

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

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1 CHAPTER 03. THE UNORGANIZED BOROUGH

2 (CHAPTER 03. THE UNORGANIZED BOROUGH)

3 Sec. 29.03.010. (Sec. 29.03.010.) ESTABLISHMENT. Areas of the state
4 which are not within the boundaries of an organized borough constitute a
5 single unorganized borough.

6 Sec. 29.03.020. (Sec. 29.03.020.) SERVICE AREAS. Allowing for max-
7 imum local participation, the legislature may establish, alter, or abolish
8 service areas within the unorganized borough to provide special services,
9 which may include but are not limited to schools, utilities, land use reg-
10 ulations and fire protection. A new service area may not be established if
11 the new service can be provided by an existing service area, by incor-
12 poration as a city, or by annexation to a city.

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15
16 *Draft - with changes*
17 *as noted*

1 CHAPTER 06. CLASSIFICATION OF MUNICIPALITIES

2 (CHAPTER 08. CLASSIFICATION OF MUNICIPALITIES)

3 Sec. 29.06.010. (Sec. 29.08.010.) HOME RULE. A home rule munici-
4 pality is a municipal corporation and political subdivision and is a city of
5 the first class ~~or~~ an organized borough which has adopted a home rule
6 charter, ^{it is a municipality unincorporated under Title 2.} It has all legislative powers not prohibited by law or charter.

7 Sec. 29.06.020. (Sec. 29.08.020.) GENERAL LAW. A general law mun-
8 icipality is a municipal corporation and political subdivision and is an
9 unchartered borough or city. It has legislative powers conferred by law.

10 Sec 29.06.030. (Sec. 29.08.030.) CLASSES OF GENERAL LAW. General
11 law municipalities are of five classes:

- 12 (1) first class boroughs;
13 (2) second class boroughs;
14 (3) third class boroughs;
15 (4) first class cities;
16 (5) second class cities.

17 Sec. 29.06.040. (Sec. 29.08.040.) RECLASSIFICATION. (a) A second
18 class city may be reclassified as a first class city by holding an election
19 on the question [as provided in this subsection], if the Department of Com-
20 munity and Regional Affairs determines from the best figures available that
21 the population of the city has reached 400 permanent residents.

22 (b) An election on the question of reclassification may be
23 initiated in two ways:

24 (1) a number of voters equal to 15 percent of the number of
25 votes cast in the city at the preceding regular election may file a petition
26 with the council; or

27 (2) the council may propose reclassification.

28 (c) The council shall hold at least one public hearing within the
29

1 city on the question. The council shall then evaluate the ability of the
2 city to assume first class status and make its findings public.

3 (d) The council shall, within 30 days after its findings have
4 been made public, order an election to be held on the question. The election
5 shall be held at least 30 days after the order and not later than the next
6 regular election occurring after the 30-day period.

7 (e) If more than one question is to be voted on at the election,
8 each appears separately on the ballot.

9 (f) The council shall certify the election results to the Depart-
10 ment of Community and Regional Affairs. If the majority of votes cast on
11 the question is favorable, the city shall be considered reclassified to
12 first class status 30 days after certification of the election results.

13 (g) A second class borough may reclassify as a first class or
14 third class borough, and a third class borough may reclassify as a first
15 class or second class borough, in the manner provided by AS 29.36.110
16 -29.36.130 (AS 29.33.270-29.33.290) for the addition of powers by boroughs,
17 except the petition or proposal requests reclassification instead of
18 requesting addition of powers.

19 (h) At the time of voting on reclassification of a second class
20 borough to third class status, borough voters in conformity with AS 29.36.
21 (AS 29.41) shall elect an assembly to serve as the combined assembly and
22 school board of the third class borough if reclassification is approved.

