

HB

185

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

Contact:

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
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(907)-465-3719
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State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

Sponsor Statement

House Bill 185 provides boroughs with a means of altering existing road service area boundaries to ensure taxpayer fairness among residents of service areas.

A service area is a taxing jurisdiction within a borough that has been established to provide special services such as road maintenance or fire protection. These services are requested and approved by voters residing within a specific area.

State law permits borough residents living outside a service area to use service area roads for their sole or legally required access. These residents derive a direct benefit equal to residents within the service area, yet they can refuse to contribute to the costs of construction or maintenance of these roads by voting down any annexation attempt. These state mandated annexation votes typically fail as individuals are reluctant to join a service area when they can instead use these maintained roads for free.

HB 185 amends state law by allowing a service area to annex property that uses its roads for their sole or legally required access without a separate vote of the property to be annexed.

A second issue arises where residents of a service area are required to pay into a service area even though they do not utilize the service area roads for access to their property. Service areas, however, are often reluctant to vote to remove property from the service area because it effectively raises taxes on the remaining property owners.

HB 185 amends state law by allowing a borough assembly to exercise its judgment to alter, by ordinance, a service area boundary to exclude a property that does not use service area roads as its sole or legally required access.

25-LS0687E
Cook
3/21/07

CS FOR HOUSE BILL NO. 185()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE COGHILL

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to certain municipal service areas that provide road services."**

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

3 *** Section 1.** AS 29.35.450(c) is amended to read:

4 (c) If voters reside within a service area that provides road, fire protection, or
5 parks and recreation services, abolishment of the service area is subject to approval by
6 the majority of the voters residing in the service area who vote on the question. A
7 service area that provides road, fire protection, or parks and recreation services in
8 which voters reside may not be abolished and replaced by a larger service area unless
9 that proposal is approved, separately, by a majority of the voters who vote on the
10 question residing in the existing service area and by a majority of the voters who vote
11 on the question residing in the area proposed to be included within the new service
12 area but outside of the existing service area. A service area that provides road, fire
13 protection, or parks and recreation services in which voters reside may not be altered
14 or combined with another service area unless that proposal is approved, separately, by
15 a majority of the voters who vote on the question and who reside in each of the service

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areas or in the area outside of service areas that is affected by the proposal. This subsection does not apply

(1) to a proposed change to a service area that provides fire protection services that would result in increasing the number of parcels of land in the service area or successor service area if the increase is not more than six percent and would add not more than 1,000 residents;

(2) [. THIS SUBSECTION DOES NOT APPLY] in a second class borough to abolishment of a road service area or consolidation of two or more road service areas if

(A) [(1)] taxes have not been levied in the service area for road maintenance or construction during the last 12 months and there is no balance in any account available to pay for these road services for the service area;

(B) [(2)] during the last 12 months, the service area board has not met with a quorum present and in accordance with law; or

(C) [(3)] there are no road maintenance contracts in effect for the service area or the existing road maintenance contracts fail to provide for minimum road standards required by law that are necessary to protect the borough from civil liability;

(3) to require approval by the voters residing on property proposed to be added to a road service area if roads maintained by the service area provide the only access to the property or provide access to the property that is required by a subdivision plat or by other regulation or ordinance;

(4) to a change in the boundaries of a road service area to exclude property that does not rely on the use of roads maintained by the service area for the property's only access or for access to the property that is required by a subdivision plat or by other regulation or ordinance.

Alaska State Legislature

Rep. Sharon Cissna
Rep. Nancy Dahlstrom
Rep. Mark Neuman
Rep. Kurt Olson
Rep. Woodie Salmon



State Capitol, Room 124
Juneau, AK 99801-1182
Co-Chairs
Rep. Gabrielle LeDoux
(907) 465-3882 FAX 465-4956
Rep. Anna Fairclough
(907) 465-3777 FAX 465-2819

COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Facsimile Transmittal

DATE: March 27, 2007
TO: Legal Services
FROM: Sonya Hymer, Legislative Aide
RE: CS with conceptual amendment to HB 185 (25-LS0687\A)

This morning the House CRA Committee passed HB 185 with a conceptual amendment (see attachment). I would like to order a final CS of this bill to conform with the amendment. Please let me know if I can provide any further information. Thank you.

-Sonya

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE

TO: HB 185

Page 2, Line 19:

Insert: **“or parcel”**

Immediately following the word “subdivision” at the end of line 19

Page 2, Line 21:

Insert: **“or parcel”**

Immediately following the word “subdivision” in the middle of line 21

Page 2, Line 22:

Insert: **“or parcel”**

Immediately following the word “subdivision” at the start of line 22

Page 2, Line 25:

Insert: **“or parcel”**

Immediately following the word “subdivision” at the start of line 25

Page 2, Line 26:

Insert: **“or parcel’s”**

Immediately following the word “subdivision's” in the middle of line 26

Amendment to HB 185 – Municipal Road Service Areas

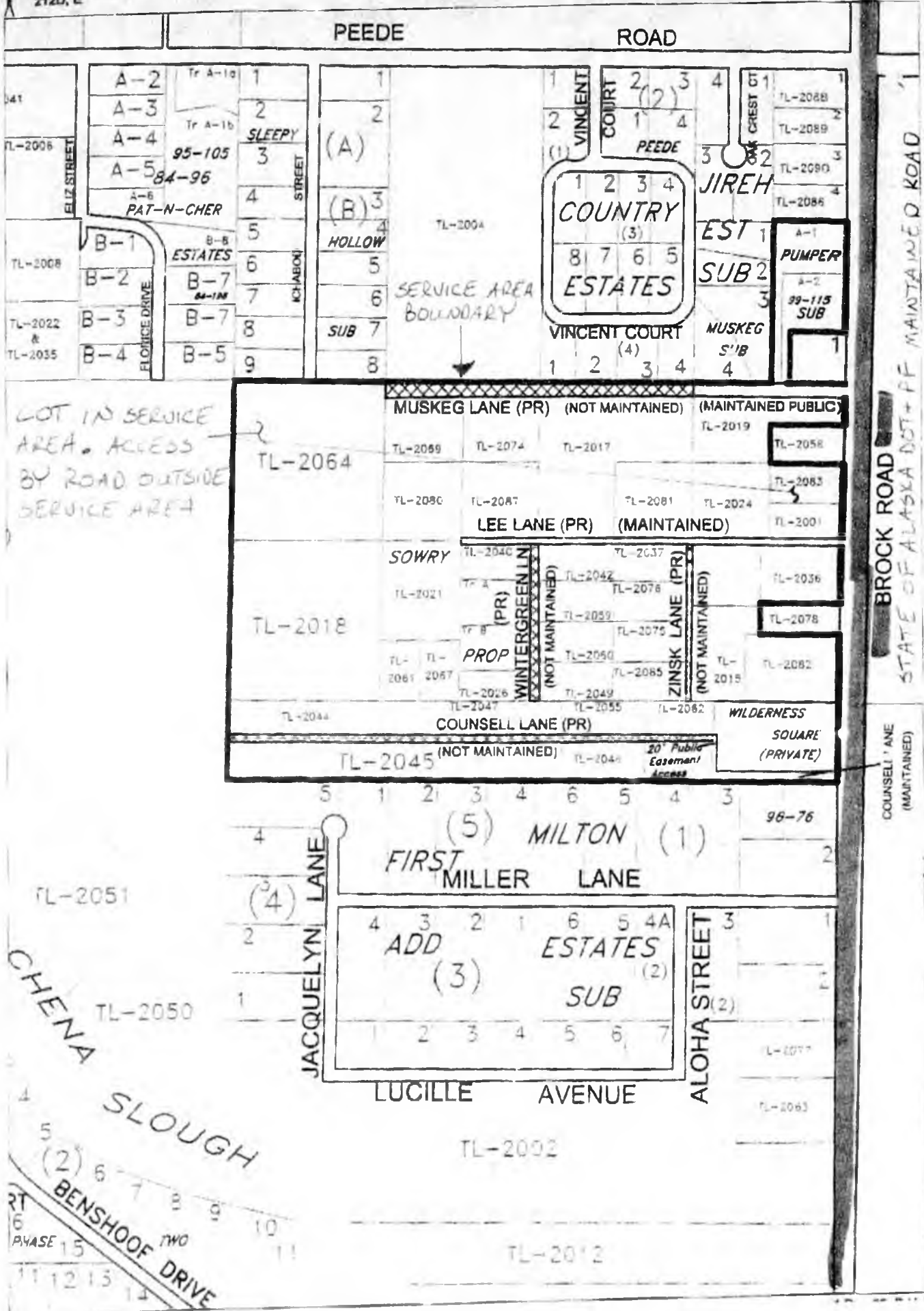
Page 2, lines 19-27

(3) to require approval by the voters residing in a property~~subdivision~~ proposed to be added to a road service area if roads maintained by the service area provide the only access to the property~~subdivision~~ or provide access to the property ~~subdivision~~ that is required by the subdivision plat or by other regulation or ordinance;"

(4) to a change in the boundaries of a road service area to exclude a property~~subdivision~~ that does not rely on the use of roads maintained by the service area for the property's ~~subdivision's~~ only access or for access to the property that is required by the subdivision plat or by other regulation or ordinance.

FNSB RURAL SERVICES DIVISION
 Derived from Borough Base Maps:
 212D, E

LEE LANE SERVICE AREA



LOT IN SERVICE AREA. ACCESS BY ROAD OUTSIDE SERVICE AREA

BROCK ROAD
 STATE OF ALASKA DOT + PF MAINTAINED ROAD
 COUNSELL LANE (MAINTAINED)

SERVICE AREA BOUNDARY

20' Public Easement/Access

CHENA SLOUGH
 BENSHOOF DRIVE

PEEDE ROAD

MUSKEG LANE (PR) (NOT MAINTAINED) (MAINTAINED PUBLIC)

LEE LANE (PR) (MAINTAINED)

COUNSELL LANE (PR)

MILTON (1)
 FIRST MILLER LANE

LUCILLE AVENUE

COUNTRY ESTATES
 (3)

JIREH EST SUB
 (2)

MUSKEG S'B
 (4)

SLEEPY
 95-105
 84-96
 PAT-N-CHER

B-1 to B-5
 ESTATES
 84-100

HOLLOW
 (A)
 (B)
 SUB 7

VINCENT COURT
 (1)
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TL-2088
 TL-2089
 TL-2090
 TL-2085
 A-1 PUMPER
 A-2 99-115 SUB

