

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

374 SCOM10: LOCAL GOVERNMENT STUDY 1979

Q.89 Building regulations in hazardous areas. Sixty-five percent agreed that some form of building regulations should be adopted to control building in hazardous areas in and around McGrath. Almost 80% of the non-Native households agreed, while only half the Native households wished to see such regulations enacted.

Q.90, 91 Lot sizes in McGrath. Slightly over half of the survey group responded that lot sizes are too small in McGrath, against 30% who are satisfied with the present sizes. Of significance is that about 80% of non-Native heads of household agree that lot sizes are too small, against only 12% of the Natives who agreed. Length of residence in McGrath also shows up as significant with about 70% of the less than five-year residents responding "too small," while only 40% of the six-year and over residents responded the same way. The ideal lot size, as listed most frequently, is one acre.

Q.92 Subdivision lot size standards. Seventy percent of the survey group felt that the city should impose minimum lot size standards on new subdivision developments in the McGrath area.

Q.107 Land uses for MTNT limited land. The predominantly listed land use for the 1,280 acres of MTNT land was residential, by a large margin.

Summary Findings:

Uncontrolled growth and the resulting sprawl are beginning to become an issue in McGrath. Presently, a slight majority exists in favor of imposing city regulations on land use. A much stronger majority exists on certain building regulations concerning hazardous zones, and establishing minimum performance standards in newer subdivisions.

A split presently exists on the issue of moving new growth out of the present townsite up onto Cranberry Ridge. The demand for buildable homesites is still such a major issue that some pressure exists to continue to build in otherwise marginal or unsafe housing areas. Until the issue of land shortage is resolved, it seems that any concern to avoid hazardous areas would be seen as in confrontation with the adequate housing issue.

Subsistence resources in or very near the townsite of McGrath exist which are drawn upon by almost all residents. These resources must be involved in any decisions on future growth to avoid conflicts over land use.

Those land uses which generate high volumes of activity, such as gas stations or hotels, are seen to be the most unacceptable land uses to have occurring in or near housing districts. Industrial uses of land should be concentrated, where applicable, according to the survey. Special areas of McGrath, such as the airport and riverfront, are also seen by the survey to have inherently special uses.

Goals and Objectives:

The above findings can be translated into the following sets of community goals and objectives:

GOAL: Land use developments shall be environmentally sensitive and compatible with existing land uses.

Objective - Develop local land use regulations.

GOAL: Provide more land for residential uses in McGrath.

Objective - Identify and set aside suitable land for homesites which avoids present siting problems.

Objective - Develop a Capital Improvement Program which meets the needs of relocating portions of McGrath's housing.

GOAL: Identify and preserve areas important for subsistence activities.

Objective - Maintain access to areas used for food gathering.

Objective - Identify those areas most popular for food gathering.

Objective - Insure that state game management programs are in the long-range interests of McGrath's population.

GOAL: Increase the availability of land to satisfy the demand for homesites and townsite relocation.

Objective - Encourage the rapid conveyance of appropriate state, federal, and Native-held lands necessary for McGrath's development.

Local Government:

This section involves many of the questions used in other sections because they involve the role of local government. Issues concerning land use regulations, building codes, subdivision standards, and the use of city-owned land - as well as mechanisms of local public finance, are addressed in this section by the following questions.

Q. 86 City land use regulations. This question was designed to determine if McGrath is in favor of adopting some form of regulating land use. Slightly less than half agreed that the city should regulate the use of land, while 30% said "no," leaving the remaining 20% "undecided." Based on the size of this survey, no firm conclusion can be made in favor of regulations. Those who favor growth in McGrath's economy show a slight tendency in favor of regulations over those who wish McGrath to remain the same. The non-Native heads of household, higher education, and higher household income levels all show a stronger tendency in favor of regulating land use.

Q.89 Building regulations in natural or man-made hazard zones. Sixty-five percent of the survey group feels that the city should adopt regulations limiting building in hazard zones. Once again, as illustrated in Question 86, almost 80% of the non-Native households favor regulations against only half of the Native households. The higher income households show up again to favor regulations more, with virtually all the over \$30,000 income households favoring regulations against an average of only half of the below \$30,000 income households.

Q.92, 93 City subdivision standards. These questions solicit opinions on the city adopting subdivision regulations. Approximately 70% approve of subdivision regulations against less than 20% who disapprove. Once again, the non-Native households tend more to favor regulations over the Native households, with 80% of the non-Natives favoring them against only 60% of the Natives. Higher family incomes also tend more to favor regulations, with 80% of the over \$30,000 favoring against approximately 70% of the \$10,000-\$20,000 and only 50% of less than \$10,000. Length of residency or intentions to remain do not play a significant role one way or the other on this regulation issue. It should also be noted that the Native households either were in favor of regulations by 60%, or chose "no opinion" or "no response." None chose the "no" category on regulations. All non-Native households, on the other hand, were either in favor by 80% or against by 20%, everyone having an opinion -- indicating that the issues of additional regulations are of greater concern to the non-Native households.

Q.94 City land for homesites. Because of the severity of the land shortage for homesites in McGrath, this question was designed to determine the feasibility of supplementing this shortage by using city-owned land. Over 80% responded favorably to this proposal, with no one disapproving -- the remaining 20% indicating no opinions or responses. Once again, the homesite question shows up more as an issue with the non-Native households, as indicated by very few "no opinions" or "no responses" on these questions. Almost all of 20% indicating "no opinions" or having "no responses" to this question were Native households, which comprised about 40% of their numbers.

Q.95 City regulations on city homesite land. This question was used to solicit opinions on the continued involvement of the city in the use of those city lands which will be conveyed to private ownership -- typically for homesites. These restrictions caused an equal split between those for and against. The major bulk of those who shifted against these particular regulations were the Native households. Only slightly over 10% of the Natives favor continuing city regulations, against over 60% of the non-Native households. Once again, a large percentage of the Native households chose "no opinion" or did not respond, possibly indicating a lower concern for such issues than the non-Native households. Virtually all higher household incomes above \$20,000 favored these increases in regulations, against virtually all of the lower income households opposing them.

Q.96 Financing methods for city improvements. This question offered a list of financial methods available to local governments and surveyed the method most favored to the public. The following table was the outcome:

TABLE 8

FINANCING METHODS

<u>Method of Finance</u>	<u>Percent Favored</u>
Grant Programs	39%
Establish City Tax Base	4
Sell City Bonds	0
State Bonds	26
Other Responses	31
	100%

Of significance is the choice to rely heavily on non-local means of finance. Few to none desired to see either a city tax base established or to sell local bonds. Most preferred the use of non-repayable federal and state grant programs with some favoring the use of state bonds. It must be brought out that many of the responses in the above table may have been based more upon what is feasible at present rather than a true preference of one financing mechanism over another. Still, the general reliance on non-local means of financing improvements is a significant conclusion to be drawn from the present attitudes.

Present city services - overall impression of city administration. The general overall quality rating given on the performance of McGrath's local government was "fair." Less than 20% gave a "poor" rating. Suggested improvements offered were to improve local government pay scales, improve tax fairness, and to extend the term of the mayor.

Summary Findings:

The issue of regulating land use splits the McGrath community evenly between for and against. The non-Native heads of household, higher education, and higher income households all show a slight tendency towards favoring land use regulations. Also this issue is more strongly felt amongst the non-Native households who either aligned themselves completely for or against. This finding is contrasted by the rather large number of Native households who replied with "no opinion" or did not respond at all.

On the subject of imposing regulations on certain building activities, such as in hazardous zones or establishing minimum performance standards on subdivisions, the survey showed a majority in favor of such regulations. Once again, the non-Native, higher education, and higher income households showed a stronger consensus in favor of more regulations.

A very high majority favor conveying some of the existing city land into private homesites to offset the present land shortage.

A strong reliance on non-local methods of finance for local improvements was clearly made. Federal and state grant programs are seen most favorably, followed by some reliance on state bonding.

The general overall impression of the quality of local government was "fair." Suggested improvements involve increased pay scales to local government employees, improvements in tax fairness, and extending the term of the mayor.

Goals and Objectives:

The above findings can be translated into the following sets of community goals and objectives:

GOAL: Provide for future development that is safe from natural or man-made hazards.

Objective - Ensure that new development will be subject to minimal or no flood damage.

Objective - Avoid development in areas subject to erosion.

Objective - Pass city subdivision regulations insuring minimum performance regulations in lot sizing and structural and insulation quality.

GOAL: Maintain fiscal integrity in local government.

Objective - Keep local capital improvements for public services within the existing federal and state grant programs.

Capital Improvements and Public Facilities:

This section looks at those improvements in present services and facilities desired by the residents of McGrath. The existing load on facilities and attitudes on their expansion is determined by the following questions.

Q.6 Reasons for leaving McGrath. Approximately 10% listed the lack of public facilities, principally sanitary-related, and the minimal local private sector of the economy as the primary reasons which would cause them to leave the community.

Q.7 Worst things about McGrath. The predominant feature listed, by a very large margin, that residents dislike about McGrath was the lack of public facilities. This reason was primarily listed by the shorter time residents; non-Native households also were more prevalent in this response, as were heads of households with higher education.

Q.11 Ideal population. An eventual community size of 500 was seen most predominantly as the ideal future population limit. Ultimate design capacity in currently proposed capital improvements should account for this possible population demand level.

Q.24, 25 Public utilities.

TABLE 9

DEMAND DISTRIBUTION

<u>Monthly Rate</u>	<u>Demand Distribution, Percent Listed</u>			
	<u>Electricity</u>		<u>Fuel Oil</u>	
	<u>Summer</u>	<u>Winter</u>	<u>Summer</u>	<u>Winter</u>
\$ 0 - \$ 10	8.7	0.0	8.7	0.0
\$ 11 - \$ 25	4.3	13.0	4.3	4.3
\$ 26 - \$ 35	8.7	8.7	4.3	0.0
\$ 36 - \$ 50	21.7	8.7	8.7	17.4
\$ 51 - \$100	21.7	21.7	8.7	4.3
\$101 - \$150	0.0	17.4	4.3	13.0
\$151 - \$200	4.3	4.3	0.0	8.7
Over \$200	0.0	0.0	0.0	13.0
Other Responses	30.4	26.1	60.9	39.1
TOTAL	100.0	100.0	100.0	100.0

TABLE 10

AVERAGE HOUSEHOLD MONTHLY BILLINGS

<u>Electricity</u>			<u>Fuel Oil</u>		
<u>Summer</u>	<u>Winter</u>	<u>Percent Increase</u>	<u>Summer</u>	<u>Winter</u>	<u>Percent Increase</u>
\$53.40	\$70.50	32%	\$46.60	\$117.90	153%

Electrical bills increase by 32% in winter as compared to a 153% increase in fuel oil costs.

