of things are applicable to all municipalities

- 1 incorporation - formation (boundaries, ^{extrajurisdictional} powers)
- 2 taxation - foreclosure, bonding
- 3 inter-governmental relations (contracts)

- Elections
- How far to go setting procedures for initiative, referendum, recall
- Democratic principles (open meetings, etc)
- Powers

A municipality shall by ordinance provide for:

Local govt powers not prohibited text for home rules

Gen. law - list of powers + ability to adopt by referendum

What ones do smaller municipalities need process details for as to procedure.

What types of additional restrictions

Recess

Meeting - Ted Beens

Car 1. - Identify statutes to apply to all gov.

3 A. Revenue, Taxation, bonding

B. Incorporation, dissolutions, boundary changes, classification of gov., extra-territorial powers, merger/consolidation

C. Inter-governmental relations (city/town distinctions)

2. - All municipalities shall provide by ordinance for:

A. Election, initiative, public record procedures to be optional

3. - Local gov powers, gen. law boroughs define & describe. A list of essential powers

- municipality could provide for other powers by referendum

What types of additional procedures & restrictions would be mandated for gen. law? (2ND CAT)

What sort of directory provisions would be useful - with local gov. able to alter them by ordinance.

Open discussions

Model ~~to~~ ordinances - org. N.I.L.O
C&RA.

More types of categories?

Delineation of roles & responsibilities - CAT II

SBinger section

Revenue, taxation, bonding

Uniformity desirable. Some questions as to whether limitations (sales tax limited to 5%) are necessary.

- Equalization board - Assembly shall provide by ordinance for an equalization board, and may provide that they are the board. Procedures needed or model legislation. Clarification of Statute needed.

Extraterritorial power. Allows cities to do things outside their borders.

Discussions of service areas. Trans, utilities, road construction, operation of services. Enforcement of

Tape 3 side 2 ?

Can cities, as well as boroughs, set up service areas?

Protection for people in service areas who are not represented on assembly. - Submerge

Revenue

Revenue Sharing

Property Tax, REAL & personal Exemptions should exp. be mandated? Optional exp. by municipalities mandated by state.

Position papers re:

fm Deliss

Procedural matters } Unification Law
Merge/Dissolution } Needs clarification
Consolidation } " development?

Intergovernmental Relations

MOTION to ADJOURN

Ad. Grp
29th & 30th ANCH

Technical group meeting

- 1) All municipalities
- 2) Exceptions, further restrictions
- 3) Optional - procedures to use absent ordinance

6th or 7th

Summarize & sort suggestions

~~Adj~~ 4:00
over

2nd day

Time Heading!

Note: Phil Smith need copies of 1980 Acts, suggestions which were mailed.

Chris Johnson
House Research
Alec Franklin
Sec of Dillingham

Need copy!

Ted Beins - recap of 1st days meeting

1) Re-organize Title 29 along

3 categories

1) Apply to all local gov.

2) Procedure, additional limits on certain boroughs

3) Directory provisions to be used unless gov. adopts ordinance

1) Includes

A Financial, taxation, bonding

B.

Terry Cook - Extension of curfews outside city

Terry appointed repository of ridiculous laws

Bob Mulcahy - problem of getting information, drafts, policy issues to all municipalities within time constraints

Phil Smith suggests teleconference

Presenting material to AFN Convention

✓ Agenda item next meeting - will be how to get materials & information to public

23 Oct 80

Phil Mulcahy comm.

Melissa Fouse introduced as new Sec.

Open discussion of which thing ought to be in what category

- Executive session - Pass, can they meet over anything? Pass wants a uniform provision on executive session.

Open discussion on ex. session

Regional govt & their relationship
w/ the state

Local gov. powers applicable to to gen. law
Ted Beane - perhaps you could list
mandatory health, welfare, safety @
allow gen. law to acquire additional
powers not expressly or impliedly
prohibited by law by referendum.

Open discussion

Issue Should we retain present categories of gov.?
open discuss

Ted Beane - suggest only 2 classes of boroughs
+ home rule, pointing out that
there are no 1st class boroughs

ISSUES Should we retain, restructure, or eliminate
development cities?

Discussion on optional procedure (3 category)

Issue: ^{Ted Beane} if city chooses to follow procedures,
should they be required to follow all of
them? Thus, they would have a complete
ordinance or use all of title.

