

DILLINGHAM

September 30, 1979

16 Participants

Generally, Dillingham was described by the participants as a well knit one with fishing being the unifying ingredient. Subsistence and commercial fishing is the backbone of the outlying village economy.

GENERAL CONCERNS

More tax on fishing boats needed and dock facilities need to be improved. It is anticipated that there will be little direct impact from bottomfish and oil development, but there may be some indirect effects.

Lack of local match money.

Increasing cost of freight being flown in is a problem, and smaller communities are suffering as a result.

Sewer and water is needed for Alemnigik.

An extended health care facility is needed in Dillingham.

Working on development of the herring industry. Cooperative members are being sought.

CONCERNS RELATED TO PROPOSED LEGISLATION

How would Bristol Bay be handled? Perhaps the area would get less grant money with a regional government.

Frightened by fear of taxes if borough is formed.



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
correspondence to:

LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

LOCAL GOVERNMENT STUDY

PUBLIC HEARINGS ITINERARY

Bethel	Friday, September 28
Hooper Bay	Saturday, September 29
Dillingham	Sunday, September 30
New Stuyahok	Monday, October 1
Kotzebue	Thursday, October 11
Noorvik	Friday, October 12
Fort Yukon	Thursday, October 18
Venetie	Friday, October 19
Glennallen	Saturday, October 27

The Honorable David Carlson
Mayor
P.O. Box 191
Dillingham, Alaska 99576

Mr. William Johnson
Planning and Zoning Commission
P.O. Box 191
Dillingham, Alaska 99576

Mr. Robert Clark
Executive Director
Bristol Bay Area Health Corp.
P.O. Box 10235
Dillingham, Alaska 99576

The Honorable B. Sue Lowy
City Council Member
P.O. Box 191
Dillingham, Alaska 99576

Mr. Jim McConnell
Planning and Zoning Commission
P.O. Box 191
Dillingham, Alaska 99576

Mr. Fred T. Angasan
Executive Director
Bristol Bay Native Association
P.O. Box 179
Dillingham, Alaska 99576

The Honorable Orris Welch
City Council Member
P.O. Box 191
Dillingham, Alaska 99576

Mr. Leon Braswell
Planning and Zoning Commission
P.O. Box 191
Dillingham, Alaska 99576

Ms. Kay E. Larson
Deputy Director
Bristol Bay Native Association
P.O. Box 179
Dillingham, Alaska 99576

The Honorable William Johnson
City Council Member
P.O. Box 191
Dillingham, Alaska 99576

Ms. Jeri Nelson, President
School Board
P.O. Box 191
Dillingham, Alaska 99576

Mr. Andrew Franklin
P.O. Box 196
Dillingham, Alaska 99576

The Honorable Duane Bell
City Council Member
P.O. Box 191
Dillingham, Alaska 99576

Ms. Judi Nelson
School Board
P.O. Box 191
Dillingham, Alaska 99576

Mr. Darrell Offt
Box 196
Dillingham, Alaska 99576

The Honorable Kenneth Wren
City Council Member
P.O. Box 191
Dillingham, Alaska 99576

Ms. Vi Hasti
School Board
P.O. Box 191
Dillingham, Alaska 99576

Mr. Bob Van Slyke
Superintendent
P.O. Box 196
Dillingham, Alaska 99576

Mr. Dan O'Brien, Chairman
Planning and Zoning Commission
P.O. Box 191
Dillingham, Alaska 99576

Mr. Daniel O'Connell
School Board
P.O. Box 191
Dillingham, Alaska 99576

Mr. Freeman Roberts
Dillingham
Alaska 99576

The Honorable Jim Bingman
City Council Member
P.O. Box 191
Dillingham, Alaska 99576

Mr. Richard Clark
School Board
P.O. Box 191
Dillingham, Alaska 99576

Mr. Lyman Smith
Planning and Zoning Commission
P.O. Box 191
Dillingham, Alaska 99576

The Honorable Laura Schroeder
City Manager
P.O. Box 191
Dillingham, Alaska 99576

Mr. John Pearson
Planning and Zoning Commission
P.O. Box 191
Dillingham, Alaska 99576

Mr. Noble Dick
Executive Vice President
Bristol Bay Native Corporation
447 East 5th Avenue
Anchorage, Alaska 99501

Mr. Andrew Golia
Planning and Zoning Commission
P.O. Box 191
Dillingham, Alaska 99576

Mr. Harvey Samuelson, President
Bristol Bay Native Corporation
P.O. Box 198
Dillingham, Alaska 99576

SCOMM

10:28

FORT YUKON
Oct. 18, 1979
44 participants

COMMENTS RELATED TO BOROUGH FORMATION

The discussion in Fort Yukon focused on the pros and cons of borough formation in light of the Yukon Flats Borough Feasibility Study. It was stated that the Study was not realistic--perhaps was "too slick", and did not deal with all the realities which would have to be faced in the area if a borough was formed. The Study was viewed as a feasibility study only. There were questions related to how organization would effect taxes. What is the alternative if you don't choose to form a borough? Taxes will ultimately come with organization. Oil can't support forever. When there is no mineral development, where will the money come from? But there was also concern that the pipeline money might be used for all of the unorganized borough unless Ft. Yukon was organized. There was also expressed belief that perhaps sharing of a localized resource and the revenues generated by it is necessary.

*Can borough be
noted about
once it is
created?*

What would be the effect on the REAA and Assembly of any incorporation? What will support from the State for education drop to? What would be the relationship of the school board and the Assembly?

Land issues need to be settled before there is any planning and zoning. Easements need to be settled. There is currently a land crisis. City hasn't zoned as there isn't any choice. When the land transfer takes place, then they can start to be concerned about zoning.

Annexation to the North Slope Borough was seen as a problem.

Concern was expressed that taxes in a borough go up constantly and that there may be money to support a large government infrastructure.

There was a statement urging "patience with the rural areas of Alaska as they are much like an "emerging nation". They may be slow to form boroughs but that formation must be at their own pace. The rate of change has been so great and the villages are emerging into the 20th century late. Allow the rural areas time for things to jell.

The villages understand their dependency on each other. Urban constituency must be made to understand that if rural Alaska fall, Anchorage will feel it.

Have those who support and those who oppose borough government sit down and fight it out together. The issues of borough formation need to be aired.

MISCELLANEOUS COMMENTS

REAA is highly successful in the area. (see continuation)

The board is time consuming but the results are evident. Programs are better and are superior to those under SOS. There is less frustration and red tape, as well as better maintenance of the school.

Deficiencies of Title 29 were noted. A number of communities being incorporated as small communities find Title 29 burdensome. Form of election contrary to the way things should work. There should not be appointed seats, rather the top vote getters in the area should hold the seats. At large elections should be held rather than "seat" elections.

45% of each dollar financing local government comes from the sale of alcohol. The city shouldn't be in the liquor business. \$15 per head is paid for police.

FORT YUKON
October 18, 1979
44 Participants

COMMENTS RELATED TO BOROUGH FORMATION

The discussion in Fort Yukon focused on the pros and cons of borough formation in light of the Yukon Flats Borough Feasibility Study. It was stated that the Study was not realistic--perhaps was "too slick," and did not deal with all the realities which would have to be faced in the area if a borough was formed. The Study was viewed as a feasibility study only. There were questions related as to how organization would effect taxes. What is the alternative if you do not choose to form a borough? Can borough be voted out, once it is created? Taxes will ultimately come with organization. Oil cannot support forever. When there is no mineral development, where will the money come from? But there was also concern that the pipeline money might be used for all of the unorganized borough unless Fort Yukon was organized. There was also expressed belief that perhaps sharing of a localized resource and the revenues generated by it is necessary.

What would be the effect on the REAA and Assembly of any incorporation? What will support from the state for education drop to? What would be the relationship of the school board and the Assembly?

Land issues need to be settled before there is any planning and zoning. Conveyance needs to be settled. There is currently a land crisis. City has not zoned as there is not any choice. When the land transfer takes place, then they can start to be concerned about zoning.

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There was a statement urging patience with the rural areas of Alaska, as they are much like an "emerging nation." They may be slow to form boroughs, but that formation must be at their own pace. The rate of change has been so great and the villages are emerging into the 20th Century late. Allow the rural areas time for things to jell.

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Forty-five percent of each dollar financing local government comes from the sale of alcohol. The city should not be in the liquor business. \$15 per head is paid for police.



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

Address all
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LOCAL GOVERNMENT STUDY

Pruch V
State Capitol
Juneau, Alaska 99811

TO: Committee Members
FROM: Marjorie Gorsuch *mg*
DATE: 10/11/79
RE: Public Hearing

Due to the inability of a representative number of the Committee members to attend the Kotzebue/Noorvik hearing (Senator Sturgulewski was also plagued by a sore throat and Rep. Parker by work conflicts), the hearing was postponed. The communities are eager to meet with the Committee so we will be contacting you for assurance that the dates we choose will be workable for the majority of the members.

FORT YUKON / VENETIE ITINERARY

Thursday, October 18 Depart from Anchorage at 7:00 A.M. on Wien Flight #23. Arrive in Fairbanks at 7:50 A.M. Transfer to Wien Flight #534 departing Fairbanks at 9:00 A.M. Arrive in Fort Yukon at 10:10 A.M.

Senator Sackett plans to be in Fort Yukon and will accompany the group to Venetie along with Jonathan Solomon.

Accommodations will be at the Fort Yukon School where meals will also be provided. Public Hearing 7:00 P.M. Community Center

Friday, October 19 10:00 A.M. Leave on Arctic Circle Air Service charter to Venetie.

Public Hearing 7:00 P.M.

Accommodations will be at the BIA School (Mr. Dick Barber, Principal)

Saturday, October 20 8:30 A.M. Charter back to Fort Yukon on Arctic Circle Air Service.

10:45 Depart Fort Yukon on Flight #535 arriving in Fbks. at 11:45 A.M.

3:25 P.M. Depart Fbks. on Alaska Airlines flight #90 arriving in Anchorage at 4:15 P.M. (This is the best connecting flight to Anchorage available)

Please bring your sleeping bag and any personal food items you may want. Some food will be purchased for the group (and deducted from your per diem) for meals while in Venetie. Again, TRs will be available at the Anchorage Airport for those who need them. Please by at the Anchorage Airport on Oct. 18 no later than 6:20 A.M. if you need a TR.

BACKGROUND INFORMATION

Enclosed please find the following information for your review prior to the public hearing:

Municipal League Directory Information - Fort Yukon

Community Information - Venetie

Yukon Flats Regional Government Study Summary - Prepared by Darbyshire and Associates, August 1979 (This is a particularly relevant and timely piece of information which summarizes an extensive multi-volume report on the Yukon Flats area and its viability as a borough)

Area Guide - Yukon-Porcupine Area prepared by the United States Department of Agriculture, Forest Service



Official Business

Alaska State Legislature
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Juneau, Alaska 99811

The Local Government Study Committee will hold a PUBLIC HEARING on the subject of creation of regional governmental units in the unorganized borough in

FORT YUKON
Thursday, October 18, 1979
7:00 P.M. Community Center

The Committee will be discussing proposed legislation which would:

- (1) Divide the single unorganized borough into unorganized boroughs generally following Regional Educational Attendance Area boundaries, or combinations of two or more REA's, but not extending beyond the boundaries of more than one Native regional corporation established under the Alaska Native Claims Settlement Act;
- (2) Authorize the election of not more than eleven (11) member unorganized borough assemblies, defining the powers and duties of these assemblies: review, comment and recommendations in a clearinghouse approach to proposed state projects and services under the state's fiscal procedures and facilities procurement acts;
- (3) Authorize assemblies of unorganized boroughs to initiate a process by which a charter for a home rule borough may be prepared;
- (4) Name the Department of Community and Regional Affairs as the state agency responsible for lending assistance to unorganized borough assemblies;
- (5) Retain intact the powers and responsibilities of existing REAA school boards for management of school functions, of coastal service area boards in the preparation of plans for the resources of the state's coastal zone, and of existing cities of the unorganized borough.

Members of the Committee are:

Senator Arliss Sturgulewski, Co-Chairman
Representative Bill Parker, Co-Chairman
Senator Tim Kelly
Senator Bob Mulcahy
Senator Pat Rodey
Senator Terry Stimson

Representative Pat Carney
Representative Margaret Branson
Representative Ray Metcalfe
Representative Pat O'Connell
Representative Charlie Parr
Representative Fred Zharoff



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Alaska State Legislature

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Pouch V
State Capitol
Juneau, Alaska 99811

October 10, 1979

Mr. Dick Erman
Ass't. Superintendent
Yukon Flats School District
Fort Yukon, Alaska 99740

Dear Mr. Erman,

I appreciated talking with you today and have enclosed the material relative to the public hearing, as you requested. Following your suggestion, I have communicated with the Fairbanks BIA Office (referred to me by the Juneau office) and hope that the short wave network will reach the Barbers in Venetie. Perhaps you could also convey information about the public hearing to anyone from your office travelling to Venetie.

Your offer of assistance in housing and feeding the legislative group is much appreciated. We hope that Will Files will find our visit to the school acceptable as well and we look forward to meeting the residents of Fort Yukon on October 18.

Again, sincere thanks. I find that planning for public hearings in the villages is a real learning experience and hope to pass along the wisdom gained from this planning process to the legislative information office where hopefully it can be used to good advantage by other legislative groups trying to communicate directly with rural Alaska. What a wonderfully varied and interesting place our state is!

Yours truly,

Marjorie Gorsuch



Official Business

Alaska State Legislature

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Pouch V
State Capitol
Juneau, Alaska 99811

October 12, 1979

To Whom It May Concern:

This is to confirm the use of (2) Cessna 207 Airplanes to be used for transportation as follows:

Oct. 19 10:00 A.M. Leave Fort Yukon for Venetie
Oct. 20 8:30 A.M. Leave Venetie for Fort Yukon

At the present time, I believe we will need both planes but may have to notify you at the last minute if only 1 is necessary.

Thank you.

Joe Cochran

Marjorie Gorsuch
Marjorie Gorsuch
Administrative Assistant



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

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Pouch V
State Capitol
Juneau, Alaska 99811.

Nov. 7, 1979

Mr. Cliff Christensen
Chief of Police
P.O. Box 269
Fort Yukon, Ak. 99740

Dear Cliff,

We appreciated meeting with you and residents of Fort Yukon on October 18, 1979. The public hearing gave members of the Local Government Committee an opportunity to see your community, many of them for the first time; to learn of some of the problems you are experiencing; and to receive valuable comment on the ideas being considered for legislative action by the Committee. We also found the discussion of the Yukon Flats Report helpful.

As you have been involved in the development of the Yukon Flats Study and have given some thought to the concept of regional government, you may have some additional comments on the "unorganized boroughs" proposal which we would welcome at any time.

We want to thank you and your wife for your generous hospitality. We enjoyed visiting with you and your family the evening of the 18th and hope that we have an opportunity to talk with you again some time.

Yours truly,

Senator Arliss Sturgulewski

Rep. Bill Parker



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

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Representative Bill Parker

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LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

Nov. 7, 1979

Mr. Ron Messler
P.O. Box 269
Fort Yukon, Alaska 99740

Dear Ron,

We appreciated meeting with you and residents of Fort Yukon on October 18, 1979. The public hearing gave members of the Local Government Committee an opportunity to see your community, many of them for the first time; to learn of some of the problems you are experiencing; and to receive valuable comment on the ideas being considered for legislative action by the Committee.

We also found the discussion of the Yukon Flats Study helpful. Since you have been following that study, and have given some thought to the concept of regional government, you may have additional comments on the "unorganized boroughs" proposal which we would welcome at any time.

The Committee members learned a great deal from you and your tours and look forward to communication with you in the future.

Yours truly,

Arliss
Senator Arliss Sturgulewski

Rep. Bill Parker

YUKON FLATS REGIONAL ATTENDANCE AREA #13
 Box 359
 Fort Yukon, Alaska 99740
 Phone 662-2515

Superintendent: ~~Will-Riggen~~ James P. Whitt

End of Term	Seat	School Board Member	Date Elected	No. of Votes	Term
1980	A	Nena Russell General Delivery Arctic Village, AK 99722	11/15/77	166	3 years
1979	B	Richard D. Martin Chena Ct. Apts. #14 1147 Sixth Avenue Fairbanks, AK 99701	2/24/76	115	3 years
1981	C	x Steven Ginnis Box 161 Fort Yukon, AK 99740	10/3/78	141	3 years
1979	D	x Nancy James Box 144 Fort Yukon, AK 99740	2/24/76	266	3 years
1980	* E	Clarence Alexander Box 42 Fort Yukon, AK 99740	11/15/77	155	3 years
1979	F	Antoinette Pitka Beaver, AK 99724	10/3/78	144	1 year
1981	G	Albert B. Carroll, Sr. Circle, AK 99733	10/3/78	168	3 years
1979	E	x Nels Petersen Box 11 Fort Yukon, AK 99740	11/3/78 appointed		1 year

*CORRECTION:

Advisory School Board
P.O. Box 146
Noorvik, Alaska 99763

City Planning Commission
P.O. Box 269
Fort Yukon, Alaska 99740

Board of Directors
Gwitcha Gwitch'in Ginkhye
P.O. Box 134
Fort Yukon, Alaska 99740

Mr. Cliff Fairchild
City Planning Commission
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Jimmie L. Farmer, Ex. Dir.
Koyukon Development Corp., Inc.
P.O. Box 29
Galena, Alaska 99741

Mayor Jonathan Solomon
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Walter Peter
City Planning Commission
P.O. Box 259
Fort Yukon, Alaska 99740

Mr. Dennis J. Tiepelman, Pres.
Mauneluk Association
P.O. Box 256
Kotzebue, Alaska 99752

Mr. David Shewfelt
City Council Member
P.O. Box 269
Fort Yukon, Alaska 99740

Ms. Daisy Stevens
Advisory School Board
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Elmer Armstrong, Sr., Chrmn
Board of Directors
Mauneluk Association
P.O. Box 256
Kotzebue, Alaska 99752

Mr. Sam Hughes, Sr.
City Council Member
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. David Shewfelt
City Planning Commission
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Robert A. Lohr, Ex. Dir.
Upper Tanana Development Corp.
P.O. Box 459
Tok, Alaska 99780

Ms. Nancy James
City Council Member
P.O. Box 269
Fort Yukon, Alaska 99740

Ms. Emma Flitt
Advisory School Board
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Jonathan T. Sumnar, Pres.
Board of Directors
Upper Tanana Development Corp.
P.O. Box 459
Tok, Alaska 99780

Mr. Cliff Fairbanks
City Council Member
P.O. Box 269
Fort Yukon, Alaska 99740

Ms. Alice Carroll
Advisory School Board
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Roy Tansy, President
AHTNA, Inc.
Drawer G
Copper Center, Alaska 99573

Mr. Richard Carroll
City Council Member
P.O. Box 269
Fort Yukon, Alaska 99740

Ms. Marylou Lamoureux
Advisory School Board
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. John Schaeffer, Pres.
NANA Regional Corporation
4706 Harding Drive
Anchorage, Alaska 99503

Mr. Mark Williams
City Council Member
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. W.J. Lamoureux
City Manager
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Tim Wallis, Brd. Chrmn.
Doyon Ltd.
First & Hall Streets
Fairbanks, Alaska 99701

Mr. David Shewfelt
City Planning Commission
P.O. Box 269
Fort Yukon, Alaska 99740

Mr. Tom Craig, Ex. Director
Copper River Native Association
Drawer H
Copper Center, Alaska 99573

Mr. W.J. Lamoureux
City Planning Commission

Mr. Jonathan Solomon, President
Board of Directors

PUBLIC HEARING PARTICIPANTS

LOCATION Fort Yukon

DATE 10/18/79

NAME

MAILING ADDRESS

GROUP NAME OR ORGANIZATION
IF REPRESENTING SUCH

x	Ronald D. Masler	P.O. Box #7 Fort Yukon ⁹⁹⁷⁰⁰	City
	FRANK WARREN	PO BOX 287 FT Yukon	YFSD
	Mamou S. Nichols	Box 169 FYU	
	Mark Miller	P.O. Box 12731 Fairbanks	T.C.C.
	Nels P. Petracca	Box 11 Fort Yukon	CITY
	Paul Thompson	Box 271 Fort Yukon	
	Steve Ginnis	Box 161 Ft. Yukon	YFSD (School District)
	Bill Black	PO Box 247 FYU	FY School
	Brian Dussault		
	Richard Hunter	3896 ^{FT Richardson} Kuni-A Av	Natl. Guard Advisory Group
	R. Johnston	P.O. Box 284	FY
	M. Johnston	P.O. Box 284	Ft. Yukon
	Lamar Cotten		
x	Jennifer Solomon		
	John Schmitt		
	Ruth Stephens	Box 236	Ft Yukon
	Tommy Delia	1640 ^{23rd} Ave apt w-B	
	Mavis Ward		
	Alice Cannell	Box 225	Ft. Yukon
	Semij Peter	Box 45	

PUBLIC HEARING PARTICIPANTS

LOCATION Fort Yukon

DATE 10/18/79

NAME	MAILING ADDRESS	GROUP NAME OR ORGANIZATION IF REPRESENTING SUCH
Joseph Carroll	P.O. Box 84 Fyn	
Dekora li Carroll	Box 111	
Patsy Carroll	Box 86 Fyn.	
Louie Jarrissi	Box 226 Fort Yukon	
BERI L. MORRIS	P.O. BOX 151 FT. YUKON	
Manz Wilbair	DC Box 48 " "	
Nancy Grammer Morris	P.O. Box 51	
Marilyn Hooper	49 Elliott Hwy.	
Mae B. Peter	Box 45 Fyn	
Nancy Stevens	Box 213 Fyn	
Mitina Peter	P.O. Box 126	
David A. Newkelt	Box 12	
John Flitt	Box 78	
Kathleen H. Harpist	11 137	
Clarence Alexander		
Ray & Sharon Smythe		
Kay C. Newkelt	Box 657 Fyn	
John Files	Box 55	
G.W. Hooper	49 mile ELLIOTT HWY P.O. Box 73964 FT. AK. 99707	

Arlesia Sturgulewski
 Bill Parker
 Margaret Brunson
 Marjorie Horsuch
 Gene Walsh

TELEPHONE:
ZIP CODE: 99740

Upper Yukon Sub-Region
November, 1978

FORT YUKON

LOCATION: Fort Yukon is located on the north bank of the Yukon River at its junction with the Porcupine River, in the Yukon Flats. The city is 140 air miles northeast of Fairbanks.