Q.49, 50 Community freezer. Slightly over 80% favor a community freezer, while only 60% would be in favor of paying for it. This finding compares to 80% who already own their own freezer, which may explain the lower willingness to pay.

Q.78 Increasing government services. The majority by far is unfavorable towards increasing the present level of government services. The Native heads of household expressed "mixed feelings" predominantly, while the non-Native households show about 60% as "unfavorable" to increasing these services.

Q.93 Roads and electrical utilities in new subdivisions. Approximately 70% agree that the developers should be responsible for providing the new roads and electrical distribution systems for new subdivisions.

Q.100 Present household water system. A little over 40% of McGrath's households are presently served by individual wells. Principally these homes are in the older townsite in the gravelly flood plain where permafrost does not exist. The second largest water supply system is piped distribution serving about 30% of the homes. Enclosed storage tanks serve another 17%, with the remainder principally served by open storage.

Q.101 Sewerage system. About half of all households in McGrath are served by the crib or septic tank sewage disposal system. Honeybuckets account for about 20% of the households. Half of the Native households are served by honeybuckets. Less than 10% are served by a piped disposal system.

Summary Findings:

The lack of adequate public facilities is one of the major issues presently facing McGrath's citizens. A strong majority considers increasing the present level of government services as undesirable. This tends to develop a dilemma which needs to be balanced before a major capital improvement program can be decided upon.

Average household electrical bills run \$53.40 in the summer and jump to \$70.50 in the winter, an increase of 32%. Average heating oil bills, less relied upon in the summer, run \$46.60 in the summer and jump 153% to \$117.90 in the winter.

The developers are seen as the source for the new capital improvements that are required because of new subdivision development.

The present utility system relies strongly on individual systems served by above non-centralized distribution and collection system.

Goals and Objectives:

The above findings can be translated into the following sets of community goals and objectives:

GOAL: Insure that adequate public facilities are provided to meet the living standards of McGrath's residents.

Objective - Use subdivision ordinances to insure that roads and electrical facilities demanded by new housing are supplied by the developer.

Objective - Provide facilities that are affordable by the city and its residents.

Recreation:

This section addresses the various forms of recreation engaged in by the residents of McGrath and identifies the types of community recreational facilities they demand. The questions below summarize the existing major forms of recreation and attitudes of the residents of McGrath toward improvements in these facilities..

Present city services - parks and recreation. Parks received the lowest overall quality rating of all present city services. Many people were not even aware that one existed. Suggested improvements were to upgrade the present park facility by better drainage and to include a playground and picnic area. Others suggested that it was not necessary to provide a park.

Recreational facilities in McGrath received a "fair" rating overall. Suggested improvements included a baseball park, bowling alley, and improvements on the present swimming pool.

Potential city services - museum, park at Clam Lake. The museum received very little support as a potential city service. Only the float plane ramp was rated lower on the list of potential city services. The park at Clam Lake was rated as "important" overall, but with only a slight edge over those who indicated the project as "not important."

Q.98 Household forms of recreation. Outdoor forms of recreation dominate all other forms of recreation. Motorized forms outnumbered non-motorized, and included such things as boating, snowmobiling, flying, and motorcycling. Non-motorized forms included lower capital types of outdoor recreation such as canoeing, hiking, and picnics.

Home entertainments were listed second most frequently as forms of recreation engaged in McGrath. These forms involve reading, radio, and television, as well as entertaining guests and visiting.

Fishing, hunting, and subsistence activities were a third predominant category. Organized outdoor sports are also important forms of recreation in McGrath.

Q.99 Specific recreational improvements. A combination of an outdoor activities field and park with a children's playground was the dominant improvement in recreation desired by the survey. Improvement in the present swimming pool was a second listed recreational project for McGrath, followed by either a theater or skating rink.

Q.102 Recreational vehicles.

TABLE 11

RECREATIONAL VEHICLES, PER HOUSEHOLD

<u>Vehicle</u>	<u>Vehicle/Household</u>
Snowmobile	.74
Motorcycle	.65
Riverboat	.61

The snowmobile is the predominant form of recreational vehicle.

Summary Findings:

Parks are not a serious form of recreation in McGrath. As a city service, it receives the lowest rating in quality overall, and as a potential city service meets even less enthusiasm.

The present recreational facilities in McGrath were given an overall "fair" rating. Improvements were predominantly for a combination outdoor activities field and children's playground. Some desire to see the present swimming pool facilities cleaned up and maintained better.

Motorized forms of outdoor recreation are the most popular among McGrath's citizens. The snowmobile, motorcycle, and riverboat are the three prominent vehicles in this recreational activity.

Home entertainment is another major form of recreation in McGrath, followed by fishing, hunting and subsistence activities (which is considered a form of recreation).

Goals and Objectives:

The above findings can be translated into the following sets of community goals and objectives:

GOAL: Improve on the immediate access to outdoor recreation within McGrath.

Objective - Develop a combination outdoor activities field with children's fenced playground facilities on present city-owned land.

GOAL: Improve on the availability of home entertainment facilities.

Objective - Determine the feasibility of improving the written and electronic media into McGrath.

Transportation and Communications:

This section addresses the reliance and use of existing transportation and communication networks to the outside -- predominantly Anchorage. The following questions were used to solicit opinions from McGrath's residents on both the performance of, and their reliance on, transportation and communications services. Also, certain questions are used which provide the overall preferences of the residents on improvements to these facilities.

Q.65 Household imports. This question was designed to identify the reliance on imports to satisfy the household demand and, subsequent to that, on regional transportation. The survey shows that approximately 65% of all household goods purchased in McGrath are directly imported and not supplied through local retail or wholesale sources.

Q.67 Household trips outside McGrath. Business was listed foremost as the primary reason for trips outside McGrath. Medical purposes accounted for the second most frequently-listed reason, followed by shopping. Thirty-four percent of all trips outside McGrath are business-related, and listed predominantly by non-Native households. Medical reasons account for 21% of all outside trips and were the predominant reason given by Native households.

Q.97 Communications services:

TABLE 12

COMMUNICATIONS SERVICES

<u>Service</u>	<u>Quality Rated, Percent Listed</u>		
	<u>Good</u>	<u>Needs Improvement</u>	<u>No Response</u>
Telephone	35	52	13
Television	35	52	13
Radio	44	39	17
Newspaper	48	30	22

The radio and the newspaper were the only communications services given good overall ratings. Telephones and television were most listed as in need of improvements. The desire for a local radio station was the most suggested overall improvement in McGrath's communications.

Q.103 Small boat harbor and float plane basin. This question was asked to determine the best location for these transportation services -- should they be approved to be built. Predominantly, the AC pumphouse was listed as the best location for such facilities. Behind the HUB hangar was the second choice.

Q.104 Small boat harbor use. Fifty-six percent indicated they would use a small boat harbor, if available, against 30% who replied "no." The Native households were seen to favor this project more than the non-Native households.

Summary Findings:

McGrath's local service sector is almost nonexistent, with a very high reliance on imports directly to household consumption. This causes McGrath's present lifestyle to be heavily reliant on the regional airport linkage to Anchorage. Alterations in airline schedules and the possibility of airline shutdowns make this economy and lifestyle extremely vulnerable.

A majority of airline trips to the outside are primarily initiated for business purposes. Medical reasons account for the second trip generator, followed by shopping.

Radio and newspaper services in McGrath were generally given good ratings. Telephone and television services, on the other hand, were listed predominantly to be in need of improvements.

A small boat harbor and float plane basin do not receive large support presently in McGrath. A slight majority indicated they would use such facilities if available.

Goals and Objectives:

The above findings can be translated into the following sets of community goals and objectives:

GOAL: Reduce McGrath's almost total reliance on Anchorage for critical medical and other emergency services and facilities.

Objective - Develop an emergency medical facility within McGrath to serve not only locally, but to the region as well.

Objective - Develop an emergency stockpile program of critical necessities to be used during periods of airline shutdowns brought on by fuel shortages or labor-management disputes.

Education and Vocational Training:

This section addresses the opinions the residents of McGrath have on the quality of their educational system. Also, the subject of local job training is brought forth to measure the level of support in the community for such an extension program to be located within McGrath. The following questions were developed to solicit these particular opinions.

Q.59 Job training. Sixty percent indicated they have taken job training courses. About 75% of the Native households have taken job training, contrasted by only 50% of the non-Native households.

Q.60, 61 Type of job training courses taken. Skilled trades and heavy equipment training were the predominant training courses taken by the survey. Clerical training, business management, and administration occupy the bulk of other training courses. The more transient population, that is those with plans to leave within the next five years, show up with more training courses than those with indefinite or permanent plans to remain in McGrath. Seventy-five percent of those who had training indicated they were satisfied with the skills they acquired.

Q.62 Value of job training. Personnel advancement was seen as the best reason for taking job training. Improvements in worker productivity was a specific positive feature resulting from these training courses. Job entry for the young and improved skills of value to the overall community were also listed as benefits to be gained from job training programs.

Q.63 Job training program for McGrath. Seventy percent of the survey was in favor of a job training program for McGrath. Eighty-seven percent of the Native heads of household favored this idea, against a less adamant 57% of the non-Native households. Virtually all of the clerical, crafts, operations, and service-employed households favored such a program for McGrath.

Q.105 Quality of education in McGrath.

TABLE 13

QUALITY OF EDUCATION

<u>Rating</u>	<u>Percent of Population</u>
Good	13.0%
Fair	69.0
Poor	4.3
No Opinion/Response	<u>21.7</u>
TOTAL	100.0%

A "fair" rating was the predominant rating given to both the primary and secondary education in McGrath. Only 4% rated education "poor." The Native households gave predominantly higher ratings than did the non-Native households.

Q.106 Continue to provide education. Seventy percent of the survey felt that the Iditarod Area School District (I.A.S.D.) should continue to provide education in McGrath. Less than 5% felt the city could do a better job in providing education.