Copy leg. regarding recognition of village gov.
- Submitted by Mulcahy
HB 192 - gave money to "native gov.")

Issue create body of law about procedure
for establishing service areas, requirements
as a procedure which could be opted
out of.

Personnel - a body of law on municipal
employment, hiring practices

liability for innocently committed acts
under Federal law. Perhaps this will
help people avoid Fed implications.

Are we paying alternatives?

Alternatives persons who represent a committee member - Should they be allowed to vote?

Barrie - reservations based on appointment of member according to resolution.

Nov. 10, 11, 12 -

Sept. will depend on special session

Summary

Palmer - ³ Categories good idea!

Donna - Careful not to impose too many election metrics.

Margaret - Likes going from Form to Policy.

Jonathon - Couldn't hear. ~~XXXXXXXXXX~~

Charlie - nc

Marilyn - nc

Tam - Urged the group to continue to identify issues.

~~6970~~ Terry - nc

Ted - Encourage everyone to look ahead & formulate ideas & be ready for next mtg.

Bob

Comm. Palmer
Phil
Chitwood
work on outreach
best outreach
in reach public

\$12:00

Jim

Energy

· PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
· AS A UNIT IN THE ORIGINAL DOCUMENT.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

AGENDA
TITLE 29 REVISION COMMISSION POLICY GROUP MEETING

December 15th:

1. Introduction of guests and members of the public attending.
- ✓ 2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Old Business:
 - a. Reading of minutes/motion for waiver of reading of minutes and approval.
 - b. Report by Pat Poland on material prepared for newsletters.
 - c. Report by subcommittee on AS 29.09.180 (Organizational Grants).
 - d. Report by subcommittee on AS 29.30.040 (Voter Qualification).
 - e. Other old business.
4. New Business:
 - a. Presentation of proposed items of consideration by members of the Policy Advisory Group.
 - b. Presentation of proposed items of consideration by Ex-Officio members.
 - c. Presentation of proposed items of consideration by the Technical Revision Committee.
 - d. Other new business

December 16th:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Other new business.

December 17th:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items from consideration.
3. Other new business.
4. Setting of future meeting dates for the Policy Advisory Committee.

[illegible]

[illegible]

[illegible]

Reservations:

Dimmick (will share).

Larson: ^{will} move to make grounds for
recall the same

Motion by Dimmick.

Motion carries

1 dissenting
vote.

Meet in Juneau

17 & 18 JAN 80

poss w CERCA committees

Svendson } identify for mtg.
Policy
Issues }

2nd class

Planning

JRA Councils

Dec. 15th

Marilyn Miller - AML - Ex-Officio

Jim Gottstien -

Carl Motgi - ~~NAPAKIAK~~

David Dye - NAPAKIAK

Bob Walker

Cris Fowlee

Stephanie Scott

Roll Call

Invitations to speak

Chair report on Rural Dev. Cmt.
mtg. 29. ^{Definitions of Rural & relationship w/ Title}

Requested AML policy stmt

Minutes - Moved to accept by Larson
seconded. Approved.

REPORTS

News

Dec RuralCAP Newsltr

Not university tr

Sub
comm.

Copies of CERD proposed legislation

Lee Sharp Letter

TECH GRP REPORT

3 days not quite enough time
look out!

Time later for discussion of Recall

Report fm Tam. re: format of
presentation of bill.

Kept original motion to approve unless
otherwise noted.

Chair directs to put in wdg re: lye teens
*for minors

Voter Qualification for discussion
17 Jan 80

See 29.30.210 Pg 23
for Larson's new section (b).

Lee Sharps Letter

of days initiative

(75) Took at - staff

staff
reg. 100K 42.180 repeal.

Note
Pg #5
of WKH
or draft on sec 29.33

Subcommittee : 29.24.205
2nd class city mayor

— Beers to report 1st agenda
wording for 17 Dec Mtg. 16 Dec.

Walker Amendment 29.24.630
Suspension & appt of officials
add: "appt, sus, or rmv" carries
to serv as pers on unless gov
body auth to appt carries

— 29.33.200 Mun. prop. hold for 16 Dec
AFTERNOON KOHLER REQUEST.