23 (i) At the time of voting on reclassification of a third class
24 borough to second class or first class status, borough voters shall vote
25 also on the question whether the borough shall upon reclassification retain
26 a combined assembly and school board or a separate assembly and board as
27 otherwise provided for first and second class boroughs. If the majority of
28 votes cast on the question favors retention of the combined assembly and
29 board, the assembly serving at the time of the reclassification election

1 continues to serve as the assembly and board upon voter approval of reclas-
2 sification and until terms of assemblymen expire as provided before reclas-
3 sification. If a separate board and assembly are approved at the reclas-
4 sification election, a school board shall be elected in conformity with AS
5 14.12 at the next regular municipal election, if it occurs within 90 days of
6 the date of the reclassification election, or otherwise at a special election
7 within that time called by the assembly with expiration dates of terms of
8 members elected at the special election to coincide with the date of the
9 regular municipal election. Until a board is elected and qualified, the
10 assembly continues to serve as the board.

11 (j) The effective date of reclassification of a borough for which
12 reclassification is approved under (h) of this section is the first day of
13 the borough's fiscal year which begins at least six months after the date on
14 which the reclassification proposition has been approved by the voters.

15 Sec. 29.06.050. (Sec.29.08.050.) TRANSITION. (a) On September 10,
16 1972, the current classification of existing home rule cities and of first
17 class cities having 400 or more permanent residents is not affected by this
18 Act. Second and third class cities incorporated before September 10, 1972
19 and having 400 or more permanent residents are reclassified as first class
20 cities. The city council shall certify by resolution the number of permanent
21 residents within the city. Upon the failure to certify, the Local Boundary
22 Commission shall hold a public hearing and make a determination as to clas-
23 sification as provided in (c) of this section.

24 (b) On September 10, 1972, fourth class cities incorporated
25 before that date are reclassified as second class cities subject to reclas-
26 sification under Sec. 40 of this chapter

27 (c) The Local Boundary Commission shall, within two years of
28 September 10, 1972, hold a public hearing in each city which was first,
29 second, or third class before that date and whose population is under 400

permanent residents. The commission shall determine in each case whether the city should be classified as first or second class under the new classification. The commission's decision must be published at least once. Unless objections are filed with the Local Boundary Commission by at least five percent of the permanent residents of the city within 60 days, the classification recommended by the commission becomes effective on the 61st day. If objections are filed by at least five percent of the permanent residents of the city, the commission shall submit its recommendation to the legislature in the manner provided for submission of boundary changes in Sec. 12, art. X of the state constitution.

1 CHAPTER 09. INCORPORATION

2 (CHAPTER 18. INCORPORATION)

3 Article 1. REQUIREMENTS

4 (Article 1. REQUIREMENTS)

5 Sec. 29.09.010. (Sec. 29.18.011.) INCORPORATION OF CITIES. (a) A
6 community which meets the following standards may incorporate as a first
7 class city:

8 (1) the community has 400 or more permanent residents;

9 (2) the boundaries of the proposed city include all areas
10 necessary to provide municipal services on an efficient scale;

11 (3) the economy of the community includes the human and
12 financial resources necessary to provide ^{not} local services; in considering the
13 economy of the community, the Local Boundary Commission shall consider
14 property valuations, economic base, personal income, resource and commercial
15 development, anticipated functions, and the expenses and income of the
16 proposed city, including the ability of the community to generate local
17 revenue;

18 (4) the population of the community is stable enough to
19 support local government;

20 (5) there is a demonstrated need for local government.

21 (b) A community which meets all the standards established in (a)
22 of this section except (a)(1) may incorporate as a second class city.

23 Sec. 29.09.020. (Sec. 29.18.021.) LIMITATIONS ON INCORPORATION OF
24 CITIES. (a) A community within the unorganized borough may not incorporate
25 as a city if the services may be provided by annexation to an existing city.

26 (b) A community within an organized borough may not incorporate
27 as a city if the services could be provided on an areawide or nonareawide
28 basis by the borough in which it is located or by annexation to an existing
29 city.

1 Sec. 29.09.030. (Sec. 29.18.030.) ORGANIZED BOROUGHES. An area may
2 incorporate as an organized borough if it conforms to the following stan-
3 dards:

4 (1) the population of the area is interrelated and integrated
5 as to its social, cultural, and economic activities, and is large and stable
6 enough to support organized borough government;

7 (2) the boundaries of the proposed borough conform generally
8 to natural geography and include all areas necessary for full development of
9 local services;

10 (3) the economy of the area includes the human and financial
11 resources capable of providing local services; evaluation of an area's
12 economy includes land use, property valuations, total economic base, total
13 personal income, resource and commercial development, anticipated functions,
14 expenses, and income of the proposed borough;

15 (4) land, water, and air transportation facilities allow the
16 communication and exchange necessary for the development of integrated local
17 government.

