

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2

760 SCOMM23: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

item in the budget, may expenditures be made under that item until the mayor announces the veto at the next regular assembly meeting, or does the veto immediately strike the item until the veto is overridden?

29.23.200

The three year residency requirement here is also probably invalid.

29.23.210

As with the provisions for boroughs, this section should provide more definite standards for abstention on other than conflict of interest grounds.

29.23.250

Another probably invalid three year residency requirement.

29.23.270

This provision has the same ambiguities with regard to the effectiveness of a veto and a veto override as the provision applying to boroughs.

29.23.555

This section has been superceded by AS 39.50.

29.33.070-245

Serious thought should be given to the purpose of the planning, platting and zoning provisions in this code. Should they only prescribe minimum due process standards for rezonings and other land use decisions or should they detail all of the administrative procedures to be followed by local governments in this area. This article presently tries to do little of both and does neither very well.

29.33.190

This section makes it unlawful for any person to sell or attempt to sell land located within a subdivision which has not yet been approved by the borough platting authority and subjects violators to certain criminal sanctions. But AS 29.53.100 requires that the borough assessor assess real property to "the owner of record as shown on the records of the district recorder" even though that person may be the owner of record only by virtue of an illegal subdivision in violation of AS 29.33.190. Moreover, AS 29.53.310 allows persons holding security interest in illegally subdivided lands to obtain release for portions of lots or tracts originally subdivided even though such lands were illegally subdivided in violation of AS 29.33.190.

3

29.33.070

It is unclear whether platting powers can be delegated to a second class borough or a city within the borough under this section.

29.33

The current language of this chapter, as it incorporates a traditional definition of zoning and makes zoning along with platting the principal means of land use regulations, is unduly restrictive and should be revised to allow more innovative forms of land use regulation by boroughs and municipalities.

29.33.250

Presumably the transfer required is one from all cities exercising the power rather than from a city.

29.33 and 29.38

Should there be a provision for a borough to exercise a power in some but not all cities (for example in second class cities but not in first class cities)?

29.48.030(b) AS 29.48.035(b) and (c)

These provisions are redundant. The limitations on the powers of second class boroughs should be stated in a more concise fashion in one easily accessible part of the code.

Moreover, AS 29.48.030 and .035, inasmuch as those sections distinguish between "regulation" and provision of "municipal facilities and services", are at the very least confusing and perhaps unnecessary.

29.48.030(a)(12)

The term transportation "system" used in this section should be defined.

29.48.260

Provisions of this section governing disposal of municipal properties should be clarified and revised to reflect increased land values throughout the state, to state who makes determinations of the value of land offered for sale and the date upon which such valuations must be based. Moreover, the statute should be clarified to either include or exclude rights-of-way or easements from its provisions.

29.53.135

The language regarding the composition of the Board of Equalization is unclear. The statute presently requires "at least that number of members of the assembly over and above the number required for a quorum to transact business"; the statute is unclear when applied to a lay board to whom the equalization function is delegated.

29.53

Should be amended to require payment of all taxes, even those due for more recent assessments on properties whose owners have requested issue of a quitclaim repurchase deed. Present law mandates issue of a quitclaim repurchase deed to the owner of record upon payment of those taxes assessed for the tax year stated in the clerk's deed even though the same property is the subject of other foreclosure proceedings brought in subsequent years. An amendment to AS 29.53 which would require payment of all taxes owing on a parcel before a quitclaim repurchase deed can be issued would eliminate substantial confusion in the minds of taxpayers, and would reduce administrative complexity for borough finance departments presently confronted with multiple foreclosure actions on the same parcels.

29.63.090

The present statute governing service areas does not adequately address the question of whether a service area may be used for exercise of a governmental regulatory power rather than for provision of municipal or services.

8.60.050-100

Regulation of junk yards in this section should be cross-referenced to those sections of Title 29. relating to areawide planning, platting and zoning powers.

9.25.110-120

It is unclear whether public records statutes apply at all to municipal government. If it is the intention of the Legislature to apply the public records laws of AS 9.25.110-120 to cities and boroughs, then those sections should be amended accordingly with an appropriate cross references to Title 29.

January 4, 1980

Mr. Thomas F. Klinkner
Law Offices of Richard W.
Garnett III
900 West 5th Avenue, Suite 540
Anchorage, Alaska 99501

Dear Tom:

Thank you very much for your comments regarding the Local Government Study. Our final report is due out very soon and I will see that you are added to this mailing list. Overall, I am pleased with the results of this study. Although the proposals may seem modest, they seem to follow well the constitutional directions set for local governments and certainly can bring some cohesiveness and coordination to the delivery of services to rural Alaska. Your indepth comments and support can certainly help in seeing that this needed legislation is adopted by this session of the Legislature.

Your voice adds to a growing chorus speaking to the need for thorough technical revision of Title 29 of the Alaskan Statutes. When a certain number of amendments have been made to the Statutes, a recommendation is made for a revision of the Title. This is the case, as I understand it, with Title 29 and the recommendation is being made that Title 29 be the next title to be revised. I have had preliminary discussions with Representative Bill Parker regarding this and with several other interested parties, such as the Alaska Municipal League. One possible approach might be the establishment of a short-term committee composed of chairs of the Senate and House Community and Regional Affairs, Mr. Jack Chenoweth, from the Legislative Legal Department, other attorneys who are familiar with working on the Statutes, and other interested persons. I would see this as a working group that would produce revisions to Title 29 for introduction to the next Legislature. It seems to me there needs to be a careful delineation of the so-called house-keeping aspects and other issues that may be of major policy impact. For example, issues dealing with service areas, annexation procedures, etc., may take some special review and consideration.

