RESUME
1980

COXSON, Samuel L. Telephone: (907) 243-1652, home
6754 Blackberry St.
Anchorage, Alaska 99502

PERSONAL DATA — Born July 22, 1945
Married; two children

EDUCATION

1978 — M.P.A., University of Pittsburgh. Thesis, "Politics of Public Administration: A Case Study of Intergovernmental Lobbying in Alaska."

1971 — B.S. Political Science, Iowa State University

Other Education — Numerous ICMA correspondence courses and short courses in public management.

PROFESSIONAL EXPERIENCE

Present February 1979 — City Manager, Whittier, Alaska. With a summer population of 1,200 and winter population of 300, this diversified community requires a full range of municipal services. The city employs fifteen people, has a budget of approximately $600,000, and occupies 20 square miles. Significant management accomplishments include complete rehabilitation of the city's financial and budgeting procedures; overhaul of financial records of more than $50,000; construction of water system improvements; development and planning for a major recreation area, including road access funds through lobbying; execution of a property tax passed but not levied in prior years; and establishment of an updated and workable personnel system. Additional accomplishments include identification and development of income producing assets owned by the city; risk management evaluation and proper adjustments to risk program; development of tourism brochure for city.

December 1977 May 1975 — Senior Administrative Assistant, Anchorage, Alaska (pop. 200,000). Anchorage, the state's largest city, is approximately 1900 square miles and offers more than the full range of municipal services with its ownership of power and telephone utilities. It has approximately 2,400 employees and an operating budget of $140,000,000. Major management accomplishments as senior administrative assistant were setting up an effective intergovernmental program; assisting in merger of the former City of Anchorage and Greater Anchorage Area Borough and concurrent organizational development concerns; writing and coordinating the execution of

over fifteen million dollars in capital improvement grants and participating as the municipality's first liaison with Anchorage's seventeen community councils.

May 1975
May 1973 — City Manager of Dillingham, Alaska (pop. 1,200). This outpost community, while not only requiring a full range of municipal services, had tremendous logistics problems which affected every facet of municipal management. The city of forty square miles and operating budget of $700,000 required extreme diligence and planning to accomplish the ordinary. Major management accomplishments were the operation of a city-owned fish cold storage plant; expansion and development of an ocean-going barge facility; construction of a sewage treatment plant and establishment of program budgeting and idle cash balance program.

April 1973
September 1972 — Acting Borough Manager, Administrative Assistant, and Administrative Intern of Forest Hills, Pennsylvania (pop. 10,000). Significant management responsibilities were full charge of the $1,200,000 budget, rewriting the purchasing procedures and special projects such as the federal flood plain insurance program.

MILITARY EXPERIENCE — U.S. Army, Army Security Agency, September, 1963-August, 1967.

BACKGROUND SUMMARY — A professional municipal management background in managing two cities; significant contribution to the merger and operation of Anchorage and extensive lobbying on intergovernmental relations for that city. Success in developing municipal infrastructure and encouraging economic development and growth. Proven ability to work with elected officials, the public, business and municipal employees on a cooperative and positive basis.

PROFESSIONAL ACCOMPLISHMENT — Secretary for three years of Alaska Municipal Management Association; membership in the ICMA Academy for Professional Development; university instructor in public administration; participant in research programs in state revenue sharing analysis and labor relations seminars.

REFERENCES — Mr. Vernon R. Johnson, C.P.A., 5310 North Star Dr., Anchorage, AK 99502, (907) 279-8129, home; (907) 276-7401, office.

Mr. Norman Levesque, Manager, Matanuska-Susitna Borough, P.O. Box B, Palmer, AK 99645, (907) 279-8129, home; (907) 276-7401, office.

Mr. Douglas G. Weiford, City Manager, 3900 Main St., Riverside, CA 92501, (714) 787-7552, office.

July 2, 1980

Alaska Municipal League
204 North Franklin
Juneau, AK 99801

To Whom It May Concern:

Regarding public members for the policy committee for revision of the Alaska Municipal Government Code -- Title 29, Bob Juettner, City Administrator for the City of McGrath would be an asset to the committee in it's endeavors. He is an interested, knowledgable person concerned with responsive, meaningful local government.

He has exhibited this concern and knowledge while serving in the community of McGrath. There has been measurable increases in citizen involvement and governmental and community services. Bob works conscientiously, with dedication in all of his objectives.

I would recommend his selection for the policy committee for revision of Title 29 without any reservations. Feel free to contact me if you would like further references about Bob Juettner's character and abilities.

Respectfully,

Michael C Harrington

Michael Harrington,
McGrath City Council

MH:jv

CURRICULUM VITAE OF

ROBERT S. JUETTNER

EDUCATION

1977-Present — Master of Arts in Teaching, University of Alaska. This program consisted of course work and research under the direction of the faculty of the Center ofr Cross Cultural Studies, U. of A., Fairbanks. While engaged in this program I was one of nine graduate assistants who participated in the Small High School Project which gathered data concerning the effectiveness of small high schools in western Alaska established under the Tobeluk consent decree and developed alternative educational program development. I currently hold a Type A, Alaska Secondary Teaching certificate and am six hours short of completing my degree.

1972 — Master of Arts, History, University of Arizona. This program consisted of 30 hours in Chinese and Japanese history and 12 hours of supporting courses in Oriental Studies.

1967 — Bachelor of Arts, History and Philosophy, Defiance College.

HONORS AND PUBLICATIONS

1977 — Kellogg Foundation Assistantship
1971 — Out-of-State Tuition Scholarship, University of Arizona
1969 — Navy Achievement Award with Combat "V".
1979 — Evaluation-Who Needs It? A Small High School Illustration. Bob Juettner, Judith Kleinfeld
1978 — Small High School Programs For Rural Alaska. Barnhardt, et al.
1978 — Iditarod Area School District Small High School Evaluation. Bob Juettner and Judith Kleinfeld.

Certifications--Arizona Community College Academic certificate, major History, minor Philosophy. Type A Alaska Secondary teaching certificate in social studies.

WORK EXPERIENCE

Nov. 1978-Present — City of McGrath, McGrath, Alaska. As City Administrator I perform the managerial functions for the City and supervision of three City employees. I possess a working knowledge of several State and Federal agencies and programs and have been highly successful in securing capital improvement funding for the City. More importantly, I have established good working relationships with Federal and State officials including our legislators in Juneau. In addition, I have successfully coordinated a $2,000,000 City, State, and Federal Capital Improvement Project for this community and combined a direct legislative appropriation with FmHA fund to complete a comprehensive growth plan for the City begun with HUD "70" funds. Besides having a knowledge of programs and intimate awareness of the problems faced by muncipalities in western Alaska, I have a good understanding of the complex relationships that exist as a result of ANCSA, previous BIA policies, Statehood, and the diverse peoples who comprise it's population.

Spring 1977 — Community Education, Southern Arizona. In Pima County, as a volunteer, I initiated and coordinated the first county wide community education meetings including rural school administrators, county education personnel, Southwest Regional Center for Community Education personnel and Project PREP personnel. PREP is a nonprofit, rural outreach organization.

[illegible]

[illegible]-1977 Duval Sierrita Corporation, Sahuarita, AZ. As an Analyst I, my duties were divided into two areas: administrative and technical. My administrative duties include the training of new personnel in proper laboratory procedures and the review of daily and special project reports. Technical duties include geochemical, oil, environmental analysis and special projects with a strong instrumentation background.

Spring 1973 Continental Elementary School, Continental, AZ. As a volunteer, I conducted the community and resource surveys that led to the Continental Community School.

1967-1969 United States Marine Corps. I performed the duties of a rifleman and Battalion Mail Clerk. I achieved the rank of corporal before my honorable discharge in 1969.

OUTSIDE INTERESTS

Hiking, backpacking, mountaineering, reading and music.

PERSONAL INFORMATION

Maritial Status: Married
Health: Excellent
Number of Dependants: Two

REFERENCES

Available upon request.

SALARY
Negotiable, dependent upon responsibility and duties.

MAUNELUK ASSOCIATION

P. O. Box 256
Kotzebue, Alaska 99752

Phone
(907) 442-3311
or
(907) 442-3313

July 8, 1980

Ms. Lee McAnerney, Commissioner
Dept. of Community & Regional Affairs
State of Alaska
Pouch B
Juneau, Alaska 99811

Dear Commissioner McAnerney:

We recommend that you select for the Title 29 revision committee Mr. Gene Moore, City Manager of Kotzebue.

Mr. Moore has had experience in trying to operate under Title 29 in a bush community, and has ideas on how to revise the statutes. He brings experience from other states which could be useful.

The City of Kotzebue has had to deal with most of the problems endemic to bush communities, including facility development and maintenance on a restricted revenue base.

In addition, he has been involved in discussions at the Municipal League on the unorganized borough, and has been more exposed than others in the State to the combination of Coastal Management, Regional Strategy, and the problems they seek to solve jointly.

While his perspective may be different than the region as a whole, and Kotzebue's problems may not be exactly the same as small villages, he could articulate the problems, and suggest appropriate language for the statutes.

A background resume' is attached. Thank you.

Sincerely,

MAUNELUK ASSOCIATION

Dennis J. Tiepelman
President

DJT/etk

ENCLOSURE

Synopsis of Resume of:

Gene F. Moore
P O Box 186
Kotzebue, Alaska 99752

Home Phone
907-442-3407

Work Phone
907-442-3401

Employment

Oct. 78 - Present	City Manager City of Kotzebue, Alaska
Jun. 77 - Oct. 78	Town Manager Town of Bluefield, Virginia
Sept. 75 - Apr. 77	City Manager City of Manassas Park, Virginia
Apr. 74 - Sept. 75	Dir. Community Development/Acting City Manager City of Manassas Park, Virginia
Feb. 54 - Apr. 74	Superintendent of Operations Control Center Office of the Secretary United States Air Force (Pentagon) Washington, D.C.

Education

High School:	Sand Hill, Asheville, North Carolina
College:	University of Omaha, Omaha Nebraska University of Maryland, Far East Division, Japan
Other:	Numerous courses in Public Administration, Engineering, Political Science, Economics and Management both in residence and correspondence.

Personal

Age:	43
Date of Birth:	December 23, 1936
Place of Birth:	Asheville, North Carolina
Appearance:	Height: 6' ; Weight 185 lbs.
Health:	Excellent
Affilations:	American Legion V F W Lions Club Alaska Municipal Managers Assoc. International City Management Assoc. American Management Assoc. American Water Works Assoc. American Society of Public Administration Society of Planning Officials Alaska Municipal League National League of Cities American Industrial Development Assoc.

References and expanded resume available on request.

KENAI PENINSULA BOROUGH
BOX 850 · SOLDOTNA, ALASKA 99669
PHONE 262-4441

DON GILMAN
MAYOR

July 8, 1980

Ginny Chitwood, Executive Director
Alaska Municipal League
204 N. Franklin
Juneau, Alaska 99801

Dear Ginny:

I would like to nominate Andrew Sarisky, Borough Attorney for the Kenai Peninsula Borough, to be appointed to the Policy Committee for the revision of the Alaska Municipal Code.

Andy has an extensive background in utility and municipal law, having practiced in and for the City of Cleveland, Ohio, for many years before coming to Alaska as the first general counsel for RCA-Alascom.

He has some definite ideas and suggestions on how to streamline and consolidate many of the provisions which are overlapping after the consolidation of Title 29 and Title 7 in 1972.

I feel he would be a definite asset to any Policy Committee.

Sincerely,

Donald E. Gilman, Mayor
Kenai Peninsula Borough

DEG:mw

Alaska Association Chiefs of Police

July 1, 1980

GINNY CHITWOOD -- EXECUTIVE DIRECTOR
ALASKA MUNICIPAL LEAGUE
204 N. Franklin Street
JUNEAU, AK 99801

Dear Ginny:

In response to your letter of June 27, 1980, regarding the appointment of a policy committee for the revision of Title 29, I would like to submit for your review the name of JoAnne Shanley.