18 Article 2. PROCEDURES

19 (Article 2. PROCEDURES)

20 Sec. 29.09.060. (Sec. 29.18.050.) PETITION. Municipal incorporation
21 is proposed by filing a petition with the Department of Community and Regional
22 Affairs. The petition shall include the following information about the
23 proposed municipality:

24 (1) class;

25 (2) name;

26 (3) boundaries;

27 (4) [Effective until January 1, 1981] composition and
28 apportionment of the assembly or council; [Effective January 1, 1981] com-
29 position and apportionment of the assembly or council;

1 (5) for a first class borough, a designation of areawide
2 powers to be exercised;

3 (6) for a second class borough, a designation of areawide
4 and nonareawide powers to be exercised;

5 (7) maps, documents, and other information required by
6 the Department of Community and Regional Affairs;

7 (8) for first class city incorporation, the signatures
8 and resident address of 50 permanent resident voters or of 15 percent of the
9 permanent resident voters within the proposed municipality, whichever is
10 greater, based on the number who voted in the area in the last general elec-
11 tion;

12 (9) for second class city incorporation, the signature
13 and resident address of 25 permanent resident voters or of 15 percent of the
14 permanent resident voters within the proposed municipality, whichever is
15 greater, based on the number who voted in the area in the last general elec-
16 tion;

17 (10) for borough incorporation, the signature and resi-
18 dent address of 15 percent of the permanent resident voters in each first
19 class city and 15 percent of voters in the area outside first class cities
20 based on the number who voted in the respective areas in the last general
21 election;

22 (11) for a city, a designation of the powers proposed by
23 the petitioners to be exercised;

24 (12) a proposed operating budget for the municipality
25 projecting sources of income and items of expenditure through the first full
26 fiscal year of operation.

27 Sec. 29.09.070. (Sec. 29.18.060.) REVIEW. The Department of Com-
28 munity and Regional Affairs shall review petitions for content and sig-
29 natures and shall return deficient petitions for correction and completion.

1 Sec. 29.09.080. (Sec. 29.18.070.) INVESTIGATION. (a) If the petition
2 contains the required information and signatures, the Department of Community
3 and Regional Affairs shall investigate the proposal.

4 (b) The department may combine petitions for incorporation from
5 the same general area.

6 (c) The department shall hold at least one public hearing in the
7 area proposed for incorporation.

8 Sec. 29.09.090. (Sec. 29.18.080.) REPORT AND HEARING. (a) The Depart-
9 ment of Community and Regional Affairs shall report its findings to the
10 Local Boundary Commission with its recommendations regarding the incor-
11 poration.

12 (b) The Local Boundary Commission shall hold at least one public
13 hearing in the area proposed to be incorporated for the purpose of receiving
14 testimony and evidence on the proposal.

15 Sec. 29.09.100. (Sec. 29.18.090.) DECISION ON BOROUGH INCORPORATION.
16 (a) If the Local Boundary Commission determines that a proposed municipality
17 fails to meet the standards for incorporation, it shall reject the petition.
18 If the commission determines that the proposed municipality meets the stan-
19 dards, it shall accept the petition. If the commission determines that the
20 proposed boundaries can be altered to meet the standards, it may alter the
21 boundaries and accept the petition.

22 (b) A commission decision under this section may be appealed
23 under the Administrative Procedure Act (AS 44.62).

24 Sec. 29.09.110. (Sec. 29.18.110.) INCORPORATION ELECTION. (a) The
25 Local Boundary Commission shall immediately notify the lieutenant governor
26 of its acceptance of an incorporation petition. Within 30 days after notifi-
27 cation, the lieutenant governor shall order an election in the proposed
28 municipality to determine whether the voters desire incorporation and, if
29 so, to elect the initial officers in the same election. If

1 incorporation is rejected, no officers are elected. The election is held
2 not less than 30 nor more than 90 days after the date of the election order.
3 The election order must specify the dates during which nomination petitions
4 for election of initial officers may be filed.