January 4, 1980

I will discuss this matter further with Mrs. Ginny Chitwood, Alaska Municipal League, and with Representative Bill Parker as to possible methods for best proceeding with the revision of Title 29. I am sending copies of this letter to a number of people in hopes that both you, Tom, and the ones receiving copies will send me their thoughts and comments as to how best to proceed. It would be very helpful to have some input as to the number of policy issues, in addition to overall revisions that may well need to be addressed. Again, thank you for your interest and I will look forward to hearing from you further on this.

Sincerely,

Arliss Sturgulewski
Senator, District 10-H

cc: Mr. Lee Sharp
Juneau City Attorney
Mr. Bruce Aronson
Petersburg City Manager
Mrs. Ginny Chitwood, Ex. Dir.
Alaska Municipal League
Mr. Alan Tesche
Mat-Su Borough Attorney
Mr. Jim Nordale
North Star Borough
The Honorable Bill Parker
House of Representatives
Mr. Jim Nordale
North Star Borough

LAW OFFICES OF
RICHARD W. GARNETT III
THOMAS F. KLINKNER
SUITE 540, 900 WEST FIFTH AVENUE
ANCHORAGE, ALASKA 99501
TEL. (907) 276-2221

December 5, 1979

Senator Arliss Sturgulewski
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Arliss:

I appreciated the opportunity to attend your discussion group on local government in rural Alaska, and thank you for sending me a copy of the report resulting from that session. I regret that I have not responded sooner to your request for implementation proposals.

While it certainly is not an essential prerequisite to the program you propose, I suggest that you consider as a complementary project a thorough technical revision of Title 29 of the Alaska Statutes. As an attorney for general law municipalities who has had substantial experience working with Title 29, I frequently am exposed to its legal inadequacies as a charter for the operation of small municipalities. Title 29 is at once too vague to be helpful in some areas and too restrictive in others. A new rural municipality can ill afford the added expense of developing a home rule charter and detailed municipal code merely to avoid the deficiencies of Title 29. While the structure of local government organization under Title 29 is basically sound, many of its procedural and administrative provisions do not provide the support and instruction that those who administer small, rural municipalities require.

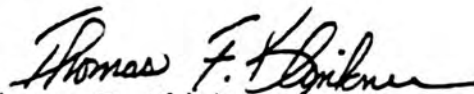
I believe that if there were support for the project in the legislature it would not be difficult to assemble a committee of attorneys and others with day to day experience in the operation of general law municipalities to undertake a revision of Title 29 to make it more useful to those who operate under it—generally the smaller, more rural municipalities in the state.

LAW OFFICES OF
RICHARD W. GARNETT III

Senator Sturgeulewski
December 5, 1979
Page 2

Please let me know if you would be interested in
pursuing such a project.

Yours truly,


Thomas F. Klinkner

TFK:pac

DEVELOPMENT CITY - Title 29

Senate Community and Regional Affairs
Arliss Sturgulewski

February 1979

Notes by Ann Shook - F

It must be remembered that this statute was written for the Lost River project located near Nome in an unorganized borough containing no inhabitants. When Community and Regional Affairs received the petition for a development city on Afognak Island from the Afognak Island Native Association, they were given the impression that this area was devoid of inhabitants and proceeded on this assumption. Most of the inhabitants are, in fact, transient cannery workers and may not wish for a voice in the development stage of a development city. It is not clear if all of the land is owned by the Native Corp. and if so, on whose land are the remaining inhabitants residing. If these inhabitants do not own land, they will not be subject to property tax even when it becomes a first class city. (they must pay tax only on improvements on the land).

29-18-050 (8) Provision for a first class city incorporation

This should be changed if there are inhabitants in the area. This section of the statute does not follow the standard incorporation procedures because it was assumed that a development city would result in an uninhabited area.

29-18-340 Development City Council

Change statute to "the Governor shall appoint no fewer than two public members from a list of nominees designated by the major developer providing the industrial base of the city as measured by employment and capital investment; and two members who are state residents preferably residing in the surrounding area or borough if the development city is located in a borough".

29-18-360 Powers and Duties of the Council

Considerable controversy has arisen over this provision as it gives planning & zoning powers to the division of planning and research and the Dept. of Environmental Conservation during the development stage. The original project for which this was written (Lost River) was located in an unorganized borough whereas Afognak is located within a borough which may want some control over development within its confines. An addition which may alleviate this problem is "except within an organized borough unless the borough waives DPD powers over development, planning, and zoning".

Actually, according to 29-18-290, the petition for a development city may be rejected

Actually, according to 29-18-290, the petition for a development city may be rejected under (4) if the organized borough is capable and willing to carry out the program and activities being considered or if the borough wishes to promote a development city within its area (5) (a) the assembly may "present to the Local Boundary Commission a contractual agreement outlining responsibilities assumed by the borough and the industrial developer to implement the proposed development program."