DESCRIPTION: The Yukon Flats is a large, gentle, alluvial outwash plain, dotted with thaw lakes and sinks. Fort Yukon is located at a great bend of the Yukon, at an elevation of 419 feet. Both upstream and downstream from the bend the Yukon River is heavily braided, with many sloughs and meandering channels.

The region has an Arctic continental climate, with mean annual temperature ranges from -20°F to 61°F, although extremes of -29°F and 72°F have been recorded. Precipitation amounts of 6.52 inches yearly; winter snowfall averages 45 inches. The prevailing winds are northeast and west-southwest.

Ice jams and stream overflow cause flooding on a 20 to 40 year frequency. Erosion is a problem, and the permafrost is 400 feet deep at the village.

HISTORY: Fort Yukon was established in 1847 by Alexander Murray as a Hudson's Bay Company trading post. Previous contact from Europeans was limited to the explorations of Alexander MacKenzie in 1789 and the establishment of a fur post in 1810 at Old Fort Good Hope. The original location of Fort Yukon was a mile or two upstream, but the people moved due to erosion in 1864. After the purchase of Alaska in 1867, Capt. C.W. Raymond, U.S. Engineer, determined that Fort Yukon was indeed within U.S. territory; the site was taken over by Moses Mercier, a trader of the new Alaska Commercial Company. A Post Office was established at Fort Yukon in 1898.

The natives of Fort Yukon are largely Kutchakutchin Athapaskan Indians.

POPULATION: The population of Fort Yukon has been as follows:

1880: 107	1920: 319	1950: 446	1976: 637
1890: 189	1930: 304	1960: 701	1978: 700
1910: 321	1939: 274	1970: 448	

INCORPORATION CLASSIFICATION: Second Class City

COMMUNITY OFFICIALS

Jonathan Solomon, Mayor	Mae Peter, Chief, Fort Yukon
Buster Lamoureaux, City Manager	Native Association
Buster Lamoureaux, Magistrate	Roland Chevalier, Trooper

POPULATION

	1970 Census	1976	1978
Total	448	637*	700
Native	378		550
White	70		250
Other	0		

HOUSING

	1970 Census	1978
Total Units	107	155
Owner Occupied	61	
Renter Occupied	45	
Vacant	1	
Seasonal	0	

*Community supplied estimates

The Interior Regional Housing Authority recently completed construction of 40 new homes in 1977.

TCC Housing Improvement program made repairs on 20 homes in 1977 and 5 in 1978. They built one new home in 1977 and 4 in 1978.

VILLAGE CORPORATION

GWITCHYAA ZHEE CORPORATION

PRESIDENT OF BOARD OF DIRECTORS: Robert L. Nelson

TOTAL ACREAGE SELECTED: 161,280 TOTAL ENROLLMENT: 725

EDUCATION FACILITIES

SCHOOL: Fort Yukon School

PRINCIPAL: Willie Philes

REAA: Yukon Flats School District

SUPERINTENDENT: Jim Whitt

NUMBER OF STUDENTS: 189

STUDENT CAPACITY: 200

EDUCATION LEVEL: K-12

NUMBER OF TEACHERS: 19

POWER SOURCE: . Fort Yukon Utilities, standby generator

WATER/SEWAGE SYSTEMS: School water treatment and distribution system. Aerated sewage lagoon. School supplies water and sewer to community building

PLANNED EXPANSION OF FACILITIES: Renovation of the central office is planned in 1979.

HEALTH CARE

LOCAL HEALTH CARE PROVIDER: Hilda Silva, PHS Nurse; Twyla Strom, State Health Aide; Zelma Peterson, Community Health Aide

PUBLIC HEALTH NURSE: Mary Ann McNiff, Fairbanks

LOCAL HEALTH CARE FACILITY: Fort Yukon clinic is operated by the Public Health Service. The clinic recently moved into the vacant FAA site. Water is hauled and stored in holding tanks. Sewage is aerated and discharged into a lagoon. Clinic has emergency standby 12 KVA generator. A new facility is planned in the near future.

MEDICAL COMMUNICATIONS: Local telephone; ATS-1

NEAREST HOSPITAL: ANHS Tanana or Fairbanks

COMMUNICATIONS

TELEPHONE: Interior Telephone Co. (scheduled for a large earth station by the end of 1978)

SATELLITE RADIO: ATS-1

VHF/HF RADIO: Department of Defense; FAA; BLM; Air North

AM/FM RADIO: Military; KJNP

TELEVISION: Mini-TV

NEWSPAPER: Fairbanks Daily News-Miner; Tundra Times; River Times, All Alaska Weekly

WATER/SEWER/WASTE DISPOSAL

Currently there is limited service from a state funded water and sewage system. Homes not on the system get their water from the school and use privies.

ELECTRIC POWER

Provided by Fort Yukon Utilities, privately owned.

BULK FUEL STORAGE FACILITIES

Chevron U.S.A. distributor

TRANSPORTATION

AIR SERVICE:

Charter Service with Arctic Circle Air

Carrier: Air North
Origin of Flight: Fairbanks
Days of Service: Daily

AIRCRAFT LANDING FACILITIES:

Elevation: 431 feet
Length and Width: 5,019 x 150 feet
Surface: Gravel
Services: Runway approach lights on request
Plans for Expansion: Apron expansion, runway extension and surfacing and lighting rehabilitation project is scheduled for 1979.

BARGE SERVICE:

Carrier: Yutana Barge Lines
Frequency of Service: 5 times a season

LOCAL SERVICE ROADS: The Highway Department plans to reconstruct the village streets and access roads in 9179 with state and federal funds.

MILITARY INSTALLATIONS

National Guard Armory
Fort Yukon Air Force Stations

OTHER FACILITIES OR SERVICES

BLM (Fort Yukon Fire Base, summer)	Post Office
State Military Affairs (National Guard)	State Public Safety (Troopers)
State Health and Social Services	Fish & Wildlife
State District Court	

COMMERCIAL ENTERPRISES

Alaska Commercial Company	Sourdough Inn	Air North
Gwitchyaa Zhee Co-op Store	Boat Store	Community Liquor

CHURCHES/LOCAL ORGANIZATIONS

Episcopal Church (Rev. John Phillips)	Lions Club
Assembly of God Mission (Arliss Roberts)	CAP
Baptist (no church)	Museum
Volunteer Fire Department	Fort Yukon Dog Mushers

TELEPHONE: 849-8001
ZIP CODE: 99781

Upper Yukon Sub-Region
November, 1978

VENETIE

LOCATION: Venetie is located on the pristine Chandalar River, 140 air miles north of Fairbanks at the confluence of the Chandalar and East Fork Rivers.

DESCRIPTION: The Yukon Flats is a marshy, lake-dotted flood plain, 300 feet in elevation in the west, sloping to 600 to 900 feet to the north and east. The Chandalar River heads in the Brooks Range and flows southeast across the Porcupine Plateau to the gentle slopes of the Yukon Flats.

The climate is arctic continental, with mean annual temperatures ranging from -20°F to 72°F. Precipitation and snow measure 8 and 45 inches respectively per year. Prevailing vegetation is spruce, willow, cottonwood, birch, brush, and berries.

Floods caused by ice jams, glaciation, and stream overflow occur on a 20 to 30 year frequency. Permafrost is present.

HISTORY: This is an original Natsitkutchin or "strong people" Indian village, settled in 1900. Some of the people have ancestors who were Teachinkutchin Indians, a sub-group of the Natsitkutchins. These people have historically engaged in trade with the coastal Eskimos, especially those of the Thule Culture living between Barter Island and the MacKenzie River Delta.

A Post Office was established there in 1938.

Venetie is a traditional village. People subsist on fish, moose, bear and annual migration of the Porcupine caribou herd, as their fundamental diet. Venetie and their cultural neighbors in Arctic Village chose to retain status as the Venetie Indian Reservation under ANCSA, therefore, they are not entitled to the benefits of the act, and thus are responsible for administering their own economic and social programs.

INCORPORATION CLASSIFICATION: Traditional (IRA Village)

COMMUNITY OFFICIALS

Lawrence Roberts, Chief
Venetie Village Council

HEALTH CARE

LOCAL HEALTH CARE PROVIDER: Jessie Williams, Health Aide
Maggie Roberts, Albert Frank, Alternates

PUBLIC HEALTH NURSE: Claudia Davis, Fairbanks

LOCAL HEALTH CARE FACILITY: Clinic is held in the health aide's home. Power is available but not running water.

MEDICAL COMMUNICATIONS: ATS-1; RCA medical phone in health aide's home

NEAREST HOSPITAL: ANHS Tanana or Fairbanks

COMMUNICATIONS

TELEPHONE: RCA Alascom small earth station (849-8001); public phone is located in council office.

SATELLITE RADIO: ATS-1

VHF/HF RADIO: BIA; State Military Affairs

NEWSPAPER: Fairbanks Daily News-Miner; All Alaska Weekly; River Times

WATER/SEWER/WASTE DISPOSAL

Water is currently hauled from the Chandalar River. Privies. Construction is scheduled for the summer of 1979 for a watering point, laundry-type facility. Construction is on-going for a community pipe system to homes and individual septic tanks.

ELECTRIC POWER

Community 10 KVA generator

BULK FUEL STORAGE FACILITIES

None

TRANSPORTATION

AIR SERVICE:

Carrier: Air North

Origin of Flight: Fairbanks (via Ft. Yukon)
Days of Service: Monday - Friday

AIRCRAFT LANDING FACILITIES:

Elevation: 550 feet
Length and Width: 4,400 x 50 feet (first 700 feet of runway 21 unusable, first 150 feet of runway 3 unusable)
Surface: Dirt
Services: None

BARGE SERVICE: None

LOCAL SERVICE ROADS: The Department of Highways plans on building a firewood area access road in 1977 if funding is available.

MILITARY INSTALLATIONS

Armory

OTHER FACILITIES OR SERVICES

Post Office
State Military Affairs (National Guard)
RCA

COMMERCIAL ENTERPRISES

Retail fuel store
One private store
One co-op store

CHURCHES/LOCAL ORGANIZATIONS

Episcopal Church (Reverend Paul Tritt)



**YUKON FLATS
REGIONAL GOVERNMENT STUDY**

Summary

Darbyshire & Associates

**August
1979**

INTRODUCTION

Regional government in Alaska consists of a system of organized and unorganized boroughs. In general, an organized borough is a regional government formed for the purpose of providing services to its residents. Currently 11 organized boroughs cover about 40 percent of the state. The remaining area is considered a single unorganized borough.

Organized boroughs are legally incorporated, self-governing bodies, with the authority to exercise certain powers. As such, they levy taxes and obtain other revenues for the purpose of: funding school operations; exercising planning, platting and zoning powers; and providing additional services such as public safety, utilities, and needed community facilities.

The unorganized borough is unincorporated. No property taxes are levied, and the state is responsible for providing needed services. With few exceptions, communities in the unorganized borough are small and lack a supporting tax base. These hundreds of small settlements must compete for limited state and federal funds for support. The result is that these villages have the lowest level of community services in the state. Thus, residents in the unorganized borough must await the development of a tax base before they can move to fulfill community service needs through a borough government.

This study concentrates on one such area—that portion of the unorganized borough encompassed by Rural Education Attendance Area (REAA) 13. The Yukon Flats region covers about 53,000 square miles, and is home to about 1,600 residents. The economy is heavily dependent on subsistence resources but has experienced great changes with the coming of the trans-Alaska pipeline. All communities are badly in need of basic public services, improved housing and employment opportunities. Water supply is, by and large, hauled—in some cases from a central watering point. Only two of the 11 communities have electrical systems.

With a very small tax base there has been little that residents of the Yukon Flats area could do to improve these circumstances other than to seek state, federal or other assistance. Such requests have usually gone unanswered, have been slow in coming, and then usually at a level much less than locally desired. With the coming of the valuable trans-Alaska oil pipeline through the area, however, the situation has changed.

Some residents of the area now therefore wish to examine the feasibility of organizing the REAA 13 area into a self-governing borough government, capable of providing the community facilities and services they so badly require and desire. Accordingly, the State Legislature provided money in their fiscal 1979 budget to examine the question and the Department of Community & Regional Affairs initiated this study.

Forming a borough government is controversial. Some view a borough as a solid employment base and provider of badly needed services such as electrification, water/sewer and community facilities. Others perceive it as an unnecessary extension of government which brings unwarranted controls and taxes. If an examination and final decision is to be made intelligently, a complete and objective explanation of the advantages and disadvantages of having a borough government must be set forth. This is the purpose of the Yukon Flats Regional Government Study. As such, it examines:

- the physical, social & economic setting of the region;
- standards for incorporation;
- the different forms of borough government that can be incorporated;
- the implications a borough would have on regional self-determination;
- estimated costs of operating a borough;
- potential sources and amounts of revenues a borough could expect to generate;
- the financial feasibility and viability of various borough options; and
- incorporation procedures.

Significantly, the study concludes that even the most complete and comprehensive package of borough/service options appears financially reasonable.

The full study consists of eight separate technical reports. These have been combined into a single integrated volume. Two hundred copies have been printed and distributed to Yukon Flats residents, key state officials and members of the legislature. One thousand copies of this summary brochure have been widely distributed throughout the Yukon Flats region.

The study was prepared at the request of residents of the region, and the Alaska legislature. Its successful completion was made possible through the assistance of a local Borough Study Committee—representatives from each village who assisted the Department of Community & Regional Affairs and the study consultants. The Borough Study Committee members are:

Name	Community
Jonathan Solomon (Chairman)	Fort Yukon
Susan Baalam	Birch Creek
Leah Druck	Chalkyitsik
Nancy James	Fort Yukon
Edward John	Venetie
Steve Joseph	Beaver
Larry Nathaniel	Circle
Jim Relter	Central
Don Stevens	Stevens Village
Lincoln Tritt	Arctic Village

THE PHYSICAL, SOCIAL AND ECONOMIC SETTING:

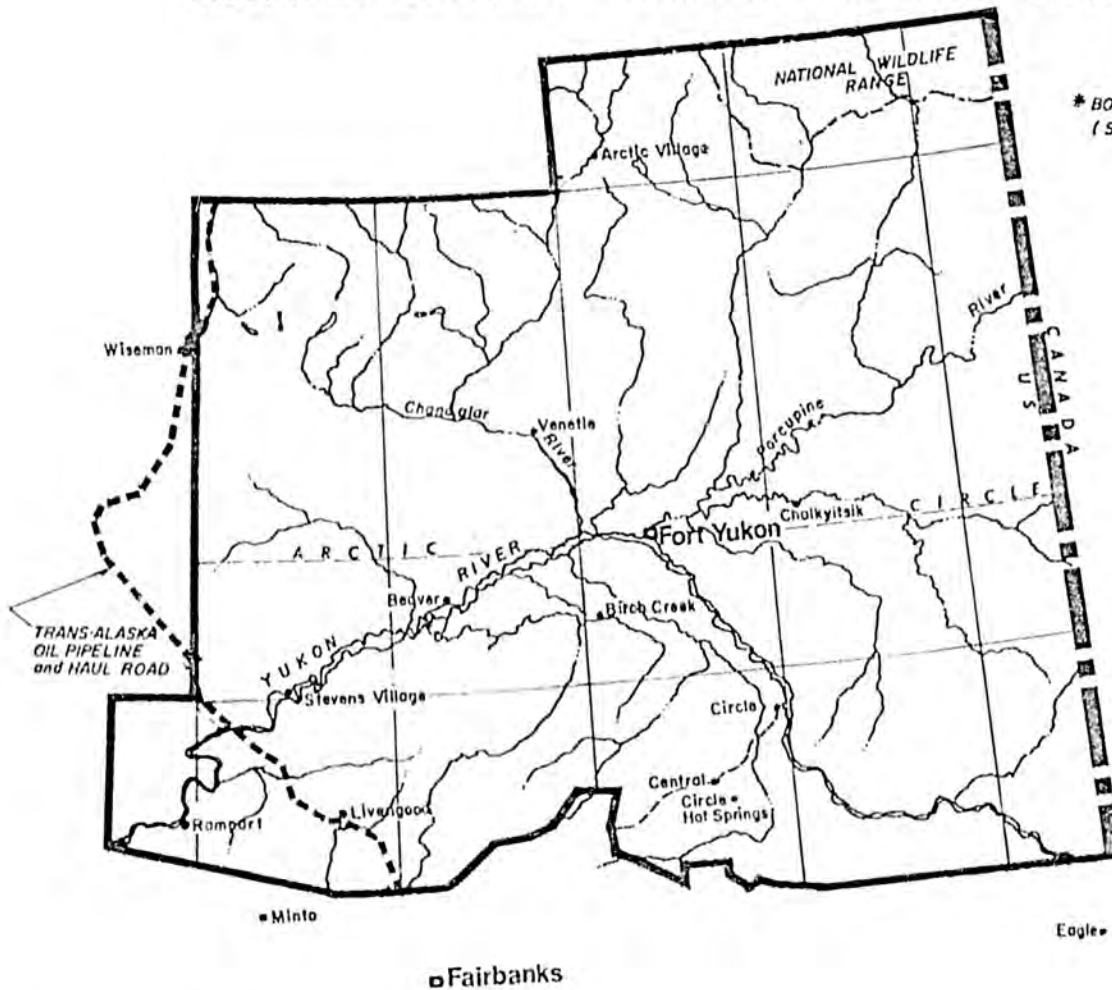
The study area encompasses all of Rural Education Attendance Area (REAA) 13. It is bounded on the north by the North Slope Borough, the west by the Middle Yukon REAA, the south by the Fairbanks North Star Borough, and on the east by the Canadian border. At 53,000 square miles, the region would become the second largest borough in the state.

In 1978, approximately 1,571 people resided in the 11 communities located within the region. These include: Arctic Village, Beaver, Birch Creek, Central, Chalkyitsik, Circle, Fort Yukon, Livengood, Rampart, Stevens Village, and Venetie. Only Livengood, Circle and Central are accessible by road, and then only part of the year. The trans-Alaska pipeline and haul-road transverse the region from north to south.



INDEX MAP

STUDY AREA BOUNDARIES* — PROPOSED YUKON FLATS BOROUGH



* BOUNDARIES of REAA #13
(See Appendix A)

History: The Yukon Flats area is the center of territory which is considered the historic home of the Kutchin group—a major branch of the Athabascan Indian people. The growth of non-Native population in the region has been related to trapping, trade and mineral exploration and extraction. Because of the cyclical nature of the mineral economy in rural Alaska, the region's population has varied widely. Most recently, construction of the trans-Alaska pipeline has led to the establishment of maintenance facilities and the haul-road in the region.

Current and Future Population Characteristics: The 1978 population level has been estimated to be 1,571 persons. Recent population trends for the region indicate that the area is growing at approximately 3 percent per year. Eighty-six percent of the region's population is Alaska Native (1970 census) compared to 18 percent statewide.

STANDARDS FOR INCORPORATION

Alaska Statute 29.18.030 sets forth a number of standards which must be met by a region considering forming a borough government. The State Supreme Court has ruled that an area wishing to incorporate need only minimally conform to these standards to be eligible.

The standards speak to the following regional characteristics:

- the social, cultural and economic integration of the area;
- its ability to support organized borough government,
- the relation between the proposed borough boundaries and natural geography;

Throughout its history, the region has maintained an identity and cohesiveness based on the growth of Fort Yukon as the trading and commercial center. The city has experienced relatively steady growth since the late 1800's, and the 1978 population was approximately 700. Fort Yukon is now the regional center for the administration of public services such as health, housing, education and cultural programs.

