

LEG. FINANCE - BILLS 1985 - 1986 2315

CSHB 72 cont. 2315

1 section except (a)(1) may incorporate as a second class city.

2 Sec. 29.05.020. LIMITATIONS ON INCORPORATION OF A CITY. (a) A
3 community in the unorganized borough may not incorporate as a city if
4 the services to be provided by the proposed city can be provided by
5 annexation to an existing city.

6 (b) A community within a borough may not incorporate as a city
7 if the services to be provided by the proposed city can be provided on
8 an areawide or nonareawide basis by the borough in which the proposed
9 city is located, or by annexation to an existing city.

10 Sec. 29.05.030. INCORPORATION OF A BOROUGH. (a) An area that
11 meets the following standards may incorporate as a home rule, first
12 class, or second class borough:

13 (1) the population of the area is interrelated and inte-
14 grated as to its social, cultural, and economic activities, and is
15 large and stable enough to support borough government;

16 (2) the boundaries of the proposed borough conform gener-
17 ally to natural geography and include all areas necessary for full
18 development of municipal services;

19 (3) the economy of the area includes the human and finan-
20 cial resources capable of providing municipal services; evaluation of
21 an area's economy includes land use, property values, total economic
22 base, total personal income, resource and commercial development,
23 anticipated functions, expenses, and income of the proposed borough;

24 (4) land, water, and air transportation facilities allow
25 the communication and exchange necessary for the development of inte-
26 grated borough government.

27 (b) An area may not incorporate as a third class borough.

28 ARTICLE 2. PROCEDURE.

29 Sec. 29.05.060. PETITION. Municipal incorporation is proposed

1 by filing a petition with the department. The petition shall include
2 the following information about the proposed municipality:

3 (1) class;

4 (2) name;

5 (3) boundaries;

6 (4) maps, documents, and other information required by the
7 department;

8 (5) composition and apportionment of the governing body;

9 (6) a proposed operating budget for the municipality pro-
10 jecting sources of income and items of expenditure through the first
11 full fiscal year of operation;

12 (7) for a borough, based on the number who voted in the
13 respective areas in the last general election, the signature and
14 resident address of 15 percent of the voters in

15 (A) home rule and first class cities in the area of
16 the proposed borough; and

17 (B) the area of the proposed borough outside home rule
18 and first class cities;

19 (8) for a first class borough, a designation of areawide
20 powers to be exercised;

21 (9) for a second class borough, a designation of areawide
22 and nonareawide powers to be exercised;

23 (10) for a first or second class city, a designation of the
24 powers to be exercised;

25 (11) for a first class city, based on the number who voted
26 in the area in the last general election, the signatures and resident
27 addresses of 50 voters in the proposed city or of 15 percent of the
28 voters in the proposed city, whichever is greater;

29 (12) for a second class city, based on the number who voted

1 in the area in the last general election, the signatures and resident
2 addresses of 25 voters in the proposed city or of 15 percent of the
3 voters in the proposed city, whichever is greater;

4 (13) for a home rule borough, a proposed home rule charter.

5 Sec. 29.05.070. REVIEW. The department shall review an incorpo-
6 ration petition for content and signatures and shall return a defi-
7 cient petition for correction and completion.

8 Sec. 29.05.080. INVESTIGATION. (a) If an incorporation peti-
9 tion contains the required information and signatures, the department
10 shall investigate the proposal and shall hold at least one public
11 informational meeting in the area proposed for incorporation. The
12 department shall publish notice of the meeting.

13 (b) The department may combine incorporation petitions from the
14 same general area.

15 (c) The department shall report its findings to the Local Bound-
16 ary Commission with its recommendations regarding the incorporation.

17 Sec. 29.05.090. HEARING. The Local Boundary Commission shall
18 hold at least one public hearing in the area proposed to be incorpo-
19 rated for the purpose of receiving testimony and evidence on the
20 proposal.

21 Sec. 29.05.100. DECISION. (a) If the Local Boundary Commission
22 determines that a proposed municipality fails to meet the standards
23 for incorporation, it shall reject the petition. If the commission
24 determines that the proposed municipality meets the standards, it
25 shall accept the petition. If the commission determines that the
26 proposed municipal boundaries can be altered to meet the standards, it
27 may alter the boundaries and accept the petition.

28 (b) A Local Boundary Commission decision under this section may
29 be appealed under the Administrative Procedure Act (AS 44.62).

1 Sec. 29.05.110. INCORPORATION ELECTION. (a) The Local Boundary
2 Commission shall immediately notify the director of elections of its
3 acceptance of an incorporation petition. Within 30 days after notifi-
4 cation, the director of elections shall order an election in the pro-
5 posed municipality to determine whether the voters desire incorpora-
6 tion and, if so, to elect the initial municipal officials. If incor-
7 poration is rejected, no officials are elected. The election must be
8 held not less than 30 or more than 90 days after the date of the
9 election order. The election order must specify the dates during
10 which nomination petitions for election of initial officials may be
11 filed.

12 (b) A voter who has been a resident of the area within the pro-
13 posed municipality for 30 days before the date of the election order
14 may vote.

15 (c) Areawide borough powers included in an incorporation peti-
16 tion are considered to be part of the incorporation question. In an
17 election for the incorporation of a second class borough, each non-
18 areawide power to be exercised is placed separately on the ballot.
19 Adoption of a nonareawide power requires a majority of the votes cast
20 on the question, and the vote is limited to the voters residing in the
21 proposed borough but outside all cities in the proposed borough.

22 (d) A home rule charter included in an incorporation petition
23 under AS 29.05.060(13) is considered to be part of the incorporation
24 question. The home rule charter is adopted if the voters approve in-
25 corporation of the borough.

26 (e) The director of elections shall supervise the election in
27 the general manner prescribed by the Alaska Election Code (AS 15).
28 The state shall pay all election costs under this section.

29 Sec. 29.05.120. ELECTION OF INITIAL OFFICIALS. (a) Nominations

1 for initial municipal officials are made by petition. The petition
2 shall be in the form prescribed by the director of elections and shall
3 include the name and address of the nominee and a statement of the
4 nominee that the nominee is qualified under the provisions of this
5 title for the office that is sought. A person may file for and occupy
6 more than one office, but may not serve simultaneously as

7 (1) borough mayor and as a member of the assembly; or

8 (2) city mayor and as a member of the council in a first
9 class city.

10 (b) Except for a proposed second class city, petitions to nomi-
11 nate initial officials must include the signature and resident address
12 of 50 voters in the area of the proposed municipality, or that area of
13 the proposed municipality from which the officials are to be elected
14 under the composition and apportionment set out in the accepted incor-
15 poration petition.

16 (c) Petitions to nominate initial officials of a second class
17 city must include the signature and resident address of 10 voters in
18 the area of the proposed city.

19 (d) The director of elections shall supervise the election in
20 the general manner prescribed by the Alaska Election Code (AS 15).
21 The state shall pay all election costs.

22 (e) The initial elected officials take office on the first
23 Monday following certification of their election.

24 (f) The initial elected members of the governing body shall
25 determine by lot the length of their terms of office so that a propor-
26 tionate number of terms expire each year, resulting in staggered terms
27 of office for members subsequently elected.

28 Sec. 29.05.130. INTEGRATION OF SPECIAL DISTRICTS AND SERVICE
29 AREAS. (a) A service area in a newly incorporated municipality shall

1 be integrated into the municipality within two years after the date of
2 incorporation. On integration the municipality succeeds to all the
3 rights, powers, duties, assets and liabilities of the service area.
4 On integration all property in the service area subject to taxation to
5 pay the principal and interest on bonds at the time of integration
6 remains subject to taxation for that purpose.

7 (b) After integration, the municipality may exercise in a former
8 service area all of the rights and powers exercised by the service
9 area at the time of integration, and, as successor to the service
10 area, may levy and collect special charges, taxes, or assessments to
11 amortize bonded indebtedness incurred by the service area or by a
12 municipality in which the service area was formerly located.

13 Sec. 29.05.140. TRANSITION. (a) The powers and duties exer-
14 cised by cities and service areas that are succeeded to by a newly
15 incorporated municipality continue to be exercised by the cities and
16 service areas until the new municipality assumes the powers and func-
17 tions, which may not exceed two years after the date of incorporation.
18 Ordinances, rules, resolutions, procedures, and orders in effect
19 before the transfer remain in effect until superseded by the action of
20 the new municipality.

21 (b) Before the assumption, the new municipality shall give
22 written notice of its assumption of the rights, powers, duties, as-
23 sets, and liabilities under this section and AS 29.05.130 to the city
24 or service area concerned. Municipal officials shall consult with the
25 officials of the city or service area concerned and arrange an orderly
26 transfer.

27 (c) After the incorporation of a new municipality, no service
28 area in it may assume new bonded indebtedness, make a contract, or
29 transfer an asset without the consent of the governing body.

1 (d) This section applies to home rule and general law municipal-
2 ities.

3 Sec. 29.05.150. CHALLENGE OF LEGALITY. A person may not chal-
4 lenge the formation of a municipality except within six months after
5 the date of its incorporation.

6 ARTICLE 3. TRANSITIONAL ASSISTANCE.

7 Sec. 29.05.180. ORGANIZATION GRANTS TO CITIES. (a) To defray
8 the cost of transition to city government and to provide for interim
9 government operations, each city incorporated after December 31, 1985
10 is entitled to an organization grant of \$50,000 for the first full or
11 partial fiscal year after incorporation.

12 (b) To defray the cost of reclassification, each second class
13 city in the unorganized borough incorporated before January 1, 1986
14 that reclassifies as a first class city after December 31, 1985 is
15 entitled to an organization grant equal to \$50,000 for the first full
16 or partial fiscal year after reclassification.

17 (c) The department shall disburse an organization grant under
18 (a) or (b) of this section within 30 days after certification of the
19 incorporation election or the reclassification election, or as soon
20 after certification as money is appropriated and available for the
21 purpose.

22 (d) A city entitled to an organization grant under (a) or (b) of
23 this section is entitled to a second organization grant of \$25,000.
24 The department shall disburse the second organization grant within 30
25 days after the beginning of the city's second fiscal year after incor-
26 poration or reclassification, or as soon after that time as money is
27 appropriated and available for the purpose.

28 Sec. 29.05.190. ORGANIZATION GRANTS TO BOROUGHES. (a) For the
29 purpose of defraying the cost of transition to borough government and

1 to provide for interim governmental operations, each borough incorpo-
2 rated after December 31, 1985, is entitled to organization grants as
3 follows:

4 (1) \$300,000 for the borough's first full or partial fiscal
5 year;

6 (2) \$200,000 for the borough's second fiscal year; and

7 (3) \$100,000 for the borough's third fiscal year.

8 (b) The department shall disburse the first organization grant
9 to a borough within 30 days after certification of the incorporation
10 election favoring incorporation of a borough, or as soon after that as
11 money is appropriated and available for the purpose. The second grant
12 shall be disbursed within 30 days after the beginning of the borough's
13 second fiscal year, or as soon after that as money is appropriated and
14 available for the purpose. The third grant shall be disbursed within
15 30 days after the beginning of the borough's third fiscal year, or as
16 soon after that as money is appropriated and available for the pur-
17 pose.

18 (c) This section does not apply to a borough incorporated by
19 consolidation or to a unified municipality.

20 Sec. 29.05.200. ORGANIZATION GRANT FUND. (a) The organization
21 grant fund is established in the department. An appropriation made to
22 the fund shall be used for organization grants to municipalities that
23 qualify under AS 29.05.180 or 29.05.190.

24 (b) Before August 31 of each fiscal year the department shall
25 submit a report to the Department of Administration indicating

26 (1) each municipality expected to qualify to receive an
27 organization grant during the next fiscal year;

28 (2) the amount of money needed to cover all organization
29 grants expected to be awarded during the next fiscal year.

1 Sec. 29.05.210. TRANSITIONAL ASSISTANCE TO BOROUGHs. (a)
2 Within 30 days after the date of incorporation of a borough incorpo-
3 rated after December 31, 1985, the department shall determine the
4 population of the borough.

5 (b) The department shall provide assistance to each borough in-
6 corporated after December 31, 1985, in

7 (1) establishing the initial sales and use tax assessment
8 and collection department if the borough has adopted a sales or use
9 tax;

10 (2) determining the initial property tax assessment roll if
11 the borough has adopted a property tax, including contracting for
12 appraisals of property needed to complete the initial assessment.

13 (c) This section does not apply to a borough incorporated by
14 consolidation or to a unified municipality.

15 * Sec. 5. AS 29 is amended by adding a new chapter to read:

16 CHAPTER 06. ALTERATION OF MUNICIPALITIES.

17 ARTICLE 1. CHANGE OF NAME.

18 Sec. 29.06.010. CHANGE OF MUNICIPAL NAME. (a) A municipality
19 may change its official name by adopting an ordinance for the purpose
20 that is ratified by the voters and filing the ordinance with the
21 office of the lieutenant governor. Upon receipt of an ordinance
22 ratified by the voters, the lieutenant governor shall issue an order
23 to the municipality changing its name. The name change shall become
24 effective on a date fixed in the order and occurring within 45 days
25 after receipt of the ordinance. A copy of the order shall be trans-
26 mitted to the department.

27 (b) If an ordinance adopted under (a) of this section that
28 results in a change of the municipal name is subsequently repealed,
29 the lieutenant governor shall issue an order reinstating the former

1 name within 45 days after the date of the order, unless a different
2 name is adopted as provided in (a) of this section.

3 (c) When a municipal name change takes effect by means of an
4 order issued under (a) or (b) of this section, a civil or criminal
5 suit, application, petition, hearing or other proceeding to which the
6 municipality is a party and that is pending at or brought after the
7 date the name change takes effect shall proceed in the municipal name
8 as changed by the order.

9 (d) This section applies to home rule and general law municipal-
10 ities.

11 ARTICLE 2. ANNEXATION AND DETACHMENT.

12 Sec. 29.06.040. LOCAL BOUNDARY COMMISSION. (a) The Local
13 Boundary Commission may consider any proposed municipal boundary
14 change. It may reject the proposed change, accept the proposed
15 change, or alter the boundaries and accept the proposal as altered. A
16 Local Boundary Commission decision under this subsection may be ap-
17 pealed under the Administrative Procedure Act (AS 44.62).

18 (b) The Local Boundary Commission may present a proposed muni-
19 cipal boundary change to the legislature during the first 10 days of a
20 regular session. The change becomes effective 45 days after presenta-
21 tion or at the end of the session, whichever is earlier, unless dis-
22 approved by a resolution concurred in by a majority of the members of
23 each house.

24 (c) In addition to the regulations governing annexation by local
25 action adopted under AS 44.47.567, the Local Boundary Commission shall
26 establish procedures for annexation and detachment of territory by
27 municipalities by local action. The procedures established under this
28 subsection include a provision that

29 (1) a proposed annexation and detachment must be approved

1 by a majority of votes on the question cast by voters residing in the
2 area proposed to be annexed or detached;

3 (2) municipally owned property adjoining the municipality
4 may be annexed by ordinance without voter approval; and

5 (3) an area adjoining the municipality may be annexed by
6 ordinance without an election if all property owners and voters in the
7 area petition the governing body.

8 (d) A boundary change effected under (a) and (b) of this section
9 prevails over a boundary change initiated by local action, without
10 regard to priority in time.

