

**S B**

**105**

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 2.16.89  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

\*\*FISCAL NOTE(S) MUST BE ATTACHED  
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 2.21.89

1/11/89

Mr. President:

C&RA

Committee considered

SB 105

unification of municipalities

and recommended:

- replace with CS \_\_\_\_\_  same title
- attached amendment(s) and  new title
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S) attached  zero  
 appropriation no FN attached

fiscal impact  
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

*1 rule change - NO REC*

*Grant NO REC*

*Pat Bennett NO REC*

*Malcolm Peir NO REC*

*Do Pass*

*Ch'zman signature and recommendation*

Committee backup attached

# Senator John B. (Jack) Coghill

Alaska State Legislature

Box V  
Juneau, Alaska 99811  
(907) 465-4797

Box 55028  
North Pole, Alaska 99705  
(907) 488-0862



## MEMORANDUM

To: Senator Al Adams  
From: Senator Jack Coghill  
Re: Bill hearing  
Date: January 19, 1989

Senate Bill 105, "an Act relating to the unification of municipalities" has been referred to the Senate Community and Regional Affairs Committee.

I was requested by the City of North Pole to introduce SB 105. This bill would change how often the formation of a charter commission to prepare a unification charter could be submitted to the voters from once every 12 months to once every 36 months.

Currently the formation of a charter commission can be proposed by either a resolution of the assembly or petition. SE 105 changes the signature requirement on the petition to include signatures from voters in each home rule or first class city in the borough equal to 25% of the votes cast in each of the cities in the last borough election. Currently in statute, the 25% petition signature requirement could be met by signatures from 25% of the voters in all home rule and first class cities in the borough.

SB 105 would also change the way the votes are tabulated. The votes on the question of formation of a charter commission would be separated into classifications. Votes cast in each home rule and first class city in the borough would be tabulated individually into separate classifications, instead of lumped together. In order for the charter commission to be approved, a majority of the votes in each classification must favor formation of the commission.

On an issue as important as unification, all residents in the borough should have equal say. Under current statute, the larger populated cities in the borough would always be able to determine the outcome of a unification proposal.

I would appreciate if you would schedule SB 105 for a hearing as soon as possible. Both the sectional analysis and fiscal note have been requested. We will forward them as soon as they are received.

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

February 17, 1989

POSITION PAPER

RE: Senate Bill 105

SPONSOR: Senator Coghill

Program Effects

The bill makes two main changes to the unification process. First, it would limit consideration of the question to once every three years, rather than every year as at present. Second, it would provide that each home rule and first class city within the borough be treated separately, rather than together, for the purposes of required petition signatures, voting on the question of formation of a charter commission, and voting on the ratification of the home rule charter.

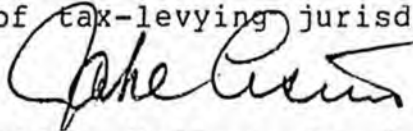
Comments

Article X, Section 1 of the Alaska State Constitution provides: "The purpose of this article is to provide for maximum self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units." The unification process, whereby the cities within a borough are unified with the borough to form a single unified municipality governed by a home rule charter, provides a means of accomplishing the constitutional goals of minimization of local government units and prevention of duplication of tax-levying jurisdictions.

Determining the appropriate limitation on consideration of the formation of a charter commission requires striking a balance between the interest in reasonably allowing the people to consider the question and the interest in not allowing frivolous requests which will dilute interest and resources devoted to discussion of the issue. The department feels a one year limitation is appropriate.

Senate Bill 105  
February 17, 1989  
Page Two

Treatment of first class and home rule cities separately, rather than as a class, for the purpose of petitioning for and voting on the charter commission and charter has the effect of giving each city a veto power over the question. Such effect could result even though an area-wide total vote favors a particular course of action by a wide margin. The existing structure, treating the cities as a separate class, may be justified as a reasonable exercise of self-government. However, the department feels the proposed treatment of each first class and home rule city separately is an unreasonable inhibition of the popular will and, in light of the constitutional goals of minimization of local government units and prevention of duplication of tax-levying jurisdictions, is not warranted.

  
for David G. Hoffman, Commissioner

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 1800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 23, 1989

SUBJECT: Unification of municipalities (SB 105)  
TO: Senator Jack Coghill  
FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

Here is a sectional analysis that you requested of SB 105.