Summary Findings:

A very large majority are convinced that the quality of education in McGrath is at least "fair." An even higher majority felt that education should continue to be provided by the I.A.S.D., and definitely not the city.

Job training is a program that McGrath would like to see provided locally. Increased productivity, personnel advancement, and job entry for the young, as well as skills of value to the general community, were benefits seen to be derived from such a program.

The Native heads of household are seen to be more active in job training programs and were more strongly in favor of locating a training program in McGrath.

Goals and Objectives:

The above findings can be translated into the following sets of community goals and objectives:

GOAL: Provide for the enhancement of the local labor force to increase productivity and accordingly, local wealth.

Objective - Develop a local job training program, to be run as an extension service, which meets the needs of the community and the local job market.

HOUSING INVENTORY

This section of the report is drawn from a separate survey of all living units in McGrath. The following summary tables and cross-correlations are strictly objective, and not interpretive.

TABLE 14

HOUSING COUNT BY STRUCTURE TYPE

<u>Structure Type</u>	<u>No. Living Units</u>	<u>Percent</u>
Single-Family Detached	106	76.2%
Duplex	8	5.8
Apartment	4	2.9
Trailer	3	2.2
Cabin	16	11.5
Other	<u>2</u>	<u>1.4</u>
TOTAL	139	100.0%

Total dwelling unit (housing) count for McGrath is 139.

TABLE 15

HOUSING QUALITY

<u>Rated Quality*</u>	<u>No. Living Units</u>	<u>Percent</u>
1	79	56.9%
2	10	7.2
3	22	15.8
4	10	7.2
5	<u>18</u>	<u>12.9</u>
TOTAL	139	100.0%

* See Appendix C for criteria in defining individual ratings.

TABLE 16

HOUSEHOLD ELECTRIFICATION

<u>Electricity</u>	<u>No. Living Units</u>	<u>Percent</u>
Yes	134	96.4%
No	4	2.9
No Response	<u>1</u>	<u>.7</u>
TOTAL	139	100.0%

TABLE 17

HOUSEHOLD SEWERAGE

<u>Sewer System</u>	<u>No. Living Units</u>	<u>Percent</u>
Indoor	65	46.8%
Outdoor	43	30.9
Honeybucket	30	21.6
Other	<u>1</u>	<u>.7</u>
TOTAL	139	100.0%

TABLE 18

HOUSING SPONSOR

<u>Home Sponsor</u>	<u>No. Living Units</u>	<u>Percent</u>
FAA	21	15.1%
HUD	30	21.6
Other (Private)	<u>88</u>	<u>63.3</u>
TOTAL	139	100.0%

TABLE 19

HOUSING QUALITY BY STRUCTURE TYPE

Structure Type	<u>Housing Quality*</u>					Total <u>Living Units</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	
Single-Family	68	6	17	8	7	106
Duplex	6	2				8
Apartment	4					4
Trailers	1	2				3
Cabins			5	2	9	16
Others	—	—	—	—	<u>2</u>	<u>2</u>
TOTAL LIVING UNITS	79	10	22	10	18	139

* See Appendix C for definition of individual ratings.

McGRATH



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#10:54

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

FOUCHY - STATE CAPITOL

JUNEAU, ALASKA 99811

907-465-3800

MEMORANDUM

March 23, 1979

SUBJECT: Listing of Communities in the Unorganized Borough
(W.O. #6943)

TO: The Honorable Bill Parker

FROM: Alexander Hoke
Policy Analyst

Enclosed are listings of communities in the unorganized borough showing incorporation status and population. Those communities with populations between and inclusive of 2,000 and 7,500 have been flagged with "+++". A cumulative population total for all communities within the unorganized borough is listed at the bottom of the printout.

Please note that there are two computer listings. The longer listing of 314 communities represents a complete list of the communities within the unorganized borough, while the smaller list of 233 communities is a subset of the larger list, namely those communities for which zip codes are available. The purpose of the second listing is to weed out from the larger list many of the communities which are no longer in existence. However, since the population totals of the two listings differ, some viable communities must not be shown in the shorter listing.

It should also be noted that most of the population figures shown on the printouts are estimates made by the Department of Community & Regional Affairs or, in the case of smaller communities and villages, estimates made by itinerant health nurses.

If we can be of further assistance please call on us.

AH:lmk
Enclosures

COMMUNITIES IN THE UNORGANIZED BOROUGH

HOME RULE	FIRST CLASS	SECOND CLASS	UNINCORPORATED	POPULATION
1			ADAK	?
2			AGUIKCHUK	?
3		AKIACHAK		354
4		AKIAK		192
5		AKOLMIUT		608
6			AKULURAK	?
7			AKUTAN	68
8			ALAGANIK	?
9		ALAKANUK		533
10		ALEKNAGIK		227
11		ALLAKAKET		216
12		AMBLER		273
13			ANANDALE	?
14		ANDERSON VILLAGE		470
15		ANGDON		527
16		ANIAK		355
17			ANOGOK	?
18		ANVIK		102
19			ARCTIC VILLAGE	120
20			ATKA	90
21		ATMAUTLUAK		186
22			ATTU	?
23			BEAVER	85
24			BELKOFSKI	25
25		BETHEL		3,608 +++
26			BETTLES	84
27			BIG DELTA	?
28			BOUNDARY	?
29		BREVIG MISSION		194
30		BUCKLAND		176
31			CALDER	?
32			CANDLE	4
33			CANTWELL	150
34			CAPE FANSHAW	?
35			CAPE POLE	250
36			CAPE YAKATAGA	?
37			CARD	?
38			CENTRAL	20
39			CHALKYITSIK	92
40			CHANDALAR	?
41		CHEFORNAK		204
42			CHENEGA	?
43		CHEVAK		461
44			CHICHAGOF ISLAND	?
45			CHICKEN	?
46			CHIGNIK	68
47			CHIGNIK LAKE	68
48			CHISANA	?
49			CHISTOCHINA	180
50			CHITINA	84
51			CHOMLY	?
52			CHRISTIAN	?
53		CHUATHBALUK		119
54			CIRCLE	76
55			CIRCLE HOT SPRINGS	10
56		CLARKS POINT		98
57			COLD BAY	128
58			COPPER CENTER	384
59	CORDOVA			2,780 +++
60			COUNCIL	15

62			CROOKED CREEK	125
63		DEERING		117
64		DELTA JUNCTION		892
65			DIAMOND	?
66	DILLINGHAM			1,360
67		DIOMEDE		125
68			DISHKAKAT	?
69			DOT LAKE	266
70			DUNBAR	?
71			DUTCH HARBOR	?
72		EAGLE		124
73			EDNA BAY	?
74		EEK		307
75			EGAVIK	?
76			ELEGIK	100
77			EKUK	18
78		EKWOK		111
79			ELFIN COVE	55
80		ELIM		288
81			EMANGUK	?
82		EMMONAK		556
83			EUREKA LODGE	?
84			EVANSVILLE	?
85			FALSE PASS	50
86			FAREWELL	?
87			FERRY	?
88			FLAT	61
89			FORT GLEN	?
90		FORT YUKON		637
91		FORTUNA LEDGE		210
92			FUNTER	?
93			GAKONA	85
94	GALENA			631
95		GAMBELL		447
96			GEORGETOWN	?
97			GLENNALLEN	494
98			GOLDEN	?
99		GOLDVIN		118
100		GOODNEWS BAY		248
101		GRAYLING		181
102			GULKANA	58
103			GUSTAVUS	70
104			HAWK INLET	?
105			HAYCOCK	?
106			HEALY	300
107			HERENDEEN BAY	?
108			HOG RIVER	?
109			HOLDGACHAKET	?
110		HOLY CROSS		302
111	HOONAH			1,093
112		HOOPER BAY		648
113		HUGHES		98
114		HUSLIA		216
115	HYDABURG			380
116			HYDER	55
117			IDITAROD	?
118			IGIAK	?
119			IGUIGIG	52
120			IGUSHIK	?
121			ILIAMNA	204
122			INGER	?
123			ITULILIK	?
124			IVANOF BAY	26
125			JACK WADE	?
126	KAKE			679

128			KALLA	?
129		KALSKAG (LOWER)		218
130		KALSKAG (UPPER)		164
131		KALTAG		257
132			KANATAK	?
133			KANTISHNA	?
134			KARHEEN	?
135		KASAAN		46
136			KASHEGELOK	?
137			KASHIAGAMIUT	?
138			KASKANAK	?
139			KATALLA	?
140		KIANA		331
141			KINEGAK	?
142	KING COVE			566
143			KIPNUK	387
144		KIVALINA		227
145	KLAWOK			323
146		KOBUK		176
147			KOGGIUNG	?
148			KOKRINES	?
149			KOLIGANEK	141
150			KONGIGANAK	193
151		KOTLIK		305
152		KOTZEBUE		2,526
153		KOYUK		160
154		KOYUKUK		124
155			KULIUK	?
156		KUPREANOF		42
157			KUSKOVAK	?
158			KVICHAK	?
159		KWETHLUK		444
160			KWIGAMIUT	?
161			KWIGILLINGOK	194
162			KWIKPAK	?
163			LATOUCHE	?
164			LEVELOCK	98
165			LIME VILLAGE	45
166			LIVENGODD	100
167			LONG	?
168			LOWER TONSINA	?
169			MANLEY HOT SPRINGS	74
170		MANDKOTAK		250
171			MCCARTHY	?
172		MCGRATH		382
173			MCKINLEY PARK	100
174			MEAKERVILLE	?
175			MEDFRA	17
176		MEKORYUK		186
177			MENTASTA LAKE	152
178	* METLAKATLA			1,119
179			MEYERS CHUCK	48
180			MILLER HOUSE	?
181			MILLERS CAMP	?
182			MINTO	150
183		MOUNTAIN VILLAGE		573
184			NABESNA	?
185			NABESNA VILLAGE	?
186			NAPAIMUIT	?
187		NAPAKIAK		307
188		NAPASKIAK		215
189			NATION	?
190			NELSON LAGOON	?
191	NENANA			503
192			NEW ILIAMNA	?