11 Sec. 29.06.050. ANNEXATION OF MILITARY RESERVATIONS. A military
12 reservation may be annexed to a municipality in the same manner as
13 prescribed for other territory under AS 29.06.040. If a city in a
14 borough annexes a military reservation under this section, the area
15 encompassing the military reservation automatically is annexed to the
16 borough in which the city is located.

17 Sec. 29.06.060. APPLICATION. AS 29.06.040 - 29.06.060 apply to
18 home rule and general law municipalities.

19 ARTICLE 3. MERGER AND CONSOLIDATION.

20 Sec. 29.06.090. MERGER AND CONSOLIDATION. (a) Two or more
21 municipalities may merge or consolidate to form a single municipality,
22 except a third class borough may not be formed through merger or
23 consolidation.

24 (b) Two methods may be used to initiate merger or consolidation
25 of municipalities:

26 (1) petition to the Local Boundary Commission under regula-
27 tions adopted by the commission; or

28 (2) the local option method specified in AS 29.06.100 -
29 29.06.160.

1 Sec. 29.06.100. PETITION. (a) Residents of two or more municipi-
2 palities may file a merger or consolidation petition with the depart-
3 ment. The petition must be signed by a number of voters of each
4 existing municipality equal to at least 25 percent of the number of
5 votes cast in each municipality's last regular election.

6 (b) The petition includes

7 (1) the name and class of each existing municipality;

8 (2) the name and class of the proposed municipality;

9 (3) the proposed composition and apportionment of the
10 governing body;

11 (4) maps, documents, and other information that shows that
12 the proposed municipality meets the standards for municipal incorpora-
13 tion.

14 Sec. 29.06.110. REVIEW. (a) The department shall review a
15 merger or consolidation petition for content and signatures and shall
16 return a deficient petition for correction or completion.

17 (b) If the petition contains the required information and signa-
18 tures, the department shall investigate the proposal.

19 (c) The department shall report its findings to the Local Bound-
20 ary Commission with its recommendations regarding the merger or con-
21 solidation.

22 Sec. 29.06.120. HEARING. After receipt of the report by the
23 department on a merger or consolidation petition, the Local Boundary
24 Commission shall hold at least one public hearing in each of the
25 existing municipalities included in the petition, unless officials of
26 the municipalities agree to a single hearing.

27 Sec. 29.06.130. DECISION. (a) If the Local Boundary Commission
28 determines that the proposed municipality fails to meet the standards
29 for incorporation, it shall reject the merger or consolidation

1 petition. If the commission determines that the proposed municipality
2 meets these standards, it shall accept the petition. If the commis-
3 sion determines that the proposed boundaries or the composition and
4 apportionment of the governing body can be altered to meet the stan-
5 dards, it may alter the proposal and accept the petition.

6 (b) A Local Boundary Commission decision under this section may
7 be appealed under the Administrative Procedure Act (AS 44.62).

8 Sec. 29.06.140. ELECTION. (a) The Local Boundary Commission
9 shall immediately notify the director of elections of its acceptance
10 of a merger or consolidation petition. Within 30 days after notifica-
11 tion, the director of elections shall order an election in the area to
12 be included in the new municipality to determine whether the voters
13 desire merger or consolidation. The election must be held not less
14 than 30 or more than 90 days after the election order. A voter who is
15 a resident of the area to be included in the proposed municipality may
16 vote.

17 (b) The director of elections shall supervise the election in
18 the general manner prescribed by the Alaska Election Code (AS 15).
19 The state shall pay all election costs.

20 (c) The director of elections shall certify the election re-
21 sults. If merger or consolidation is approved, the director of elec-
22 tions shall, within 10 days, set a date for election of officials of
23 the new municipality. The election date must be not less than 60 or
24 more than 90 days after the election order and it is the effective
25 date for the merger or consolidation.

26 Sec. 29.06.150. ASSETS AND LIABILITIES. (a) When two or more
27 municipalities merge, one succeeds to the rights, powers, duties,
28 assets, and liabilities of the others.

29 (b) When two or more municipalities consolidate, the newly

1 incorporated municipality succeeds to the rights, powers, duties,
2 assets, and liabilities of the consolidated municipalities.

3 Sec. 29.06.160. TRANSITION. After merger or consolidation, the
4 ordinances, resolutions, regulations, procedures, and orders of the
5 former municipalities remain in force in their respective territories
6 until superseded by the action of the new municipality.

7 Sec. 29.06.170. APPLICATION. AS 29.06.090 - 29.06.170 apply to
8 home rule and general law municipalities.

9 ARTICLE 4. UNIFICATION OF MUNICIPALITIES.

10 Sec. 29.06.190. UNIFICATION OF MUNICIPALITIES AUTHORIZED. A
11 borough and all cities in the borough may unite to form a single unit
12 of home rule government by complying with AS 29.06.190 - 29.06.410.

13 Sec. 29.06.200. UNIFICATION PROPOSED. (a) Formation of a
14 charter commission to prepare a unification charter shall be proposed
15 by resolution of the assembly or by petition. A resolution to propose
16 formation of a charter commission may be adopted not more often than
17 once every 12 months.

18 (b) An assembly, a council, or a person living in the area
19 proposed for unification may initiate a unification petition.

20 Sec. 29.06.210. PETITION REQUIREMENTS. (a) A unification peti-
21 tion shall read:

22 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICA-
23 TION CHARTER. We, the undersigned, qualified voters of the borough do
24 hereby petition that the following proposition be placed before the
25 voters as provided by law: 'Shall a charter commission be formed (and
26 charter commission members be elected as elsewhere provided on this
27 ballot) to prepare, adopt and submit to the voters for their approval
28 or rejection a proposed charter uniting the borough and all cities
29 within it as a single unit of home rule government having the powers,

1 cities in the borough.

2 Sec. 29.06.250. CHARTER COMMISSION NOMINATIONS. (a) If the
3 assembly determines that a unification petition meets the requirements
4 of AS 29.06.210, or the assembly by its resolution proposes an elec-
5 tion on formation of a charter commission, the assembly shall issue a
6 call for the nomination of commission candidates, specifying the
7 filing deadline and the procedure for making nominations.

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

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

16 (d) If at least one nomination of a qualified charter commission
17 candidate for each available seat is not filed, the unification peti-
18 tion or resolution to propose formation of a charter commission is
19 void and no election on the question shall be held.

20 Sec. 29.06.260. QUALIFICATIONS OF CANDIDATES. A person is eli-
21 gible to be nominated as a candidate for the charter commission if
22 that person is a voter of the area from which election is sought and
23 has been a voter of the area for at least one year immediately preced-
24 ing the date the nomination petition is filed.

25 Sec. 29.06.270. ELECTION OF CHARTER COMMISSION. (a) After
26 receipt of a valid unification petition or adoption of an assembly
27 resolution to propose formation of a charter commission, the assembly
28 shall submit to the voters the question of whether a charter commis-
29 sion shall be formed to prepare a proposed unification charter. The

1 vote shall be held at the next regular borough election scheduled at
2 least 90 days after receipt of the petition or adoption of the resolu-
3 tion. The ballot shall be worded exactly as in AS 29.06.210(a).

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

7 (c) All costs incurred in conducting an election under AS 29.-
8 06.190 - 29.06.410 shall be paid by the borough.

9 Sec. 29.06.280. REQUIREMENTS FOR APPROVAL OF FORMATION AND
10 ELECTION OF CHARTER COMMISSION. (a) The votes on the question of
11 formation of a charter commission shall be tabulated in two separate
12 classifications. One classification consists of all votes cast in
13 first class and home rule cities in the borough. The other classifi-
14 cation consists of all votes cast in the remaining area of the bor-
15 ough. In order for formation of a charter commission to be approved,
16 a majority of the votes in each classification must favor formation of
17 the commission.

18 (b) If formation of a charter commission is approved, the candi-
19 dates who received the highest number of votes from their respective
20 areas shall serve as members of the commission.

21 Sec. 29.06.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE.

22 (a) The charter commission shall hold its first meeting within 30
23 days after certification of its election. The commission shall elect
24 from among its members a chairman and a deputy chairman.

25 (b) A majority of the total membership of the charter commission
26 constitutes a quorum. A decision of the commission is not valid or
27 binding unless approved by the number of members necessary to consti-
28 tute a quorum.

29 (c) The charter commission may elect other officials from among

1 its membership, adopt rules governing its procedures that are consis-
2 tent with AS 29.06.190 - 29.06.410 and hire and discharge employees.

3 (d) Meetings of the charter commission shall be open to the
4 public at all times. A journal of commission proceedings shall be
5 kept and made available for public inspection at the borough office.

6 Sec. 29.06.300. VACANCIES. (a) Vacancies on the charter com-
7 mission shall be filled by a majority vote of the commission, except
8 the assembly shall appoint members to fill vacancies if, after a
9 proposed charter is rejected by the voters, more than one-half of the
10 members resign.

11 (b) A person who fills a vacancy on the charter commission must
12 be a voter of the same area as the person succeeded and must have been
13 a voter of that area for at least one year immediately preceding the
14 date the vacancy is filled.

15 Sec. 29.06.310. PER DIEM. The assembly may grant a per diem
16 allowance to members of the charter commission and may reimburse the
17 members for travel expenses incurred in carrying out the duties pre-
18 scribed by AS 29.06.190 - 29.06.410. Costs, fees, and other expenses
19 incurred by the commission are a debt of the borough and shall be paid
20 upon proper verification.

21 Sec. 29.06.320. CHARTER PROVISIONS. The charter shall include

22 (1) provision for

23 (A) the adjustment of existing bonded indebtedness and
24 other obligations in a manner that will assure a fair and equit-
25 able burden of taxation for debt service, subject to AS 29.06.-
26 380;

27 (B) the establishment of service areas;

28 (C) if election of members of the governing body is
29 not areawide, the establishment of districts for the election of

1 members of the governing body of the proposed unified municipal-
2 ity and procedures by which to reapportion the election dis-
3 tricts;

4 (D) the reapportionment of districts if they are
5 established;

6 (E) nonpartisan government, and the selection, organi-
7 zation, authority, and responsibilities of the governing body and
8 its executive and administrator;

9 (F) the transfer or other disposition of property and
10 other rights, claims, assets, and franchises of the municipal-
11 ities to be unified under the charter;

12 (G) the exercise of the rights of initiative and
13 referendum in accordance with AS 29.10.030;

14 (H) amending the charter in accordance with AS 29.10.-
15 100;

16 (2) the date on which the charter, if approved at the
17 charter election, is effective;

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

20 (4) other charter provisions that may be included in a home
21 rule charter.

22 Sec. 29.06.330. PUBLIC HEARINGS. Both before and after drafting
23 the proposed home rule charter, the charter commission shall hold a
24 public hearing in each area represented on the assembly. Other public
25 hearings may be held by the commission as it considers necessary.

26 Sec. 29.06.340. FILING OF PROPOSED CHARTER. Upon the adoption
27 of a proposed home rule charter by the charter commission, the charter
28 shall be signed by at least a majority of the total membership of the
29 commission and shall be filed with the borough clerk. A copy of the

1 charter with signatures affixed shall also be filed with the clerk of
2 each city in the borough.

3 Sec. 29.06.350. PUBLICATION AND POSTING OF PROPOSED CHARTER.
4 Within 10 days after filing the proposed home rule charter, the bor-
5 ough clerk shall have it published. In addition, the clerk shall have
6 a copy of the proposed charter posted in at least three public places
7 in each city and each unincorporated community in the borough. Copies
8 of the proposed charter shall be made available by the assembly to the
9 public at both the office of the borough clerk and the office of the
10 clerk of each city in the borough. The clerk shall have notice of the
11 publication, posting, and availability of the proposed charter pub-
12 lished.

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

21 (b) A person who is a voter of the borough may vote in the elec-
22 tion on the proposed charter.

23 (c) If a majority of the votes in the area of the borough out-
24 side all home rule or first class cities, and a majority of the votes
25 in all home rule and first class cities in the borough are cast in
26 favor of the proposed charter, the charter is ratified. If the char-
27 ter is ratified, election results shall be certified to the commission
28 and two copies of the charter shall be filed with

29 (1) the lieutenant governor;

- 1 (2) the department;
2 (3) the district recorder for the area of the borough;
3 (4) the clerk of the borough;
4 (5) the clerk of each city in the borough.

5 (d) If a proposed charter is rejected, the charter commission
6 shall prepare, adopt, and submit another proposed charter to the
7 voters at a borough election held within one year after the date of
8 the first charter election. If the second proposed charter is also
9 rejected, the charter commission shall be dissolved and the question
10 of unification shall be treated as if it had never been proposed or
11 approved.

12 Sec. 29.06.370. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon
13 ratification, the home rule charter of a unified municipality operates
14 to dissolve all municipalities in the area unified in accordance with
15 the charter.

16 Sec. 29.06.380. ASSETS AND LIABILITIES. A unified municipality
17 shall succeed to all the assets and liabilities of the municipalities
18 it unified. A bonded indebtedness or other debt incurred before
19 unification remains the tax obligation of the area that contracted the
20 debt, except that by ordinance the tax obligation may be assumed by a
21 larger area if the governing body determines that the asset for which
22 the bonded indebtedness or other debt was incurred benefited the
23 larger area before unification, or benefits the larger area after
24 unification. However, bonded indebtedness or other debt for sewage
25 collection systems, water distribution systems, and streets, even if
26 determined to be benefiting a larger area than that which incurred the
27 debt, remains the tax obligation of the area that incurred the debt.

28 Sec. 29.06.390. TRANSITION. Within two years after ratification
29 of the home rule charter, the unified municipality shall revise,

1 repeal, or reaffirm all municipal ordinances, resolutions, and orders
2 in effect in the area of the unified municipality on the date of
3 unification. Each ordinance, resolution, regulation, or order in
4 effect on the date of unification remains in effect until superseded
5 by action of the unified municipality.

6 Sec. 29.06.400. RIGHT TO STATE AND FEDERAL AID. All provisions
7 of law authorizing aid from the state or federal government to a
8 former municipality that was in the area of a unified municipality
9 remain in effect after unification.

10 Sec. 29.06.410. POWERS OF A UNIFIED MUNICIPALITY. A municipal-
11 ity unified under AS 29.06.190 - 29.06.410 has all powers

12 (1) not prohibited by law or charter; and

13 (2) granted to a home rule borough.

14 Sec. 29.06.420. APPLICATION. AS 29.06.190 - 29.06.420 apply to
15 home rule and general law municipalities.

16 ARTICLE 5. DISSOLUTION.

17 Sec. 29.06.450. METHODS OF DISSOLUTION. (a) No petition
18 methods may be used to initiate dissolution of a municipality;

19 (1) petition to the Local Boundary Commission under regula-
20 tions adopted by the commission; or

21 (2) the local option method specified in AS 29.06.460 -
22 29.06.510.

23 (b) The department shall investigate a municipality that it con-
24 siders to be inactive and shall report to the Local Boundary Commis-
25 sion on the status of the municipality. The commission may submit its
26 recommendation to the legislature that the municipality be dissolved
27 in the manner provided for submission of boundary changes in art. X,
28 sec. 12 of the state constitution.

29 (c) A borough is dissolved when its entire territory is included

1 in a home rule or first class city or cities. A city is dissolved
2 when all its powers become areawide borough powers.

3 Sec. 29.06.460. PETITION. (a) Voters of a municipality may
4 file a dissolution petition with the department in the form prescribed
5 by the department. The petition must be signed by a number of voters
6 equal to at least 25 percent of the number of votes cast in the last
7 regular election in that municipality.

