SCOMM

#23:8

[illegible] AGENCY MEMORANDUM

TO: Laura Davis
Assistant Attorney General

FROM: Melissa Aber Fouse
Secretary, Title 29 Revision Commission

SUBJECT: Working Draft, Title 29

Enclosed are drafts numbers one and two of Title 29 as it has been revised so far. Also I have included an index of the sections by old heading number and title.

The asterisks prefacing the section numbers in draft #2 indicate the sections with changes. Four asterisks indicate major changes and 1 asterisk indicates merely wording changes for conformity's sake.

LAA 15

M E M O R A N D U M

08 January 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Technical Group Meeting

This is to certify that the Title 29 Revision Commission held a meeting on the 5th and 6th of January, 1981. The meeting was held in Anchorage. Attending were:

Ted Berns
Gerald Lee Sharp
Alan Teeche
Jim Nordale
John Messenger
Richard Garnett III (1 day)
Tamara Brandt Cook
Melissa Aber Fouse

NOTICE OF MEETING
October 6, 1980

A Policy Advisory Group as been appointed to oversee the revision of the Municipal Code, Title 29 of the Alaska Statutes. The Policy Advisory Group is composed of thirteen members. Of these, nine public members represent a broad range of local officials interested in Title 29. The public and legislative members of the Title 29 Policy Advisory Group are:

Ted Berns, Attorney, Municipality of Anchorage
Terry Cook, City Council, Alakanuk
Marilyn Dimmick, Assembly, Kenai Peninsula Borough
Ron Larson, Mayor, Matanuska Susitna Borough
Jim Kohler, Manager, City of Yakutat
Gene Moore, Manager, City of Kotzebue
Donna Sherby, Clerk, City of Cordova
Jonathan Solomon, Mayor, City of Fort Yukon
Russell Walker, Attorney, City of Ketchikan and Ketchikan Gateway Borough
Representative Charles H. Parr, Fairbanks
Representative Margaret A. Branson, Kenai Peninsula
Senator Bob Mulcahy, Kodiak
Senator Arliss Sturgulewski, Anchorage

The third meeting of the Policy Advisory Group is scheduled for 10 and 11 November 1980. The meeting will begin at 9:00 a.m. in the Chena Room of the Traveler's Inn, Fairbanks, Alaska. The proposed agenda for this meeting is:

November 10th:

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. Report by Palmer McCarter on material prepared for newsletters.
   b. Report by Bob Lohr or Phil Smith on special problems of rural communities.
   c. Presentation of proposed drafts by the Technical Committee.
   d. Other old business.

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.

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 Hogli, 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

class boroughs. Ted Berns made a motion that the Policy Group go on the record as concuring 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

MEMORANDUM 22 December 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Aber Fouse
Secretary, Title 29 Revision Commission

SUBJECT: Policy Advisory Group Meeting

There was a meeting of the Policy Advisory Group of the Title 29 Revision Commission 15, 16, and 17 December 1980 in Anchorage, Alaska. Attending were:

Senator Arliss Sturgulewski
Senator-elect Charles Parr (2 days)
Representative Margaret Branson
Ted Berns
Russell Walker
Marilyn Dimmick
Gene Moore
Terry Cook
James Kohler (1 day)
Ronald Larson
Jonathan Solomon*

*Mr. Solomon told me on 17 December that there had been no planes in or out of Fort Yukon for 5 days and that there was the possiblity that he may be stranded in Anchorage for several days.

maf

MEMORANDUM 12 December 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Ader Fouse
Title 29 Revision Commission

SUBJECT: Room Rental for Policy Group Meeting

The Policy Group of the Title 29 Revision Commission will be meeting 15, 16, and 17 December 1980 in Anchorage at the Captain Cook Hotel. The rate for the rental of the room is $175.00 per day and coffee is $25.00 extra per pot. I need a field warrant of $650.00 to prepay the three day's rent and six pots of coffee. The Captain Cook will bill us for the balance if we incurr any other charges.

Thank you.

TO: Laura Davis
Attorney General's Office

FROM: Melissa Aber Rouse
Title 29 Revision Commission

SUBJECT: Title 29 Revision

Attached are drafts presented to the Policy Group by the Technical Group at their meeting 10 and 11 November 1990. These changes were approved with minor wording revisions.

Also attached are membership lists of those persons serving on the committees.

M E M O R A N D U M 09 December 1980

TO: Title 29 Policy Group

FROM: Tamara Brandt Cook
Legislative Counsel

SUBJECT: Changes to Drafts Suggested by the Policy Group

Here are revisions to the drafts proposed by the Technical Committee incorporating changes suggested by the Policy Group during your meeting held on November 10th and 11th. In addition to these revisions, two sections are being held by the Policy Group for further review: AS 29.09.180 (Organization Grants), and AS 29.30.040 (Voter Qualifications).

I would appreciate any comments which you may have regarding these revisions.

Also enclosed is a memo from the Alaska Association of Municipal Clerks.

TBC:maf

Encl.

M E M O R A N D U M 09 December 1980

TO: Sharon Sturrock
Accounting

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Title 29 Technical Group Meeting

This is to let you know there was a meeting of the Title 29 Revision Commission Technical Group on 4, 5, and 6 December, 1980. Attending were:

Ted Berns
Russell Walker
John Messenger
Jim Nordale
Gerald Lee Sharp
Allan E. Tesche
Richard Garnett, III
Tamara Brandt Cook
Melissa Aber Fouse

maf

TO: Senator-elect Don Gilman

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Revisions to Title 29

Here are copies of the drafting changes that have been submitted to and approved by the Title 29 Revision Commission Policy Group to date. Also included are a news release prepared by our office, a progress report (as of 7 October) and the minutes of the last Policy Group meeting.

These should give you a good idea of what has been accomplished to date.

Please let us know if there is any further information we can provide you with.

LAA 15

19 November 1980

TO: TECHNICAL GROUP

FROM: Meliana House
Secretary, Title 29 Commission

John Messenger has once again kindly consented to let us use his conference room for our meeting. The dates of the meeting are the 4th, 5th and tentatively the 6th of December, 1980. The address of John's office is 420 "L" Street, Suite 404, Anchorage.

LAA 15

M E M O R A N D U M 19 November 1980

TO: Title 29 Technical Committee

FROM: Tamara Brandt Cook
Legislative Counsel TBC

SUBJECT: Changes to Drafts Suggested by the Policy Group

Here are revisions to the drafts proposed by the Technical Committee incorporating changes suggested by the Policy Group during their meeting held on November 10th and 11th. In addition to these revisions, two sections are being held by the Policy Group for further review: AS 29.09.180 (Organization Grants), and AS 29.30.040 (Voter Qualifications).

I would appreciate any comments which you may have regarding these revisions. I am planning on sending copies of the revisions to the Policy Group early in December.

TBC:maf

Enclosures

TO: Technical Group

FROM: Melissa Aber Fouse
Secretary, Title 29 Commission

SUBJECT: SB 582

We are sending you SB 582 on the request of Lee Sharp wbh plans to make this subject an item of discussion at the next Technical Committee meeting.

LAA 15

4. New Business:
   a. Presentation of proposed items for consideration by members of the Policy Advisory Group.
   b. Presentation of proposed items for consideration by Ex-Officio members.
   c. Presentation of proposed items for consideration by the Technical Revision Committee.
   d. Other new business.

November 11th:

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.
4. Setting of future meeting dates for the Policy Advisory Committee.

It is the intention of the Policy Advisory Group to undertake a thorough review of Title 29. To make this possible, the Policy Group requests that any questions about Title 29 be forwarded to them. Comments on Title 29 may be sent to:

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, AK 99811

As the review of Title 29 must be completed before the next legislative session, it is important that any suggestions for revision be mailed as soon as possible. It is hoped that all areas of Title 29 needing revision can be identified before this meeting.

Thank you for your interest in the revision of Title 29. Again, any comments on areas of Title 29 that, in your opinion, need review will be helpful to the Policy Advisory Group.

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-Offico 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 AVCP 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 [illegible] 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 [illegible]ecting 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 <u>assume</u> 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 statutues.

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

Lee Rasmussen, Mayor of Nome told [illegible] 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 Parr 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, 20.30.230, 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 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 Walleri 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 emmissions 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 clarifed.

2. Subsection (c) of 29.48.260 sets out two procedural requirements for land disposal. Mr. Dye reccommends 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 Menniger 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 Develcpment 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 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 Tamra 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/consoldiation, 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 statutues 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 choses 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

MEMORANDUM November 17, 1980

SUBJECT: Title 29 Policy Group Meeting

TO: Accounting

FROM: Melissa Aber Fouse, Secretary
Title 29 Revision Commission

The Title 29 Revision Commission held a meeting 10 and 11 November, 1980. The meeting was held in Fairbanks. Attending were:

Ted Berns
Margaret Branson
Terry Cook
Marilyn Dimmick
James Kohler
Ronald Larson
Gene Moore
Bob Mulcahy
Charles Parr
Donna Sherby
Arliss Sturgulewski
Jonathan Solomon
Russell Walker
Billy G. Berrier
Tamara Brandt Cook
Melissa Aber Fouse
Allan Tesche
Gerald Lee Sharp
Richard Garnett, III

NOTICE OF MEETING
September 10, 1980

A Policy Advisory Group as been appointed to oversee the revision of the Municipal Code, Title 29 of the Alaska Statutes. The Policy Advisory Group is composed of thirteen members. Of these, nine public members represent a broad range of local officials interested in Title 29. The public and legislative members of the Title 29 Policy Advisory Group are:

Ted Berns, Attorney, Municipality of Anchorage
Terry Cook, City Council, Alakanuk
Marilyn Dimmick, Assembly, Kenai Peninsula Borough
Ron Larson, Mayor, MatanuskaSusitna Borough
Jim Kohler, Manager, City of Yakutat
Gene Moore, Manager, City of Kotzebue
Donna Sherby, Clerk, City of Cordova
Jonathan Solomon, Mayor, City of Fort Yukon
Russell Walker, Attorney, City of Ketchikan and Ketchikan Gateway Borough
Representative Charles H. Parr, Fairbanks
Representative Margaret A. Branson, Kenai Peninsula
Senator Bob Mulcahy, Kodiak
Senator Arliss Sturgulewski, Anchorage

The second meeting of the Policy Advisory Group is scheduled for September 29th and 30th, 1980. The meeting will begin at 9:00 am at the Legislative Information Office, 1024 West Sixth Avenue, Anchorage, Alaska. The telephone number there is 278-3668.

The proposed agenda for this meeting is:

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. Recommendations by Ex-Officio members for ways of getting materials and information to the public.
   b. Report on reorganization of Title 29 by the Technical Revision Committee.
   c. Other old business.

4. New Business:

a. Presentation of proposed items for consideration by members of the Policy Advisory Group.

b. Presentation of proposed items for consideration by Ex-Officio members.

c. Presentation of proposed items for consideration by the Technical Revision Committee.

d. Other new business.

5. Setting of future meeting dates for the Policy Advisory Committee.

It is the intention of the Policy Advisory Group to undertake a thorough review of Title 29. To make this possible, the Policy Group requests that any questions about Title 29 be forwarded to them. Comments on Title 29 may be sent to:

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, AK 99811

As the review of Title 29 must be completed before the next legislative session, it is important that any suggestions for revision be mailed as soon as possible. It is hoped that all areas of Title 29 needing revision can be identified before this meeting.

Thank you for your interest in the revision of Title 29. Again, any comments on areas of Title 29 that, in your opinion, need review will be helpful to the Policy Advisory Group.

M E M O R A N D U M

September 15,1980

SUBJECT: Budget Expenditures - Title 29 Commission

TO: Billy G. Berrier, Director
Legal Services Division

FROM: Melissa Aber Fouse, Secretary
Title 29 Commission

As of 1 August 1980 only $15.00 had been spent of a total budget allocation of $53,800.00 for the Title 29 Commission. The Policy Meeting held on 27 and 28 August cost $3910.25 in travel and per diem for the policy group members.

The estimated cost of the 08 September 80 Technical Committee meeting (not all claims have been submitted) is $1400.00.

To date, personal services have cost $1425.00.

This leaves a balance of $47,049.75.

Attached are my estimates of the costs of the scheduled meetings of both the Policy and Technical committees plus the cost of my personal services to 15 January 1981.

maf

Attachment

Title 29 Commission Projected Expenditures

Balance as of 15 September 1980	$47,049.75
Personal Services to 15 Jan 81	11,400.00
Estimated cost of Technical Committee meeting 19 Sep 80	2,000.00
Estimated cost of Policy Committee meeting 29 & 30 Sep 80 (Anchorage)	5,000.00
Estimated cost of Policy Committee meeting 11 & 12 Nov 80 (Fairbanks).	6,000.00
Remaining Balance	$22,649.75

November 7, 1980

Timothy E. Troll
City Manager
City of St. Mary's
P.O. Box 163
St. Mary's, Alaska 99658

Dear Mr. Troll:

I have submitted copies of your letter to members of the Title 29 Policy Advisory Group so that they will be aware of your concern over AS 29.48.260. Your other comments which were originally sent to the Department of Community and Regional Affairs have been made available to the Title 29 Policy Advisory Group as well. Please send any additional comments which you have to me and I will see that members of the Policy Group receive copies.

I talked by phone with Mr. James N. Reeves on November 5, 1980. He indicated that he would like to address the Policy Group at the next meeting they hold in Anchorage. I will inform him of the meeting time and place as soon as it is set. Time is made available during meetings of the Policy Group to any person who wishes to address the group, so perhaps you would like to attend a meeting as well. I expect that the Policy Group will decide to meet again early in December and I will inform the group of your desire that the meeting be held in Anchorage.

Sincerely,

Tamara Brandt Cook

Tamara Brandt Cook
Legislative Counsel

TBC:maf

cc: Title 29 Policy Advisory Group
James N. Reeves

November 5, 1980

Carol A. Tellevick
City Clerk
City of Port Alexander
Box 725
Port Alexander, Alaska 99836

Dear Ms. Tellevick:

Here is a copy of Title 29 and the supplement. The supplement does not include legislation passed during the 1980 session, so you should contact the Michie Company to order the new supplement when it is printed. If I can help in any other way please let me know.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:maf

Encl.

October 22, 1980

Stephanie K. Scott
Administrative Secretary
Haines Borough
P.O. Box H
Haines, Alaska 99827

Dear Ms. Scott:

Thank you for your letter. I have provided copies of the material you sent to all members of the Title 29 Advisory Policy Group.

For your information the Superior Court opinion City of Kodiak v. Kodiak Island Borough was never appealed. Unfortunately, I am not aware of any additional case law construing the statutory provision which limits the authority to form service areas. I will forward any additional information I receive on the subject to you. You have suggested that AS 29.63.090(d) be rewritten to provide more flexibility to municipal governments in creating service areas. Since that section is essentially a restatement of language contained in the state constitution, I doubt that rewritting the statute would accomplish your purpose.

Please send me any other suggestions which you may have regarding proposed changes to the Municipal Code and I will gladly forward them on to the Policy Group. Our next meeting is scheduled to be held in Fairbanks on November 10th and 11th. I hope to see you there.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:ljb

cc: Title 29 Policy Advisory Group

MEMORANDUM

October 22, 1980

SUBJECT: Title 29 Technical Committee Meeting

TO: Accounting

FROM: Melissa Fouse, Secretary
Title 29 Revision Commission

The Technical Committee of the Title 29 Revision Commission held a meeting on 20 October 1980. The meeting was held in Anchorage. Attending were:

Ted Berns
Russell W. Walker
Tamara Brandt Cook
Melissa Aber Fouse
John Messenger
James Nordale
JoAnne Shanley
Allan E. Tesche
Gerald Lee Sharp
Richard Garnett, III
Billy G. Berrier

maf

M E M O R A N D U M

24 September 1980

TO: Sharon Sturrock, Accounting
Legislative Affairs

FROM: Melissa Aber Fouse, Secretary
Title 29 Commission

We will need a check for $38.00 to give to the Alaska Court System to pay for security charges incurred when our Title 29 Commission Policy Group meeting goes past 4:30 p.m. on both the 29th and 30th of September 1980.

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. 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
Ginny Chitwood
Palmer McCarter
Phil Smith

September 10, 1980

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

Dear Mr. Kohler:

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

Dear Mr. Moore:

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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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

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

Dear Ms. Sherby:

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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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

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

September 10, 1980

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

Dear Mr. Walker:

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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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

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. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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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

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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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Barrier
Tamara Brandt Cook
Ginny Chitwood
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. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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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

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, AK 99501

Dear Senator Sturgulewski:

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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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. Ronald Larson
Box B
Palmer, AK 99645

Dear Mr. Larson:

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

Dear Mr. Solomon:

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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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. Terry Cook
Box 33
Alakanuk, AK 99554

Dear Mr. Cook:

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

September 10, 1980

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

Dear Mr. Berns:

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Melissa Aber Fouse
Secretary, Title 29 Commission

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enclosures

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

September 10, 1980

Ms. Ginny Chitwood
204 North Franklin
Juneau, AK 99801

Dear Ms. Chitwood:

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook

September 10, 1980

Mr. Palmer McCarter
Pouch B, Mail Stop 2100
Juneau, AK 99801

Dear Mr. McCarter:

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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

Dear Mr. Smith:

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook

M E M O R A N D U M September 26, 1980

SUBJECT: Proposed drafting change

TO: Advisory Policy Committee -
Title 29 Revision

FROM: Tamara Brandt Cook
Legislative Counsel

This is a proposed technical revision which makes no substantive legal changes. I have used the chapter and article numbers which these sections are organized under according to the reorganization proposed by the Technical Committee. The section number, AS 29.23.310, is the section in which this material appears in the existing Title 29.