29-18-380 Procedures

Add "meetings shall be made public".

29-18-390 Development City Capital Improvements

Regulations presently being written by Community and Regional Affairs will clarify this.

29-18-430 Revenue Bonds

Mr. Shey is incorrect in his assumption that issuance of Revenue Bonds would result in the 85 residents becoming 1/85 of the taxable base. Revenue bonds are issued from a corporation or bank based on the value of the project or facility thereby placing no liability on the tax payers. In the development stage, the inhabitants will not be taxed, and unless they own property, they will be taxed only on improvements on land when the development city is incorporated. The state may support the area with funds for certain capital improvement projects thereby representing the use of general tax monies. Mr. Shey gives an example of the building of a dock for which he says his concern is "the tax liability of the bond on the city should the industry fail to be profitable. . ." The facility would be liable in the case of Revenue bonds not the city.

Therefore, there are four alternatives before us:

1. Change the law to apply to locations which include a population; providing for a more democratic process in the development state of the project.
2. Repeal the law and in the process disallow certain developments that may be needed and beneficial to Alaska in uninhabited areas of the state.
3. Limit the law to only those areas in unorganized boroughs that have no inhabitants.
4. Leave the statute as is, counting on the regulations from Community and Regional Affairs to clarify the less definitive and confusing aspects of the law.

Chefornak City Council
Chefornak, Alaska 99561

20 June 1980

Local Government Study
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Gentlemen;

We wish to give our full suport to the issue on Capitol Foundation fund. We find it very helpful to our situation because we don't have very much in matching costs to our capitol projects.

Right now we are trying to get funds to build a Cultural Facility but we don't have matching costs. If it is possible, we will introduce the amounts we are trying to get and the matching costs.

We have other capitol projects we would like to get on, but don't have funding.

If we have to fill out forms or questionnaires to get those funds, Please don't hesitate to send them to us.

With our support,
Chefornak City Council
Chefornak City Council

cc. D.L.
N.L.

SCOMM

#23:14

NAME

SENT TO:

DATE:

Notice of Mtg

dtd 10 Sep 80

re: 29 & 30 Sep. Policy

mtg.

CERA list

Policy group

Wkg group, Ex-Off.

& others

11 Sep 80

NOTICE OF MEETING
06 January 1981

A Policy Advisory Group has been appointed to oversee the revision of the Municipal Code, Title 29 of the Alaska Statutes. The Policy Advisory Group is composed of thirteen members. Of these, nine public members represent a broad range of local officials interested in Title 29. The public and legislative members of the Title 29 Policy Advisory Group are:

Ted Berns, Attorney, Municipality of Anchorage
Terry Cook, City Council, Alakanuk
Marilyn Dimmick, Assembly, Kenai Peninsula Borough
James Kohler, Manager, City of Yakutat
Ronald Larson, Borough Mayor, Matanuska-Susitna Borough
Gene Moore, Manager, City of Kotzeube
Donna Sherby, City Clerk, City of Cordova
Jonathan Solomon, Mayor, City of Fort Yukon
Russell Walker, Attorney, City of Ketchikan and
Ketchikan Gateway Borough
Senator Arliss Sturgulewski, Anchorage
Senator Bob Mulcahy, Kodiak
Representative Margaret Branson, District 5
Representative Charles Parr, Fairbanks

The fifth meeting of the Policy Advisory Group is scheduled for 17 & 18 January 1981. The meeting will begin at 9:00 a.m., in Room 320 of the Court Building, Juneau, Alaska.

The proposed agenda for this meeting is :

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Old Business:
 - a. Report by subcommittee chairman on AS 29.09.180 (Organization Grants).
 - b. Report by subcommittee chairman on AS 29.30.040 (Voter Qualifications).
 - c. Presentation of proposed drafts by the Technical Committee.
 - d. Other old business.

Title 29 Revision Commission
Notice of Meeting
06 January 1980

4. New Business:

- a. Presentation of proposed items for consideration by members of the Policy Advisory Group.
- b. Presentation of proposed items for consideration by Ex-Officio members.
- c. Presentation of proposed items for consideration by the Technical Revision Committee.
- d. Other new business.

January 18th:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Other new business.

It is the intention of the Policy Advisory Group to undertake a through review of Title 29. To make this possible, the Policy Group requests that any questions about Title 29 be forwarded to them. Comments on Title 29 may be sent to:

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, AK 99811

As the review of Title 29 must be completed before the next legislative session, it is important that any suggestions for revision be mailed as soon as possible. It is hoped that all areas of Title 29 needing revision can be identified before this meeting.

Thank you for your interest in the revision of Title 29. Again, any comments on areas of Title 29 that, in your opinion, need review will be helpful to the Policy Advisory Group.

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November 24, 1980

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Senator Arliss Sturgulewski, Anchorage
Senator Bob Mulcahy, Kodiak
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Representative Charles Parr, Fairbanks

The fourth meeting of the Policy Advisory Group is scheduled for 15, 16, and 17 December 1980. The meeting will begin at 9:00 a.m. in the Adventure Room of the Captain Cook Hotel, Anchorage, Alaska.

The proposed agenda for this meeting is :

December 15th:

1. Introduction of guests and members of the public attending.

2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.