TL-2006
 TL-2008
 TL-2022 & TL-2035

TL-2064

TL-2018

TL-2051

TL-2050

TL-2004

TL-2069 TL-2074 TL-2017 TL-2019 TL-2058

TL-2080 TL-2087 TL-2081 TL-2024 TL-2083 TL-2001

TL-2040 TL-2042 TL-2078 TL-2036 TL-2059 TL-2075 TL-2078 TL-2050 TL-2085 TL-2015 TL-2082 TL-2026 TL-2049 TL-2055 TL-2082

TL-2044 TL-2045 (NOT MAINTAINED) TL-2046

98-76

TL-2002

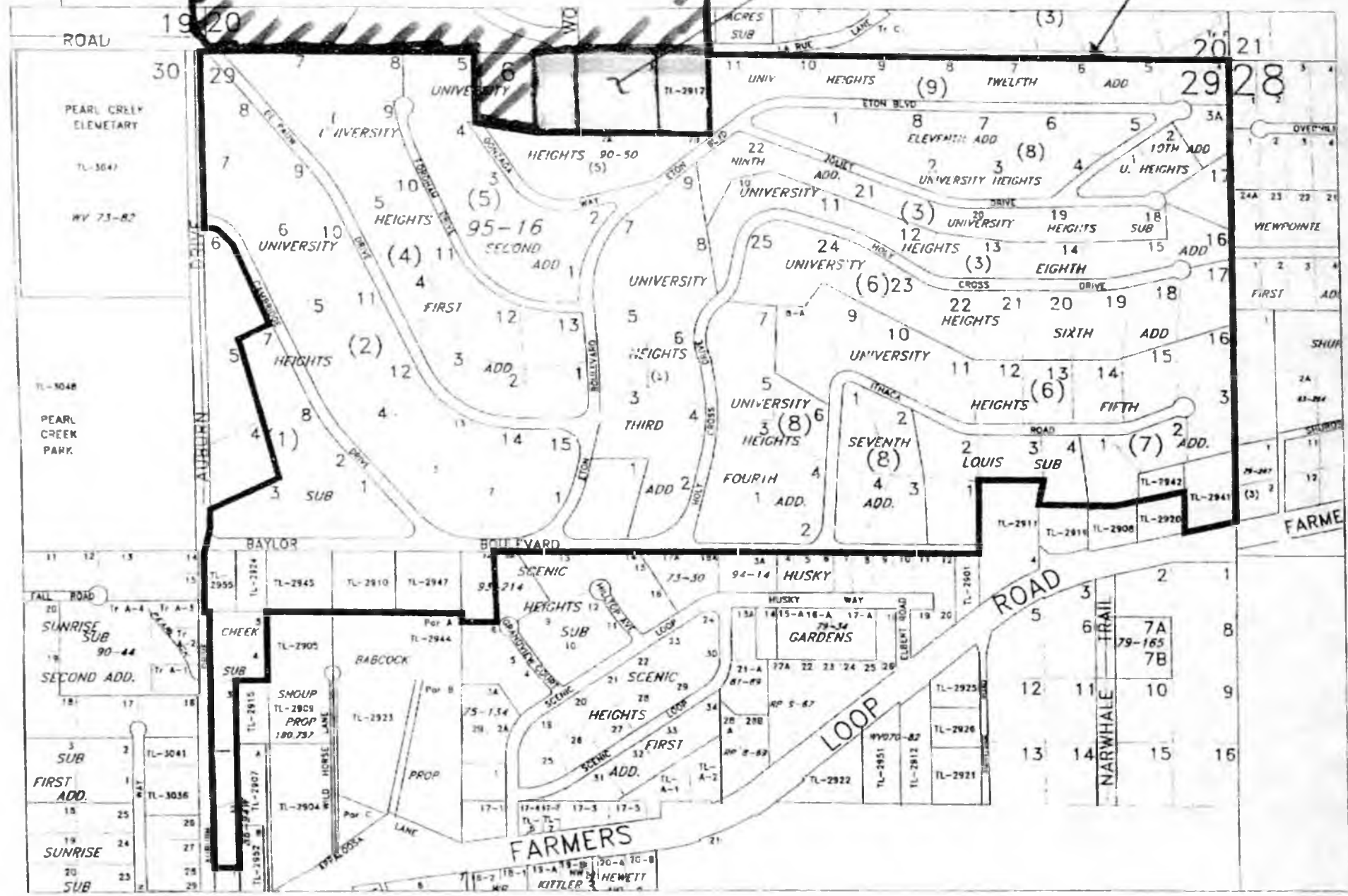
TL-2012



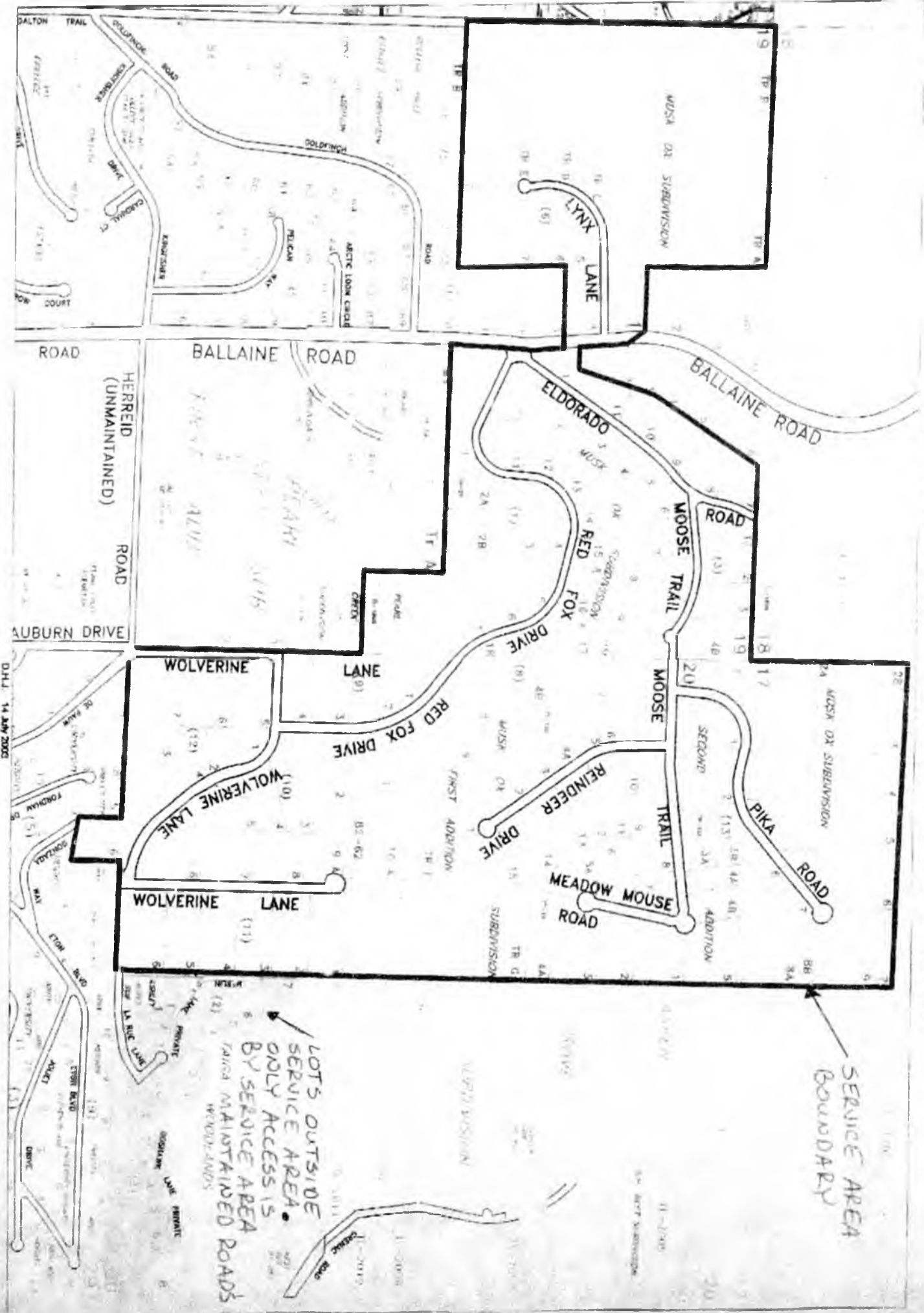
MUSK OX ROAD SERVICE AREA

LOTS OUTSIDE SERVICE AREA. ACCESS IS BY SERVICE AREA ROADS

UNIVERSITY HEIGHTS ROAD SERVICE AREA



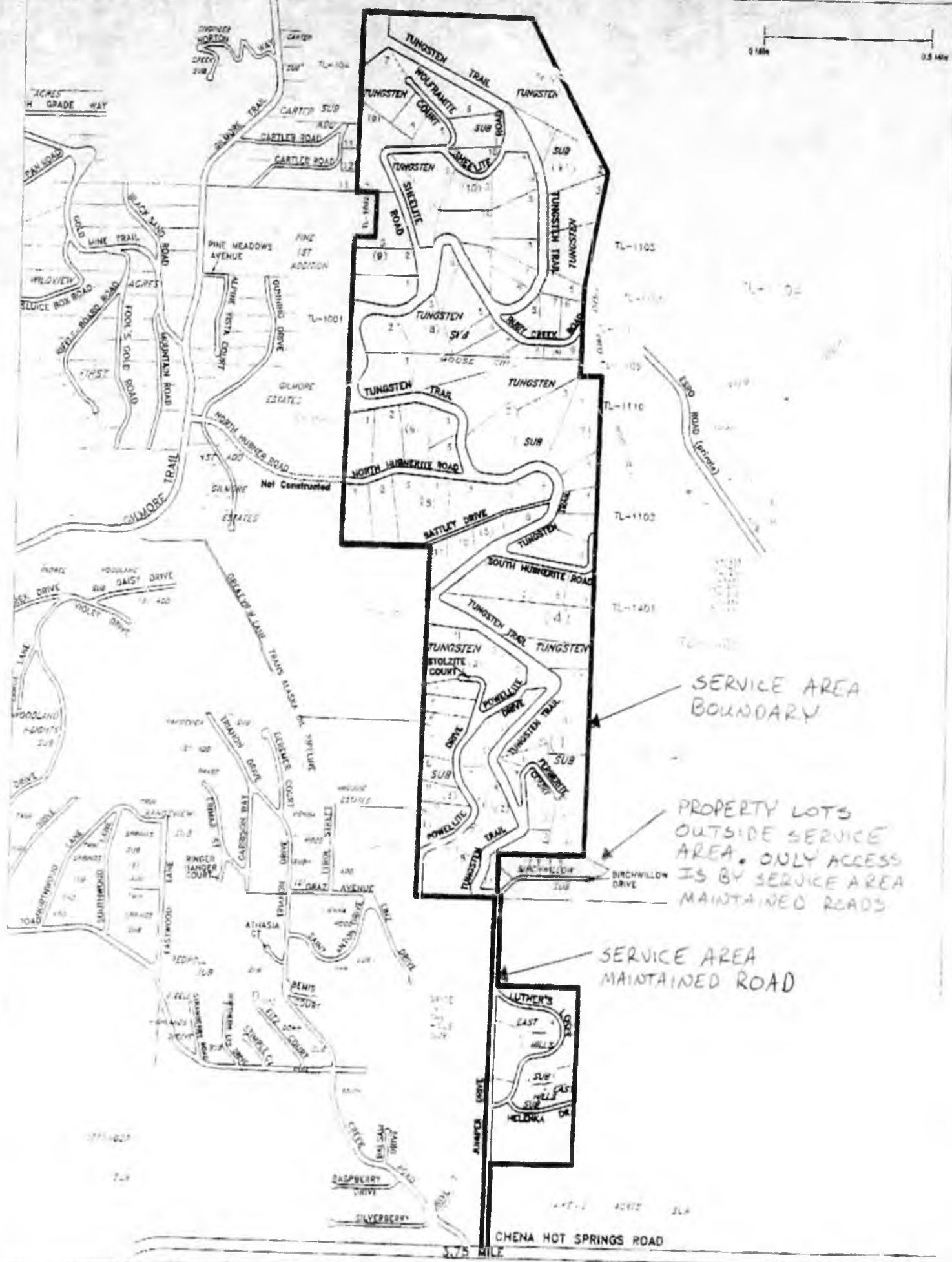
Musk Ox Road Service Area



D.H.L. 14 JAN 2005

PNBB PLURAL SERVICES DIVISION
Derived from Borough Base Map
111A, 111B, 111E, 111F

Tungsten Road Service Area



SERVICE AREA BOUNDARY

PROPERTY LOTS OUTSIDE SERVICE AREA. ONLY ACCESS IS BY SERVICE AREA MAINTAINED ROADS.

SERVICE AREA MAINTAINED ROAD

CHENA HOT SPRINGS ROAD

0.75 MILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB185-COM-DCA-03-21-07
 Bill Version: HB 185
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Municipal Road Service Areas RD# Community Assist & Ec Dev (405)
 Component Community Advocacy
 Sponsor Coghil
 Requester House Community & Regional Affairs Component No. 2703

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

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|--|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type-Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This legislation amends AS 29.35.450 to add two exceptions to the law which requires a public vote before making certain changes to municipal service areas. The first exception states that a subdivision may be added to a service area without a public vote, if the roads provide the only access or are required by subdivision plat, regulation or ordinance. The second exception states that a subdivision may be excluded from a service area without a public vote, if the roads do not provide the only access or are required by subdivision plat, regulation or ordinance.