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

8 (c) Areawide borough powers included in the incorporation
9 petition are considered to be part of the incorporation question. In an
10 election for the incorporation of a second class borough, each power to be
11 exercised outside cities only is placed separately on the ballot. Adoption
12 of a nonareawide power requires a majority of the votes cast on the
13 question, and the vote is limited to the voters residing outside cities.

14 (d) The lieutenant governor shall supervise the election in the
15 general manner prescribed by the Alaska Election Code (AS 15.05-15.60). The
16 state shall pay all election costs under this section.

17 Sec.29.09.120. (Sec. 29.18.120.) ELECTION OF INITIAL OFFICERS (a)
18 Repealed by Sec. 4 ch 23 SLA 1976.

19 (b) Nominations for initial officers are made by petition. The
20 petition is in the form prescribed by the lieutenant governor and includes
21 the name and address of the nominee and a statement of the nominee that he
22 is qualified under the provisions of this title for the office that he
23 seeks. A person may file for and occupy more than one office, but he may not
24 serve simultaneously as borough mayor and as a member of the borough
25 assembly or as mayor and as a member of the council of a home rule or first
26 class city. Petitions to nominate officers of a second class city must
27 include the signature and resident address of 10 voters in the area of the
28 proposed city. Petitions to nominate elected municipal officers must
29 include the signature and resident address of 50 voters in the area of the

1 proposed municipality, or that area of the proposed municipality from which
2 the officers are to be elected under the composition and apportionment set
3 out in the accepted incorporation petition.

4 (c) The lieutenant governor shall supervise the election in the
5 general manner prescribed by the Alaska Election Code (AS 15.05 - 15.60).
6 The state shall pay all election costs under (a) - (c) of this section.

7 (d) The initial elected municipal officials take office on the
8 first Monday following certification of their election.

9 (e) The initial elected borough assembly and city council members
10 shall determine by lot the length of their terms of office so that a pro-
11 portionate number of terms expire each year, resulting in staggered terms of
12 office for members subsequently elected.

13 Sec. 29.09.130. (Sec. 29.18.130.) INTEGRATION OF SPECIAL DISTRICTS
14 AND SERVICE AREAS. Service areas in a newly incorporated borough or city
15 shall be integrated into the borough or city within two years after the date
16 of incorporation. On integration the borough or city succeeds to all the
17 rights, powers, duties, assets and liabilities of the service areas. After
18 integration, the borough assembly or city council may exercise within a
19 former service area all of the rights and powers exercised by the service
20 area at the time of integration, and may levy and collect special charges,
21 taxes, or assessments to amortize bonded indebtedness incurred by the
22 service area or by a borough or city as successor to the service area. Upon
23 integration no less than all property in the service area at the time of
24 integration remains subject to taxation to pay the principal of and interest
25 on the bonds. The provisions of this section apply to all organized
26 boroughs whether incorporated or organized before or after September 10,
27 1972.

28 Sec. 29.09.140. (Sec. 29.18.140.) TRANSITION. (a) The powers and
29 functions exercised by home rule or general law cities and service areas

1 which are succeeded to by a newly incorporated borough or city are exercised
2 by them until the new borough or city assumes the powers and functions,
3 which may not exceed two years after the date of incorporation. Ordinances,
4 rules, resolutions, procedures, and orders in effect before the transfer
5 remain in effect until superseded by the action of the new borough or city.

6 (b) The borough or city shall give written notice of its assump-
7 tion of the powers, duties and other items enumerated in Secs. 130-140 of
8 this chapter, to the city, and service area concerned before the assumption.
9 Borough or city officials shall consult with the officials of the city and
10 service area concerned, and arrange an orderly transfer.

11 (c) After the incorporation of a new borough or city, no service
12 area within it may assume new bonded indebtedness, make any contract, or
13 transfer any assets without the consent of the assembly or council.

14 Sec. 29.09.150. (Sec. 29.18.150.) CHALLENGE OF LEGALITY. No person
15 may challenge the formation of a municipality except within six months of
16 the date of its incorporation.