3. Old Business:

a. Report by Pat Poland on material prepared for newsletters.

b. Report by subcommittee chairman on AS 29.09.180 (Organization Grants).

c. Report by subcommittee chairman on AS 29.30.040 (Voter Qualifications).

d. Presentation of proposed drafts by the Technical Committee.

e. Other old business.

Title 29 Revision Commission
Notice of Meeting
24 November 1980

4. New Business:

- a. Presentation of proposed items for consideration by members of the Policy Advisory Group.
- b. Presentation of proposed items for consideration by Ex-Officio members.
- c. Presentation of proposed items for consideration by the Technical Revision Committee.
- d. Other new business.

December 16th:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Other new business.

December 17th:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Other new business.
4. Setting of future meeting dates for the Policy Advisory Committee.

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September 10, 1980

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Representative Margaret A. Branson, Kenai Peninsula
Senator Bob Mulcahy, Kodiak
Senator Arliss Sturgulewski, Anchorage

The second meeting of the Policy Advisory Group is scheduled for September 29th and 30th, 1980. The meeting will begin at 9:00 am at the Legislative Information Office, 1024 West Sixth Avenue, Anchorage, Alaska. The telephone number there is 278-3668.

The proposed agenda for this meeting is:

1. Introduction of guests and members of the public attending.
2. Presentation by guests and members of the public of areas of concern or proposed items for consideration.
3. Old Business:
 - a. Recommendations by Ex-Officio members for ways of getting materials and information to the public.
 - b. Report on reorganization of Title 29 by the Technical Revision Committee.
 - c. Other old business.

4. New Business:

- a. Presentation of proposed items for consideration by members of the Policy Advisory Group.
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SCOMM

#23:15

Title 29. MUNICIPAL GOVERNMENT

<u>SECTIONS</u>	<u>HEADINGS</u>
Chapter 03.	The Unorganized Borough
29.03.010(S)	Establishment
29.03.020	Service areas
Chapter 08.	Classification of Municipalities
29.08.010(80)	Home rule
29.08.020	General law
29.08.030	Classes of general law
29.08.040(S)	Reclassification
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*part of
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**TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting**

Minutes of November 10 & 11, 1980

The third meeting of the Policy Advisory Group - Title 29 Revision Commission was held November 10 and 11, 1980 in the East Gold Room of the Traveler's Inn, Fairbanks, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 10:45 a.m.

Present as members of the Policy Advisory Group were: Senator Arliss Sturgulewski, Senator Bob Mulcahy, Senator-elect Charles Parr, Representative Margaret Branson, Ted Berns, Terry Cook, Marilyn Dimmick, Ronald Larson, Gene Moore, Donna Sherby, and Russell Walker. Present as Ex-Officio Members were Palmer McCarter, and Bonnie Hedley from RuralCAP substituting for Phil Smith. The Technical Committee was represented by Ted Berns and Russell Walker as members of both groups, and by Allan Tesche. Present from the staff of Legal Services were Billy G. Berrier, Director and Tamara Brandt Cook, Legislative Counsel.

Guests and members of the public attending were: Stephanie Scott, Haines Borough; Cris Fowler, AOGA; Bob Walker, Exxon; Mike Walleri, Tanana Chiefs; John Arney, Haines Borough; Bob Juettner, City of McGrath; Michael Tavoliero, City of Saxman; Marie Matsuno, Department of Community and Regional Affairs; Ivan Widom, City of Nome; Lisa Buskirk, Tanana Chiefs; John Halliwill, City of Haines; Tommy Nebel, Ketchikan Borough; Kathy Carssow, Ketchikan Borough; Marvin Yoder, Ketchikan Borough; Tom Blanton, Haines Borough; Jerry Clifton, Haines Borough Assembly; Dan Ogt, Kodiak Island Borough; Shirley Collins, Haines; Jack Carpenter, Sitsnasuak Native Corporation; Edward A. Stahla, City of Wrangell; Richard Careaga, City of Unalaska; Robert Flint, Wohlforth & Flint; Jack P. Van Leuven, RainierBank.

There were no presentations by guests or members of the public.

Under Old Business, Palmer McCarter reported on ways of getting materials and information to the public. He said the Department of Community and Regional Affairs was planning newsletter inserts and coordinating with the University of Alaska for a special issue of their newsletter to include an insert concerning the revision of Title 29. Chairman Sturgulewski directed Bonnie Hedley to coordinate information activities with Mr. McCarter and Tamara Cook.

Bonnie Hedley gave a report from RuralCAP on special problems of rural communities. She stated that rural communities have little "hook-up" with state agencies and therefore have little access to programs and money. The legislature never meets as the assembly for the Unorganized Borough. It is felt that there are not enough people in small communities to perform all

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the required municipal functions as well as the functions of existing forms of government, such as IRA councils. RuralCAP recommends the recognition of IRA councils. Chairman Sturgulewski directed staff to prepare a memo on these issues.

Mike Walleri presented a new draft of his report entitled "Tribal-State Relations, A New Paradigm for Local Government in Alaska". The chair directed staff to review it.

Chairman Sturgulewski reported attending a meeting of the AVCP in Bethel, and said they were getting funds to do a regional government study. She also reported on attending the AFN convention in Anchorage. The people she talked to questioned parallel governments and duplication of functions in the communities where there were municipal governments as well as traditional governments.