This legislation will have no fiscal impact on the operations of the division.

Prepared by: Mike Black, Director Phone 907.269.4535
 Division: Community Advocacy Date/Time 3/21/07 2:48 PM
 Approved by: Emil Notti, Commissioner Date 3/21/2007
 Agency: Commerce, Community, and Economic Development

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By: Randy Frank
Tim Beck
Introduced: 02/08/07
Substituted: 02/08/07
Adopted: 02/08/07

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2007 - 04

A RESOLUTION ASKING THE ALASKA STATE LEGISLATURE TO MODIFY STATE LAW CONCERNING SERVICE AREA ALTERATIONS

WHEREAS, it is the responsibility of local governments to ensure service areas are established, operated, and altered in a manner consistent with the constitutional purpose of service areas and the overall public good; and

WHEREAS, the Fairbanks North Star Borough Assembly supports legislative changes that would enable local governments to exercise appropriate control and management of its service areas; and

WHEREAS, the Assembly recently placed a request for a state law change concerning service area alterations on its 2007 legislative priority list; and

WHEREAS, the previously suggested language would only permit the assembly to include property in a road service area if the property utilizes the road services area's roads; and

WHEREAS, as a matter of fairness, the assembly should also have the right to remove property from a road service area if the property does not utilize the road service area's roads.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the Fairbanks North Star Borough supports the following change to AS 29.35.450(a):

(a) A service area to provide special services in a borough or unified municipality may be established, operated, altered, or abolished by ordinance, subject to (c) of this section except that:


(1) no vote of the area proposed to be included into a road service area shall be required if the area proposed to be included utilizes the road service area's roads for either its sole or its legally required subdivision access; and

(2) no vote should be required to alter the boundaries of a road service area to exclude an area that does not utilize the road service area's roads for either its sole or its legally required subdivision access.

47 BE IT FURTHER RESOLVED that the Assembly requests the Alaska
 48 State Legislature to modify the current language in AS29.35.430(a) concerning service
 49 area alterations as noted above.

50
 51 BE IT FURTHER RESOLVED, that copies of this resolution shall be sent
 52 to the Alaska Interior Delegation.

53
 54 PASSED AND APPROVED THIS 8th DAY OF FEBRUARY 2007.


 Luke Hopkins
 Presiding Officer

ATTEST:


 Mona Lisa Drexler, CMC
 Municipal Borough Clerk

55
 56 Ayes: Bartos, Beck, Frank, Foote, Winters, Musick, Therrien, Rex, Hopkins
 57 Noes: None
 58



Fairbanks North Star Borough

Department of Law

809 Pioneer Road • PO Box 71267 • Fairbanks, AK 99707 - (907) 459-1318 FAX 459-1155

MEMORANDUM

TO: Rynnieva Moss, Legislative Aide
FROM: Rene Broker, Borough Attorney *RB*
DATE: March 19, 2007
SUBJECT: HB 185 Service Area Roads

Our subdivision ordinances generally require, for plat approval, legal, constructed road access to the subdivision. [See FNSBC 17.60.070] That required road access must connect to either a state-maintained roadway or a roadway previously approved for subdivision access. Access that is simply platted or dedicated but not constructed would not normally qualify. Also, access utilizing roads that have not been constructed to appropriate subdivision standards (width, drainage, stable road bed, etc.) would not qualify. Finally, access that is not on a dedicated right-of-way would not qualify.