Economy: The economy of the area reflects the economic history of much of Alaska. An age-old subsistence economy provided a base for the commercial fur trade in the mid-1800's. Gold discoveries led first to mining, and then the establishment of major trade and transportation routes along the rivers. A decrease in mining in the early 1900's resulted in a decline in the area's economy. Some stability returned, however, with the development of Ft. Yukon as the region's public service center.

Current Employment Composition: The government sector is clearly the region's primary source of employment. According to a survey by the University of Alaska's Institute for Social and Economic Research, 34 percent of Ft. Yukon's workforce is employed in the public sector. In the outlying villages, this figure rises to 45 percent. Native organizations are the second largest employer with private business (20%) and the Alyeska pipeline (9%) following.

Unemployment: Unemployment runs high in the region and averages some 20 percent annually.

Subsistence: Subsistence activities are an important component of the regional economy. Over three-quarters of the area's households use some form of subsistence food supplies. Fifty-two percent of all households obtain one-half or more of their food through subsistence activities.

Income and Cost of Living: The average annual income of Yukon Flats residents is among the lowest in the state. Over half of the Native households were found to be living below the established poverty line in 1976. Living costs in Ft. Yukon average almost 60 percent higher than costs of living in Anchorage. The cost of living in the outlying villages is even higher. Food prices roughly double those in Anchorage, and heating fuel prices are nearly triple of those in Anchorage.

Public Facilities and Services:

- **Education.** Most educational services are provided by the Yukon Flats REAA. Thus, the full costs of education are borne by the state, while a locally elected school board administers the education program. Approximately 332 students are presently enrolled.
- **Public Safety.** Police and fire protection in the region are extremely limited. Only Ft. Yukon maintains a small public safety force.
- **Water/Sewer.** Seven of the 11 communities haul their water directly from a stream or the Yukon River. Community-wide sewage collection and disposal facilities are nonexistent.
- **Electricity.** Fort Yukon and Circle have community-wide electrical systems. The remaining eight villages have no power system, except for some individual generators, and the schools.

Public Facility and Service Priorities: Village priorities reflect the lack of basic utility services in the region. According to the Fairbanks Town and Village Association, six of the region's 11 communities rate water/sewer improvements and/or construction of a centralized water/sewer utility building as their first or second priority. Seven communities rate village electrification as one of their top three priorities. Housing, airport improvements and local road and trail construction and maintenance are also ranked as important needs.

- the areas necessary for development of local resources;
- the capability of the area's economy to provide local services; and
- the regional transportation system's ability to allow for the development of integrated local government.

The Yukon Flats Regional Government Study concludes that the region conforms to all standards for incorporation and goes well beyond any minimal level of compliance.

For example, the communities from Circle to Rampart and Arctic Village to Birch Creek show a high degree of social and cultural integration. This is reflected in the historic pattern of Native settlement and the present boundaries for the Yukon Flats REAA. While Central and Livengood may be classified as non-Native communities, they join the other villages under many state and federal administrative units which blanket the region. All communities are linked by an extensive air and/or water transport system.

The region's population is undergoing steady growth. The successful administration of a number of regional health, education and social programs reveals that people with administrative skills are available locally, or can be attracted from other areas if required.

While local community financial resources are quite limited, the study area as a whole is quite wealthy. This is because portions of the trans-Alaska pipeline and two pump stations are located within the region. With 1,571 residents and an estimated 1980 tax base of \$900,000,000, the area more than meets minimum standards for incorporation.

LOCAL GOVERNMENT OPTIONS

State law is quite flexible with respect to the incorporation of borough governments. The choice before Yukon Flats residents is much more than just "should we incorporate or not?" An area must decide what specific type of borough and what types of services best fit community needs, and it must decide which services are affordable.

Borough Comparisons: The real choices between borough government types in the study area are any of the three classes of general law boroughs authorized in AS 29.08.030. The differences and similarities between these borough types are summarized in Table 1.

Mandatory Areawide Powers and Duties: First- and second-class boroughs must perform three areawide powers:

- **Tax assessment and collection:** Theoretically, a borough need not levy taxes if it had sufficient revenues from other sources. No borough has been able to do this, and thus, the region can look forward to some form of property taxation. Expected tax obligations for typical borough property owners are given in the feasibility section of this brochure. A borough may also levy up to a 3 percent sales tax, provided residents approve these taxes by referendum vote.
- **Education:** Each borough constitutes a school district, and must maintain and operate a system of public schools on an areawide basis. This responsibility is supervised by an elected school board, except in the case of third-class boroughs where the assembly is the school board.
- **Planning, platting and zoning:** This authority allows the borough to manage regional land use, to guide development, and to protect the natural environment. An appointed planning commission would direct the preparation of a comprehensive plan for the region and for each community. They would advise the borough assembly in all planning-related matters.

Third-class boroughs assume only two mandatory powers: education and taxation. They are not permitted by law to assume any other areawide or non-areawide power. A third-class borough is little more than a local school board which must levy taxes to support its educational programs. Because it lacks planning authority, it cannot deal with important issues such as planning for public facilities, providing utility services, and planning for growth and development which best fits local needs and desires. Thus, the advantages of incorporating as a third-class borough seem to be few.

Municipal Facilities, Services and Regulation: Alaska law (AS 29) is quite flexible with regard to the types of services a first- or second-class borough may provide to its citizens. First- and second-class boroughs differ in how these added powers may be assumed, however. A partial listing of optional services follows:

- water/sewer;
- docks, harbors and marine facilities;
- health services and hospitals;
- police and fire protection;
- light, power and heat;
- transportation systems;
- libraries, community centers and recreational facilities;
- airports and aviation facilities;
- housing programs;
- protection of historic sites; and
- garbage collection and disposal.

Borough Organization: The elected borough assembly is the local legislature. While each community would probably like to have a separate representative sit on the assembly, this is not possible due to new state law which takes effect in 1981. Consequently, we recommend the following allocation of representatives which would fit within the law:

District	Residents
1 assemblyman from Arctic Village	111
1 assemblyman from Venetie	148
1 assemblyman from Rampart/Stevens Village	136
1 assemblyman from Beaver/Birch Creek	112
5 assemblymen from Fort Yukon	700
1 assemblyman from Chalkyitsik	99
1 assemblyman from Circle/Central/Livengood	135

This is the closest apportionment scheme which both meets the principle of "one-man one-vote" and best seems to combine areas of common community interest.

Newly incorporated boroughs vest executive and administrative power in an elected mayor. His term of office is usually three years.

REAA-Borough Transition: Boroughs must assume all educational powers of the REAA within two years of incorporation. The REAA school board and administration must be replaced. However, most, if not all, of the same people would probably be re-elected or reappointed.

Construction and operational costs for education are currently funded totally by the state or federal governments. However, REAA 13 must compete with the other 20 REAA's for funds, and cannot fulfill its own program priorities. Our projection of costs and revenues indicates that, as a borough, the school district would have more operational funds available. Further, the state would still fund up to 80 percent of approved construction costs, with property taxes supporting the remainder. The bottom line of these comparisons relates to which government one would rather depend on—the legislature and officials in Juneau, or a locally elected assembly and school board?

In summary, the best choice among local government options for Yukon Flats residents appears to be a first- or second-class borough which also provides additional services desired by residents.

**TABLE 1
SUMMARY
GENERAL LAW BOROUGH COMPARISON
TYPE OF BOROUGH**

Characteristic	First-Class	Second-Class	Third-Class
Upgrade to Home Rule Status	Yes	No	No
Mandatory Areawide Powers (powers exercised throughout the borough including inside the areas of cities)	Tax assessment/collection education planning/platting/zoning	Tax assessment/collection education planning/platting/zoning	Tax assessment/collection education
To Assume Added Areawide Powers	by transfer of all cities; or by areawide referendum vote that must be approved by a majority of residents both inside and outside home rule and first-class city limits	by transfer of all cities and nonareawide referendum vote; or by areawide referendum vote that must be approved by a majority of residents both inside and outside home rule and first-class city limits	not permitted
Nonareawide Powers (powers exercised in that portion of the borough outside city limits)	none mandatory may be assumed by assembly ordinance	none mandatory may be assumed by referendum vote of residents outside city limits	not permitted
Service Areas (for provision of services on less than a non-areawide basis)	established, operated, altered, or abolished by assembly exercise of power by assembly ordinance	established, operated, altered, or abolished by assembly exercise of power requires referendum vote of service area residents	established, operated, altered, or abolished by assembly exercise of power requires referendum vote of service area residents
Borough Executive	Mayor (with veto power)	Mayor (with veto power)	Mayor (with veto power)

IMPLICATIONS FOR LOCAL CONTROL & SELF-DETERMINATION

A borough is more than a financial venture. Other important benefits to local people include:

Borough Staff Employment: A new borough government would quickly become the major force in the region's economy and the major employer. As a direct employer, the borough would mean jobs to staff borough offices and provide services in each village.

Borough Construction Employment: The new government will seek to fulfill community demands for public services. Resident employment should be a beneficial side effect of constructing needed facilities. The North Slope Borough, for example, employs over 800 local residents in their capital improvements program.

The Capital Improvements Program (CIP): CIP construction could obviously be the major economic force in the borough for years to come. The CIP would be an economic development plan, since it would form the basis for a decade of village employment in local public works projects. It would provide residents with their first opportunity to determine and achieve their own goals and objectives with respect to housing and community facilities.

Public Policy: To date, people of the Yukon Flats region have had very little influence over major development decisions in their region. A borough would change this by providing an official voice for the region. There is real opportunity for cooperative planning with state and federal agencies regarding development decisions and managing important subsistence resources.

BOROUGH COST AND REVENUE ESTIMATES

Cost and revenue estimates are meant to provide "ballpark" figures to test the financial feasibility of the proposed borough. Costs have been estimated purposely high so their comparison with estimated revenues (estimated purposely low) will give a financial picture with a comfortable margin. Also, if the borough is incorporated, it may choose to add powers, adjust the level of services provided, or do any number of things that will have a different cost impact than that proposed. All figures are in 1979 dollars.

Cost Assumptions: The services provided by a borough are, in large part, paid for with money collected from property taxes. There are legal limits to the amount of taxes a borough may collect. There are also practical limits to the amount of taxes property owners are willing to pay. This section summarizes the assumptions used in estimating borough service costs.

Assumptions:

- Type of Borough: First or second class.
- Assembly Composition: 11 members as previously described;
- Powers/Services: In addition to the mandatory powers of education, taxation and planning, the new borough would exercise the following functions: water, sewer, housing, fire, police, solid waste, airports and roads;
- Water/Sewer: First priority would be construction of a basic safe water, laundry and shower facility for each community; Fort Yukon would receive piped systems; capital construction funds would come from the U.S. Public Health Service;
- Electrification: Full power, 365-day-a-year service will be installed in each village;
- Police/Fire: All communities will have resident public safety officers. All homes would receive smoke/heat detection equipment and fire extinguishers;
- Solid Waste Disposal: Sanitary dump sites would be maintained in each village;
- Timing of Incorporation: This study assumes that incorporation would occur on March 1, 1980. Estimated costs are thus presented for the 4 months remaining in fiscal year (FY) 1980, FY 1981 and FY 1985;

- Education: This power would be assumed in July, 1980. Under state law, this would assume complete state funding of school operations until June 30, 1982. The quality of education programs would gradually increase and construction programs would continue;
- Borough Organization: Three branches would operate the borough—the assembly, the administration (mayor), and the school board;
- Employee Salaries and Benefits: These generally reflect state wage levels for the Fort Yukon area;
- Borough Seat Location: Fort Yukon.

Capital Improvement Costs: Some facilities such as airports, local roads and trails, housing, and water/sewer projects are expected to be funded through state or federal sources. Other projects require a long-term debt financing program (bonding). These include the borough office building, electrification and school construction projects. The yearly costs of this program are included in the summary chart, Table 2.

Revenue Sources: Table 3 presents a summary picture of anticipated borough revenues. Its reliability decreases with time, and existing laws regarding the borough's ability to tax or raise revenues could change in the future. Two sets of figures are given for 1985; one assumes the gas line has been constructed, the other assumes it has not. Certain assumptions regarding revenue sources are given below:

- Real and Personal Property Taxes: The major source of revenue would be ad valorem taxes collected on real and personal property located in the borough. These yearly taxes on real property (land and improvements) and personal property (boats, planes, equipment, etc.) is levied at a percentage rate of their assessed value. Oil and gas properties are assessed by the state. The value of all other property is determined by the borough assessor and approved by the assembly.

The percentage rate of tax levy is calculated as a "millage rate" with one mill equaling .001 of the property's value. Thus, if a piece of property were valued at \$20,000 and the borough levied a one mill tax, the tax bill would equal \$20 (\$20,000 x .001 = \$20).

Taxes paid to the borough on oil and gas property can be used as a credit against a 20-mill tax levied by the state. Thus, if the proposed borough were to levy a 4-mill property tax, oil and gas property owners would pay a 4-mill tax to the borough and a 16-mill tax to the state. A \$10,000 residential assessed value exemption may be given to owner-occupied property owners, if approved by voters.

Another property tax exemption would apply to certain properties owned by Alaska Natives. This includes all land under restricted deeds. It also includes lands obtained through the Alaska Native Claims Settlement Act until 1991, except those leased or developed.

- **Sales and Use Taxes:** The borough may levy up to a 3-percent sales tax if voters approve. A sales tax has been assumed in this study, although its revenues are negligible when compared to the overall fiscal analysis.
- **Charges for Services:** Of the several services we assume the borough would provide, revenues would only be generated from the water/sewer and electrical services. Water would be free of charge at central watering points. A charge of 2 cents per gallon would be charged for home delivery. A flat fee of \$30 per month would be charged for piped water/sewer service in Fort Yukon. Electrical rates for those communities now without service would be about \$.20/KW.

TABLE 2
FIRST- OR SECOND-CLASS BOROUGH COSTS SUMMARY

MANDATORY POWERS	FY 1980 (4 Mos)	FY 1981	FY 1985
Borough Assembly	\$ 127,000	\$ 299,000	\$ 254,500
Mayor's Office	171,000	510,000	444,500
Department of Law	60,500	228,500	151,000
Assessing Department	97,000	293,500	254,500
Dept. of Administration and Finance	247,000	701,000	591,000
Department of Planning and Community Affairs	141,000	434,000	424,000
Education	-0-	3,493,600	4,891,000
Subtotal:	\$ 843,500	\$ 5,959,600	\$ 7,010,500
OPTIONAL RESPONSIBILITIES			
Public Safety	321,500	1,062,500	937,000
Public Works (Water/Sewer, Electrifi- cation, Solid Waste, etc.)	112,000	1,062,500	2,465,500
Subtotal:	\$ 443,500	\$ 2,275,000	\$ 3,403,500
CAPITAL IMPROVEMENTS COST SUMMARY (Debt Service)			
Borough Bldg (\$1,500,000)	0	140,000	140,000
Schools (\$1,200,000)	0	112,000	112,000
Electrification (\$3,600,000)	0	335,000	335,000
Subtotal:	0	\$ 587,000	\$ 587,000
TOTAL	\$ 1,277,000	\$ 8,821,000	\$11,001,000

TABLE 3
FIRST OR SECOND-CLASS BOROUGH REVENUE SUMMARY

SOURCE	FY 1980 (4 Mos)	YEAR FY 1981	FY 1985
General Government:			
State Organizational Grant	\$ 25,000	\$ -0-	\$ -0-
Property Taxes (Maximum Operating Budget)	1,997,700	6,049,000	8,273,000
3% Sales/Use Tax	-0-	127,500	146,000
State Shared Revenues	-0-	27,700	27,500
State Revenue Sharing	-0-	107,500	117,800
Federal Revenue Sharing	-0-	200,000	125,000
Use of Money & Property	-0-	75,000	100,000
SUBTOTAL (1)	\$2,022,700	\$ 6,586,700	\$ 8,789,300
Charges for Services:			
Water/Sewer	\$ -0-	\$ 20,000	\$ 215,000
Electrification	-0-	-0-	350,000
Local Service Roads & Trails	-0-	310,800	310,800
SUBTOTAL (2)	0	\$ 330,800	\$ 875,800
TOTAL (1) & (2)		\$ 6,917,000	\$ 9,664,100
Education:			
Alaska Foundation Program	Funded as	\$ 2,934,200	\$ 4,107,900
Public Law 874	REAA pursuant	535,000	599,000
Tobacco Tax	to AS 14.17.210	5,900	6,000
SUBTOTAL (3)		\$ 3,475,100*	\$ 4,712,900
TOTAL (1) - (3)		\$10,392,600	\$14,377,000

*This figure has been included for analysis purposes only. The borough school district would be funded 100% by the state (AS 14.17.210).

FEASIBILITY AND VIABILITY OF REGIONAL ALTERNATIVES

This section combines the previous information on costs and revenues to see if the alternative borough government/service options are financially feasible. The results are displayed in two summary tables. Table 4 presents a summary of the mill levies required to support each borough/ service alternative. Mill levies are given for the start-up months in 1980, FY 1981 and FY 1985.

Table 5 then reveals the potential cost to a "typical taxpayer" to support these alternatives. For example, the cost

to support a complete package of services for the owner of a \$20,000 home is \$16.90 in 1980, \$49.20 in 1981, \$31.50 in 1985 with the gas line, and \$47.70 without the gas line.

We conclude that even the most complete and comprehensive package of borough/service options appears financially reasonable. It follows that any lesser combination of services would also be financially viable. The reader is invited to review the complete Yukon Flats Regional Government Study volume for additional details.

TABLE 5
**FIRST- OR SECOND-CLASS BOROUGH
ANNUAL COST TO TYPICAL TAXPAYER**

Mandatory Powers Only	Additional Services (Water/Sewer, Electrification, Public Safety, Solid Waste, Housing, Airports, Local Roads and Trails)	Complete Package

\$10,000 residential exemption; nonrestricted deed, owns boats or snowmachines valued at \$5,000	1981:	53.00	70.00	123.00
	1985:	28.50	50.25	78.75 *
		43.25	76.00	119.25 **
\$20,000 homeowner; non-restricted deed	1980:	12.10	4.80	16.90
	1981:	21.20	28.00	49.20
	1985:	11.40	20.10	31.50 *
		17.30	30.40	47.70 **
Homeowner with restricted deed	Pays no real property tax			
Homeowner with restricted deed who owns boats or snowmachines valued at \$5,000	1980:	6.05	2.40	8.45
	1981:	10.60	14.00	24.60
	1985:	5.70	10.05	15.75 *
		8.65	15.20	23.85 **
Senior citizen age 65 or over	Pays no real property tax			

* With gas line
** Without gas line

TABLE 4
MILL LEVY SUMMARY

	1980	1981	1985 w/Gas Line	1985 w/o Gas Line
First- or Second-Class Borough				
Mandatory Powers plus Housing, Airports, and Roads and Trails	1.21	2.12	1.14	1.73
Optional Powers:				
Water/Sewer	.06	.69	.61	.92
Electrification	.06	.75	.69	1.05
Solid Waste	.00	.24	.14	.21
Public Safety	.36	1.12	.57	.86
TOTAL Mill Levy	1.69	4.92	3.15	4.77
Third-Class Borough	.00	.51	.32	.48

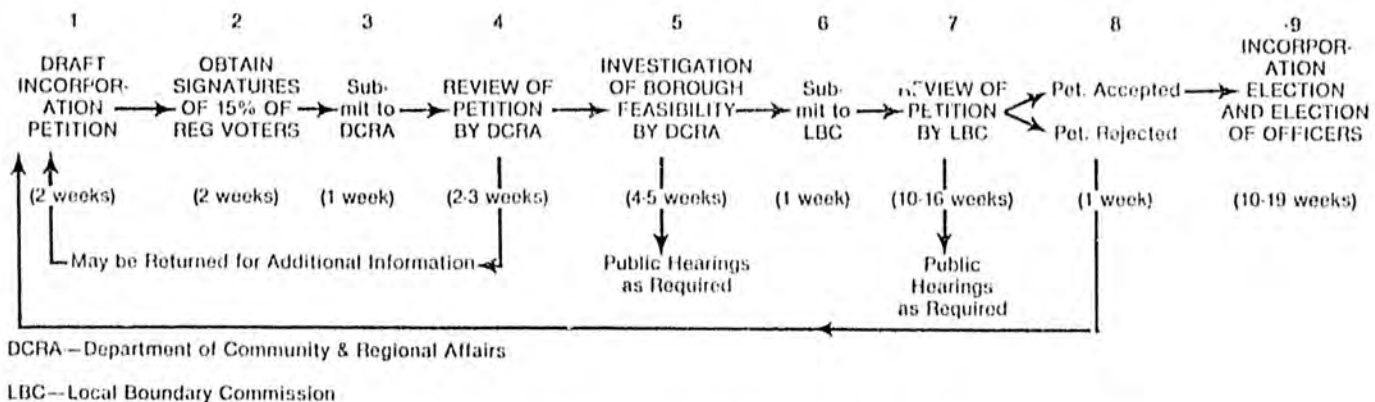
THE INCORPORATION PROCEDURE

Figure 1 summarizes the procedures to be followed if residents of the Yukon Flats region wish to form a borough. The first step involves drafting and signing an incorporation petition. The petition specifies such things as the type of borough proposed, its boundaries, assembly composition and apportionment, powers and services to be exercised, and a proposed budget. The petition must be signed by 15 percent of the voters who voted in the last general election. In this case, a minimum of 70 signatures would be required.