Ginny Chitwood of the Municipal League was stranded in Juneau due to weather and her report was postponed.

Billy Berrier reported what the Commission had done to date. Ted Berns said the Technical Committee planned to present final recommendations to the Policy Group by the 15th of December, 1980.

The Technical Committee presented their proposed drafts for consideration to the Policy Group. Representative Branson moved that the Policy Group accept all recommended changes except those requiring more discussion. The motion was seconded and carried. The following sections were accepted. (Note: There were wording changes in some in the following) Sec. 29.06.010, Sec. 29.06.050, Sec. 29.12.260, 29.15.020, 29.15.050, 29.15.110, 29.65.050, 29.30.010, 29.30.020, 29.30.030, 29.30.050, 29.30.095, 29.30.110, 29.30.120, 29.30.130, 29.30.140, 29.30.150, 29.30.160, 29.30.170, 29.30.180. Sections 29.09.180 and 29.30.040 were sent to subcommittees for study.

The meeting was recessed until 9:00 a.m. 11 November 1980.

At 9:00 a.m. 11 November 1980 the meeting was again called to order in the East Gold Room of the Traveler's Inn, Fairbanks, Alaska. All members of the Policy Advisory Group were in attendance. Members of the public and guests who attended the day before were present and the following people attended as well: Ginny Chitwood, Ex-Officio Member; Gerald Lee Sharp, Title 29 Technical Committee; Richard Garnett, III, Title 29 Technical Committee; David Dye, Department of Community and Regional Affairs; Leo Rasmussen, City of Nome; L.C. Farnen, City of Homer; Kathy Herold, City of Homer; Carol Maser, Anchorage Assembly; Jenny Files, Fort Yukon; and former Mayor Bill Wood, Fairbanks.

Mayor Wood gave the first presentation. He spoke on the need for municipalities to have developmental authority in order

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to encourage investments within the cities and boroughs. He submitted a letter from the City of Fairbanks regarding tax incentive programs and referred to Fairbanks ordinance 3906. The Technical Committee was directed to review AS 29.53.025.

John Halliwill, Mayor of Haines spoke in favor of the elimination of Third Class Boroughs.

Bob Juettener, City Manager of McGrath spoke on the problems of communities with small populations supporting the large number of organizations making up municipal government. He recommended an evaluation of second class cities and abolishing those that are not functioning. He suggests that the group providing the best service delivery be chosen as the governing body of a community. He feels the different classifications of cities should be abolished and provisions made for local options concerning the assumption of powers and form of government. He sees a need in the bush for a means of dealing with the executive branch of government, perhaps a regional or sub-regional elected body in the Unorganized Borough.

Ivan Widom, City Manager of Nome said there was a need to regionalize concepts in order to see what is happening in specific areas. He recommends giving communities mechanisms for reaching the state in order to benefit from services offered. Mr. Widom also recommended giving communities the option of choosing their own form of government, such as home rule.

Michael Tavoleiro, City Manager of Saxman spoke next, saying there was no definition of local government, i.e., no expressed definition of eligibility characteristics. He feels that second class cities within an organized borough are disenfranchised from planning powers. He stated also that second class cities should have direct access to federal and state programs instead of being required to go through the borough. Mr. Tavoliero cited the Historical Districts program as an example. He feels that local communities should be allowed more self-sufficiency.

Larry Farnen, City Manager of Homer spoke in reference to 29.48.260. He recommended raising the dollar amount in that section from \$25,000 to \$250,000. He wants cities to have the authority to lease land to beneficial new industry. In reference to planning and zoning powers, Mr. Farnen recommended the statutory language be changed to allow boroughs to assume planning and zoning powers if the cities are not willing to exercise them.

Dan Ogt, Mayor of the Kodiak Island Borough cited AS 29.30.160 saying there was no provision for special elections, and recommended special elections be mandated in the statutes.

Richard Careaga, Planning Director for the City of Unalaska wants more definition/clarification of mandatory powers and duties.

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Leo Rasmussen, Mayor of Nome said small government feels that it has lost control of its own destiny. Planning is being taken over by REAAs and SRAAs. He said Nome feels threatened by the possible organization of the Unorganized Borough and he asked for more local autonomy.

Returning to Old Business, the Policy Group continued its review of the recommended drafting changes submitted by the Technical Committee. Sec. 29.30.210 was reviewed. James Kohler moved to not accept the drafted change but to retain the current language. Charles Parr amended the motion, and it carried. The chair directed staff to clarify the wording of the current statute and resubmit it at the next meeting of the Policy Group. Secs. 29.30.220, 29.30.225, 29.30.230, 29.30.240, 29.30.250, 29.30.260, 29.30.270, 29.30.280, 29.30.290, 29.30.300, 29.30.310, 29.30.320, were accepted with no changes or some wording changes. 29.30.330 was sent back to the Technical Committee for redrafting.

Two subcommittees were formed and are to give reports at the next meeting on AS 29.09.180 Organization Grants (Chair-McCarter) and AS 29.30.040 Voter Qualifications (Chair-Dimmick).