In an effort to make this section clearer to the unsophisticated user, I am proposing a new opening section containing a cross-reference to the appropriate statute dealing with school districts. I have subdivided the existing section 29.23.310 in order to segregate material applicable to specific types of municipalities. I have also somewhat expanded this section to include a reference to the fact that the assembly serves as school board for third class boroughs. I added subsection (c) to provide notice within Title 29 of the existence of a provision outside of the title providing for an alternative to the school board membership requirements set out in Title 29.

In general, I have expanded the section dealing with school boards in order to provide more complete coverage of that topic in one place in the statutes for ease of use.

TBC:ljb

Enclosure

MEMORANDUM September 25, 1980

SUBJECT: Proposed drafting change

TO: Advisory Policy Committee -
Title 29 Revision

FROM: Tamara Brandt Cook
Legislative Counsel

This is a technical revision which includes no substantive changes in the law. The section numbers used match existing section numbers, however, the sections have been arranged in the order proposed by the Technical Committee as part of their reorganization of Title 29. This draft contains the complete Article 1 (General Powers) under the proposed reorganization scheme.

TBC:ljb

Enclosure

MEMORANDUM October 2, 1980

SJUBJECT: Proposed drafting change

TO: Policy Group
Title 29 Revision Commission

FROM: Tamara Brandt Cook
Legislative Counsel

This is a proposed technical revision of AS 29.53.020 dealing with exemptions from property taxation but containing no important substantive legal changes. However, I wish to alert you to a change which may have some substantative impact.

AS 29.53.020(e) currently contains the language

> Only one exemption may be granted with respect to the same property and, if two or more persons are eligible for an exemption with respect to the same property, the parties shall between or among themselves which shall receive the benefit of the exemption.

This sentence has been in subsection (e) since 1972, but its meaning is unclear. I checked with Mr. Lee Sharp, Municipal Attorney for Juneau, and Mr. Terry Early, State Assessor regarding the meaning of this provision. Both of them agreed with me that the section is unclear and Mr. Early advised me to check with an assessor to see how it has been applied in the field. I contacted Mr. Bob Howe, Juneau assessor, and he imformed me that the sentence in question has been ignored as a practical matter. I also checked with the Department of Revenue and was informed that they rely upon information supplied by the boroughs in determining the amount of the state rebate, and therefore have not been interpreting this sentence themselves. Consequently, I have deleted this sentence from this draft.

M E M O R A N D U M

September 26, 1980

SUBJECT: Proposed drafting changes

TO: Advisory Policy Committee -
Title 29 Revision

FROM: Tamara Brandt Cook
Legislative Counsel

As noted in several of the comments submitted to the Advisory Policy Committee, the status of an ordinance between the time of adoption and the time of veto is unclear in the current statutes. This draft contains several substantive legal changes which would clarify this situation.

1. An ordinance takes effect 30 days after adoption or at a later date specified in the ordinance. Currently the statutes are unclear as to when an ordinance is effective. The 30 day period, could, of course, be shortened or lengthened.

2. Copies of the ordinance are to be made available within five days. Currently, there is no time period designated and the statutes merely indicate that copies of an ordinance are to be made available. The five day period, could, of course, be lengthened or shortened.

3. In order to go along with the first two proposed substantive changes, I have added a requirement that ordinances be vetoed within 30 days. The existing law gives no time frame within which a veto must be exercised.

4. In the case of a veto, the mayor must immediatly submit a statement advising of the veto and giving reasons. Under existing law, the mayor is required advise of a veto during the next regular meeting of the assembly or council. Since an assembly or council may not meet very often on a regular basis, I feel that the assembly or council ought to be

informed of a veto so that it can call a special session to attempt to override it.

5. An emergency ordinance is immediately effective after adoption, which appears to be the case under existing law. If vetoed, it ceases to be effective immediately and a veto may not be overriden. Since it takes a larger majority to pass an emergency ordinance than to override a veto, absent this provision, it appears that a veto could always be overriden. The assembly or council would still have the alternative of passing an ordinary ordinance, should an emergency ordinance be vetoed.

6. Copies of emergency ordinances are to be made available within 24 hours after adoption. The current law provides that copies be made available without specifying a time period for compliance.

In addition to the substantive changes mentioned above, this draft constitutes a complete technical revision of the sections. Section numbers match the numbers as they currently exist in Title 29.

Please let me know whether this approach appears satisfactory. I would be glad to make any desired changes to this draft.

TBC:ljb

Enclosure

MEMORANDUM

28 October 1980

TO: Technical Committee
Title 29 Revision Commission

FROM: Tamara Brandt Cook
Legal Services

SUBJECT: Changes Recommended to Title 29 by the Technical Committee

Attached is the second batch of the drafting changes we discussed at our 10 October meeting. If you get an opportunity to check these over, I would appreciate it. Take an especially close look at the explanations, since these will form the basis of a memo I prepared to justify these changes to the Policy Group.

Please send me any recommendations for improvements to either the drafts themselves or to the explanations, or I can be reached by phone at 465-4996 November 5th, 6th, and 7th.

maf

Attachments

MEMORANDUM 24 October 1980

TO: Technical Committee
Title 29 Revision Commission

FROM: Tamara Brandt Cook
Legal Services

SUBJECT: Changes Recommended to Title 29 by the Technical Committee

Attached you will find the first batch of the drafting changes which are, hopefully, accurate reflections of the drafts agreed to by the Technical Committee. If you get the opportunity to check these over, I would appreciate it. Take an especially close look at the explanations, since these will form the basis of a memo I prepared to justify these changes to the Policy Group.

Please send me any recommendations for improvements to either the drafts themselves or to the explanations, or I can be reached by phone at 465-4996 November 5th, 6th, and 7th. I will send you the other drafts as rapidly as they are completed.

maf

Attachments

Melissa Rver Touse, Secretary
Title 29 Revision Committee
Legislative Affairs Agency
Pouch Y - State Capitol
Juneau, alaska 99811

FROM

[redacted]
Box 1210, Cordova, Alaska 99574
Phone 907-424-3227 or 424-[redacted]

SUBJECT

DATE 11-17-80

MESSAGE

Dear Melissa: Sorry - I forgot to get this to you at the last minute. Didn't know for sure just what I should claim on the per diem. Would have had to overnight in Anchorage going both ways if I had just come up for Title 29 - but did stay over for the League so will let you figure it out!!

Thanks

SIGNED Donna Sherby, Cordova

REPLY

SIGNED

DATE / /

Rediforms 45 471

SEND PARTS 1 AND 3 WITH CARBON INTACT - PART 3 WILL BE RETURNED WITH REPLY.

POLY PAK (50 SETS) 4P 471

ISSUES TO BE IDENTIFIED IN A POLICY ADVISORY GROUP REPORT

1. How to provide representation for people living outside municipal boundaries, but within a municipal service area (as when a city extends utility service beyond its boundaries).

2. Should a uniform provision on executive sessions be included in Title 29 delineating specific occasions when it is appropriate to call for an executive session of a municipal governing body?

3. Should there be only two classes of borough -- home rule and general law?

4. Should there be only two classes of city -- home rule and general law?

5. Should villages which are currently unincorporated be recognized as municipal corporations under state law? Should IRA councils be recognized as municipal governing bodies?

6. Should the state or local government be primarily responsible for providing the following services: water system and sewage disposal inspections; subdivision review of on-site sanitation capabilities; sanitation inspections of restaurants, hotels, etc; clean-up of small oil spills; the issuing of oily waste burn permits and surface oiling permits; litter control; vehicular emmisions control? If local governments should have more control in these areas, how may the state delegate these functions while insuring the programs continue to meet applicable standards to qualify for federal funding and to avoid state liability if the programs are not properly carried out by the local governments?

7. Should the state or local government be primarily responsible for the provision of health services? If local governments should have more control in these areas, how may the state delegate these functions while insuring the programs continue to qualify for federal funding?

8. How to insure that local issues are dealt with in the unorganized borough, since the legislature rarely meets as the assembly for the unorganized borough.

9. How to avoid establishing multiple governmental and administrative bodies with duplicate functions in small communities which suffer from a lack of people to fill the positions.

10. Should there be a regionally elected body in the unorganized borough to manage local service programs and to deal with the state?

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NAME	SENT TO:	DATE:
News Release	Pat Poland	25 Nov ?
DRAFTING CHGS (Gerwick)	Re: tape elect Don Gilman	
Received: Memo fm State Asst (City) Clerks	Received at Tech Mtg	03 Dec.
DRAFTING CITES	see Memos	09 Dec.
Received at Policy Group Meeting 15, 16, 17 Dec 80:		
Alaska Municipal League Policy stmt		
Ltr fm Haines Borough re resolution & Ltr fm Kenai Penin boro. All attached		
Ltr fm Haines Boro re: elim of 3rd Cl. boros.		
Telegram fm City of Haines re: elim of 3rd Cl boros.		
Letter fm Lee Sharp re: recall		
" " City of Wrangell re "		
Letter fm Lee Sharp re: Initiative & recall		
Proposed bill #3 fm CERA re: organizational grants		
Minutes of Mtg (15, 16 & 17 Dec Policy)	ALL	23 Dec.
	NOTE: PACKETS sent to KOHLER, Sheeby & Mulcahy WITH materials recd at Policy mtg	
Proposed bill #3	ALL Policy Group Members	23 Dec.
Ltr City of Wrangell		
Tele- " " Haines		
+		
OTHER MAT RECD at mtg + minutes	Tech Comm & Ex-Officio	23 Dec
Letter fm City of Barrow	to Policy Group	02 JAN

Reading File
Title 29

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y · STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

MEMORANDUM

19 January 1981

TO: Sharon Sturrock
Accounting

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Policy Group Meeting

This is to notify you that there was a Title 29 Revision Commisson meeting in Juneau on 17 and 18 January 1981. Attending were:

Ted Berns
Margaret Branson
Timothy Troll, substituting for Terry Cook
Marilyn Dimmick
James Kohler
Ronald Larson
Gene Moore
Bob Mulcahy
Charles Parr
Arliss Sturgulewski
Johnathan Solomon
Russell Walker
Jim Nordale
Lee Sharp

AGENDA

TITLE 29 REVISION COMMISSION
Policy Group Meeting

January 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 for consideration.

a. Presentation by Larry Kimball, Director, Division of Community Planning, Department of Community and Regional Affairs: "Planning for Small Communities."

3. Old Business:

a. Approval of Minutes.
b. Report by subcommittee chairman on AS 29.09.180. (Organizational Grants).
c. Report by subcommittee chairman on AS 29.30.040 (Voter Qualifications).
d. Presentation of proposed drafts by the Technical Committee.
e. Other Old Business.

4. New Business:

a. Presentation of proposed items for consideration by members of the Policy Advisory Group.
b. Presentaion of proposed items for consideration by Ex-Officio Members.
c. Presentation of proposed items for consideration by the Technical Revision Committee.
d. Other new business.

January 18th:

1. Introduction of guests and members of the public attending.

2. Presentations by guests and members of the public of areas of concern or proposed items for consideration.

3. Old Business.

4. New Business.

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2. Presentations by guests and members of the public of areas of concern or proposed items for consideration.

3. Old Business.

4. New Business.

Received 7/14 cc Policy Group

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS
DIVISION OF LOCAL GOVERNMENT ASSISTANCE

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4707

July 15, 1980

Haines Borough Assembly
Box H
Haines, Alaska 99827

Dear Assembly Members:

Title 29, which contains the Alaska Statutes on municipal government, specifies that the mayor of a third class borough must be elected at-large for that position. An assemblyman cannot assume the position of mayor since the assemblyman was elected as a voting member of the borough's governing body and the mayor cannot vote. Each assembly member elected to that position has an obligation to vote.

As the mayor of a third class borough cannot vote or exercise the veto power, the assembly need not be concerned about affecting the present borough apportionment by the election of a mayor in addition to the assembly members. There would be no change to the present apportionment.

These comments are offered for your consideration as the Haines Borough prepares for its regular election this fall.

Sincerely,

Palmer McCarter
Director

PMc:MF:jh

cc: Stephanie Scott, Haines Borough
Thomas Blanton, Borough Attorney

Received 7/17/80 SKS

21-P3LH

MEMORANDUM

FROM: FOLTA & ASPER, Borough Attorneys

TO: HAINES BOROUGH ASSEMBLY

RE: Voting By Borough Mayor

DATE: September 18, 1973

A question has come up under the new municipal code regarding the vote of the Borough Mayor in a Third-class Borough. Third-class Borough questions are difficult to resolve because Chapter 41 of Title 29, which refers to them, only briefly indicates what they can and cannot do. For questions not answered in Chapter 41 we assume that provisions governing First and Second class boroughs apply. The fact that Haines is the only Third class Borough in the state means that no guidance can be had on these questions from the experience of other municipalities in Alaska.

At the present time the assembly has chosen a mayor from among its members and the mayor is following section 29.23.160 which says that the mayor shall participate in assembly decisions but may not vote. Since Mr. Olerud, the present mayor, is a representative of the city of Haines he carries a weighted vote which is lost to city voters by his seeming inability to use it. Although to date the Mayors' non-voting has not affected the outcome of borough consideration on any matter, it is quite possible that this could happen in the future.

After reading the statutes it seems apparant that the problem lies in the fact that the mayor is also a member of the assembly. We have concluded, and our conclusion is agreed on by attorneys in the Local Affairs Agency, that the new municipal code

requires that there be a borough mayor, even in Third-class Boroughs, but that the mayor be a separately elected official, who is not a member of the assembly (Section 29.23.130). This official would be elected at large in the Borough and would be the chief administrator for the Borough, but would not vote. In a first or second class Borough the Mayor has a veto power to overrule the assembly, but this power is specifically denied the mayor in a third class Borough. (Section 29.41.020) The Assembly would continue in its present form but would choose a presiding officer to manage assembly meetings. (Section 29.23. 060 (b))

Our recommendation at this time is that a Borough Mayor be elected in the Haines Borough whenever possible and in the meantime that Mr. Olerud resume voting with the understanding that his office is really that of Presiding Officer of the Assembly rather than the Borough Mayor as contemplated by the municipal code.

We would point out that the Borough Mayor scheme was primarily written into the municipal code for the use of the larger First and Second class Boroughs and may be too much government for this Third Class Borough, which is operating in good order now without a separately elected mayor. If the Borough must elect a mayor, as the statute seems to require then perhaps this presents a good opportunity to once again consider alternate forms of government for this area. The third class Borough has some very good points but this question and others indicate that it is a sort of Legislative afterthought which will continue to present problems which were never considered by the lawmakers when they enacted the municipal code.

cc Policy Group

WINGREN
ENTERPRISES

(907) 225-4365
P.O. BOX 5197
KETCHIKAN, ALASKA 99901

10 January, 1981

Senator Arliss Sturgulewski
Alaska State Senate
Pouch V, State Capitol Building
Juneau, Alaska 99811

Dear Senator Sturgulewski

I quote Alaska Statute 29.53.025. It reads, in part as follows:
(b) Municipalities may by ordinance
(1) classify boats and vessels for purposes of taxation and may establish the assessed valuation of boats and vessels on the basis of their registered or certified net tonnage; a tax based upon a tonnage valuation shall not exceed $5 a year for a boat or vessel of less than five net tons and shall not exceed $15 a year for a boat or vessel of more than five net tons;

The City of Ketchikan and the Ketchikan Gateway Borough has chosen to listen to the hue and cry from boat owners that if their taxes are increased, they will take their boats and their business elsewhere. I, along with numerous other taxpayers, feel that boats should be taxed on assessed valuation, the same as other real property, including airplanes. It is very unlikely that our local government will change to assessed valuation, as long as they have another option. It is also very unlikely that our local state legislators will ever push to amend the state law to make taxation on assessed valuation mandatory. I therefore appeal to you, whom I understand has given this matter some study, to introduce such legislation.

Very truly yours

Paul J. Wingren

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827
(907) 766-2711

December 31, 1980

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

RE: Correction to December Title 29 Commission Minutes

Dear Senator Sturgulewski:

On page 3 of the minutes of the December 15, 16 and 17th Title 29 Revision Commission meeting it is stated that the technical committee was directed to bring back wording to allow the transition from any class of city to home rule. I am under the impression that the technical committee was directed to bring back language that would allow the transition from any class of borough or city or unincorporated area to home rule. Discussing the motion to eliminate third class boroughs and to grandfather the Haines Borough, Terry Cook emphasized his desire to see legislation developed which would allow transition from any class of borough or city to home rule. The direction to the technical committee followed this discussion and I do think it included transition of any class of boroughs as well as cities to home rule. Perhaps a double check of the tape would clarify this issue.