JoAnne has been the City Clerk for Seward for the past four years and, in that position, works with Title 29 on almost a daily basis. Although Seward is a Home Rule city, the Clerk refers to Title 29 on a regular basis to make sure the provisions of the Seward City Code are in compliance with the State Statutes; and, furthermore, she makes recommendations for revisions to the Seward Code based on Title 29 provisions. She has proven very knowledgeable in her basic understanding and applicability of the Alaska Municipal Government Code and I am sure she would be an asset to the committee.

Enclosed is JoAnne's resume' for your perusal. Thank you for your consideration of her name as an appointee to the committee.

Sincerely,

LOUIS BENCARDINO
PRESIDENT

Enclosure

LB/jes

RESUME' - JOANNE SUHR SHANLEY

PERSONAL INFORMATION AND EDUCATION:

Birthdate:	April 4, 1951
Marital Status:	Single
College:	Central Washington State, Ellensburg
Majors:	Business Education/Administrative Management
Graduated:	March 16, 1973

WORK EXPERIENCE:

City Clerk-Treasurer for City of Seward, Alaska. Employed by seven-member Council. Responsible for preparing agendas and recording proceedings of City Council, Harbor Commission and Planning and Zoning Commission meetings; maintain permanent City records and, upon my arrival in 1976, initiated legislative history system which is now complete for City Council proceedings from 1912-present; drafting of routine legal contracts and agreements, ordinances and resolutions, acting in a paralegal capacity; preparing of departmental budget ($80,000); organized all deeds and easements relative to City property; administer City elections and assist with State and Borough elections; responsible for legal publications; supervise 2-3 employees, establishing specific goals but allowing for employees' discretion in the attainment of the end product. Employed June 16, 1976 - present

Assistant City Clerk for Evelyn L. Roberson, City Clerk, City of South Lake Tahoe, California. ~~Letter of recommendation explaining duties in detail attached~~. Employed September 1975 - May 1976

Manager of The Lakewood Lodge Motel, South Lake Tahoe, California; Ralph and Pat Forgeon, owners. Managed 60 unit motel complex and 5-10 employees depending on the season. Employed December 1974 - September 1975

Administrative Assistant for Seattle/King County Office of the Ombudsman, Seattle. ~~Letter of recommendation explaining duties in detail attached.~~ Employed January - August 1974

Secretary to J.A. McMillan, Labor Relations Administrator, Pacific Maritime Association, Seattle, Duties included routine correspondence, minutes of meetings, duplicating and bulk mailings, kardex and general filing systems and other office/clerical tasks, legal arbitration research. Employed March - September 1973

Director of SERVE - Students Engaged in Research and Volunteer Experiences Prepared annual budget and coordinated office duties of four employees, established program goals and objectives, conferred with off-campus agencies and department heads to arrange for student volunteer, credited experiences. Employed from January - December 1972 while attending college.

AWARDS AND HONORS:

Most Outstanding Junior Award - Junior Class, Kennewick High School, WA (1968)
Girl of the Year and Dormitory President - Jennie Moore Hall, Central Washington State College, Ellensburg, WA (1971)
Who's Who Among Students in American Universities and Colleges - 1972-1973
Who's Who in the West - 1980-1981 edition

REFERENCES:

Available upon request

GERALD LEE SHARP
PERSONAL

Date of Birth: February 9, 1935

Home Address: 957 Gold Belt Avenue
Juneau, Alaska 99801
(907) 586-6862

Office Address: 155 South Seward Street
Juneau, Alaska 99801
(907) 586-3300

EMPLOYMENT (LAW)

Assistant Attorney, City and Borough of Juneau
August 1973 - June 1974

Attorney, City and Borough of Juneau
July 1974 - present

EDUCATION

B.A. Political Science, University of Washington, 1970

J.D., University of Washington School of Law, 1973

MEMBERSHIPS

Alaska State Bar
Washington State Bar
American Bar Association
Alaska Municipal Attorneys' Association (Currently President)
National Institute of Municipal Law Officers
American Association of Hospital Attorneys
Alaska Municipal League Legislative Policy Committee

PUBLICATIONS

Sharp, Home Rule in Alaska: A Clash Between the Constitution and the Court, UCLA-Alaska Law Review 1, 1973.

ALLAN E. TESCHE

PERSONAL

Date of Birth: August 3, 1948

Home Address: P. O. Box 2601
Palmer, Alaska 99645
(907) 376-5384

Office Address: Matanuska-Susitna Borough
Box B
Palmer, Alaska 99645
(907) 745-4801

EMPLOYEMENT

Matanuska-Susitna Borough, Borough Attorney
August, 1979 - present

I am presently reponsible for handling all legal matters of the Matanuska-Susitna Borough and monitor private counsel retained by the Borough for special projects or overflow work. My duties also include advising the Borough Assembly and numerous Borough boards and commissions during their official proceedings, preparing legal opinions, legal document drafting and review, assisting the Borough Assembly and Manager on labor relations matters including collective bargaining with Borough employees and special projects as assigned. I also serve as Acting Manager of the Borough in the absence of the Borough Manager.

Municipality of Anchorage, Deputy Municipal Attorney
February, 1978 - August, 1979

I was responsible for the supervision of eight attorneys, two legal interns and approximately ten support staff assigned to the Civil Division of the Office of Municipal Attorney. My responsibilities included assignment of cases and opinion requests to attorney staff, allocation of staff to special projects, and review of Municipal Assembly agenda items. Although my primary duties were managerial, I maintained a moderately heavy caseload of land use, regulatory, and miscellaneous litigation. Finally, I advised the Mayor and attended Assembly meetings as Acting Municipal Attorney in the absence or on request of the Municipal Attorney.

Municipality of Anchorage, Assistant Municipal Attorney
August, 1975 - February, 1978

Under the supervision of the Municipal Attorney, I advised the Public Works Department on zoning and building code enforcement matters and handled related litigation from that department,

advised the Municipal Clerk on business licensing regulations, advised the Planning Department on land use matters, assisted in selected labor and personnel problems, handled several pieces of major litigation, assisted in misdemeanor prosecution and legislative drafting. Past assignments with the Department of Law include advising the Municipal Health Department and managing a small collections staff which litigates delinquent utility and tax cases in district court.

Greater Anchorage Area Borough, Legal Intern
June - December, 1974

For six months I participated in the Quarter Away clinical program sponsored by the Greater Anchorage Area Borough and the University of California-Davis Law School. My duties included misdemeanor prosecution, legal research, advising administrative departments on legal matters, and assisting in civil litigation.

State of California, Department of Consumer Affairs, Legal Intern
Summer, 1973

Assigned to the Department's Consumer Affairs Division, I assisted its legal staff in preparation and analysis of state legislation affecting the Department, drafting position papers and testimony, handling routine consumer complaints, and special research projects, including proposed reforms of California's small claims courts.

United States Peace Corps, El Salvador
1970 - 1972

Assigned to a community development program, I had primary responsibility for the promotion, organization, and execution of self-help public works projects in rural communities located in the northwest region of El Salvador. The last six months of my tour consisted of managing a special projects fund for the United States AID program in El Salvador.

EDUCATION

University of California School of Law, Davis, California
J.D. 1975

Member, Phi Delta Phi legal fraternity.
Graduated in upper half of calss with 2.9 grade point average.

University of California, Davis, California
B.A., 1970

Majors in history and political science.
Graduated with high honors and 3.56 grade point average. Awarded a History Department Citation for undergraduate achievement and President's research fellowship.

KETCHIKAN GATEWAY BOROUGH
344 FRONT STREET
KETCHIKAN, ALASKA 99901

July 10, 1980

Ginny Chitwood
Executive Director
Alaska Municipal League
204 N. Franklin Street
Juneau, Alaska 99801

Dear Ginny:

In response to an inquiry requesting names for consideration to the Title 29, Policy Review Committee, the Borough Assembly is submitting the name of Russ Walker, Municipal Attorney. The Office of Municipal Attorney does all the legal work for the City of Ketchikan and Ketchikan Public Utilities, as well as the Borough, therefore, Mr. Walker is very knowledgable about the functions and authorities of not only a second-class borough, but also a home-rule first-class city which operates a public utility. You will find a resume from Mr. Walker attached.

In addition to the Assembly's endorsement of Mr. Walker for consideration to the policy committee, I would personally offer my own. Russ Walker is one of the most qualified and knowledgable person concerning municipal government with whom I have been associated. Even though he has not been in Alaska long, he has a thorough working knowledge of Title 29, is familiar with the previous codes, 29 & 7, and brings a wealth of previous municipal knowledge to Alaska. This assignment is going to require persons with the capacity of seeking out and understanding all sides of complex issues. Russ is uniquely capable in this regard.

Please do not hesitate to contact me for further information.

Sincerely yours,

KETCHIKAN GATEWAY BOROUGH

Judith A. Slajer
jw

Judith A. Slajer
Borough Manager

JAS:jw

attachment

RESUME OF:

RUSSELL W. WALKER

P. O. Box 7818
Ketchikan, Alaska 99901
(907) 225-3111, ex. 327 (business)
(907) 247-8585 (home)

EXPERIENCE

1979 - Present: Municipal Attorney, Ketchikan Gateway Borough and City of Ketchikan, Box 7300, Ketchikan, Alaska 99901.

1974 - 2/1979: Partner, private law practice, WALKER & GANN, Attorneys at Law, 333 South Juniper, Suite 214, Escondido, California 92025, (714) 743-3022

1971-1974 Assistant Attorney General, United States Department of the Interior, Department of Territories.

1968-1971 Partner, private law practice, WALKER, WALKER & GANN, Escondido, California 92025.

1965-1968: Deputy County Counsel III, Office of County Counsel, San Diego, California 92101.

1961-1964: Deputy County Counsel II, Office of County Counsel, San Diego, California 92101.

QUALIFICATIONS

Education: Doctor of Jurisprudence (J.D.) Degree, 1959 from Hastings College of the Law, San Francisco, California.

Admitted to Bar, State of Alaska, 1979.

Admitted to Bar, State of California, 1960.

Law Review: Hastings Law Journal, Note and Comment Editor, 1958-1959.

Thurston Society, Scholastic Honor Society of the Hastings College of the Law (top 10%).

Allen D. Wilson Memorial Scholar, 1958-1959.

Newhouse Award, 1956 and 1957.

Hastings College of the Law, Student Body President, 1959.

Certification: Bar Membership and admissions to practice:

State of Alaska - 1979.
State of California - 1960.
Supreme Court of the United States.
United States Court of Appeals, Ninth Circuit.
United States District Court, Alaska District.
United States District Court, Southern District of California.
High Court, Trust Territory of the Pacific Islands.
San Diego Trial Lawyers Association.

PERSONAL:

BORN: 1-29-31 in Berkeley, California.
Height: 6'0", weight: 180 lbs.

MARRIED: 1964, Wife KEREN A. WALKER, Masters Degree in Education. 2 children, ages 7 and 2 years.

HEALTH: Good, no physical limitations.

RESIDENCE: Own.

FINANCES: Good order.

RECREATIONAL INTERESTS: Skiing, hunting, camping, fishing and acquatic sports.

SERVICE: United States Marine Corps, 1950-1953, honorable discharge

EXPERIENCE:

1979 - Present: Municipal Attorney, Ketchikan Gateway Borough and City of Ketchikan, Box 7300, Ketchikan, Alaska 99901

1974 - 2/1979: WALKER & GANN, Attorneys at Law, partner, private, general civil, business, real estate, litigation, and public law practice.

1971 - 1974: Assistant Attorney General, United States Department of the Interior, Department of Territories. Assigned as Assistant Attorney General, Trust Territories of the Pacific Islands. Legal counsel to District Administrator on all civil and criminal matters, including immigration, economic, development, and foreign investment, and the preparation and review of legislation, contracts, land use agreements, and represent government in preparation and trial of land acquisition and other litigation by and against public agencies and employees.