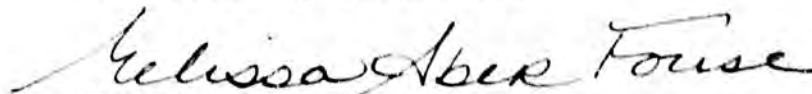
Two sections of Title 29 considered obsolete were discussed. The Policy Group will recommend the repeal of the sections on Involvement of Young People in Local Government and the repeal of the sections on Development Cities.

The dates of the next meeting of the Policy Advisory Group were set for 15, 16, and 17 December, 1980 in Anchorage.

Staff is to review the definition of "petitioner".

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,



Melissa Aber Fouse
Secretary, Title 29 Commission

TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting

Minutes of September 29 & 30, 1980

The second meeting of the Policy Advisory Group of the Title 29 Revision Commission was held September 29, 1980 in Courtroom K of the Alaska Court System Building, 303 K Street, Anchorage, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 9:00 a.m.

Present as members of the Policy Group were: Senator Arliss Sturgulewski, Representative Charles H. Parr, Ronald Larson, Russell W. Walker, Marilyn Dimmick, Donna Sherby, Jonathan Solomon, James Kohler, Ted Berns, and Dennis Sheldon representing Terry Cook. Ex-Officio members present were Ginny Chitwood and Phil Smith. Richard Garnett, III was there as a member of the Technical Committee. Ted Berns and Russell Walker are members of both the Policy Group and the Technical Group. Present from the staff of Legal Services were Jack Chenowith and Tamara Cook.

There to make presentations to the Policy Group were C. Demming Cowles, Deputy Commissioner of the Department of Environmental Conservation; David Dye, Planner for the Department of Community and Regional Affairs; Dr. Fred McGinnis, Deputy Commissioner of the Department of Health and Social Services; Stephanie Scott, representing the Haines Borough Assembly; and Mike Walleri representing Tanana Chiefs, Inc.

Guests and members of the public attending were: Stuart Bowdoin, Bristol Bay Borough; Gary Bradford, Bristol Bay Borough, Glen Svendsen, Administrative Assistant, Senate Community and Regional Affairs Committee; Cris Fowler, AOGA Regulatory Reform Committee; Ray Menninger from Haines; Jim Bennett, researcher for AVCP (Calista Corporation); Ellen Greenburg, and Emily Larson.

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1. Water system and sewage disposal inspections.
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4. Clean up of small oil spills.
5. The issuing of oily waste burn permits and surface oiling permits.
6. Litter control.
7. Vehicular emissions control.

Changes to Title 29 would have to be made to allow for delegation of these powers. Commissioner Cowles suggested that the statutes could make it optional for small communities to assume these powers and provide for state reimbursement, because money for communities to perform these services is a problem.

Stephanie Scott representing the Haines Borough Assembly spoke next. The borough of Haines would like a clarification of the powers of third class boroughs. She reported that the Borough Chairman had the following recommendations to make:

1. Rewrite 29.48.260(e) to relieve procedural requirements under Libby vs. Dillingham.
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Ms. Scott stated there would be teleconference facilities available in Haines December 1, and there was a great deal of local interest in participating in a teleconference with the Policy Group.

David Dye, Planner III for the Department of Community and Regional Affairs made these recommendations from his division:

1. The law should be amended to allow municipal land exchanges with individuals. Municipal expansion land in some cases is located too far from the community to be used for municipal expansion. The definition of "municipal purpose" should be clarified.
2. Subsection (c) of 29.48.260 sets out two procedural requirements for land disposal. Mr. Dye recommends that lottery be added as an equitable way of disposing of land which is not based on wealth.
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4. Subsection (d) of 29.48.260 exempts lands derived from the state from procedural requirements. C&RA suggests that exemption turn on the purpose of disposal, not the source of the land.

5. Under ANCSA, people who have occupied land after December 18, 1971 do not receive title to that land. C&RA would like a preference right for occupiers of land after that date to allow them to purchase land without having to bid.

6. Mr. Dye would like a definition of "official map".

7. The wording of AS 29.23.090 should be changed to substitute "land use regulation" for "zoning".

8. C&RA suggests that rather than a platting waiver provision, the section include a "short plat" provision to allow for additional platting requirements if the land were subsequently re-subdivided.

9. AS 29.33.070(b)(2) allows boroughs to delegate planning and zoning to cities. The Department of Community and Regional Affairs believes in consistent area-wide planning and wants only the delegation of enforcement and administration of planning.

10. The sections regarding Development Cities should be deleted.

Mike Walleri of Tanana Chiefs, Inc. spoke regarding municipal lands disposal and the need for preference to occupiers of land regarding purchasing rights. This should, however, be subject to the municipality's sanction of the use of the land. Mr. Walleri recommends a waiver of the requirements for land payments to the municipality, or that the state assist buyers in paying for the land. Tanana Chiefs would support a lottery system if the preference rights and waiver of payments to municipalities were included. Mr. Walleri spoke in favor of integrating traditional native governments into the municipal system, possibly through recognition by the state of the status of native governments as local state governments.

Dr. Fred McGinnis of the Department of Health and Social services told us that his department recommends the delegation of health powers to municipalities. If municipalities were to take over the providing of services, the DHSS would still receive federal funding, would disburse the funds, would audit programs, supervise, and be responsible to the federal government for the administration of the programs. He emphasized that these powers should be optional rather than mandatory, and that in the absence of local government being able to take over the function of health services, a local contractor could provide them.