+++

194		NEWHALEN	105	
195		NEWTOK	154	
196		NIGHTMUTE	135	
197		NIKOLAI	152	
198		NIKOLSKI	55	
199		NIZINA	?	
200		NIDATAK	280	
201		NIDGAMUT	?	
202	NOME		2,892	+++
203		NONDALTON	226	
204		NOORVIK	524	
205		NORTHEAST CAPE	?	
206		NORTHWAY	?	
207		NORTHWAY JUNCTION	?	
208		NUCHEK	?	
209		NULATO	382	
210		NUNCHUAK	?	
211		NUSHAGAK	?	
212		NYAC	?	
213		OLD RAMPART	?	
214		OPHIR	?	
215		PAVLOFF HARBOR	?	
216		PAXSON	391	
217		PEDRO BAY	38	
218	PELICAN		221	
219		PERRYVILLE	90	
220	PETERSBURG		3,197	+++
221		PIKMIKTALIK	?	
222		PILGRIM SPRINGS	?	
223		PILOT POINT	60	
224		PILOT STATION	301	
225		PITKAS POINT	88	
226		PLATINUM	58	
227		POORMAN	?	
228		PORT HEIDEN	89	
229		PORT MOLLER	51	
230		PORT NELLY	?	
231		PORT SAN JUAN	?	
232		PTARMIGAN	?	
233		PUGUVILLAK	?	
234		QUINHAGEK	451	
235		RAMPART	60	
236		RAMPART HOUSE	?	
237		RAPIDS	?	
238		RED DEVIL	47	
239		REINDEER STATION	?	
240		RUBY	219	
241		RUSSIAN MISSION	167	
242		SAINT GEORGE ISLAND	?	
243	SAINT MARYS		436	
244		SAINT MICHAEL	283	
245		SAINT PAUL ISLAND	522	
246		SALMON	?	
247		SANAK	?	
248	SAND POINT		773	
249		SAVOONGA	409	
250		SCAMMON BAY	193	
251		SCOW BAY	?	
252		SELAWIK	554	
253		SERPENTINE HOT SPRINGS	?	
254		SHAGELUK	223	
255		SHAKTOOLIK	163	
256		SHELDON POINT	143	
257		SHEMYA	?	
258		SHISHMAREF	353	

260		SINUK	?
261	SKAGWAY		877
262		SLANA	?
263		SLEETMUTE	175
264		SOLOMON	?
265		SOURDOUGH	?
266		SQUAW HARBOR	20
267	STEBBINS		326
268		STERLING	1,250
269		STEVENS VILLAGE	80
270		STONEY RIVER	70
271		STUYDOK	?
272		SUMDUM	?
273		SUNTRANA	100
274		TACHIKUGA	?
275		TAKOTNA	50
276		TANACROSS	128
277		TANALIAN POINT	?
278	TANANA		499
279		TATITLEK	69
280		TAYLOR	?
281	TELLER		258
282	TENAKEE SPRINGS		134
283		TETLIN	107
284		TETLIN JUNCTION	?
285		THORNE BAY	500
286	TOGIAK		455
287		TOK	735
288		TOKEEN	60
289		TOKLAT	?
290	TOKSOOK BAY		336
291		TONGASS	?
292		TONSINA	?
293	TULUKSAK		231
294		TUNTUTULIAK	221
295	TUNUNAK		299
296		TWIN HILLS	82
297		TYEE	?
298		UGASHIK	?
299	UNALAKLEET		632
300	UNALASKA		619
301		UNGA	?
302		UNIMAK ISLAND	?
303		USIBELLI	100
304	VALDEZ		4,481 +++
305		VENETIE	130
306		VENETIE LANDING	?
307	WALES		130
308		WATERFALL	15
309	WHITE MOUNTAIN		115
310	WHITTIER		356
311		WISEMAN	?
312		WOODCHOPPER	?
313	WRANGELL		3,152 +++
314	YAKUTAT		442

Prepared by:
Legislative Affairs Agency

MAR 23 1979

Research Division

* ORGANIZED UNDER FEDERAL LAW

+++ POPULATION >= 2000 AND <= 7500

TOTAL POPULATION IN UNORGANIZED BOROUGH = 69,415

#10:55

SCOMM

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH 8-JUNEAU 95301

April 26, 1979

The Honorable Bill Parker, Chairman
House Committee on Community &
Regional Affairs
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

At the request of your staff we have reviewed the proposed legislation providing for simultaneous incorporation and unification of municipalities and offer the following comments:

- 1) The proposal presents a very significant alternative because it does present a one-step option for an area to go from unorganized borough status to home rule unified status, the most sophisticated and autonomous form of local government recognized under State law. In special cases this may be the optimum method of unifying, but it could also be used by areas who wish "automatic autonomy" but do not possess the skills or financial base to adequately govern as a home rule municipality. This problem of attaining home rule status before a regional local area is prepared to shoulder the responsibilities could occur under the present two-step process but it would be a slower and more deliberate process.
- 2) Upon unification all cities within the area are dissolved. We feel this may also prove to be a negative aspect of this proposal if a large area opts to unify under this mechanism. Governing a large land area with great distances between populated areas presents many different types of problems which would not confront a small second class city.
- 3) The proposed legislation requires an area wishing to unify meet borough standards set forth in AS 29.18.030, and that it contain one or more cities. This may allow a single city to make a case that it meets the borough standards and use this legislation to, in effect, unify "with itself" in an attempt to keep from being annexed by an existing borough or block the formation of a newly formed borough. If the precedent is set allowing this "single city unification" Alaska could ultimately, in the extreme case, have hundreds of small unified governments. This would defeat the whole purpose of regional borough government.

April 26, 1979

4) Although we feel this proposed legislation may fill a need in some instances and this draft is certainly an improvement over earlier proposals, legislation of this magnitude should be subjected to careful review and study, and in our view, is certainly deserving of a full range of public hearings.

We appreciate the opportunity to comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Argetsinger", is written over a faint, horizontal line.

Don Argetsinger
Deputy Commissioner

58 137

ANALYSIS OF PROPOSED LEGISLATION
PROVIDING FOR SIMULTANEOUS INCORPORATION
AND UNIFICATION OF MUNICIPALITIES

RE: SECOND DRAFT

Purpose of Proposed Legislation

The proposed addition to Title 29, Chapter 68 would have the effect of allowing the incorporation and unification of a municipality to occur simultaneously. The current statutory scheme provides only for separate incorporation and unification procedures, with A.S. 29.18.050 - 29.18.150 providing for incorporation and A.S. 29.68.240 - 29.68.440 providing for unification.

By allowing the simultaneous incorporation and unification of an area, the State would avoid duplicity of petition and election procedures inherent in the seriatim incorporation and unification procedure currently provided for. Additionally, the State and local governments would avoid the myriad of lawsuits between an incorporated borough and municipal entities within its boundaries which inevitably arise between the time of incorporation and eventual unification.

The proposed legislation, however, is not designed to change existing procedures for separate incorporation and unification. It merely adds a third alternative for those areas which are geographically and sociologically ready to take a single step from the unorganized borough to existing as a unified municipality. In this respect,

the proposed legislation does not take away from the State the prerogatives it has under current legislation for granting or denying petitions to incorporate, or to otherwise supervise the division of the State into organized boroughs. In fact, the proposed legislation would give to the State a greater power of supervision than currently exists, since the State would assume the supervisory functions otherwise performed by a borough concerning the question of unification.

Under the current statutory scheme for separate incorporation and unification, various supervisory functions are performed by the Department of Community and Regional Affairs, the Local Boundary Commission, and the Borough Assembly. For the purpose of efficiency, the proposed legislation for simultaneous incorporation and unification places all of these supervisory functions in the Department of Community and Regional Affairs, except for the functions of the local Boundary Commission under A.S. 29.18.080(b) and A.S. 29.18.090 pertaining to incorporation.

Location in the Statute

The proposed legislation has been drafted as Article 5 of Chapter 68. In effect, a new Article is thereby added to Chapter 68, which will require no amendments to the currently numbered sections in that Chapter. Chapter 68 is an appropriate chapter since it concerns alteration

of boundaries, and Article 3 therein provides for unification of local government. The proposed legislation could not be added as a new Article under Chapter 18 of Title 29, since that Chapter is devoted solely to incorporation.

Section by Section Analysis

Section 29.68.620

This section authorizes a procedure for incorporating and unifying an area at the same time notwithstanding other procedural requirements, including those applicable to separate incorporation or unification. It should be noted that §29.68.940 of the proposed legislation provides that the procedures for simultaneous incorporation and unification do not change the procedures for separate incorporation and unification provided elsewhere.

Section 29.68.630

This section is a blending of the provisions of 29.18.050 and 29.68.250, which respectively provide for the commencement of incorporation and unification procedures by petition. The petition requirements of 29.18.050 are incorporated by reference in the proposed section 640, discussed infra. The provision of 29.68.250 that formation of a Charter Commission may be proposed by resolution of the Assembly is modified to allow initiation by resolution of a first class home rule city within the proposed municipality. There is precedent for allowing a local government body's resolution to affect a surrounding area (§35149 Cal. Govt. Code). This would present no due process violation since the resolution merely proposes the question to be presented to all affected voters.

Section 29.68.640

This section represents a modification of A.S. 29.68.260 to reflect the fact that the petition will be asking for an election on both incorporation and unification. It should be noted that the question to be posed to the voters is not severable into the question of incorporation and the question of unification. In other words, the proposition submitted to the voters would only raise the question of whether the singular procedure of simultaneous unification and incorporation should occur, and there would be no opportunity to vote only for incorporation without unification.

This section also incorporates the provisions of A.S. 29.68.260 concerning the signature requirements for the petition, and the provisions of A.S. 29.18.050 concerning the informational requirements.

Section 29.68.650

This section incorporates the provisions of 29.18.060 and 29.68.270 concerning review of the petition for statutory compliance. This section represents very little change to the current scheme in incorporation procedures, but substitutes the Department of Community & Regional Affairs for the Borough Assembly concerning review of the unification aspect of the petition.

Section 29.68.660

This section incorporates by reference A.S. 29.18.070 concerning investigation, combination of petitions, and the requirement of at least one public hearing on the question of incorporation. It also utilizes the provisions of A.S. 29.18.090, by providing that the Local Boundary Commission makes the final decision on whether the proposed unified municipality

meets the standards for incorporation, with appeal of such decision pursuant to the Administrative Procedure Act.

Section 29.68.670

The source of this new section is 29.68.290. In lieu of requiring the petitions to be filed with "the Borough Clerk", the new section requires filing with the Department of Community & Regional Affairs.