1968 - 1971: WALKER, WALKER & GANN, Attorneys at Law, partner, private practice; general civil, business litigation practice, with emphasis on real estate, business litigation, and public agency law.

1961 - 1968: Practiced six (6) years in the office of the County Counsel of the County of San Diego, State of California, attaining the position of Deputy County Counsel III. In this capacity, practice related to the rendition of legal advice to virtually all departments, and to a wide variety of special districts, boards, and committees, including the County Board of Supervisors, Chief Administration Officer, Engineering, Personnel, Probation, and Sheriff's Department, Superior and Municipal Court officers, Welfare Department, and Department of Public Health and Local Agency Formation Commission. These duties involved rendering both written and oral opinions on public law and the statutory structure within which these public agencies function and a close-working relationship with boards, committees and department heads in the drafting and formulation of legislation, both in the form of county and special district ordinances, and proposed legislative bills to be submitted to the State Legislature, California Law Revision Commission, and also at the local level; the preparation and approval of construction bids and contracts to be let by public agencies, leases, and substantially all forms of documents related to the normal functioning of a public agency. Duties also involved extensive preparation and trial of complex litigation involving eminent domain and land acquisition, contracts, judicial review of administrative actions, state and federal preemption, claims against the county and public agencies, and the prosecution of appropriate actions on behalf of the county and the various special districts against given parties; also preparation of appellate briefs and conducting appeals.

1964: Travel throughout Latin America, Europe, and North Africa.

Tanana Chiefs Conference, Inc.
Doyon Building
1st and Hall Streets
Fairbanks, Alaska 99701
Phone (907) 452-8251

July 1, 1980

Ms. Ginny Chitwood
Executive Director
Alaska Municipal League
204 North Franklin
Juneau, Alaska 99801

Dear Ms. Chitwood:

I wish to thank you for your recent letter of inquiry regarding the formation of the Policy Advisory Group on Title 29 Code Revision. In response to that letter, I would like to recommend Michael Walleri as a candidate for nomination to this group. I feel Mike is highly qualified to sit on this policy committee. He is a member of the Alaska Bar with an extensive background in local government in rural Alaska. For the last year and a half, he has served as TCC's Village Government Specialist rendering technical assistance to TCC villages and staff on local government matters. He is currently working under a grant from the Department of Community & Regional Affairs on a legal research project dealing with the relationships between various local governments in rural Alaska. In this capacity, he has gained a working familiarity with the history, operation and problems of rural Alaskan local government.

During the last legislature, the issues of local government in rural Alaska were addressed in various bills. The Title 29 revision is an appropriate and timely mechanism for addressing this issue in a coordinated fashion. Mike's background, experience, and knowledge will greatly assist the group as it addresses those issues.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.

William C. "Spud" Williams
President

107K3

Tam --

Tillion has affirmed selection of eight of the nine appointees to the Title 29 committee. Arliss's instruction is to call the eight and invite their participation at the upcoming meeting. Then follow up by letter with the mail out.

The problem surrounds Tillion's insistence that Ron Larson replace Jim Eckstedt. Please call Terry Gardiner in Ketchikan and confirm with him this replacement. If Terry is agreeable, contact Larson and advise him of the meeting.

Your letters and phone calls should also make contact with the four legislative members: Sturgulewski, Mulcahy, Parr and Branson.

JC

Ronald Larson
Mayor, Matanuska - Susitna Borough
Chairman, AML Legislative Committee

Box B
Palmer, AK 99645
745-4801

3720
Rep. Gardiner 225-9675
per Billie Bessies - ok Ron Larson confirmed 9/21/80

July 28, 1980

The Honorable Terry Gardiner
Speaker of the House of Representatives
Box 6092
Ketchikan, AK 99901

Dear Representative Gardiner:

CSSCR 66, Legislative Resolve 39 of the recent legislative session, directs the Alaska Legislative Council to revise AS 29, the municipal government code. A policy advisory group is authorized to assist in that task. Together with two members of each house of the legislature appointed by the respective presiding officers, the resolution also authorizes selection by the presiding officers of an unstated number of public members, drawn from recommendations submitted by legislative members, the Departments of Community and Regional Affairs and Law, the Alaska Municipal League, the Rural Alaska Community Action Program, and the legal services division of this Agency.

At my direction, Jack Chenoweth of this office met today with Ginny Chitwood of the Municipal League, Palmer McCarter (speaking for the administration) and, by phone, Bob Lohr, the deputy director of RuralCAP. It is their suggestion, and my recommendation, that nine public members be appointed to serve with the four legislators previously designated for the policy advisory group for the Title 29 revision. Their suggestion included the following recommended nominations:

Ted Berns, municipal attorney
Municipality of Anchorage
Pouch 6-650
Anchorage, Ak 99502
264-4545

Terry Cook, member of the city council
City of Alakanuk
Box ~~54~~ 33
Alakanuk, Ak 99554

Marilyn Dimmick, member of the assembly
Kenai Peninsula Borough
Box 151
Ninilchik, Ak 99639
567-3927

James O. Eckstedt, member of the assembly
Matanuska-Susitna Borough, and of the city council
City of Palmer

James Kohler, city manager
City of Yakutat

Gene Moore, city manager
City of Kotzebue
P.O. Box 186
Kotzebue, AK 99752
442-3401

Donna Sherby, city clerk
City of Cordova
P.O. Box 1210
Cordova, AK 99574
424-3237

Jonathan Solomon, presently working in support of establishment of a rural borough for the Upper Yukon River area, Fort Yukon

Russell W. Walker, attorney
City of Ketchikan and Ketchikan Gateway Borough
Box 7300, Ketchikan AK 99901 225-3111 #327

The policy advisory group provided for by the resolution will have direct and continuing support and assistance from Palmer McCarter of the Department of Community and Regional Affairs, Ginny Chitwood of the Alaska Municipal League, Phil Smith of RuralCAP, Rod Pegues from the Department of Law, and Tamara Brandt Cook, whom I have assigned from the staff of this division.

Your consideration of the nominations suggested in this letter for appointment as public members of the policy advisory board for the revision of AS 29 is appreciated.

Very truly yours,

Billy G. Berrier
Director
Division of Legal Services

BGB:JBC:jdn

bcc: Senator Sturgulewski
Palmer McCarter
Ginny Chitwood
Phil Smith

Rep. Parr
Rep. Branson

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED AS A UNIT IN THE ORIGINAL DOCUMENT.

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

July 24, 1980

DICTATED 7/22/80
BUT NOT READ

Mr. Billy G. Berrier
Director
Division of Legal Services
Legislative Affairs Agency
Pouch Y
Juneau, Alaska 99811

FILE: Title 29 Revision

Dear Billy:

On June 27, 1980, I sent out to the mailing list which is enclosed a letter alerting various attorneys in the state to the formation of the policy group under the provisions of CSSCR 66 and of the possibility that a working group might also be formed. The enclosed letter to Gary Thurlow sets forth the content of the letter.

Enclosed are copies of the responses. Please note that Gary Thurlow's response is hand-written at the end of my letter to him. If a working group is formed, please do not take the non-response of anyone on the list as an indication of non-interest. I believe Jim Nordale and probably Russ Walker (Ketchikan City and Borough) and others may be willing to serve on such a group.

I have been nominated by the assembly for the policy group. Obviously, if not chosen to serve on the policy group, I would certainly like to be considered for a position on the working group if one is formed. Although I would certainly appreciate some assistance in the way of travel and per diem if travel is involved, I believe I can probably manage some travel and per diem from the budget.

I am leaving Juneau Wednesday, July 23, 1980, and will be out of the state until the latter part of August. I look

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

July 24, 1980

DICTATED 7/22/80
BUT NOT READ

Mr. Billy G. Berrier
Director
Division of Legal Services
Legislative Affairs Agency
Pouch Y
Juneau, Alaska 99811

FILE: Title 29 Revision

Dear Billy:

On June 27, 1980, I sent out to the mailing list which is enclosed a letter alerting various attorneys in the state to the formation of the policy group under the provisions of CSSCR 66 and of the possibility that a working group might also be formed. The enclosed letter to Gary Thurlow sets forth the content of the letter.

Enclosed are copies of the responses. Please note that Gary Thurlow's response is hand-written at the end of my letter to him. If a working group is formed, please do not take the non-response of anyone on the list as an indication of non-interest. I believe Jim Nordale and probably Russ Walker (Ketchikan City and Borough) and others may be willing to serve on such a group.

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I am leaving Juneau Wednesday, July 23, 1980, and will be out of the state until the latter part of August. I look

forward, upon my return, to working on or with the policy or working group.

Very truly yours,

Gerald L. Sharp/cab

Gerald L. Sharp
Attorney

GLS:cab

Enclosures

cc: Ginny Chitwood
Executive Director, AML

THE CITY AND BOROUGH OF JUNEAU
CAPITAL OF ALASKA
155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

June 27, 1980

RECEIVED
JUL 1980
CITY-BOROUGH ATTORNEY

Gary Thurlow, Esq.
Attorney at Law
738 H Street, Suite 200
Anchorage, Alaska 99501

SUBJECT: Title 29 (Municipal Code) Revision

Dear Gary:

Enclosed is the material which I have just received from the Alaska Municipal League. Please review it and take whatever action you believe is appropriate. Note that nominations to the policy committee must be in by July 10, 1980.

There is some possibility that a working group will be formed of municipal attorneys and perhaps others who are intimately involved in the administration of Title 29. If you have the time available and would be interested in serving on such a working group, I suggest that you let me know as soon as possible. If such a group is formed, we will be able to submit the names of those who are interested to those who will be selecting such a group. It appears that the funding for the Title 29 revision is sufficient to cover the per diem and travel expenses of the policy group and perhaps also similar expenses for a working group. If you are willing to serve on the working group you should state whether or not your serving on the group is contingent upon reimbursement for all, some or none of your travel and per diem expenses.

Whether you are interested in serving on either the policy or working group, please note the request in paragraph 3 of the joint RuralCAP, Alaska Municipal League and Department of Community and Regional Affairs letter. Please take time right now, if you have not already done so, to begin a list of Title 29 problems. Any inconsistencies, ambiguities, restrictions, inadequate delegations or other problems which you have encountered in Title 29 should be briefly described and forwarded to Ginny Chitwood whose address is on the attached letters. Please note the July 30, 1980, deadline for this list.

4 NO. CBJ 7

There are many inadequacies in Title 29 which have resulted from oversights when the code was revised in 1972, the passage of time and the expansion of municipal functions, court decisions and legislative modifications in response to special interests. We now have an opportunity to straighten out many of these problems. Even if you are unable to participate as a full-time member in a working group (if one is formed) please let both groups have the benefit of your experience and thoughts regarding needed changes.

Sincerely,

Lee

Gerald L. Sharp
President
Alaska Municipal Attorneys Association

Attachments

Lee
I would like to be
on a working group
committee. Travel &
per diem expenses are
paid. I represent Valdez
Sand

LAW OFFICES OF
HAHN, JEWELL & STANFILL

A. ROBERT HAHN, JR.
ALLEN L. JEWELL
STAN B. STANFILL

542 WEST SECOND AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE 279-1544

HOMER, ALASKA
TELEPHONE 235-8709

July 3, 1980

Gerald L. Sharp, Esq.
President
Alaska Municipal Attorneys Assoc.
155 South Seward St.
Juneau, Alaska 99801

Dear Mr. Sharp:

Thank you for your letter of June 27 concerning possible revisions of Title 29. I would indeed be interested in participating in this long overdue effort. I am City Attorney for Homer and Seldovia and one of my partners represents Port Lions; thus a substantial part of our practice involves municipal law. I would be willing to serve on either the policy or working group. I would prefer that travel and per diem expenses be reimbursed.

Please keep me advised of your progress.