Sec. 1. Permits the question of unification, whether it originates as a result of petition or resolution, to be submitted to the voters not more often than once every 36 months.

Sec. 2. Requires a unification petition to be signed by voters in each home rule and first class city equal to 25 percent of the votes cast in each of these cities in the last regular borough election. The existing requirement as to signatures of city residents is cumulative--that is a percentage of all the voters is used without regard to the particular city the voters reside in.

Sec. 3. Like the petition signature requirement in section 3, this requires the votes on the question of formation of a charter commission to be tabulated separately for each home rule and first class city. Votes of borough residents outside of these cities is tabulated in another, single classification. Each separately tabulated classification must approve the formation of a charter commission before one can be formed.

Sec. 4. The changes reflect the fact that approval of a unification charter must be achieved in each home rule and first class city before the charter is adopted.

TBC:gc  
WKG6/019

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to unification of municipalities."  
 Sponsor: Coghill  
 Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

*Jim Plasman*

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750  
 Division: Municipal & Regional Assistance Date: 1-20-89  
 Approved by Commissioner: [Signature] DC Date: 20 Jan 89  
 Agency: Community & Regional Affairs

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

**Section**  
 360. Election on charter  
 370. Effect of the charter after ratification  
 380. Assets and liabilities

**Section**  
 390. Transition  
 400. Right to state and federal aid  
 410. Powers of a unified municipality  
 420. Application

**Sec. 29.06.190. Unification of municipalities authorized.** A borough and all cities in the borough may unite to form a single unit of home rule government by complying with AS 29.06.190 — 29.06.410. (§ 5 ch 74 SLA 1985)

**NOTES TO DECISIONS**

Unification is consistent with the purpose expressed in Alaska Const., art. X, § 1, of minimizing the number of local government units. *City of Douglas v. City & Borough of Juneau*, Sup. Ct. Op. No. 672 (File No. 1379), 484 P.2d 1040 (1971), decided under former, similar law. Coexistence of cities and boroughs

not required. — Alaska Const., art. X, § 2, merely authorizes but does not require the coexistence of cities and boroughs. *City of Douglas v. City & Borough of Juneau*, Sup. Ct. Op. No. 672 (File No. 1379), 484 P.2d 1040 (1971), decided under former, similar law.

**Sec. 29.06.200. Unification proposed.** (a) Formation of a charter commission to prepare a unification charter shall be proposed by resolution of the assembly or by petition. A resolution to propose formation of a charter commission may be adopted not more often than once every 12 months.

(b) An assembly, a council, or a person living in the area proposed for unification may initiate a unification petition. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.210. Petition requirements.** (a) A unification petition shall read:

"PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER. We, the undersigned, qualified voters of the borough do hereby petition that the following proposition be placed before the voters as provided by law: 'Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified municipality as authorized by law? Yes [ ] No [ ]'

		Inside First	Outside First
		Class or	Class or
Signature	Address	Home Rule City [ ]	Home Rule City [ ]"

(b) The petition shall be signed by at least

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(1) the number of voters residing outside all home rule and first class cities in the borough equal to 25 percent of the votes cast in that area in the last regular borough election; and

(2) the number of voters residing in home rule or first class cities in the borough equal to 25 percent of the votes cast in all home rule and first class cities in the borough in the last regular borough election. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.220. Review of petition.** The assembly shall review a unification petition within 15 days to determine whether it complies with AS 29.06.210. If the petition does not meet the designated requirements, it shall be immediately returned to the person who initiated the petition with a statement indicating which requirements have not been satisfied. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.230. Duties of charter commission.** The charter commission shall prepare, adopt, and submit to the voters for approval or rejection a proposed home rule charter for the area to be unified. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.240. Composition of charter commission.** The charter commission shall consist of 11 voters, three of whom are residents elected at large from the borough and eight of whom, proportionate to the population as determined by the department, are

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

(2) residents of and elected from home rule or first class cities in the borough. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.250. Charter commission nominations.** (a) If the assembly determines that a unification petition meets the requirements of AS 29.06.210, or the assembly by its resolution proposes an election on formation of a charter commission, the assembly shall issue a call for the nomination of commission candidates, specifying the filing deadline and the procedure for making nominations.