8 (b) The petition must include

9 (1) the name of the municipality;

10 (2) maps, documents, and other information showing that the
11 municipality meets the standards for dissolution.

12 Sec. 29.06.470. STANDARDS. (a) Except as provided in (b) of
13 this section, voters of a municipality may petition for dissolution
14 when the municipality is free of debt, or, if in debt, each of its
15 creditors is satisfied with a method of repayment and

16 (1) it no longer meets the minimum standards prescribed for
17 incorporation by AS 29.05, or former AS 29.18.030 if it is a third
18 class borough; or

19 (2) the municipality ceases to use each of its mandatory
20 powers.

21 (b) Voters of a city in a borough may petition for dissolution
22 of the city if the borough consents to assume the city's rights,
23 powers, duties, assets, and liabilities. The consent must be ratified
24 by a majority of borough voters voting on the question.

25 Sec. 29.06.480. REVIEW. (a) The department shall review a dis-
26 solution petition for content and signatures, and shall return a defi-
27 cient petition for correction or completion.

28 (b) If the petition contains the required information and signa-
29 tures, the department shall investigate the proposal.

1 Sec. 29.06.490. REPORT AND HEARING. (a) The department shall
2 report its findings to the Local Boundary Commission with its recom-
3 mendation regarding the dissolution of a municipality.

4 (b) The Local Boundary Commission shall hold at least one public
5 hearing in the municipality proposed to be dissolved.

6 Sec. 29.06.500. DECISION. (a) If the Local Boundary Commission
7 determines that a municipality fails to meet the standards for disso-
8 lution, it shall reject the petition. If the commission determines
9 that the municipality meets the standards, it shall accept the peti-
10 tion.

11 (b) A Local Boundary Commission decision under this section may
12 be appealed under the Administrative Procedure Act (AS 44.62).

13 Sec. 29.06.510. ELECTION. (a) The Local Boundary Commission
14 shall immediately notify the director of elections of its acceptance
15 of a dissolution petition. Within 30 days after notification, the
16 director of elections shall order an election in the municipality to
17 determine whether the voters desire dissolution. The election must be
18 held at least 30 and not more than 90 days after the election order.
19 A person who is a voter of the municipality may vote in the dissolu-
20 tion election.

21 (b) The director of elections shall supervise the election in
22 the general manner prescribed by the Alaska Election Code (AS 15).
23 The state shall pay all election costs.

24 (c) The director of elections shall certify the election re-
25 sults. If dissolution is approved, the director of elections shall
26 declare that the municipality is dissolved effective on the date of
27 certification.

28 Sec. 29.06.520. SUCCESSION. The government succeeding to a dis-
29 solved municipality succeeds to all its rights, powers, duties,

1 assets, and liabilities.

2 Sec. 29.06.530. APPLICATION. AS 29.06.450 - 29.06.530 apply to
3 home rule and general law municipalities.

4 * Sec. 6. AS 29 is amended by adding a new chapter to read:

5 CHAPTER 10. HOME RULE MUNICIPALITIES.

6 ARTICLE 1. CHARTERS.

7 Sec. 29.10.010. MUNICIPAL CHARTER ADOPTION. (a) A general law
8 borough or first class city may adopt a charter for its own govern-
9 ment.

10 (b) At an election for borough incorporation, an area in the
11 unorganized borough may adopt a charter for its own government and in-
12 corporate as a home rule borough.

13 (c) A home rule municipality may adopt a new charter.

14 (d) A proposed charter for an existing municipality is prepared
15 by a charter commission of seven elected members. A charter commis-
16 sion election is called by filing a petition with the governing body
17 or by resolution of the governing body. The petition shall be signed
18 by a number of voters equal to 15 percent of the votes cast in the
19 last regular election in the municipality.

20 (e) The proposed charter for an area of the unorganized borough
21 shall be prepared by the petitioners and filed under AS 29.05.060 with
22 the petition to incorporate a home rule borough.

23 Sec. 29.10.020. MODEL CHARTERS. The department shall prepare at
24 least one model home rule charter for a borough. The model charter
25 shall be made available to persons interested in filing a petition to
26 incorporate a home rule borough under AS 29.05.060.

27 Sec. 29.10.030. INITIATIVE AND REFERENDUM. (a) A home rule
28 charter shall provide procedures for initiative and referendum.

29 (b) A charter may not require an initiative or referendum

1 petition to have a number of signatures greater than 25 percent of the
2 total votes cast in the municipality at the last regular election.

3 (c) A charter may not permit the initiative and referendum to be
4 used for a purpose prohibited by art. XI, sec. 7 of the state consti-
5 tution.

6 Sec. 29.10.040. CHARTER COMMISSION CANDIDATES. (a) A candidate
7 for a charter commission shall be a voter of an existing municipality
8 for three years immediately preceding the charter commission election.

9 (b) A charter commission candidate is nominated by a petition
10 signed by at least 50 voters or the number of voters equal to 10
11 percent of the number of votes cast in the municipality during the
12 last regular election, whichever is less. A nomination petition shall
13 be filed with the municipal clerk on or before a date fixed by the
14 governing body.

15 (c) If at least seven nominations for qualified charter commis-
16 sion candidates are not filed, the petition or resolution calling for
17 a charter commission is void and no election on the question may be
18 held.

19 Sec. 29.10.050. CHARTER COMMISSION ELECTION. At a charter com-
20 mission election the voters of an existing municipality shall consider
21 the question "Shall a charter commission be elected to prepare a pro-
22 posed charter?" and shall elect the members of the commission. If the
23 question is approved, the seven candidates receiving the highest
24 number of votes shall immediately organize as a charter commission.

25 Sec. 29.10.060. PREPARATION OF CHARTER BY CHARTER COMMISSION.
26 The charter commission shall, within one year, prepare a proposed home
27 rule charter for an existing municipality. The proposed charter shall
28 be signed by a majority of the members of the commission and filed in
29 the office of the municipal clerk. Within 15 days, the clerk shall

1 have the proposed charter published and make copies available. The
2 commission shall give published notice of and hold at least one public
3 hearing on the proposed charter before the signing and filing of the
4 charter.

5 Sec. 29.10.070. CHARTER ELECTION. The proposed home rule char-
6 ter for an existing municipality shall be submitted to the voters at
7 an election held not less than 30 days or more than 90 days after the
8 proposed charter is published. The proposed home rule charter for an
9 area in the unorganized borough shall be submitted to the voters at an
10 incorporation election held under AS 29.05.110.

11 Sec. 29.10.080. CHARTER ADOPTION. (a) If a majority of those
12 voting in an existing municipality favor the proposed charter or if a
13 majority of those voting in an area in the unorganized borough favor
14 incorporation of a home rule borough, the proposed charter becomes the
15 organic law of the municipality effective on the date the election is
16 certified. Thereafter, a court shall take judicial notice of the
17 charter. The new home rule municipality shall file the indicated
18 number of copies of the charter with

- 19 (1) the lieutenant governor -- two copies;
- 20 (2) the department -- two copies;
- 21 (3) the district recorder -- one copy;
- 22 (4) the municipal clerk -- one copy.

23 (b) At the time of voting on the proposed charter in a third
24 class borough, voters shall vote also on whether the borough shall, on
25 adoption of the charter, retain a combined assembly and school board
26 or elect a separate assembly and board as otherwise provided for home
27 rule boroughs. If a combined assembly and school board are approved
28 at the charter election, the assembly serving at the time of the
29 election continues to serve as the assembly and board on voter

1 approval of the charter and until terms of assembly members expire as
2 provided before adoption of the charter. If a separate board and
3 assembly are approved at the charter election, a school board shall be
4 elected in conformity with AS 14.12.030 - 14.12.100 at the next regu-
5 lar election, if it occurs within 90 days of the date of the charter
6 election, or otherwise at a special election within 90 days of the
7 date of the charter election. Expiration dates of terms of school
8 board members elected at a special election must coincide with the
9 date of the regular election. Until a board is elected and qualified,
10 the assembly continues to serve as the board.

11 Sec. 29.10.090. CHARTER REJECTION. (a) If a proposed charter
12 for an existing municipality is rejected, the charter commission shall
13 prepare another proposed charter to be submitted to the voters at an
14 election to be held within one year after the date of the first char-
15 ter election. If the second proposed charter is also rejected, the
16 charter commission shall be dissolved and the question of adoption of
17 a charter shall be treated as if it had never been proposed or ap-
18 proved.

19 (b) If incorporation of a home rule borough is rejected by the
20 voters in an area in the unorganized borough, the proposed charter is
21 rejected.

22 Sec. 29.10.100. CHARTER AMENDMENT. (a) A home rule charter may
23 be amended as provided in the charter, except that no amendment is
24 effective unless ratified by the voters.

25 (b) This section applies to home rule municipalities.

26 ARTICLE 2. HOME RULE LIMITATIONS.

27 Sec. 29.10.200. LIMITATION OF HOME RULE POWERS. Only the fol-
28 lowing provisions of this title apply to home rule municipalities as
29 prohibitions on acting otherwise than as provided. These provisions

1 supersede existing and prohibit future home rule enactments that
2 provide otherwise:

- 3 (1) AS 29.05.140 (transition)
- 4 (2) AS 29.06.010 (change of municipal name)
- 5 (3) AS 29.06.040 - 29.06.060 (annexation and detachment)
- 6 (4) AS 29.06.090 - 29.06.170 (merger and consolidation)
- 7 (5) AS 29.06.190 - 29.06.420 (unification of municipali-
8 ties)
- 9 (6) AS 29.06.450 - 29.06.530 (dissolution)
- 10 (7) AS 29.10.100 - (charter amendment)
- 11 (8) AS 29.20.010 (conflict of interest)
- 12 (9) AS 29.20.020 (meetings public)
- 13 (10) AS 29.20.050 (legislative power)
- 14 (11) AS 29.20.060 - 29.20.120 (assembly composition and
15 apportionment)
- 16 (12) AS 29.20.140 (qualifications of members of governing
17 bodies)
- 18 (13) AS 29.20.150 (term of office)
- 19 (14) AS 29.20.220 (executive power)
- 20 (15) AS 29.20.630 (prohibitions)
- 21 (16) AS 29.20.640 (reports)
- 22 (17) AS 29.25.010(a)(10) (municipal exemption on contractor
23 bond requirements)
- 24 (18) AS 29.25.050 (codification)
- 25 (19) AS 29.25.060 (resolutions)
- 26 (20) AS 29.26.030 (notice of elections)
- 27 (21) AS 29.26.050 (voter qualification)
- 28 (22) AS 29.26.250 - 29.26.360 (recall)
- 29 (23) AS 29.35.020 (extraterritorial jurisdiction)

- 1 (24) AS 29.35.030 (eminent domain)
2 (25) AS 29.35.050 (garbage and solid waste services)
3 (26) AS 29.35.070 (public utilities)
4 (27) AS 29.35.080 (alcoholic beverages)
5 (28) AS 29.35.120 (post audit)
6 (29) AS 29.35.145 (regulation of firearms)
7 (30) AS 29.35.160 (education)
8 (31) AS 29.35.170(b) (assessment and collection of taxes)
9 (32) AS 29.35.180(b) (land use regulation)
10 (33) AS 29.35.250 (cities inside boroughs)
11 (34) AS 29.35.260 (cities outside boroughs)
12 (35) AS 29.35.340 (acquisition of areawide power)
13 (36) AS 29.40.160(a) - (c) (title to vacated areas)
14 (37) AS 29.40.200 (subdivisions of state land)
15 (38) AS 29.45.010 - 29.45.570 (property taxes)
16 (39) AS 29.45.650(c) and (d) (sales and use tax)
17 (40) AS 29.46.090 (exemption from special assessment)
18 (41) AS 29.47.200(b) (security for bonds)
19 (42) AS 29.47.260 (construction)
20 (43) AS 29.60.050(a) (limitation on computation and use of
21 payment)
22 (44) AS 29.60.120(a) and (c) (state aid for health facili-
23 ties and hospitals)
24 (45) AS 29.65.010 - 29.65.140 (general grant land)

25 * Sec. 7. AS 29 is amended by adding a new chapter to read:

26 CHAPTER 20. MUNICIPAL OFFICERS AND EMPLOYEES.

27 ARTICLE 1. CONFLICT OF INTEREST AND PUBLIC MEETINGS.

28 Sec. 29.20.010. CONFLICT OF INTEREST. (a) Each municipality
29 shall adopt a conflict of interest ordinance that provides that

1 (1) a member of the governing body shall declare a substan-
2 tial financial interest the member has in an official action and ask
3 to be excused from a vote on the matter;

4 (2) the presiding officer shall rule on a request by a
5 member of the governing body to be excused from a vote;

6 (3) the decision of the presiding officer on a request by a
7 member of the governing body to be excused from a vote may be overrid-
8 den by the majority vote of the governing body; and

9 (4) a municipal employee or official, other than a member
10 of the governing body, may not participate in an official action in
11 which the employee or official has a substantial financial interest.

12 (b) If a municipality fails to adopt a conflict of interest
13 ordinance within 180 days after January 1, 1986, the provisions of
14 this section are automatically applicable to and binding upon that
15 municipality.

16 (c) This section applies to home rule and general law municipal-
17 ities.

18 Sec. 29.20.020. MEETINGS PUBLIC. (a) Meetings of all municipal
19 bodies shall be public as provided in AS 44.62.310. The governing
20 body shall provide reasonable opportunity for the public to be heard
21 at regular and special meetings.

22 (b) This section applies to home rule and general law municipal-
23 ities.

24 ARTICLE 2. GOVERNING BODIES.

25 Sec. 29.20.050. LEGISLATIVE POWER. (a) The legislative power
26 of a borough is vested in the assembly. The legislative power of a
27 city is vested in the council.

28 (b) This section applies to home rule and general law municipal-
29 ities.

1 Sec. 29.20.060. ASSEMBLY COMPOSITION AND APPORTIONMENT. (a)
2 Assembly composition and apportionment shall be consistent with the
3 equal representation standards of the Constitution of the United
4 States.

5 (b) The assembly of a newly incorporated borough is, after
6 incorporation and until the adoption of an ordinance providing for a
7 change in composition or apportionment, composed of the number of
8 members and apportioned as set out in the incorporation petition
9 approved by the voters. If the borough is already incorporated, the
10 assembly shall be composed and apportioned in a manner that is consis-
11 tent with the requirements of this section and prescribed by charter
12 or ordinance.

13 (c) An assembly may not provide for weighted voting.

14 (d) A member of the assembly may not be elected or appointed by
15 and from the council of a city in the borough.

16 (e) This section applies to home rule and general law municipal-
17 ities.

18 Sec. 29.20.070. ASSEMBLY COMPOSITION AND FORM OF REPRESENTATION.

19 (a) The assembly shall provide for its composition and for the form
20 of its representation.

21 (b) Not later than the first regular election that occurs after
22 the report of a federal decennial census, the assembly shall propose
23 and submit to the voters of the borough, at that regular election or
24 at a special election called for the purpose, one or more forms of
25 assembly representation. The forms of representation that the assem-
26 bly may submit to the voters are:

27 (1) election of members of the assembly at large by the
28 voters throughout the borough;

29 (2) election of members of the assembly by district,

1 including

2 (A) election at large by the voters throughout the

3 borough, but with a requirement that a candidate live in an

4 election district established by the borough for election of

5 assembly members; or

6 (B) election from election districts established by

7 the borough for the election of assembly members by the voters of

8 a district;

9 (3) election of members of the assembly both at large and

10 by district.