Sincerely,

HAHN, JEWELL & STANFILL

A. Robert Hahn, Jr.

ARH/db

RECEIVED
JUL 7 1980
BOROUGH ATTORNEY

Municipality of Anchorage

POUCH 6-650
ANCHORAGE, ALASKA 99502
(907) 264-4545

GEORGE M. SULLIVAN,
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

July 9, 1980

Ms. Ginny Chitwood
Executive Director
Alaska Municipal League
204 North Franklin
Juneau, Alaska 99801

Re: Title 29 Revision Committee

Dear Ms. Chitwood:

In reference to the announcement from the Alaska Municipal League concerning nominees for a policy committee to study proposed changes in Alaska Title 29, I would like to submit my name for consideration as a member of the committee. I believe that you are already familiar with my background in municipal law. However, for the benefit of other members of the selection team, I would like to offer a brief synopsis. I have been engaged in the practice of municipal law in Alaska for over four years. I am currently serving as Municipal Attorney for the Municipality of Anchorage, and have held my present position for approximatley two and one-half years. As Municipal Attorney, I have been involved in all phases of municipal law, and have served as past president of the Alaska Municipal Attorney's Association. Additionaly, I have spent considerable time during two past legislative sessions as a lobbyist for the Municipality. Included among my duties was substantial responsiblity for drafting state legislation on behalf of the Municipality of Anchorage. A further description of my academic background and other credentials could be provided upon request.

I believe that I am quite familiar with the provisions of the present AS Title 29 with respect to both home rule and general law of municipalities in Alaska. Although I believe the present code is quite adequate in many respects, I'm sure that others share my concern over many ambiguities in the present law involving such critical aspects of municipal government as service area functions, distinctions between home rule and non-home rule powers, and a variety of other concerns. I have been assured by Mayor Sullivan that he has no objection to my making the necessary time available to serve as a member of the commitee.

If you have any other questions concerning my interests or qualifications, please do not hesitate to contact me at 264-4236.

Sincerely yours,

DEPARTMENT OF LAW

Theodore D. Berns
Municipal Attorney

TDB:leo

Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

BOROUGH ASSEMBLY

July 3, 1980

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

Dear Commissioner McAnerney:

It is our understanding that through passage of CSSCR 66 that the State Legislature has directed formation of a policy advisory group consisting of two members of each house and four members of the public to assist the Legislative Affairs Agency in presenting a revision of Title 29 of the Alaska Statutes to the First Session of the Twelth Legislature. The purpose of this letter is to place a nomination in the name of Allan E. Tesche, Borough Attorney, for the Matanuska-Susitna Borough for appointment to that policy advisory group.

As the attached resume of Mr. Tesche's qualifications will demonstrate, Mr. Tesche has had substantial experience in municipal government in the State of Alaska, having assisted two Alaskan municipalities in their legal affairs for the past six years. Mr. Tesche is also active in the Alaska Municipal Attorneys' Association and is currently serving as the Secretary-Treasurer of that group. Moreover, Mr. Tesche has represented the AMAA in important Constitutional litigation relating to municipal problems for the Supreme Court of this state and has actively assisted the Board of Directors and Legislative Committee of the Alaska Municipal League in legislation affecting municipalities in Alaska.

If I can answer further questions regarding Mr. Tesche's qualifications for service as a member of the policy advisory group, please do not hesitate to contact me at 745-4801.

Cordially,

John D. Nash

John Nash, Assemblyman
Mayor Pro Tem

er

cc: Phil Smith, Executive Director
RuralCAP
Ginny Chitwood, Executive Director
Alaska Municipal League
Lee Sharp, Attorney
City and Borough of Juneau

RECEIVED
1980
ATTORNEY

CITY OF FAIRBANKS
ALASKA
99701

CHARLES M. GIBSON
CITY ATTORNEY

BRETT M. WOOD
DEPUTY CITY ATTORNEY

HERBERT P. KUSS
DEPUTY CITY ATTORNEY

MICHAEL P. McCONAHY
ASSISTANT CITY ATTORNEY

Legal Department
410 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
907-452-1881

July 9, 1980

Gerald L. Sharp, Esq.
President
Alaska Municipal Attorneys Association
155 South Seward Street
Juneau, Alaska 99801

Re: Title 29 (Municipal Code) Revision

Dear Lee:

Thank you for your letter of June 27, enclosing material from the Alaska Municipal League.

I am, of course, keenly interested in the review and revision of Title 29; however, as much as I would like to serve on one of the working groups, I do not have the time available and will have to limit my input to suggestions as to needed changes. I have noted the July 30 deadline for submitted proposals to Ginny Chitwood and will schedule our response accordingly.

It was good to hear from you and hope things are going well.

With kindest personal regards, I remain

Sincerely yours,

Charles M. Gibson
City Attorney

CMG:vms

RECEIVED
JUL 11 1980
CITY-BOROUGH ATTORNEY

A. Robert Hahn, Jr.
Attorney at Law
542 W. 2nd Avenue
Anchorage, Alaska 99501

Charles Gibson, Attorney
City of Fairbanks
410 Cushman Street
Fairbanks, Alaska 99701

Ben T. Delahay, Attorney
City of Kenai
P. O. Box 580
Soldotna, Alaska 99611

Theodore L. Carson, Jr.
City Attorney
City of Soldotna
P. O. Box 1869
Soldotna, Alaska 99669

Raneld H. Jarrell, Esq.
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Powell & Brundin
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Anchorage, Alaska 99501

R. Eldridge Hicks, Esq.
Ruskin, Baker & Hicks
630 W. Fourth Avenue
Anchorage, Alaska 99501

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Wasilla, Alaska 99687

Noel Kopperud, Esq.
P. O. Box 1630
Wasilla, Alaska 99687

Robert J. Mahoney, Esq.
Cole, Hartig, Rhodes,
Norman & Mahoney
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Anchorage, Alaska 99501

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Attorney at Law
900 W. Fifth Avenue, Suite 540
Anchorage, Alaska 99501

Allan E. Tesche, Attorney
Matanuska Susitna Borough
Box B
Palmer, Alaska 99645

James D. Nordale, Attorney
Fairbanks North Star Borough
P. O. Box 1267
Fairbanks, Alaska 99707

Andrew R. Sarisky, Attorney
Kenai Peninsula Borough
P. O. Box 850
Soldotna, Alaska 99669

Conrad Bagne, Attorney
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Box 69
Barrow, Alaska 99723

Richard C. Folta, Esq.
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Haines, Alaska 99827

Russell W. Walker, Attorney
Ketchikan Gateway Borough
344 Front Street
Ketchikan, Alaska 99901

Pete Hallgren, Attorney
City and Borough of Sitka
P. O. Box 79
Sitka, Alaska 99835

Fred Miller, Esq.
426 Main Street
Ketchikan, Alaska 99901

Gary Thurlow, Esq.
Attorney at Law
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Anchorage, Alaska 99501

L. B. Jacobson, Esq.
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& Bradley
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Juneau, Alaska 99802

William Ruddy, Esq.
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Juneau, Alaska 99802

Theodore D. Berns, Attorney
Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502

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Edward Stahla, Esq.
Christianson, Royce & Stahla
P. O. Box 4
Sitka, Alaska 99835

Paul Dillon, Esq.
Birch, Horton, Bitner, Monroe
Pestinger & Anderson
130 Seward Street, Suite 411
Juneau, Alaska 99801

LAW OFFICES OF
RICHARD W. GARNETT III

THOMAS F. KLINKNER
SUITE 540, 900 WEST FIFTH AVENUE
ANCHORAGE, ALASKA 99501

TEL. (907) 276-2221

July 16, 1980

Lee Sharp
Attorney
City and Borough of Juneau
155 S Seward Street
Juneau, Alaska 99801

RE: Title 29 Revision

Dear Lee:

I would be glad to serve on a work group, policy group, or otherwise in the Title 29 Revision effort. I could donate a fair amount of time, but would need reimbursement for travel.

I have not yet produced a comprehensive listing of needed revisions, but the following came to mind:

29.28.070 (b) - Service area initiatives are potential problems; could lead to Balkanization" of municipalities.

same - Standardize use of "general" and " regular" as to elections to avoid uncertainty as to required number of signatures.

29.28.090 (b) - Not specifically provided that assembly may not immediately repeal ordinance enacted under threat of initiative.

29.28..40 - More specificity as to whether recall may be based on "political" factors.

29.48.130 (5) - No need to require ordinance for routine fund transfers.

29.48.150 (a) - Majority required to set ordinance for hearing. Should be less to give minority a chance to make it's case.

29.48.170 - Maybe need some procedure for enacting municipal regulations.

29.48.260 - Vote on sale of all property over $25,000 may be unduly burdensome.

29.53.010 - Why not permit exemption of all personalty or various classes.

29.53.025 (b) (1) - Special treatment for boats.

29.63.090 (e) - Reference to "delegation" of powers to service areas needs clarificaton.

29.78.101 (16)- Definition of "subdivision"; consider application to division for leasing, as by holders of oil leases.

Public Records - Clarify application of public records law, section 09.25.110. to municipality.

Home Rule - More clear criteria for application of non-title 29 provisions to home rule. (Maybe require inclusion in AS 29.13.10 laundry list).

APUC - Consider need for APUC regulation of municipality owned utilities.

29.18 - Clarify rights to VUU land vis a vis state classification under AS 38.

29.41 - Consider need for third class borough.

I look forward to your ideas.

Very truly yours,

Richard W. Garnett III

RG/jec

CITY OF KENAI
"Oil Capital of Alaska"
P. O. BOX 550 KENAI, ALASKA 99611
TELEPHONE 283 - 7535

RECEIVED
JUL 11 1980
CITY-BOROUGH ATTORNEY

July 7, 1980

Mr. Gerald L. Sharp
President
Alaska Municipal Attorneys Association
155 South Seward Street
Juneau, Ak 99801

Re: Title 29 Revision

Dear Lee:

Last Wednesday I brought to the attention of the City Council the combination letter from Ginny Chitwood and others as well as your letter. Several nominations are being made by the Mayor with Council approval for the policy committee which will be forwarded.

I would like very much to serve on either of these committees, but as I told Council I have too many things that I cannot get to on my desk without taking several weeks off to do this work.

I have run into so many road blocks to efficient government in my years with the Borough, the home-rule City of Fairbanks, and City of Kenai that I would certainly like to stir the pot if I only had the time. I expect that you will probably be able to serve on one of these committees - I hope so. If so, I would note that when I was with the Borough several million dollars were saved the Borough by issuance of refunding bonds, but this was complicated because in order to take advantage of differentiation of interest rates, the banks had to have a prompt response. This is hardly the type of thing that I consider appropriate under an emergency ordinance (AS 29.48.160), and it really should not be as difficult to pass as an emergency ordinance. The indebtedness has already been approved by the voters and incurred, and the only question is refunding at a proper time to take advantage of market conditions to lower cost to the taxpayer. I would suggest a new section in AS 29.58 authorizing that an

ordinance for refunding bonds be passed on one hearing, at either a regular or special meeting, and with only the normal majority vote.

I believe the chapter on service areas, (AS 29.63) could also stand a lot of clarification. My experience in this Borough would indicate that section has many unwise provisions that should be modified - there is too much authority in the Assembly to handle the decisions in the service area which should be made by those in the service area paying the taxes.

I am sorry that I will not be able to serve with you on one of these committees.

Sincerely,

Ben T. Delahay
City Attorney

BTD/md

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED AS A UNIT IN THE ORIGINAL DOCUMENT.

August 20, 1980

Mr. Ted Berns
Pouch 6-650
Anchorage, AK 99502

Dear Mr. Berns:

Welcome to the Policy Advisory Group which will be involved in the revision of Title 29. Enclosed you will find a copy of Title 29 and copies of bills passed during the 1980 session which changed sections or added sections to Title 29. I am also sending you copies of suggestions for changes to Title 29 which I have received to date.