Section 29.68.680

The language of this section is taken from A.S. 29.68.300, with the exception that the new section substitutes the Department of Community & Regional Affairs for the Borough Clerk.

Section 29.68.690

The language of this section is taken from A.S. 29.68.310, except the term "proposed unified municipality" is substituted for the word "borough".

Section 29.68.700

This section consists of a blending of the provisions of A.S. 29.18.110 and 29.68.390, with modifications thereof to reflect the fact that the Department of Community & Regional Affairs shall perform the functions under the new section that would otherwise be performed by either the Local Boundary Commission or the Borough Assembly under the sections for separate incorporation or unification. In the election provided for by this section, the voters will address the question of simultaneous unification incorporation and, if the petition passes, elect charter commission members. It should be noted that this section

does not provide for election of initial officers, since that will occur after ratification of the charter. See discussion of §29.68.790, infra.

Section 29.68.710

This section uses the election scheme of A.S. 29.18.110 in that a simple majority of all votes cast within the boundaries of the proposed unified municipality will approve the proposition for simultaneous incorporation and unification. Since initial incorporation of an area has as much, if not greater, impact upon the individuals residing in that area as unification would have, and since A.S. 29.18.110 currently requires only a simple majority vote to approve of incorporating an area, it is felt that the same simple majority requirement can be fairly applied to that portion of the proposition pertaining to unification.

Section 29.68.720

This section is an adaptation of A.S. 29.68.330, describing how the Charter Commissioners are elected in the charter election.

Section 29.68.730 thru 29.68.830

These sections are basically adaptations of A.S. 29.68.340 to 29.68.440, with some exceptions noted below, and with changes in language to reflect the fact that the Department of Community & Regional Affairs would be performing the functions pertaining to unification procedures which would otherwise be performed by a borough in the current statutory scheme, and to reflect the fact that the entity within which

the procedures occur is a "proposed unified municipality" instead of a borough.

Proposed §29.68.730(g) provides that the expenses incurred by the Charter Commission will be borne by the State, since there would be no existing borough to bear the costs.

The lack of an existing borough also was the basis for the provision in proposed §29.68.750 whereby public hearings would occur in each area represented by the eight charter commission members not elected at large, rather than areas represented on the "Borough Assembly" as provided by A.S. 29.68.360.

Proposed §29.68.780 deviates from its source (A.S. 29.68.390) by providing that the Department of Community and Regional Affairs perform functions that §29.68.39 required of a borough clerk, and by omitting the filing of the ratified charter with a borough clerk.

Additionally, §29.68.78(d) provides for three chances to ratify the charter, instead of two, as provided under A.S. 29.68.390.

The provisions of A.S. 29.68.390(e), relating to borough assembly appointments to Charter Commission vacancies, have not been incorporated into the proposed legislation. The reason is that there would be no borough assembly to make such appointments in an area seeking simultaneous incorporation and unification. The Charter Commission will still be able to fill vacancies pursuant to the provisions of §29.68.730(e), which was adapted from A.S. 29.68.340(e).

Proposed §26.68.790 provides for election of initial officers of the unified municipality in an election to be held after ratification of the charter. It is reasonable to delay the election of initial officials until the candidates and voting public know what kind of government will be established by

by the charter. The procedural aspects of the nomination and election of initial officers, as well as qualification requirements, are adapted from A.S. 29.18.120. Of course, the ratified charter should not become effective until there are elected officers to run the new government, so this proposed section provides that the charter takes effect the same day as the newly elected officers are certified. The effect of the charter will be to dissolve all local governments within the area of unification in accordance with the charter, which is currently provided for under A.S. 29.68.400.

Section 29.68.840

This section provides that current legislation on incorporation and unification as separate procedures will remain intact. In short, the proposed legislation will apply only to simultaneous incorporation and unification. A borough which has already incorporated and now wishes to unify would, therefore, still proceed under the provisions of 29.68.240 thru 29.68.440 for separate unification. By the same token, an area within the unorganized borough which desires to only incorporate would proceed according to the provisions of A.S. 29.18.050 thru 29.18.150.

The effect of this section, therefore, is to prevent legislative repeal of any of the provisions in currently existing legislation pertaining to incorporation and unification of municipal entities.

*Amendment
proposed for addition
to SB 137 - not
considered*

Article 5. Simultaneous
Incorporation and Unification

Sec. 29.68.620. SIMULTANEOUS INCORPORATION
AND UNIFICATION AUTHORIZED. Notwithstanding other
provisions of law relating to incorporation and
unification, an area conforming to the standards
set forth in A.S. 29.18.030, which contains one
or more cities within its proposed boundaries,
may simultaneously incorporate and unite to form
a single unified municipality by complying with
this chapter.

Sec. 29.68.630. SIMULTANEOUS INCORPORATION
AND UNIFICATION TO BE PROPOSED BY PETITION OR
RESOLUTION. Simultaneous incorporation and unifi-
cation of an area shall be proposed by filing a
petition with the Department of Community and Regional

Affairs conforming with the requirements of section 640 of this chapter, or by resolution of the council of a first class home rule city within the proposed unified municipality. Such a resolution shall present the proposition required in §640(a) of this chapter, include all information required by §640(c), and shall be presented to the Department of Community and Regional Affairs. Such a resolution may be adopted not more often than once every 12 months.

Sec. 29.68.640. PETITION REQUIREMENTS.

(a) The petition shall read:

"PETITION FOR ELECTION CONCERNING
SIMULTANEOUS INCORPORATION AND
UNIFICATION AND ELECTION OF
CHARTER COMMISSION TO PROPOSE
UNIFICATION CHARTER

We, the undersigned, qualified voters of the proposed unified municipality do hereby petition that the following proposition be placed before the voters within the proposed unified municipality as provided by law:

'Shall there be simultaneous
incorporation of the area described
as
and formation of a charter commission
(the charter commission members to be
elected as elsewhere provided in this
ballot) to prepare, adopt and submit
to the voters for their approval or
rejection a proposed charter uniting
the incorporated area and all cities
within it as a single unit of home
rule government having the powers,

duties and functions of a unified
government as authorized by law?

Yes [] No []'

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

(b) The petition shall be signed by at least

(1) that number of qualified voters within
the proposed unified municipality who live out-
side of all first class and home rule cities in
the proposed unified municipality equal to
25 per cent of the qualified voters who voted
in the last general election; and

(2) that number of qualified voters residing
in each first class and home rule city located
within the proposed unified municipality equal
to 25 per cent of the qualified voters who voted
in the last general election in each city.

(c) The petition shall include all information
about the proposed unified municipality which is
required by A.S. 29.18.050.

Sec. 29.68.650. REVIEW. The Department of Community and Regional Affairs shall review the petition to determine whether it complies with §640 of this chapter. A deficient petition shall be immediately returned to the person who initiated it with a statement indicating which requirements have not been satisfied.

Sec. 29.68.660. INVESTIGATION AND CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the Department of Community and Regional Affairs that a petition meets the requirements of §640 of this chapter, the following actions shall be taken:

(1) the Department of Community and Regional Affairs shall comply with the provisions of A.S. 29.18.070 and A.S. 29.18.080(a), concerning the incorporation aspects of the petition or resolution;

(2) the Local Boundary Commission shall comply with the provisions of A.S. 29.18.080(b) and A.S. 29.18.090 concerning the incorporation aspects of the petition or resolution.

after notice of the call for nominations has been given by the Department of Community and Regional Affairs.

Sec. 29.68.680. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area within the proposed unified municipality from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the Department of Community and Regional Affairs.

Sec. 29.68.690. COMPOSITION OF CHARTER COMMISSION. The charter commission members shall be qualified voters and shall consist of 11 members, three of whom shall be residents elected at large from the area of the proposed unified municipality and 8 of whom shall be (1) residents of and elected from the area outside cities in the proposed unified municipality or (2) residents of and elected from a city or cities in the proposed unified municipality. The number representing

(3) if the Local Boundary Commission determines that the proposed municipality meets the standards for incorporation, it shall accept the petition or resolution and the Department of Community and Regional Affairs shall issue a call for the nomination of charter commission candidates, specifying the filing deadline and outlining the procedure described for making nominations under §670 of this chapter.

Sec. 29.68.670. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a) Charter commission candidates shall be nominated by a petition signed by at least 50 qualified voters of the area within the proposed unified municipality from which the candidate seeks election or by a number of qualified voters from that area equal to at least 10 per cent of the number of votes cast from that area in the last general election, whichever is less.

(b) Nomination petitions shall be filed with the Department of Community and Regional Affairs on or before the date set by the Department of Community and Regional Affairs, which date shall not be less than 30 days

each of these areas shall be proportionate to the respective populations as determined by the Department of Community and Regional Affairs.

Sec. 29.68.700. ELECTION. (a) After accepting the petition or resolution for simultaneous incorporation and unification, and after the date fixed for receiving nominations for charter commission candidates, the Department of Community and Regional Affairs shall immediately notify the lieutenant governor of its acceptance of the petition. Within 30 days after notification, the lieutenant governor shall order an election in the proposed unified municipality to determine whether the voters desire simultaneous incorporation and unification of the proposed unified municipality. The election shall be held not less than 30 nor more than 90 days after the date of the election order.

(b) The ballot on the question of simultaneous unification and incorporation shall be worded exactly as provided in §640(a) of this chapter.

(c) The election of charter commission members shall take place at the same time as the election on the question of simultaneous incorporation and unification. If the petition fails; no charter commission members are elected.

(d) An Alaska voter who has been a resident of the area within the proposed unified municipality for 30 days before the date of the election order may vote.

(e) The lieutenant governor shall supervise the election in the general manner prescribed by the Alaska Election Code (A.S. 15.05 - 15.60). The State shall pay all election costs under this section.

Sec. 29.68.710. REQUIREMENTS FOR APPROVAL OF SIMULTANEOUS INCORPORATION AND UNIFICATION. If a majority of the votes cast within the boundaries of the proposed unified municipality favors the proposition for simultaneous incorporation and unification, the proposition shall be approved.

Sec. 29.68.720. REQUIREMENTS FOR ELECTION OF CHARTER COMMISSION. If simultaneous incorporation and unification is approved, those charter commission

candidates who received the highest number of votes from their respective areas shall serve as members of the commission.

Sec. 29.68.730. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a) The charter commission authorized by this chapter shall hold its first meeting within 30 days of the date of certification of its election. The commission shall elect from among its members a chairman and a deputy chairman.

