

SCOMM

#10:54

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 23, 1979

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

TO: The Honorable Bill Parker

FROM: Alexander Hoke
Policy Analyst

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

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

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

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

All:lhk
Enclosures

COMMUNITIES IN THE UNORGANIZED BOROUGH

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

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

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

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

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

Prepared by:
Legislative Affairs Agency

MAR 23 1979

Research Division

* ORGANIZED UNDER FEDERAL LAW

+++ POPULATION >= 2000 AND <= 7500

TOTAL POPULATION IN UNORGANIZED BOROUGH = 69,415

SCOMM

#10:55

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH 8—JUNEAU 95301

April 26, 1979

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

Dear Mr. Chairman:

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

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

April 26, 1979

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

We appreciate the opportunity to comment.

Sincerely,



Don Argetsinger
Deputy Commissioner

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

RE: SECOND DRAFT

Purpose of Proposed Legislation

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

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

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

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

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

Location in the Statute

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

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

Section by Section Analysis

Section 29.68.620

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

Section 29.68.630

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

Section 29.68.640

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

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

Section 29.68.650

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

Section 29.68.660

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

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

Section 29.68.670

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

Section 29.68.680

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

Section 29.68.690

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

Section 29.68.700

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

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

Section 29.68.710

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

Section 29.68.720

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

Section 29.68.730 thru 29.68.830

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

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

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

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

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

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

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

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

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

Section 29.68.840

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

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

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

Article 5. Simultaneous
Incorporation and Unification

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

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

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

Sec. 29.68.640. PETITION REQUIREMENTS.

(a) The petition shall read:

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

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

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

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

Yes [] No []'

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

(b) The petition shall be signed by at least

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 29.68.740. CHARTER PREPARATION.

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

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

(2) provision for the establishment of

(A) service areas;

(B) sections, if desired; and

(C) reapportionment of the sections, if established;

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

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

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

(6) a method of amending the charter;

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

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

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

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

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

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

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

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

Sec. 29.68.780. ELECTION ON CHARTER.

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

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

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

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

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

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

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

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

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

Sec. 29.68.800. ASSETS AND LIABILITIES.

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

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

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

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

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

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

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

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

Draciss @ AME mtg
n/Val by info

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

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

RE: SECOND DRAFT

Purpose of Proposed Legislation

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

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

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

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

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

Location in the Statute

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

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

Section by Section Analysis

Section 29.68.620

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

Section 29.68.630

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

Section 29.68.650
This section incorporates the provisions of 29.18.060 and 29.68.270 concerning review of the petition for statutory compliance. This section represents very little change to the current scheme in incorporation procedures, but substitutes the Department of Community & Regional Affairs for the Borough Assembly concerning review of the unification aspect of the petition.

Section 29.68.640

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

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

Section 29.68.660

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

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

Section 29.68.670

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

Section 29.68.680

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

Section 29.68.690

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

Section 29.68.700

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

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

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

Section 29.68.720

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

Section 29.68.730 thru 29.68.830

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

ality" instead of a borough.

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

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

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

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

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

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

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

Section 29.68.840

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

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

Second Draft

Article 5. Simultaneous
Incorporation and Unification

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

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

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

Sec. 29.68.640. PETITION REQUIREMENTS.

(a) The petition shall read:

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

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

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

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

Yes [] No []'

Inside First Outside First

Class or Home Class or Home

Signature Address Rule City Rule City"

(b) The petition shall be signed by at least

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

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

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

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

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

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

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

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

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

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

fb

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

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

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

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

(7)

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

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

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

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

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

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

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

(7)

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

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

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

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

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

(10)
(e) Vacancies on the charter commission

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

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

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

Sec. 29.68.740. CHARTER PREPARATION.

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

(11)

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

(2) provision for the establishment of

(A) service areas;

(B) sections, if desired; and

(C) reapportionment of the sections, if established;

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

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

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

(6) a method of amending the charter;

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

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

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

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

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

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

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

(13)

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

Sec. 29.68.7E0. ELECTION ON CHARTER.

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

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

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

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

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

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

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

(15)

OFFICERS AND EFFECT OF RATIFIED CHARTER.

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

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

(c) The ratified charter becomes effective

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

Sec. 29.68.800. ASSETS AND LIABILITIES.

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

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

(18)

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

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

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

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

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