Despite the short notice, I hope you can attend the initial organizational meeting to be held next week, August 27th and 28th in Anchorage. The meeting is scheduled to begin at 9:00 A.M. in the Legislative Information Office, located at 1024 West 6th Avenue. The telephone number for the Legislative Information Office in Anchorage is 278-3668.

September 22nd and 23rd (Juneau) and November 10th and 11th (Fairbanks) have been suggested as possible dates for future meetings of the Policy Advisory Group. If these dates are not convenient for you, please let me know. Hopefully, a final decision on the dates of future meetings of the group will be made during the meeting in Anchorage.

I look forward to seeing you in Anchorage.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:ljb

Enclosures

cc: Billy G. Berrier
Ginny Chitwood
Palmer McCarter
Phil Smith

July 23, 1980

The Honorable Terry Gardiner
Speaker of the House of Representatives
Box 6092
Ketchikan, AK 99901

Dear Representative Gardiner:

CSSCR 66, Legislative Resolve 39 of the recent legislative session, directs the Alaska Legislative Council to revise AS 29, the municipal government code. A policy advisory group is authorized to assist in that task. Together with two members of each house of the legislature appointed by the respective presiding officers, the resolution also authorizes selection by the presiding officers of an unstated number of public members, drawn from recommendations submitted by legislative members, the Departments of Community and Regional Affairs and Law, the Alaska Municipal League, the Rural Alaska Community Action Program, and the legal services division of this Agency.

At my direction, Jack Chenoweth of this office met today with Ginny Chitwood of the Municipal League, Palmer McCarter (speaking for the administration) and, by phone, Bob Lohr, the deputy director of RuralCAP. It is their suggestion, and my recommendation, that nine public members be appointed to serve with the four legislators previously designated for the policy advisory group for the Title 29 revision. Their suggestion included the following recommended nominations:

Ted Berns, municipal attorney
Municipality of Anchorage

Terry Cook, member of the city council
City of Alakanuk

Marilyn Dimmick, member of the assembly
Kenai Peninsula Borough

James O. Eckstedt, member of the assembly
Matanuska-Susitna Borough, and of the city council
City of Palmer

James Kohler, city manager
City of Yakutat

Gene Moore, city manager
City of Kotzebue

Donna Sherby, city clerk
City of Cordova

Jonathan Solomon, presently working in support of establishment of a rural borough for the Upper Yukon River area, Fort Yukon

Russell W. Walker, attorney
City of Ketchikan and Ketchikan Gateway Borough

The policy advisory group provided for by the resolution will have direct and continuing support and assistance from Palmer McCarter of the Department of Community and Regional Affairs, Ginny Chitwood of the Alaska Municipal League, Phil Smith of RuralCAP, Rod Pegues from the Department of Law, and Tamara Brandt Cook, whom I have assigned from the staff of this division.

Your consideration of the nominations suggested in this letter for appointment as public members of the policy advisory board for the revision of AS 29 is appreciated.

Very truly yours,

Billy G. Berrier
Director
Division of Legal Services

BGB:JBC:jdn

bcc: Senator Sturgulewski
Palmer McCarter
Ginny Chitwood
Phil Smith

July 28, 1980

The Honorable Clem V. Tillion
President of the Senate
Halibut Cove, AK 99603

Dear Senator Tillion:

CSSCR 66, Legislative Resolve 39 of the recent legislative session, directs the Alaska Legislative Council to revise AS 29, the municipal government code. A policy advisory group is authorized to assist in that task. Together with two members of each house of the legislature appointed by the respective presiding officers, the resolution also authorizes selection by the presiding officers of an unstated number of public members, drawn from recommendations submitted by legislative members, the Departments of Community and Regional Affairs and Law, the Alaska Municipal League, the Rural Alaska Community Action Program, and the legal services division of this Agency.

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James O. Eckstedt, member of the assembly
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Donna Sherby, city clerk
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Your consideration of the nominations suggested in this letter for appointment as public members of the policy advisory board for the revision of AS 29 is appreciated.

Very truly yours,

Billy G. Berrier
Director
Division of Legal Services

BGB:JBC:jdn

bcc: Senator Sturgulewski
Palmer McCarter
Ginny Chitwood
Phil Smith

July 23, 1980

The Honorable Clem V. Tillion
President of the Senate
Halibut Cove, AK 99603

Dear Senator Tillion:

RE: Policy Advisory Group established in CSSCR 66

As you know the Legislative Council has been directed to revise Title 29 of the Alaska Statutes (Municipal Government) with the help of a policy advisory group composed of persons appointed by the presiding officer of each house. Public members are to be selected from persons recommended by legislative members, the Department of Community and Regional Affairs, the Alaska Municipal League, the Rural Alaska Community Action Program, Inc., the Department of Law, and by the Legal Services Division.

Our office has been contacted with a recommendation for a public member offered by Senator Robert H. Ziegler, Sr. In case you have not heard from him directly, I am forwarding this name to you:

Russell Walker - Attorney for the Gateway Borough and the City of Ketchikan

If our office receives additional nominations to the policy advisory group from senators, I will notify you. Please let me know if I can help in any other way.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:ljb

cc: Senator Arliss Sturgulewski
Senator Robert H. Ziegler, Sr.

Next Title 29 meeting is set for the

Legislative Information Offices conference area

second floor, 1024 West Sixth Anchorage

for Thursday and Friday, 8/21 and 22 ← meeting in Palmer 27-28 & 22-23

Room is available all day both days

Contact for arrangements is Kathy Baltes, Anchorage office 278-3668

Please confirm this with Marilyn Miller at the Juneau office of Alaska Municipal League, and with Arliss

(Pioneers School, originally suggested, not available for morning meetings)

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED AS A UNIT IN THE ORIGINAL DOCUMENT.

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
OFFICIAL BUSINESS

July 1, 1980

Senator Robert H. Ziegler, Sr.
307 Bawden Street
Ketchikan, AK 99901

Dear Senator Ziegler:

According to CSSCR 66, the presiding officer of each house is to appoint two members of each legislative body to the policy advisory group involved with the revision to Title 29, the municipal code. In addition, public members shall be selected from among persons recommended by legislators and various organizations. Since Senator Mulcahy and myself are the only members who have been appointed to the policy advisory group so far, I am taking the liberty of contacting you to ask for your recommendations of other persons who ought to be considered for appointment to the group. I am also enclosing a copy of a letter which was sent to approximately 400 interested organizations and persons in an effort to insure that as many qualified individuals as possible are considered for nomination to the group.

As the policy advisory group will be working under considerable time pressure, please send your recommendations for nominations to the group as soon as possible to the Legal Services Division of Legislative Affairs to be forwarded to the presiding officer of your house. For your information, the home address of Senator Clem V. Tillion, President of the Senate, is Halibut Cove 99603.

I would also like to take this opportunity to ask you for any suggestions which you may have concerning changes to Title 29 or issues which you would like the policy advisory group to consider. If you are interested in being kept informed of the progress made in revising the municipal code during the interim, please contact Tamara Brandt Cook, Legal Services Division, Legislative Affairs Agency, Pouch Y, Juneau 99811. I look forward to hearing from you.

Sincerely,

Arliss Sturgulewski
Sig TBC

Arliss Sturgulewski, Senator

Enclosure

Dear Arliss: Don't have time to go through channels. A Russell Walker, Gateway Borough + City atty, is highly recommended. You might pass this on to Legal Svs. also. Don't much

See AS 29.53.080. Do the purchase prices in
portion sell or pay for property need not
necessarily reflect f.m.v. Assessors
are supposed to assess at 100% of true value.
Esp. if they can examine +/- in spot properties,
why shouldn't they appraise w/o invol-
ving records of the buyer/seller?

3—

P.S. (I'm last this argument before!)

July 14, 1980

Arliss Sturgulewski, Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Re: Municipal Recall Statutes

Dear Senator Sturgulewski,

It is my understanding that you are reviewing the problems associated with recalling municipal officials. I believe that due to my recent intimate knowledge of the recall of two officials in the City of Petersburg, that some of the problems found there (and elsewhere in Alaska) could prove illuminating in your efforts to revise the municipal recall statutues.

A list of the problems includes:

1. Sec. 130 of AS 29.28 is unclear as to whether an official is re-callable within six months of being re-elected. It would seem that the original intent of this section was to protect rookie mayors and councilmembers, rather than the official that is re-elected. In any event the language should be clarified to either include or exlude re-elected officials. My personal inclination is to allow a municipal official to be recalled any time after the initial six months have been served, and when that person is re-elected, then he or she may be recalled at any time, and the six months grace period would not apply.

2. The grounds for recall as listed in section 140 are a constant source of argument since the three allowable reasons seem rather narrow in scope. Typically, recall petitions are thrown out based on this section. Many people feel that the three reasons are just legalisms craftily used by municipal attorneys to save their clients political hide. There is no necessity for proving that the stated grounds are in fact true, therefore, the usual scheme of things is to "hang a reason" on one of the three allowable terms. From a practical standpoint, the issue is whether you want to permit recall not based on th three statutory reasons.

3. Section 150 should make clear that a petition must be separate from from other petitions. In other words, a petition may contain only one name on it.Also, the petition should contain the mailing address of each person signing the petition.

4. Section 180 should be clarified to state that a new petition may not be filed sooner than six months after a petition is rejected based on insufficiency(and not lack of signatures).

5. There has been a fear that once a sufficient petition has been submitted and accepted, that members of the council could resign and then be re-appointed to the council. The statutues should preclude such an effort once the petition is sufficient.

6. The problem with the number of signatures required is well known. It is my opinion that a local recall effort should be based on the last regular municipal election, not the state election.

7. Some people have interpreted that once the election has been certified, that a person recalled is at once removed from the seat. This causes a disruption in local government, and if this is the correct method, then a provision should be included to clarify such, and to allow some means to permit a minicipal government to continue to operate when a majority has been recalled from office.

8.

Thanks for listening, and I hope this helps.

Cordially,

Bruce

Bruce Aronson
P.O. Box 923
Petersburg, Alaska 99833

Terry Gardiner

Box 6092, Ketchikan, Alaska 99901 Pouch V, Juneau, Alaska 99811

July 14, 1980

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

Dear Arliss:

I hereby appoint Rep. Bill Parker and Rep. Margaret Branson to the Title 29 revision.

Thank you.

Terry Gardiner

cc: Rep. Parker
Rep. Branson
Myrt Charney
Senator Tillion
Senator Hohman

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED AS A UNIT IN THE ORIGINAL DOCUMENT.

July 10, 1980

Representative Terry Gardiner
Speaker of the House of Representatives
P.O. Box 6092
Ketchikan, AK 99901

Dear Representative Gardiner:

RE: Policy advisory group established in CSSCR 66

As you know, the Legislative Council has been directed to revise Title 29 of the Alaska Statutes (Municipal Government) with the help of a policy advisory group composed of persons appointed by the presiding officer of each house. We have been informed that two members have been appointed to date, Senator Bob Mulcahy and Senator Arliss Sturgulewski. Public members are to be selected by the presiding officer of each house from persons recommended by legislative members, by the Department of Community and Regional Affairs, the Alaska Municipal League, the Rural Alaska Community Action Program, Inc., the Department of Law, and by the legal services divison.

Representative Margaret Branson has contacted our office by mail with recommendations for public members for the policy advisory group. In case you have not heard from her directly, I am forwarding these names to you.