(b) A majority of the total membership of the charter commission constitutes a quorum. No decision of the commission is valid or binding unless approved by that number of members necessary to constitute a quorum.

(c) The charter commission may elect other officers from among its membership, adopt rules governing its procedures and hire and discharge commission employees. Rules adopted must conform with the provisions of this chapter.

(d) Meetings of the charter commission shall be open to the public at all times. A journal of commission proceedings shall be kept and shall be available for public inspection at the Department of Community and Regional Affairs.

(e) Vacancies on the charter commission shall be filled by a majority vote of the commission. The person appointed to fill a vacancy must be a qualified voter of the same area as the person whom he succeeds and must have been a qualified voter of that area for at least one year immediately preceding the date of his appointment.

(f) The Department of Community and Regional Affairs may grant a per diem allowance to the commission members and may reimburse the members for travel expenses incurred in carrying out the duties prescribed by this chapter.

(g) Costs, fees, and other expenses incurred by the charter commission shall be paid by the State.

Sec. 29.68.740. CHARTER PREPARATION.

(a) A charter commission established under this chapter shall prepare, adopt and submit a proposed home rule charter for the area to be unified to the voters for approval or rejection at an election called by the Department of Community and Regional Affairs and held within 60 days of the date of publication and posting of the proposed charter as required in §770 of this chapter. The charter shall include among its provisions:

(1) provisions for adjustment of existing bonded indebtedness and other obligations in a manner which will reserve a fair and equitable burden of taxation for debt service, subject to §800 of this chapter;

(2) provision for the establishment of

(A) service areas;

(B) sections, if desired; and

(C) reapportionment of the sections, if established;

(3) provision for nonpartisan government and provision for the selection, organization, authority and responsibilities of the governing body and its executive and administrator;

(4) the transfer or other disposition of property and other rights, claims, assets and franchises of the local government to be unified under the charter;

(5) provision for exercise of the rights of initiative and referendum as required by A.S. 29.13.050;

(6) a method of amending the charter;

(7) the date on which the charter, if approved at the charter election required by §780 of this chapter, is effective;

(8) designation of the new unified municipality's official name, subject to the provisions of (b) of this section;

(9) other charter provisions which the charter commission elects to include and which may be included in a home rule charter under this chapter and the state constitution.

(b) The area to be unified shall be known as a borough or a city or by some other designation consistent with existing law.

Sec. 29.68.750. PUBLIC HEARINGS. Both before and after drafting the proposed charter, the charter commission shall hold a public hearing in each area of the proposed unified municipality represented on the charter commission by the eight charter commission members who were not elected at large. Other public hearings may be held by the charter commission whenever and wherever it believes necessary and appropriate.

Sec. 29.68.760. FILING OF PROPOSED CHARTER. Upon the adoption of a proposed home rule charter by the charter commission, the charter shall be signed by at least a majority of the total membership of the commission and shall be filed with

the Department of Community and Regional Affairs. A copy with signatures affixed shall also be filed with the clerk of each city within the proposed unified municipality.

Sec. 29.68.770. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within 10 days after filing the proposed charter, the Department of Community and Regional Affairs shall have it published once in at least one newspaper having general circulation distributed within the proposed unified municipality, if there is a newspaper having general circulation distributed within the proposed unified municipality. In addition, the Department of Community and Regional Affairs shall have a copy of the proposed charter posted in at least three public places within each city of the proposed unified municipality and each area outside cities. Copies of the proposed charter shall be made available by the Department of Community and Regional Affairs to the public at both the office of the Department of Community and Regional Affairs and the office of the clerk of each city within the proposed unified municipality. The Department of Community and Regional Affairs shall publish notice by radio and television of the publication, posting, and availability of the proposed charter in a manner intended to apprise the entire proposed unified municipality population of the existence of the proposed charter.

Sec. 29.68.780. ELECTION ON CHARTER.

(a) The proposed charter adopted by the charter commission shall be submitted to the voters at the election specified in §740 of this chapter. The Department of Community and Regional Affairs shall prepare the ballots for use in the election in the manner in which regular municipal elections are conducted. In addition, the Department of Community and Regional Affairs shall publish notice of the election by radio and television in a manner intended to apprise the entire proposed unified municipality population of the election.

(b) A person who is a qualified voter within the proposed unified municipality may vote in the election on the proposed charter.

(c) If a majority of the votes cast in the area of the proposed unified municipality outside all first class and home rule cities and a majority of the votes cast in the remaining area of the proposed unified municipality, composed of all first class and home rule cities, are cast in favor of the proposed charter, the charter is ratified. If the charter is ratified, two copies of the charter shall be filed with each of the following authorities:

- (1) lieutenant governor;
- (2) commissioner of the Department of Community and Regional Affairs;
- (3) district recorder for the area of the unified municipality;
- (4) clerk of each city in the unified municipality.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit another proposed charter to the voters within the proposed unified municipality at a general election, or a special election called by the Department of Community and Regional Affairs, held within 120 days of the date of the first charter election. If the second proposed charter is also rejected, the Charter Commission shall submit a third proposed charter to the voters at an election called by the Department of Community and Regional Affairs and held within 120 days of the second charter election. If the third proposed charter is rejected, the Charter Commission shall be dissolved, and the question of simultaneous incorporation and unification shall be treated as if it had never been proposed or approved.

Sec. 29.68.790. ELECTION OF INITIAL
OFFICERS AND EFFECT OF RATIFIED CHARTER.

(a) After ratification of the charter, nominations for initial officers of the unified municipality shall be made by petition in the form prescribed by the lieutenant governor which includes the name and address of the nominee and a statement of the nominee that he is qualified under the provisions of this title for the office that he seeks. A person may file for and occupy more than one office, but he may not serve simultaneously as municipal mayor and as member of the municipal assembly or council. Petitions to nominate elected municipal officers must include the signatures and resident addresses of 50 voters in the area of the unified municipality, or that area of the unified municipality from which the officers are to be elected under the composition and apportionment set out in the accepted incorporation petition.

(b) Election of the initial officers shall occur within 90 days after ratification of the charter. The elected initial officers shall take office on the first Monday following certification of their election. The initial elected assembly or council members shall determine by lot the length of their terms of office so that a proportionate number of terms expire each year, resulting in staggered terms of office for members subsequently elected.

(c) The ratified charter becomes effective on the same day that the elected initial officers take office and operates to dissolve all local governments within the area of the unified municipality in accordance with the charter.

Sec. 29.68.800. ASSETS AND LIABILITIES.

A municipality created by simultaneous incorporation and unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness or other debt incurred before unification shall remain the tax obligation of the area which contracted the debt, except that the tax obligation may be spread over a larger area by ordinance if the governing body determines that the asset for which the bonded indebtedness or other debt was incurred was used for the benefit of the larger area before unification, or is so used after unification. However, pre-unification bonded indebtedness or other debt for sewage collection systems, water distribution systems, and streets, even if determined to be used for the benefit of a larger area than that which incurred the debt, shall remain the tax obligation of the area which incurred the debt.

Sec. 29.68.810. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality

shall revise, repeal, or reaffirm all city ordinances, resolutions and orders in force within the unified municipality at the time of unification. Each ordinance, resolution, regulation, or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.68.820. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to cities shall remain in full force and effect with respect to a unified municipality organized under §§ 620 - 830 of this chapter.

Sec. 29.68.830. POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under §§ 620 - 830 of this chapter shall have all powers

- (1) not prohibited it by law or charter;
- (2) granted to organized boroughs and first class cities.

Sec. 29.68.840. EFFECT. §§620 - 830 of this chapter do not modify the procedures for incorporation pursuant to §§29.18.050 - 29.18.150 or for unification pursuant to §§29.68.240 - 29.68.440.

TO: Arliss
FROM: Marjorie
RE: Spontaneous Unification
DATE: 7/31/79

Discussion @ AME mtg
n/Val by info

This bill was mentioned as a possible amendment for SB 137 when it was in our committee. However, it was never considered and there was no one to testify on it when SB 137 was heard. (Senator Rodey had been pushing it as had been Lou Dischner--both had been contacted prior to the hearing)

ANALYSIS OF PROPOSED LEGISLATION
PROVIDING FOR SIMULTANEOUS INCORPORATION
AND UNIFICATION OF MUNICIPALITIES

RE: SECOND DRAFT

Purpose of Proposed Legislation

The proposed addition to Title 29, Chapter 68 would have the effect of allowing the incorporation and unification of a municipality to occur simultaneously. The current statutory scheme provides only for separate incorporation and unification procedures, with A.S. 29.18.050 - 29.18.150 providing for incorporation and A.S. 29.68.240 - 29.68.440 providing for unification.

By allowing the simultaneous incorporation and unification of an area, the State would avoid duplicity of petition and election procedures inherent in the seriatim incorporation and unification procedure currently provided for. Additionally, the State and local governments would avoid the myriad of lawsuits between an incorporated borough and municipal entities within its boundaries which inevitably arise between the time of incorporation and eventual unification.

The proposed legislation, however, is not designed to change existing procedures for separate incorporation and unification. It merely adds a third alternative for those areas which are geographically and sociologically ready to take a single step from the unorganized borough to existing as a unified municipality. In this respect,

the State the prerogatives it has under current legislation for granting or denying petitions to incorporate, or to otherwise supervise the division of the State into organized boroughs. In fact, the proposed legislation would give to the State a greater power of supervision than currently exists, since the State would assume the supervisory functions otherwise performed by a borough concerning the question of unification.

Under the current statutory scheme for separate incorporation and unification, various supervisory functions are performed by the Department of Community and Regional Affairs, the Local Boundary Commission, and the Borough Assembly. For the purpose of efficiency, the proposed legislation for simultaneous incorporation and unification places all of these supervisory functions in the Department of Community and Regional Affairs, except for the functions of the local Boundary Commission under A.S. 29.18.080(b) and A.S. 29.18.090 pertaining to incorporation.

Location in the Statute

The proposed legislation has been drafted as Article 5 of Chapter 68. In effect, a new Article is thereby added to Chapter 68, which will require no amendments to the currently numbered sections in that Chapter. Chapter 68 is an appropriate chapter since it concerns alteration

unification of local government. The proposed legislation could not be added as a new Article under Chapter 18 of Title 29, since that Chapter is devoted solely to incorporation.