(b) Charter commission candidates shall be nominated by petition signed by at least 50 voters of the area from which the candidate seeks election, or by a number of voters from that area equal to at least 10 percent of the number of votes cast from that area in the last regular borough election, whichever is less.

(c) Nomination petitions shall be filed with the borough clerk at least 30 days after notice of the call for nominations has been given and on or before a date fixed by the assembly.

(d) If at least one nomination of a qualified charter commission candidate for each available seat is not filed, the unification petition

or resolution to propose formation of a charter commission is void and no election on the question shall be held. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.260. Qualifications of candidates.** A person is eligible to be nominated as a candidate for the charter commission if that person is a voter of the area from which election is sought and has been a voter of the area for at least one year immediately preceding the date the nomination petition is filed. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.270. Election of charter commission.** (a) After receipt of a valid unification petition or adoption of an assembly resolution to propose formation of a charter commission, the assembly shall submit to the voters the question of whether a charter commission shall be formed to prepare a proposed unification charter. The vote shall be held at the next regular borough election scheduled at least 90 days after receipt of the petition or adoption of the resolution. The ballot shall be worded exactly as in AS 29.06.210(a).

(b) The election of charter commission members shall take place at the same time as the election on the question of formation of the commission.

(c) All costs incurred in conducting an election under AS 29.06.190 — 29.06.410 shall be paid by the borough. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.280. Requirements for approval of formation and election of charter commission.** (a) The votes on the question of formation of a charter commission shall be tabulated in two separate classifications. One classification consists of all votes cast in first class and home rule cities in the borough. The other classification consists of all votes cast in the remaining area of the borough. In order for formation of a charter commission to be approved, a majority of the votes in each classification must favor formation of the commission.

(b) If formation of a charter commission is approved, the candidates who received the highest number of votes from their respective areas shall serve as members of the commission. (§ 5 ch 74 SLA 1985)

**Sec. 29.06.290. Charter commission organization and procedure.** (a) The charter commission shall hold its first meeting within 30 days after certification of its election. The commission shall elect from among its members a chairman and a deputy chairman.

(b) A majority of the total membership of the charter commission constitutes a quorum. A decision of the commission is not valid or binding unless approved by the number of members necessary to constitute a quorum.

(c) The charter commission may elect other officials from among its membership, adopt rules governing its procedures that are consistent with AS 29.06.190 — 29.06.410 and hire and discharge employees.

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(3) designation of the proposed unified municipality's official name; and

(4) other charter provisions that may be included in a home rule charter. (§ 5 ch 74 SLA 1985)

NOTES TO DECISIONS

This section requires a home rule charter to provide for apportionment. Municipality of Anchorage v. Frohne, Sup. Ct. Op. No. 1477 (File Nos. 3050, 3104), 568 P.2d 3 (1977), decided under former, similar law.

Sec. 29.06.330. Public hearings. Both before and after drafting the proposed home rule charter, the charter commission shall hold a public hearing in each area represented on the assembly. Other public hearings may be held by the commission as it considers necessary. (§ 5 ch 74 SLA 1985)

Sec. 29.06.340. Filing of proposed charter. Upon the adoption of a proposed home rule charter by the charter commission, the charter shall be signed by at least a majority of the total membership of the commission and shall be filed with the borough clerk. A copy of the charter with signatures affixed shall also be filed with the clerk of each city in the borough. (§ 5 ch 74 SLA 1985)

Sec. 29.06.350. Publication and posting of proposed charter. Within 10 days after filing the proposed home rule charter, the borough clerk shall have it published. In addition, the clerk shall have a copy of the proposed charter posted in at least three public places in each city and each unincorporated community in the borough. Copies of the proposed charter shall be made available by the assembly to the public at both the office of the borough clerk and the office of the clerk of each city in the borough. The clerk shall have notice of the publication, posting, and availability of the proposed charter published. (§ 5 ch 74 SLA 1985)

Sec. 29.06.360. Election on charter. (a) The proposed home rule charter adopted by the charter commission shall be submitted to the voters at a borough election held within 60 days of the date of publication and posting of the proposed charter. The borough clerk shall prepare the ballots for use in the election and shall give notice of the election by radio and television in a manner intended to apprise the entire borough population of the election. The election shall be conducted under procedures applicable to regular elections.