Charles LaPage - Mayor Pro Tem, Councilman, Valdez

Malcolm "Pete" Islieb - Councilman, Cordova

Andy Sarisky - Attorney, Kenai Borough

Erle Cooper - Kenai Borough Assembly

Don McCloud - Borough Assembly

If our office receives additional nominations to the policy advisory group from representatives, I will notify you. Please let me know if I can help in any other way.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:ljb

cc: Senator Arlisa Sturgulewski
Representative Margaret Branson

Alaska State Legislature

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99811

TEL. (907) 595-1265
BOX 740
COOPER LANDING, ALASKA
99572

MARGARET BRANSON
REPRESENTATIVE
DISTRICT 5

Senator Stevens Stuzgulewski

Per your letter of July 1
I would like to recommend:

Charles La Page - Mayor Pro Tem
Councilman
Valdez

Malcolm "Pete" ~~Hoslich~~ Councilman
Cordova

Andy Sarichy - Attorney Kenai Boro

Eric Cooper - Kenai Boro Assembly

Jon McCord - Law Assembly

Rural Alaska Community Action Program, Inc.

Alaska Municipal League

204 North Franklin
Juneau, Alaska 99801

DEPARTMENT OF COMMUNITY
AND REGIONAL AFFAIRS
STATE OF ALASKA

Pouch B, Juneau, AK 99811

The Second Session of the Eleventh Legislature passed Senate Concurrent Resolution 66 directing the Alaska Legislative Council to revise Alaska Municipal Government Code -- Title 29. A copy of this resolution is enclosed for your information.

A policy committee, consisting of four legislators and eight public members, will play a key role in determining what changes are made in Title 29, the Municipal Government Code. Therefore, it is important that interested, knowledgable persons be nominated to sit on this committee Other than demands on committee members' time, costs for transportation and per diem will be paid by the State. Our three agencies have been given the responsibility of nominating persons to fill the eight seats reserved for public members. We would like for you to send to one, or all, of our organizations any recommendations you may have for candidates you feel are qualified to serve on the policy committee. A resume or background sketch of qualifications for each of your nominees will assist us in selecting the best persons to submit as nominees to the President of the Senate and the Speaker of the House of Representatives. Time is critical and we need to receive your recommendations by July 10, 1980.

We would also urge you to make any comments or suggestions which might improve Title 29. If you have problems or concerns about sections of Title 29 we want to know about them; it would be even more helpful if you can suggest specific remedies in the form of deletions, rewritten or additional language, or restructuring of the Municipal Government Code. We need to receive these comments by July 30, 1980.

The Legislature has given all of us a rare opportunity to make needed revisions in Title 29 so that Alaska may have a meaningful, responsive municipal government statute. To make the most of this opportunity for change, we need thorough, well thought-out recommendations and comments. We look forward to hearing from you.

Sincerely,

Phil Smith
Executive Director
RuralCAP

Ginny Chitwood
Executive Director
Alaska Municipal League

Lee McAnerney
Commissioner
Community & Regional Affairs

Alaska State Legislature

OFFICIAL BUSINESS

POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

June 5, 1980

Senator Arliss Sturgulewski
Senator Robert Mulcahy

Dear Senators:

According to CSSCR 66, the presiding officer of each house is to appoint two members of each body to the Policy Advisory group concerned with the revision of Alaska Statutes 29, the Municipal Code.

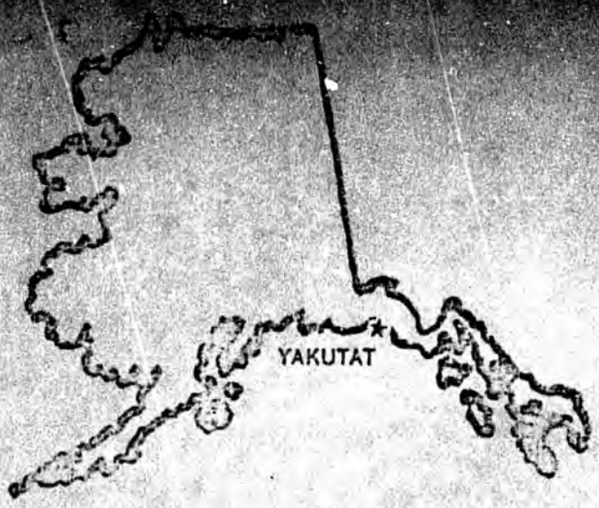
By this letter I am appointing both of you to the Senate positions on that policy advisory group.

Sincerely,

Clem Tillion

Senator Clem Tillion
Senate President

cc: Billy Berrier



CITY of YAKUTAT
P. O. Box 6
YAKUTAT, ALASKA 99689
(907) 784-3323

June 3, 1980

Palmer McCarter
Director, Division of Local
Government Assistance
Dept. of Community and
Regional Affairs
Pouch B
Juneau, Alaska 99811

Dear Palmer:

Please accept this letter as a formal request to serve on either the Title 29 review policy committee or working committee.

I have served as the City Manager in Yakutat since February, 1979. Prior to that time I held planning positions with the State of Nebraska and the City of Lincoln, Nebraska.

My experience with Alaskan local government has been tempered strongly with issues ranging from OCS oil exploration to annexation, planning for both corporate and non corporate areas, overseeing the transition of a 1st class municipality from a Mayor/Council form of government to a City Manager form of administration and developing local capital infrastructures to encourage economic growth, specifically fisheries development.

In the process I have daily witnessed the strengths and weakness of Title 29 provisions.

I also bring experience from other systems of local government including a large municipality, a small rural community which I served as Chairman of their Planning and Zoning Commission and a State that was served by a unicameral legislature.

My graduate training is in Anthropology with concentration on systems and the dynamics of systems change.

I can serve the review committee significally and offer the following references for both personal and professional skills and capabilities in this area:

Larry Powell
Mayor
City of Yakutat

Byron Mallott
Chairman, Board of Directors
Sealaska
Juneau, Alaska

Senator Arliss Sturgulewski
Alaska State Senate
Juneau, Alaska

Senator Frank Ferguson
Alaska State Senate
Juneau, Alaska

Ms. Ginney Chittwood
Alaska Municipal League
Juneau, Alaska

Thank you for your consideration.

Sincerely,

James M. Kohler
City Manager

mjr

cc. Larry Powell, Mayor, City of Yakutat
Byron Mallott, Chairman, Board of Directors, Sealaska Juneau
Senator Arliss Sturgulewski, Alaska State Senate, Juneau
Senator Frank Ferguson, Alaska State Senate, Juneau
Ms. Ginney Chittwood, Alaska Municipal League, Juneau

July 1, 1980

Senator Arliss J. Sturgulewski
2957 Sheldon Jackson Street
Anchorage, AK 99504

Dear Senator Sturgulewski:

I have included a copy of the letter I sent to all members of the legislature under your name for your files. I was unable to reach Senator Mulcahy to obtain his consent to add his name to the letter, despite extraordinary efforts by Mary Jo Simmons in the Legislative Information Office in Kodiak to contact him. Apparently, Senator Mulcahy is fishing and was outside of radio contact both yesterday and today.

Ms. Simmons was able to reach a relative or friend of Senator Mulcahy's and was told that the Senator would probably not be back to Kodiak until August. Ms. Simmons informed me that it is possible to leave a message for Senator Mulcahy with her office, but that it would take several days to get it to him through the tenders. I wanted to alert you to this situation in case you should need to get in touch with him during July.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:ljb

Enclosures

May 19, 1980

Allan E. Tesche
Borough Attorney
Box B
Palmer, Alaska 99645

Dear Allen:

Thank you for your comments on SCR 66 relating to interim review of the municipal code. A companion bill, HCR 70, has passed from House Judiciary and is now in House Finance.

Neither of these concurrent resolutions have been considered by their respective finance committees. I strongly suggest that you contact appropriate legislators and encourage their positive action on these two resolutions. There was some initial problem on the Senate side on two questions raised by Senator Ferguson, regarding geographic representation on the policy committee. In my conversation with him, he has indicated he is satisfied with some proposed substitute wording. I see no other problems in passing the resolution, with the exception of the critical time. Your support would be appreciated.

Kindest personal regards,

Arliss Sturgulewski
Senator, District 10-H

Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

BOROUGH ATTORNEY'S OFFICE

May 5, 1980

The Honorable Arliss Sturgulewski
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Arliss:

I have received a copy of the proposed Senate Concurrent Resolution No. 66 relating to interim review of the municipal code. I am very pleased to learn that your committee and you, in particular, recognize the need for a comprehensive revision of that important body of law.

If the Legislature adopts SCR 66 or otherwise approves this project, I am very willing to volunteer my time to assist in review and analysis of Title 29; I am also confident that other members of the Alaska Municipal Attorneys' Association will be able to assist as well.

Thank you for your continued interest in this matter.

Cordially,

Allan E. Tesche
Borough Attorney

er

cc: Mayor Ronald L. Larson
Norman J. Levesque, Borough Manager

Alaska MUNICIPAL League

TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

Date: May 23, 1980

TO: Senate Finance Committee

From: Ginny Chitwood, Executive Director - Alaska Municipal League

Re: SCR 66 - Title 29 Review

Alaska Municipal League urges your favorable consideration of SCR 66. Since the last major revision of Title 29 - Municipal Code, there have been many changes to the original sections of the law. Although a simple meshing of the supplement with the original Title 29 would help those of us who work daily with the municipal provisions, it would be better to have a comprehensive review of the Title 29 - Municipal Code provisions in order to assure resolution of the conflicts created by amendments over the years.

Alaska MUNICIPAL League

TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

May 14, 1980

To: Representative Parr, Chairman
House Judiciary Committee
and all members of the Committee

From: Alaska Municipal League

Re: HCR 70

The Alaska Municipal League supports HCR 70 which directs the Alaska Legislative Council to revise AS 29 (Municipal Government).

Attached is a copy of the priority list for 1980 developed by the Board of Directors of the League following the 29th Local Government Conference in Sitka in November of 1979. You will note item "I" refers to a revision of Title 29 and reads as follows: "The League supports the initiation of a complete review of Title 29 as outlined by the Local Government Study recently conducted by the Legislature."

The League feels this is of paramount importance to the municipalities of Alaska and urges this committee to pass out HCR 70 with a do pass recommendation.

The following are the legislative priorities for the Alaska Municipal League for 1980. All of these proposals are of paramount importance to the municipalities of Alaska. They are the highlights of the policy statement which was adopted at the League's 29th annual conference which was held in Sitka on November 2, 1979.

A. State Shared Revenues

1. The League strongly supports increased funding of the State Shared Revenue Sharing Program to a level at least three times the 1979 funding level, including any new programs to foster economic development, and continues to support the philosophy of HB 192 as introduced in the 1st Session of the 11th Legislature.

2. The League supports legitimate and reasonable changes in the amount of money requested for the municipal services shared revenue program and remains adamant in the belief that each Legislature has the obligation to fund the program 100% annually.

— Also, transfer hospital construction outside / rev. sharing

B. Municipal Lands

1. The League feels strongly that laws pertaining to the powers of local planning and zoning must allow for the greatest flexibility at the local level.

2. The League supports legislation which would require legal access to all state land disposals; and that, except for state subdivisions in remote areas or for dispersed entry, local subdivision improvement requirements be honored by the state by either installing such improvements or by acquiescing in the formation of service areas and local improvement districts containing such property and honoring the obligation to pay LID assessments on such property while it is in state ownership.

3. The League supports the concept of an Enterprise Fund as a means for the state to provide required improvements in state land disposals.

4. The League supports legislation which mandates land use capability and resource inventory findings for each tract of land included in the disposal bank.

C. Income Tax

1. The League strongly supports the development and implementation of a tax credit program which would allow state income tax payers to use as a tax credit on their state income tax return that portion of Alaska local taxes they pay for local school support.

2. The League supports tax credit programs being installed to reduce the net income tax paid by Alaskan residents and property owners through the existing state income tax system.

D. Economic Development

1. The League supports and urges the state legislature to establish and provide immediate funding of programs which will create, assist, or aid both public and private enterprises to plan, finance, and develop job related industries, businesses, and facilities that are compatible with the desires of local government.

E. Energy

1. The League supports uninterrupted continuance of loan funds from the state for feasible hydroelectric projects within the state and further supports that long-term, low interest loans for these projects be funded from non-renewable resource revenues such as those presently being generated by oil and gas receipts.