Per diem
for
for E. Larson
Edimmick

(27.010 - MUNICIPAL ENACTMENTS

Subcommittee: Transitional Assistance
29.09.180

Lunt { Parr
Larson
Branson
Dimmick - Motion
McCarter & Burns to be available

Lunt Subcommittee: VOTER Qualification
29.30.040
Dimmick
Parr
Sherby
Burns - Advisor

Subcommittee:

Dr. Woods to present recommended
change to (29.33.220) 29.42.150

**: PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.**

17 Dec

~~17 Dec~~

29.45.060 Mining claims. REPEAL

Tim Troll - St. Mary's

29.45.410 Back to tech committee

Dimmick

36.270 Can a city be inside service area.
(a pair of)

Bring specific language to TAM for
tech mtg.

Chair directs staff to prepare changes
re: Service Areas.

CERA look into dissemination
of information of exempt (non-
prop to assessors

Cook: motion

Staff direct to add no chg
wdg.



Organizational Grants.

hold & discuss 11 JAN 80

Alaska Municipal League Policy
Stmr distributed

Service Area
Assumption of Powers.

Stephanie Scott:

speaking in defense of third
class boroughs

petition circulating in Haines
to 400 sign.

service area basis organization
if third class boroughs elim. - insist on
list

Board of Directors

AML Teleconference 16 Dec 80

Marilyn Miller

AML against more 3rd cl. Boros.

City of Haines - John Halliwell. Letter

HR is the 3
mandatory
powers

Separate legislation recommendations:
from in To Home Rule

Motion by Dimmick 2ND BRANSON carried
Direct staff to bring back
wording on transition to HR
from any class of munic.

Wants copies of CERD bill

Burns motion to go on record as
concurring with AML's rec. re: 3rd cl.
boroughs elim - carried

Tim Troll

HC3 Negotiations affected by
municipal properties Statute

Audience introduced themselves

Donning Coles - Dept. of Environmental Conservation

Functions of DEC which might be locally done.

1) On lot inspections of lots for sewage disposal, ck water supply system - These done for banks. If DEC does not do this, banks indicate that loans would be difficult to approve. Issue: Is DEC the appropriate group to review this or should a local entity do this?

- I missed one

2) Basic sanitation inspections, restaurants, hotels, etc. Should this be done on a local level? Some communities (Anchorage, Ketchikan, Fairbanks) are assuming some of these functions already. Problem: financing for local entities

3) Small oil spills. DEC suggests that small communities should do more of the cleanup because it is hard to get staff there. Are working on developing a program to allow communities to develop their own clean up plans and capability.

4) Oil/waste burn permit, and surface mining permits.

5) Litter control.

6) Vehicular emissions - Anch/Fairbanks are the only communities with air pol. problems (carbon emissions) Would like to see communities assume responsibility for emissions.

Changes to Title 29 would have to be made to allow for this delegation

* - Will present changes 1) optional to Tech. Committee 2) state reimbursement

Problems

1) Money for communities to perform these functions

2)

II Speaker - Stephenus Scott - 3rd Class Borough

1) Clarification of Gen. Powers of third class boroughs Are third class boroughs prohibited, except on a service area basis, from exercising the general powers? S.S. argues that the general powers must apply to third class borough.

- Tech. changes 29.41.020 weighted voting
29. 23.021 (c)

"The borough executive is president of the school board..."

Recommendations

1) Support ~~rule~~ of 29.48.260(e) to relieve procedural requirements under Libby v Dillingham

2) inventories be exempted from personal ppty tax as optional exemption.

Oct 26 - teleconference system will be operative & request that they be kept involved with Title 29 revision.

III Speaker - David Dye, D of C & RA

Problems

1) 29.48.46²⁶⁰ - "Land no longer required of municipal purposes..."

A) Allow municipal land exchanges w/ individuals. Municipal expansion land in some cases is located too far from the community to be used for expansion.

B) Refine "municipal purpose"
Disposal of land for beneficial industry has been held not to be "municipal purpose."

C) Subsection (c) mentions 2 procedures for land disposal. Would like to add "lottery" as an equitable way of spreading land not based on wealth - i.e. no "higher bidder."

D) Voter ratification for any disposal of land valued at \$25,000 - raise 2 to 4 times present figure.

E) Subsection (d) exempts state land from procedural requirements. Suggests that exemption turn on purpose of disposal, not source of land.

F) Subsection (e) disposal of land for "beneficial industries" - should this type of disposal be excused from procedural requirements?

2) Sec. 14(c) of ANCSA - preference in ~~ten~~ right of person using land ended Dec. 18, 1971. People who have occupied land after that date are not entitled to the land. Would like a preference right in users to purchase land without having to bid.