11 (c) A form of assembly representation that includes election of

12 assembly members under b)(2) or (b)(3) of this section shall be sub-

13 mitted to the voters of the borough with a plan of apportionment as

14 required by AS 29.20.080.

15 (d) The assembly shall, within 30 days after certification of

16 the results of the election held under this section, adopt an ordi-

17 nance providing for

18 (1) composition of the assembly;

19 (2) the form of assembly representation that received the

20 most votes; and

21 (3) if applicable, the apportionment of assembly seats in

22 accordance with the form of representation that received the most

23 votes.

24 (e) This section applies to home rule and general law municipal-

25 ities, except it does not apply to a

26 (1) unified municipality;

27 (2) home rule borough if the home rule charter contains

28 procedures for changing assembly composition and form of representa-

29 tion.

1 Sec. 29.20.080. ASSEMBLY RECOMPOSITION AND REAPPORTIONMENT. (a)

2 Not later than two months after the official report of a federal de-
3 cennial census, the assembly shall determine and declare by resolution
4 whether the existing apportionment of the assembly meets the standards
5 of AS 29.20.060. If the assembly submits to the voters a form of
6 representation that includes election of assembly members under
7 AS 29.20.070(b)(2) or (b)(3) the assembly shall submit with the propo-
8 sition a proposed plan of apportionment that corresponds to the form
9 of representation proposed. The assembly shall describe the plan of
10 apportionment in the ballot proposition, and may present the plan in
11 any manner that it believes accurately describes the apportionment
12 that is proposed under the form of representation. If the assembly
13 determines that its existing apportionment meets the standards of
14 AS 29.20.060, the assembly may include the existing apportionment as a
15 proposed plan of apportionment of assembly seats that corresponds to a
16 form of representation that is proposed.

17 (b) The assembly shall provide, by ordinance, for a change in an
18 existing apportionment of the assembly whenever it determines that the
19 apportionment does not meet the standards of AS 29.20.060. At the
20 same time, the assembly may, by ordinance, change the composition of
21 the assembly.

22 (c) If a petition signed by not less than 50 voters requests the
23 assembly to determine whether the existing apportionment meets the
24 standards for apportionment in AS 29.20.060, and the petition contains
25 evidence that the existing apportionment does not meet those stan-
26 dards, the assembly may make the determination requested. The assem-
27 bly shall make a determination required by this subsection within two
28 months of receipt of a petition that meets the requirements of this
29 subsection.

1 (d) An ordinance adopted by the assembly under (b) or (c) of
2 this section shall be submitted to the voters for approval. In order
3 for the ordinance to be approved it must receive the approval of a
4 majority of the votes cast.

5 (e) Within six months after a determination by the assembly
6 under (b) or (c) of this section that the current apportionment does
7 not meet the standards of AS 29.20.060 the assembly shall adopt an
8 ordinance providing for reapportionment and submit the ordinance to
9 the voters. If, at the end of the six-month time period, an ordinance
10 providing for reapportionment has not been approved by the voters, the
11 commissioner shall provide for the reapportionment in accordance with
12 the standards of AS 29.20.060 by preparing an order of reapportionment
13 and delivering the order to the borough mayor.

14 Sec. 29.20.090. APPORTIONMENT APPEALS. (a) A reapportionment
15 ordinance approved by the voters, or a decision of the assembly that
16 the standards of AS 29.20.060 do not require a change in apportion-
17 ment, may be appealed to the commissioner. Fifty voters may submit a
18 petition to the commissioner requesting the commissioner to determine
19 whether the proposed reapportionment ordinance approved by the voters
20 meets the standards of AS 29.20.060 or whether a decision of the
21 assembly that the standards of AS 29.20.060 do not require a change of
22 apportionment is correct. If the petition asks the commissioner to
23 review an ordinance approved by the voters under AS 29.20.080(e), the
24 petition shall be delivered to the commissioner not later than 20 days
25 after certification of the election. If the petition asks the commis-
26 sioner to review a decision of the assembly under AS 29.20.080(c), the
27 petition shall be delivered to the commissioner within 20 days of the
28 decision of the assembly.

29 (b) The commissioner shall review the petition and may make the

1 determination requested. The commissioner shall provide copies of the
2 determination to the persons petitioning for appeal and to borough
3 officials not later than 60 days after the commissioner receives the
4 petition.

5 (c) If the commissioner determines that the proposed reapportionment ordinance approved by the voters does not meet the standards
6 of AS 29.20.060, or if the commissioner determines that the decision
7 of the assembly that the standards of AS 29.20.060 do not require a
8 change of apportionment is not correct, the commissioner shall, by
9 order, direct the assembly to prepare a reapportionment ordinance that
10 meets the standards of AS 29.20.060 and submit the ordinance to the
11 voters.
12

13 (d) When the assembly has been directed by the commissioner to
14 prepare a reapportionment ordinance under (c) of this section, the
15 assembly shall, within two months after its receipt of the commis-
16 sioner's order, adopt an ordinance providing for reapportionment. The
17 assembly shall submit an ordinance adopted under this subsection to
18 the voters at an election held within 60 days after the date of adop-
19 tion of the reapportionment ordinance.

20 (e) If at the end of the time period provided under (d) of this
21 section an ordinance providing for reapportionment has not been ap-
22 proved by the voters, the commissioner shall provide for the reapportionment of the assembly in accordance with the standards of AS 29.-
23 20.060 by preparing an order of reapportionment and delivering the
24 order to the borough mayor.
25

26 Sec. 29.20.100. JUDICIAL REVIEW AND RELIEF. (a) The commis-
27 sioner may request the superior court to enforce a reapportionment
28 order issued under AS 29.20.090(e).

29 (b) Each of the following is subject to judicial review:

- 1 (1) a plan of reapportionment approved by the voters under
2 AS 29.20.080(a);
- 3 (2) a determination by the assembly under AS 29.20.080 that
4 the standards of AS 29.20.060 do not require a change in appor-
5 tionment;
- 6 (3) a reapportionment ordinance approved by the voters
7 under AS 29.20.080(d);
- 8 (4) a reapportionment order of the commissioner made under
9 AS 29.20.090(c);
- 10 (5) a reapportionment ordinance approved by the voters
11 under AS 29.20.090(d); and
- 12 (6) a reapportionment order of the commissioner made under
13 AS 29.20.090(e).
- 14 Sec. 29.20.110. EFFECTIVE DATE OF APPORTIONMENT. (a) A change
15 in assembly apportionment or composition under AS 29.20.080 or 29.20.-
16 090 is effective beginning with the first regular election for members
17 of the assembly that is held more than 60 days after the later of
- 18 (1) approval of a reapportionment ordinance by the voters
19 under AS 29.20.080(a), 29.20.080(e), or 29.20.090(d); or
- 20 (2) the delivery to the mayor of a reapportionment order of
21 the commissioner under AS 29.20.090(d).
- 22 (b) The provisions of (a) of this section do not apply to a
23 borough in which a change in assembly composition or apportionment is
24 subject to review and approval or determination of nonobjection by the
25 Attorney General of the United States under the Voting Rights Act of
26 1965, as amended (42 U.S.C. 1971 - 1974). A change in assembly compo-
27 sition or apportionment subject to review under the Voting Rights Act
28 of 1965, as amended, is effective beginning with the first regular
29 election for members of the assembly that is held more than 60 days

1 after

2 (1) receipt by the assembly of approval by the Attorney
3 General of the United States of the proposed change in the composition
4 or apportionment of the assembly;

5 (2) the delivery to the mayor of a reapportionment order of
6 the commissioner under AS 29.20.090(e); or

7 (3) the last day on which the Attorney General of the
8 United States may review a proposed change in the composition or
9 apportionment of the assembly.

10 Sec. 29.20.120. APPLICABILITY OF APPORTIONMENT PROVISIONS. The
11 provisions of AS 29.20.080 - 29.20.110 apply to home rule and general
12 law municipalities, except they do not apply to a

13 (1) unified municipality;

14 (2) home rule borough if the borough, by home rule charter,
15 provides for reapportionment of the assembly.

16 Sec. 29.20.130. CITY COUNCIL COMPOSITION. Each first class city
17 has a council of six members elected by the voters at large. Each
18 second class city has a council of seven members elected by the voters
19 at large. The council of a first or second class city may by ordi-
20 nance provide for election of members other than on an at-large basis
21 for all members.

22 Sec. 29.20.140. QUALIFICATIONS. (a) A borough voter is eligi-
23 ble to be a member of the assembly and a city voter is eligible to be
24 a member of the council. A member of the governing body who ceases to
25 be a voter in the municipality immediately forfeits office.

26 (b) A municipality may by ordinance establish a durational resi-
27 dency requirement not to exceed three years for members of the govern-
28 ing body.

29 (c) A municipality may by ordinance establish district residency

1 requirements for members of its governing body. A member of the
2 governing body who represents a district and who becomes a resident of
3 another district in the municipality continues to serve until the next
4 regular election unless provided otherwise by ordinance.

5 (d) Except by ordinance ratified by the voters, no limit may be
6 placed on the total number of terms or number of consecutive terms a
7 voter may serve on the governing body.

8 (e) This section applies to home rule and general law municipal-
9 ities.

10 Sec. 29.20.150. TERM OF OFFICE. (a) A member of the governing
11 body is elected for a three-year term and until a successor qualifies,
12 unless a different term not exceeding four years is prescribed by home
13 rule charter or ordinance.

14 (b) Except when otherwise required by a change in composition or
15 apportionment, if the term of a member of a governing body is changed
16 by charter or ordinance the term of the member holding office when the
17 change becomes effective is not affected.

18 (c) The regular term of office begins on the first Monday fol-
19 lowing certification of the election, unless a different date is pre-
20 scribed by charter or ordinance.

21 (d) This section applies to home rule and general law municipal-
22 ities.

23 Sec. 29.20.160. PROCEDURES OF GOVERNING BODIES. (a) The assem-
24 bly shall elect from among its members a presiding officer and a
25 deputy presiding officer to serve at the pleasure of the members,
26 except that in a borough that has adopted a manager form of government
27 under AS 29.20.460 - 29.20.510 the mayor serves as presiding officer.
28 In a city the mayor serves as presiding officer. If the presiding
29 officer is not present or if the presiding officer is personally

1 disqualified, the deputy presiding officer shall preside.

2 (b) A governing body shall hold at least one regular meeting
3 each month unless otherwise provided by ordinance. If a majority of
4 the members are given at least 24 hours oral or written notice and
5 reasonable efforts are made to notify all members, a special meeting
6 of the governing body may be held at the call of the presiding officer
7 or at least one-third of the members. A special meeting may be con-
8 ducted with less than 24 hours notice if all members are present or if
9 absent members have waived in writing the required notice. Waiver of
10 notice can be made before or after the special meeting is held. A
11 waiver of notice shall be made a part of the journal for the meeting.

12 (c) A majority of the total membership of a governing body
13 authorized by law constitutes a quorum. A member disqualified by law
14 from voting on a question may be considered present for purposes of
15 constituting a quorum. In the absence of a quorum any number of
16 members may recess or adjourn the meeting to a later date.

17 (d) Actions of a governing body are adopted by a majority of the
18 total membership of the body. Each member present shall vote on every
19 question, unless required to abstain from voting on a question by law.
20 The final vote of each member on each ordinance, resolution, or sub-
21 stantive motion shall be recorded "yes" or "no", except that if the
22 vote is unanimous it may be recorded "unanimous".

23 (e) A governing body shall maintain a journal of its official
24 proceedings that shall be a public record.

25 (f) To the extent otherwise permitted by law, a governing body
26 may determine by ordinance its own rules of procedure and order of
27 business.

28 Sec. 29.20.170. VACANCIES. The governing body may provide by
29 ordinance the manner in which a vacancy occurs in any elected office

1 except the office of mayor or school board member. Unless otherwise
2 provided by ordinance, the governing body shall declare an elective
3 office, other than the office of mayor or school board member, vacant
4 when the person elected

5 (1) fails to qualify or take office within 30 days after
6 election or appointment;

7 (2) is physically absent from the municipality for 90
8 consecutive days unless excused by the governing body;

9 (3) resigns and the resignation is accepted;

10 (4) is physically or mentally unable to perform the duties
11 of office as determined by two-thirds vote of the governing body;

12 (5) is convicted of a felony or of an offense involving a
13 violation of the oath of office;

14 (6) is convicted of a felony or misdemeanor described in
15 AS 15.56 and two-thirds of the members of the governing body concur in
16 expelling the person elected;

17 (7) is convicted of a violation of AS 15.13;

18 (8) no longer physically resides in the municipality and
19 the governing body by two-thirds vote declares the seat vacant; or

20 (9) if a member of the governing body, misses three consec-
21 utive regular meetings and is not excused.

22 Sec. 29.20.180. FILLING A VACANCY. (a) If a vacancy occurs in
23 a governing body, the remaining members shall, within 30 days unless a
24 different period is provided by ordinance, appoint a qualified person
25 to fill the vacancy. If less than 30 days remain in a term, a vacancy
26 may not be filled.

27 (b) Notwithstanding (a) of this section, if the membership is
28 reduced to fewer than the number required to constitute a quorum, the
29 remaining members shall, within seven days, appoint a number of

1 qualified persons to constitute a quorum.

2 (c) A person appointed under this section serves until the next
3 regular election, when a successor shall be elected to serve the
4 balance of the term.

5 ARTICLE 3. MUNICIPAL EXECUTIVE AND ADMINISTRATOR.

6 Sec. 29.20.220. EXECUTIVE POWER. (a) The executive power in a
7 municipality is vested in a mayor. The mayor of a home rule or uni-
8 fied municipality is elected by the voters. The mayors of other
9 municipalities are elected in accordance with AS 29.20.230.

10 (b) The mayor acts as ceremonial head of government, executes
11 official documents on authorization of the governing body, and is
12 responsible for additional duties and powers prescribed by this chap-
13 ter or by home rule charter.

14 (c) This section applies to home rule and general law municipal-
15 ities.

16 Sec. 29.20.230. ELECTION AND TERM OF MAYOR. (a) The mayor of a
17 borough or first class city is elected at large. The mayor of a
18 borough or first class city serves a term of three years, unless by
19 ordinance a different term not to exceed four years is provided. The
20 current term of an incumbent mayor may not be altered. The regular
21 term of a mayor of a borough or first class city begins on the first
22 Monday following certification of the election.

23 (b) The mayor of a second class city is elected by and from the
24 council, and serves until a successor is elected and qualifies. The
25 council of a second class city shall meet on the first Monday after
26 certification of the regular election and elect a mayor who takes
27 office immediately. The mayor of a second class city serves a one-
28 year term, unless a longer term is provided by ordinance. The mayor
29 of a second class city may serve only while a member of the council

1 regardless of the term established for the office of mayor.

2 (c) Except by ordinance ratified by the voters, no limit may be
3 placed on the total number of terms or number of consecutive terms a
4 mayor may serve.

5 Sec. 29.20.240. QUALIFICATIONS FOR THE OFFICE OF MAYOR. (a) A
6 voter of the municipality is eligible to hold the office of mayor in a
7 borough or first class city. A member of the city council is eligible
8 to hold the office of mayor in a second class city.

9 (b) Residency requirements for the office of mayor not exceeding
10 three years may be prescribed by ordinance.

11 Sec. 29.20.250. POWERS AND DUTIES OF MAYOR. (a) If a munici-
12 pality has not adopted a manager plan of government, the mayor is the
13 chief administrator and the mayor has the same powers and duties as
14 those of a manager under AS 29.20.500.