F. Apportionment

1. The League is addressing the question of local apportionment. As Legislation is developed, the League will make recommendations regarding a specific bill.

G. School Support

1. The League further encourages the Legislature to continue to support school capital projects at 80% construction level or higher (as defined by the rules and regulations established by the Department of Education) and calls upon the Legislature and the Governor to fund this amount annually. The League strongly supports legislation that will provide for a supplemental appropriation to fully fund the 1979 fiscal year school capital project fund at the legislated 80% level. The League also supports legislation under which the state will provide the 80% funding for all approved school capital projects to the local district at the time of approval.

H. Public Safety

1. The demand for trained competent local police and fire departments is accelerating throughout Alaska. It is urged that the Legislature, at an early date, assure that police, fire and emergency medical personnel training programs throughout the state have adequate facilities and program resources for training of local safety people, and provide financial support to assist the communities who participate.

I. Revision of Title 29

1. The League supports the initiation of a complete review of Title 29 as outlined by the Local Government Study recently conducted by the Legislature.

J. Civic Centers

1. While legislation has been enacted into law to enable the state to assist local communities in the construction, maintenance and operation of cultural, civic, convention and community recreation centers, only minimal funding has been available for this purpose. The League, therefore, urges the Legislature to authorize the issuance of bonds for this or any similar legislation in an amount sufficient to meet the construction requirements in Alaska comminities.

K. Alaska '84

1. The League supports the concept of Alaska '84. We urge the state (1) to provide adequate feasibility funding to determine the viability of the proposal and (2) to provide construction money in accordance with the recommendation of the feasibilty study when completed.

March 31, 1980

TO: Senator Clem Tillion

FROM: Senator Arliss Sturgulewski

RE: Revision of AS 29

It is generally recognized, especially by those who work most closely with it, that AS 29 is in need of revision. Since the time of original enactment, changes in the title, problems in its application, and policy questions of importance have been noted by municipal attorneys, city managers and clerks, and such other municipal officials as assessors. The Legislative Revisor has indicated that AS 29 should be next approached in terms of needed revision.

The work of revision is complicated and, at times, highly technical. I have received numerous inquiries and requests for a process by which to revise AS 29. I have discussed this problem with many people, including Mr. Berrier, and Ms. Chitwood of the Alaska Municipal League.

I would like to suggest the following as an approach to the revision of AS 29 during the period of time between this session and the 1981 session. Funds and responsibility for this project would be directed by the Legislative Council to Mr. Billy Berrier, Legislative Legal Services, to conduct the revision. I foresee the project as follows: two groups would be selected by Mr. Berrier from recommendations provided by the Department of Community and Regional Affairs, Alaska Municipal League and other interested and affected parties. The first group would be a policy advisory group composed of a variety of perspectives and interests, representing the diversity of local governments across the state, and would include a representative of the legislature. The second, a much smaller group, would be a working group, composed of people who have had experience in the application of AS 29. The work group should consist of municipal attorneys, representatives of the Department of Community and Regional Affairs and the Department of Law, as well as a staff member of Legislative Legal Services; other municipal staff functions should also be represented, such as managers or clerks. While the actual technical work would be conducted by the working group, the policy group would provide overall guidance and assistance on policy questions.

Administrative and secretarial responsbility would rest in Legal Services. In order to support this project funds would be required for travel and per diem. Most local governments will be glad to contribute staff time to this project. However, for both the policy and the working group it will be necessary to provide travel funds. As often as possible, teleconferencing will be used to reduce travel needs and to expedite the

project. A draft bill will be ready for January 1981.

It is anticipated that $20,000 should cover the cost of this project. Any funds remaining would be returned.

Thank you for your attention to this matter.

April 28, 1980

J. D. Nordale
Borough Attorney
Fairbanks North Star Borough
Box 1267
Fairbanks, Alaska 99707

Dear Jim:

Enclosed is a copy of SCR 66 which directs the Alaska Legislative Council to revise AS 29, Municipal Government. I'm also attaching a copy of my March 31 memo to Senator Clem Tillion which spoke to this issue. The Senate Concurrent Resolution was drawn as a result of that memorandum. The fiscal note is much higher than I anticipated, however, I think it is important that there be an advisory group and working group, and that funds be provided to bring people together.

I would appreciate whatever support you can lend to see the passage of SCR 66. I will be contacting the House Community and Regional Affairs Committee to request that they introduce a similar resolution on their side, and expedite it as fast as possible through the system. I will be bringing SCR 66 to the Senate Community and Regional Affairs Committee Tuesday, April 29.

Kindest personal regards,

Arliss Sturgulewski
Senator, District 10-H

Enclosure

FAIRBANKS NORTH STAR BOROUGH
Box 267, Fairbanks, Alaska 99707

April 1, 1980

Senator Arliss Sturgulewski
Pouch V
Juneau, Alaska 99811

Re: Municipal Code Revisions

Dear Arliss:

Both because of Alan Teshe's letter of March 18 to you and a recent conversation with Ginny Chitwood, I would urge you to make every effort to provide for the interim review of AS 29. I would urge that the Alaska Municipal League be a participant in the review process either as a contractor, a co-sponsor or in some other capacity. Based upon the discussions at the Local Government Symposium as well as comments received by the Joint House-Senate C & RA hearings, I think that participation from the unorganized borough is desirable.

A good deal of the criticism of and antagonism toward local government stems from inflexibility in portions of the code and vagueness in other parts. The writers of the Constitution were wise in their recognition that strong and flexible local government could best meet the needs of the diverse areas of this state. Too often local governments are unable to respond effectively because of unrealistic restrictions imposed by the state.

I hope that there is something that you can do to accomplish this review, and if I can be of any assistance, please let me know.

Very truly yours,

J. D. Nordale
Borough Attorney

JDN/sy

Alaska State Legislature

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
Community & Regional Affairs

VICE-CHAIRMAN
Commerce

Health & Social Services

Senate

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3712

March 25, 1980

note: Dave Walsh agreed to do but has not confirmed in writing

Mr. Dave Walsh, President
Alaska Municipal League
c/o Pouch 6-650
Anchorage, Alaska 99502

Dear Dave:

The ability for municipalities to have a fair and equitable tax base is absolutely critical to healthy local government. I would like to urge the Alaska Municipal League, possibly in conjunction with the Alaska Native Foundation, RuralCap and others, to undertake, prior to next session, a major review of the kind and amount of taxes that the various classes of municipalities can levy and collect. The current Legislature is addressing House Bill 192, dealing with municipal revenue sharing, and Senate Bill 199, dealing with the school foundation program. These two areas provide major cornerstones for municipal school revenues. A third cornerstone, real and personal property tax, is currently faced with possible erosion and decreased credibility.

The Senate Community and Regional Affairs Committee has some twelve bills pending which impact the municipal property tax by allowing certain classes of exemptions, imposing restrictions, etc. Some, but not all, of these bills allow the municipalities to be reimbursed for the changes in their ability to levy and collect real and personal property taxes. Certainly the bills carry a major fiscal impact. I am enclosing a summary of the bills currently before my Committee. Many other tax bills affecting municipalities are before the Legislature, such as changes in the amount of sales tax which can be levied in certain municipalities and elimination of the business inventory tax.

Relating specificially to real and property taxes, it seems to me that policies must be established regarding possible exemption. If such policies are not developed, we will create a hodgepodge of a program that will serve no one well. For example, should we consider exemptions on a need basis rather than exemptions for special groups of people? Should there be equality for a whole group, rather than special interest exemptions within a group? What kind of things would be better left to grant and aid programs as opposed to exemptions in the property tax approach?

The Department of Community and Regional Affairs recently completed a study of the exemption problem. Their study gives a synopsis of information developed that deals with major exemption problems, and in some cases, suggests several options that might be taken. Their broad policy statement favors few, if any, additional exemptions, and they feel that any exemption program should meet the following criteria: "any exemption granted should be either for public property or for sufficient public good to justify a transfer of burden to the balance of the community." They recognize that the credibility of property tax has been questioned continually and with increasing intensity these past few years, and that many taxpayers feel that they are paying more than their fair share.

The state has recognized certain senior citizens' exemptions, as a matter of public policy. These exemptions support a policy of encouraging age diversity in Alaskan society, show esteem for and gratitude to the pioneers of the state and give a method of helping many to afford to stay in our state, rather than have to leave family, and friends to begin a life in another state, where it might be cheaper to live. The senior citizens who are on a fixed income and cannot absorb property taxes increased by inflation certainly are in need of assistance. However, some bills are now reaching into special groups within the senior citizens; for example, allowing for surviving spouses 55 and older of those senior citizens who qualified for real property exemption to continue to benefit from the exemption. But, what about other senior citizens within that same age group who might have just as much, or a greater need for exemptions? Disabled veterans are another group being suggested for special exemptions, but what about the equity question of all other disabled people in our State? Other questions of equity need to be considered.

Each piece of proposed legislation offers a shift in public policy -- new groups which deserve special treatment, new funding approaches, and so forth. However, sound public policy decisions can be made only within the context of effects or impacts on local governments and the general public. How can we create a new special exemption, for example, unless we are certain of municipalities fiscal needs, alternative revenue sources and the impact of using those other sources?

Again, I would urge the Alaska Municipal League to take a leadership position in review of the municipal property tax, as well as the broader impact of local municipalities being able to raise adequate revenues to fund needed municipal services. I would be most pleased to have your response as to whether you feel the Alaska Municipal League finds merit

in this proposal, and if so, I sincerely hope the league will analyze the kind and amount of taxes that the various classes of municipalities can and should levy and collect.

Sincerely yours,

Arliss Sturgulewski
Senator, District 10-H

Enclosures
cc: Alaska Federation of Natives
RuralCap
Governor's Advisory Committee on Aging
Ms. Dove Kull
Commissioner Lee McAnerney
Mayor George Sullivan
Mr. Phil Younker
Senator John Sackett
Senator Bill Ray
Representative Russ Meekins
Sponsors: SB 138, 154, 296, 299, 360, 370, 427, 431, 456, 465 & 510

Taxes (home improvement exemption)

SENATE BILL NO. 138, by Senators Bradley and Stimson. Relates to establishment of tax exemption for home improvements. Amends AS 29.53 by adding section which provides that the "value of an alteration, repair, renovation, addition to, or improvement of an existing structure which is used by a taxpayer as his personal residence is exempt from assessment for purposes of levy and collection of property taxes under this chapter....." Repeals AS 29.53.025(f) & (g) relating to current exemptions for improvements. Provides Act effective January 1, 1979.

Introduced February 13 and referred to Community & Regional Affairs, then to Finance.

Veterans (disabled) (property tax exemption)

SENATE BILL NO. 154, by Senator Bradley. Amends AS 29.53.020(e) to include disabled veterans of any age to section which exempts persons 65 or over from payment of property tax. Applies to resident veterans, honorably separated from service whose service-related disability has been rated at 50% or more. Provides Act effective January 1, 1980.

Introduced February 13 and referred to Community & Regional Affairs, then to Finance.

Residential Property Tax (partial exemption)

SENATE BILL NO. 296, by Senator Stimson. Adds to list of exemptions from municipal property tax in AS 29.53.020(a) "the real property owned and occupied as a permanent place of abode by a resident, not exceeding $25,000 in value." Provides state shall reimburse a borough or city for revenues lost. Repeals AS 29.53.025(a) which allows municipalities to exclude or exempt or partially exempt residential property from taxation by ordinance ratified by voters, the exemption not to exceed $10,000 per residence. Provides Act effective January 1, 1981.

Introduced January 14 and referred to Community and Regional Affairs and then to Finance.

Property Tax (municipal) reduction of)

SENATE BILL NO. 299, by Senator Kerttula. Amends AS 29.53.050(a) (Tax Limitation on Municipalities) to read: "A (NO) municipality may not levy and tax for any purpose in excess of nine-tenths of one (THREE) percent of the assessed valuation of property within the municipality in any one year." Provides Act effective 1/1/81.