The petition is submitted to the Department of Community & Regional Affairs for its review. Both the Department and the Local Boundary Commission (LBC) review the petition and hold public hearings in the area. When the petition is accepted by the LBC, the state holds an incorporation election. If the question of incorporation passes by majority vote, the borough is incorporated.

As Figure 1 indicates, these procedures could take between 33 to 50 weeks to complete. If incorporation activity began in August 1979, the borough could be a reality as early as March 1980.

FIGURE 1
THE INCORPORATION PROCESS
(AS 29.18.050-.120)



UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Alaska Region

Venue

April 8, 1977



TO THE READER

The Alaska Native Land Claims Settlement Act, the Resources Planning Act of 1974 and National Forest Management Act of 1976, greatly strengthen the opportunities for improved management of the Nation's forest and rangelands.

This Area Guide considers the possibility of the Porcupine National Forest which was recommended by the Secretary of the Interior and inter-agency planners during 1973-1976. The Secretary's proposal also recommends a system of National Parks, National Wildlife Refuges and Wild and Scenic Rivers. These opportunities are particularly important in Alaska as lands pass to State and private ownership and areas are designated into these four systems.

The changes that can occur as lands move from passive stewardship to active management can be profound. It is essential that the impacts of these changes be assessed as early as possible and management tailored to meet the needs of the people and the land.

To do this will require close working relationships with the State of Alaska, Native organizations, community leaders and citizens, and Federal agencies. The Forest Service commits itself to an open process of public involvement so that we may be responsive to local as well as National needs. I sincerely urge you to carefully study this preliminary Area Guide and become involved in its revision.


JOHN A. SANDOR
Regional Forester

Recognizing the State's responsibilities in land-use planning, the Forest Service has attempted to relate its planning efforts to those of the State.

In order to identify planning units within the State we have coordinated with the Alaska Division of Policy Development and Planning. While our planning units may not be identical to the State's, we will move in that direction.

Since the planning area is the largest geographic zone that can address local issues, it must contain elements that lead to similar management opportunities and constraints.

The planning areas have been determined by dividing the State into areas similar in resources, physical characteristics, economic and social needs.

In Alaska as elsewhere, resources vary according to climate, latitude, marine influence, elevation and drainage. Major resource divisions exist between the Arctic slope; the western, south central and southeastern coasts; and the interior.

Physical characteristics vary from broad river deltas on the west coast to high mountain ranges, uplands and intervening river valley lowlands of the interior.

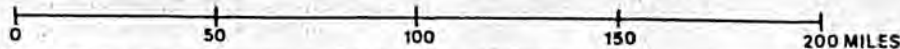
Economic conditions are related to the demand for resources, transportation systems and the relationship of market demand to source of supply. Some of the major economic divisions are roaded vs. unroaded areas and urban vs. bush (rural) areas.

Social needs are also varied. Native ethnic differences, both linguistic and tribal exist. Political associations and lifestyle are some major divisions related to Village and Regional corporations and to urban-rural differences.

From the onset it was recognized that delineating an area suitable for every purpose was impossible. Different boundaries are chosen to serve different purposes. In Alaska, organized boroughs have planning authority. However, most of the State is in the unorganized borough for which the Legislature is the governing body. Native corporations, formed under ANCSA, have distinct geographic boundaries for which they are accumulating planning data. Census divisions, in many instances, follow the organized borough lines and to some extent the Native regional corporation boundaries. In turn, these boundaries correspond in part to hydrographic regions for which resource data has been gathered by the LUPC.

PLANNING AREA

SCALE

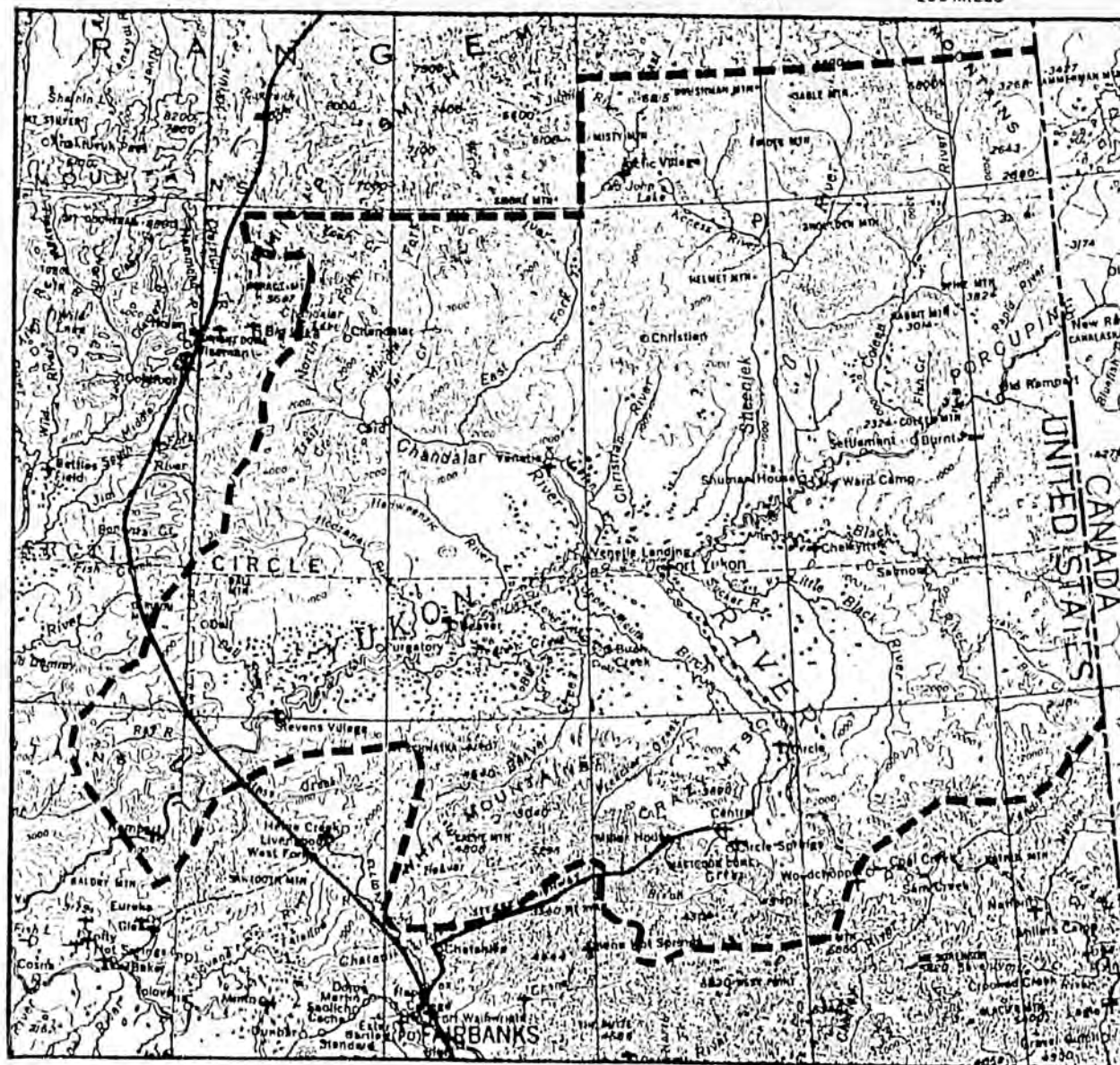


The 31 million acre Yukon-Porcupine Planning Area lies astride the Arctic Circle. It is rimmed on the north by the Brooks Range, on the east by the Canadian Boundary, on the south by the Yukon Uplands north of the Kandik River, the Tanana Hills at Circle and the White Mountains. The western edge of the Area ends at Rampart.

Year-around access to the Area and its communities is primarily by scheduled and chartered air service. In the summer, however, river travel is possible. The Trans-Alaskan pipeline and its associated haul road crossing below Stevens Village and the Steese Highway between Fairbanks and Circle, provide road access to the southern and western edge of the Area. Various old trails linking villages and serving traplines may be used for winter travel.

The gentle uplands and low mountains of the Porcupine plateau comprising the northern and eastern portion of the Area and the vast Yukon Flats lying to the southwest are major landscape features.

The Porcupine River entering from the east in Canada flows southwest through the spectacular Rampart Canyon before it winds onto the Yukon Flats joining the Yukon River at Fort Yukon. The Coleen and Sheenjek rivers are its major tributaries flowing south out of the Brooks Range across the highlands in broad valleys. Tributaries from the south, the Black and other lesser streams meander out of the low hills across broad flats. The great Yukon courses into the Area from the southeast literally dividing the Area in two



YUKON-PORCUPINE

To the west and south, the hill country merges almost imperceptibly into the Yukon Flats, a vast lake-dotted alluvial flood plain extending below Stevens Village. Meandering tributary streams such as Birch and Beaver Creeks drain the White Mountains and Tanana Hills which rim the southern boundary of the Area. From the north, the Christian, Chandalar, Hadweenzik and the Hodzana rivers work their way out of the Brooks Range onto the Flats before joining the Yukon. The thousands of lakes, ponds, sloughs and oxbows, often linked by winding creeks and minor waterways characterize the Flats. The extensive fire patterned taiga forests of the Flats and lowlands give way gradually to the tundra uplands and forested foothills of the mountains.

The largest center of economic importance is Fort Yukon. Other communities are Rampart, Stevens Village, Beaver, Circle, Central, Birch Creek, Chalkyitsik, Venetie and Arctic Village.

Native Village corporations at Rampart, Stevens Village, Beaver, Fort Yukon, Circle and Chalkyitsik will select about 668,160 acres of land. Doyon, Ltd. the Regional Native Corporation could select up to 4.7 million acres. Venetie and Arctic Village have chosen to accept fee title to their reservation in settlement of their claims.

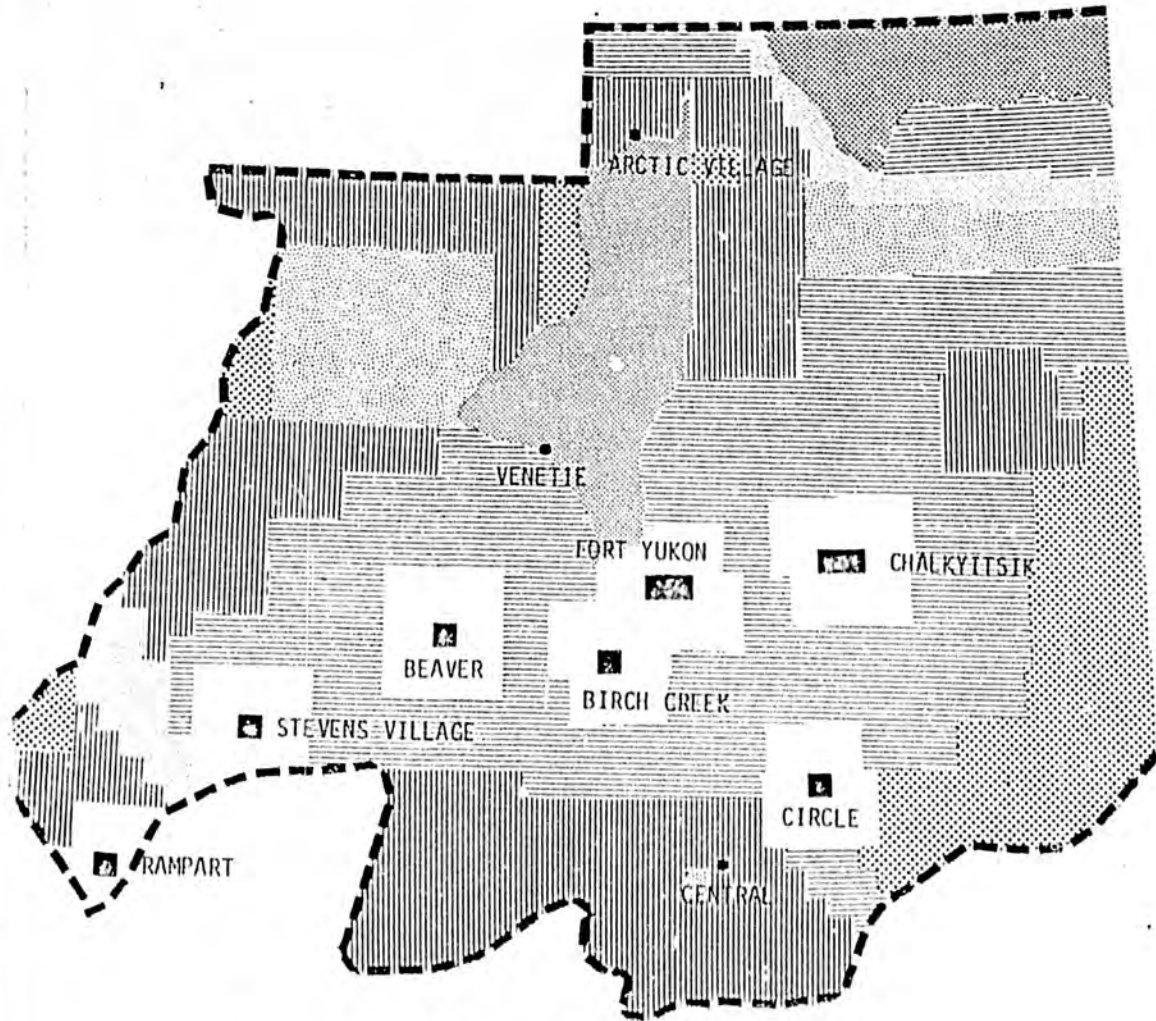
Within this planning area, 5.5 million acres have been proposed for the Porcupine National Forest including the additions of the lower portions of the Porcupine and Sheenjek to the National Wild and Scenic River System. Two other proposed National Wild Rivers, Birch and Beaver Creeks are within the Area.

The 3.6 million acre Yukon Flats National Wildlife Refuge, 200,000 acres of the Yukon-Charley National Rivers and 1.7 million acres of additions to the existing Arctic Wildlife Range are also proposed. There are also 1.3 million acres of the existing Arctic Wildlife Range included.


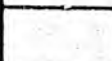




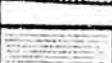

LAND STATUS PROPOSED UNDER ANCSA Yukon-Porcupine Planning Area

31 MILLION ACRES	STATE OF ALASKA AND PRIVATE HOLDINGS	9.7 million acres
	NATIONAL FOREST	5.5 million acres
	NATIONAL WILDLIFE REFUGE AND RANGE	6.7 million acres
	OTHER FEDERAL LANDS	9.1 million acres

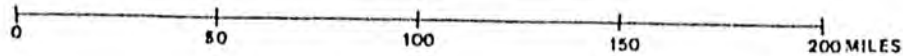
LAND STATUS—31 MILLION ACRES



LEGEND

	STATE SELECTIONS
	UTILITY CORRIDOR
	VENETIE RESERVE
	WITHDRAWALS FOR NATIVE VILLAGES
	REGIONAL DEFICIENCY WITHDRAWALS
	ARCTIC NATIONAL WILDLIFE RANGE
	NATIONAL INTEREST WITHDRAWALS
	PUBLIC INTEREST WITHDRAWALS

SCALE



OTHER PLANNING EFFORTS

The Alaska Department of Fish and Game is developing (1) wildlife management plans for the Area including a species-by-species wildlife problems identification (2) Federal Aid in Fish and Wildlife Restoration studies which include information gathering projects such as inventories, hunter harvest and game movements; inventory and cataloging of sport fish habitat (3) Shee fish life history study (4) annual subsistence fishery survey (5) salmon spawning surveys and salmon tagging and recovery program on the Sheenjek and Chandalar Rivers and (6) annual assessment of commercial salmon catch.

The Alaska Department of Natural Resources is conducting State lands selection studies and broad resource inventories, on a township-by-township basis.

The University of Alaska is conducting a community survey to determine how such factors as employment, use of natural resources, migration of people, and education may be affected by various types of management activities. This is to be completed by April 1977. They are also working on a socioeconomic overview and issues analysis in cooperation with the U.S. Forest Service, and have recently completed a study of the Yukon River crossing for the BLM.

The Bureau of Land Management is currently updating corridor planning from the Yukon River north.

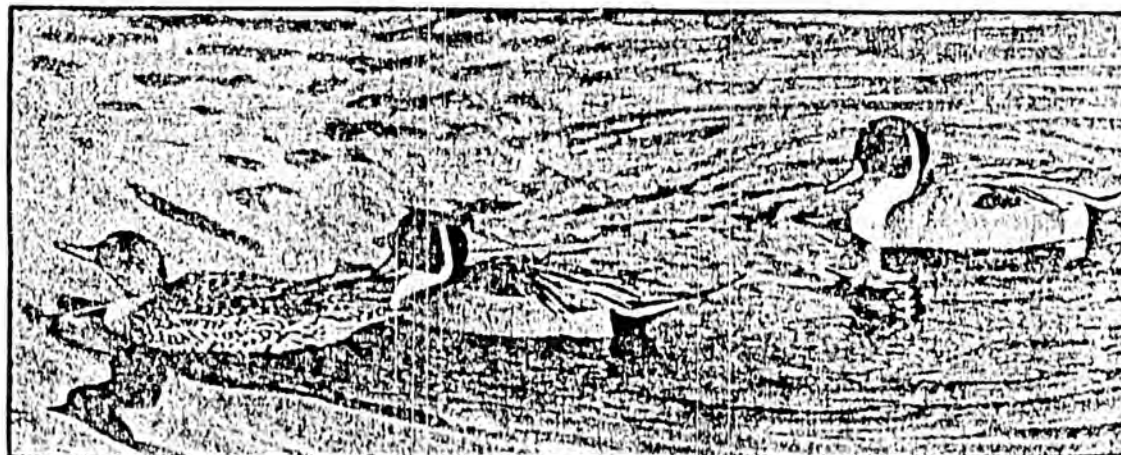
The National Park Service has completed a preliminary Master Plan for the Yukon-Charley National Rivers. This conceptual plan outlines general management philosophy and identifies management problems. The agency is currently collecting resource data and conducting antiquities and historic sites inventories.

The Fish and Wildlife Service is conducting a subsistence use study in cooperation with the University of Alaska. They also conduct an annual waterfowl breeding ground study to

determine waterfowl production and trends and other periodic special waterfowl studies in the Area.

The Federal-State Land Use Planning Commission is directing a study of use alternatives of the pipeline haul road north of the Yukon River and their effects.

The community of Fort Yukon has hired the consulting firm of CH2M Hill to do a Master Plan. It is to be completed March 1977.





LAND AND WATER

DESCRIPTION

The Yukon-Porcupine Planning Area encompasses most of the drainage area of the Yukon River and its tributaries from Rampart to the Canadian border, except for the upper portion of the Yukon itself, east of Webber Creek near Woodchopper. Its major tributaries are the Porcupine and Chandalar Rivers. The Porcupine, which originates in Canada, enters the Yukon from the northeast about 2 miles north of the Arctic Circle at Fort Yukon. Twenty miles downstream at Venetie Landing, the Chandalar flows into the Yukon from the north out of the Brooks Range.

The Area's central core is referred to as the Yukon Flats, a broad level alluvial flood plain featuring numerous small lakes, ponds and sloughs which dot the forested and marshy lowlands that surround the braided Yukon and its tributaries. Elevation change is slight, ranging from approximately 600 feet above sea level at Circle to 310 feet at Stevens Village, 226 miles down river.

South of the Yukon Flats lie the Yukon-Tanana uplands which are composed of even topped, rounded ridges with gentle slopes. These merge into the White Mountains which have some peaks that exceed 5000 feet.

The Porcupine plateau rises north of the Flats and is characterized by low ridges with gentle slopes and rounded flattened summits, some reaching 3500 feet. The irregular valleys of the upper reaches of the Porcupine and Chandalar and their tributaries dissect the plateau. The Ogilvie Mountains which straddle the US-Canadian border connect the Yukon-Tanana uplands with the Porcupine plateau east of the Flats. ^{11/} The northwest portion of the Area reaches the Brooks Range and features steep, rugged mountains that rise abruptly from narrow valleys to elevations exceeding 6500 feet.