17 Article 03. TRANSITIONAL ASSISTANCE

18 (Article 03. TRANSITIONAL ASSISTANCE)

19 Sec. 29.09.180. (Sec. 29.18.180.) ORGANIZATION GRANTS. (a) For the
20 purpose of defraying the cost of transition to borough or city government
21 and in order to provide for development and interim governmental operations,
22 each borough and city incorporated after January 1, 1968, or, in the case of
23 a second class city, incorporated or reclassified after January 1, 1968,
24 other than a unified municipality incorporated under the provisions of (AS
25 29.85), or a municipality otherwise incorporated by consolidation, is
26 entitled to an organization grant equal to \$10 for every voter who voted in
27 the borough or city incorporation election. However, each incorporated
28 borough and each first class city incorporated or established by
29 reclassification outside an organized borough is entitled to at least
\$25,000.

1 (b) Within 30 days after the date of incorporation of a borough
2 or city after September 10, 1972, the Department of Community and Regional
3 Affairs shall determine the number of voters in the borough or city who
4 voted in the incorporation election.

5 (c) Within 30 days after the completion of its findings, or as
6 soon thereafter as money is appropriated to it for the purpose, the Depart-
7 ment of Community and Regional Affairs shall transmit to the borough or city
8 the total amount of money to which the borough or city is entitled.
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1 CHAPTER 12. ALTERATION OF MUNICIPALITIES

2 (CHAPTER 68. ALTERATION OF BOUNDARIES)

3 Article New. CHANGE OF NAME

4 Sec. 29.12.010. (Sec. 29.73.050.) CHANGE OF MUNICIPAL NAME. (a) The
5 governing body of a home rule or general law municipality may change the
6 official municipal name by adopting an ordinance for the purpose and filing
7 the ordinance with the office of the lieutenant governor. Upon receipt of a
8 legally adopted ordinance ratified by the qualified voters voting on the
9 question at a regular or special election, the lieutenant governor shall
10 issue an appropriate order to the municipality changing its existing name.
11 The name change shall become effective on a date fixed in the order and
12 occurring within 45 days of receipt of the ordinance. A copy of the order
13 shall be transmitted to the Department of Community and Regional Affairs.

14 (b) If an ordinance adopted under (a) of this section which
15 results in an order changing the municipal name is subsequently repealed,
16 the lieutenant governor shall issue a further order reinstating the former
17 municipal name within 45 days of the date of the order, unless a different
18 municipal name is adopted by ordinance transmitted to the lieutenant
19 governor for implementation as provided in (a) of this section.

20 (c) When a municipal name change takes effect by means of an
21 order issued under (a) or (b) of this section, civil or criminal suits,
22 applications, petitions, hearings and other proceedings to which the
23 municipality is a party and pending at or brought after the date the name
24 change takes effect shall proceed in the name of the municipality as changed
25 by the order.

26 Article 02. ANNEXATION AND EXCLUSION

27 (Article 1. ANNEXATION AND EXCLUSION)

28 Sec. 29.12.040. (Sec. 29.68.010.) LOCAL BOUNDARY COMMISSION. (a) The
29 Local Boundary Commission may consider any proposed local government

1 boundary change. It may present proposed changes to the legislature during
2 the first 10 days of any regular session. The change shall become effective
3 45 days after presentation or at the end of the session, whichever is
4 earlier, unless disapproved by a resolution concurred in by a majority of
5 the members of each house.

6 (b) In addition to the regulations governing annexation by local
7 action adopted under AS 44.19.260, the Local Boundary Commission shall,
8 within 90 days of September 10, 1972, establish procedures for annexation
9 and exclusion of territory by cities and boroughs by local action. The pro-
10 cedures established under this subsection shall include

11 (1) a provision requiring that a proposed annexation and
12 exclusion must be approved by a majority of the voters voting on the
13 question residing within the area proposed to be annexed or excluded;

14 (2) provisions that municipally-owned property adjoining the
15 municipality may be annexed by ordinance without voter approval; and

16 (3) provisions that an area adjoining the municipality may
17 be annexed by ordinance without an election if all property owners and
18 voters within the area petition the assembly or council.