A subdivision plat itself must show these approved access routes and otherwise show compliance with our subdivision code in order to obtain approval by the platting board. Subdivision plats can also preclude access onto certain streets.

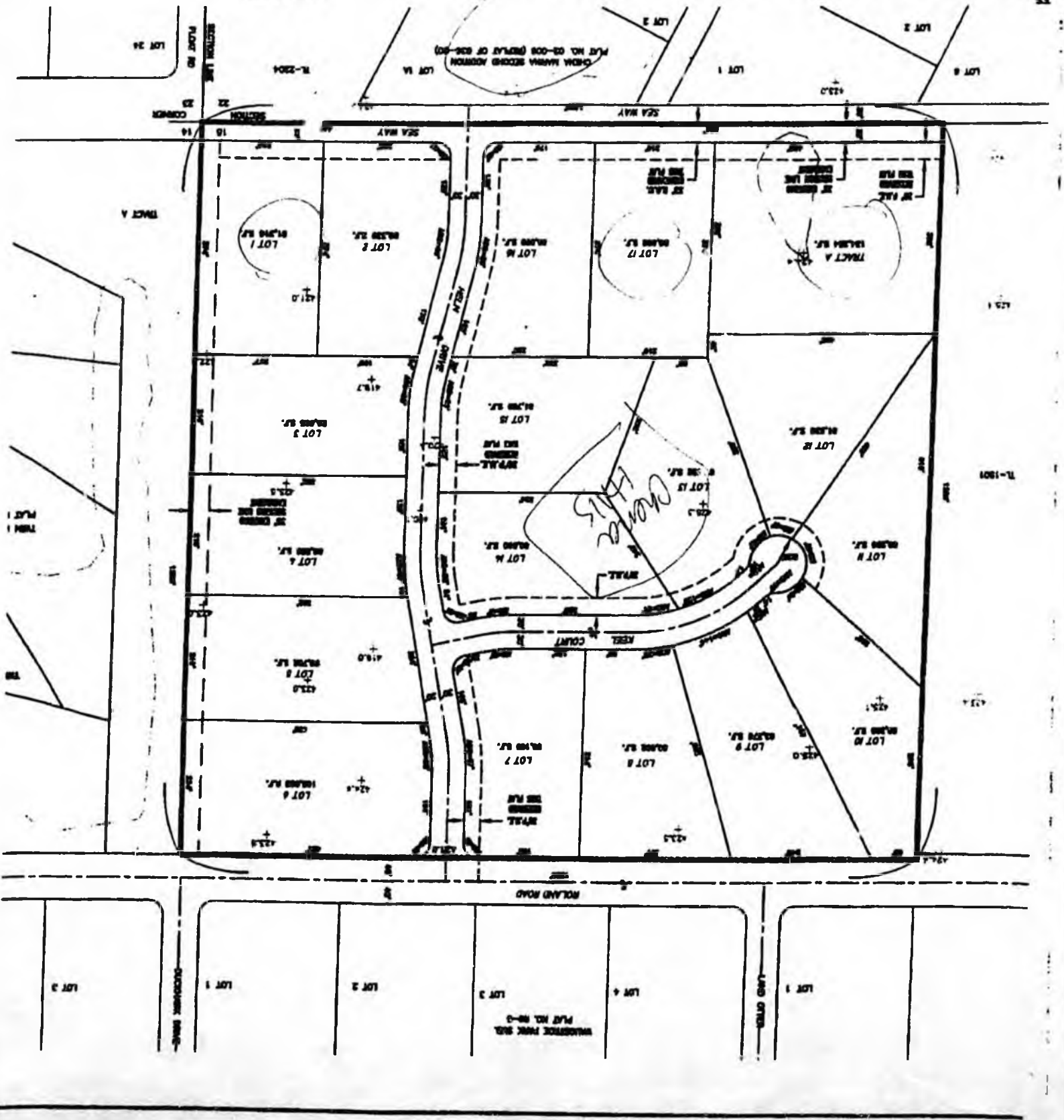
Currently, I believe only our subdivision laws would fit the term "other regulation or ordinance". I do not believe the borough has any other regulations or ordinances, other than our subdivision laws, that require access to subdivisions.

THE TOWN IN THIS AREA IS BOUNDARY PLAT WITH AN AREA OF 42.5 AC.
 1. PORTION OF THIS AREA IS UNDER FLOOD ZONE "X", THE PORTION
 FOR LOCAL FLOOD HAZARD NO. 20, 1989 SERIES.
 AND DRAINAGE SET LOTS 6 TO 3 PERCENT SLOPE.
 2. THE TOWN OF THE SUBDIVISION ARE UNDER FLOOD ZONE "X", THE PORTION
 FOR LOCAL FLOOD HAZARD NO. 20, 1989 SERIES.
 3. THE TOWN OF THE SUBDIVISION ARE UNDER FLOOD ZONE "X", THE PORTION
 FOR LOCAL FLOOD HAZARD NO. 20, 1989 SERIES.
 4. THE TOWN OF THE SUBDIVISION ARE UNDER FLOOD ZONE "X", THE PORTION
 FOR LOCAL FLOOD HAZARD NO. 20, 1989 SERIES.
 5. THE TOWN OF THE SUBDIVISION ARE UNDER FLOOD ZONE "X", THE PORTION
 FOR LOCAL FLOOD HAZARD NO. 20, 1989 SERIES.