15 (b) The mayor may take part in the discussion of a matter before
16 the governing body. The mayor may not vote, except that the mayor of
17 a first class city or the mayor of a borough with a manager form of
18 government may vote in the case of a tie. The mayor of a second class
19 city, as a council member, may vote on all matters.

20 Sec. 29.20.260. EXECUTIVE ABSENCE. The borough mayor, subject
21 to assembly approval, shall designate a person to act as mayor during
22 the borough mayor's temporary absence or disability. If a manager
23 plan has been adopted, the assembly shall designate by resolution a
24 borough administrative official to act as manager during the manager's
25 absence or disability.

26 Sec. 29.20.270. VETO. (a) Except as provided in (c) and (d) of
27 this section, the mayor may veto an ordinance, resolution, motion, or
28 other action of the governing body and may strike or reduce appropria-
29 tion items.

1 (b) A veto must be exercised before the next regular meeting of
2 the governing body and must be accompanied by a written explanation of
3 the reasons for the veto. A veto may be overridden by vote of two-
4 thirds of the authorized membership of the governing body within 21
5 days following exercise of the veto, or at the next regular meeting,
6 whichever is later.

7 (c) The veto does not extend to

8 (1) appropriation items in a school budget ordinance;

9 (2) actions of the governing body sitting as the board of
10 equalization or the board of adjustment;

11 (3) adoption or repeal of a manager plan of government.

12 (d) The mayor of a second class city has no veto power.

13 Sec. 29.20.280. VACANCY IN THE OFFICE OF MAYOR. (a) The gov-
14 erning body shall, by two-thirds concurring vote, declare the office
15 of mayor vacant only when the person elected

16 (1) fails to qualify or take office within 30 days after
17 election or appointment;

18 (2) unless excused by the governing body, is physically
19 absent for 90 consecutive days;

20 (3) resigns and the resignation is accepted;

21 (4) is physically or mentally unable to perform the duties
22 of office;

23 (5) is convicted of a felony or of an offense involving a
24 violation of the oath of office;

25 (6) is convicted of a felony or misdemeanor described in
26 AS 15.56;

27 (7) is convicted of a violation of AS 15.13;

28 (8) no longer physically resides in the municipality; or

29 (9) if a member of the governing body in a second class

1 city, misses three consecutive regular meetings and is not excused.

2 (b) A vacancy in the office of mayor occurring six months before
3 a regular election shall be filled by the governing body. The person
4 appointed serves until the next regular election when a successor is
5 elected to serve the balance of the term. If a member of the govern-
6 ing body is appointed mayor, the member shall resign the seat on the
7 governing body. If a vacancy occurs more than six months before a
8 regular election, the governing body shall call a special election to
9 fill the unexpired term.

10 (c) Notwithstanding (b) of this section, a vacancy in the office
11 of mayor of a second class city shall be filled by and from the coun-
12 cil. A mayor appointed under this subsection serves the balance of
13 the term to which appointed, except the mayor may serve only while a
14 member of the council.

15 ARTICLE 4. BOARDS AND COMMISSIONS.

16 Sec. 29.20.300. SCHOOL BOARDS. (a) Each municipal school dis-
17 trict has a school board. Except as provided in (b) of this section,
18 members of a school board are elected at the regular election for
19 three-year terms and until their successors take office. Members are
20 elected at large unless a different method of election has been ap-
21 proved by the voters in a regular election.

22 (b) The assembly is the school board for a third class borough.
23 The mayor is the presiding officer of the assembly and president of
24 the school board. However, the mayor may not veto an action of the
25 school board.

26 Sec. 29.20.310. UTILITY BOARDS. (a) The governing body of a
27 municipality operating a public utility may provide by ordinance for a
28 utility board of five members and define the board's powers and
29 duties.

1 (b) As determined by ordinance, members of a utility board are
2 either appointed by the mayor and confirmed by the governing body or
3 are elected at a regular election. The term of a utility board member
4 is two years and until a successor is selected and qualifies. How-
5 ever, the governing body may by ordinance provide for a different term
6 not to exceed four years. The current term of an elected incumbent
7 may not be altered.

8 (c) Vacancies on a utility board are filled by the mayor.
9 Executive appointments shall be confirmed by the governing body. A
10 person appointed to fill a vacancy on a utility board serves until the
11 expiration of the term for which appointed and until a successor is
12 elected and qualifies.

13 (d) Unless otherwise provided by ordinance, a utility board
14 shall

15 (1) choose its chairman and secretary;

16 (2) appoint the manager of the public utility for a term
17 not longer than five years and set the manager's salary;

18 (3) formulate and enforce the general rules and policies of
19 the utility.

20 Sec. 29.20.320. OTHER BOARDS AND COMMISSIONS. (a) The govern-
21 ing body may by ordinance establish advisory, administrative, techni-
22 cal, or quasi-judicial boards and commissions.

23 (b) Members of boards and commissions, except for members of the
24 board of adjustment and assembly members serving on the board of
25 equalization, are appointed by the mayor and confirmed by the govern-
26 ing body.

27 ARTICLE 5. OTHER OFFICIALS AND EMPLOYEES.

28 Sec. 29.20.360. APPOINTMENT OF OFFICIALS. Unless otherwise pro-
29 vided by ordinance, the municipal clerk, attorney, treasurer, and

1 police chief are appointed by the chief administrator. Unless other-
2 wise provided by ordinance, an official described in this section
3 serves at the pleasure of the appointing authority and, if appointed
4 by the chief administrator, must be confirmed by the governing body.

5 Sec. 29.20.370. MUNICIPAL ATTORNEY. The municipal attorney is
6 the legal advisor of the governing body, the school board, and the
7 other officials of the municipality. The municipal attorney repre-
8 sents the municipality as attorney in civil and criminal proceedings.
9 The school board may hire independent counsel when in its judgment
10 independent counsel is needed.

11 Sec. 29.20.380. MUNICIPAL CLERK. (a) The municipal clerk shall

12 (1) give notice of the time and place of meetings of the
13 governing body to the governing body and to the public;

14 (2) attend meetings of the governing body and keep the
15 journal;

16 (3) arrange publication of notices, ordinances, and resolu-
17 tions;

18 (4) maintain and make available for public inspection an
19 indexed file containing municipal ordinances, resolutions, rules,
20 regulations, and codes;

21 (5) attest deeds and other documents;

22 (6) perform other duties specified in this title or pre-
23 scribed by the chief administrator or by the governing body.

24 (b) The governing body may combine the office of clerk with that
25 of treasurer. If the offices are combined, the clerk-treasurer shall,
26 as required of the treasurer, give bond to the municipality for the
27 faithful performance of the duties as clerk-treasurer.

28 Sec. 29.20.390. MUNICIPAL TREASURER. (a) Except as provided in
29 AS 14.14.060, the treasurer is the custodian of all municipal funds.

1 The treasurer shall keep an itemized account of money received and
2 disbursed. The treasurer shall pay money on vouchers drawn against
3 appropriations.

4 (b) The treasurer shall give bond to the municipality in a sum
5 that the governing body directs.

6 Sec. 29.20.400. DEPARTMENTS. (a) The governing body may estab-
7 lish municipal departments and distribute functions among them.

8 (b) Each municipal department is administered by a department
9 head. With the consent of the governing body, the mayor may serve as
10 head of one or more departments or a single administrator may serve as
11 head of two or more departments.

12 Sec. 29.20.410. PERSONNEL SYSTEM. (a) Except as provided by
13 (b) of this section, appointments and promotions of municipal employ-
14 ees are made on the basis of merit. The governing body may provide
15 for a personnel system and classified service.

16 (b) By ordinance the governing body may designate confidential
17 or managerial positions that are wholly or partially exempt from the
18 classified service. A wholly or partially exempt position is filled
19 by a person who serves at the pleasure of the appointing authority and
20 whose term of employment is determined by the appointing authority.

21 ARTICLE 6. MANAGER PLAN.

22 Sec. 29.20.460. MANAGER PLAN. A municipality may adopt a man-
23 ager plan of government. Adoption of a manager plan may be initiated
24 either by petition or by motion of the governing body. A petition for
25 the adoption of a manager plan is submitted to the governing body.
26 The petition must be signed by a number of voters equal to the follow-
27 ing percentage of the votes cast at the preceding regular election:

28 (1) 25 percent if the municipality has fewer than 7,500
29 persons;

1 (2) 15 percent if the municipality has 7,500 persons or
2 more.

3 Sec. 29.20.470. ELECTION ON ADOPTION OF MANAGER PLAN. On re-
4 ceipt of a petition to adopt a manager plan or on its own motion to
5 adopt a manager plan, the governing body shall provide by ordinance or
6 resolution for a vote on the question at the next election.

7 Sec. 29.20.480. ADOPTION OF MANAGER PLAN. (a) If a manager
8 plan is approved, the governing body shall, within 60 days, adopt the
9 plan by ordinance or resolution.

10 (b) The governing body shall notify the department of the adop-
11 tion of a manager plan.

12 Sec. 29.20.490. APPOINTMENT OF MANAGER. (a) The governing body
13 shall appoint a manager by a majority vote of its membership. A
14 manager is chosen on the basis of administrative qualifications and
15 receives the compensation set by the governing body. A member of the
16 governing body may not be appointed manager of the municipality sooner
17 than one year after leaving office, except by a vote of three-fourths
18 of the authorized membership of the governing body.

19 (b) Subject to the contract of employment, the manager holds
20 office at the pleasure of the governing body.

21 Sec. 29.20.500. POWERS AND DUTIES OF A MANAGER. The manager may
22 hire necessary administrative assistants and may authorize an adminis-
23 trative official to appoint, suspend, or remove subordinates. As
24 chief administrator the manager shall

25 (1) appoint, suspend, or remove municipal employees and
26 administrative officials, except as provided otherwise in this title
27 and AS 14.14.065;

28 (2) supervise the enforcement of municipal law and carry
29 out the directives of the governing body;

1 (3) prepare and submit an annual budget and capital im-
2 provement program for consideration by the governing body, and execute
3 the budget and capital improvement program adopted;

4 (4) make monthly financial reports and other reports on
5 municipal finances and operations as required by the governing body;

6 (5) exercise custody over all real and personal property of
7 the municipality, except property of the school district;

8 (6) perform other duties required by law or by the govern-
9 ing body; and

10 (7) serve as personnel officer, unless the governing body
11 authorizes the manager to appoint a personnel officer.

12 Sec. 29.20.510. INTERGOVERNMENTAL APPOINTMENT OF MANAGER. A
13 borough adopting a manager plan may, on agreement with a city in the
14 borough, provide that the manager of the city serve also as borough
15 manager. A city adopting a manager plan may, on agreement with the
16 borough in which it is located, provide that the manager of the bor-
17 ough serve also as city manager. Appointment and service of the
18 manager shall be as provided in AS 29.20.490 - 29.20.500. Nothing in
19 this section affects the authority of the governing body to provide
20 for other dual officeholding if the dual offices held are compatible,
21 or otherwise to appoint officials and employees in accordance with
22 law.

23 Sec. 29.20.520. REPEAL OF MANAGER PLAN. A municipality may
24 repeal a manager plan in the same manner used for its adoption.
25 Within 60 days after repeal of a manager plan, the governing body
26 shall enact provisions for the reorganization of the municipal execu-
27 tive and administrative functions.

28 ARTICLE 7. MISCELLANEOUS PROVISIONS.

29 Sec. 29.20.600. OATHS OF OFFICE. Before taking office a

1 municipal official shall affirm in writing that the duties of the
2 office will be honestly, faithfully, and impartially performed by the
3 official. The oath is filed with the municipal clerk.

4 Sec. 29.20.610. BONDING. The manager and the other municipal
5 officials or employees that the governing body may designate shall
6 give bond in the amount and with the surety prescribed by the govern-
7 ing body. Premiums on bonds are paid by the municipality.

8 Sec. 29.20.620. COMPENSATION FOR ELECTED OFFICIALS. The govern-
9 ing body shall by ordinance provide a method of determining the sal-
10 aries of elected officials. The salary of the mayor may not be re-
11 duced during the term of office of the mayor, unless during the term a
12 manager plan is adopted. An elected official may not receive com-
13 pensation for service to the municipality in addition to the salary
14 received as an elected official, unless otherwise provided by ordi-
15 nance. Per diem payments or reimbursements for expenses are not
16 compensation under this section.

17 Sec. 29.20.630. PROHIBITIONS. (a) A person may not be
18 appointed to or removed from municipal office or in any way favored or
19 discriminated against with respect to a municipal position or
20 municipal employment because of the person's race, color, sex, creed,
21 national origin or, unless otherwise contrary to law, because of the
22 person's political opinions or affiliations.

23 (b) Subject to AS 14.14.140, a state employee or school district
24 employee may not be denied the right to serve as an elected municipal
25 official because of employment by the state or a school district. For
26 purposes of this subsection a school district employee is not a
27 municipal employee.

28 (c) This section applies to home rule and general law municipal-
29 ities.

1 Sec. 29.20.640. REPORTS. (a) A municipality shall file with
2 the department

3 (1) maps and descriptions of all annexed or detached ter-
4 ritory;

5 (2) a copy of the annual audit, or, for a second class
6 city, an audit or statement of annual income and expenditures;

7 (3) tax assessment and tax levy figures as requested;

8 (4) a copy of the current annual budget of the municipal-
9 ity;

10 (5) a summary of the optional property tax exemptions
11 authorized together with the estimate of the revenues lost to the
12 municipality by operation of each of the exemptions.

13 (b) Compliance with the provisions of this section is a prereq-
14 uisite to receipt of municipal tax resource equalization assistance
15 under AS 29.60.010 - 29.60.080 and state aid for miscellaneous munici-
16 pal services under AS 29.60.100 - 29.60.180. If a municipality does
17 not comply with this section, the department shall withhold the allo-
18 cations until the required reports are filed.

19 (c) This section applies to home rule and general law municipa-
20 lities.

21 * Sec. 8. AS 29 is amended by adding a new chapter to read:

22 CHAPTER 25. MUNICIPAL ENACTMENTS.

23 Sec. 29.25.010. ACTS REQUIRED TO BE BY ORDINANCE. (a) In addi-
24 tion to other actions that this title requires to be by ordinance, the
25 governing body of a municipality shall use ordinances to

26 (1) establish, alter, or abolish municipal departments;

27 (2) provide for a fine or other penalty, or establish rules
28 or regulations for violation of which a fine or other penalty is im-
29 posed;

- 1 (3) provide for the levying of taxes;
- 2 (4) make appropriations, including supplemental appropria-
3 tions or transfer of appropriations;
- 4 (5) grant, renew, or extend a franchise;
- 5 (6) adopt, modify, or repeal the comprehensive plan land
6 use and subdivision regulations, building and housing codes, and the
7 official map;
- 8 (7) approve the transfer of a power to a first or second
9 class borough from a city;
- 10 (8) designate the borough seat;
- 11 (9) provide for the retention or sale of tax-foreclosed
12 property;
- 13 (10) exempt contractors from compliance with general re-
14 quirements relating to payment and performance bonds in the construc-
15 tion or repair of municipal public works projects within the limita-
16 tions set out in AS 36.25.025; this paragraph applies to home rule and
17 general law municipalities.
- 18 (b) This section grants no authority but requires the governing
19 body to use ordinances in exercising certain of its powers.
- 20 Sec. 29.25.020. ORDINANCE PROCEDURE. (a) An ordinance is
21 introduced in writing in the form required by the governing body.
- 22 (b) The following procedure governs the enactment of all ordi-
23 nances, except emergency ordinances:
- 24 (1) an ordinance may be introduced by a member or committee
25 of the governing body, or by the mayor or manager;
- 26 (2) an ordinance shall be set by the governing body for a
27 public hearing by the affirmative vote of a majority of the votes
28 authorized on the question;
- 29 (3) at least five days before the public hearing a summary

1 of the ordinance shall be published together with a notice of the time
2 and place for the hearing;

3 (4) copies of the ordinance shall be available to all
4 persons present at the hearing, or the ordinance shall be read in
5 full;

6 (5) during the hearing the governing body shall hear all
7 interested persons wishing to be heard;

8 (6) after the public hearing the governing body shall
9 consider the ordinance, and may adopt it with or without amendment;

10 (7) the governing body shall print and make available
11 copies of an ordinance that is adopted.