19 (c) A boundary change effected under (a) of this section prevails
20 over a boundary change initiated by local action, without regard to priority
21 in time.

22 Sec. 29.12.050. (Sec. 29.68.020.) ANNEXATION OF MILITARY
23 RESERVATIONS. A military reservation may be annexed to a city or borough in
24 the same manner as prescribed for any other territory under Sec. 040 (Sec.
25 10) of this chapter. If a city within an organized borough annexes a
26 military reservation under this section, the territory encompassing the
27 military reservation automatically is annexed to the borough of which the
28 city is a part.

1 Article 03. MERGER AND CONSOLIDATION

2 (Article 3. MERGER AND CONSOLIDATION)

3 Sec. 29.12.080. (Sec. 29.68.030.) METHODS OF MERGER AND CONSOLIDATION.

4 Two methods may be used to initiate merger or consolidation of home rule and
5 general law municipalities:

6 (1) petition to the Local Boundary Commission under regulations
7 adopted by the commission, or

8 (2) the local option method specified in Secs. 090-160 (Secs.
9 40-110) of this chapter .

10 Sec. 29.12.090. (Sec. 29.68.040.) PETITION. (a) Residents of two or
11 more municipalities may file a merger or consolidation petition with the
12 Department of Community and Regional Affairs. The petition must be signed
13 by a number of municipal voters of each municipality equal to at least 25
14 percent of the number of votes cast in its last regular election.

15 (b) The petition includes

16 (1) the name and class of each municipality;

17 (2) the name and class of the proposed municipality;

18 (3) the proposed composition and apportionment of the assem-
19 bly or council;

20 (4) maps, documents, and other information which show that
21 the proposed municipality meets the standards for municipal incorporation .

22 Sec. 29.12.100. (Sec. 29.68.050.) REVIEW. The Department of Com-
23 munity and Regional Affairs shall review a petition for content and sig-
24 natures and shall return a deficient petition for correction or completion.

25 Sec. 29.12.110. (Sec. 29.68.060.) INVESTIGATION. If the petition
26 contains the required information and signatures, the Department of Community
27 and Regional Affairs shall investigate the proposal.

28 Sec. 29.12.120. (Sec. 29.68.070.) REPORT AND HEARING. (a) The Departmen
29 of Community and Regional Affairs shall report its findings to the Local

1 Boundary Commission with its recommendations regarding the merger or consolida-
2 tion.

3 (b) The Local Boundary Commission shall hold at least one public
4 hearing in each of the municipalities included in the merger or consolida-
5 tion petition, unless officials of the municipalities agree to a single
6 hearing.

7 Sec. 29.12.130. (Sec. 29.68.080.) DECISION. If the Local Boundary
8 Commission determines that the proposed municipality fails to meet the stan-
9 dards for incorporation, it shall reject the petition. If the commission
10 determines that the proposed municipality meets these standards, it shall
11 accept the petition. If the commission determines that the proposed boun-
12 daries or the composition and apportionment of the assembly or council can
13 be altered to meet the standards, it may change the proposal and accept the
14 petition. The decision may be appealed under the Administrative Procedure
15 Act (AS 44.62).

16 Sec. 29.12.140. (Sec. 29.68.090.) ELECTION. (a) The Local Boundary
17 Commission shall immediately notify the lieutenant governor of its accep-
18 tance of a merger or consolidation petition. Within 30 days after notifi-
19 cation, the lieutenant governor shall order an election within the area to
20 be included in the new municipality to determine whether the voters desire
21 merger or consolidation. The election is held not less than 30 nor more
22 than 90 days after the election order.

23 (b) A voter who is a resident of the area to be included within
24 the proposed municipality may vote.

25 (c) The lieutenant governor shall supervise the election in the
26 general manner prescribed by the Alaska Election Code (AS 15.05 -15.60).
27 The state shall pay all election costs.

28 (d) The lieutenant governor shall certify the election results.
29 If merger or consolidation is approved, he shall, within 10 days, set a date

1 for election of officers of the new municipality under AS 29.09.120 (AS
2 29.18.120). The election date is not less than 60 nor more than 90 days
3 after the election order. This date is the effective date for the merger or
4 consolidation.