Section by Section Analysis

Section 29.68.620

This section authorizes a procedure for incorporating and unifying an area at the same time notwithstanding other procedural requirements, including those applicable to separate incorporation or unification. It should be noted that §29.68.840 of the proposed legislation provides that the procedures for simultaneous incorporation and unification do not change the procedures for separate incorporation and unification provided elsewhere.

Section 29.68.630

This section is a blending of the provisions of 29.18.050 and 29.68.250, which respectively provide for the commencement of incorporation and unification procedures by petition. The petition requirements of 29.18.050 are incorporated by reference in the proposed section 640, discussed infra. The provision of 29.68.250 that formation of a Charter Commission may be proposed by resolution of the Assembly is modified to allow initiation by resolution of a first class home rule city within the proposed municipality. There is precedent for allowing a local government body's resolution to affect a surrounding area (§35149 Cal. Govt. Code). This would present no due process violation since the resolution merely proposes the question to be presented to all affected voters.

This section incorporates the provisions of 29.18.060 and 29.68.270 concerning review of the petition for statutory compliance. This section represents very little change to the current scheme in incorporation procedures, but substitutes the Department of Community & Regional Affairs for the Borough Assembly concerning review of the unification aspect of the petition.

Section 29.68.640

This section represents a modification of A.S. 29.68.260 to reflect the fact that the petition will be asking for an election on both incorporation and unification. It should be noted that the question to be posed to the voters is not severable into the question of incorporation and the question of unification. In other words, the proposition submitted to the voters would only raise the question of whether the singular procedure of simultaneous unification and incorporation should occur, and there would be no opportunity to vote only for incorporation without unification.

This section also incorporates the provisions of A.S. 29.68.260 concerning the signature requirements for the petition, and the provisions of A.S. 29.18.050 concerning the informational requirements.

Section 29.68.660

This section incorporates by reference A.S. 29.18.070 concerning investigation, combination of petitions, and the requirement of at least one public hearing on the question of incorporation. It also utilizes the provisions of A.S. 29.18.090, by providing that the Local Boundary Commission makes the final

meets the standards for incorporation, with appeal of such decision pursuant to the Administrative Procedure Act.

Section 29.68.670

The source of this new section is 29.68.290. In lieu of requiring the petitions to be filed with "the Borough Clerk", the new section requires filing with the Department of Community & Regional Affairs.

Section 29.68.680

The language of this section is taken from A.S. 29.68.300, with the exception that the new section substitutes the Department of Community & Regional Affairs for the Borough Clerk.

Section 29.68.690

The language of this section is taken from A.S. 29.68.310, except the term "proposed unified municipality" is substituted for the word "borough".

Section 29.68.700

This section consists of a blending of the provisions of A.S. 29.18.110 and 29.68.390, with modifications thereof to reflect the fact that the Department of Community & Regional Affairs shall perform the functions under the new section that would otherwise be performed by either the Local Boundary Commission or the Borough Assembly under the sections for separate incorporation or unification. In the election provided for by this section, the voters will address the question of simultaneous unification incorporation and, if the petition passes, elect charter commission

does not provide for election of initial officers,
since that will occur after ratification of the
charter. See discussion of §29.68.790, infra.
Section 29.68.710

This section uses the election scheme
of A.S. 29.18.110 in that a simple majority of all
votes cast within the boundaries of the pro-
posed unified municipality will approve the
proposition for simultaneous incorporation and
unification. Since initial incorporation of
an area has as much, if not greater, impact upon
the individuals residing in that area as unification
would have, and since A.S. 29.18.110 currently
requires only a simple majority vote to approve
of incorporating an area, it is felt that the
same simple majority requirement can be fairly
applied to that portion of the proposition pertaining
to unification.

Section 29.68.720

This section is an adaptation of A.S. 29.68.330,
describing how the Charter Commissioners are elected
in the charter election.

Section 29.68.730 thru 29.68.830

These sections are basically adaptations
of A.S. 29.68.340 to 29.68.440, with some exceptions
noted below, and with changes in language to reflect
the fact that the Department of Community & Regional
Affairs would be performing the functions pertaining
to unification procedures which would otherwise be
performed by a borough in the current statutory scheme,
and to reflect the fact that the entity within which

pality" instead of a borough.

Proposed §29.68.730(g) provides that the expenses incurred by the Charter Commission will be borne by the State, since there would be no existing borough to bear the costs.

The lack of an existing borough also was the basis for the provision in proposed §29.68.750 whereby public hearings would occur in each area represented by the eight charter commission members not elected at large, rather than areas represented on the "Borough Assembly" as provided by A.S. 29.68.360.

Proposed §29.68.780 deviates from its source (A.S. 29.68.390) by providing that the Department of Community and Regional Affairs perform functions that §29.68.39 required of a borough clerk, and by omitting the filing of the ratified charter with a borough clerk.

Additionally, §29.68.78(d) provides for three chances to ratify the charter, instead of two, as provided under A.S. 29.68.390.

The provisions of A.S. 29.68.390(e), relating to borough assembly appointments to Charter Commission vacancies, have not been incorporated into the proposed legislation. The reason is that there would be no borough assembly to make such appointments in an area seeking simultaneous incorporation and unification. The Charter Commission will still be able to fill vacancies pursuant to the provisions of §29.68.730(e), which was adapted from A.S. 29.68.340(e).

Proposed §26.68.790 provides for election of initial officers of the unified municipality in an election to be held after ratification of the charter. It is reasonable to delay the election of initial

officials until the candidates and voting public know what kind of government will be established by

by the charter. The procedural aspects of the nomination and election of initial officers, as well as qualification requirements, are adapted from A.S. 29.18.120. Of course, the ratified charter should not become effective until there are elected officers to run the new government, so this proposed section provides that the charter takes effect the same day as the newly elected officers are certified. The effect of the charter will be to dissolve all local governments within the area of unification in accordance with the charter, which is currently provided for under A.S. 29.68.400.

Section 29.68.840

This section provides that current legislation on incorporation and unification as separate procedures will remain intact. In short, the proposed legislation will apply only to simultaneous incorporation and unification. A borough which has already incorporated and now wishes to unify would, therefore, still proceed under the provisions of 29.68.240 thru 29.68.440 for separate unification. By the same token, an area within the unorganized borough which desires to only incorporate would proceed according to the provisions of A.S. 29.18.050 thru 29.18.150.

The effect of this section, therefore, is to prevent legislative repeal of any of the provisions in currently existing legislation pertaining to incorporation and unification of municipal entities.

Second Draft

Article 5. Simultaneous
Incorporation and Unification

Sec. 29.68.620. SIMULTANEOUS INCORPORATION
AND UNIFICATION AUTHORIZED. . . Notwithstanding other
provisions of law relating to incorporation and
unification, an area conforming to the standards
set forth in A.S. 29.18.030, which contains one
or more cities within its proposed boundaries,
may simultaneously incorporate and unite to form
a single unified municipality by complying with
this chapter.

Sec. 29.68.630. SIMULTANEOUS INCORPORATION
AND UNIFICATION TO BE PROPOSED BY PETITION OR
RESOLUTION. Simultaneous incorporation and unifi-
cation of an area shall be proposed by filing a
petition with the Department of Community and Regional

section 640 of this chapter, or by resolution of the council of a first class home rule city within the proposed unified municipality. Such a resolution shall present the proposition required in §640(a) of this chapter, include all information required by §640(c), and shall be presented to the Department of Community and Regional Affairs. Such a resolution may be adopted not more often than once every 12 months.

Sec. 29.68.640. PETITION REQUIREMENTS.

(a) The petition shall read:

"PETITION FOR ELECTION CONCERNING
SIMULTANEOUS INCORPORATION AND
UNIFICATION AND ELECTION OF
CHARTER COMMISSION TO PROPOSE
UNIFICATION CHARTER

We, the undersigned, qualified voters of the proposed unified municipality do hereby petition that the following proposition be placed before the voters within the proposed unified municipality as provided by law:

'Shall there be simultaneous
incorporation of the area described
as
and formation of a charter commission
(the charter commission members to be
elected as elsewhere provided in this
ballot) to prepare, adopt and submit
to the voters for their approval or
rejection a proposed charter uniting
the incorporated area and all cities
within it as a single unit of home rule gov't having the powers,

duties and functions of a unified
government as authorized by law?

Yes [] No []'

Inside First Outside First

Class or Home Class or Home

Signature Address Rule City Rule City"

(b) The petition shall be signed by at least

(1) that number of qualified voters within
the proposed unified municipality who live out-
side of all first class and home rule cities in
the proposed unified municipality equal to
25 per cent of the qualified voters who voted
in the last general election; and

(2) that number of qualified voters residing
in each first class and home rule city located
within the proposed unified municipality equal
to 25 per cent of the qualified voters who voted
in the last general election in each city.

(c) The petition shall include all information
about the proposed unified municipality which is
required by A.S. 29.18.050.

Sec. 29.68.650. REVIEW. The Department of Community and Regional Affairs shall review the petition to determine whether it complies with §640 of this chapter. A deficient petition shall be immediately returned to the person who initiated it with a statement indicating which requirements have not been satisfied.

Sec. 29:68.660. INVESTIGATION AND CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the Department of Community and Regional Affairs that a petition meets the requirements of §640 of this chapter, the following actions shall be taken:

(1) the Department of Community and Regional Affairs shall comply with the provisions of A.S. 29.18.070 and A.S. 29.18.080(a), concerning the incorporation aspects of the petition or resolution;

(2) the Local Boundary Commission shall comply with the provisions of A.S. 29.18.080(b) and A.S. 29.18.090 concerning the incorporation aspects of the petition or resolution.

(3) if the Local Boundary Commission determines that the proposed municipality meets the standards for incorporation, it shall accept the petition or resolution and the Department of Community and Regional Affairs shall issue a call for the nomination of charter commission candidates, specifying the filing deadline and outlining the procedure described for making nominations under §670 of this chapter.

Sec. 29.68.670. NOMINATION OF CHARTER COMMISSION CANDIDATES. (a) Charter commission candidates shall be nominated by a petition signed by at least 50 qualified voters of the area within the proposed unified municipality from which the candidate seeks election or by a number of qualified voters from that area equal to at least 10 per cent of the number of votes cast from that area in the last general election, whichever is less.