The present landscape is the result of erosion of sedimentary, volcanic, metamorphic and intrusive, igneous rocks in the highlands and deposition in the basin of the Yukon Flats. Glaciation has occurred in the foothills of the Brooks Range and glacial outwash

has added considerably to the total sediment accumulation in the basin although no glaciation occurred within the Flats themselves. Sedimentary deposits in the form of alluvial fans, terraces, flood plains, and dunes form the surface of the Yukon Flats and extend to a depth of 148 feet at Fort Yukon. These deposits are underlain by more than 290 feet of silt and silty sand probably representing ancient lake deposits. ^{10/}

Wind-laid silts mantle low plains and terraces surrounding the Flats. The moderate to steep slopes of the highland and the long slopes south of the Brooks Range are mantled with coarse and fine grained materials. Coarse rubble deposits and bedrock occupy the steep mountain slopes. ^{12/}

The Area lies within a discontinuous zone of permafrost. Permafrost occurring in the unconsolidated deposits and bedrock is broken by unfrozen zones which occur beneath water bodies and under well drained sites. Perennially frozen fine grain sediments in poorly drained localities contain abundant veins or masses of ground ice. Ground ice is common in silt deposits especially where they are covered by muskeg. ^{10/}

The climate is characterized by low precipitation and great annual temperature variations. In the winters extended periods of -50 to -60 degrees Fahrenheit are common and -75 degrees has been recorded. The summers are short but warm with temperatures reaching the 80's and occasionally the 90's. However, freezing temperatures can be experienced

in all months. Precipitation ranges from 6 to 10 inches annually. ^{4/} Generally, precipitation is greater in July and August and at a minimum between February and May. Snowfall comprises about 40% of the total precipitation. ^{10/} The degree of flooding, which occurs with the spring thaw, is determined by the water in the snow pack, rate of melting and jams of river ice. There is little ground water storage to reduce stream flow fluctuations because of permafrost. High water follows the breakup and rains maintain the flow throughout the summer. Winter flows diminish steadily until the next spring thaw. ^{12/}

Records show this Area to be especially susceptible to wildfire and very large areas have been burned. Over the past 35 years, 3.5 million acres have burned, an average of 100,000 acres yearly. ^{4/}



11. Warren, T. C. & V. Fisher. *Draft Interim Report - Yukon Crossing Study Regional Analysis*. 1976.

12. LUPC. *Resources of Alaska - A Regional Summary*. 1974.

RESOURCE SUPPLY

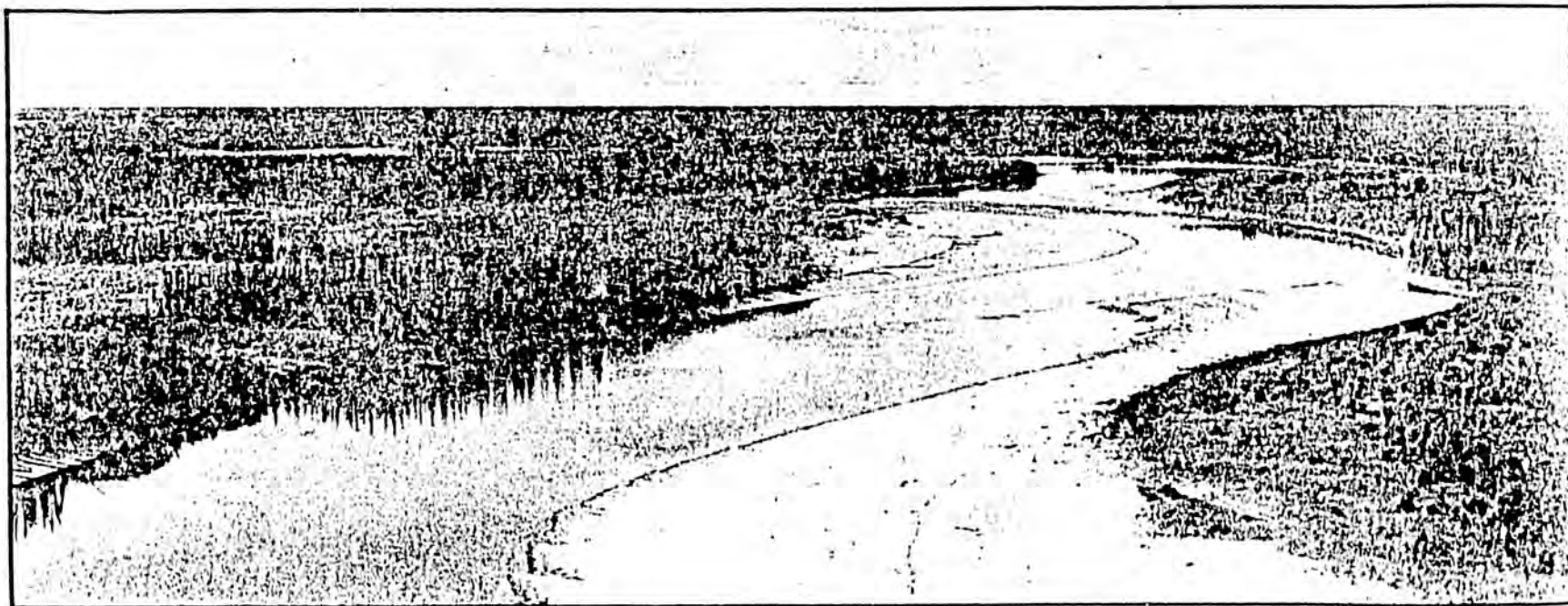
Nearly all of the land has been encumbered by withdrawal, selection, patent or application. These include Native village and regional deficiency withdrawals, patented State lands, military reserves, wildlife refuges, utility corridors, power project classifications, road and trail rights-of-way, patented homesteads and mining claims, and pending State selections and Federal public and National interest selections.

Not until the final land allocations are made under the provisions of ANCSA and the Alaska Statehood Act will the disposition and management of large segments of this Area be determined.

Although precipitation is low, seasonal snow pack and numerous pothole lakes provide significant annual water storage. Surface waters may be hard, but are acceptable quality for domestic uses. Ground water is largely unavailable due to permafrost conditions. However, some ground water occurs near and beneath streams. Aquifers apparently

do not exist although some springs do. The best known is at Circle Hot Springs. Ground water when obtained may also be hard, and is generally high in dissolved solids content. It is acceptable for most uses but may require softening.

Hydroelectric power potential exists at sites on both the Yukon and Porcupine Rivers. Rampart, a site at the lower end of Rampart Canyon, is recognized as having the greatest hydroelectric potential in Alaska. Annual flow of the Yukon through Rampart Canyon has been estimated at 81,000 acre-feet. ^{12/}



RESOURCE DEMAND

PAST

Very few demands were placed on the land and water resources due to isolation, relative inaccessibility, small resident population and the limited season of activity. Some mining activity occurred in scattered small scale operations. Early oil explorations left a number of seismic trails on the Yukon Flats. These were about the only activities that had any visible man-made impact on the landscape other than some very limited attempts at local truck gardening. No attempts were made to develop water resources since the surface water supply was adequate to meet the needs of the people living there. Utilization of fish, game, and wood products for subsistence was the major activity of the residents and the supply of resources was entirely adequate to meet their demands.

PRESENT

Interest in the development or utilization of the land and water resources has increased in recent years but so far the actual demand has not been strong. The resident population is about the same as it was in the past and the need for development of local water supplies has not been strong. The Rampart hydroelectric project which had been studied in depth, recently has been found to be unfeasible at present due to the lack of demand for such large blocks of power, availability of more favorable alternatives and the recognition of adverse effects on other resource values. ^{4/}

The major impact on the Area has been the establishment of the oil pipeline. Its construction has necessitated remedial measures to protect the area affected from soil erosion and water quality deterioration.

FUTURE

The data base for ground water development is poor but the possibility exists that more communities or industries could use this source. There is sufficient land suitable for a variety of resource development if the demand for these resources is strong enough and the resulting expansion in community development and transportation improvement is realized. Adverse conditions of cold climate, short growing season, permafrost, and soil characteristics will largely dictate where various resource uses will take place and what the cost will be.



HUMAN AND COMMUNITY DEVELOPMENT

DESCRIPTION

The resident population is small and widely separated in 10 small communities located along the Yukon River, its tributaries, and the Steese Highway. Statistics from the Census Bureau and other sources showed a 1970 population of 1106 people, of whom 939 were Alaska Natives primarily of Athapascan origin. Eight of these communities are linked only by air or water and are Native villages with relatively few non-Native residents. Four are located along the Yukon River: Rampart (population 36), Stevens Village (74), Beaver (101), and Fort Yukon (448). Two others, Arctic Village (85), and Venetie (112), lie along the Chandalar River. Birch Creek (40) is situated along

a small tributary to the Yukon of the same name and Chalkyitsik (130) is on the Black River, a tributary of the Porcupine River. Circle (54) and Central (26) are linked to the outside by the summer-maintained Steese Highway. Circle has a mixed ethnic population and Central is largely non-Native. ^{11/}

Economically, the people are primarily dependent upon government jobs and programs, income from the sale of furs, arts and crafts, and from subsistence use of resources. Median family income is about \$6,500 with about one-fourth earning less than the national poverty level of \$3,745 for a non-farm family of 4. In 1969, approximately 10% of the families earned less than \$1,000. ^{4/}

ANCSA provided for the establishment of 12 regional Native corporations to conduct the business of Natives on those lands selected by them under Section 7. ^{4/} Doyon Limited, the Regional Native corporation in the Yukon-Porcupine Planning Area, plus individual Native Village Corporations will play important roles in determining economic planning and policy.

RESOURCE SUPPLY

Air carrier service from Fairbanks is the principal mode of transportation for both passengers and cargo. Regularly scheduled air service is provided to all communities by an air taxi operator under contract to Wien Air Alaska. ^{11/} Air charter service, operating out of Fort Yukon provides the principal air transportation among the region's villages.

Cargo is also transported seasonally by water. The Yukon River is navigable by shallow draft barge up to 4 months of the year. However, water depth above Fort Yukon is a limiting factor.

The Porcupine River is navigable only during high water periods. ^{13/} Principal service is provided by Yutana Barge Lines operating out of Nenana. At least 3 barges are scheduled to Fort Yukon and intermediate river points each season but whether they stop at Rampart, Stevens Village or Beaver each trip depends upon the amount of freight for those communities. Arctic Village and Venetie have no regular barge service but smaller rivercraft are used to transport freight to Venetie. Hun Navigation operates a 100' by 18' barge out of Fort Yukon or Circle and usually schedules a trip to Chalkyitsik and Birch Creek once a season transporting fuel and other freight as space allows. In 1975, the barge was able to navigate the Black River to Chalkyitsik twice. ^{11/}

Existing roads consist of 50 miles of the Steese Highway from Fairbanks

to Circle and 20 miles of the road along the pipeline route from Livengood to the Yukon River.

Outside telephone service is available to Fort Yukon and Birch Creek. Other local communication forms include radio and radio-telephone. The only regional newspaper is the Arctic Village Echo published in Arctic Village.

All villages except Central have schools with classes from the first through eighth grade. Fort Yukon and Chalkyitsik offer kindergarden classes also. There is also a high school at Fort Yukon with about 80 students and 9 teachers. Some high school students are drawn from the other area villages and board in Fort Yukon. Others attend high schools elsewhere in the State. ^{4/} All of the schools are operated under the Yukon Flats School District headquartered in Fort Yukon, except those at Beaver and Venetie which are run by the Bureau of Indian Affairs.

None of the communities have a hospital but medical clinics are established at Fort Yukon, Venetie and Stevens Village. Fort Yukon is the only village that provides public water and electricity. All of the communities depend upon individual systems for sewage disposal. ^{14/} Many houses are built of local logs and finished with local and imported lumber. Most are one or two rooms; typical size being 20 by 20 feet. More recently community housing projects are providing pre-fab homes in communities such as Fort Yukon.



13. McMahon, G. C. Resources Inventory - Yukon Region - Transportation, Communications and Utilities. 1974.

14. Nathan, Robert R., Associates. 2(c) Report: Federal Program and Alaska Natives, Tasks I - III with Introduction. 1975.



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

October 8, 1979

Redy file
Also sent to attached
Address all
correspondence to:
LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

Mr. William Fredson
Chalkyetsik
via Fort Yukon, Alaska 99740

Dear Mr. Fredson:

The Local Government Study Committee will be holding a public hearing in Venetie, Friday, October 19 on the subject of creation of regional governmental units in the unorganized borough. The hearing will be held at 7 p.m.

The Committee will be discussing proposed legislation which would:

1. Divide the single unorganized borough into unorganized boroughs generally following Regional Educational Attendance Area boundaries, or combinations of two or more REAAs, but not extending beyond the boundaries of more than one Native regional corporation established under the Alaska Native Claims Settlement Act;
2. Authorize the election of not more than eleven (11) member unorganized borough assemblies, defining the powers and duties of these assemblies: review, comment and recommendations in a clearinghouse approach to proposed State projects and services under the States fiscal procedures and facilities procurement acts;
3. Authorize assemblies of unorganized boroughs to initiate a process by which a charter for a home rule borough may be prepared;
4. Name the Department of Community and Regional Affairs as the State agency responsible for lending assistance to unorganized borough assemblies;
5. Retain intact the powers and responsibilities of existing REAA school boards for management of school functions, of coastal service area boards in the preparation of plans for the resources of the State's coastal zone, and of existing cities of the unorganized borough.

October 8, 1979

-2-

We are eager to receive your comments on this proposal and hope that you will be able to attend the public hearing.

Sincerely,

Arliss Sturgulewski
Senator Arliss Sturgulewski
Co-Chairman

Representative Bill Parker
Co-Chairman

Tungla-

We need a copy of this letter
with

Venetie

Friday, Oct. 19

7:00 (no place yet identified, so
just put the time)

to each of the following:

- ✓ Walter John, Chief of Venetie, Venetie 99781
- ✓ Eddie John, Tribal Second Chief, Venetie 99781
- ✓ Paul William - Tribal First Chief, Arctic Village 99722
- ✓ Clara Sundrum - Venetie 99781
- ✓ John Eric, Jr. " 99781
- ✓ John Trett, Arctic Village 99722
- ✓ Susan Baalom Bent Creek ^{of Ft. Yukon} 99740
- ✓ Wm. Fredson Chalytash ^{of} - 99740



Official Business

Alaska State Legislature

JOINT SENATE AND HOUSE
COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
LOCAL GOVERNMENT STUDY

Co-Chairmen
Senator Arliss Sturgulewski
Representative Bill Parker

October 8, 1979

LOCAL GOVERNMENT STUDY

Pouch V
State Capitol
Juneau, Alaska 99811

Subj. File
Also sent to
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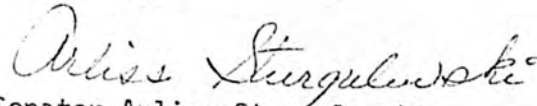
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2. Authorize the election of not more than eleven (11) member unorganized borough assemblies, defining the powers and duties of these assemblies; review, comment and recommendations in a clearinghouse approach to proposed State projects and services under the States fiscal procedures and facilities procurement acts;
3. Authorize assemblies of unorganized boroughs to initiate a process by which a charter for a home rule borough may be prepared;
4. Name the Department of Community and Regional Affairs as the State agency responsible for lending assistance to unorganized borough assemblies;
5. Retain intact the powers and responsibilities of existing REAA school boards for management of school functions, of coastal service area boards in the preparation of plans for the resources of the State's coastal zone, and of existing cities of the unorganized borough.

October 8, 1979

We are eager to receive your comments on this proposal and hope that you will be able to attend the public hearing.

Sincerely,



Senator Arliss Sturgulewski
Co-Chairman

Representative Bill Parker
Co-Chairman

Tungla-

We need a copy of this letter
with

Venetie

Friday, Oct. 19

7:00 (no place yet identified so
just put the time)

to each of the following:

- ✓ Walter John, Chief of Venetie, Venetie 99781
✓ Eddie John, Tribal Second Chief, Venetie 99781
✓ Paul William - Tribal First Chief, Arctic Village 99720
✓ Clara Sundrum - Venetie 99781
✓ John (Eric) Jr. " 99781
✓ Lincoln Trett, Arctic Village 99722
✓ Susan Baalson - Birch Creek 99740
✓ Wm. Fredson Chalkytsik. 99748

FORT YUKON

P.O. Box 269
Fort Yukon, Alaska 99740

Second Class City

Phone: (907) 662-2479

INCORPORATION DATE: February 17, 1959
POPULATION: 637
REGULAR ELECTION: First Tuesday of April
SALES TAX: 3%
CITY COUNCIL MEETS: First Monday of each month

MAYOR: Jonathan Solomon 1979

CITY COUNCIL MEMBERS

David Shewfelt 1981
Sam Hughes, Sr. 1980
Nancy James 1980
Cliff Fairbanks 1979
Richard Carroll 1979
Mark Williams 1981

CITY PLANNING COMMISSION

David Shewfelt
W.J. Lamoureux
Cliff Fairchild
Walter Peter

ADVISORY SCHOOL BOARD

Daisy Stevens
David Shewfelt
Emma Flitt
Alice Carroll
Marylou Lamoureux

CLERK/TREASURER.....Mae B. Peter
CITY MANAGER.....W.J. Lamoureux
ATTORNEY.....Richard Burke
CHIEF OF POLICE.....Cliff Christensen
FIRE CHIEF.....Grafton Bergman
MAGISTRATE.....W.J. Lamoureux
SUPERINTENDENT OF SCHOOLS.....James Whitt

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT
IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA
STATE ARCHIVES TO VIEW THE ORIGINAL.

DESCRIPTION: POSTER SIZE REPORT

"YUKON FLATS, REGIONAL GOVERNMENTAL STUDY"

SUMMARY, AUGUST 1979, DARBYSHIRE & ASSOCIATES

TELEPHONE: 849-8001
ZIP CODE: 99781

Upper Yukon Sub-Region
November, 1978

VENETIE

LOCATION: Venetie is located on the pristine Chandalar River, 140 air miles north of Fairbanks at the confluence of the Chandalar and East Fork Rivers.

DESCRIPTION: The Yukon Flats is a marshy, lake-dotted flood plain, 300 feet in elevation in the west, sloping to 600 to 900 feet to the north and east. The Chandalar River heads in the Brooks Range and flows southeast across the Porcupine Plateau to the gentle slopes of the Yukon Flats.

The climate is arctic continental, with mean annual temperatures ranging from -20°F to 72°F. Precipitation and snow measure 8 and 45 inches respectively per year. Prevailing vegetation is spruce, willow, cottonwood, birch, brush, and berries.

Floods caused by ice jams, glaciation, and stream overflow occur on a 20 to 30 year frequency. Permafrost is present.

HISTORY: This is an original Natsitkutchin or "strong people" Indian village, settled in 1900. Some of the people have ancestors who were Teachinkutchin Indians, a sub-group of the Natsitkutchins. These people have historically engaged in trade with the coastal Eskimos, especially those of the Thule Culture living between Barter Island and the Mac-Kenzie River Delta.

A Post Office was established there in 1938.

Venetie is a traditional village. People subsist on fish, moose, bear and annual migration of the Porcupine caribou herd, as their fundamental diet. Venetie and their cultural neighbors in Arctic Village chose to retain status as the Venetie Indian Reservation under ANCSA, therefore, they are not entitled to the benefits of the act, and thus are responsible for administering their own economic and social programs.

INCORPORATION CLASSIFICATION: Traditional (IRA Village)

COMMUNITY OFFICIALS

Lawrence Roberts, Chief
Venetie Village Council

HEALTH CARE

LOCAL HEALTH CARE PROVIDER: Jessie Williams, Health Aide
Maggie Roberts, Albert Frank, Alternates

PUBLIC HEALTH NURSE: Claudia Davis, Fairbanks

LOCAL HEALTH CARE FACILITY: Clinic is held in the health aide's home.
Power is available but not running water.

MEDICAL COMMUNICATIONS: ATS-1; RCA medical phone in health aide's home

NEAREST HOSPITAL: ANHS Tanana or Fairbanks

COMMUNICATIONS

TELEPHONE: RCA Alascom small earth station (849-8001); public pho.
is located in council office.

SATELLITE RADIO: ATS-1

VHF/HF RADIO: BIA; State Military Affairs

NEWSPAPER: Fairbanks Daily News-Miner; All Alaska Weekly; River Times

WATER/SEWER/WASTE DISPOSAL

Water is currently hauled from the Chandalar River. Privies. Construction is scheduled for the summer of 1979 for a watering point, laundry-type facility. Construction is on-going for a community pipe system to homes and individual septic tanks.

ELECTRIC POWER

Community 10 KVA generator

BULK FUEL STORAGE FACILITIES

None

TRANSPORTATION

AIR SERVICE:

Carrier: Air North

Origin of Flight: Fairbanks (via Ft. Yukon)

Days of Service: Monday - Friday

AIRCRAFT LANDING FACILITIES:

Elevation: 550 feet

Length and Width: 4,400 x 50 feet (first 700 feet of runway 21 unusable, first 150 feet of runway 3 unusable)

Surface: Dirt

Services: None

BARGE SERVICE: None

LOCAL SERVICE ROADS: The Department of Highways plans on building a firewood area access road in 1977 if funding is available.