12 (c) An ordinance takes effect upon adoption or at a later date
13 specified in the ordinance.

14 Sec. 29.25.030. EMERGENCY ORDINANCES. (a) To meet a public
15 emergency the governing body may adopt an emergency ordinance effec-
16 tive on adoption. Each emergency ordinance shall contain a finding by
17 the governing body that an emergency exists and a statement of the
18 facts upon which the finding is based. An emergency ordinance may be
19 adopted, amended and adopted, or rejected at the meeting at which it
20 is introduced. The affirmative vote of all members present, or the
21 affirmative vote of three-fourths of the total membership, whichever
22 is less, is required for adoption of an emergency ordinance. The
23 governing body shall print and make available copies of adopted emer-
24 gency ordinances.

25 (b) An emergency ordinance may not be used to levy taxes, to
26 grant, renew, or extend a franchise, or to regulate the rate charged
27 by a public utility for its services.

28 (c) An emergency ordinance is effective for 60 days.

29 Sec. 29.25.040. CODES OF REGULATION. The governing body may in

1 a single ordinance adopt or amend by reference provisions of a pub-
2 lished code of municipal regulations. The procedure under AS 29.25.-
3 020 applies to an ordinance adopted under this section, except that
4 neither the ordinance or its amendments must be distributed to the
5 public or read in full at the public hearing. For a period of 15 days
6 before adoption of an ordinance under this section, at least five
7 copies of the code of regulations shall be made available for public
8 inspection at a time and place set out in the hearing notice. Only
9 the ordinance must be printed after it is adopted under this section.
10 The governing body shall provide for an adopted code of regulations to
11 be made available to the public at no more than cost.

12 Sec. 29.25.050. CODIFICATION. (a) Each ordinance shall be
13 codified after it is adopted.

14 (b) Within three years after incorporation of a municipality,
15 the municipal clerk or the clerk's designee shall have prepared a
16 general codification of all municipal ordinances of general applica-
17 bility having the force and effect of law. The municipal code shall
18 be revised and printed at least every five years, unless the code is
19 kept current by regular supplements.

20 (c) In (a) of this section, "codified" means

21 (1) the ordinance has been given a serial number or other
22 permanent identifying number, and, bearing a notation of the date of
23 adoption and the adopting authority, it has been entered by the munic-
24 ipal clerk in a properly indexed book maintained for the purposes of
25 organizing and recording the ordinances; or

26 (2) the ordinance is a provision that establishes a rule of
27 conduct or behavior and that is included, or to be included, in a code
28 of ordinances or other complete system of law enacted and kept current
29 at reasonable intervals.

1 (d) This section applies to home rule and general law municipi-
2 palities.

3 Sec. 29.25.060. RESOLUTIONS. (a) The governing body shall
4 provide for the maintenance of a permanent file of resolutions that
5 have been adopted.

6 (b) This section applies to home rule and general law municipal-
7 ities.

8 Sec. 29.25.070. PENALTIES. (a) For the violation of an ordi-
9 nance, a municipality may by ordinance prescribe a penalty not to
10 exceed a fine of \$1,000 and imprisonment for 90 days.

11 (b) The municipality or an aggrieved person may institute a
12 civil action against a person who violates an ordinance. In addition
13 to injunctive and compensatory relief, a civil penalty not to exceed
14 \$1,000 may be imposed for each violation. An action to enjoin a
15 violation may be brought notwithstanding the availability of any other
16 remedy. On application for injunctive relief and a finding of a
17 violation or a threatened violation, the superior court shall grant
18 the injunction. Each day that a violation of an ordinance continues
19 constitutes a separate violation.

20 (c) The penalties authorized under this section may be imposed
21 only if copies of the ordinance are made available for distribution to
22 the public at no more than cost.

23 * Sec. 9. AS 29 is amended by adding a new chapter to read:

24 CHAPTER 26. ELECTIONS.

25 ARTICLE 1. REGULAR AND SPECIAL ELECTIONS.

26 Sec. 29.26.010. ADMINISTRATION. The governing body shall pre-
27 scribe the rules for conducting an election and shall appoint an elec-
28 tion board composed of at least three judges for each precinct. A
29 judge shall be a voter of the precinct for which appointed unless no

1 voter is willing to serve.

2 Sec. 29.26.020. NOMINATIONS. (a) Subject to other provisions
3 of this title, the governing body shall provide by ordinance for
4 nominations of elected officials by providing for declaration of
5 candidacy or for petition requiring the signatures of not more than 10
6 voters, or for both.

7 (b) A person may be nominated for and occupy more than one
8 office, but may not serve simultaneously as borough mayor and as a
9 member of the assembly or, in a first class city, as city mayor and as
10 a member of the council.

11 Sec. 29.26.030. NOTICE OF ELECTIONS. (a) Subject to other pro-
12 visions of this title, a municipality shall give at least 20 days
13 notice of an election.

14 (b) This section applies to home rule and general law municipal-
15 ities.

16 Sec. 29.26.040. DATE. The date of a regular election is the
17 first Tuesday of October annually, unless a different date or interval
18 of years is provided by ordinance.

19 Sec. 29.26.050. VOTER QUALIFICATION. (a) A person may vote in
20 a municipal election only if the person

21 (1) is a United States citizen who is qualified to vote in
22 state elections;

23 (2) has been a resident of the municipality for 30 days
24 immediately preceding the election;

25 (3) is registered to vote in state elections; and

26 (4) is not disqualified under art. V of the state constitu-
27 tion.

28 (b) Voter registration by the municipality may not be required.
29 However, a municipality may by ordinance require that a person be

1 registered to vote in state elections in the precinct in which that
2 person seeks to vote in municipal elections.

3 (c) This section applies to home rule and general law municipal-
4 ities.

5 Sec. 29.26.060. RUNOFF ELECTIONS. (a) Unless otherwise pro-
6 vided by ordinance, a runoff election shall be held if no candidate
7 receives over 40 percent of the votes cast for the office of

8 (1) mayor; or

9 (2) member of the governing body or school board if candi-
10 dates run for a designated seat.

11 (b) Unless otherwise provided by ordinance, if candidates for
12 the governing body or school board run at large, a runoff election for
13 a seat shall be held if no candidate receives a number of votes great-
14 er than 40 percent of the total votes cast for all candidates divided
15 by the number of seats to be filled.

16 (c) Unless otherwise provided by ordinance, a runoff election
17 shall be held within three weeks after the date of certification of
18 the election for which a runoff is required, and notice of the runoff
19 election shall be published at least five days before the election
20 date. The runoff election shall be between the two candidates receiv-
21 ing the greatest number of votes for the seat.

22 Sec. 29.26.070. ELECTION CONTEST AND APPEAL. (a) The governing
23 body may provide by ordinance the time and procedure for the contest
24 of an election.

25 (b) Unless otherwise provided by ordinance, an election may be
26 contested only by a voter by filing a written affidavit with the
27 municipal clerk specifying with particularity the grounds for the
28 contest. An election may be contested before or during the first
29 canvass of ballots by the governing body.

1 (c) Unless otherwise provided by ordinance, the governing body
2 shall declare the election results at the first meeting to canvass the
3 election, record the results in the minutes of that meeting, and
4 authorize the results to be certified.

5 (d) A contestant shall pay all costs and expenses incurred in a
6 recount of an election demanded by the contestant if the recount fails
7 to reverse a result of the election, or the difference between the
8 winning and losing vote on the result contested is more than two per-
9 cent.

10 (e) A person may not appeal or seek judicial review of an elec-
11 tion for any cause unless the person is a voter, has exhausted all
12 administrative remedies before the governing body, and has commenced,
13 within 10 days after the governing body has declared the election
14 results, an action in the superior court in the judicial district in
15 which the municipality is located. If court action is not commenced
16 within the 10-day period, the election and election results are con-
17 clusive and valid.

18 ARTICLE 2. INITIATIVE AND REFERENDUM.

19 Sec. 29.26.100. RESERVATION OF POWERS. The powers of initiative
20 and referendum are reserved to the residents of municipalities, except
21 the powers do not extend to matters restricted by art. XI, sec. 7 of
22 the state constitution.

23 Sec. 29.26.110. APPLICATION FOR PETITION. (a) An initiative or
24 referendum is proposed by filing an application with the municipal
25 clerk containing the ordinance or resolution to be initiated or the
26 ordinance or resolution to be referred and the address to which all
27 correspondence relating to the petition may be sent. An application
28 shall be signed by at least 10 voters who will sponsor the petition.
29 An additional sponsor may be added at any time before the petition is

1 filed by submitting the name of the sponsor to the clerk. Within two
2 weeks the clerk shall certify the application if the clerk finds that
3 it is in proper form and, for an initiative petition, that the matter

4 (1) is not restricted by AS 29.26.100;

5 (2) includes only a single subject;

6 (3) relates to a legislative rather than to an administra-
7 tive matter; and

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

9 (b) A decision by the clerk on an application for petition is
10 subject to judicial review.

11 Sec. 29.26.120. CONTENTS OF PETITION. (a) Within two weeks
12 after certification of an application for an initiative or referendum
13 petition, a petition shall be prepared by the municipal clerk. Each
14 copy of the petition shall contain

15 (1) a summary of the ordinance or resolution to be initi-
16 ated or the ordinance or resolution to be referred;

17 (2) the complete ordinance or resolution sought to be ini-
18 tiated or referred as submitted by the sponsors;

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

20 (4) notice that signatures must be secured within 90 days
21 after the date the petition is issued;

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

25 (6) a statement, with space for the sponsor's sworn signa-
26 ture and date of signing, that the sponsor personally circulated the
27 petition, that all signatures were affixed in the presence of the
28 sponsor, and that the sponsor believes the signatures to be those of
29 the persons whose names they purport to be; and

1 (7) space for indicating the total number of signatures on
2 the petition.

3 (b) If a petition consists of more than one page, each page
4 shall contain the summary of the ordinance or resolution to be initi-
5 ated or the ordinance or resolution to be referred.

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

8 Sec. 29.26.130. SIGNATURE REQUIREMENTS. (a) The signatures on
9 an initiative or referendum petition shall be secured within 90 days
10 after the clerk issues the petition. The statement provided under
11 AS 29.26.120(a)(6) shall be signed and dated by the sponsor. Signa-
12 tures shall be in ink or indelible pencil.

13 (b) The clerk shall determine the number of signatures required
14 on a petition and inform each sponsor. A petition shall be signed by
15 a number of voters based on the number of votes cast at the last
16 regular election held before the date the petition was issued equal to

17 (1) 25 percent of the votes cast if a municipality has
18 fewer than 7,500 persons; or

19 (2) 15 percent of the votes cast if a municipality has
20 7,500 persons or more.

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

24 (d) A petition signer may withdraw the signer's signature on
25 written application to the clerk before certification of the petition.

26 Sec. 29.26.140. SUFFICIENCY OF PETITION. (a) All copies of an
27 initiative or referendum petition shall be assembled and filed as a
28 single instrument. Within 10 days after the date the petition is
29 filed, the municipal clerk shall

1 (1) certify on the petition whether it is sufficient; and
2 (2) if the petition is insufficient, identify the insuffi-
3 ciency and notify the sponsors at the address provided under AS 29.-
4 26.110(a) by certified mail.

5 (b) A petition that is insufficient may be supplemented with
6 additional signatures obtained and filed before the 11th day after the
7 date on which the petition is rejected.

8 (c) A petition that is insufficient shall be rejected and filed
9 as a public record unless it is supplemented under (b) of this sec-
10 tion. Within 10 days after a supplementary filing the clerk shall
11 recertify the petition. If it is still insufficient, the petition is
12 rejected and filed as a public record.

13 Sec. 29.26.150. PROTEST. If the municipal clerk certifies an
14 initiative or referendum petition is insufficient, a signer of the
15 petition may file a protest with the mayor within seven days after the
16 certification. The mayor shall present the protest at the next regu-
17 lar meeting of the governing body. The governing body shall hear and
18 decide the protest.

19 Sec. 29.26.160. NEW PETITION. Failure to secure sufficient
20 signatures does not preclude the filing of a new initiative or refer-
21 endum petition. However, a new petition on substantially the same
22 matter may not be filed sooner than six months after a petition is
23 rejected as insufficient.

24 Sec. 29.26.170. INITIATIVE ELECTION. (a) Unless substantially
25 the same measure is adopted, when a petition seeks an initiative vote
26 the clerk shall submit the matter to the voters at the next regular
27 election occurring no sooner than 45 days after certification of the
28 petition. If no regular election occurs within 75 days after the
29 certification of a petition, the governing body shall hold a special

1 election within 75 days, but not sooner than 45 days after certifica-
2 tion.

3 (b) If the governing body adopts substantially the same measure,
4 the petition is void and the matter initiated may not be placed before
5 the voters.

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

9 (d) If a majority vote favors the ordinance or resolution, it
10 becomes effective upon certification of the election, unless a diff-
11 erent effective date is provided in the ordinance or resolution.

12 Sec. 29.26.180. REFERENDUM ELECTION. (a) Unless the ordinance
13 or resolution is repealed, when a petition seeks a referendum vote the
14 clerk shall submit the matter to the voters at the next election
15 occurring no sooner than 45 days after certification of the petition.
16 If no election occurs within 75 days of certification of a petition,
17 the governing body shall hold a special election within 75 days, but
18 not sooner than 45 days after certification.

19 (b) If a petition is certified before the effective date of the
20 matter referred, the ordinance or resolution against which the peti-
21 tion is filed shall be suspended pending the referendum vote. During
22 the period of suspension, the governing body may not enact an ordi-
23 nance or resolution substantially similar to the suspended measure.

24 (c) If the governing body repeals the ordinance or resolution
25 before the referendum election, the petition is void and the matter
26 referred shall not be placed before the voters.

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

1 election.

2 Sec. 29.26.190. EFFECT. (a) The effect of an ordinance or
3 resolution may not be modified or negated within two years after its
4 effective date if adopted in an initiative election or if adopted
5 after a petition that contains substantially the same measure has been
6 filed.

7 (b) If an ordinance or resolution is repealed in a referendum
8 election or by the governing body after a petition that contains sub-
9 stantially the same measure has been filed, substantially similar
10 legislation may not be enacted by the governing body for a period of
11 two years.

12 (c) If an initiative or referendum measure fails to receive
13 voter approval, a new petition application for substantially the same
14 measure may not be filed sooner than six months after the election
15 results are certified.