5 Sec. 29.12.150. (Sec. 29.68.100.) ASSETS AND LIABILITIES. (a) When
6 two or more municipalities merge, one municipality succeeds to the rights,
7 powers, duties, assets and liabilities of the others.

8 (b) When two or more municipalities consolidate, the newly incor-
9 porated municipality succeeds to the rights, powers, duties, assets and
10 liabilities of the consolidated municipalities.

11 Sec. 29.12.160. (Sec. 29.68.110.) ORDINANCES. The ordinances, reso-
12 lutions, rules, regulations, procedures and orders of the former munici-
13 palities remain in force within their respective territories until super-
14 seded by the action of the successor municipality.

15 Article 04. UNIFICATION OF LOCAL GOVERNMENTS

16 (Article 3. UNIFICATION OF LOCAL GOVERNMENTS)

17 Sec. 29.12.190. (Sec. 29.68.240.) UNIFICATION OF LOCAL GOVERNMENTS
18 AUTHORIZED. An organized borough and all cities within the borough may
19 unite to form a single unit of home rule local government by complying with
20 this chapter.

21 Sec. 29.12.200. (Sec. 29.68.250.) UNIFICATION TO BE PROPOSED BY
22 PETITION. (a) Formation of a charter commission to propose a unification
23 charter shall be proposed by resolution of the assembly or by petition. An
24 assembly resolution for the purpose may be adopted not more often than once
25 every 12 months.

26 (b) The borough assembly, a city council, or a person living
27 within the area of proposed unification may initiate the petition.

28 Sec. 29.12.210. (Sec. 29.68.260.) PETITION REQUIREMENTS. (a) The
29 petition shall read: "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE

1 UNIFICATION CHARTER We, the undersigned, qualified voters of the Borough do
2 hereby petition that the following proposition be placed before the voters
3 as provided by law: 'Shall a charter commission be formed (and charter com-
4 mission members be elected as elsewhere provided on this ballot) to prepare,
5 adopt and submit to the voters for their approval or rejection a proposed
6 charter uniting the Borough and all cities within it as a single unit of
7 home rule government having the powers, duties and functions of a unified
8 government as authorized by law? Yes [] No []'

9		Inside First	Outside First Class
10		or Home	Class or Home
11	Signature	Address	Rule City Rule City

12 (b) The petition shall be signed by at least

13 (1) that number of qualified voters of the borough living
14 outside all first class and home rule cities in the borough equal to 25
15 percent of the qualified voters who voted in the last regular borough elec-
16 tion; and

17 (2) that number of qualified voters residing in each first
18 class and home rule city located in the borough equal to 25 percent of the
19 qualified voters who voted in the last regular borough election in each
20 city.

21 Sec. 29.12.220. (Sec. 29.68.270.) REVIEW OF PETITION. Upon receipt
22 of a petition, the borough assembly shall review the petition within 15 days
23 after its receipt to determine whether it complies with Sec. 200 (Sec. 260)
24 of this chapter. If the petition does not meet the designated requirements,
25 it shall be immediately returned to the person who initiated the petition
26 with a statement indicating which requirements have not been satisfied.

27 Sec. 29.12.230. (Sec. 29.68.280.) CALL FOR CHARTER COMMISSION
28 NOMINATIONS. Once it is determined by the borough assembly that a petition
29 meets the requirements of Sec. 260 of this chapter, or the assembly by its

1 resolution proposes an election on formation of a charter commission to
2 propose a unification charter, the assembly shall issue a call for the
3 nomination of charter commission candidates, specifying the filing deadline
4 and outlining the procedure described for making nominations under Sec. 240
5 (Sec. 290) of this chapter.

6 Sec. 29.12.240. (Sec. 29.68.290.) NOMINATION OF CHARTER COMMISSION
7 CANDIDATES. (a) Charter commission candidates shall be nominated by petition
8 signed by at least 50 qualified voters of the area from which the candidate
9 seeks election or by a number of qualified voters from that area equal to at
10 least 10 percent of the number of votes cast from that area in the last
11 regular borough election, whichever is less.