MILITARY INSTALLATIONS

Armory

OTHER FACILITIES OR SERVICES

Post Office

State Military Affairs (National Guard)

RCA

COMMERCIAL ENTERPRISES

Retail fuel store

One private store

One co-op store

CHURCHES/LOCAL ORGANIZATIONS

Episcopal Church (Reverend Paul Tritt)

**YUKON FLATS
REGIONAL GOVERNMENT STUDY**

**TECHNICAL REPORT No. 4
Local Government Options**

Darbyshire & Associates

June 1979

DARBYSHIRE & ASSOCIATES
community planning and management services

July 1, 1979

Ms. Lee McAnerny, Commissioner
Department of Community and
Regional Affairs
State of Alaska
Pouch B
Juneau, Alaska 99811

Dear Commissioner McAnerny:

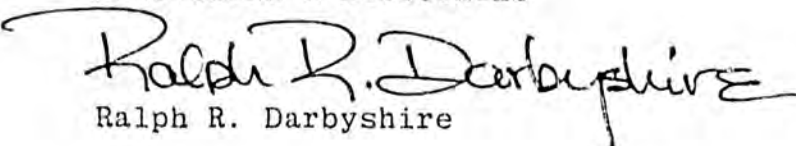
We are pleased to submit this Yukon Flats Regional Government Study - LOCAL GOVERNMENT OPTIONS. This is the fourth of several papers that we are to prepare that will examine the requirements and potential for a regional government in the Yukon Flats area. Others to be produced include: "Data Reconnaissance"; "Standards for Incorporation"; "The Incorporation Procedure"; "Borough Service Cost Estimates"; "Potential Borough Revenue Sources"; "Implications for Regional Self-Determination and Local Control"; and "The Feasibility and Viability of Regional Government Alternatives".

When we complete the last of our report "chapters," they will be combined and bound into a single summary report. At that time we will then travel to each of the communities in the proposed borough area and discuss our findings. This should be taking place towards the latter part of July.

Throughout this undertaking we have worked closely with Mr. Pat Poland of your Local Governmental Assistance Division in Anchorage. In all instances he has been extremely helpful and eager to assist. Mr. Jonathan Solomon, Ms. Nancy James, and Mr. Sam Peter were also of invaluable assistance and support when we traveled to each of the communities in the region to explain this undertaking. Finally, the Borough Study Committee members were most helpful in organizing and arranging individual community meetings. For all of this we are most grateful and wish to extend our sincere thanks.

Respectfully submitted,

DARBYSHIRE & ASSOCIATES


Ralph R. Darbyshire

RRD: jmp
Enclosure

YUKON FLATS REGIONAL GOVERNMENT STUDY
LOCAL GOVERNMENT OPTIONS

PREPARED FOR:

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS
DIVISION OF LOCAL GOVERNMENT ASSISTANCE
225 Cordova Street, Building B
Anchorage, Alaska 99501

BY:

DARBYSHIRE & ASSOCIATES
420 "L" Street, Suite 403
Anchorage, Alaska 99501

IN ASSOCIATION WITH:

Charles Cranston, Attorney
Main Lafrentz & Co., Accountants
John Hayward, Educational Consultant
James McHale, Appraiser

YUKON FLATS REGIONAL GOVERNMENT STUDY

BOROUGH STUDY COMMITTEE

Jonathan Solomon, Chairman - Fort Yukon

Susan Baalam - Birch Creek
Leah Druck - Chalkyitsik
David Evans - Rampart
Nancy James - Fort Yukon
Edward John - Venetie
Steve Joseph - Beaver
Larry Nathaniel - Circle
Jim Reiter - Central
Don Stevens - Stevens Village
Lincoln Tritt - Arctic Village

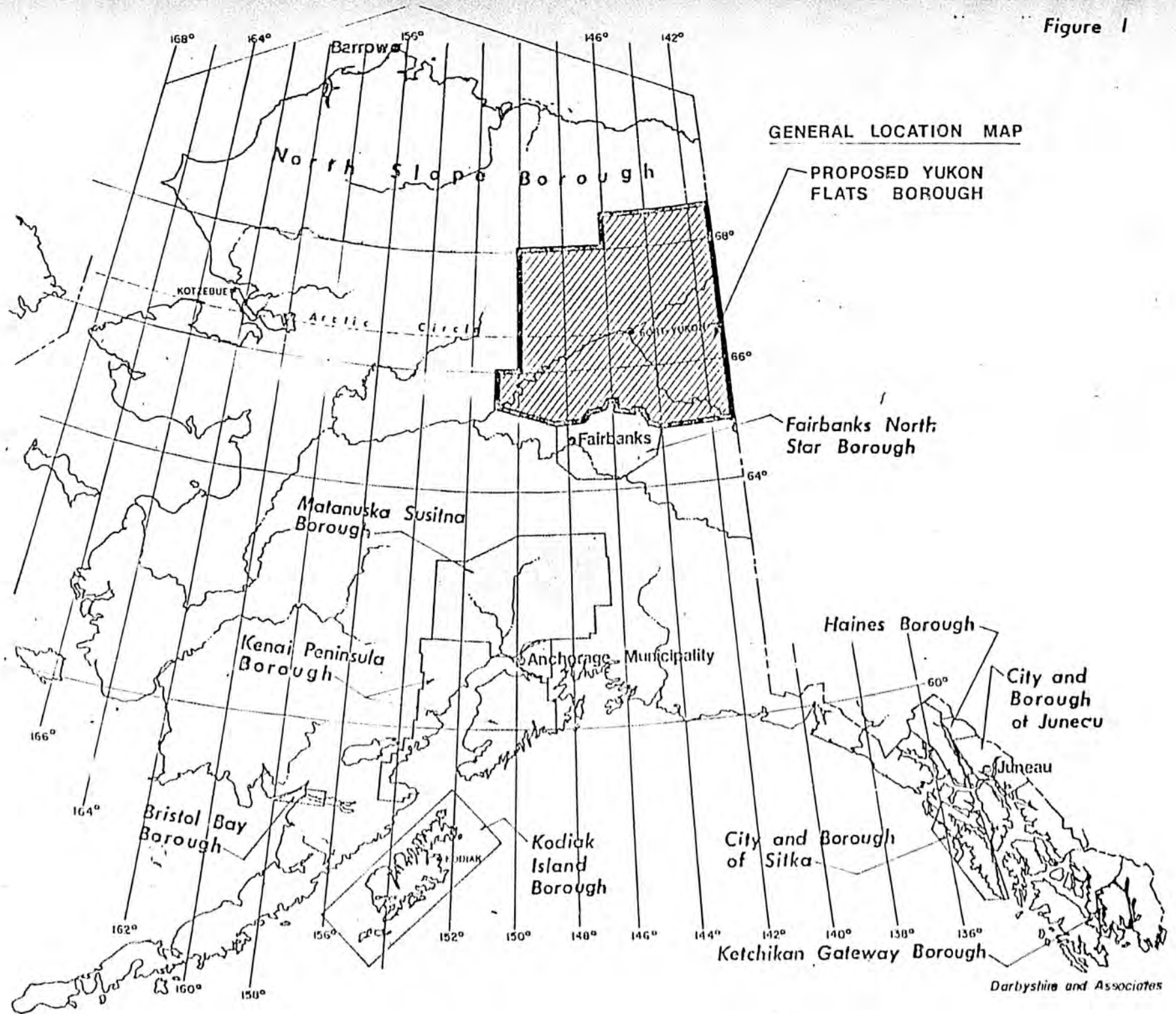
YUKON FLATS REGIONAL GOVERNMENT STUDY

LOCAL GOVERNMENT OPTIONS

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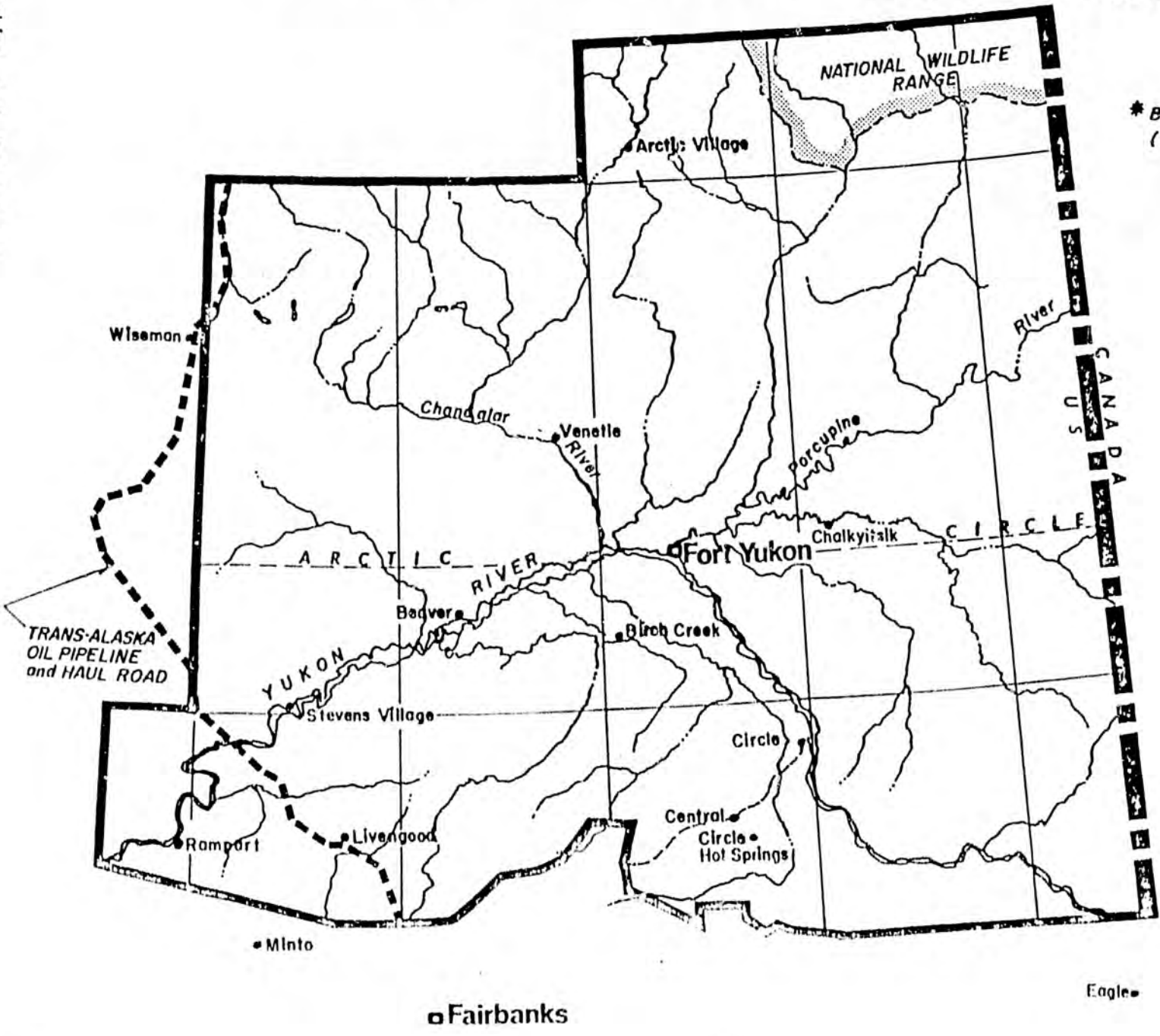
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Figure 1



Darbyshire and Associates

STUDY AREA BOUNDARIES* — PROPOSED YUKON FLATS BOROUGH



* BOUNDARIES of REAA #13
(See Appendix A)

Figure II

Eagle

LOCAL GOVERNMENT OPTIONS

INTRODUCTION

State law is quite flexible with respect to the incorporation of borough governments. It permits the incorporation of several different types of boroughs. It allows different types of boroughs to provide different service packages (e.g., education, planning, water, sewer, electrification, police, fire, etc.). It gives a choice in school board/legislative body (assembly) structure, and it has flexibility for determining assembly composition and apportionment.

Under these circumstances, the question of borough incorporation is more than just a simple: should we incorporate or not? An area must decide what specific type of borough government would best meet its needs. It must determine what, if any, services the borough should provide beyond the minimums required by law; and it must select an assembly/school board appointment plan that fits the requirements of the area.

The information that is required to logically resolve these and other questions is examined in this report. Drawing principally from the State Constitution, the Alaska Municipal Code (AS 29); and related case law, alternatives will be presented with respect to:

- o Borough organization;
- o Classification differences;
- o Mandatory areawide powers and duties;
- o Powers and duties outside of cities (nonareawide powers);
- o The assumption of additional areawide and nonareawide powers;
- o The provision of services on less than a nonareawide (service area) basis;
- o Those powers available to all types of boroughs;
- o Assembly composition and apportionment.

In addition, this segment of the study will also examine:

- o The impacts borough government would have on existing city responsibilities;
- o The effects borough incorporation would have on the Yukon Flats REAA.

BOROUGH ORGANIZATION

Before we begin our detailed examination of the differences between the many types of boroughs in Alaska, it seems appropriate that we present some background information on the general character of a borough. Hopefully, this brief explanation, along with some definitions which we will provide at the end of this segment, will make the subject

clearer for those who have not had much experience with Alaska organized borough government and the "jargon" that surrounds it.

In general, a borough is a regional government that is formed for the purpose of providing services (exercising powers). While new people or visitors to Alaska attempt to liken boroughs to the county system of government used mostly elsewhere in the United States, the two forms of government differ considerably.

A borough government, like a county government, is a representative government governed by elected officials. And, like most county governments, it is the largest unit of local government in the state. Unlike most counties, however, boroughs by and large encompass a natural social, economic, and political community. Further, they are truly regional governments which are mandated the responsibility for exercising areawide powers both inside and outside city limits within its boundaries. Finally, a borough is also a a school district, whereas many counties have several school districts located within their boundaries.

Organizationally, a borough usually consists of an assembly, school board, and mayor. The assembly is the legislative body of the borough. It passes all laws, levies all taxes, and appropriates all money necessary for the operation of the borough.

Borough executive and administrative power is vested in an elected mayor in newly incorporated boroughs. Accordingly, the mayor appoints borough employees, supervises the enforcement of borough law, prepares the annual operating budget for the assembly, executes the borough budget, and supervises the day-to-day operations of the borough. The mayor has veto power but may not vote on matters before the assembly.

Educational responsibilities of the borough are supervised by an elected school board. One type of borough government, however, provides that the assembly is the school board. Basically, it is the responsibility of the school board to provide an areawide school system within the borough.

The remaining sections of this report will make repeated use of several words or phrases common to the subject of borough government in Alaska. We are therefore including a glossary of terms which defines the meaning of these words and phrases.

- o Areawide powers - means responsibilities and services (e.g., education, planning, water, sewer, etc.) that a borough provides everywhere--including the area within the boundaries of a city;
- o Assembly - means the representative legislative body of a borough whose members are elected to office;

- o Borough - means a regional government with legislative responsibility and executive authority to carry out required and desired powers;
- o Charter - means a document describing what powers a home rule municipality may exercise and how these powers are to be exercised;
- o City - means a community who has formally incorporated as a 1st or 2nd class municipality under the laws of the State of Alaska.
- o General Law Borough - means a 1st, 2nd, or 3rd class borough that can only exercise powers as set forth in Title 29;
- o Home Rule Borough - means a type of borough that is governed by a charter;
- o Mandatory powers - means powers which must be exercised by a borough;
- o Municipality - means a general law municipal corporation which is a 1st, 2nd, or 3rd class borough or a 1st or 2nd class city incorporated under the laws of the state;
- o Nonareawide Powers - means responsibilities and services that a borough provides in the borough-- everywhere outside of incorporated city boundaries;
- o Ordinance - means a law;
- o Personal Property - means tangible property other than real property, such as merchandise and stock in trade, machinery and equipment, furniture and

fixtures, motor vehicles and vehicles, boats and vessels and aircraft;

- o Real Property - means land and improvements and all possessory rights and privileges appurtenant to the property, and includes personal property affixed to the land or improvements;
- o School Board - means an elected representative body of a borough which is responsible for exercising certain education powers as defined by law.
- o Service Area - means a specific area within a borough which desires a special service that other areas may not need or desire. The residents of the service area pay for the service provided through taxation.

CLASSIFICATION DIFFERENCES

Home Rule Boroughs: Alaska law provides for two basic types of borough governments--home rule boroughs and general law (1st, 2nd, and 3rd class) boroughs. A home rule borough is one that is governed by a charter. This charter is drafted by a charter commission of elected local residents and must be approved by the local voters prior to becoming law. This charter may provide for the exercise of any power not specifically prohibited by law. (For a complete description of state law relating to the organization of a home rule borough, see AS 29.13.010 - 100.)

General law boroughs (1st, 2nd, and 3rd class boroughs) are restricted in their exercise of authority to only those things required or specifically permitted by law. This difference on home rule (exercising any powers except those specifically prohibited by law) and general law (exercising only those powers specifically permitted by law) may seem small. You can be assured, however, that this is not the case.

By and large, the authority to do anything "not prohibited by law" makes a home rule borough a much more flexible form of government. This is usually only realized after one has had practical experience in the administration of local government affairs. Laws controlling the operation of boroughs--like many other laws--are not always clear. And, when one gets into the day-to-day borough operations, situations are constantly arising where there are questions as to whether a proposed governmental course of action meets the requirements of law. Obviously, when a borough has the authority to do anything not specifically prohibited by law (a home rule borough) the occurrence of such problems and their solution are respectively fewer and easier.

Another example of home rule flexibility can be made with respect to the utilization of powers beyond those permitted of general law boroughs. Consider the case where a borough might desire to establish a self-financing/revenue producing public corporation to undertake the construction of some

facility (e.g., port) or economic development activity. Only a home rule borough (and a unified municipality as will be explained later) has the capacity to do this. This, again, results from the fact that the state law does not specifically authorize general law boroughs to do these things. The law also, however, does not specifically prohibit a borough from doing this. Thus, a borough charter providing the authority to undertake such activities would make the activity perfectly permissible.

While this flexibility might make a home rule borough form of government more desirable to residents of the study area, it must be remembered that a home rule borough can only be formed from existing borough governments. More specifically, AS 29.13.010 provides that only "a first-class municipality (borough) may adopt a charter for its own government."

Since no borough--yet alone a 1st class borough--exists in the study area, home rule is out of the question at this time. The point to be made, however, is that if home rule is a desirable long-range option, it will only be an option if a 1st class borough is incorporated. Thus, in measuring the differences between the general law boroughs (1st, 2nd, and 3rd class) this point is an important one to remember.

Unified Borough/City Governments: Under the language of AS 29.68.240, "an organized borough and all cities within the borough may unite to form a single unit of home rule government . . ." Like the earlier provisions relating to home rule government, the law then goes on to describe petition, charter, and election procedures and requirements and finally notes that unified municipalities "shall have all powers . . . not prohibited by law". An existing borough is also a prerequisite to this type of municipality. Thus, the question of a unified municipality for the area is also a moot one at this time.

It is clear, then, that a unified municipality is nothing more than a special case home rule borough--or an extremely large home rule city--depending on your perspective.

This type of home rule regional government can be formed from any type of "organized borough" and is not restricted to just 1st class boroughs as the earlier home rule provisions were. Therefore, even if residents of the area opt for less than 1st class status to begin with, the potential still exists to go directly to a home rule borough--via unification.

The question of unification must, however, be approved by a majority of voters both inside and outside all 1st class and home rule cities in the borough. Thus, if either segment (city/noncity) fails in majority approval, the question is

defeated. This is important to note because this requirement has historically served as a major stumbling block and could jeopardize the chance for home rule through this process.

General Law Boroughs: The real choices for borough government in the study area are any of the three classes of general law boroughs authorized in AS 29.08.030. These 1st, 2nd, and 3rd class boroughs differ principally with respect to: the areawide powers and duties they must exercise, the ways and means they go about assuming additional areawide powers, and the way they adopt nonareawide powers. The details of these differences are explained in the following paragraphs.

MANDATORY AREAWIDE POWERS AND DUTIES

Conceptually, borough (vs. city) government is intended "to be primarily responsible for functions best carried out on an areawide rather than a limited community basis. . . ."* Thus, Alaska law requires that all three types of general law borough governments (1st, 2nd, and 3rd class) exercise the following two areawide responsibilities:

*Thomas A. Morehouse and Victor Fisher, BOROUGH GOVERNMENT IN ALASKA--A STUDY OF STATE--LOCAL RELATIONS, Institute of Social Economic and Government Research, University of Alaska, 1971

- o To assess and collect property sales and use taxes levied within their boundaries (AS 29.33.030); and
- o To establish, maintain, and operate a system of public schools on an areawide basis (AS 29.33.050).

In addition, 1st and 2nd class boroughs only are required to:

- o provide for planning, platting, and zoning on an areawide basis.