16 ARTICLE 3. RECALL.

17 Sec. 29.26.240. RECALL. An official who is elected or appointed
18 to an elective municipal office may be recalled by the voters after
19 the official has served the first 120 days of the term for which
20 elected or appointed.

21 Sec. 29.26.250. GROUNDS FOR RECALL. Grounds for recall are
22 misconduct in office, incompetence, or failure to perform prescribed
23 duties.

24 Sec. 29.26.260. APPLICATION FOR RECALL PETITION. (a) An appli-
25 cation for a recall petition shall be filed with the municipal clerk
26 and shall contain

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

29 (2) the address to which all correspondence relating to the

1 petition may be sent;

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

4 (b) An additional sponsor may be added at any time before the
5 petition is filed by submitting the name of the sponsor to the clerk.

6 Sec. 29.26.270. RECALL PETITION. (a) If the municipal clerk
7 determines that an application for a recall petition meets the re-
8 quirements of AS 29.26.260, the clerk shall prepare a recall petition.
9 All copies of the petition shall contain

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

11 (2) the statement of the grounds for recall as set out in
12 the application for petition;

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

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

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

19 (6) a statement, with space for the sponsor's sworn signa-
20 ture and date of signing, that the sponsor personally circulated the
21 petition, that all signatures were affixed in the presence of the
22 sponsor, and that the sponsor believes the signatures to be those of
23 the persons whose names they purport to be; and

24 (7) space for indicating the number of signatures on the
25 petition.

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

28 Sec. 29.26.280. SIGNATURE REQUIREMENTS. (a) The signatures on
29 a recall petition shall be secured within 60 days after the date the

1 clerk issues the petition. The statement provided under AS 29.26.-
2 270(a)(6) shall be completed and signed by the sponsor. Signatures
3 shall be in ink or indelible pencil.

4 (b) The clerk shall determine the number of signatures required
5 on a petition and inform each sponsor. If a petition seeks to recall
6 an official who represents the municipality at large, the petition
7 shall be signed by a number of voters equal to 25 percent of the
8 number of votes cast for that office at the last regular election held
9 before the date the petition was issued. If a petition seeks to
10 recall an official who represents a district, the petition shall be
11 signed by a number of the voters residing in the district equal to 25
12 percent of the number of votes cast in the district for that office at
13 the last regular election held before the date the petition was is-
14 sued.

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

18 (d) A petition signer may withdraw the signer's signature upon
19 written application to the clerk before certification of the petition.

20 Sec. 29.26.290. SUFFICIENCY OF PETITION. (a) The copies of a
21 recall petition shall be assembled and filed as a single instrument.
22 A petition may not be filed within 180 days before the end of the term
23 of office of the official sought to be recalled. Within 10 days after
24 the date a petition is filed, the municipal clerk shall

25 (1) certify on the petition whether it is sufficient; and

26 (2) if the petition is insufficient, identify the insuffi-
27 ciency and notify the sponsors at the address provided under AS 29.-
28 26.260(a)(2) by certified mail.

29 (b) A petition that is insufficient may be supplemented with

1 additional signatures obtained and filed before the 11th day after the
2 date on which the petition is rejected if

3 (1) the petition contains an adequate number of signatures,
4 counting both valid and invalid signatures; and

5 (2) the supplementary petition is filed more than 180 days
6 before the end of the term of office of the official sought to be re-
7 called.

8 (c) A petition that is insufficient shall be rejected and filed
9 as a public record unless it is supplemented under (b) of this sec-
10 tion. Within 10 days after the supplementary filing the clerk shall
11 recertify the petition. If it is still insufficient, the petition is
12 rejected and filed as a public record.

13 Sec. 29.26.300. NEW RECALL PETITION APPLICATION. A new applica-
14 tion for a petition to recall the same official may not be filed
15 sooner than six months after a petition is rejected as insufficient.

16 Sec. 29.26.310. SUBMISSION. If a recall petition is sufficient,
17 the clerk shall submit it to the governing body at the next regular
18 meeting or at a special meeting held before the next regular meeting.

19 Sec. 29.26.320. ELECTION. (a) If a regular election occurs
20 within 75 days but not sooner than 45 days after submission of the
21 petition to the governing body, the governing body shall submit the
22 recall at that election.

23 (b) If no regular election occurs within 75 days, the governing
24 body shall hold a special election on the recall question within 75
25 days but not sooner than 45 days after a petition is submitted to the
26 governing body.

27 (c) If a vacancy occurs in the office after a sufficient recall
28 petition is filed with the clerk, the recall question may not be sub-
29 mitted to the voters. The governing body may not appoint to the same

1 office an official who resigns after a sufficient recall petition is
2 filed naming that official.

3 Sec. 29.26.330. FORM OF RECALL BALLOT. A recall ballot shall
4 contain

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

7 (2) a statement by the official named on the recall peti-
8 tion of 200 words or less, if the statement is filed with the clerk
9 for publication and public inspection within 20 days before the elec-
10 tion;

11 (3) the following question: "Shall (name of person) be
12 recalled from the office of (office)? Yes [] No []".

13 Sec. 29.26.340. EFFECT. (a) If a majority vote favors recall,
14 the office becomes vacant upon certification of the recall election.

15 (b) If an official is not recalled at the election, an applica-
16 tion for a petition to recall the same official may not be filed
17 sooner than six months after the election.

18 Sec. 29.26.350. SUCCESSORS. (a) If an official is recalled
19 from the governing body, the office of that official is filled in
20 accordance with AS 29.20.180. If all members of the governing body
21 are recalled, the governor shall appoint three qualified persons to
22 the governing body. The appointees shall appoint additional members
23 to fill remaining vacancies in accordance with AS 29.20.180.

24 (b) If a member of the school board is recalled, the office of
25 that member is filled in accordance with AS 14.12.070. If all members
26 are recalled from a school board, the governor shall appoint three
27 qualified persons to the school board. The appointees shall appoint
28 additional members to fill remaining vacancies in accordance with
29 AS 14.12.070.

1 (c) A person appointed under (a) or (b) of this section serves
2 until a successor is elected and takes office.

3 (d) If an official other than a member of the governing body or
4 school board is recalled, a successor shall be elected to fill the
5 unexpired portion of the term. The election shall be held not more
6 than 60 days after the date the recall election is certified, except
7 that if a regular election occurs within 75 days after certification
8 the successor shall be chosen at that election.

9 (e) Nominations for a successor may be filed until seven days
10 before the last date on which a first notice of the election must be
11 given. Nominations may not be filed before the certification of the
12 recall election.

13 Sec. 29.26.360. APPLICATION. AS 29.26.250 - 29.26.360 apply to
14 home rule and general law municipalities.

15 * Sec. 10. AS 29 is amended by adding a new chapter to read:

16 CHAPTER 35. MUNICIPAL POWERS AND DUTIES.

17 ARTICLE 1. GENERAL POWERS.

18 Sec. 29.35.010. GENERAL POWERS. All municipalities have the
19 following general powers, subject to other provisions of law:

20 (1) to establish and prescribe a salary for an elected or
21 appointed municipal official or employee;

22 (2) to combine two or more appointive or administrative
23 offices;

24 (3) to establish and prescribe the functions of a municipal
25 department, office, or agency;

26 (4) to require periodic and special reports from a municipi-
27 pal department to be submitted through the mayor;

28 (5) to investigate an affair of the municipality and make
29 inquiries into the conduct of a municipal department;

1 (6) to levy a tax or special assessment, and impose a lien
2 for its enforcement;

3 (7) to enforce an ordinance and to prescribe a penalty for
4 violation of an ordinance;

5 (8) to acquire, manage, control, use, and dispose of real
6 and personal property, whether the property is situated inside or
7 outside the municipal boundaries; this power includes the power of a
8 borough to expend, for any purpose authorized by law, money received
9 from the disposal of land in a service area established under AS 29.-
10 35.450;

11 (9) to expend money for a community purpose, facility, or
12 service for the good of the municipality to the extent the municipal-
13 ity is otherwise authorized by law to exercise the power necessary to
14 accomplish the purpose or provide the facility or service;

15 (10) to regulate the operation and use of a municipal right-
16 of-way, facility, or service;

17 (11) to borrow money and issue evidences of indebtedness;

18 (12) to acquire membership in an organization that promotes
19 legislation for the good of the municipality;

20 (13) to enter into an agreement, including an agreement for
21 cooperative or joint administration of any function or power with a
22 municipality, the state, or the United States;

23 (14) to sue and be sued.

24 Sec. 29.35.020. EXTRATERRITORIAL JURISDICTION. (a) To the
25 extent a municipality is otherwise authorized by law to exercise the
26 power necessary to provide the facility or service, the municipality
27 may provide parks, playgrounds, cemeteries, emergency medical ser-
28 vices, solid and septic waste disposal, airports, streets (including
29 ice roads), trails, transportation facilities, wharves, harbors and

1 other marine facilities outside its boundaries and may regulate their
2 use and operation to the extent that the jurisdiction in which they
3 are located does not regulate them. A regulation adopted under this
4 section must state that it applies outside the municipality.

5 (b) A municipality may adopt an ordinance to protect its water
6 supply and watershed, and may enforce the ordinance outside its bound-
7 aries. Before this power may be exercised inside the boundaries of
8 another municipality, the approval of the other municipality must be
9 given by ordinance.

10 (c) A municipality that owns or operates a utility may extend
11 service to adjacent areas outside its municipal boundaries. For that
12 purpose the municipality may acquire, maintain, and operate utility
13 facilities together with necessary interests in real property outside
14 its boundaries.

15 (d) This section applies to home rule and general law municipal-
16 ities.

17 Sec. 29.35.030. EMINENT DOMAIN. (a) A municipality may exer-
18 cise the powers of eminent domain and declaration of taking in the
19 performance of a power or function of the municipality under the
20 procedures set out in AS 09.55.250 - 09.55.460. In the case of a
21 second class city, the exercise of the power of eminent domain or
22 declaration of taking must be by ordinance that is submitted to the
23 voters at the next general election or at a special election called
24 for that purpose. A majority of the votes on the question is required
25 for approval of the ordinance.

26 (b) This section applies to home rule and general law municipal-
27 ities.

28 Sec. 29.35.040. EMERGENCY DISASTER POWERS. (a) A municipality
29 that is wholly or partially in an area that is declared by the

1 President or governor to be a disaster area may participate in and
2 provide for housing, urban renewal, and redevelopment in the same
3 manner as a home rule city. The exercise of these powers by a borough
4 shall be on a nonareawide basis, except a borough may exercise the
5 powers transferred to it by a city as provided by AS 29.35.310.

6 (b) Powers granted by this section must be initiated within a
7 period of not more than five years after the date of declaration of a
8 natural disaster by the President or governor, but these powers may be
9 extended for an additional period of not more than three years.

10 Sec. 29.35.050. GARBAGE AND SOLID WASTE SERVICES. (a) A muni-
11 cipality may by ordinance

12 (1) provide for the establishment, maintenance, and opera-
13 tion of a system of garbage and solid waste collection and disposal
14 for the entire municipality, or for districts or portions of it;

15 (2) require all persons in the municipality or district to
16 use the system and to dispose of their garbage and solid waste as
17 provided in the ordinance;

18 (3) award contracts for collection and disposal, or provide
19 for the collection and disposal of garbage and solid waste by muni-
20 cipal officials and employees;

21 (4) pay for garbage and solid waste collection and disposal
22 from available money;

23 (5) require property owners or occupants of premises to use
24 the garbage and solid waste collection and disposal system provided by
25 the municipality;

26 (6) fix charges against the property owners or occupants of
27 premises for the collection and disposal; and

28 (7) provide penalties for violations of the ordinances.

29 (b) The governing body of a municipality may not prohibit a

1 person holding a valid certificate from the Alaska Public Utilities
2 Commission from continuing to collect and dispose of garbage, refuse,
3 trash, waste material, or provide other related services in an area in
4 the municipality if the certificate authorizes the collection and
5 disposal of garbage, refuse, trash, or other waste material and pro-
6 viding of other services in the area, and the certificate was orig-
7 inally issued before the municipality provided similar services. A
8 municipality may not provide for a garbage, refuse, trash, or other
9 waste material collection and disposal service in an area to the
10 extent it lies in an area granted to a garbage, refuse, trash, or
11 other waste material carrier by a certificate issued by the Alaska
12 Public Utilities Commission to the carrier until it has purchased the
13 certificate, equipment and facilities of the carrier, or that portion
14 of the certificate that would be affected, at fair market value. A
15 municipality may exercise the right of eminent domain to acquire the
16 certificate, equipment and facilities of the carrier, or that portion
17 of the certificate that would be affected.

18 (c) This section applies to home rule and general law municipal-
19 ities.

20 Sec. 29.35.060. FRANCHISES AND PERMITS. (a) The assembly
21 acting for the area outside all cities in the borough and the council
22 acting for the area in a city may grant franchises, including exclu-
23 sive franchise privileges, to a person, corporation, organization, or
24 utility not certificated by the Alaska Public Utilities Commission and
25 may permit the use of streets and other public places by the franchise
26 holder under regulations prescribed by ordinance.

27 (b) Unless the grant is made on a competitive basis, the grant
28 of an exclusive right to use a public street or right-of-way for more
29 than five years to a utility or a transportation system not

1 certified by the Alaska Public Utilities Commission shall be valid
2 only if approved by a majority of the voters at an election.

3 Sec. 29.35.070. PUBLIC UTILITIES. (a) The assembly acting for
4 the area outside all cities in the borough and the council acting for
5 the area in a city may regulate, fix, establish, and change the rates
6 and charges imposed for a utility service provided to the municipality
7 or its inhabitants by a utility that it is not subject to regulation
8 under AS 42.05 unless that utility is exempted from regulation under
9 AS 42.05.711(a) or (d) - (k).

10 (b) A municipality may provide for a reasonable deposit for
11 meters and service to be given if interest is paid on the deposit.

12 (c) Unless the utility is owned by the municipality, all rates,
13 charges, and regulations established under this section shall be
14 established by ordinance and shall be reasonable and permit a fair
15 return on invested capital.

16 (d) This section applies to home rule and general law municipal-
17 ities.

18 Sec. 29.35.080. ALCOHOLIC BEVERAGES. (a) A municipality may
19 regulate the barter, sale, importation, and consumption of alcoholic
20 beverages in accordance with AS 04.11.480 - 04.11.506 and AS 04.21.-
21 010.

22 (b) This section applies to home rule and general law municipi-
23 palities.

24 Sec. 29.35.090. MUNICIPAL PROPERTY. The governing body shall by
25 ordinance establish a formal procedure for acquisition and disposal of
26 land and interests in land by the municipality.

27 Sec. 29.35.100. BUDGET AND CAPITAL PROGRAM. (a) The governing
28 body shall establish the manner for the preparation and submission of
29 the budget and capital program. After a public hearing, the governing

1 body may approve the budget with or without amendments, and shall
2 appropriate the money required for the approved budget.

3 (b) The governing body may make supplemental and emergency
4 appropriations. Payment may not be authorized or made and an obliga-
5 tion may not be incurred except in accordance with appropriations.

6 Sec. 29.35.110. EXPENDITURE OF BOROUGH REVENUES. Borough reve-
7 nues received through taxes collected on an areawide basis by the
8 borough may be expended on general administrative costs and on area-
9 wide functions only. Borough revenues received through taxes col-
10 lected on a nonareawide basis may be expended on general administra-
11 tive costs and functions that render service only to the area outside
12 all cities in the borough.