Sincerely yours,

Stephanie K. Scott
Administrative Secretary

xc: Tamara Cook
Legislative Affairs

Millisa Fawset

Sent to D.C. Drilling Committee

CITY OF BARROW

"farthest north incorporated city"
BOX 629
BARROW, ALASKA 99723
PHONE (907) 852-5211

December 10, 1980

Senator Arliss Sturgulewski
Assembly Bldg.
Room 100
Juneau, Alaska 99811

Re: Title 29 Revisions

Dear Arliss:

I would like to submit the following comments for your consideration, regarding Title 29 of Alaska Statutes and its revisions.

It appears to me, that we here on the North Slope have our own unique situation, in that we are within a home rule Borough and are a first class City operating within that Borough. The Borough seat is headquartered in our City. The City has minimal powers left and does not have a property tax.

Many times, in attempting to provide new, or upgrade existing services and/or facilities, we have been hindered or stopped by lack of co-operation by the Borough. When we turn to Title 29 and cite the appropriate authorizations to undertake a particular venture we are stopped time and time again by the Borough explanation that Title 29 doesn't relate to them except as noted in Section 29.13.100. To help aleviate this problem, I would like to seem Home Rule Boroughs bound by the Sections in Title 29, unless otherwise so noted in a particular section. Home Rule Boroughs would be allowed to carry on their municipal functions beyond that in Title 29, but they would be bound by all sections of Title 29. This approach is directly opposite than the one currently ruling the conduct of Home Rule Boroughs. Cities would still be limited as to what they could do ---specifically, that which was authorized in Title 29.

In reviewing Title 29, I would like to bring to your attention some of the sections that we have dealt with that have caused us some difficulties or confusion.

Section 29.23.270 Veto (a) The mayor of a first class city may veto any ordinance, resolution, motion, or other action of the council and by veto, strike or reduce items in appropriation ordinances except, in a city outside an organized borough, for schcol budget items. He shall submit to the council at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the council.

The part about "he shall submit to the council at its next regular meeting a written statement advising of his veto and giving his reasons." leaves it unclear when a veto is made, is it a verbal veto at a meeting where the action takes place

or is it the written veto at the next meeting that puts a veto in effect. If so, does the council action stand until the written veto is presented at the next meeting. Again, if that is the case, what happens when the mayor wants to veto an action but the course of action sought by the council will have all ready taken place before the veto can be placed before the council at their next meeting.

29.22.570 Vacancies. An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the assembly or council. The assembly or council shall declare an elective office vacant when the person elected

(6) misses three consecutive regular meetings unless excused;

I think that some guidelines should be mentioned as to what is excused or unexcused, i.e. failure to notify the city office that they will be unable to attend, off on a campaign tour for another elected office.

Initiatives and referendums: There should be a submittal deadline for invitations and referendums that wish to be considered on an upcoming general election 15 days, 30 days, 45 days, 60 days prior to the eldction. If all the procedures, protests and appeal time lines were allowed for it might look something like this:

Absolute deadline if an initiative or referendum is to be placed on the Ballot (to allow for printing)			15 days
Section 29.28.073	(a)	City Clerk has 10 days to certify petition	10 days
	(b)	Petitioners have 10 days to correct insufficient petition	10 days
	(c)	Clerk has 10 days to certify corrected petition	10 days
Section 29.28.075		Petitions have 7 days to file protest with Council	7 days
		Council to decide appeal at next meeting (14 days for Council 30 days for Assembly; for sake of uniformity use 30 day Assembly timeframe)	30 days
		Total days required for process	82 days

In the current Title 29, the initiative/referendum section doesn't apply to Home Rule Municipalities and the North Slope Borough has no provisions for initiatives or referendums in their Code of Ordinances. The North Slope Borough charter outlines the basic initiative/referendum requirements. However, the charter goes on to say the initiative/referendum procedures must be established by Ordinance, of which there is none.

It would make life much simpler if the requirements, format, and timelines for all petitions were standardized.

Section 29.33.030 Assessment and Collection. Boroughs shall assess and collect property, sales, and use taxes levied within their boundaries, subject to Chapter 53 of this Title. Taxes levied by a city and collected by a borough are returned in full to the levying city.

This Section doesn't apply to Home Rule Boroughs so technically speaking, a Home Rule Borough could tell any of the cities in its jurisdiction that it will no longer collect the cities taxes. In our area this would place an undue and perhaps backbreaking burden on some of our communities.

Section 29.33.110 Board of Adjustment. (a) The assembly is the board of adjustment for areas outside cities. The City Council is the board of adjustment for the area within the City boundaries but may delegate by resolution or ordinance part or all of its functions to the borough, subject to & 70 (b) (1) of this chapter, in addition to making delegations as provided for an assembly under & 245 of this chapter. Meetings of the borough board are held at the call of the presiding officer and of the city board by the Mayor. The presiding officer or Mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

The rational behind this escapes me, but again it doesn't apply to Home Rule Boroughs. It would be very interesting if our City Council could act as the Board of Adjustment within our City, instead of the Borough Assembly.

Section 29.48.030 Municipal Facilities & Services. (a) A municipality may exercise the powers necessary to provide the following public facilities and services:

We have had several problems with this and Section 29.48.035 Regulatory Powers.

> The question has arisen about whether or not when you transfer a power under 29.48.030 you also transfer any regulatory powers that might be associated with the power transfered, especially if the regulatory power is mentioned in 29.48.035.

Where we have run into our biggest problem is when we transfer a power under 29.48.030, such as police powers, where we transfer a power complete with enforcement ordinances,and the Borough refuses to exercise the enforcement ordinances. Furthermore, the Borough sees no need in enacting ordinances of their own. To us, this seems like we receive a lower level of service than we had before. We have presented this problem to the State and their opinion is that City ordinances transfer with the power until amended, repealed, or a new Borough

Ordinance supercedes the transfered City ordinance. The Borough says they don't quite see it that way. However, they will enforce the City's ordinances, as their priorities allow, and we will have to prosecute in Court. This is the same procedure they use with the State. They will enforce State Statutes and the State is responsible for prosecuting in Court. Since the Borough doesn't have any ordinances to enforce, they don't have to worry about prosecuting costs for the Borough. A cost that is prohibitive to the City. From our standpoint, we would like to see it made manditory, that when a power is transfered, so is the responsibility for accepting and enforcing any associated ordinances until such time as the Borough amends or implements new ordinances.

I'm sure that it would have to be explored in greater detail, but, perhaps a mechanism should be developed through which a City could have a power returned to it by a Borough.

Section 29.48.150 Ordinance Procedure. (a) The following procedure governs the enactment of all ordinances except emergency ordinances. An ordinance may be introduced by a member or committee of the assembly or council or by the municipal executive or chief administrator. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes authorized on the question. A summary of the ordinance and its amendments is published together with a notice of time and place for public hearing. The hearing follows publication by at least five days. Copies of the ordinance must be available to all persons present or the ordinance must be read in full. The assembly or council shall hear all interested persons wishing to be heard. After the hearing, the assembly or council shall consider the ordinance and may adopt it with or without amendment. The assembly or council shall print and make available copies of adopted ordinances.

We would like to see a better definition of published, as called for in this section. Perhaps in rural areas, publishing could be accomplished by posting around town, often times it is unrealistic for a remote rural area to publish a notice in a Fairbanks or Anchorage paper. Especially since the newspaper might not reach the village until after the meeting has been held.

The publishing requirement should remain the same for Boroughs, as their level of sophistication and operations are on a much higher plane.

Section 29.48.260 Municipal Properties. (c) The assembly or council shall by ordinance establish a formal procedure for the sale, lease or disposition of real property or interest in real property. The ordinance shall require (1) an estimated value of the property by a qualified appraiser or the assessor; (2) a notice of sale published in a newspaper of general circulation distributed within the municipality at least 30 days before the date of the sale, lease, or disposition, or posted within that time in at least three public places in the municipality; (3) public auction or opening of sealed bids, if any; and (4) other terms and conditions fixed by the assembly or council. However, no ordinance for the sale, lease, or disposition of real property or interest in real property valued at $25,000. or more is valid unless ratified by a majority of the qualified voters

voting at a regular or special election at which the question of the ratification of the ordinance is submitted. Thirty days notice shall be given of the election and during that period the assembly or council shall have published at least once a week in a newspaper of general circulation distributed within the municipality a notice stating the time of the election and the place of voting, describing the property to be sold, leased or disposed of, giving a brief statement of the terms and conditions of the sale and the consideration, if any, and stating the title and date of passage of the ordinance. Notice shall be given by posting a copy of it in at least three public places in the municipality at least 30 days before the election. If no newspaper of general circulation is distributed within the municipality, the ntoice given by posting is sufficient for the purposes of this section.

The rational behind this is somewhat understandable, but the reason for the $25,000. figure is hard to visualize. Again, in our area $25,000. is a lot of money, but at the same time it isn't. If we had to go to a special election every time we wanted to lease some property in excess of $25,000. we would begin to incur additional expenses and waste a lot of time. Especially when you consider we probably wouldn't get a voter turn out of over 150 people.

Section 29.53.360 Deed to Borough or City. (a) Unredeemed properties in the area of the borough outside cities are deeded to the borough by the clerk of the court. Unredeemed properties within a city are deeded to the city subject to the payment by the city of unpaid borough taxes and costs of foreclosure levied against the property before foreclosure. The deeds shall be recorded in the recording district in which the property is located.

We have approached the Borough on this and their response is, that since the City has no property tax, we have no interests in any such property and therefore, this Section doesn't apply to us. Furthermore, the North Slope Borough isn't bound by this section anyway.

Section 29.68.240 Unification of Local Governments. An organized Borough and all cities within the Borough may untie to form a single unit of Home Rule local government by complying with this chapter. This section doesn't apply to Home Rule Boroughs. Therefore, a Home Rule Borough couldn't legally unify with it's cities. Or could it, as there is nothing in Title 29 saying that it can't. However, the cities would have to follow the provisions in 29.68.240. So any provisions a Home Rule Borough would want to incorporate into their unification procedures would have to include the provisions in 29.68.240 so it would be just as easy to make Home Rule Boroughs subject to 29.68.240 and avoid a lot of confusion.

At the AFN Convention I picked up a copy of some of the proposed changes for Title 29. Unfortunately, I have misplaced these and it wouldn't surprise me too much if some of my comments have already been addressed. The revision of Title 29 is long overdue and I appreciate the opportunity to be able to provide some input into the program. If I can be of further service, please don't hesitate to contact my office.

Sincerely yours,

Bryan MacLean
City Manager

Rick Gaussett

CLASSES AND POWERS OF MUNICIPALITIES

.010 Classes of Municipalities. A municipality shall be a home-rule or general law municipality.

.020 Power of General Law Municipalities (a). Powers of general law of municipalities are 1) regulatory powers enumerated in section ____ or 2) powers to provide services and facilities enumerated in section _____.

(b) General law municipalities may exercise powers assumed upon incorporation or acquired in accordance with section .030.

.030 Procedure for Acquiring Powers. A city within its jurisdiction and a borough on an area-wide or non-areawide basis may acquire additional regulatory powers or powers to provide public facilities or services by ordinance approved by a vote of two-thirds (2/3) of the membership of the assembly or council. A decision to acquire powers under this section is subject to referendum.

.040 Exercise within Cities. Except as provided in section .070, a borough may not exercise within a city in the borough a power which the city is then exercising if the city council by ordinance approved two-thirds vote of its membership states its opposition.

.050 Service Area. A borough may exercise a power to provide services and facilities on a service area basis only upon approval of a majority of those voting on the question in the area affected at a general or special election in accordance with section ____.

.060 Transfer of Powers. By vote of a majority of the membership of the council or by initiative, a city within a borough may transfer to the borough any power exercised by the city.

.070 Mandatory Areawide Borough Powers. Boroughs shall exercise on an area-wide basis the powers of 1) planning and zoning; 2) taxation and 3) education.

.080 Mandatory City Powers. A city in the area outside boroughs shall exercise the powers of 1) planning and zoning; 2) taxation.

.090 Education in City's Outside Borough's. A city in the area outside boroughs may assume the education power upon incorporation, by ordinance approved by two-thirds of the membership of its council, or by initiative.

Policy Recommendations - Title 29 Revision Commission Technical Committee

1. The Technical Committee does not recommend the adoption of the suggestion made by the Alaska Association of Municipal Clerks.

2. The Technical Committee does not recommend the adoption of the suggestion made by Jo Ann Shanley regarding Sec. 29.42.010 which granted planning, platting, and land use regulation powers to a first class or home rule city located more than 25 miles from the boundary of the Borough Seat. It was felt that this was Seward's problem, and would contradict the principle of "comprehensive" borough planning.

3. The technical group recommends the inclusion of harbors and marinas in the statute regarding Extraterritorial Jurisdiction.

4. The technical group does not recommend the inclusion of the proposals presented by Mike Walleri of Tanana Chiefs. The feeling is that the concept of recognition of IRA councils and "Indian Country" is outside the scope of the reorganization of Title 29.

5. The Technical Group is recommending the elimination of Third Class Boroughs with the following options:

a. Eliminate Third Class Boroughs altogether phasing them out over a two-year period.

b. Eliminate Third Class Boroughs giving "grandfather rights" to the Haines Borough.

c. Keep Third Class Boroughs, expanding its powers to general law powers.

- Quarter-deck 19 - 10th Floor, Tower I

Send copy to Anss

November 18, 1980

TO: TITLE 29 TECHNICAL AND POLICY COMMITTEES

FROM: ALASKA ASSOCIATION OF MUNICIPAL CLERKS

SUBJECT: TITLE 29 REVISIONS

We respectfully submit the following comments:

1) Sec. 29.30.040. We support the drafted changes as recommended by the Technical Committee, dated October 10, 1980, with the following amendment to (b):

> "(b) Voter registration by the municipality may not be required, and a municipality may not alter voter qualification requirements except that a municipality may by ordinance require a person to be a resident of and registered in the precinct, district, or service area in which he votes."
>
> Explanation: Those voting on the issue are residents of the specific area and thus will have to live with the outcome of the election; requiring registration in the precinct, district or service area will hopefully eliminate some of the problems and the time demanded in trying to prove residency; such a procedure will give the Canvass Board clearer direction.

2) Regarding new AS 29.30.110 and .230, the AAMC feels it is within the scope of responsibilities of the clerks to provide an acceptable petition format; however, we object to being burdened with any of the responsibility of composing any type of initiative, referendum or recall statement. We feel that the newly-proposed sections are unclear in this regard and request that clarification of our position be considered.

3) AAMC strong supports the language as proposed in AS 29.30.050 regarding elections which gives the municipalities the option to provide for runoff elections by ordinance.

ALASKA MUNICIPAL LEAGUE

POLICY STATEMENT

1981

RECEIVED
DEC 05 1980
CAO – OPERATIONS

Adopted at the Business Meeting
of the 30th Annual Conference of the
ALASKA MUNICIPAL LEAGUE

Fairbanks, Alaska - November 15, 1980

PART I
TAXATION AND FINANCE

A. Local Tax Relief

1. The League supports state-funded relief for local taxpayers where such relief does not reduce the tax base or the tax-levying authority of the municipality and does not adversely affect the marketability of municipal bonds.

2. In order to provide local tax relief to Alaskans in 1981, the League urges the Governor and the Legislature to pass the necessary funding legislation for municipal assistance, state revenue sharing, and local school funding in sufficient time for municipalities to incorporate the additional revenues in the annual mill levies, but in no case later than May 15, 1981.

B. State Assistance In Financing Local Government

1. State Revenue Sharing. The League supports annual increases in the state shared revenue program. The annual appropriation by the Legislature to the municipal revenue sharing program shall be an annual increase of the 1980 Legislative appropriation based on such criteria as state population, inflation, and cost of local government services and other timely considerations.

2. Road Maintenance. The League continues to support an increase of available state funding for road maintenance to realistically reflect today's cost of road maintenance, with this increase fully funded.

3. Capital Improvement Projects. The League supports a separate revenue sharing program that will assist in the funding of capital improvements projects.

4. Municipal Assistance. The League supports the efforts of the state administration to fully fund the municipal assistance program at not less than 10 percent of the revenue raised by the State Corporate Income Tax.

5. Permanent Endowment for Local Government. The League urges that the state investigate the concept of a permanent endownment for local governments. The income from this endowment would be made available for use by local governments for operating expenses and/or capital programs. The League should provide assistance to the state in its investigation through a state-wide task force. Criteria for developing any permanent endowment and allocation of income approach should include equity, predictability and maximum local control.

6. State-collected Locally Shared Taxes. Municipalities in Alaska presently derive significant revenues from state-collected, locally shared taxes to help meet their basic operating expenses. The League, therefore, opposes reduction of such revenues through elimination of such taxes unless other equal sources of revenue are made available to local governments, or appropriations to compensate for lost revenues are made by the State.

7. Supplemental Appropriation. The League urges the Legislature to fully fund, through supplemental appropriations, 100% of fiscal 1981 state revenue sharing entitlements and the municipal assistance entitlement of at least 10 percent of the revenue generated by the State Corporate Income Tax.

8. Certification of Revenues. The League supports an amendment to the state shared revenue statutes which would 1) permit the Department of Community and Regional Affairs to accept a certification of revenues and expenditures in lieu of the annual financial report in order to make final payment of state revenue sharing entitlements, and 2) allow the Department of Community and Regional Affairs to amend the entitlement in the ensuing year based on the annual report, if applicable.