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After the presentations, the committee considered Old Business. Phil Smith gave a report on the conclusions of the Information Dissemination Committee. Their recommendations are: take advantage of scheduled meetings and conventions being held by interested groups; put inserts in newsletters; buy space in newspapers; and use the teleconference network. Mr. Smith reported that the Alaska Federation of Natives Convention will be making a room available for us at the Sheraton. Chairman Sturgulewski said a member of each group should be available to attend the AFN Convention. She also directed the Department of Community and Regional Affairs to prepare an article on the Title 29 revision project for newsletters.

Ted Berns gave a report from the Technical Committee. He explained the draft index of Title 29, saying the reorganization had been done by subject matter. Mr. Berns told the Policy Group that the Technical Group was now ready to start drafting and the group had broken up into smaller groups to work on specific changes.

Chairman Sturgulewski said the Policy Group would like justification of all drafted changes in the form of memos pointing out the pluses and minuses of each change.

Ted Berns suggested that the Policy Group go through the index section by section and determine policy questions.

The Policy Group reviewed the index until recessing at 4:30.

The meeting was called to order 30 September 1980 at 9:00 a.m. by Chairman Sturgulewski. With the exception of Bob Lohr sitting in for Phil Smith, the same members were present. Guests were: Bob Walker of Exxon; Cris Fowler of the AOGA Regulatory Reform Committee; David Dye from the Department of Community and Regional Affairs; Stephanie Scott, Ray Menninger, and Vivian Menninger from the Haines Borough; Glen Svendsen, Administrative Assistant to the Senate Community and Regional Affairs Committee; and Mike Walleri, Tanana Chiefs, Inc.

The Policy Group continued their review of the Title 29 index and the Technical Group was directed to make recommendations regarding the following:

1. AS 29.13.100. Review and make recommendations as to the limitations of home rule powers.
2. Edit the whole of Title 29 so that definitions are consistent.
3. List those procedures which can be handled by ordinances.

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4. Prepare drafts to change prohibitions on powers.
5. Draft changes to the statute regarding initiative and referendum.
6. Draft provisions for emergency situations arising from the lack of a quorum.
7. Redraft statute enabling budget actions to take place other than by ordinance. Enable an individual municipality to set it's own limits.
8. Make recommendations regarding whether first class boroughs should be eliminated and consider the impact of this step.
9. Find out whether second class boroughs would still be able to implement a similar program if the statute about the Involvement of Young People in Local Government were to be deleted.

Chairman Sturgulewski directed that the Local Boundary Commission and Alan Tesche be invited to make a presentation in defense of retaining the statutes regarding Development Cities.

Ron Larson moved the Policy Group retain the 3-year residency requirement for candidates for municipal office. The motion was seconded, Jim Kohler raised a point of order. The motion carried.

Marilyn Dimmick moved that the wording of the grounds for recall be deleted. The motion was seconded. Ron Larson moved to table the motion. Larson's motion failed. Ted Berns moved to postpone the motion until the next meeting. The motion for postponement passed.

Bob Lohr of RuralCAP was directed to come back with specific recommendations for the Technical Group regarding small communities and their problems.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,


Melissa Aber Fouse
Secretary

TITLE 29 REVISION COMMITTEE
Policy Advisory Group Meeting

Minutes of August 27 & 28 1980

The first meeting of the Policy Advisory Group of the Title 29 Revision Committee was held August 27, 1980 in the Conference Room of the Legislative Information Office, 1024 6th Avenue, Anchorage, Alaska. The meeting was called to order by Billy G. Berrier, Director of the Division of Legal Services at 9:00 am.

Present were: Ted Berns, Terry Cook, Marilyn Dimmick, James Kohler, Gene Moore, Donna Sherby, Jonathan Solomon, Russell W. Walker, Ronald Larson, Senator Arliss Sturgulewski, Senator Bob Mulcahy, Representative Margaret Branson, Representative Charles H. Parr as members of the Policy Group. Also present were Phil Smith and Mr. Palmer McCarter, Ex Officio Members of the Policy Advisory Group. Allan E. Tesche attended representing the Technical Committee. Ted Berns and Russell Walker are also members of the Technical Committee. Mike Walleri of the Tanana Chiefs Conference, Inc., and Glen Svendsen, Administrative Assistant to the Senate Community and Regional Affairs Committee were present. Billy Berrier and Tamara Cook were present representing the Division of Legal Services, Legislative Affairs. Tam Cook explained that Ginny Chitwood from the Alaska Municipal League could not be present but would attend future meetings as an Ex Officio member.

The first order of business was the selection of a chairman for the committee. Nominations were opened and Senator Sturgulewski was nominated by Representative Parr. The nomination was seconded and Senator Sturgulewski was elected Chairman by acclamation.

Mr. Berrier spoke on the role of the Technical Revision Committee and asked for an appointment of a group. A motion to set up a Technical Revision Group was made by Representative Branson. The motion was seconded and carried. The Technical Revision Committee members will be Ted Berns, Richard Garnett, III; John Messenger, Jim Nordale, JoAnne Shanley, Gerald Lee Sharp, Allan Tesche, and Russell Walker.