(b) A person who is a voter of the borough may vote in the election on the proposed charter.

(c) If a home rule and proposed charter shall

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Subject light of the Alaska Constitution enactment merger and dissolution

Sec. 2 ratification to dissolve the charter

Sec. 2 shall succeed unified. election removal except the larger at the bond larger at election. How election system determined to debt, refer (§ 5 ch

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

- P.O. BOX E  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

February 17, 1989

POSITION PAPER

RE: Senate Bill 105

SPONSOR: Senator Coghill

Program Effects

The bill makes two main changes to the unification process. First, it would limit consideration of the question to once every three years, rather than every year as at present. Second, it would provide that each home rule and first class city within the borough be treated separately, rather than together, for the purposes of required petition signatures, voting on the question of formation of a charter commission, and voting on the ratification of the home rule charter.


Comments

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Senate Bill 105  
February 17, 1989  
Page Two

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for David G. Hoffman, Commissioner

# Senator John B. (Jack) Coghill

Alaska State Legislature

Box V  
Juneau, Alaska 99811  
(907) 465 4797

Box 55028  
North Pole, Alaska 99705  
(907) 488 0862



## MEMORANDUM

To: Senator Al Adams  
From: Senator Jack Coghill  
Re: Bill hearing  
Date: January 19, 1989

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I would appreciate if you would schedule SB 105 for a hearing as soon as possible. Both the sectional analysis and fiscal note have been requested. We will forward them as soon as they are received.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 23, 1989

SUBJECT: Unification of municipalities (SB 105)  
TO: Senator Jack Coghill  
FROM: Tamara Brandt Cook *TBC*  
Director  
Division of Legal Services

Here is a sectional analysis that you requested of SB 105.

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Sec. 4. The changes reflect the fact that approval of a unification charter must be achieved in each home rule and first class city before the charter is adopted.

TBC:gc  
WKG6/019

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to unification of municipalities."  
 Sponsor: Coghill  
 Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

*Jim Plasman*

Prepared by: Jim Plasman, Deputy Director Phone: 465-4750  
 Division: Municipal & Regional Assistance Date: 1-20-89

Approved by Commissioner: [Signature] DC Date: 20 JAN 89  
 Agency: Community & Regional Affairs

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

P.O. BOX 55109  
NORTH POLE, ALASKA  
99705



TOP OF THE WORLD  
PHONE: 907-488-2281  
AT YOUR SERVICE

January 16, 1989

The Honorable Senator Jack Coghill  
P. O. Box V  
Juneau, Alaska 99811

Re: Proposed Title 29 Amendments

Dear Jack:

The City of North Pole is in receipt of SB105 and the corresponding house bill, HB40. The city council is in unanimous support of the legislation.

As you are aware, recent changes in Title 29 legislation failed to protect small cities from unification proceedings. It is the hope of the City of North Pole that passage of these bills as drafted will help remedy that inequity.

Your colleague, Representative Mike Miller, has introduced the house version (HB40) and also supports our endeavors. In addition, we are requesting assistance from the Alaska Municipal League through its Director, Scott Burgess.

The people in the North Pole area overwhelmingly support this legislation. The city will encourage as many of them to correspond with you as possible.

Thank you for your support. Please keep the city posted as to the progress of the bills. We stand ready to do anything within our powers to ensure passage.

Sincerely,

Carleta Lewis  
Mayor

CL/kl

cc: The Honorable Representative, Mike Miller  
Alaska Municipal League, Scott Burgess, Director