9. Abandoned Motor Vehicle Fund. The League continues to urge adequate funding of the Abandoned Motor Vehicle Fund with special emphasis paid to the cost incurred in handling abandoned vehicles which have no value.

10. Basic Allocations. The League supports an increase in state revenue sharing basic allocation to $50,000 for each city.

C. Local Taxes

1. The League opposes the imposition of state-mandated exemption of certain classes of property, individuals, organizations or commodities from the application of taxes unless adequate compensation is made by the state to reimburse local government for revenues lost due to these exemptions.

2. The League endorses the position whereby the state would pay to the local governments a payment in lieu of ad valorem taxes for the state-owned property as well as payments for its share of the cost of improvements and services which benefit such property.

3. The League opposes any further effort on the part of the state to levy a property tax which would infringe upon the rights of local governments to levy the same rate of tax as levied on other property within the taxing jurisdiction.

4. The League supports legislation which would provide for the optional exemption of business inventory from property tax.

D. Funding The Study And Formation Of New Municipalities

1. The League requests the enactment of legislation to provide adequate funds to assist in the formation of newly organized municipalities.

2. The League requests the enactment of legislation to provide adequate funds to assist in the study of the feasibility of forming new municipalities.

E. Public Employees Retirement

1. The League urges that in any legislation passed which increases benefits under the Public Employees Retirement System, the increased cost be borne by contributions from the employees. The League urges the Legislature to recognize the effect on participating municipal employers if any amendments are made to PERS.

2. Many locally elected officials are being excluded from participation in the Public Employees Retirement System because they are also active members of the Teachers Retirement System; therefore, the League supports legislation that would eliminate that portion of Alaska Statutes (AS 29.35.680(21)(c)(iv)) that excludes active members of the Teachers Retirement System from being active members of the Public Employees Retirement System and to allow retroactive participation provided that the employee applies for it and makes the full retroactive contribution as he/she would have if he/she had been an active member during the retroactive period.

F. Local Hospital Use

1. The League urges the state and federal agencies reponsible for health care to utilize the local health facilities and to transport patients to regional centers only when the necessary services are not available.

2. The League strongly supports increased state funding of hospital and health facility construction and operating costs but feels that this should be funded outside the state revenue snaring program.

G. Role Of The Permanent Fund

1. The League supports legislation which would favor the investment of a percentage of the permanent fund into the development of energy resources and potable water supplies.

2. The League, which recognizes that the concept of the Permanent Fund is to take revenues from a non-renewable resource and turn these revenues into a renewable resource, urges the Legislature to increase the percentage of income going into the fund to help guarantee the economic stability of the state.

H. Anti-Cyclical Policy

1. The League requests the executive and legislative branches of state government to develop a clear anti-cyclical policy to provide as much as possible for the scheduling of state capital projects projected for municipalities during periods of lower economic activity in the municipality and to direct other state activities with consideration of municipalities whose economies are depressed from normal levels.

I. Loans For Hydroelectric Projects

1. The League supports uninterrupted continuance of loan funds from the state for feasible hydroelectric projects within the state, and further supports long-term, low-interest loans at three percent for these projects with funding appropriated from non-renewable resource revenues such as those presently being generated by oil and gas receipts.

J. Fiscal Notes

1. The League supports enactment of legislation requiring preparation of notes assessing the fiscal impact on local government of any proposed bill or regulation.

K. Cultural, Civic And Convention Centers And Museums

1. While by law the state is able to assist local communities in the construction, maintenance and operation of cultural, civic, convention and community recreation centers, only minimal funding has been available for this purpose. The League, therefore, urges the Legislature to authorize funding under existing law in an amount sufficient to meet the construction requirements in Alaska communities.

PART II
EDUCATION

A. Permanent Endowment For Funding Education

1. The League urges that the state investigate the concept of a permanent endowment for funding public education. The income from this endowment would be made available for use for public education operating expenses and/or capital programs.

B. School Support

1. The Constitution of Alaska is very specific in its requirement that education is the responsibility of the state. Therefore, the League urges the Legislature to fund annually 100% of the costs of Public School Foundation, Special Education, student transportation (including kindergarten, inclement weather and hazardous bus routes) and Community Schools. Appropriations for these programs must reflect annually the increased costs incurred by school districts and full funding should not be used as a catalyst for the state to infringe upon the rights of local people to administer local schools.

2. The League urges the Legislature to support school capital projects at 100% construction level (as defined by the rules and regulations established by the Department of Education) and calls upon the Legislature and the Governor to fund this amount annually. The League also supports legislation under which the state will provide funding for all approved school capital projects to the local district at the time of approval. The League also urges the Legislature to assume the total school capital indebtedness incurred by local school districts.

3. The League recommends that the state legislature fund fully all special programs required by Public Law.

4. The League recommends that the state reduce and simplify the paper work requirement for receiving state and federal funds.

5. The League recommends that the Legislature adopt legislation to endorse and fund education programs in the area of substance abuse and person abuse with staff training, such programs being optional by each school district.

6. The League urges the Legislature to continue the policy establishing the amount of the public school foundation support unit value one year in advance.

7. The League urges the Legislature to provide increased funding for school board and advisory school board orientation, continuing education and awareness.

8. The League recommends that the state Legislature provide funding for bi-lingual and multi-cultural programs.

C. Assembly/Council-School Board Relationships

1. The League supports legislation to clarify assembly/council-school board relationships and opposes legislation which would diminish assembly/council authority in education matters.

D. Public Communications

1. The League encourages state and federal governments to seek immediate and expeditious activation of satellite communication facilities for education in the state.

2. The Second Session of the Ninth State Legislature implemented initial funding for limited televising of legislative sessions. The League now urges full funding of the program to assure that the general public has the greatest access possible, not only to floor sessions, but also to committee hearings and teleconferencing.

3. The League supports legislation that would support and provide funding for communities served by television cable systems that are applying for issuance of FCC construction permits for mini TV translators.

E. Other

1. Serious problems exist between the University of Alaska and the Community College systems, and these problems have a strong negative impact on all classes of students within these institutions. The League urges the Legislature to mandate, if necessary, resolution of differences regarding program articulation, budget and planning, student support service and local program options. The League considers autonomy for the Community College system to be only a last resort if other measures fail.

2. The League urges the Legislature to adequately impower and finance the "Oversight Committee" to annually discharge their duty of budget review and then enforce their recommendations.

PART III
PUBLIC SAFETY

1. The demand for trained competent local police and fire departments is accelerating throughout Alaska. It is urged that the Legislature, at an early date, assure that police, fire and emergency medical personnel training programs throughout the state have adequate facilities and program resources for training of local safety people, and provide financial support to assist the communities who participate.

2. Because the Alaska Police Standards Council has lost all federal support, the League recommends the establishment of state assistance proportional to the cost of ongoing assistance to those members of municipal police agencies attending courses in order to meet the requirements of the Alaska Police Standards Act.

3. Recognizing that corrections is a state function, the League urges the state to fund the construction, if necessary, and the operation of short term detention facilities within local communities.

4. The League supports legislation which would permit municipalities to tax, assess or impose a surcharge on the distribution and/or sales of alcohol within its boundaries.

5. The League urges the state to establish a comprehensive fire education program and a comprehensive statewide arson investigative program, through the state fire marshal's office, that will utilize professionally trained fire educators.

6. The League urges the state to standardize the Alaska Juvenile Justice System so that the people's confidence in the rule of the law will be restored and our traditional form of government will continue to provide security for the law abiding citizen.

7. The League supports the state's efforts to standardize penalties imposed by the Alaska Judicial System so that the people's confidence in the rule of the law will be restored and our traditional form of government will continue to provide security for the law abiding citizen.

8. The League supports legislation which would amend the State Acoholism Act to include public intoxication as an offense so as to provide the Court with alcoholism treatment as an alternative to incarceration in order to provide a measure of control in the initial phase of rehabilitation.

9. The League recognizes that Civil Defense and Emergency Preparedness activities on the state and local level are worthy of support. The League supports full state and federal funding of these activities, particularly in regards to emergency communications, medical and food supplies.

10. The League supports legislation which would provide utilization of the Alaska Judicial Information System to preclude registration of any motor vehicle at the State Division of Motor Vehicles if there are outstanding state or municipal traffic violations against the registering owner.

11. The League recongizes the serious individual and public safety problems that exist in all communities in Alaska as a result of alcohol abuse and domestic violence. It supports the enforcement of AS 09.55.600 through AS 09.55.640 (139 SLA 1980) in all parts of the state as a public safety priority. It further supports financial support for shelters within municipalities to provide for emergency needs of victims. The League further supports the establishment and utilization of mandatory rehabilitation programs for offenders in domestic violence cases as an alternative to incarceration.

12. Recognizing the state-wide and interstate nature of narcotics and dangerous drug traffic, the League recommends full state support of state-wide and metropolitan drug enforcement units.

13. The League supports an expansion of the Village Public Safety Officer Program to include all village communities in Alaska.

14. The League supports the funding of a judicial system that would insure the presence of a judicial officer in each community in the state when the need arises.

15. The League supports full funding for basic fire fighting equipment for small Alaska cities and fire service districts.

PART IV
LAND USE

A. Local Options

1. The League feels strongly that laws pertaining to the powers of local planning and zoning must allow for the greatest flexibility at the local level.

B. Land Selection

1. The League urges 1) immediate conveyance of native and state lands presently identified and jointly agreed upon for selection, and 2) the state move expeditiously to convey lands to municipalities with the least amount of encumbrances and restrictions. 3) The League encourages an increase in the cooperative intergovernmental land use planning process that considers municipal, state and federal lands affected by the land selection process.

2. The League urges the state to discontinue the practice of indiscriminate blanketing of all waterways within municipal selections with reservations for public easements, and encumbering patents with undefined easements and that the value of proposed easements on municipal lands for public use be weighed against both the value of these areas for other types of development that might conflict with access easements and geographic constraints that will render such easements of little public access value.

C. d(2) Lands In Alaska

1. The League supports land use recommendations which follow the multiple use concepts, and would be based on professionally thorough and unbiased analysis of land use potential and compatibility of uses, giving appropriate weight to economic, social and environmental factors.

2. The League urges that potential hydroelectric projects and alternative energy project sites be eliminated from federal d(2) selections by providing headwater rights, sites for dam sites, corridors for water and electric transmission lines, power houses, associated substations and all attendant facilities. The League further supports the preservation of rights-of-way across all land selected and classified for the purpose of providing for future construction of public accesses of various types.

3. The League urges that potential fish hatchery sites be eliminated from federal d(2) selections. The sites would be those identified by the FRED Division of ADF&G and aquaculture organizations, formally organized within the State of Alaska.

D. Historic Sites

1. In order to help municipalites to retain as much as possible of Alaska's colorful and historic past, the League supports establishment of a state matching grant program and funding for acquisition, maintenance and rehabilitation of monuments, historic sites and rights-of-way thereto.

E. Coastal Management

1. The League supports continued and maximum local control in the development, management and implementation of coastal planning and policies.

2. The League supports the concept of "extra-territorial" planning by municipalities in the unorganized borough with statutory provisions to permit the Alaska Coastal Policy Council to adopt said "extra-territorial" planning as part of the Alaska Coastal Management Program until such time as a resource district plan is adopted.

3. It should be required that all state agency comments and recommendations for the purpose of state and federal consistency be made by these agencies prior to local government conceptual approval.

F. Subdivisions

1. Subdivision of land is a major factor in community development creating patterns which have long lasting effects. Although present legislation clearly recognizes the need for regulation of subdivisions, means of enforcement are inadequate. The League supports legislation which would require proof of approval by local authorities prior to the filing of an instrument, including those filed by the state, affecting the boundaries of land and prior to any judicial partition of real property.

2. The League supports legislation which would require access capable of being constructed to local design standards to all state land disposals; and that, except for state subdivisions in remote areas or for dispersed entry, local subdivision improvement requirements be honored by the state either installing such improvements or by acquiescing in the formation of service areas and local improvement districts containing such property and honoring the obligation to pay LID assessments on such property while it is in state ownership.

3. The League supports the concept of an Enterprise Fund as a means for the state to provide required improvements in state land disposals.

4. The League urges that a minimum requirement for state subdivisions conveyed without required local improvements be that the subdivision design incorporate final road and sewage engineering to save state land recipients unnecessary road and sewer construction and maintenance costs due to poor lot and right-of way layout.

G. State Land Disposal

1. The League supports legislation which mandates land use capability and resource inventory findings for each tract of land included in the disposal bank.

2. Recognizing the pressure on both the state and municipal governments to dispose of land, the League supports a cooperative effort by the state and municipalities to dispose of land in a continuous and orderly manner. The League also supports state funding to provide planning grants, funds for necessary access roads, survey costs for land scheduled for disposal, and state, borough and city subdivision roads, sewers and utilities to meet local subdivision improvement ordinances.

3. The League opposes any state mandated program regarding disposal of municipal selected land relative to timing, size or use.

H. Grazing Districts

1. The League supports legislation which delegates to local governments the establishment of controlled grazing districts within organized municipalities.

I. Minerals

1. The League supports legislation that the state provide funds for necessary quantitative definition studies and market analysis of minerals other than oil and gas.

PART V
TRANSPORTATION, DOCKS AND PORTS

A. Surface And Marine Highways

1. With the ongoing development of natural resources in Alaska, the League supports legislation which will expand the Alaska Marine Highway to Western Alaska and improve transportation to tie the Central Alaska ports in with the Aleutian Alaskan ports and further supports the expeditious procurement of an ocean going vessel to accomplish the expansion of the Alaska Marine Highway System.

2. Since Alaska's economy depends heavily upon ocean and inland water shipping, fishing, and other marine travel, the League finds the existing port and harbor grant programs to be inadequately funded and urges expansion of these programs. Major port and harbor facility plans should be prepared and developed consonant with the municipalities' plans.

3. The League supports efforts to provide efficiencies in the operation of the Alaska Marine Highway System providing these efficiencies are based on publicly available economic and technical data. However, the League strongly objects to any reduction in existing marine highway systems absent technical, economic or other criteria; strongly urges community input be required prior to establishing marine highway rates, schedules and operational changes; and requests public input for studies affecting the operation of the Alaska Marine Highway System be solicited on a state-wide basis.

4. With the difficulty in acquiring public rights-of-way throughout the state primarily due to different land classification and ownerships, the League supports the identification of adequate corridors for construction for public access through such lands and early acquisition of adequate rights-of-way.

5. The League supports efforts toward an expanded railroad system to better serve all areas of Alaska and to link the State of Alaska with Canadian rail facilities.

6. Since the Alaska economy depends on the existence of transportation routes, the League supports the continued use and state maintenance of the state highways and trails systems.

7. The League requests that the State of Alaska support mandatory shipping corridors within Alaskan waters whenever local communities request such mandatory shipping corridors.

8. The League requests the state to intervene in the matter of interpretation and enforcement of federal regulations pertaining to the transportation of hazardous cargo on passenger vessels and aircraft in order to reduce the financial hardship imposed upon certain communities.

9. The League supports the expeditious development of a transportation program based on technical data with the maximum public participation possible which identifies the needs and establishes an improvement program for all forms of transportation in Alaska to include commercial and private air, marine and land transportation systems and adequate consideration for emergency airstrips.

10. The League requests that the state join in asking the President of the United States to intervene in the interpretation of the Jones Act by the Customs Service, as it limits the time permitted and number of port calls in Alaska by foreign bottom cruise ships.

11. Port Authorities. Insufficient mechanisms exist under Alaska law to create port authorities, free ports of entry and trade zones. Therefore, the League supports legislation to allow municipalities to create, finance and operate port facilities and ancillary authorities to enhance commerce within the State of Alaska.

12. The League urges the state to make planning funds available to enable municipalities to do the transportation planning within their boundaries that is required of coastal municipalities by the Alaska Coastal Management Program.

13. The League continues to support state consideration of a transportation system comprised of marine and land highway components. This system would embody shorter ferry runs between adjacent communities with extensions to the land highway system and by the utilization of high speed ferries and end-loading vessels with more frequent ferry service with minimal on-board facilities for passengers.

14. The League supports major and minor in-state ferry maintenance.

15. The League requests the Division of Marine Highways improve the ferry reservation system.

16. The League urges the state to make an increased level of road construction funding available to all municipalities subject to state land disposals within their jurisdictions.

B. Air Transportation

1. The League supports an equitable approach to state construction assistance for all airports and supports the concept of continued expansions and upgrading of airports, airport facilities and air navigational aids in Alaska. The League urges the state to provide increased levels of funding to provide for these facilities.

2. The League supports municipal acquisition of federal and state lands to provide for needed expansion of port and airport facilities and operations.

PART VI
MUNICIPAL UTILITIES

A. State Regulation

1. The League supports expeditious funding which would make available to the various municipal utilities and cooperatives in the State of Alaska direct grants and/or low interest loans in order that they may immediately be brought into adequate service for the people and that the Alaska Power Authority be adequately funded to meet the needs of the municipalities for water and power source development and distribution.

2. Despite the demonstrated ability of municipal and cooperative utilities to operate their respective utilities in the best interest of consumer public, efforts are constantly being made to subject these utilities to regulation by the Alaska Public Utilities Commission. Regulation by the APUC is an unnecessary infringement on local government authority as well as that of federally regulated cooperatives. The League opposes any legislation which would continually inflict this undue regulation by the state.