13 Sec. 29.35.120. POST AUDIT. (a) The governing body shall
14 provide for an annual independent audit of the accounts and financial
15 transactions of the municipality or, in the case of a second class
16 city, an audit or statement of annual income and expenditures. To
17 make the audit the governing body shall designate a public accountant
18 who has no personal interest, direct or indirect, in the fiscal af-
19 fairs of the municipality. Copies of the audit shall be available to
20 the public upon request.

21 (b) This section applies to home rule and general law municipal-
22 ities.

23 Sec. 29.35.130. EMERGENCY SERVICES COMMUNICATIONS CENTERS. (a)
24 A municipality may establish an emergency services communications
25 center with one or more other municipalities and one or more state,
26 federal, or private agencies that provide emergency service communica-
27 tions to the same geographic area. An emergency services communica-
28 tions center established under this section may be organized and
29 operated as a public nonprofit corporation under AS 10.20.

1 (b) An emergency services communications center under this
2 section may be governed by a board of directors. A member of a board
3 of directors of an emergency services communications center serves
4 without compensation but is entitled to per diem and travel expenses.
5 If an emergency services communications center is organized as a
6 nonprofit corporation, a member of its board of directors may not be
7 employed by the nonprofit corporation.

8 (c) An emergency services communications center may assess the
9 feasibility and desirability of providing emergency services communi-
10 cations for the geographic area in which it is located through one
11 central office. An emergency services communications center may

12 (1) combine or coordinate the existing emergency services
13 communications programs of the participating municipalities and agen-
14 cies;

15 (2) operate a dispatch center to receive all requests for
16 emergency services and dispatch those services;

17 (3) study the need for improvement in the timely delivery
18 of emergency services to residents of the participating municipali-
19 ties;

20 (4) hold public hearings to obtain information concerning
21 the timely delivery of emergency services;

22 (5) apply for and accept federal, state, municipal, and
23 private money, property, or assistance for use in providing the timely
24 delivery of emergency services;

25 (6) enter into contracts to carry out the provisions of
26 this section;

27 (7) employ personnel necessary to carry out the provisions
28 of this section.

29 (d) In this section

1 (1) "emergency services" means services provided by law
2 enforcement agencies, fire departments, ambulance services, and other
3 organizations that are intended to respond to emergency situations of
4 imminent danger to life or property;

5 (2) "state agency" means a department, division, or office
6 in the executive branch of state government.

7 Sec. 29.35.140. REGULATION OF TRANSPORTATION CARRIERS. A
8 municipality may not regulate an activity regarding transportation of
9 passengers or freight for hire if the regulation conflicts with the
10 regulation of that activity by the Alaska Transportation Commission as
11 the regulation existed on April 1, 1983 under former AS 02.05, former
12 AS 42.07, or former AS 42.10.

13 Sec. 29.35.145. REGULATION OF FIREARMS. (a) A municipality may
14 not, except by ordinance ratified by the voters, restrict the right to
15 own or possess firearms or transport unloaded firearms.

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

18 ARTICLE 2. MANDATORY AREAWIDE POWERS.

19 Sec. 29.35.150. SCOPE OF AREAWIDE POWERS. A borough shall
20 exercise the powers as specified and in the manner specified in
21 AS 29.35.150 - 29.35.180 on an areawide basis.

22 Sec. 29.35.160. EDUCATION. (a) Each borough constitutes a
23 borough school district and establishes, maintains, and operates a
24 system of public schools on an areawide basis as provided in AS 14.-
25 14.060. A military reservation in a borough is not part of the bor-
26 ough school district until the military mission is terminated or until
27 inclusion in the borough school district is approved by the Department
28 of Education. However, operation of the military reservation schools
29 by the borough school district may be required by the Department of

1 Education under AS 14.14.110. If the military mission of a military
2 reservation terminates or continued management and control by a re-
3 gional educational attendance area is disapproved by the Department of
4 Education, operation, management, and control of schools on the mili-
5 tary reservation transfers to the borough school district in which the
6 military reservation is located.

7 (b) This section applies to home rule and general law municipal-
8 ities.

9 Sec. 29.35.170. ASSESSMENT AND COLLECTION OF TAXES. (a) A
10 borough shall assess and collect property, sales, and use taxes that
11 are levied in its boundaries, subject to AS 29.45.

12 (b) Taxes levied by a city shall be collected by a borough and
13 returned in full to the levying city. This subsection applies to home
14 rule and general law municipalities.

15 Sec. 29.35.180. LAND USE REGULATION. (a) A first or second
16 class borough shall provide for planning, platting, and land use
17 regulation in accordance with AS 29.40.

18 (b) A home rule borough shall provide for planning, platting,
19 and land use regulation.

20 ARTICLE 3. ADDITIONAL POWERS.

21 Sec. 29.35.200. FIRST CLASS BOROUGH POWERS. (a) A first class
22 borough may exercise by ordinance on a nonareawide basis any power not
23 otherwise prohibited by law.

24 (b) A first class borough may by ordinance exercise the follow-
25 ing powers on an areawide basis:

26 (1) provide transportation systems;

27 (2) provide water pollution control;

28 (3) provide air pollution control in accordance with

29 AS 46.03.140 - 46.03.230;

- 1 (4) license day care facilities;
2 (5) license, impound, and dispose of animals.

3 (c) In addition to powers conferred by (b) of this section, a
4 first class borough may, on an areawide basis, exercise a power not
5 otherwise prohibited by law if the power has been acquired in accor-
6 dance with AS 29.35.300.

7 Sec. 29.35.210. SECOND CLASS BOROUGH POWERS. (a) A second
8 class borough may by ordinance exercise the following powers on a
9 nonareawide basis:

- 10 (1) provide transportation systems;
11 (2) regulate the offering for sale, exposure for sale,
12 sale, use or explosion of fireworks;
13 (3) license, impound, and dispose of animals;
14 (4) provide garbage, solid waste, and septic waste col-
15 lection and disposal;
16 (5) provide air pollution control in accordance with
17 AS 46.03.140 - 46.03.230;
18 (6) provide water pollution control;
19 (7) participate in federal or state loan programs for
20 housing rehabilitation and improvement for energy conservation;
21 (8) provide for economic development;
22 (9) provide for the acquisition and construction of local
23 service roads and trails under AS 19.30.111 - 19.30.251;
24 (10) establish an emergency services communications center
25 under AS 29.35.130;
26 (11) subject to AS 28.01.010, regulate the licensing and
27 operation of motor vehicles and operators.

28 (b) A second class borough may by ordinance exercise the follow-
29 ing powers on an areawide basis:

- 1 (1) provide transportation systems;
- 2 (2) license, impound, and dispose of animals;
- 3 (3) provide air pollution control in accordance with
- 4 AS 46.03.140 - 46.03.230;
- 5 (4) provide water pollution control;
- 6 (5) license day care facilities.

7 (c) In addition to powers conferred by (a) of this section, a
8 second class borough may, on a nonareawide basis, exercise a power not
9 otherwise prohibited by law if the exercise of the power has been
10 approved at an election by a majority of voters living in the borough
11 but outside all cities in the borough.

12 (d) In addition to powers conferred by (b) of this section, a
13 second class borough may, on an areawide basis, exercise a power not
14 otherwise prohibited by law if the power has been acquired in accor-
15 dance with AS 29.35.300.

16 Sec. 29.35.220. THIRD CLASS BOROUGH POWERS. (a) A third class
17 borough may borrow money and issue negotiable or nonnegotiable bonds
18 or other evidences of indebtedness as provided by AS 29.47.

19 (b) Areawide exercise of a power by a third class borough other
20 than education and tax assessment and collection is not authorized.

21 (c) A third class borough may acquire the power to provide for
22 planning, platting, and land use regulation as provided in AS 29.40
23 for first and second class boroughs, except the power may only be
24 exercised within a service area.

25 (d) A third class borough may acquire any power not otherwise
26 prohibited by law, except the power may only be exercised within a
27 service area.

28 ARTICLE 4. CITY POWERS.

29 Sec. 29.35.250. CITIES INSIDE BOROUGHES. (a) A city inside a

1 borough may exercise any power not otherwise prohibited by law.

2 (b) On adoption of a borough ordinance to provide for areawide
3 exercise of a power, no city may exercise the power unless the borough
4 ordinance provides otherwise or the borough by ordinance ceases to
5 exercise the power.

6 (c) A home rule city in a third class borough shall provide for
7 planning, platting, and land use regulation as provided by AS 29.35.-
8 180(b) for home rule boroughs. A first class city in a third class
9 borough shall provide for planning, platting, and land use regulation
10 as provided by AS 29.35.180(a) for first and second class boroughs. A
11 second class city in a third class borough may provide for planning,
12 platting, and land use regulation as provided by AS 29.35.180(a) for
13 first and second class boroughs.

14 (d) This section applies to home rule and general law cities.

15 Sec. 29.35.260. CITIES OUTSIDE BOROUGHES. (a) A city outside a
16 borough may exercise a power not otherwise prohibited by law. A
17 provision that is incorporated by reference to laws governing boroughs
18 applies to home rule cities outside boroughs only if the provision is
19 made applicable to home rule boroughs.

20 (b) A home rule or first class city outside a borough is a city
21 school district and shall establish, operate, and maintain a system of
22 public schools as provided by AS 29.35.160 for boroughs. A second
23 class city outside a borough is not a school district and may not
24 establish a system of public schools.

25 (c) A home rule city outside a borough shall provide for plan-
26 ning, platting, and land use regulation as provided by AS 29.35.180(b)
27 for home rule boroughs. A first class city outside a borough shall,
28 and a second class city outside a borough may, provide for planning,
29 platting, and land use regulation as provided by AS 29.35.180(a) for

1 first and second class boroughs.

2 (d) This section applies to home rule and general law cities.

3 ARTICLE 5. ACQUISITION OF ADDITIONAL POWERS.

4 Sec. 29.35.300. ADDITIONAL POWERS. (a) A first class borough
5 acquires an additional areawide power by transfer of the power by a
6 city or by holding an areawide election on the question.

7 (b) A second class borough acquires an additional power by
8 transfer of the power by a city or by holding an election on the ques-
9 tion. For acquisition of an areawide power, the election shall be
10 held areawide. For acquisition of a nonareawide power, the election
11 shall be held nonareawide.

12 (c) A third class borough acquires an additional power to exer-
13 cise in a service area by forming a service area in accordance with
14 AS 29.35.490(b) or (c).

15 Sec. 29.35.310. TRANSFER BY CITY. (a) A city in a first or
16 second class borough may transfer to the borough in which it is lo-
17 cated any of its powers or functions, subject to the approval of the
18 assembly.

19 (b) A first or second class borough shall exercise all powers
20 transferred to it by a city.

21 Sec. 29.35.320. INITIATION OF ACQUISITION OF POWER. (a) An
22 election on the question of adding an areawide power in a first class
23 borough or of adding an areawide or nonareawide power in a second
24 class borough may be initiated in two ways:

25 (1) a number of voters equal to 15 percent of the number of
26 votes cast at the preceding regular election in the area, either area-
27 wide or nonareawide, in which the election is to be held may file a
28 petition with the borough clerk; or

29 (2) the assembly may propose the acquisition of the power.

1 (b) An election on the question of adding a power in a third
2 class borough for exercise in a service area may be initiated in two
3 ways:

4 (1) a number of voters equal to 15 percent of the number of
5 votes cast at the preceding regular election in a proposed service
6 area in which the power is sought to be exercised may file a petition
7 with the assembly; or

8 (2) the assembly may propose the acquisition of the power.

9 (c) The borough clerk shall certify whether a petition filed
10 under (a) or (b) of this section contains the required number of
11 signatures.

12 (d) Within 30 days after a petition is certified as containing
13 the required number of signatures or the assembly proposes the acqui-
14 sition of a power, at least one public hearing shall be held in the
15 borough on the question. The assembly shall then evaluate the ability
16 of the borough to exercise the power and make its findings public.
17 Within 60 days after its findings have been made public, the assembly
18 shall order an election on the question.

19 Sec. 29.35.330. ELECTION. (a) If more than one power is pro-
20 posed for acquisition under AS 29.35.320, each shall appear separately
21 on the ballot.

22 (b) If a power is proposed for exercise by a third class borough
23 in a service area, only voters residing in the proposed service area
24 may vote.

25 (c) A vote on the question of adding an areawide power in a
26 first or second class borough shall be tabulated in two separate
27 classifications. One shall consist of all votes cast in all cities
28 located in the borough. The other shall consist of all votes cast in
29 the borough area outside all cities. If the majority of the votes

1 cast in each classification is favorable, the borough shall assume the
2 added power within 30 days after certification of the election re-
3 sults.

4 (d) If a majority of the votes cast on the question of adding a
5 nonareawide power in a second class borough or a power to be exercised
6 in a service area in a third class borough is favorable, the borough
7 shall assume the added power within 30 days after certification of the
8 election results.

9 (e) The borough mayor shall certify the election results to the
10 department.

11 Sec. 29.35.340. EFFECT OF ACQUIRING AN AREAWIDE POWER. (a) On
12 acquisition of an areawide power the first or second class borough
13 succeeds to all of the rights, powers, and duties of any city or
14 service area with respect to that power. The borough succeeds to
15 claims, franchises, and other contractual obligations, liability for
16 bonded and all other indebtedness, and to all of the right, title, and
17 interest in the real and personal property held by a city or service
18 area for the exercise of the power.

19 (b) The assembly may levy and collect special charges, taxes, or
20 assessments including interest for the purpose of amortizing bonded
21 indebtedness previously incurred by a city or service area for exer-
22 cising an areawide power acquired by the borough. When a city or
23 service area had previously incurred bonded indebtedness, all property
24 that was in the city or service area at the time the bonds were issued
25 remains subject to taxation to pay the principal of and interest on
26 the bonds.

27 (c) On acquisition of an additional areawide power the first or
28 second class borough, in consultation with the city or service area
29 personnel, shall arrange for an orderly and equitable transfer of

1 rights, assets, liabilities, powers, duties, and other matters related
2 to acquisition of the areawide powers.

3 (d) This section applies to home rule and general law cities.

4 Sec. 29.35.350. DEFINITION. In AS 29.35.200 - 29.35.350,
5 "power" means the provision of a public facility or service, or the
6 exercise of a regulatory power.

7 ARTICLE 6. CONSTRUCTION OF POWERS.

8 Sec. 29.35.400. GENERAL CONSTRUCTION. A liberal construction
9 shall be given to all powers and functions of a municipality conferred
10 in this title.

11 Sec. 29.35.410. EXTENT OF POWERS. Unless otherwise limited by
12 law, a municipality has and may exercise all powers and functions
13 necessarily or fairly implied in or incident to the purpose of all
14 powers and functions conferred in this title.

15 Sec. 29.35.420. ENUMERATION OF POWERS. Specific examples in an
16 enumerated power or function conferred upon a municipality in this
17 title is illustrative of the object and not a limitation on or exclu-
18 sion from the exercise of the power or function.

19 ARTICLE 7. SERVICE AREAS.

20 Sec. 29.35.450. SERVICE AREAS. (a) A service area to provide
21 special services in a borough may be established, operated, altered,
22 or abolished by ordinance. Special services include services not
23 provided on an areawide or nonareawide basis in the borough, or a
24 higher or different level of service than that provided on an areawide
25 or nonareawide basis. The borough may include a city in a service
26 area if

27 (1) the city agrees by ordinance; or

28 (2) approval is granted by a majority of voters residing in
29 the city, and by a majority of voters residing inside the boundaries