3) Wants definition of "official map"

4) Wants change in wording 29.23.090 - change "zoning" to land use regulation"

5) 29.23.170 - platting waiver - rather than waiver provision, would like "short plat" provision.

6) 29.33.070(b)(2) - allows boroughs to delegate planning/zoning to cities. Dept. believes in consistent areawide planning - wants only delegation of enforcement/admin. of planning

7) Dev. cities - Eliminate

IV - Speakers - Mike Wallace - Tamara Chiefo

1) Problem to getting title to people who have moved onto lands after 1971 - Supports a preference right for these people under approval of local governing body. Blanket preference would sanction squatters on municipal land.

2) 14(c) ANCSA - provision for waiver of payment to municipal land. Assessed value of in town lots is beyond the means of current residents. State should assist rural residents by encouraging waiver of payment on part of city council. Question should be left to local community, to view as revenue lands if desired.

3) Evolving native governments into state system.
- Hard for state to delegate performance of functions to local gov., if they don't exist.

- Parallel systems of gov. - native / city are lines of jurisdiction are unclear & expensive to operate 2 gov.

- Enactment of Tribal State Compact Act
eminent elt would provide authorization for state / tribal gov. to enter into agreements for performance of services + fed. funds when state operates programs thro tribal gov.

Solutions

1) Incorporate under state law problem tribal character is lost, fed. gov. does not recognize them as tribal gov.

II - Speaker Fred McGinnis, Dept of H&SS.

Dept. is decentralizing the provision of services.

1) If authority were statutorily delegated to local governments to administer provision of services - HESS would still receive Fed funds & disburse them, conduct audits, & be subject to audit. Would like local administration of Fed. programs

18 states are state supervised, administered by local gov.

- Note: failure to provide for administration delegation which complies w/ fed requirements will jeopardize Fed funds.

Recess - Noon

Phil Smith - Ex-Officio Committee on reaching public. Recommends that Title 29 Comm. utilize existing planned meetings - rep. from Title 29 to talk, solicit public comment.

Inserts in newsletters of various organizations

Teleconference Network - before we finalize recommendation, hold teleconf. hearings (around Dec. 1)

Gen. news releases.

Purchase of space in newspapers

Sturg. - Team to work w/ CERA to prepare material to go into newsletters of Rural Cap, Municipal League, CERA.

Plan to make contact with AFN Convention
Municipal League

#3. Would like to see leg. addressing this
#1. OK to clarify whether home rules = unified
→ Request Dept. of RECA to suggest amount
of organization grant. Sec. 29.18.180

Distribution of assets/liabilities when an
area splits out ^(exclusions) of an existing municipality.
I.E. - direct boundary commission to
establish distribution. in 29.68

29.68.020 -

Next day - Bob Long sitting in for Phil Smith.
Ginny Chutwood suggests next meeting time
Nov. 10, 11

Tues. allow extra time for public speakers
on the agenda -

29.13.100 - Remission of H.R. Powers. Technical
Group to bring back recommendation as to
which can be eliminated.

Specific request to Local Boundary Commission
to present alternative dev. city statute +
Alan Tesche report.

Note to me → AS 39.00 - does it supersede the title 29 conflict
of interest statute. Send "dev cities pub." to Russ Walker

Public information issue to be set aside
now - No

Request Technical Committee to bring back
1) Suggestions as to which things can be
done by option or changed by local ordinance
2) Expand powers - let classes adopt additional
powers by vote of people

Motion - leave residency requirement at 3 years. Passed.

After lunch recess

29.28.030 • municipality may require precinct residency for local elections. Redraft -

- 1) What election (State or Fed.)
- 2) % of signatures needed
- 3) Timing of electing (at time petition is filed)

Recall - Look at when a person is recalled
motion to eliminate ~~ref~~ reasons for recall postponed to next meeting.

Drafters to address problems of recall of more than quorum - ^{how} ~~when~~ does gov function.

Transfer of money - draft "unless provided otherwise by ordinance — except that a municipality may by ordinance provide for transfers by resolution.

→ Flag issue of eliminating 1st class borough leave ~~a~~ mayoral veto alone.

Youth Commission - if eliminated could 2nd class cities fund such a program or appoint 17 year olds to boards/commissions.

Oct. 13, 1980 - Get proposals generated by assessors
Call Terry Early.