3. The League supports legislation which would make it clear that municipal and cooperative utilities may include construction work in progress in the utilities base rate.

4. The League supports the concept of direct grants and low interest loans from state funds for the construction of conventional and alternative energy sources in funding fossil, hydroelectric, geothermal, wind power and other means in order that rates paid by the Alaska consumer for these necessary services may be set at a reasonable level which is within the ability of the citizen to pay.

5. The League supports legislative action that has been taken to subsidize electric power and explore alternate energy sources for Alaska.

6. The League supports loans for the financing of construction of power projects in amounts approved by law, at an interest rate not to exceed three percent (3%) and a term consistent with the useful life of a project but not to exceed 100 years and with principal and interest payments commencing on the project power-on-line date.

B. Acquisition

1. One of the alleged benefits to accrue from the enactment of the Alaska Public Utility Commission Act was the amicable solution to the service area conflicts between competing utilities. To further this commendable objective, the League supports legislation which would allow municipalities operating utilities to acquire the facilities of a competing utility under specific terms which would fairly compensate the competing utility.

C. Water, Sewer And Solid Waste

1. Amendments were passed by the U.S. Congress to allow exemption to the Clean Water Act with respect to sewage disposal in tide water with sufficient fluctuation. The League opposes any federal regulation for implementing Section 301 (H) of the Clean Water Act which would unduly burden the Alaska communities in receiving these exemptions.

2. The League endorses the concept of the State of Alaska paying up to 75% for sewage, solid waste facilities and water systems constructed by municipalities under the State of Alaska Construction Grant Program.

3. The League endorses an amendment to federal law which would allow the cost of sewage treatment facilities to receive general fund support from the State of Alaska and its municipalities.

4. The League endorses the concept of the State of Alaska paying up to 75% of the costs to increase the capacity of existing sewage, solid waste facilities and water systems of municipalities under the State of Alaska Construction Grant Program.

5. The League endorses legislative funding of $40 million to fund water, sewer and solid waste grants in lieu of federal grant assistance.

D. Fresh Water

1. The League endorses a comprehensive effort by state and federal officials to develop alternative energy sources in Alaska, as well as innovative and appropriate technologies, including cogeneration. Specific emphasis should be placed on the uses of these in the provision of sewage treatment and water supplies and solid waste facilities in the state.

E. Energy Conservation In Municipal Utilities

1. The League recognizes the need for applied research and pilot projects designed to conserve energy in municipal utilities facilities and operation. It supports funding for innovative projects in waste heat utilization, recycling of solid waste, and conversion of waste to energy and other products.

PART VII
MUNICIPAL ELECTIONS

A. Majority Elections

1. The League strongly supports legislation which would permit a municipality to opt out of the 40% plurality requirement for election to office, and which would clarify the 40% rule for municipalities that continue to use it.

B. Poll Hours

1. Experience has proven that extension of polling hours has not increased voter turnout and has been costly. The League, therefore, opposes legislation which would extend the hours beyond the present 8:00 am to 8:00 pm.

C. Registration

1. The League opposes legislation which would eliminate or erode the State of Alaska registration system.

D. Administration

1. The League strongly supports legislation which consolidates all functions pertaining to elections, conflict of interest and campaign disclosure into one agency.

E. Disclosure Restrictions

1. The League opposes campaign and financial disclosure restrictions imposed upon local governments. The League urges the Legislature to review the laws making the reporting requirements less onerous than presently in effect. The League specifically supports legislation which would exempt from campaign disclosure and/or financial disclosure for elected or appointed advisory boards as defined in AS 29.63.090.

F. Voter Qualification

1. The League supports legislation that would allow a municipality, by ordinance, to require persons to be state registered voters in, and residents of, the precinct, district or service area in which they seek to vote.

G. Qualifications For Elective Office

1. The League supports legislation that would include provisions in Title 29 for municipalities to set qualification for all elected municipal officials and to delete that section in Title 14 relating to municipal school board member qualifications.

2. The League supports legislation that would amend Title 29 to include reference to the requirements of AS 15.13 and AS 39.50 pertaining to qualifications of candidates.

H. Title 29 Revisions

1. The League supports legislation which would clarify AS 29.28.070(b) to specify that signature requirements for petitions be based upon the last regular municipal election held just preceding the date of first circulation of the petition.

2. The League supports legislation amending AS 29.28.070 to provide that the number of signatures required to initiate a petition for recall be 35% of the number of voters voting in the last regular municipal election regardless of population of the municipality.

3. The League supports revision of the reapportionment provisions of Title 29 for clarification, simplification, flexibility and autonomy at the local level.

4. The League supports legislation which would reduce the abuses of recall and would make recall procedures clearer and fairer to the elected official, including provisions to make the grounds more specific.

PART VIII
LOCAL GOVERNMENT POWERS

A. Local Autonomy

1. Because certain restrictions currently exist in the Alaska Statutes which impede effective independent local government, the League supports legislation which would promote more effective and independent local government in all organized boroughs and cities, and opposes any legislation which restricts local government powers.

2. The League supports the continued exemption of municipal officials and employees from the lobbying reporting requirements under AS 24.25.

3. The League supports legislation at both state and federal levels placing municipalities in an equal posture with state governments with respect to federal anti-trust laws.

4. The League opposes state restrictions on enforcement of municipal ordinances and supports legislation clearly establishing local autonomy in the creation of mandatory sentences and other remedies for violation of local ordinances.

5. The League supports the community council concept and also supports legislation which would require that the local governing body be the management unit for local community councils. The local governing body should be both the requester and receiver of state funds that will be used to fund community councils.

6. The League urges that the state establish the prevailing wage for a community quickly and accurately when requested, taking into account all economic and employment data from that community.

7. The League supports legislation ensuring that local governments are free to adopt, through ordinance or resolution, their own policies and procedures concerning local public records.

B. Public Employee Labor Relations

1. The League strongly opposes any legislation which would force municipalities to be subject to the provisions of the Alaska Public Employees Labor Relations Act. The League opposes just as strongly any legislation efforts to dictate the provisions of local public employees labor relations ordinances. The League supports legislation to allow each municipality at any time to reject or withdraw from the terms of the Alaska Public Employees Relations Act.

2. The League opposes legislation imposing binding arbitration on local governments. Such legislation would hinder local governments' ability to determine their personnel costs and prevent local government from having complete control of determining the local tax rate.

C. Third Class Borough

1. The League supports elimination of language from Alaska Statutes which would allow for the future creation of third class boroughs. Any existing third class borough would be allowed to continue in existence until such time as it reclassifies. The League believes that a third class borough, as currently defined in statute, does not meet standards for a general purpose local government.

D. Local Government Study

1. The League endorses, and strongly supports continued legislative action investigating current and future state/local government relations and finance in Alaska, and the current and future status of local government structures, specifically including the unorganized borough. Maximum involvement of state administrative officials dealing with local governments, local government officials, and residents from large and small cities and boroughs, specifically including the unorganized borough and legislators, is encouraged.

PART IX
RESOURCES

A. Non-Renewable

1. The League supports a clear policy requiring the processing of state royalty oil and gas and other natural resources within Alaska.

2. The League encourages the State of Alaska to require the processing, distribution and sale of oil and gas products within the state sufficient to satisfy current state consumption requirements at a cost not to exceed costs of production, distribution and sale plus a reasonable return on investment.

3. In response to the energy shortage and its economic impact on the people of the state, the League urges the federal government, the State of Alaska and League members to design, construct and use their buildings with an emphasis on energy efficiency.

4. In consideration of anticipated shortages of petroleum products for energy production, the League urges the state to pursue the development of Alaska's coal resources.

5. The League supports legislation which establishes a clear mineral policy to encourage resource development, in-state ore concentration and/or reduction, and protection of mineral land from imposed incompatible land uses.

6. The League supports optimum use of gas liquids as feed stocks for in-state petrochemical development, with coal or other energy sources to be used for the processing.

7. The League supports state funding for municipal acquisition of federal, state and private lands to provide for needed expansion of port facilities and operations.

B. Renewable

1. The League requests that the executive and legislative branches of state government establish a policy requiring the development and processing of renewable resources in Alaska, and through appropriate inventory and management practices make all renewable resources available for development and processing on a sustained yield basis.

2. The League requests the executive and legislative branches of our state government to accelerate market studies and market development of Alaska's renewable resources.

3. The League supports legislation for the development of an aggressive bottomfish program including substantially accelerated marketing studies and market development for Alaska bottomfish products.

4. The League requests the Legislature and administration to adopt, by statute and/or regulation, the policy that hydroelectric energy is one of the most advantageous and acceptable methods of generating renewable energy for use by the many citizens of Alaska.

5. The League requests legislation establishing a state energy policy, a statute enacting the policy that addresses both rural and urban situations and provides incentives to the development of alternative energy sources, such as, but not limited to, geothermal, tidal, wind power and solar, specific to community needs, giving preference to renewable energy sources and/or new technologies.

6. The League recognizes fish and wildlife as an important renewable resource which has economic as well as recreational and cultural value, and should be protected and developed.

7. The League supports resource development and funding policies which place the highest priorities on the utilization of resources that provide the greatest benefit to local residents and their communities. Resource development projects receiving state assistance that substantially impact communities should be approved by the municipalities.

C. Human Resources

1. The League supports and encourages, within the confines of the constitution and human resources limitations, any efforts on the part of the Governor and the Legislature to implement an Alaska hire policy.

2. The League encourages the Legislature and Administration to use both human resources and technical resources of the institutions of higher learning within the state whenever possible when not in direct competition with private enterprise.

3. The League supports the development of incentives that would encourage contractors and other employers to train and apprentice local workers and encourage their employment.

PART X
ECONOMIC DEVELOPMENT

1. The exploration, development and industrial utilization of renewable and non-renewable resources, both inside and outside municipal boundaries, creates a substantial and immediate impact on the need for municipal facilities and services which exceed the financial ability of most municipalities to meet in the short period of time available to have such facilities and services operational. The League urges adoption of legislation which would provide financial assistance to municipalities which are proposed for such impacts.

2. The League supports and urges the Legislature to establish and provide immediate funding of programs that will create, assist or aid both public and private enterprises to plan, finance and develop job related industries, businesses and facilities that are compatible with the desires of local government.

3. The League supports legislation that will aid in the exploration, development, and in-state processing of Alaska's raw materials and vast mineral wealth, and urges the state to provide incentives to those industries engaging in in-state primary and secondary processing of Alaska's resources.

4. The League supports state grants for local economic development programs.

5. The League supports a reduction of state regulation and restrictions against the requirement of redundant information reports for small businesses and local governments.

6. The League supports the continued funding from non-renewable resources for small business loans under the Division of Business Loans of the Department of Commerce and Economic Development. The League also supports the AIDA concept where appropriate, but recognizes as well a need for smaller businesses and projects to obtain funding that includes working capital, that provides for lower interest rates, and that is more flexible in its application process and provisions.

7. The League supports the establishment of agricultural quarantine stations off the coast of Alaska, and off the border of Alaska, to encourage the importation and exportation of agricultural animals and plants.

A RESOLUTION URGING IMPLEMENTATION OF TECHNICAL CHANGES
IN TITLE 29 AS IT RELATES TO MAJORITY ELECTIONS AND VOTER QUALIFICATION

WHEREAS the deliberations of the Title 29 Advisory and Technical committees point clearly to the fact that there is no dispute in allowing a municipality optional use of a 40% plurality requirement; and

WHEREAS voters can be disenfranchised during the absentee voter process of run-off elections due to insufficient time to process the written absentee voter application; and

WHEREAS voter qualifications in Title 29 do not secure for the municipalities requirement that a voter be registered in the municipality in which he/she resides and intends to vote thirty days previous to a municipal election; and

WHEREAS the Election Policy Committee and the Alaska Association of Municipal Clerks are on record as supporting immediate changes to Title 29 as the Alaska Municipal League proposes in its 1981 policy statement; and

WHEREAS the voter qualification change and run-off provisions are needed prior to the October 1981 municipal elections; and

WHEREAS the Title 29 revision has been stated as realistically a two year process;

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League draft and support legislation to immediately implement these changes as described in paragraphs A and F, Part VII Municipal Elections, of the Alaska Municipal League policy statement for 1981.

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE URGING THE STATE TO PROVIDE GRANTS, LOW INTEREST LOANS AND RENTAL ASSISTANCE TO ALLEVIATE THE PROBLEMS CAUSED BY THE LACK OF LOW AND MODERATE INCOME HOUSING IN ALASKAN COMMUNITIES

WHEREAS there is an inadequate stock of decent, safe and sanitary housing for low and moderate income families and persons; and

WHEREAS federal programs dealing with the problem are underfunded, inadequate or non-existent; and

WHEREAS decent, safe and sanitary housing is an essential and basic human need and should be a right of every Alaskan; and

WHEREAS conventional interest rates make it impossible to construct housing for low and moderate income persons; and

WHEREAS the State of Alaska has established numerous low-interest loan and other financial assistance programs to assist business enterprises; and

WHEREAS the State of Alaska should be giving priority to programs which meet the basic needs of its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Alaska Municipal League that the State of Alaska immediately implement a low and moderate income housing assistance program consisting of, but not limited to:

1. Low interest loans and grants to assist in the construction and conversion of cooperative ownership apartments for low and moderate income persons.

2. Grants and low interest loans, or partial interest payments on conventional loans, for the construction of multifamily housing for low and moderate income persons.

3. Rental payment assistance for low income persons.

4. A program to provide technical, planning, financial and other assistance to stimulate an increase in the stock of low and moderate income housing.

BE IT FURTHER RESOLVED that the assistance program should focus on those communities with the most critical need for low and moderate income housing.

ADOPTED at the General Business Meeting of the Alaska Municipal League held on November 15, 1980.

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827

December 12, 1980

MEMORANDUM

TO: Title 29 Policy Group

FROM: R.E. Henderson, Mayor

RE: Changes to AS. 29.41.020

1. New Section # 29.36.240 Old Section # 29.41.020 Assembly to serve as School Boar.

The Assembly proposes that this section be re-written to read:

(a) The borough assembly is the borough school board for third class boroughs unless an ordinance ratified by the majority of the voters at a general or special election provides for a separately elected assembly and school board.

(b) When the assembly serves as the school board, the borough executive is president of the school board.

(c) The borough executive has all powers of a borough executive except for the veto power.

Two of the changes suggested for this section are of a "house-cleaning" nature and are non-controversial. The Assembly recommends the elimination of the sentence "Where applicable, weighted voting shall apply to board decisions." Neither the assembly or the school board can provide for weighted voting. (See AS. 29.23.021(c) "An Assembly may not provide for weighted voting.")

The second "house cleaning" recommendation modifies the sentence"The borough executive is the presiding officer of the borough assembly and president of the school board." The Assembly finds that this sentence is confusing and misleading. The executive of the third class borough does not differ from the executive of any other class of borough except that the third class borough executive does not have the veto power and if the assembly and the school board are combined, the executive is the president of the school board. Hence, it is only these unique differences that need to be stated. In fact, it is erroneous to state that the borough executive is the presiding officer since AS.29.23.060(b) states that the presiding officer is a member of the assembly and AS. 29.23.160 states that the borough executive cannot vote.

The major change proposed in this section is to provide for a local option in the selection of a combined assembly and school board or a separately elected assembly and school board. The Assembly feels that the inclusion of this option is in keeping with the philosophy of providing the maximum amount of local option without jeopardizing the essential distinctions in the forms of government. Although the major business of the third class borough is the business of the school district, there is still a distinct legislative arm - that of the Assembly. The Assembly has legal responsibilities that tie it into the state system of local government; the Assembly makes laws and the school board makes educational policies. The Assembly feels that there is validility in the observation that people interested in the work of the Assembly may not be interested in the work of the school board and visa versa. The Assembly feels that qualifying the option with the provision that an ordinance establishing separate bodies must be approved by the voters guards against a hasty or unconsidered change. The Assembly does not feel that the inclusion of the local option is a radical departure from the third class borough concept.

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827
(907) 766-2711

RESOLUTION 180

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY OBJECTING TO THE MUNICIPAL LEAGUE'S STATEMENT THAT A THIRD CLASS BOROUGH DOES NOT MEET THE STANDARDS FOR A GENERAL PURPOSE LOCAL GOVERNMENT

WHEREAS the Haines Borough is a third class borough government legally constituted and incorporated under the laws of the State of Alaska; and

WHEREAS the Alaska Municipal League does not define "the standards for a general purpose local government" which are the standards the League claims the third class borough does not meet; and

WHEREAS the Haines Borough is a member in good standing with the Alaska Municipal League;

BE IT THEREFORE RESOLVED that the Haines Borough Assembly objects to the inclusion of the following statement in the current Alaska Municipal League Policy Statement:

> The League supports elimination of language from Alaska Statutes which would allow for further creation of third class boroughs. Any existing third class borough would be allowed to continue in existence until such time as it reclassified. The League believes that a third class borough, as currently defined in statute, does not meet standards for a general purpose local government.

BE IT FURTHER RESOLVED that the Haines Borough will submit this Resolution No. 180 to the Alaska Municipal League as a challenge to the League to justify its policy statement by providing a definition of the standards for a general purpose government and by showing how the third class borough does not meet those standards; and

BE IT RESOLVED that the Haines Borough will send copies of Resolution No. 180 to members of the Alaska Municipal League and request the membership to reject the policy statement herein cited on the basis of its insupportability.