In sum, then, one major difference between 1st, 2nd, and 3rd class boroughs is that 1st and 2nd class boroughs must exercise all three areawide powers (taxation, schools and planning) while third-class boroughs exercise only the taxation and education powers and not the planning, zoning and platting power. Practically, this means that 3rd class boroughs function by and large as school districts while 1st and 2nd class boroughs have the additional responsibility to address, manage, and direct community growth and development patterns.

The scope of these "mandatory" areawide powers is defined in AS 29.33.010 where it states: "Boroughs shall exercise these powers on an areawide basis, both inside and outside cities within their boundaries. Further, no city, whether home rule or not, may exercise an areawide power once that

power is being exercised by a borough". A general description of how each of these three powers is to be exercised is explained below.

Tax Assessment and Collection: Each of the three classes of general law boroughs has the responsibility to assess and collect required property, sales, and use taxes levied within its boundaries. This, then, is the body of law that provides the borough with the authority to tax local property owners and residents for the purpose of raising the money necessary to support the provision of required and desired borough services. Theoretically, a borough could obtain all of its required operational funds elsewhere and would not have to levy such taxes. Thus far, no borough has been able to do this and the study area can likewise look forward to some form of property taxation.

Property tax assessment (the determination of a property's "value") and collection is usually done on two types of property -- real property and personal property. Real property is land and improvements on the land, and includes personal property affixed to the land or improvements. Personal property means tangible property other than real property such as automobiles, boats, motors, planes, furniture, machinery, stock in trade, etc.

The assessment of real property requires the identification of the taxable property and an analysis of additional information on land sales, appraisals, rentals, market data, and other information that shows the current value of the land/improvements.

The assessment of personal property also requires that the taxable personal property be identified. This is usually accomplished by mailing a personal property declaration form to each taxpayer. The taxpayer is to fill in the form and return it. Values for this type of property are arrived at by a process similar to that used for real property or by reference to any number of published books that estimate value for these types of property (e.g., the automobile "blue book").

By state law, certain property is exempt from taxation by a borough. These include:

- o Real and personal property owned and held by the government of the United States;
- o Certain property belonging to Alaska Natives (e.g., native property held by restricted deed, native allotments, and--until 1991--native lands obtained through the Alaska Native Claims Settlement Act--excepting such lands that have been leased or developed);

- o Religious property, including structures for worship, land on which it stands, furniture, and fixtures within it, and adjacent lots providing for enjoyment of the rights of public worship;
- o The first \$500 of household furniture owned by the head of a household;
- o Certain oil and gas properties;
- o The property of cooperatives where taxes are paid to the state;
- o The first \$10,000 of assessed value on an owner-occupied dwelling unit -- if an ordinance so providing is ratified by voters;
- o Real property owned and occupied as a permanent place of abode by a resident 65 years of age or over.

Once the borough has completed its initial property assessment, each property owner is notified of the value assigned to his property. He then has thirty days to contest the "assessed value" with the borough assessor. The assessor may adjust his initial assessment. If he does not and the property owner still wishes to contest the "assessment", he may carry his appeal to the assembly who sits as a "board of equalization." Such appeals are heard and decided in a manner which permits both the taxpayer and assessor an opportunity to offer testimony and evidence. The burden of proof in these matters, however, rests with the taxpayer.

After the Board of Equalization has made its final determinations, the assessor completes the assessment role, certifies its accuracy, and returns the roll to the borough assembly. The assembly then reviews the roll and determines the rate of tax levy that will be required to finance the borough's annual operation. Individual tax bills are then calculated; and tax notices, mailed to property owners.

Tax bills show the assessed value of the taxable property, the tax rate, the amount due and payable, and a schedule for payment. If the tax is not paid according to schedule, the tax becomes delinquent, and penalties and interest are added to the bill.

Ultimately, if people fail to pay their real property tax bill, they will find their names on the roll of delinquent taxpayers. The roll, also called the foreclosure list, will eventually be certified and publicized in a local newspaper for four successive weeks. Thereafter the borough assembly may foreclose the tax lien against the property and obtain title to the land. Property obtained in this manner must be held by the borough for a year. During that time any person having an interest in the property may redeem title to the property by payment of the full amount of back taxes, penalties, interest and publication costs. At the end of the redemption period, and after an additional publication notice, the borough may acquire title to the property.

Owners of personal property are personally liable for the amount of taxes levied against such property. Thus, unpaid personal property taxes, together with any penalty and interest charges, are collected by action brought by the borough against the owner.

Boroughs may also levy and collect up to a 3% sales tax on sales, rents and services, provided borough residents approve these taxes by referendum vote. Exemptions to this tax are permitted by ordinance. Boroughs levying a sales tax may also levy a use tax on the storage, use, or consumption of personal property within the borough. This tax must equal the sales tax rate and is to be levied only upon buyers.

Education: Each organized borough constitutes a school district and must establish, maintain, and operate a system of public schools on an areawide basis. This responsibility is supervised by an elected school board except that the assembly is the school board for 3rd class boroughs. A borough district with an average daily pupil membership of less than 5,000--as is the study area--is permitted a school board of five members.

The assembly, with the concurrence of the school board, may increase the school board to seven. The assembly, with the concurrence of the school board and electorate, could also pass an ordinance combining the school board and assembly into one body.

Each school board must organize and elect a president, clerk, and if necessary, a treasurer. The president presides at all meetings and has authority to vote on all matters before the board.

Among its many duties, the school board has the responsibility to:

- o provide an educational program for each school age child who is a resident of the district;
- o submit a proposed school budget to the borough assembly by April of each year;
- o establish design criteria for school buildings;
- o provide custodial services and routine maintenance for school buildings;
- o obtain a professional staff and negotiate conditions of employment.

It should be noted that when the assembly "approves" the school board's budget, it determines only the total amount of money to be made available for school purposes. By law, the assembly may not veto or challenge specific items in the school budget.

In practice, most school boards hire a school administrator or superintendent to manage the day-to-day activities of the district. As such, the administrator and his staff draft the district budget, process necessary paperwork, take

care of hiring, develop the school calendar, etc. In the end, however, each one of these duties is subject to the review and approval of the school board.

Planning, Platting, and Zoning: 1st and 2nd class boroughs only also have the additional responsibility to "provide for planning, platting, and zoning on an areawide basis." This authority, mandating the management of regional and community growth and development is to be accomplished by the assembly through the use of a borough planning commission. A planning commission for the study area would consist of five members. Each member of the commission would be appointed by the mayor and be subject to confirmation by the assembly. As a body, the planning commission would be responsible for preparing and recommending:

- o a comprehensive development plan for the systematic development of the borough. This plan is to be a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development-- both private and public--of the borough. Generally, it would consist of--but is not limited to--a land use plan, a community facilities plan, a transportation plan and recommendations on how to make the plans a reality;
- o review the comprehensive development plan at least once every two years;

- o a zoning ordinance that will implement the land use element of the plan;
- o a subdivision ordinance which controls the division of property, property dedications (e.g., street right-of-ways) and vacations of land, and;
- o An official map of the borough.

The assembly is responsible for adopting the recommendations of the planning commission and has the authority to modify the plans and ordinances as they see fit. The planning commission, however, has the authority to:

- o Act as the platting board in the review and approval of all subdivisions, vacations and dedication of lands in the borough;
- o Act upon requests for variances to the borough's zoning ordinance;
- o Act upon requests for conditional uses as permitted in the borough's zoning ordinance.

It should be noted that the last session of the legislature amended AS 29.30.07(b)(2) so that the law now provides that if a city within a borough is located more than 25 miles from a boundary of the borough seat, the assembly may, by ordinance, "delegate other planning and zoning powers conferred by this chapter to a (the) city within the borough".

The intent of this specific law appears to be quite clear-- to allow certain cities the opportunity to exercise the planning and zoning power in lieu of the borough. When reviewed with the provisions of AS 29.33.010(b), however, the situation seems less than clear. AS 29.33.010(b) provides that: "No city, whether home rule or not, may exercise an areawide power conferred in, or assumed by, means of paragraphs 250-290 of this chapter once that power is being exercised by a borough". On the one hand, it would appear that the law explicitly prohibits the delegation of the mandatory planning and zoning authority. On the other, it seems to permit it.

Regardless of the outcome of this conflict, the practical affects on the study area would be limited. First, there is currently only one city--Ft. Yukon--that would be affected. Second, even if all communities in the area were incorporated and could legally be delegated the planning and zoning authority, none of them, including Ft. Yukon, have the tax base necessary to adequately support the exercise of the power.

It is not the purpose of this study to examine the reasoning that went into the legislature's decision to exempt 3rd class boroughs from the mandatory planning, platting, and zoning power. Rather, we are to point out the advantages and disadvantages of alternative borough government forms as

they might apply to the Yukon Flats study area. Under these circumstances, it must be noted that our examination of the mandatory powers of 1st, 2nd, and 3rd class boroughs shows significant shortcomings with respect to the applicability of a 3rd class borough to the study area.

An examination of the mandatory powers shows the biggest shortcoming of a 3rd class borough to be the lack of the mandatory planning and platting power. Every community in the study area is badly in need of several community facilities and services. The orderly and economic provision of such facilities and services is dependent upon sound advanced planning. Lacking the mandatory planning power a 3rd class borough would not be able to respond to this need.

The study area has and will continue to have several significant land use/development activities (haul road, oil pipeline, gas pipeline, etc.) occur within it. These activities have thus far proceeded with little, if any, local input or control. With the planning and, especially, zoning authority, the area would have a much stronger voice and/or control over such activities. Again, a 3rd class borough could not exercise such control.

When examining a host of other problems that characterize the area (e.g., subsistence, economic development, and land tenure, etc.) it becomes even more apparent that sound

planning and the authority to regulate land use will be required if a borough is to respond to the real needs of the study area. Thus, a 3rd class borough's lack of this authority weighs heavily against its consideration as a viable governmental form for the study area.

Remember too, without the planning, zoning, and platting authority, a 3rd class borough is, for all practical purposes, nothing more than a local school district. It has an elected assembly that serves as school board. It levies local property taxes to support its education program; and it is responsible for scheduling and constructing of its own school facilities.

The study area, of course, is already a school district-- REAA 13--and so 3rd class borough status would change little in this regard. It likewise already has a locally elected school board governing its operations, so 3rd class status would not effectively change this circumstance. The REAA does not, however, levy any property taxes in support of its school program--all funds are obtained entirely from the state and federal governments. Nor is it totally responsible for its facilities construction program. It identifies school needs but the state has the responsibility to build new school facilities.

The advantages of incorporating as a 3rd class borough for educational purposes alone, then, would seem to be few.

Local control of the school program is already a fact. Increased funding could be obtained for school operations, but state and federal financial support of the school district appears to be more than adequate at this time (additional information on this subject will be presented in the "Local Revenue Sources" and "Borough Service Cost Estimates" reports to be released later in this study program).

Third class borough status would, of course, relieve the study area's dependency on the state for funding its educational program. This would require a local property tax be levied, however. New school construction could likewise be programmed as local residents desire rather than as state funding permits. Again, this would probably require a local property tax be levied to support such construction.

In sum, then, an evaluation of the mandatory powers of 1st, 2nd, and 3rd class boroughs shows the 3rd class borough to be far less desirable than 1st or 2nd class boroughs. It lacks the planning, zoning, and platting authority that is needed to give the area a handle on a host of problems that beset its residents. Further, the advantages a 3rd class borough might provide in the delivery of educational services are few and would also be gained if the area incorporated as a 1st or 2nd class borough.

ADDITIONAL AREAWIDE POWERS AND DUTIES

General law 1st and 2nd class boroughs also differ from 3rd class boroughs in the assumption of additional areawide powers. First and 2nd class boroughs have the authority to take on additional areawide powers beyond the three mandatory powers. Third class boroughs are prohibited from exercising any areawide powers beyond education.

The public facilities and services needs and desires of the study area go far beyond those of education (see Technical Report No. 2--"Data Reconnaissance"). If the area expects to provide these facilities and services, it will have to have the authority to provide such service. Since only 1st and 2nd class boroughs can do this, another significant shortcoming exists in the application of a 3rd class borough to the study area.

The assumption of additional areawide powers by 1st and 2nd class boroughs is accomplished in a few ways. First, an areawide election can be held on the question. If more than one power is proposed, each is to appear separately on the ballot. The vote on the question is tabulated in two separate classifications--votes cast in the home rule and 1st class cities of the borough, and votes cast in the remaining borough area. A majority of votes cast in each classification must be favorable for the power(s) to be assumed. In

the study area, there are presently no home rule or 1st class cities. Therefore, if Ft. Yukon were to transfer a power or powers to a borough, only a majority of the total vote cast would have to approve the assumption of additional powers.

Cities located within the borough can also transfer powers-- provided that all cities in the borough must transfer the power(s) to the borough. In the case of a 1st class borough, the assembly must pass an ordinance accepting the power before it can be assumed. Thus, if the study area were to become a 1st class borough, Ft. Yukon would transfer a power to the borough, the power would become an areawide power, if and when the assembly passed an ordinance accepting the power.

In 2nd class boroughs, the assembly must obtain the approval of voters residing in the area outside the cities as well as pass an ordinance accepting the power before the power can be assumed. If the study area were to become a 2nd class borough and Ft. Yukon transferred a power to the borough, the borough assembly would have to receive majority approval of all voters residing outside the city limits of Ft. Yukon and pass an ordinance accepting the power from Ft. Yukon before it would become an areawide power.

Carrying this to the extreme, if the City of Ft. Yukon would successfully transfer all of its powers to a new 1st or 2nd class borough, the city would no longer exist (AS 29.68.500(b)) and the borough would have the responsibility for meeting all community facilities and services.

BOROUGH POWERS AND DUTIES IN THE AREA OUTSIDE CITIES

(NONAREAWIDE POWERS)

First and 2nd class boroughs are also given the authority to exercise powers in the area of the borough outside cities (referred to as nonareawide powers). The residents of this area alone pay for the exercise of such powers. Third class boroughs are not given the authority to exercise nonareawide powers.

First class boroughs have legislative authority to exercise any general law power on a nonareawide basis. That means that by just passing an ordinance (law), the assembly (legislative body) can assume the responsibility for exercising a nonareawide power.

Second class boroughs, however, can only exercise the following nonareawide regulatory powers by legislative action:

- o the regulation of the sale, use or explosion of fireworks;

- o the licensing, impounding, and disposition of animals;
- o the licensing and operation of motor vehicles and operators;
- o the regulation of snow vehicles;
- o garbage and solid waste collection and disposal;
- o water pollution control.

All other nonareawide powers to be exercised by 2nd class boroughs must be approved at incorporation or added by holding an election on the question among voters who reside outside cities. In either case, 1st and 2nd class boroughs must first seek to have nonareawide powers transferred from any cities or propose joint borough/city exercise of the power before they can proceed to assume them.

It is this difference in the way existing 1st and 2nd class boroughs go about taking on areawide and nonareawide powers that differentiates the two types of boroughs. Generally, it is the purpose of this differentiation to give local residents an opportunity to decide how much direct voice they want in the operation of their borough government. If residents choose 1st class status, they have the opportunity to vote on the assumption of additional areawide responsibilities and leave the decision on the assumption of nonareawide responsibilities to their legislators. If they choose 2nd class status, they have the opportunity to vote on both the assumption of areawide and nonareawide powers.

In measuring the advantages/disadvantages of this difference, it appears small and depends greatly on one's perspective. If one has confidence in his local government and elected officials, a 1st class borough assembly's authority to independently respond to nonareawide needs can be most speedy and useful. If, on the other hand, one has a problem with such independent exercise of authority by his elected officials, then 2nd class status would be more acceptable.

The practical application of this difference in the study area shows even less significance. With Ft. Yukon as the only incorporated city, any nonareawide powers would apply to the entire borough but Ft. Yukon. Since Ft. Yukon contains nearly one-half the population of the proposed borough and requires most if not all of the service improvements the other communities require, it seems highly unlikely that any nonareawide powers would be exercised by a new borough.

MUNICIPAL FACILITIES, SERVICES, AND REGULATION

Remember, general law boroughs are restricted to the exercise of only those powers specifically permitted by law. Accordingly, the law allows 1st and 2nd class boroughs to exercise the powers necessary to provide the following public facilities and services on an areawide or nonareawide basis:

- o Streets and sidewalks
- o Sewers and sewage treatment facilities
- o Harbors, wharves, and other marine facilities
- o Watercourse and flood control facilities
- o Health services and hospital facilities
- o Cemeteries
- o Police protection and jail facilities
- o Cold storage plants
- o Telephone systems
- o Light, power, and heat
- o Water
- o Transportation systems
- o Community centers
- o Libraries
- o Recreation facilities
- o Airport and aviation facilities
- o Fire protection services and facilities
- o Parking and parking facilities
- o Housing and urban renewal, rehabilitation, and development
- o Preservation, maintenance, and protection of historic sites, buildings, and monuments
- o Consumer protection

First and 2nd class boroughs may also provide for the establishment, maintenance, and operation of a system of garbage and solid waste collection and disposal on an areawide

basis, or for districts or portions of it (AS 29.48.033).

They may also regulate the following on an areawide or

• nonareawide basis:

- o Licensing and operation of motor vehicles, including snow vehicles, and operators
- o Licensing of drivers of taxicabs, for-hire automobiles, motor buses, or other vehicles for the transportation of passengers or baggage
- o Vehicle parking and traffic
- o Transportation fares
- o Selling of goods
- o Abandoned property
- o Dangerous and disorderly conduct
- o Alcoholic beverages as provided by AS 04.15.070
- o Recreational devices as provided by AS 05.20.100
- o Control of insects and rodents
- o Offering for sale, exposure for sale, use or explosion of fireworks
- o Building, housing, and related codes
- o Condemnation and abatement of public nuisances and hazards
- o Garbage and solid waste collection and disposal
- o Other powers and functions affecting the general health, safety, well-being, and welfare of its inhabitants.

First and 2nd class boroughs, however, may exercise these powers only after they have been assumed in the manner provided by law. This means that the areawide exercise of these powers requires the affirmative vote of a majority of the residents located both inside home rule and 1st class cities and the remaining borough area, or the city(ies) would have to transfer the power to the borough.

The exercise of these powers on a nonareawide basis would be accomplished differently by 1st and 2nd class boroughs. A 1st class borough could take on the nonareawide exercise of any of these powers by the passage of an ordinance (law). A 2nd class borough could only take on such nonareawide powers (excepting those described earlier that could be taken on legislatively) by the affirmative vote of the people who reside outside of city(ies) limits.

Three other regulatory powers are treated differently under the law. These are:

- o licensing, impounding, and disposition of animals;
- o water pollution control;
- o air pollution control.

According to AS 29.48.035, the areawide exercise of these powers is an option of the borough and does not require the question be put to a vote as the acquisition of additional

powers normally requires. The same holds true of the animal/water pollution controls with respect to their exercise on a nonareawide basis.

GENERAL POWERS

Pursuant to the "General Powers" section of Alaska law (AS 29.48) all three types of general law boroughs have the authority to:

- o Establish and prescribe functions of municipal departments, offices or agencies;
- o Establish and prescribe salaries for elected and appointed municipal officers and employees;
- o Make investigations of the affairs of the borough and make inquiries into the conduct of a borough department;
- o Enter into agreements, including those for cooperative or joint administration of any functions or powers with a local government, with the State, or with the United States;
- o Require periodic and special reports from a borough department to be submitted through the municipal executive;
- o Sue and be sued;
- o Levy taxes and special assessments;
- o Enforce ordinances and prescribe penalties for violations;

- o Acquire, manage, control, use, and dispose of real and personal property for a purpose authorized under Title 29, Federal law, or other law, or in accordance with such law, and irrespective of whether or not the property is situated within or outside the municipal boundaries;
- o Acquire membership in organizations which promote legislation for the good of the borough;
- o Expend funds for community purposes for the good of the borough; and
- o Borrow money and issue evidences of indebtedness.

SERVICE AREAS

Realizing that it might be desirable for a borough to provide services (e.g., road maintenance, recreational facilities, etc.) on less than an areawide or nonareawide basis, the law provides for the creation of "service areas." According to the law (AS 29.63.090), "Service areas are to provide special services within a borough and may be established, operated, altered or abolished by the assembly." Residents of the service area alone pay for the provision of services in the area. This provision of law applies to all three general law boroughs--1st, 2nd, and 3rd class.

The exercise of powers within a service area is accomplished much the same as the exercise of nonareawide powers. In a 1st class borough, the assembly can legislatively exercise

any general law power within the service area. Within a 2nd and 3rd class borough, however, the exercise of power within a service area must be approved by a majority of qualified voters residing within the service area. The major difference to note is that while 3rd class boroughs are restricted from the exercise of nonareawide powers, they have the authority to provide for service areas.

There has been some suggestion that the applicability of the service area provisions of law to 3rd class boroughs may provide some way around prohibitions against the exercise of additional areawide powers by 3rd class boroughs. When reviewed against other provisions of law, this would not seem to be the case. AS 29.41.010(a) states clearly that: "Areawide exercise of powers other than education and tax assessment and collection is not authorized" 3rd class boroughs! This would seem to make it clear that any service area organized for the purpose of providing an areawide service beyond education and tax assessment would provide for the areawide exercise of power and, therefore, be in violation of the law.