1. THERE WILL BE A 2% MINIMUM SLOPE AT EACH POINT
 LOCATED FOR EACH LOT AND OVER THE ENTIRE
 SUBDIVISION.
2. IF THE AREA OF LAND IS DECREASED BY THE
 LIGHT CHANGES IS REQUIRED FOR THE RESULTS.
 AVERAGE BEING IN RANGE OF 10% PER CENT.
3. THE VULNERABILITY SHALL HAVE THE RIGHT TO BE
 CHANGED FROM 10% TO 15% OR IN THE
 CASE OF THE SUBDIVISION.
4. AN DESIGN IS BEING REQUIRED WITH ALL LOTS FOR
 BEING IN THE AREA OF THE SUBDIVISION.

AREA SUMMARY

| | |
|---------|----------|
| TRACT A | 2.08 AC. |
| TRACT B | 2.08 AC. |
| TOTAL | 4.16 AC. |





ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the CRA
 Committee on Road Service Areas HB185 Dated 3/21/07
 Bill / Subject

Please do not pass HB185. This bill can cause many negative effects. The following things can happen.

- ① Properties can be left out of vote if those circulating petition feel it would have a better chance to pass and then force without a vote into a road service area.
- ② Private roads in FNSB are currently put into road service areas yet not maintained like the public roads.
- ③ If a section/subdivision is forced in they may choose to petition for a vote to dissolve the road area.
- ④ On fairness, it is not fair that service areas are funded based on the value of ones home instead of a flat fee. In addition, only those registered voters in a proposed area get to vote not necessarily property owners with property elsewhere.
- ⑤ The borough does not need anymore powers that they don't fund.

SIGNED: Jammie Wilson
 Testifier

Resident FNSB
 Representing

571 Canons Rd N.P. 99705 490-0312
 Address / Phone Number

Sonya Hymer

From: Sonya Hymer
Sent: Wednesday, March 21, 2007 3:06 PM
Subject: HB 185: Road Services in Municipal Service Areas
Importance: High
Attachments: HB0185A.pdf

Dear Community Leaders,

Gabrielle's committee, the House Committee on Community & Regional Affairs, will meet tomorrow at 8:00 a.m. to consider HB 185: "An Act relating to certain municipal service areas that provide road services." Representative Coghill has proposed this legislation.

Please forward this email to local road board members. Please let us know your position on this bill. If you would like to testify at the committee hearing tomorrow, go to the Kodiak LIO, or call in to the meeting at 1 888 295 4546. The bill will move to the House Committee on Transportation next.

Best regards,
Sonya

Sonya Hymer, Legislative Aide
Representative Gabrielle LeDoux
State Capitol
District 36
phone: (907) 465-2487
fax: (907) 465-4956

Sonya Hymer

From: Rep. Anna Fairclough
Sent: Wednesday, March 21, 2007 2:41 PM
To: SchnellSD@ci.anchorage.ak.us
Cc: AbbottMK@ci.anchorage.ak.us; CER Chamber Susan Gorski; ossainder@muni.org; starwe@muni.org; RoddaJH@ci.anchorage.ak.us; RamseurDS@ci.anchorage.ak.us
Subject: HB 185
Importance: High
Attachments: HB0185A.pdf

Scott,

Community and Regional Affairs will meet tomorrow at 8:00 a.m. to consider HB 185, I have spoken with David Ramseur at the Muni (a few minutes ago), but want local road board members perspective on this legislation.

"An Act relating to certain municipal service areas that provide road services." Representative Coghill has proposed this legislation.

Please forward to local road board members. I have included the Chamber, our Assembly members and Park and Rec.

My cell is 748.4506, I know this is short notice, but, we haven't heard from the municipality on this issue. I do not want to move forward with anything that could harm our service areas or cause an unintended consequence. The bill will move to transportation next.

Unfortunately the municipality has not been testifying in C&RA on some issues that effect Anchorage. Please let me know as soon as possible your position.

Representative Anna Fairclough

State Capitol: 907.465.3777

Eagle River: 907.694.8944

Representative_Anna_Fairclough@legis.state.ak.us



Fairbanks North Star Borough

Department of Law

809 Pioneer Road • PO Box 71267 • Fairbanks, AK 99707 - (907) 459-1318 FAX 459-1155

March 23, 2007

VIA FACSIMILE: 907-465-2819

Representative Anna Fairclough
State Capitol, Room 411
Juneau, AK 99801-1182

Representative Fairclough:

Thank you for the opportunity to comment on the questions posed by the Municipality of Anchorage, through Mr. Johnson's e-mail. After receiving a copy of the e-mail, I contacted Rhonda Fehlen Westover, Deputy Municipal Attorney for the Municipality of Anchorage. We agreed, after an extensive discussion of HB 185, including its impacts on our respective municipalities, to provide you with a joint response, and we are authorized on behalf of our respective governmental entities, to support HB 185.

We are both confident the new clause 3, at line 19, page 2, is constitutional. Alaska's Constitution provides that service areas "may be established, altered, or abolished" by the **Assembly**, subject to the provisions of law or charter. Thus, while state law could certainly add additional requirements, our Constitution only requires assembly approval. HB 185 preserves this constitutional requirement.

With respect to charter provisions, Alaska Statute 29.35.450 is one of the limitations on home rule powers, and supersedes charter provisions. A charter amendment is not necessary to implement HB 185 if approved by the legislature.

If you have any further questions, please feel free to contact either or both of us.