The Ex Officio members were introduced and there was discussion as to their role. It was agreed that they should sit at the table and take part in the discussion. Palmer McCarter spoke about the role of Community and Regional Affairs. He said that there would be a representative of C&RA at every meeting, either he or Patrick Poland would attend. Mr. McCarter also presented a letter from the Local Boundary commission requesting the statutes regarding Development cities be left in Title 29 but improved. Phil Smith spoke on the concerns of RuralCAP regarding the impact of government on villages and rural areas.

Representative Parr suggested directions for the Policy Committee: 1). greater self determination and latitude for local governments; and 2.) that elected officials should be able to understand Title 29 without the help of attorneys. Senator Sturgulewski agreed that Title 29 needed clarification.

The members present of the Technical Committee met briefly and Ted Berns, as spokesman, gave a report regarding the ideas they discussed. The group recommended that Title 29 be broken down into three sections.

1. The first section to be general provisions applying to all local government.
2. The second section to be delineation of procedures and additional limits on specific forms of government.
3. The third section to be directory provisions to be used unless the local government adopts ordinances of their own.

It was decided that the Technical Committee should attempt to reorganize Title 29 along these lines and present a draft at the next meeting.

Mike Walleri, Village Government Specialist, Tanana Chiefs Conference, Inc., spoke, saying he would like a simplification of government.

A list of items pertaining to Title 29 included in the preliminary draft of the Alaska Municipal League 1981 policy statement was handed out.

Future meeting dates and places were discussed. None were decided upon.

The kinds of things applicable to all municipalities were discussed, such as incorporation, dissolution, boundary changes, classification of government, extraterritorial powers, merger/consolidation, revenue, taxation, bonding, and intergovernmental relations.

Protection of people in service areas who are not represented by local government, such as persons living outside city limits, was discussed.

The meeting recessed at 4:00 pm.

The meeting was called to order the second day at 9:00 am., Chairman Sturgulewski presiding. In addition to the persons present at the first day's meeting, Chris Johnson of House Research and Nels Franklin from near Dillingham were present, and introduced by Chairman Sturgulewski.

Ted Berns gave a recap of the first days meeting.

Terry Cook was appointed repository of ridiculous laws.

Senator Mulcahy spoke on the problem of getting information, drafts, and policy issues to all municipalities within the time constraints. Phil Smith suggested a teleconference and said that he would be presenting material at the Alaska Federation of Natives Convention (23-25 October 1980, in Anchorage). It was decided that the problem of getting materials and information to the public would be an agenda item at the next meeting. Palmer McCarter, Phil Smith, and Ginny Chitwood of the Alaska Municipal League were appointed to a committee to research this problem and make recommendations.

Melissa Fouse was introduced as the new secretary to the Title 29 Revision Committee.

As part of the reorganization of Title 29, there was discussion as to which statutes belonged in which category.

Representative Parr wants a uniform provision on executive session. There was discussion on executive sessions.

The question of retaining present categories of government was raised and discussed. Ted Berns suggested only two classes of boroughs and home rule, pointing out that there are no first class boroughs.

The question of development cities was raised and discussed. Should we retain, restructure, or eliminate development cities?

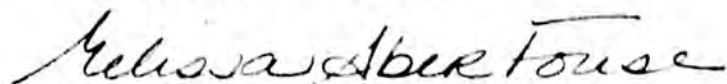
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The meeting was adjourned at 12:00 pm.

Respectfully submitted,


Melissa Aber Fouse

SCOMM

#23:16

NAME

SENT TO:

DATE:

MINUTES - Aug 27

E 28 Mtg

Ex Officio, Wkg Grp
Policy group, Swendsen

11 Sep 80

Attached: SB 5.5

Lt. Nells Anderson

City of McGrath

Minutes:

Policy, Tech, Ex-Off &
OTHERS

3 Oct 80

TITLE 29 REVISION COMMITTEE
Policy Advisory Group Meeting

Minutes of August 27 & 28 1980

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TITLE 29 REVISION COMMISSION
Policy Advisory Group Meeting

Minutes of September 29 & 30, 1980

The second meeting of the Policy Advisory Group of the Title 29 Revision Commission was held September 29, 1980 in Courtroom K of the Alaska Court System Building, 303 K Street, Anchorage, Alaska. The meeting was called to order by Senator Arliss Sturgulewski, Chairman, at 9:00 a.m.

Present as members of the Policy Group were: Senator Arliss Sturgulewski, Representative Charles H. Parr, Ronald Larson, Russell W. Walker, Marilyn Dimmick, Donna Sherby, Jonathan Solomon, James Kohler, Ted Berns, and Dennis Sheldon representing Terry Cook. Ex-Officio members present were Ginny Chitwood and Phil Smith. Richard Garnett, III was there as a member of the Technical Committee. Ted Berns and Russell Walker are members of both the Policy Group and the Technical Group. Present from the staff of Legal Services were Jack Chenowith and Tamara Cook.

There to make presentations to the Policy Group were C. Demming Cowles, Deputy Commissioner of the Department of Environmental Conservation; David Dye, Planner for the Department of Community and Regional Affairs; Dr. Fred McGinnis, Deputy Commissioner of the Department of Health and Social Services; Stephanie Scott, representing the Haines Borough Assembly; and Mike Wallerl representing Tanana Chiefs, Inc.

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