DATED: November 18, 1980

APPROVED AND ACCEPTED: R.E. Henderson

R.E. Henderson
Mayor, The Haines Borough

ATTEST: Martin a Cordes

Martin Cordes, Clerk

KENAI PENINSULA BOROUGH
BOX 850 · SOLDOTNA ALASKA 99669
PHONE 262-4441

STAN THOMPSON
MAYOR

December 2, 1980

Ms. Ginny Chitwood, Director
Alaska Municipal League
204 N. Franklin
Juneau, Alaska 99801

Dear Ms. Chitwood:

Reference the letter of November 25th from the Haines Borough Mayor regarding your Resolution No. 180, which letter is objecting to the elimination of the third class borough from the "standards of a general purpose government".

I agree wholeheartedly with the position of the Haines Borough Mayor and do feel that the Municipal League Policy Statement, that a third class borough does not meet standards for general purpose local government, is completely out of line.

Certainly the Haines Borough, as a third class borough, which is a member in good standing of the Alaska Municipal League and is a borough under the State Statutes for boroughs, is meeting the standards for general purpose local government. I do not understand the Municipal League's reason, or reasons, in asking the legislature to "stop" the creation of third class boroughs. It should be strictly up to the people in the area concerned as to which type of borough meets their needs the best. Obviously, Haines feels that the third class borough is what they need and want. It should not be changed by statute and certainly is not the moral right of the Municipal League to request such a change.

I would join with the Haines Borough in challenging the League to justify its Policy Statement providing a definition of the standards for general purpose government and by showing how the third class borough does not meet these standards and, furthermore, I believe that the Alaska Municipal League should cancel all reference to the deletion of a third class borough from its Policy Statement.

Sincerely,

Stan Thompson

Stan Thompson, Mayor
Kenai Peninsula Borough

ST:mw

cc: The Honorable R. E. Henderson

Alaska MUNICIPAL League

TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

1028 Aurora Drive
Fairbanks, Alaska 99701
4 December 1980

The Honorable R.E. Henderson
Mayor, Haines Borough
PO Box H
Haines, Alaska 99827

Dear Mayor Henderson:

Thank you for your letter of November 25 and a copy of the Resolution No. 180 adopted November 18 by the Haines Borough Assembly. I appreciate your sharing your feelings with me.

If the Haines Borough Assembly wants to work for a change in the AML Policy Statement, there are several avenues that may prove fruitful.

Between now and the 1981 conference in Anchorage in early November 1981 the AML Legislative Committee will be meeting. At our recent meeting in Fairbanks I appointed Marilyn Dimmick, an Assembly Member from the Kenai Peninsula Borough, as the chiar of that committee. Jon Halliwell of Haines, who has served on that committee in the past, and is now a member of our vital "Legislative Implementation Task Force" can brie. you on the procedures of the Legislative Committee.

Much of the nuts and bolts debate on the policy statement takes place at the Legislative Committee level. There is more time to explore the kind of concerns you raise, to improve definitions and to further define fuzzy areas that need further definition.

If you are not successful at the Legislative Committee level you should come to the next conference prepared to propose the changes you would like to see at the Policy Committee Section Meeting on the section of the policy statement where you have concerns. If the Policy Committee agrees with you, then it will bring your proposed changes to the floor.

If you can not get either the Legislative Committee or Policy Committee to agree, then you can bring the matter to the floor at the annual business meeting yourself.

Good luck with your efforts. If I can help you further please let me know.

Cordially,

Theodore Lehne
President

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827

December 12, 1980

Senator Arliss Sturgulewski, Chairwoman
Title 29 Policy Advisory Group
Anchorage, Alaska

Dear Senator Arliss Stugulewski and Members of the Title 29 Policy Advisory Group:

At the recent session of the technical sub-committee of the Policy Group, the third class borough, as a form of government, was called into question. It is reported to us that the technical committee unanimously voted to eliminate the third class borough, allowing the existing third class borough 2 years to up-grade. If this recommendation is not successful, we are told that the technical committee will suggest that the third class borough be eliminated, but that Haines be "grandfathered." And finally, if all else fails, there should at least be an addition to the General Powers Section 29.48.010 making it applicable carte blanche to the third class borough, thus enabling the third class borough to come as close as statutorially possible to the ranks of a second class borough.

We agree that clarification needs to be added to 29.48.010 so that there is no mistake that this applies to third class boroughs insofar as the general powers relate to the exercise of the two specified powers of a third class borough. As the borough adopts additional powers on a service area basis, the general powers will apply to the power exercised for the service area.

We also suggest that you clean up 29.41.020 Assembly to Serve as School Board so that it does not contain statements of procedure that are no longer possible because of other changes in law. The provision for weighted voting and the borough executive to be the presiding officer of the borough assembly are outdated statements. In addition we would like you to consider allowing the third class borough the option of a separate assembly and school board. We feel that this is no more or less than a matter of public interest in the two different functions of an assembly and a school board. Some people are interested in educational and school policy but they are not interested in the legislative responsibility of the assembly. It has been expressed to us many times that so and so would run for the school board but doesn't want to bother with the assembly and visa versa. We would like to be able to put the question of two different bodies on the ballot at a future election. A draft of our proposed language for AS. 29.41.020 is appended to these comments.

We do not understand the reasons for the technical committee's recommendation to eliminate the third class borough. We hope to glean the reasons for this recommendation from the 12/15 meeting. We also hope to persuade the Policy Committee to reject the technical committee's recommendation to eliminate the third class form of government.

The 1980-81 Alaska Municipal League policy statement claims that the third class borough does not meet the standards of a general purpose form of government. We have circulated a Resoluiton opposing the League's statement. We believe the statement is unsupportable without some companion piece listing the standards of a general purpose government. At least one other elected official outside

our area agrees with us. A copy of our resolution and the responses we have received are available to you.

The third class borough cannot provide, area-wide, community roads, sewer or water systems, animal or fire arm control, police or fire protection; and we cannot plan and zone area-wide. Are these the standards we fail to meet? Is our inability to function in this respect area-wide the reason the third class borough form of government needs to be eliminated? As you know, the third class borough may provide any general law municipal power which a second class borough is authorized to assume, except that it may only do so on a service area basis. And service areas are established by the vote of the residents within them. This arrangement maintains the maximum amount of voter control over the services a government may decide it needs to provide. Do you think there is something wrong with a system that gives so much control to the voters? It is possible for the voters to rejct a service or regulatory function which the elected officials, or residents outside the service area, might think is necessary for the well-being of the area. Are you suggesting that this is a bad idea? It seems that the third class borough system gives the powers to the voters and not to the elected officials.

Now, there are certain facilities, services and regulations which a second class borough can assume without going to the polls. These are a transportation system, a garbage and solid waste system; the licensing, impounding and disposition of animals; water pollution control; air pollution control; and the licensing of day care facilities. And a second class borough may have extraterritorial jurisdiction for certain things and it may create historic districts. Perhaps these are the standards of a general purpose government - these are the things that the third class borough lacks the authority to mandate without going to the polls for the permission of its voters. Can you in fact state that it is preferable for a legislative body to be able to mandate the foregoing list of services and regulations - that the ability to mandate is so much preferable to the requirement that the voters approve the exercise of the powers, that it is necessary to eliminate the one form of government that gives the voters the authority to accept of reject these "essential" services?

We must address the question of the third class borough's lack of authority to plan, except upon the consent of the voters, and then only in service areas. The objections to this arrangement must be that a) planning is too important to allow it to be an optional function; and that b) planning on a service area basis is unworkable. The relative importance of planning is an argument of values. It would be hard to argue that the residents of the Haines Borough or the land they use has suffered due to a lack of local planning authority. Residents of the borough are not dondemning the development that is taking place. It may be that the sparsely populated area of the Haines Borough does not require a self-conscious planning effort. The most densely populated area of the Borough is the 2¼ square miles of the City of Haines - planning takes place in this area. The clusters of people outside the City make obvious service areas. Since planning on a service area basis has never been tried, it is only negative speculation which proclaims it "unworkable."

Looking at the goegraphy and population of the Haines Borough you will note that according to the 1980 preliminary census figures it has a population

1623, with 944 of those people clustered in the 2½ square miles of the City of Haines, a first class city with all the attendant powers. That leaves 679 in the area outside the City. By our own count, approximately 363 of those 679 live in a circle around the perimeter of the City, extending 18 miles west, 2 miles south and 4 miles north. This leaves approximately 316 people for the rest of the Borough. The Haines Borough is approximately 2200 square miles. Most of it is roadless and is either in State or Federal ownership. The circle of people around the City forms the one service area the borough has - a service area for fire protection. A more extensive service area for police, medical and fire protection was voted down because of an inadequate communication system between the location of the service and the areas proposed to be served. Evidently, the formation of substations was viewed to be too expensive by the people. Maybe the people are mistaken; maybe they do need and can use the services proposed, but why is it wrong for them to carve their own destiny? If the population grows, needs may change; and there is the vehicle - i.e. service areas - through which those needs can be satisfied by the existing form of government, in concert with the wishes of the residents. When people begin to feel encroached upon, they will begin to look to the planning power for control. It is there for their use when they choose to use it. Is this so contrary to good government?

You have stated that you would like to re-write the statutes to provide for maximum local option. You may find that the third class borough of government is the form of government that does provide the maximum amount of local option - but it is at the discretion of the voting populace, not of the legislative body. If you do choose to eliminate the third class borough form of government, please be specific with your reasons why so that we may know exactly what the issues are.

Sincerely yours,

R E Henderson

R.E. Henderson
Mayor

TELEGRAM

ALASCOM, INC.
PHONE: 586-0442
JUNEAU, AK 99802

02048 NL TDA HAINES ALASKA 94 12-17 124P AST

PMS TAMARA COOK EXEC. SECRETARY 465-4996

DIVISION OF LEGAL SERVICES LEGISLATIVE AFFAIRS AGENCY

MAIL STOP 3101 POUCH Y JUNEAU AK 99801

0927

YOU MAY HAVE RECEIVED A LETTER OR R ESOLUTION FROM HAINES BOROUGH SEEKING SUPPORT IN OPPOSITION TO THE 1980-81 ALASKA MUNICIPAL LEAGUE POLICY STATEMENTS ON THE STATUS OF THIRD CLASS BOROUGHS. THE COMMUNICATION YOU HAVE RECEIVED DOES NOT EXPRESS THE VIEW OF THE CITY OF HAINES. WE WILL STUDY THE HAINES BOROUGH PAPER AND SHARE OUR POSITION WITH YOU BY MAIL IN THE NEXT FEW DAYS. WE RESPECTFULLY REQUEST THAT YOU WITHHOLD EXPRESSION OF DISAPPROVAL FOR THE MUNICIPAL LEAGUE POLICY STATEMENT UNTIL YOU HAVE REVIEWED OUR POSITION ON THE MATTER.

VERY SINCERELY YOURS,

JON HALLIWILL, MAYOR

CITY OF HAINES

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

LAW DEPARTMENT (907) 586-3300

December 9, 1980

The Honorable Arliss Sturgulewski, Senator
Chairman, Title 29 Revision Policy Committee
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

File: Title 29 Revisions

Subject: Recall

Dear Senator Sturgulewski:

At the meeting held by your committee in Fairbanks just before the Alaska Municipal League meeting, a great deal of debate focused on the question of whether the grounds for the recall of a local official should be narrowly or broadly drawn. Mayor Larson requested from me a defense of narrowly drawn grounds and other procedures designed to provide the elected official with some measure of protection. Please consider this letter as that defense.

Many features of our democratic system of government are accepted as basic and necessary to the system. These ascertions are seldom examined critically as it is unpopular and distasteful for any one to seriously undertake criticism of what is popularly perceived to be the underpinnings of our democratic form of government. Recall is one such uncritically examined element of our democratic system of government.

First, we should note that our system of government is not a pure democracy but it is rather a democratic republic. Article IV, Section 4 of the U.S. Constitution guarantees to each state a republican form of government, not a democracy. That Constitution provides for neither an initiative or recall. Throughout the history of the United States, the states themselves have not universally provided for recall.

The upsurge of recall provisions came about during the government reform movement. While recall may be viewed as a procedure which strengthens democratic principles, it clearly accentuates one of the greatest weaknesses of the democratic system - its vulnerability to popular but ill-conceived whims of the public and its manipulation by a minority.

The Greek philosopher who first categorized the various forms which government could take, and who gave democracy its name, rated

democracy rather low as a form of government which would best serve the needs of its subjects. Being subject to the whims of a relatively uninformed populace made a democracy ill suited to consistently serve the needs of the public. The Federalist Papers and the U. S. Constitution clearly show that the thoughtful leaders of our country who drafted our Constitution had severe reservations about the democratic form of government and sought to overcome those perceived deficiencies. They provided us with an electoral college which, they hoped, would have the collective wisdom necessary to select a statesman worthy and capable of discharging the duties of President of the United States. They did not provide for his direct election by the populace as would have been the more "democratic" method. They provided us with two houses of Congress, one of which would be based upon population and which might reflect popular sentiment and a second house which would provide equal representation to all the states. This second house, it was hoped, would provide the mechanism for preventing the enactment of popular but ill-conceived measures. A further check upon both of these houses was given to the President who could veto measures he believed were inappropriate. The drafters of our Constitution believed that these and other checks, along with the probability that various interest groups would form different coalitions on different measures, would combine to overcome one of the more serious defects of the democratic form of government. They apparently did not feel that recall was either necessary or desirable. In fact, I suggest that the "open season" type of recall which has been proposed for Title 29 is contrary to the very principles which are reflected in our Constitution and the philosophy of those who drafted it.

Under our republican form of government, an elected official does not serve as a mere extension or agent of those who elected him. The elected official is expected to exercise his informed and considered judgment in providing for the public good. If it were reasonable to believe that the public could become adequately informed on all the public issues which face a legislative body, then it might also be reasonable to assume that the general public could also function in the manner of a town meeting and decide all public issues. Because few of us are able to devote the time necessary to become so informed, we delegate to our elected officials the responsibility to become adequately informed and to make decisions as to the public needs. If the public is dissatisfied with a policy decision made by public officials, the initiative and referendum may be used to correct what are perceived to be errors of decision making. When recall is used in such cases, it is not corrective in nature, it is vindictive and punitive.

As already noted, recall was a concept which became popular during the reform era. It was aimed not at governmental bodies which had

made decisions which were unpopular with various segments of populace but was aimed at corrupt individuals. The public good demands that persons be removed from office who are corrupt or dishonest in office, who fail to perform prescribed duties of the office or who are physically unable to perform the duties of the office. If there is no administrative or judicial procedure for removing such persons from office, it would be appropriate to provide a method for the electorate to effect such a removal. However, any such system should be strictly limited to removals for corruption, dishonesty affecting the public good, and inability or refusal to perform the duties of the office. It would be an abuse of the recall mechanism to permit recall of an elected official merely because the official had participated in making a decision which was unpopular with a large segment of the public. Any controversial matter is likely to be unpopular with a large segment of the public and public officials should not have the threat of recall hanging over their heads whenever their honestly held convictions compel them to vote in a certain manner. Unfortunately, a review of recall efforts will reveal that most, if not all recall efforts, are actually based upon an action taken by the entire body and have little or nothing to do with any of the legitimate grounds for recall. To make matters worse, the proponents of the recall often resort to slander or grossly exaggerated accusations in their recall petition.

It cannot be denied that there is currently a movement in the direction of single issue politics. When there are groups about which openly flaunt their "hit list," it behooves us to examine the elements of our political system in light of this new phenomenon. A recall provision which requires merely that someone be dissatisfied with an elected official's performance amounts to a declaration of open season on all elected officials. If the recall mechanism can be called into play for essentially no reason at all, the quality of persons who will run for public office will suffer as will the basic decision making process itself. At the municipal level, once a recall petition has been placed in circulation, and even more so after it has been filed, the proponents of the recall often become very forceful and vocal in airing their belief that the governing body should cease making important decisions until after the recall matter has been settled. As local elected officials are not insensitive to public demands, such demands do have an impact on the elected body. Unnecessary delay in decision making coupled with an overemphasis on the recall petitioners' position on matters before the body may combine to produce results which are not in the best interest of the public. The tension and turmoil which a recall petition creates within the elected body and the community is an undesirable but, nevertheless unavoidable, effect of a recall attempt. Therefore, every effort should be made to minimize the unnecessary exposure of a municipality to these effects. The "open season" type of recall will serve to maximize the number of occasions upon

which the local government will experience these effects. These negative effects can be minimized without destroying the right of recall if the grounds for recall are narrowly drawn to limit them to matters such as corruption in office and inability or refusal to perform the functions of the office. Not only does this narrow the grounds to those which are truely relavent to the purpose of recall but it also would reduce the ease with which a recall effort could be mounted against several members of a governing body based upon the way the body had voted.

Not only must the grounds be drawn narrowly to insure that the recall mechanism is not abused but the recall system should clearly provide for judicial review of the grounds stated. Failure to provide a clear right of judicial review renders the requirement for clear and narrow grounds a nullity.