Sincerely,

FAIRBANKS NORTH STAR BOROUGH

MUNICIPALITY OF ANCHORAGE

A. René Broker
Borough Attorney

Rhonda Fehlen Westover
Deputy Municipal Attorney

Sonya Hymer

From: Tammie wilson [wilson6t@yahoo.com]
Sent: Sunday, March 25, 2007 2:17 PM
To: Rep. Gabrielle LeDoux
Subject: RE: HB185

Dear Rep. LeDoux:

I am writing to you concerning HB185: Road Service Areas and am asking that you do not pass this legislation.

Here is the current process in the Fairbanks North Star Borough to become a road service area. First you must get a petition signed by 51% of those residents whose names are on the tax record, not registered voters. Then it goes to the borough assembly to be voted on and a public hearing is held. It then goes to two separate votes, one by the service area they are wanting to join and the other by the group wanting to join, only registered voters in the area can vote on the issue, if you have property there but don't live there you have no vote. If the vote is unsuccessful the area may go back the following year and become their own service area and they don't have to join with anyone else. Furthermore, private roads can also be placed in road services but yet they are not eligible for snow removal or maintenance, unlike public roads, even though those homeowners are required to pay into the road service area. This is extremely unfair.

They say this is to keep things fair. The system currently isn't fair and to me this can allow abuses within the system and also make the jobs of the volunteer road service commissioners. Here are a few examples:

1. When an area wants to become a road service area they can draw the lines to keep out potential 10 votes and then later ask the borough to annex the group in.
2. It can cause hostility from residents forced into an area that they may choose to try to dissolve the road service or try to cut back the mill-rate so that they roads cannot be maintained.
3. It gives road powers to a borough that in my opinion is not allowed to have by law. People have a right to vote especially when it concerns adding a greater burden of property tax to a group already feeling the pressure.

I believe it is time for the Fairbanks North Star Borough to revisit how road services are set up and maintained. There are many problems with the current system and to me this only adds more problems. The borough talks about fairness, is it truly fair that those with higher assessed homes pay more to maintain the road than those of less value. If you want to be fair then it should be a fixed amount. Don't let the borough keep trying to fix piece by piece by to look at the whole system and see what truly needs to be done to make it work. Please vote this bill down. Thank you.

Sincerely,
Tammie Wilson
571 Canoro Road
North Pole, AK 99705

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Try the free Yahoo! Mail Beta.
http://advision.webevents.yahoo.com/mailbeta/features_spam.html



Municipality of Anchorage

P O Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4431 • Fax: (907) 343-4499 <http://www.muni.org>

Mayor Mark Begich

Office of the Mayor

Memorandum

TO: The Honorable Anna Fairclough, Chair
Community and Regional Affairs Committee

THROUGH: Mayor Mark Begich *[Signature]*

FROM: Michael Johnson *[Signature]*
Mayor's Office

DATE: March 23, 2007

SUBJECT: House Bill 185

With the benefit of additional time to review the matter, I write to clarify Mayor Begich's position on House Bill 185 relating to service areas within a 1st Class Borough. Contrary to my email of Wednesday the 21st, Mayor Begich supports the passage of House Bill 185 with minor amendments.

As has been transmitted to you under separate cover, our Municipal Attorney's office, working with their counterparts in the Fairbanks North Star Borough, have resolved both our constitutional and charter concerns with this measure. With those items addressed, we wish only to suggest a minor amendment. In new section 3, beginning on line 19, we suggest the addition of the words "or parcel" immediately following the word "subdivision" at the end of line 19, in the middle of line 21 and at the start of line 22.

Thanks again for the opportunity to comment on this legislation, and I regret any confusion caused by my previous email.

Community, Security, Prosperity

Sonya Hymer

From: Rep. Anna Fairclough
Sent: Tuesday, March 27, 2007 9:02 AM
To: Dan&Ann Swift
Cc: Kim Skipper; Renee Limoge
Subject: RE: HB 185

Dan,

Thank you for taking the time to write and express your support on HB 185.

The bill moved from committee today.

Representative Anna Fairclough

State Capitol: 907.465.3777
Eagle River: 907.694.8944
Representative_Anna_Fairclough@legis.state.ak.us

From: Dan&Ann Swift [mailto:dswift@acsalaska.net]
Sent: Monday, March 26, 2007 8:21 PM
To: Rep. Anna Fairclough
Subject: HB 185

Representative Anna Fairclough:

I am writing in support of HB 185 that would allow a borough assembly to add neighborhoods to existing road service areas when the neighborhood uses a service area road for primary access to its neighborhood. It would also allow an assembly to remove a neighborhood from a service area if its residents are in a position of having to pay for maintenance on service area roads it does not use. The need for this legislation stems from the fact that residents of a neighborhood are usually not altruistic enough to give up a freebie if they don't have to. I am chairman of a local road service area. We have one family who is paying service area assessments, but does not use our roads. It is just too cumbersome a process to hold a service area election to let them off from paying our assessment. We also have two driveways that have sprung up on our roads from property that is not in our service area. As a matter of fairness to the other assessment payers, we feel that the owners of the properties these driveways serve should contribute to the roads they use.

The Friday's Fairbanks News-Miner had an article on HOB 185, indicating skepticism on the part of some CAR members the wisdom of having some 107 separate service areas in the Fairbanks North Star Borough. I tend to agree that it may not be the most efficient way of managing our local roads, but for various historical reasons that is what we have to deal with. We are simply asking for the Legislature to make things a little easier for us to take care of our patchwork of local roads

Sincerely,
Daniel WE. Swift, Ch.
Edanella Heights Road Service Area

3/27/2007