Service areas do, however, appear to be a vehicle for the provision of nonareawide services in a 3rd class borough as neither constitutional nor other legal prohibitions seem to bar such. The practical application of this circumstance to the study area shows little significance. As was earlier

explained in the discussion on nonareawide powers, Ft. Yukon is the only incorporated city in the study area. Therefore, any nonareawide service area provision of services would apply to the entire borough but Ft. Yukon. Ft. Yukon contains nearly one-half the population of the proposed borough and requires most if not all of the same service improvements the other communities require. It seems highly unlikely, then, that such service areas would prove useful to a new borough.

A further evaluation of any advantages or disadvantages relating to service area provisions as they apply to the three different types of boroughs also reveals findings similar to those relating to differences in the assumption of nonareawide powers. That is, if one has confidence in his local government and elected officials, a 1st class borough assembly's authority to independently respond to the needs of a service area can be speedy and useful. If, on the other hand, one has a problem with such independent exercise of authority, then 2nd and 3rd class status might be more acceptable.

BOROUGH LEGISLATIVE AND EXECUTIVE ORGANIZATION

Borough Assembly: In addition to its responsibilities as the legislative power of the borough, the assembly is responsible for: its own apportionment within six months of every

federal decennial census, filling vacancies which occur on the assembly, serving as the board of adjustment on zoning matters for areas outside cities, serving as board of equalization for the purpose of hearing any appeal from determinations of the borough assessor, approving the school board's annual budget with no line item control and providing the local financial effort for the educational program.

Current statutes controlling the composition and apportionment of a borough assembly are reasonably flexible. AS 29.23.020 provides that: "The assembly shall be composed of the number of members and be apportioned in a manner set out in the incorporation petition approved by the voters or, if a borough is already incorporated, the assembly shall be composed and apportioned in a manner prescribed by charter or ordinance. Assembly composition and apportionment, including voting procedures based on the apportionment, may be prescribed in any manner consistent with the equal representation standards of the Constitution of the United States."

In meeting with the borough steering committee last January, we were advised that each community would like to have a resident sit on the assembly. Recognizing the U.S. Supreme Court's one man-one vote requirement would apply to the area, it seemed like the weighted vote system might be used to satisfy this local desire. Unfortunately, the recent

session of the legislature amended the assembly composition and apportionment provisions of state law (AS 29.13, 18, and 23) as follows:

- o The assembly of a newly incorporated borough is, after incorporation and until the adoption of an ordinance providing for a change in composition or apportionment, composed of the number of members and apportioned as set out in the incorporation petition approved by the voters. If a borough is already incorporated, the assembly shall be composed and apportioned in a manner that is consistent with AS 29.23.023 and prescribed by charter or ordinance;
- o An assembly may not provide for weighted voting;
- o The borough assembly shall provide for its composition and for the form of its representation. Not later than July 31, 1981, and thereafter within four months after the report of a federal decennial census, the assembly shall propose and submit to the voters at a regular election or special election called for the purpose, alternative forms of representation by which members are
 - elected at large by all qualified voters of the borough;
 - elected at large by all qualified voters of the borough, but required to live within an

election district or zone established by the borough for election of assembly members with each district or zone being of substantially equal population; or

- elected by and from election districts or zones established by the borough for the election of borough assembly members.
- o A member of the assembly of a general law borough may not be elected or appointed by and from the council of a city in the borough;
- o The number of members of a borough assembly may not exceed 11;
- o The effective date of this new law is January 1, 1981.

As these provisions do not become law until January 1, 1981 it would be possible to pursue the weighted vote concept on a short-term basis. This seems rather shortsighted if the new borough is not expected to be incorporated until mid-1980. Accordingly, it is not suggested that course be pursued at this time.

Within the framework of the new body of law, it will not be possible to provide for assembly representation from each separate community. Further, the "at large" alternatives would certainly result in a concentration of power in Ft. Yukon which is not desired.

The best bet, then, would seem to appear to be the provision that permits assemblymen to be "elected by and from election districts or zones established by the borough for the election of borough assembly members".

Using estimated 1978 population figures provided in our "Data Reconnaissance" report, we have developed the following suggested alternative:

- o With a total borough population of 1,441 and a maximum 11 man assembly, each seat would represent approximately 131 people if the one man-one vote concept were strictly adhered to;
- o Use seven different zones of representation as follows:
 - An Arctic Village zone with one assemblyman representing the 111 residents of the community;
 - A Venetie zone with one assemblyman representing the 148 residents;
 - A Rampart/Stevens Village zone with one assemblyman representing the 136 residents of those communities;
 - A Beaver/Birch Creek zone with one assemblyman representing the 112 residents of those communities;

- A Ft. Yukon zone with five assemblymen representing the 700 residents of that community;
- A Chalkytsik zone with one assemblyman representing the 99 people residing in the community;
and
- A Circle/Central/Livengood zone with one assemblyman representing the 135 people living in that region.

For all practical purposes, no registered voters live outside of these immediate communities. Therefore, we have not suggested precise boundaries for each district but suggested general areas of people coverage. A map of our suggestion is shown on the following page. If or when an incorporation petition is drafted, final boundaries for these or other districts should be determined.

With an extreme variation of one representative for 99 people (Chalkytsik) to one representative for 148 people (Venetie), this districting plan does not meet the one man-one vote standard perfectly. Given the population distribution characteristics, this would be impossible to accomplish. Nevertheless, when considering other factors, we believe the plan will prove acceptable, provide for the widest geographic representative scheme possible under the law, and avoid the concentration of power in one community. Our reasoning in this matter is:

- o We have generally combined areas of common community interest;
- o The two villages which have a different language dialect (Rampart and Stevens Village) are within the same district;
- o The two former reservation communities (Arctic Village and Venetie) stand by themselves;
- o The three-road Fairbanks-connected communities are all within one district;
- o Excepting for the one significant statistical aberration in the one man-one vote concept (Chalkytsik), the remaining districts are reasonably comparable.

Residents of the borough are eligible to be assembly members if they are borough voters. Assemblymen are elected for three-year terms of office, however, a borough's initial assembly will determine its term of office so that a proportionate number of terms expire each year. This should result in a staggered term of office for members subsequently elected.

The assembly is initially required to meet at least once a month. After incorporation, it can provide for an alternative meeting schedule--by ordinance. A majority of the authorized membership constitutes a quorum.

Borough School Board: In 1st and 2nd class boroughs the responsibility for the borough educational program is vested in an elected five-man school board (for school districts with less than 5,000 students). The assembly sits as the school board in 3rd class boroughs. This responsibility includes the curricular program, custodial and minor maintenance of the school plants, administration of school personnel and the school budget, and the design of school plants.

In reviewing the body of law that controls the incorporation of new boroughs, we have noted there is a complete lack of reference to the election of school board members. Assembly members are voted on at the time people vote on the question of incorporation. No mention, however, is made of school board members.

The assembly is responsible for conducting borough elections. Accordingly, it would seem that one of the first duties of the assembly would be to schedule an election of school board officials. All board members are usually elected at large but school zones for the election of school boards may be established.

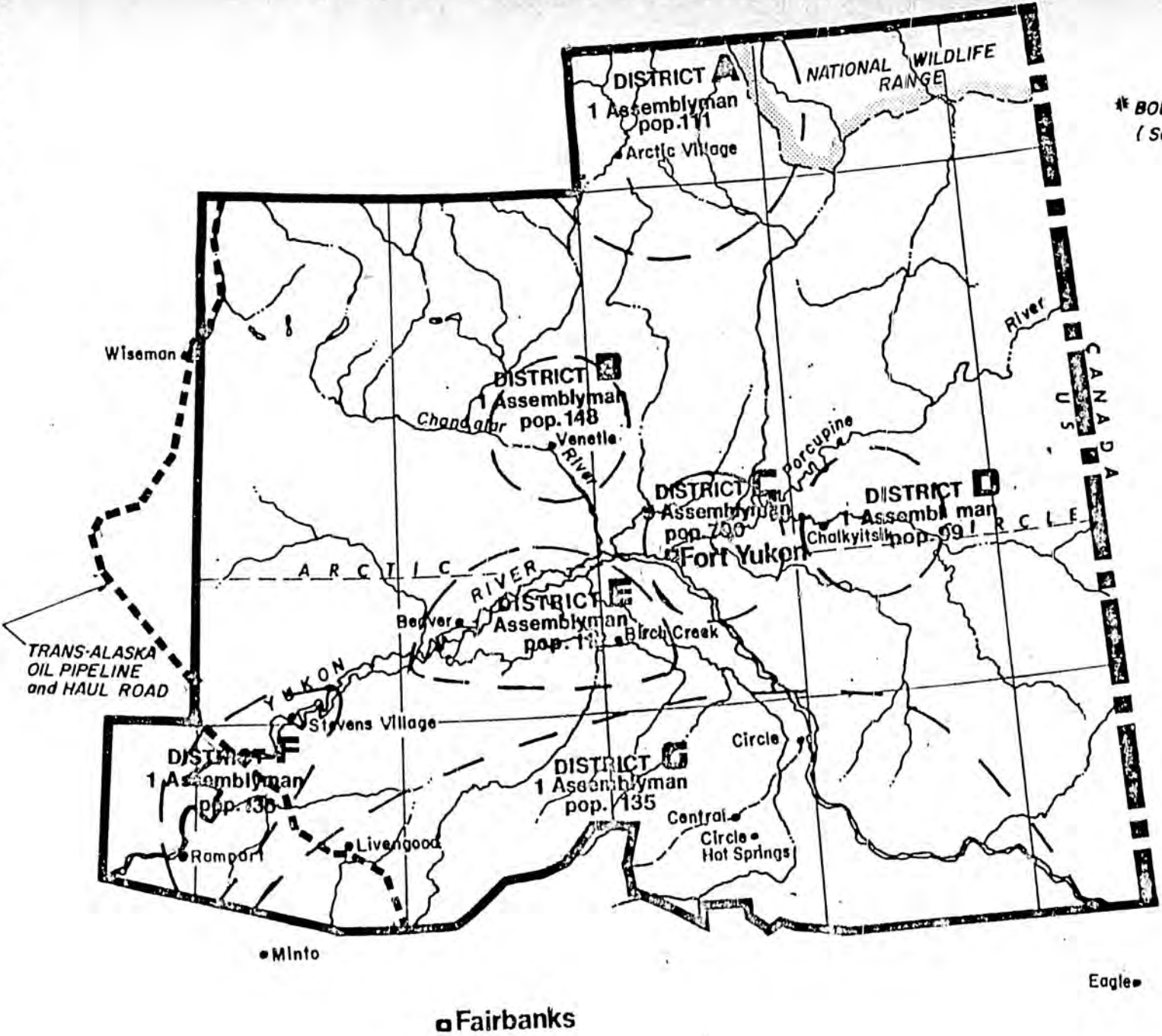
Borough Executive: In newly incorporated 1st, 2nd, and 3rd class boroughs the executive and administrative powers are vested in an elected (at large) borough mayor. The mayor's regular term of office is three years although a different

term not to exceed four years can later be provided by assembly ordinance. Borough manager forms of government are also provided for in law, but they, too, may only be enacted after the borough is in existence. Generally, the borough mayor is responsible for the proper administration of borough affairs and:

- o Appoints all borough employees and administrative officers except education function employees;
- o Suspends or removes by written order borough employees and administrative officers, except as provided above;
- o Supervises the enforcement of borough law;
- o Prepares the annual budget and capital improvements program for submission to the assembly;
- o Executes the budget and capital improvements program as adopted;
- o Makes monthly reports to the assembly on borough finances and operations;
- o Reports to the assembly at the end of each fiscal year on the finances and administrative activities of the borough;
- o Prepares and makes available for public distribution an annual report on borough affairs;
- o Serves as borough personnel officer unless the assembly authorizes him to appoint a personnel officer;

PROPOSED ASSEMBLY REPRESENTATIVE DISTRICTS

Darbyshire and Associates



* BOUNDARIES of REAA #13
(See Appendix A)

Figure II

- o Directs and supervises the administration of all borough officers and employees except as provided by law;
- o Directs the care and custody of all borough real and personal property; and
- o Directs the construction, maintenance, and operation of all borough roads, bridges, drains, and other public works.

In 1st and 2nd class boroughs, the mayor also has the veto authority over any ordinance, resolution, motion, or other action of the assembly and may also strike or reduce items in appropriations ordinances except for school budget items. Such veto may only be overridden by the vote of two-thirds of the authorized membership of the assembly. The mayor of a 3rd class borough does not have the veto authority.

SUMMARY COMPARISON

Table 1, on the following page, provides a tabular summary comparison of the three different classes of general law boroughs. In reviewing this information, it should be remembered that this table reflects differences at the time of incorporation. After a borough is incorporated, certain changes can be made by the assembly (e.g., assembly size, school board size, etc.). For a detailed explanation of these changes, it will be necessary to review in detail Title 29 of Alaska Statutes.

TABLE 1
SUMMARY
GENERAL LAW BOROUGH COMPARISON

Characteristic	TYPE OF BOROUGH		
	1st Class	2nd Class	3rd Class
Upgrade to Home Rule Status	Yes	No	No
Mandatory Areawide Powers (powers exercised throughout the borough including inside the areas of cities)	Tax assessment/collection education planning/platting/zoning	Tax assessment/collection education planning/platting/zoning	Tax assessment/collection education
To Assume Added Areawide Powers	by transfer of all cities; or by areawide referendum vote that must be approved by a majority of residents both inside and outside home rule and first-class city limits	by transfer of all cities and nonareawide referendum vote; or by areawide referendum vote that must be approved by a majority of residents both inside and outside home rule and first-class city limits	not permitted
Nonareawide Powers (powers exercised in that portion of the borough outside city limits)	none mandatory may be assumed by assembly ordinance	none mandatory may be assumed by referendum vote of residents outside city limits	not permitted
Service Areas (for provision of services on less than a non-areawide basis)	established, operated, altered, or abolished by assembly ordinance exercise of power by assembly ordinance	established, operated, altered, or abolished by assembly exercise of power requires referendum vote of service area residents	established, operated, altered, or abolished by assembly exercise of power requires referendum vote of service area residents
Borough Executive	Mayor (with veto power)	Mayor (with veto power)	Mayor (<u>without</u> veto power)
Legislative Body	Assembly	Assembly	Assembly
Educational Body	School board (5 members)	School board (5 members)	Assembly
Borough Seat	determined by assembly	determined by assembly	determined by assembly

TRANSITION

If the residents of the study area are successful in the incorporation of a borough, several powers and functions currently exercised in the area will likely be succeeded to by the new borough.

Provisions relating to the transition of these and other powers are provided for in AS 29.18.140. Basically, this section of law provides that the powers and functions exercised by "cities and service areas" which are to be succeeded to by a new borough must continue to be exercised by them until the new borough assumes the powers and functions. The borough is responsible for giving written notice before it assumes a power, and in no case may take more than two years to accomplish a required transfer.

REAA-Borough Transition: First, 2nd, and 3rd class boroughs must all assume the education authority. Therefore, any borough established in the study area would be responsible for taking over this power from the REAA. The "transition" provisions cited above make no mention of the transition of power from an REAA to a borough. Apparently, the circumstance stems from the fact that the REAA enabling legislation was passed three years after Title 29 was updated and not much attention was given to relating the two pieces of legislation at that time.

In the lack of any clear directive as to how this transfer is to take place, it would seem that the language of Section 15, Article X of Alaska's Constitution would prevail. This section of the Constitution states that: "special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law". These same provisions of law (AS 29.18.140) would seem to apply. Thus, a new borough in the study area would have to assume the responsibility for education within two years after the date of incorporation. Further, the new borough is required to give written notice of its intent to assume the power.

The practical aspects of the change from an REAA to borough school district would best be summarized as follows:

- o All of the rights, power, duties, assets, and liabilities of the REAA would be succeeded to by the borough.
- o The locally elected REAA school board would be replaced by a locally elected borough school board. One would presume, however, that most, if not all, of the same people would be reelected to the new board.
- o The existing REAA school administration would be replaced by a new one. Again, it is presumed that the old school administration should be reappointed to manage the borough school district.

- o Operations of the REAA are currently funded in total by the state with supplemental assistance from the federal government. Like school construction, however, it is the state that makes the final decision as to how much money is to be provided the REAA for education purposes. The Yukon Flats REAA must, therefore, again compete with the other 20 REAA's in the state for its education funds.

As a borough school district, some local taxes might be required to support school operations. State funding sources, however, are available for the operation of borough school districts; and it is our estimate that more operational funds would be available to a borough school district than are currently available to the REAA (see our other reports on "Potential Revenue Sources" and "Borough Service Cost Estimates").

- o The state currently pays for 100% of all new school facility construction in the REAA. Unfortunately, the state also decides what facilities need to be built in the area. In deciding what facilities are to be built the state must look at the facilities requirements of all 21 REAA's in the state and seek state funding for them. Needless to say, not all facilities desired or required would be built under these circumstances.

As a Borough School District, the local school board rather than the state decides what and when school facilities are required in support of the school's program. The state does not pay for all of new school construction on an organized borough. It will pay up to 80% of the costs of an approved school project if it meets certain other requirements.

- o Another consideration of the local control responsibility for funding the educational program has to do with basic circumstances surrounding Alaska's economy. With a healthy state economy, the REAA should have no great problems obtaining state funds for education. What would happen if the economy of Alaska suffers? One would expect that when the legislature tightens up the state budget, they will tighten up funding for the REAA's.

As a borough school district with its own healthy tax base, a state economic downturn needn't affect the borough's operation of the education program that much. The borough could just devote more of its local tax revenues in support of the school program.

- o The bottom line of many of the comparisons relating to the transition of the education power from REAA to borough is who one would rather depend on--the legislature and officials residing in Juneau and

elsewhere in the state or your own elected assembly and school board who all reside within the area.

One final point must be remembered when planning borough assumption of the education responsibility. AS 14.17.210 provides that

- o (a) A regional educational attendance area school which becomes a borough district school is considered a regional educational attendance area school for purposes of financial support until the expiration of a complete fiscal year after the date on which the school becomes a borough district school. This subsection does not prevent a local government from spending money to contribute to the financial support of a regional educational attendance area school which becomes a borough district school.
- o (b) For each subsequent fiscal year, the state shall disburse to the borough school district only the money to which the district is entitled under the public school foundation program.

Depending on the official date of incorporation, a new borough could receive full state funding for its school operation for no less than one year or as much as two years. Taking examples of borough incorporation falling on June 30

or July 2, respectively, of 1980, we would see the following:

- o The state would be responsible for paying for education for just fiscal 1981 (July 1, 1980 - June 30, 1981; or
- o The state would be responsible for paying for education for the remainder of fiscal 1981 plus fiscal 1982 (July 1, 1981 - June 30, 1982.

City-Borough Transitions: As noted, the transfer of power from cities to boroughs must be accomplished as required in AS 29.18.140. Ft. Yukon is, of course, the only legally incorporated city in the study area. The only community thus affected by these provisions is Ft. Yukon.

Without a decision on the type of borough which might be incorporated, it is only possible to speculate on the transfer of powers that might be required. Presuming a 1st or 2nd class borough were incorporated, the tax assessment/collection and planning, zoning, and platting powers would have to be transferred within the two-year period; and the new borough would be required to notify the city when it was going to assume the responsibility for these powers.

From a practical standpoint, Ft. Yukon does not levy a property tax and, therefore, nothing would be transferred with respect to the tax assessment and collection power.

Ft. Yukon does, however, levy a sales tax. If the new borough were to levy a sales tax, the borough would be responsible for collecting the city's sales taxes and distributing the appropriate revenues back to the city. If the new borough, however, did not levy a sales tax and the city continued to levy their sales tax, the city would be responsible for the collection of such taxes.

The transfer of the planning, zoning, and platting authority would mean the borough assembly would replace the city council as the responsible body for those functions described on page 22. A borough planning commission would replace the city planning commission in preparing the planning, zoning, and platting recommendations outlined on the same pages. The city planning commission, however, would continue to serve as an advisory planning commission to the borough.

Thus far, the city has done well in the exercise of its planning, zoning, and platting authority. It has established a planning commission, prepared a long-range community development plan, and tackled any number of other problems.

Unfortunately, the city has a very limited tax base and is, therefore, limited to the amount of planning it can do. If the planning, zoning, and platting authority were to be transferred to a new borough, this circumstance would change.

The borough would have a greater financial base on which to support this important work and should, therefore, be able to do much more for the city.

According to Ft. Yukon's fiscal 1979 budget, the city also exercises general police, fire, solid work, and recreation powers. Until borough incorporation becomes a reality, it is hard to tell which of these additional powers might have to be transferred. At this time, the important thing to remember is that any powers transfer would have to be completed in the same way -- by notice and within two years of incorporation.