Before any group should be permitted to force the public to undergo the expense of an election, there should be a very substantial showing that the public is indeed interested in voting on the proposed issue. Therefore, there should be a substantial signature requirement. Under state law, those seeking a recall petition for a state official must first submit an application containing the signatures of at least 10% of those who voted in the last election in the relevant district. If the Lieutenant Governor determines that the application is sufficient, a petition is issued and the petitioners must then obtain signatures equal to at least 25% of those who voted in the last general election in the relevant district. Thus, at the state level the legislature has provided for a recall system which places a significant burden upon the petitioners and thus may well filter out most of those recall efforts which would be unsuccessful. In addition, the grounds for recall (lack of fitness, incompetence, neglect of duties, and corruption) are all narrow enough that the political philosophy or the way a person voted would not be a sufficient basis for a recall. Further, the legislature has clearly provided for a mechanism for judicial review of a determination by the Lieutenant Governor.

Recall is not a matter to be taken lightly and is not one which should be easily initiated or carried out. A political system which provides for the relatively easy recall of an elected official for reason of the way that official voted on a particular matter is a system which has lost one of the essential characteristics of our republican form of government. We should not cater to the fickleness of the electorate if to do so would tend to reduce the effectiveness of local government without some significant, compensating good. Our system of government will function most smoothly, most effectively and for the benefit of the general good if we provide for a recall system with narrowly drawn grounds and with other mechanisms which are designed to prevent the abuse of the recall system. The "open season" system brings with it disruptions

which serve no legitimate or public purpose. The "open season" approach should be abandoned.

Very truly yours,

/s/ Lee Sharp

Gerald L. Sharp
City-Borough Attorney

GLS:jr

cc: Mayor Ron Larson
Mat-Su Borough

Tam Cook, Esq.
Legislative Affairs

ADOPTED AUGUST 1972

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381

December 10, 1980

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

Re: Title 29 Revision - Recall

Dear Madam:

The Wrangell City Council is aware that the Title 29 Revision Committee has proposed that the recall provisions of Sec. 20.30.220 be amended to broaden the grounds for recall. We wish to strongly oppose this amendment which could subject an official to recall for any action on any matter.

We disagree that to broaden the grounds will enable an elected official to be recalled without being labeled incompetent, guilty of misconduct or as failing to perform his duties. We do agree that most reasons for recall are other than the allowed grounds.

Within Alaska, local governments are being subjected to the expense of recall elections more and more. Often the action stated is not within those grounds allowed, however, seldom does an elected official challenge the action in court as did officials in Kodiak. If every action taken by an elected body is subject to challenge by recall, our local governments could, conceivably, continuously be conducting recall elections. Also, action by the State Legislature could cause recall of local officials. For clarification, we offer the following instance:

> When Title 29 was adopted, there was a provision in 29.23.250(a) that a voter of home rule or general law city is eligible to hold the office of mayor. Wrangell's charter required the mayor to be 21 years of age, which was in conflict with the new Title 29. The City Council placed an amendment to the charter on the ballot to conform with State law. The amendment overwhelmingly failed, thus the majority of the voters were not satisfied with the official duty the Council performed by placing an amendment on the ballot.

As you can see, if the grounds for recall were as you propose, an elected official could be recalled for actions that may be required of their office.

We urge the committee to amend Title 29 to reduce the abuses of recall by including provisions to make the grounds more specific, to require that all officials who voted on the issue on which the recall is based are on the recall ballot, and to provide that unless all of the officials on the ballot are recalled, none shall be recalled.

In closing, we would suggest that whatever grounds for recall are imposed on local elected officials may eventually be imposed on State elected officials.

Very truly yours,

Donald J. House
Mayor

DJH:JR:jb

cc: Tamara Brandt Cook ✔
William Overtstreet, President
Alaska Conference of Mayors

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

LAW DEPARTMENT (907) 586-3300

December 9, 1980

The Honorable Arliss Sturgulewski
Senator, State of Alaska
Chairman, Title 29 Revision Policy
Committee
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

FILE: Title 29 Revisions

SUBJECT: Initiative and Recall

Dear Senator Sturgulewski:

In reviewing the changes which the Policy Committee made to the proposed initiative and referendum proceedings, I note that a municipality will now be required to hold special elections for initiatives. Present law requires that initiatives be filed within 90 days of the next regular muncipal election. This requirement eliminates the need lor the muncipality to ever have to hold a special election on an initiative. However, there seems to be little reason not to allow petitioners to file an initiative at any time they please so long as the municipality is not required to undergo the expense of special elections. It was this approach which the Technical Committee suggested.

The Legislature has seen fit to provide an initiative procedure at the state level which does not permit the filing of an initiative petition to generate the requirement for a special election. Further, an initiative petition could be filed with the State and not be placed on the ballot for almost two years. Municipalities have elections each year. If they are required to place initiatives on the next occuring regular or special election, initiatives at the local level will be voted on, in all cases, much more quickly than at the State level. If the State cannot be put to the expense of a special election for an initiative, it seems inappropriate to force municipalities to undergo the expense of special elections for initiatives.

I also believe that if a referendum is filed, no special election should be held unless the referendum has been filed in such a

manner that the effect of the measure to be referred is suspended.

For the foregoing reasons, I strongly suggest that the Committee consider changing the election requirements for initiative and referendum to provide that initiatives are placed on the first regular or special municipal election held not sooner than 75 or 90 (or some other reasonable time) days after the initiative is submitted to the Legislative body. I would suggest that a referendum be treated in the same manner unless the filing of the referendum operates to effect a suspension of the matter to be referred. In such cases, a special election should be held if required.

Sincerely,

/s/ Lee Sharp

Gerald L. Sharp
City-Borough Attorney

GLS:phl

cc: Tam Cook, Esq.
Legislative Affairs

PROPOSED BILL #3

A BILL

For an Act entitled: "An Act providing organizational grants to newly incorporated cities and boroughs, providing transitional assistance to newly incorporated boroughs; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*Section 1. AS 29.18.180 is amended to read:

Sec. 29.18.180. Organization grants to cities. (a) For the purpose of defraying the cost of transition to [BOROUGH OR] city government and in order to provide for development and interim government operations, each [BOROUGH AND] city incorporated after January 1, 1968, or, in the case of a second class city, incorporated or reclassified after January 1, 1968, [OTHER THAN A UNIFIED MUNICIPALITY INCORPORATED UNDER THE PROVISIONS OF AS 29.85, OR A MUNICIPALITY INCORPORATED BY CONSOLIDATION], is entitled to a first year organization grant equal to $50,000. [$10 FOR EVERY VOTER WHO VOTED IN THE BOROUGH OR CITY INCORPORATION ELECTION. HOWEVER, EACH INCORPORATED BOROUGH AND EACH FIRST CLASS CITY INCORPORATED OR ESTABLISHED BY RECLASSIFICATION OUTSIDE AN ORGANIZED BOROUGH IS ENTITLED TO AT LEAST $25,000.]

(b) Within 30 days after certification of the incorporation election favoring incorporation or as soon thereafter as money is appropriated to it for the purpose, the Department of Community and Regional Affairs shall transmit to the city the total amount of first year organization money to which the city is entitled.

(c) A city eligible for and receiving a first year organization grant under subsections (a) and (b) of this section is entitled to a second year organization grant of $25,000. Within 30 days after the beginning of the city's second fiscal year, or as soon thereafter as money is appropriated to it for the purpose, the Department of Community and Regional Affairs shall transmit to the city the total amount of second year organizational grant money to which the city is entitled.

*Sec. 2. AS 29.18 is amended by adding a new section to read:

Sec. 29.18.185. Organization grants to boroughs. (a) For the purpose of defraying the cost of transition to borough government and in order to provide for development and interim governmental operations, each borough incorporated after January 1, 1981, other than a unified municipality incorporated under the provisions of AS 29.68.030 - 440, or a municipality otherwise incorporated by consolidation, is entitled to organization grants for the first three full years of incorporation according to the following schedule: First year of incorporation the borough is entitled to $300,000; second year of incorporation, the borough is entitled to $200,000; third year of incorporation, the borough is entitled to $100,000. In addition to state support provided in this section, the borough is also entitled to regular State Aid to Local Governments payment under AS 29.88.010 - 29.95.030.

(b) Within 30 days after the date of incorporation of a borough after January 1, 1981, the Department of Community and Regional Affairs shall determine the population of the borough.

(c) Within 30 days after completion of its findings, or as soon thereafter as money is appropriated to it for the purpose, the Department of Community and Regional Affairs shall transmit to the borough the total amount of money under this section to which the borough is entitled for the first year of incorporation. The second and third entitlements will be transmitted within 30 days after the beginning of the subsequent borough fiscal years, or as soon thereafter as money is appropriated to it for the purpose.

*Sec. 3. AS 29.18 is amended by adding a new section to read:

Sec. 29.18.186. Transitional Assistance to boroughs. Each borough incorporated after January 1, 1981, other than a unified municipality incorporated under the provisions of AS 29.68.030 - 440, or a municipality otherwise incorporated by consolidation, is entitled to transitional assistance provided in (a) and (b) of this section. (a) The Department of Community and Regional Affairs shall provide assistance with establishment of the initial assessment and collection department for a borough that has adopted a sales tax.

(b) The department shall establish the initial assessment roll for a borough that has adopted a property tax. The initial assessment roll shall contain all the information required by AS 29.53.100(a). In the preparation of the initial assessment roll, the department may contract for the services of appraisers and others whose services are required to complete and report the initial assessment. When completed, the initial assessment roll shall be certified by the commissioner, and the completed roll, together will all supporting information and materials prepared

~~roll, the department may contract for the services of appraisers and others whose services are required to complete and report the initial assessment. When completed, the initial assessment roll shall be certified by the commissioner, and the completed roll, together with all supporting information and materials prepared~~ by the department, shall be transmitted to the borough assembly. The department, to the extent appropriations are available for the purpose, shall continue to fund the assessment function and related staff for a period of three years after the completion of the initial roll.

(c) There is established in the Department of Community and Regional Affairs the transitional assistance to boroughs fund. The fund shall be administered by the Commissioner and shall be used to pay for transitional assistance under (a) and (b) of this section.

(d) An appropriation made for transitional assistance to a borough is valid for the three years of required assistance and the unexpended balance shall be carried forward to subsequent fiscal years for those years. Between July 1 and August 31 of each fiscal year, a statement supporting the amount of the unexpended balance required to complete transitional assistance projects for which the initial appropriations was made and the amount that may be lapsed shall be recorded with the Department of Administration.

*Sec. 4. AS 29.18 is amended by adding a new section in article 3 to read:

Sec. 29.18.187. Definitions.

(1) "assessment functions" include discovering and describing taxable property; appraising that property; and preparing an Assessment roll.

*Sec. 5. This Act takes effect immediately in accordance with AS 01.10.070(c).

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y · STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M

09 December 1980

TO: Title 29 Policy Group

FROM: Tamara Brandt Cook
Legislative Counsel TBC

SUBJECT: Changes to Drafts Suggested by the Policy Group

Here are revisions to the drafts proposed by the Technical Committee incorporating changes suggested by the Policy Group during your meeting held on November 10th and 11th. In addition to these revisions, two sections are being held by the Policy Group for further review: AS 29.09.180 (Organization Grants), and AS 29.30.040 (Voter Qualifications).

I would appreciate any comments which you may have regarding these revisions.

Also enclosed is a memo from the Alaska Association of Municipal Clerks.

TBC:maf

Encl.

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

TO; Laura Davis
Attorney General's Office

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Title 29 Revision

Attached are drafts presented to the Policy Group by the Technical Group at their meeting 10 and 11 November 1980. These changes were approved with minor wording revisions.

Also attached are membership lists of those persons serving on the committees.

LAA 15

CITY OF SEWARD

P. O. BOX 337
SEWARD, ALASKA 99664

CITY MANAGER 224-5214
COMPTROLLER 224-5216
INFORMATION 224-5215
CITY POLICE 224-5201

December 1, 1980

TAMARA BRANDT COOK
LEGISLATIVE COUNSEL
LEGISLATIVE AFFAIRS AGENCY
Pouch Y
JUNEAU, AK 99811

MEMO FROM STATE CLERKS TO TITLE 29 COMMITTEES

Enclosed is a memo regarding various sections of Title 29 and its proposed revisions which the Alaska Association of Municipal Clerks unanimously approved at its annual meeting held in Fairbanks the week of November 10. The Association requested that I forward this memo to the Technical and Policy Committees.

I have been trying to recover from the flu for the past week and still am unsure if I will be in attendance at the December 4-5 Technical meeting. Therefore, I am sending this memo on to you for distribution.

By copy of this letter and the enclosure, I am also forwarding this information to John Messenger's office just in case this does not reach you in Juneau in time.

Thank you.

JOANNE E. SHANLEY
CITY CLERK

Enclosure

cc: John Messenger w/ enclosure

November 18, 1980

TO: TITLE 29 TECHNICAL AND POLICY COMMITTEES

FROM: ALASKA ASSOCIATION OF MUNICIPAL CLERKS

SUBJECT: TITLE 29 REVISIONS

We respectfully submit the following comments:

1) Sec. 29.30.040. We support the drafted changes as recommended by the Technical Committee, dated October 10, 1980, with the following amendment to (b):

> "(b) Voter registration by the municipality may not be required, and a municipality may not alter voter qualification requirements except that a municipality may by ordinance require a person to be a resident of and registered in the precinct, district, or service area in which he votes."
>
> Explanation: Those voting on the issue are residents of the specific area and thus will have to live with the outcome of the election; requiring registration in the precinct, district or service area will hopefully eliminate some of the problems and the time demanded in trying to prove residency; such a procedure will give the Canvass Board clearer direction.

2) Regarding new AS 29.30.110 and .230, the AAMC feels it is within the scope of responsibilities of the clerks to provide an acceptable petition format; however, we object to being burdened with any of the responsibility of composing any type of initiative, referendum or recall statement. We feel that the newly-proposed sections are unclear in this regard and request that clarification of our position be considered.

3) AAMC strong supports the language as proposed in AS 29.30.050 regarding elections which gives the municipalities the option to provide for runoff elections by ordinance.

LEGISLATIVE AFFAIRS AGENCY **MEMORANDUM**

TO: Senator-elect Don Gilman

FROM: Melissa Aber Fouse
Title 29 Revision Commission

SUBJECT: Revisions to Title 29

Here are copies of the drafting changes that have been submitted to and approved by the Title 29 Revision Commission Policy Group to date. Also included are a news release prepared by our office, a progress report (as of 7 October) and the minutes of the last Policy Group meeting.

These should give you a good idea of what has been accomplished to date.

Please let us know if there is any further information we can provide you with.

LAA 15

November 18, 1980

TO: TITLE 29 TECHNICAL AND POLICY COMMITTEES

FROM: ALASKA ASSOCIATION OF MUNICIPAL CLERKS

SUBJECT: TITLE 29 REVISIONS

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3) AAMC strong supports the language as proposed in AS 29.30.050 regarding elections which gives the municipalities the option to provide for runoff elections by ordinance.

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

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

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

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

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

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

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

Sec. 29.30.010. ADMINISTRATION. The borough assembly or city council shall prescribe the rules for conducting a municipal election and shall appoint an election board composed of at least three judges for each precinct. Unless no qualified voter is willing to serve, a judge shall be a voter of the precinct for which he is appointed.

EXPLANATION: Adds the provision that judges be appointed from among precinct voters in order to conform to the 1980 revision of AS 15.10.120. The following language was deleted as a duplication of AS 29.30.040: "The municipality may not alter voter qualification requirements of this title." Subsection (b), making this applicable to home rule municipalities, was deleted.

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

Sec. 29.30.050. MAJORITY ELECTIONS. (a) Unless otherwise provided by ordinance, there shall be a runoff election if no candidate receives over 40 percent of the votes cast for the office of mayor or member of the assembly, council or school board.

(b) A municipality may by ordinance require a majority vote for the election of a municipal official.

(c) Unless otherwise provided by ordinance, a runoff election shall be held within three weeks after the date of certification of the election for which a runoff is required and notice of the runoff election shall be published at least five days prior to the election date.

EXPLANATION: Under existing law a runoff election is required if no candidate receives over 40 percent of the votes cast for his office. This requirement has been altered to apply to certain offices only and liberalized to allow a municipality to provide otherwise by ordinance. The provisions specifying when a runoff must be held and notice requirements are no longer mandatory. In addition, the procedure set out in (c), for the benefit of a municipality which desires specific procedural guidance, has been changed to provide three weeks before the runoff is held rather than two. The additional time would enable cities within boroughs to coordinate their runoff elections.

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

Sec. 29.30.095. APPLICATION FOR PETITION. (a) An initiative or referendum is proposed by filing an application with the municipal clerk containing the bill to be initiated or the act to be referred and the address to which all correspondence relating to the application may be sent. An application shall be signed by at least ten municipal voters who will sponsor the petition. Other sponsors may be added at any time prior to filing the petition by submitting their names to the clerk. Within two weeks the clerk shall certify the application if he finds that it is in proper form and, for an initiative petition, that the matter

(1) is not restricted by AS 29.30.090;

(2) includes only a single subject;

(3) relates to a legislative rather than to an administrative matter; and

(4) would be enforceable as a matter of law.

(b) A decision by the clerk on an application for petition shall be subject to judicial review.