(b) Nomination petitions shall be filed with the Department of Community and Regional Affairs on or before the date set by the Department of Community and Regional Affairs, which date shall not be less than 30 days

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after notice of the call for nominations has been given by the Department of Community and Regional Affairs.

Sec. 29.68.680. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area within the proposed unified municipality from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the Department of Community and Regional Affairs.

Sec. 29.68.690. COMPOSITION OF CHARTER COMMISSION. The charter commission members shall be qualified voters and shall consist of 11 members, three of whom shall be residents elected at large from the area of the proposed unified municipality and 8 of whom shall be (1) residents of and elected from the area outside cities in the proposed unified municipality or (2) residents of and elected from a city or cities in the proposed unified municipality. The number representing

(7)

each of these areas shall be proportionate to the respective populations as determined by the Department of Community and Regional Affairs.

Sec. 29.68.700. ELECTION. (a) After accepting the petition or resolution for simultaneous incorporation and unification, and after the date fixed for receiving nominations for charter commission candidates, the Department of Community and Regional Affairs shall immediately notify the lieutenant governor of its acceptance of the petition. Within 30 days after notification, the lieutenant governor shall order an election in the proposed unified municipality to determine whether the voters desire simultaneous incorporation and unification of the proposed unified municipality. The election shall be held not less than 30 nor more than 90 days after the date of the election order.

(b) The ballot on the question of simultaneous unification and incorporation shall be worded exactly as provided in §640(a) of this chapter.

(8) (c) The election of charter commission members shall take place at the same time as the election on the question of simultaneous incorporation and unification. If the petition fails, no charter commission members are elected.

(d) An Alaska voter who has been a resident of the area within the proposed unified municipality for 30 days before the date of the election order may vote.

(e) The lieutenant governor shall supervise the election in the general manner prescribed by the Alaska Election Code (A.S. 15.05 - 15.60). The State shall pay all election costs under this section.

Sec. 29.68.710. REQUIREMENTS FOR APPROVAL OF SIMULTANEOUS INCORPORATION AND UNIFICATION. If a majority of the votes cast within the boundaries of the proposed unified municipality favors the proposition for simultaneous incorporation and unification, the proposition shall be approved.

Sec. 29.68.720. REQUIREMENTS FOR ELECTION OF CHARTER COMMISSION. If simultaneous incorporation and unification is approved, those charter commission

candidates who received the highest number of votes from their respective areas shall serve as members of the commission.

Sec. 29.68.730. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a) The charter commission authorized by this chapter shall hold its first meeting within 30 days of the date of certification of its election. The commission shall elect from among its members a chairman and a deputy chairman.

(b) A majority of the total membership of the charter commission constitutes a quorum. No decision of the commission is valid or binding unless approved by that number of members necessary to constitute a quorum.

(c) The charter commission may elect other officers from among its membership, adopt rules governing its procedures and hire and discharge commission employees. Rules adopted must conform with the provisions of this chapter.

(d) Meetings of the charter commission shall be open to the public at all times. A journal of commission proceedings shall be kept and shall be available for public inspection at the Department of Community and Regional Affairs.

(10)
(e) Vacancies on the charter commission

shall be filled by a majority vote of the commission. The person appointed to fill a vacancy must be a qualified voter of the same area as the person whom he succeeds and must have been a qualified voter of that area for at least one year immediately preceding the date of his appointment.

(f) The Department of Community and Regional Affairs may grant a per diem allowance to the commission members and may reimburse the members for travel expenses incurred in carrying out the duties prescribed by this chapter.

(g) Costs, fees, and other expenses incurred by the charter commission shall be paid by the State.

Sec. 29.68.740. CHARTER PREPARATION.

(a) A charter commission established under this chapter shall prepare, adopt and submit a proposed home rule charter for the area to be unified to the voters for approval or rejection at an election called by the Department of Community and Regional Affairs and held within 60 days of the date of publication and posting of the proposed charter as required in §770 of this chapter. The charter shall include among its provisions:

(11)

(1) provisions for adjustment of existing bonded indebtedness and other obligations in a manner which will reserve a fair and equitable burden of taxation for debt service, subject to §800 of this chapter;

(2) provision for the establishment of

- (A) service areas;
- (B) sections, if desired; and
- (C) reapportionment of the sections, if established;

(3) provision for nonpartisan government and provision for the selection, organization, authority and responsibilities of the governing body and its executive and administrator;

(4) the transfer or other disposition of property and other rights, claims, assets and franchises of the local government to be unified under the charter;

(5) provision for exercise of the rights of initiative and referendum as required by A.S. 29.13.050;

(6) a method of amending the charter;

(7) the date on which the charter, if approved at the charter election required by §780 of this chapter, is effective;

(2) (8) designation of the new unified municipality's official name, subject to the provisions of (b) of this section;

(9) other charter provisions which the charter commission elects to include and which may be included in a home rule charter under this chapter and the state constitution.

(b) The area to be unified shall be known as a borough or a city or by some other designation consistent with existing law.

Sec. 29.68.750. PUBLIC HEARINGS. Both before and after drafting the proposed charter, the charter commission shall hold a public hearing in each area of the proposed unified municipality represented on the charter commission by the eight charter commission members who were not elected at large. Other public hearings may be held by the charter commission whenever and wherever it believes necessary and appropriate.

Sec. 29.68.760. FILING OF PROPOSED CHARTER. Upon the adoption of a proposed home rule charter by the charter commission, the charter shall be signed by at least a majority of the total membership of the commission and shall be filed with

the Department of Community and Regional Affairs.
A copy with signatures affixed shall also be filed
with the clerk of each city within the proposed
unified municipality. (13)

Sec. 29.68.770. PUBLICATION AND POSTING OF
PROPOSED CHARTER. Within 10 days after filing the
proposed charter, the Department of Community and
Regional Affairs shall have it published once in
at least one newspaper having general circulation
distributed within the proposed unified municipality,
if there is a newspaper having general circulation
distributed within the proposed unified municipality.
In addition, the Department of Community and Regional
Affairs shall have a copy of the proposed charter
posted in at least three public places within each
city of the proposed unified municipality and each
area outside cities. Copies of the proposed charter
shall be made available by the Department of Community
and Regional Affairs to the public at both the
office of the Department of Community and Regional
Affairs and the office of the clerk of each city
within the proposed unified municipality. The Depart-
ment of Community and Regional Affairs shall publish
notice by radio and television of the publication,
posting, and availability of the proposed charter
in a manner intended to apprise the entire proposed
unified municipality population of the existence of
the proposed charter.

Sec. 29.68.7E0. ELECTION ON CHARTER.

(a) The proposed charter adopted by the charter commission shall be submitted to the voters at the election specified in §740 of this chapter. The Department of Community and Regional Affairs shall prepare the ballots for use in the election in the manner in which regular municipal elections are conducted. In addition, the Department of Community and Regional Affairs shall publish notice of the election by radio and television in a manner intended to apprise the entire proposed unified municipality population of the election.

(b) A person who is a qualified voter within the proposed unified municipality may vote in the election on the proposed charter.

(c) If a majority of the votes cast in the area of the proposed unified municipality outside all first class and home rule cities and a majority of the votes cast in the remaining area of the proposed unified municipality, composed of all first class and home rule cities, are cast in favor of the proposed charter, the charter is ratified. If the charter is ratified, two copies of the charter shall be filed with each of the following authorities:

(1) lieutenant governor;
(2) commissioner of the Department of
Community and Regional Affairs;

(3) district recorder for the area of the
unified municipality;

(4) clerk of each city in the unified
municipality.

(d) If a proposed charter is rejected, the
charter commission shall prepare, adopt and
submit another proposed charter to the voters
within the proposed unified municipality at a
general election, or a special election called
by the Department of Community and Regional
Affairs, held within 120 days of the date of the
first charter election. If the second proposed
charter is also rejected, the Charter Commission
shall submit a third proposed charter to the
voters at an election called by the Department of
Community and Regional Affairs and held within
120 days of the second charter election. If the
third proposed charter is rejected, the Charter
Commission shall be dissolved, and the question
of simultaneous incorporation and unification
shall be treated as if it had never been proposed
or approved.

OFFICERS AND EFFECT OF RATIFIED CHARTER.

(a) After ratification of the charter, nominations for initial officers of the unified municipality shall be made by petition in the form prescribed by the lieutenant governor which includes the name and address of the nominee and a statement of the nominee that he is qualified under the provisions of this title for the office that he seeks. A person may file for and occupy more than one office, but he may not serve simultaneously as municipal mayor and as member of the municipal assembly or council. Petitions to nominate elected municipal officers must include the signatures and resident addresses of 50 voters in the area of the unified municipality, or that area of the unified municipality from which the officers are to be elected under the composition and apportionment set out in the accepted incorporation petition.

(b) Election of the initial officers shall occur within 90 days after ratification of the charter. The elected initial officers shall take office on the first Monday following certification of their election. The initial elected assembly or council members shall determine by lot the length of their terms of office so that a proportionate number of terms expire each year, resulting in staggered terms of office for members subsequently elected.

on the same day that the elected initial officers take office and operates to dissolve all local governments within the area of the unified municipality in accordance with the charter.

Sec. 29.68.800. ASSETS AND LIABILITIES.

A municipality created by simultaneous incorporation and unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness or other debt incurred before unification shall remain the tax obligation of the area which contracted the debt, except that the tax obligation may be spread over a larger area by ordinance if the governing body determines that the asset for which the bonded indebtedness or other debt was incurred was used for the benefit of the larger area before unification, or is so used after unification. However, pre-unification bonded indebtedness or other debt for sewage collection systems, water distribution systems, and streets, even if determined to be used for the benefit of a larger area than that which incurred the debt, shall remain the tax obligation of the area which incurred the debt.

Sec. 29.68.810. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality

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shall revise, repeal, or reaffirm all city ordinances, resolutions and orders in force within the unified municipality at the time of unification. Each ordinance, resolution, regulation, or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.68.820. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to cities shall remain in full force and effect with respect to a unified municipality organized under §§ 620 - 830 of this chapter.

Sec. 29.68.830. POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under §§ 620 - 830 of this chapter shall have all powers

- (1) not prohibited it by law or charter;
- (2) granted to organized boroughs and first class cities.

Sec. 29.68.840. EFFECT. §§620 - 830 of this chapter do not modify the procedures for incorporation pursuant to §§29.18.050 - 29.18.150 or for unification pursuant to §§29.68.240 - 29.68.440.