Introduced January 14 and referred to Community and Regional Affairs.

Property Tax (disabled Vets exempt)

SENATE BILL NO. 360, by Senators Sumner and Hackney, by request. Exempts from municipal property tax the real property owned and occupied as a permanent place of abode by a disabled veteran. Provides exemption is allowed to veteran "for a percentage of the assessed value of the real property which is the same as his percentage of disability as established by his service disability rating." Provides Act effective January 1, 1981.

Introduced January 24 and referred to Community and Regional Affairs and Finance.

Fire Prevention

SENATE BILL NO. 370, by Senators Colletta and Bradley. Adds to AS 29.53.020 (Municipal Property Tax - Required Exemptions) "Two

percent of the assessed value of a structure is exempt from taxation if the structure contains fire protection systems in operating condition incorporated as a fixture or part of the structure. The exemption is limited to 1) an amount equal to two percent of the value of the structure based on the assessment for 1981, if fire protection systems are a fixture of the real property on January 1, 1981; or an amount equal to two percent of the value of the structure as of January 1 following the installation of the fire protection systems as fixtures of the structure after January 1, 1981.

Introduced January 31 and referred to Community & Regional Affairs.

Sr. Citizens Tax Exemp. (surviving spouse)

SENATE BILL NO. 427, by Senators Ferguson, Ray, Sackett, Meland, Colletta, Sumner, Kerttula, Hohman, Mulcahy and Bradley. Amends AS 29.53.020(e) relating to municipal property tax exemption for senior citizens by adding: "The real property exempt from taxation under this subsection continues to be exempt if owned and occupied as a permanent place of abode by the surviving spouse of the resident, if the surviiving spouse is 55 years or older and has a gross annual income of less than $20,000." Does not provide for effective date.

Introduced February 12 and referred to Community and Regional Affairs, then to Finance.

Property Tax Exemptions (for energy

SENATE BILL NO. 431, by the Rules Committee by request of the Legislative Council by request. Adds new section to AS 29.53 (Municipal Assessment & Taxation) which exempts from municipal property tax "The value of an alternation or improvement of an existing structure that reduces energy consumption in the structure." Section applies to mobile homes also. Provides Act effective January 1, 1981.

Introduced February 12 and referred to Community and Regional Affairs, then to Finance.

Municipal Property Taxes (exemp. sr. citizens--personal property)

SENATE BILL NO. 456, by Senators Stimson and Bradley. Amends Municipal Assessment and Taxation (AS 29.53), required exemptions (020) by stating that the property of certain residents of the state is exempt and further states that "(e) The real property owned and occupied as a permanent place of abode by a resident 65 years of age or over, and the personal property owned by a resident 65 years of age or over, is exempt from taxation of the assessed value of the (REAL) property." Deletes reference to "real" property throughout and repeals AS 29.53.020(i) which defines "real property" as property including, but not limited to mobile homes whether classified as real or personal property for municipal tax purposes. Provides Act takes effect January 1, 1981.

Introduced February 18 and referred to Community & Regional Affairs, then to Finance.

Property Tax (residential-partial exem. from assess)

SENATE BILL NO. 465, by Senators Ferguson, Colletta, Fahrenkamp and Sumner. Exempts from general taxation (Municipal Assessment and Taxation, required exemptions--AS 29.53.020(a)) "(7) the real property owned and occupied as a permanent place of abode by a resident, not exceeding $85,000 in value." Exempts real property owned and occupied by a resident 65 years of age or over from

taxation of the assessed value of property which exceeds $85,000 in value. Repeals AS 29.53.025(a) (Municipal Assessment and Taxation. Optional Exemptions and exclusions. Section (a) states: "Municipalities may exclude or exempt or partially exempt residential property from taxation by ordinance ratified by the voters at a regular or special election."), and amends AS 29.53.020(g) (relating to reimbursement of borough or city for revenue lost by exemption) by deletion of language stating that upon proper application an individual would have been granted an exemption. Provides Act takes effect January 1, 1981.

Introduced February 18 and referred to Community and Regional Affairs, then to Finance.

Municipal Property Tax (exempting business inventory)

SENATE BILL NO. 510, by the Rules Committee by Request (for the Interim Tax Policy Committee). Exempts business inventory from municipal property tax levy and provides for reimbursement to municipalities of tax revenues lost by operation of the exemption. Reimbursement made on the basis of the application of the tax rate of the borough or city to the value of business inventory reported to the state by businesses for the purpose of taxation under the Alaska Net Income Tax Act, and subject to legislative appropriation to the Department of Community and Regional Affairs for the purpose. State Departments may adopt regulations to carry out the provisions of chapter. Repeals sections of Municipal Assessment and Taxation (AS 29.53) relating to assessment of business inventory and reassessment in the case of cessation of business during the tax year. Provides Act takes effect January 1, 1980.

Introduced March 5 and referred to Community and Regional Affairs, then to Finance.

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
Community & Regional Affairs

VICE-CHAIRMAN
Commerce

Health & Social Services

Senate

2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3712

April 2, 1980

Jay S. Hammond, Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Dear Jay:

Re: Senior Citizens Tax Exemption from Municipal Property Tax

The legislature has under consideration, SB 328, which would establish an Older Alaskans Commission. In the event this legislation is adopted, I would like to bring to them, through you, a matter for their review and, hopefully, recommendations to the next session of the legislature. I am bringing this matter to the attention of your Advisory Committee on Aging.

The Senate Regional and Community Affairs Committee has had over twelve bills pending which impact the municipal property tax by allowing certain classes of exemptions, imposing restrictions, etc. Some, but not all, of these bills allow the municipalities to be reimbursed for the changes in their ability to levy and collect real and personal property taxes. Since real and property taxes create such a major corner stone of tax revenue source for municipalities, I have asked the Alaska Municipal League to look into the matter of establishing policies regarding possible exemptions. We will create a hodgepodge of a program in the absence of such policy. Dave Walsh, Chairman of the Alaska Municipal League, has indicated to me that the League will undertake such a study. However, I feel it would be important that a commission, dealing particularly with older Alaskans' needs, undertake a study of that part of the real and personal property tax which deals with older Alaskans.

The state has recognized certain senior citizens' exemptions as a matter of public policy. These exemptions support a policy of encouraging age diversity in Alaskan society, they show esteem for and gratitude to the pioneers of the state, and give a method of helping many to afford to stay in the state, rather than to leave family and friends to begin a life in another state where it might be cheaper to live. The senior citizens who are on a fixed income and cannot absorb property taxes increased by inflation certainly are in need of assistance. However, some bills are now reaching into special groups within the senior citizens; for example, allowing for surviving spouses 55 and older of those citizens who qualified for real property exemption to continue to benefit from the exemption. But, what about other senior citizens with the

same age group who might have just as much, or a greater need for exemptions?

Disabled veterans are another group being suggested for special exemptions, but what about the equity question of all other disabled people in our state? Other questions of equity need to be considered. Each piece of proposed legislation that we have considered offers a shift in public policy. New groups which deserve special treatment, new funding approaches, etc. However, sound public policy decisions can be made only within the context of effects or impacts on the general public, and certainly on local governments.

The Department of Community and Regional Affairs recently completed a study of the exemption problem. Their study gives a synopsis of information developed that deals with major exemption problems, and in some cases, suggests several options that might be taken. Their broad policy statement favors few, if any, additional exemptions, and they feel that any exemption program should meet the following criteria: "any exemption granted should be either for public property or for sufficient public good to justify a transfer of burden to the balance of the community." They recognize that the credibility of property tax has been questioned continually and with increasing intensity these past few years, and that many taxpayers feel that they are paying more than their fair share.

Again, I think the matter of senior citizens exemptions merits consideration by the Older Alaskans Commission. If such a commission is established by the legislature I would appreciate it if you would approach them on this subject.

Sincerely,

Arliss Sturgulewski

Arliss Sturgulewski
Senator, District 10-H

Alaska State Legislature

SENATOR
ARLISS STURGULEWSKI

COMMITTEES
CHAIRMAN
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2957 SHELDON JACKSON
ANCHORAGE, ALASKA 99504
DISTRICT 10-H

While in Juneau
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3712

April 3, 1980

Betty Warren, Chairman
Governor's Committee on Aging
Box 116
Kenai, Alaska 99611

Dear Betty:

Enclosed are copies of letters I recently sent to Dave Walsh, President of the Alaska Municipal League, and to Governor Jay Hammond regarding tax exemptions from the municipal property tax. It seems to me that your Committee on Aging would have interest in taking a good look at the issue raised in my letters, particularly as they relate to older Alaskans.

With the pending change before the legislature, regarding the continuation of your Committee on Aging and the possible Older Alaskans Commission, I wanted to be sure to touch all bases. If you feel the issues raised have merit for consideration by your committee, I would be very delighted to have whatever follow-up information you might develop. You might wish to contact Dave Walsh to give input to the work that the Municipal League will be doing over the next year.

Thank you for your consideration of this material, and I do look forward to hearing from you.

Kindest personal regards,

Arliss Sturgulewski

Arliss Sturgulewski
Senator, District 10-H

Enclosure

Matanuska-Susitna Borough

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

BOROUGH ATTORNEY'S OFFICE

March 18, 1980

The Honorable Arliss Sturgulewski
Alaska State Senate
Pouch V
State Capital
Juneau, Alaska 99811

Dear Arliss:

Re. Municipal code revisions.

Attached with this letter is a list of examples of various provisions of Title 29 which should be clarified through revision of that title. This list is by no means exhaustive and I am sure that other attorneys and municipal officials throughout the state could add additional examples and support a thorough revision of Title 29.

As we discussed some time ago in Juneau, I recommend that the Legislature form an interim committee to review AS 29 during the next two years and that the committee be empowered to seek assistance from municipal attorneys throughout the state, hold hearings as it deems appropriate, and present a new municipal code to the Legislature in 1981 or 1982. I have received expressions of support from attorneys representing several municipalities throughout the state and am confident they will assist the Legislature in preparing a revised municipal code.

Thank you very much for your continued attention to this matter. If there are additional questions I can answer regarding Title 29 or if the Legislature is prepared to take action in this matter, please do not hesitate to contact me.

Cordially,

Allan E. Tesche
Borough Attorney

er

cc: Jerry Wertzbaugher
Tom Klinkner
Jim Nordale
Russ Walker
Lee Sharp

AS 29: Revisions Needed

29.08

Although an attempt has been made in this Chapter to classify the various kinds of Alaskan municipalities, more recent amendments to Title 29 and unification of several cities and boroughs have resulted in confusion over definitions of "cities", "boroughs", and "municipalities". It is not clear, for instance, whether the unified Municipality of Anchorage is a city, a borough, or unified municipality or all three forms of government within existing provisions of AS 29.

29.13.100

The Code should contain a uniform system for designating statutes that expressly apply to home rule municipalities and all such statutes should be consistently cross referenced.

29.23.050

The statutory residence requirement prescribed in this section is probably invalid. It is suggested that such residence requirements throughout AS 29 be reduced to a maximum of one year.

29.23.060(d)

Circumstances, other than financial interests, which allow a member to abstain should be better defined.

29.23.080

The procedure for determining vacancies under this section conflicts with the procedure established under AS 29.23.570.

29.23.130(B)

Once again, the three residency requirement in this section should probably be reduced to one year to assure its constitutional validity.

29.23.150 and AS 29.23.470

Both require assembly appointmet of an acting borough manager in the absence of or disability of the manager. If these sections address different policy questions, they are unclear; if they do not, one should be eliminated as redundant.

29.23.170

This provision does not specify when a veto becomes effective or specify any time limit for the overriding of the veto. Moreover, it does not indicate what is the status of an ordinance between the time its veto is announced and the time the Assembly first has an opportunity to override the veto. For instance, if the mayor vetos a line