EXPLANATION: This is a new section. The first part is modeled after section two of the initiative article in the state constitution. Sponsors of a petition would be required to register with the clerk. The clerk would review an initiative for substantive legality, with his decision subject to immediate appeal. This allows for a judicial determination of the legality of an initiative prior to incurring the expense of an election on it.

Sec. 29.30.110. PETITION. (a) Within two weeks after certification of an application for petition, a petition shall be prepared by the municipal clerk. Each copy of the petition shall

(1) contain a summary of the bill to be initiated or the act to be referred;

(2) set out fully the ordinance or resolution sought to be initiated or referred;

(3) state the date on which the petition is issued by the clerk;

(4) contain notice that signatures must be secured within 60 days after the date the petition is issued;

(5) contain spaces for each signature, the printed name of each signer, the date each signature is affixed, and the residence and mailing addresses of each signer;

(6) contain a statement that the sponsor personally circulated the petition, that all signatures were affixed in his presence, that he believes the signatures to be those of the persons whose names they purport to be, space for indicating the number of signatures on the petition, and space for the sponsor's sworn signature.

(b) If a petition is composed of more than one page, each page shall contain the summary of the bill to be initiated or the act to be referred.

(c) Copies of the petition shall be provided to each sponsor by the clerk.

EXPLANATION: This section would require the clerk to provide the petition forms to the petitioners to insure that they are complete and legible. This is similar to the requirement imposed upon the Lieutenant Governor in state initiative proceedings. The petition contents are essentially the same as those provided in present law, with a shortening of the petition circulation time from 90 to 60 days, some expansion of the information the signers must provide, and the addition of the circulator's affidavit.

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

Sec. 29.30.120. REQUIRED SIGNATURES. (a) The necessary signatures on a petition shall be secured within 60 days after the clerk issues the petition. The statement provided under AS 29.30.110(a)(6) shall be completed and signed by the sponsor. Signatures shall be ink or indelible pencil.

(b) A petition shall be signed by a number of voters residing within the municipality based on the number of votes cast at the last regular election held on or prior to the date the petition was issued equal to

(1) 25 percent, when a municipality has fewer than 7,500 persons; or

(2) 15 percent, when a municipality has 7,500 persons or more.

(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

(d) A petition signer may withdraw his signature upon written application to the clerk prior to certification of the petition.

EXPLANATION: The 60 day signature gathering period is carried forward. While the possibility of an initiative or referendum on a matter which affects only a service area is not eliminated, such petitions contain the same number of signatures as a petition on an areawide matter. Permitting a service area to initiate a matter on a service area basis is contrary to the concept of the service area being under the control of the entire legislative body. Additional changes require rejection of a signature not accompanied by a legible residence address and allow a signer to withdraw his name up until the time the petition is certified, whereas now he must withdraw within seven days after the petition is filed.

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

Sec. 29.30.130. SUFFICIENCY OF PETITION. (a) All copies of a petition shall be assembled and filed as a single instrument. Within 10 days after the date the petition is filed, the municipal clerk shall certify on the petition whether it is sufficient.

(b) If a petition is insufficient, it may be supplemented with additional signatures obtained within 10 days after the date on which the petition is rejected.

(c) Within 10 days after a supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public recond.

EXPLANATION: The only significant change makes it clear that in providing supplementary signatures the sponsors have only 10 days to gather the signatures. They may not use signatures which were gathered prior to the first filing but not submitted, and they may not use signatures gathered during the period in which the clerk is checking the petition.

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

Sec. 29.30.160. PRESENTATION OF INITIATIVE. (a) Unless substantially the same measure is adopted, when a petition seeks an initiative vote the clerk shall submit the matter to all of the municipal voters at the next regular or special election occuring no sooner than 45 days after certification of the petition. If no regular or special election occurs within 75 days after the certification of a petition, the assembly or council shall hold a special election within 75 days, but not sooner than 45 days after certification.

(b) If the assembly or council adopts substantially the same measure, the petition is void and the matter initiated shall not be placed before the voters.

(c) The ordinance or resolution initiated shall be published in full in the notice of the election but may be summarized on the ballot to indicate clearly the proposal submitted.

(d) If a majority vote favors the ordinance or resolution it becomes effective upon certification of the election unless a different effective date is provided in the ordinance or resolution approved by the voters.

EXPLANATION: The changes allow for the submission of an initiative measure to the voters within 75 days after certification of a petition rather than requiring that the vote be delayed until the next regular election. The 45 day requirement was added to insure that a petition certified after the legal notices of a regular election were published does not complicate the election. Since the clerk determines whether the subject is within the restrictions and since this determination is subject to judicial review, the assembly or council no longer may reject a petition. An areawide vote is required whether the matter initiated is areawide or nonareawide because a service area should not be allowed to become autonomous.

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

Sec. 29.30.170. PRESENTATION OF REFERENDUM. (a) Unless the ordinance or resolution is repealed, when a petition seeks a referendum vote the clerk shall submit the matter to all of the municipal voters at the next regular or special election occuring no sooner than 45 days after certification of the petition. If no regular or special election occurs within 75 days of certification of a petition, the assembly or council shall hold a special election within 75 days, but not sooner than 45 days after certification.

(b) If a petition for referendum is certified before the effective date of the matter referred, the ordinance or resolution against which the petition is filed shall be suspended pending the referendum vote. During the period of suspension, the assembly or council may not enact an ordinance or resolution substantially similar to the suspended measure.

(c) If the assembly or council repeals the ordinance or resolution before the referendum election, the petition is void and the matter referred shall not be placed before the voters.

(d) If a majority vote favors the repeal of the matter referred, it is repealed. Otherwise, the matter referred remains in effect or, if it has been suspended, becomes effective upon certification of the election.

EXPLANATION: The ability to suspend an ordinance or resolution which has taken effect when a petition is filed within 30 days of the passage of the ordinance or resolution has been deleted to avoid the apparent ability of a part of the voters to exercise a temporary repeal. The reference to amending a charter by initiative or referendum was deleted as that is covered under AS 29.13.080. All questions are submitted to an areawide vote.

Sec. 29.30.180. EFFECT. (a) An ordinance or resolution may not be repealed within one year of its effective date if adopted in an initiative election or adopted after a petition which contains substantially the same measure has been filed. The ordinance or resolution may be amended at any time.

(b) If an ordinance or resolution is repealed in a referendum election or by the assembly or council after a petition which contains substantially the same measure has been filed, substantially similar legislation may not be be enacted by the assembly or council for a period of one year.

(c) An unsuccessful initiative or referendum precludes the filing of a new petition application for substantially the same measure sooner than six months after the election results are certified.

EXPLANATION: Technical revisions and a change in (c) to accommodate the petition process.

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

Sec. 29.30.210. RECALL. (a) An official who is elected or appointed to an elective municipal office may be recalled by the voters after he has served six months of the term for which elected or appointed.

(b) This section applies to home rule and general law municipalities.

EXPLANATION: The possibility of recalling an official who has been appointed to an elective position has been added. The date to be used in determining when the six month period has run has been clarified.

Sec. 29.30.225. APPLICATION FOR RECALL PETITION. (a) An application for a recall petition shall be filed with the municipal clerk and shall contain

(1) the signature and residence addresses of at least 10 municipal voters who will sponsor the petition;

(2) the address to which all correspondence relating to the application may be sent;

(3) a statement in 200 words or less of the grounds of the recall stated with particularity.

(b) Additional sponsors may be added at any time prior to filing the petition by submitting their names to the clerk.

EXPLANATION: This is a new section which describes the requirements for an application for recall petition.

Sec. 29.30.230. PETITION. (a) If the municipal clerk determines that an application for a recall petition meets the requirements of AS 29.30.225, he shall prepare a recall petition. All copies of the petition shall contain

(1) the name of the official sought to be recalled;

(2) the statement of the grounds for recall as set forth in the application for petition;

(3) the date the petition is issued by the clerk;

(4) notice that signatures must be secured within 60 days after the date the petition is issued;

(5) spaces for each signature, the printed name of each signer, the date of each signature, and the residence and mailing addresses of each signer;

(6) a statement that the sponsor personally circulated the petition, that all signatures were affixed in his presence, that he believes the signatures to be those of the persons whose names they purport to be, space for indicating the number of signatures on the petition, and space for the sponsor's sworn signature.

(b) Copies of the petition shall be provided to each sponsor by the clerk.

EXPLANATION: This section sets out requirements similar to those relating to the content of initiative and referendum petitions. Requiring the clerk to prepare the petition and supply copies insures that each copy is complete and legible. A petition must be filed within 60 days after the petition is issued rather than 60 days after the date of the earliest signature on the petition.

Sec. 29.30.240. REQUIRED SIGNATURES. (a) The necessary signatures on a recall petition shall be secured within 60 days after the date the clerk issues the petition. The statement provided under AS 29.30.230(a)(6) shall be completed and signed by the sponsor. Signatures shall be in ink or indelible pencil.

(b) If a petition seeks to recall an official who represents the municipality at large, the petition shall be signed by 35 percent of the voters residing within the municipality based on the number of votes cast at the last regular election for that office held prior to issuance of the petition. If a petition seeks to recall an official who represents a district, the petition shall be signed by 35 percent of the voters residing within the district based on the number of votes cast at the last regular election for that office held prior to issuance of the petition. The clerk shall determine the number of signatures required on a petition and shall inform each sponsor.

(c) Illegible signatures shall be rejected by the clerk unless accompanied by a legible printed name. Signatures not accompanied by a legible residence address shall be rejected.

(d) A petition signer may withdraw his signature upon written application to the clerk prior to certification of the petition.

EXPLANATION: Which election to be used as a standard for determining the number of signatures required is clarified. The number of signatures required has been increased as compared to the number required for initiative and referendum because it is felt that recall is an especially disruptive process which should be more difficult to initiate. However, the signature requirement is based on the number who voted in a municipal rather than a state election. It is expected that this number will reflect a relatively low turnout, and therefore that it is not as difficult a requirement as may appear.

Sec. 29.30.250. SUFFICIENCY OF PETITION. (a) The copies of a petition shall be assembled and filed as a single instrument. Within ten days after the date the petition is filed, the municipal clerk shall certify on the petition whether it is sufficient.

(b) If a petition is insufficient, it may be supplemented with additional signatures obtained within ten days after the date on which the petition is rejected, except that a petition which does not contain an adequate number of signatures, both valid and invalid, may not be supplemented and shall be rejected and filed as a public recond.

(c) Within ten days after the supplementary filing the clerk shall recertify the petition. If it is still insufficient, the petition is rejected and filed as a public record.

EXPLANATION: Unlike the situation in initiative and recall, this section does not allow additional time for obtaining signatures when a petition is filed which does not have enough signatures even before any are disqualified. This keeps a petitioner from filing an insufficient petition to gain additional time to gather signatures. Once again, it is felt that in the case of a recall effort, the process ought not to be prolonged.

Sec. 29.30.260. NEW RECALL PETITION. The rejection of a recall petition for any reason does not preclude the filing of a new petition. However, a new application for a petition to recall the same official may not be filed sooner than six months after a petition is rejected.

EXPLANATION: Filing a new petition prior to the six month waiting period is prohibited even though the petition is rejected for a reason other than failure to obtain sufficient signatures. Under existing law, failure to obtain sufficient signatures alone triggers the waiting period.

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

Sec. 29.30.280. ELECTION. (a) If a regular election occurs within 75 days but not sooner than 45 days after submission of the petition to the assembly or council, the assembly or council shall submit the recall at that election.

(b) If no regular election occurs within 75 days the assembly or council shall hold a special election on the recall question within 75 days but not sooner than 45 days after a petition is submitted to the assembly or council.

(c) If a vacancy occurs in the office after a sufficient recall petition is filed with the clerk, the recall question shall not be submitted to the voters. The assembly or council may not appoint to the same office an official who resigns after a sufficient recall petition is filed naming him.

EXPLANATION: The 45 day requirement was added to insure that a petition submitted after the legal notices of a regular election were published would not complicate the election. Added in section (c) is the prohibition against the appointment of an official who resigns after a sufficient recall petition is filed.

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

Sec. 29.30.290. FORM OF RECALL BALLOT. A recall ballot shall contain

(1) the grounds as stated in 200 words or less on the recall petition;

(2) a statement by the official named on the recall petition of 200 words or less if the statement is filed with the clerk for publication and public inspection within 20 days before the election;

(3) the following question: "Shall (name of person) be recalled from the office of (office)? YES ( ) NO ( )".

EXPLANATION: This section makes reference to the fact that each statement is limited to 200 words or less and provides that the statement of the official if published before the election will appear on the ballot.

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

Sec. 29.30.300. ELECTION PROCEDURE. Procedures for conducting a recall election are those of a regular municipal election if the question is submitted at a regular election. Procedures for conducting a recall election are those of a special election if the question is submitted at a special election, except that at least 20 days notice shall be given notwithstanding an ordinance or charter provisions to the contrary.

EXPLANATION: This section was changed to provide for cases in which a recall election is held as a special election.

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

Sec. 29.30.330. SUCCESSORS. (a) If an official is recalled from the assembly or council, the assembly or council, by affirmative vote of a majority of the remaining members, may appoint a qualified person to fill a vacancy created by the recall.

(b) If all members of the assembly or council are recalled, the governor shall appoint at least three qualified persons to the assembly or council. The appointees shall, by an affirmative vote of the majority, appoint additional members to fill remaining vacancies.

(c) If all but two members of the assembly or council are recalled, each remaining member shall appoint a qualified person to fill a vacancy created by the recall. Additional persons may be appointed to fill vacancies by the affirmative vote of a majority of the remaining members and their appointees.

(d) If all officials are recalled from a school board the assembly or council may appoint a qualified person to fill a vacancy created by the recall.

(e) A person appointed under (a) - (d) of this section shall serve until a successor is elected and takes office.

(f) If an official is recalled the clerk, without further action by the assembly or council, shall conduct an election for a successor to fill the unexpired portion of the term. The election shall be held at least ten but not more than 60 days from the date the recall election is certified, except that if a regular or special election occurs within 75 days after certification and the certification occurs at least 20 days prior to the last date upon which a first notice of the election must be published, the successor shall be chosen at that election.

(g) Nominations for a successor may be filed until seven days prior to the last date upon which a first notice of the election must be published. Nominations may not be filed before the certification of the recall election.

EXPLANATION: This section has been expanded to prevent a local government from having to attempt to operate without a quorum of elected officials. Subsections (f) and (g) were changed to take into account time periods required for election notice and nominations.

TITLE 29 REVISION COMMISSION
NEWS RELEASE

Alaska Legislative Resolve number 39 directed the Alaska Legislative Council to revise Title 29 of the Alaska Statutes (Municipal Government) with the assistance of a Policy Advisory Group. A group was appointed consisting of both public and legislative members. Members are:

Senator Arliss Sturgulewski-Chairman, Anchorage
Senator Bob Mulcahy, Kodiak
Representative Margaret Branson, District 5
Representative Charles Parr, Fairbanks
Ted Berns, Attorney, Municipality of Anchorage
Terry Cook, City Council, Alakanuk
Marilyn Dimmick, Assembly, Kenai Peninsula Borough
James Kohler, Manager, City of Yakutat
Ronald Larson, Mayor, Matanuska-Susitna Borough
Gene Moore, Manager, City of Kotzebue
Donna Sherby, City Clerk, City of Cordova
Jonathan Solomon, Mayor, City of Fort Yukon
Russell Walker, Attorney, City of Ketchikan and Ketchikan Gateway Borough

Ex-Officio Members are:
Ginny Chitwood, Alaska Municipal League,
Palmer McCarter, Department of Community & Regional Affairs
Phil Smith, RuralCAP

The first meeting of the Policy Group was in Anchorage on the 27th and 28th of August, 1980. At that meeting the Policy Group discussed the direction their policy decisions would take. It was agreed that Title 29 needed to be clarified so that elected officials could understand Title 29 without the help of attorneys, and that there needed to be greater self determination and latitude for local governments. A Technical Revision Committee was appointed to perform actual drafting. It is composed primarily of attorneys with expertise in municipal law.

The second meeting of the Policy Advisory Group was held in Anchorage on September 29th and 30th, 1980. Presentations were made by representatives of the Department of Environmental Conservation, the Department of Community and Regional Affairs, the Department of Health and Social Services, the Haines Borough Assembly, and Tanana Chiefs Conference, Inc. The Policy Group reviewed the work that had been done by the Technical Committee.

Chairman Sturgulewski attended the Alaska Federation of Natives convention and a meeting of the Alaska Village Council Presidents to answer questions and receive comments.

The latest Policy Advisory Group meeting was held in conjunction with the Alaska Municipal League's convention in Fairbanks, 10 and 11 November, 1980. Members of the public were heard including representatives from the City of Fairbanks, the City of McGrath, the City of Nome, the City of Saxman, the City of Homer, the Kodiak Island Borough, and the City of Unalaska. The Policy Group reviewed the work that the Technical Committee had accomplished.

To date changes in Title 29 granted preliminary approval by the Policy Advisory Group include a reorganization of the order of the sections, clarification and technical clean-up of the wording in many of the sections, and substantive changes in the area of initiative and referendum, recall, limitations on home rule powers, and procedures dealing with adoption of home rule or unification charters. However, all decisions made by the Policy Advisory Group are subject to further consideration and possible revision.