12 (b) Nomination petitions shall be filed with the borough clerk on
13 or before the date fixed by the borough assembly, which date shall not be
14 less than 30 days after notice of the call for nominations has been given
15 through the borough.

16 Sec. 29.12.250. (Sec. 29.68.300.) QUALIFICATIONS OF CHARTER COM-
17 MISSION CANDIDATES. A person is eligible to be nominated as a candidate for
18 the charter commission if he has been a qualified voter of the area from
19 which he seeks election for at least one year immediately preceding the date
20 his nomination petition is filed with the borough clerk.

21 Sec. 29.12.260. (Sec. 29.68.310.) COMPOSITION OF CHARTER COMMISSION.
22 The charter commission members shall be qualified voters and shall consist
23 of 11 members, three of whom shall be residents elected at large from the
24 area of the borough and eight of whom shall be (1) residents of and elected
25 from the area outside ^{home rule or quoclass} cities in the borough or (2) residents of and elected
26 from a city or cities in the borough. The number representing each of these
27 areas shall be proportionate to the respective populations as determined by
28 the Department of Community and Regional Affairs.
29

1 Sec. 29.12.270. (Sec. 29.68.320.) ELECTION. (a) After receipt of a
2 valid petition or adoption of an assembly resolution for the purpose, the
3 borough assembly shall submit to the voters the question of whether that
4 borough and all cities within it shall unite to form a single unit of home
5 rule government. The vote shall be held at the next regular borough election
6 scheduled at least 90 days after receipt of the valid petition or adoption
7 of the resolution.

8 (b) The ballot on the question of unification shall be worded
9 exactly as in Sec. 210(a) [Sec. 260(a)] of this chapter.

10 (c) The election of charter commission members shall take place
11 at the same time as the election on the question of unification.

12 (d) All costs incurred in conducting an election under this chap-
13 ter shall be paid by the borough.

14 Sec. 29.12.280. (Sec. 29.68.330.) REQUIREMENTS FOR APPROVAL OF UNIFI-
15 CATION AND ELECTION OF CHARTER COMMISSION. (a) The votes on unification
16 shall be tabulated in two separate classifications. One classification
17 shall consist of all votes cast in the first class and home rule cities of
18 the borough. The other classification shall consist of all votes cast in
19 the remaining areas of the borough. In order for unification to be approved,
20 it is necessary that a majority of the votes in each classification favor
21 unification.

22 (b) If unification is approved, those charter commission can-
23 didates who received the highest number of votes from their respective areas
24 shall serve as members of the commission.

25 Sec. 29.12.290. (Sec. 29.68.340.) CHARTER COMMISSION ORGANIZATION AND
26 PROCEDURE. (a) The charter commission authorized by this chapter shall hold
27 its first meeting within 30 days of the date of certification of its elec-
28 tion. The commission shall elect from among its members a chairman and a
29 deputy chairman.

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

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

8 (d) Meetings of the charter commission shall be open to the
9 public at all times. A journal of commission proceedings shall be kept and
10 shall be available for public inspection at the borough office.

11 (e) Except as provided in Sec. 340(e) [Sec. 390(e)] of this
12 chapter, vacancies on the charter commission shall be filled by a majority
13 vote of the commission. The person appointed to fill a vacancy must be a
14 qualified voter of the same area as the person whom he succeeds and must
15 have been a qualified voter of that area for at least one year immediately
16 preceding the date of his appointment.

17 (f) The borough assembly may grant a per diem allowance to the
18 commission members and may reimburse the members for travel expenses
19 incurred in carrying out the duties prescribed by this chapter.

20 (g) Costs, fees, and other expenses incurred by the charter com-
21 mission are a debt of the borough and shall be paid upon proper veri-
22 fication.

23 Sec. 29.12.300. (Sec. 29.68.350.) CHARTER PREPARATION. (a) A charter
24 commission established under this chapter shall prepare, adopt and submit a
25 proposed home rule charter for the area to be unified to the voters for
26 approval or rejection at a regular or special borough election called by the
27 borough assembly held within 60 days of the date of publication and posting
28 of the proposed charter as required in Sec. 380 of this chapter. The
29 charter shall include among its provisions:

1 (1) provisions for adjustment of existing bonded indebtedness
2 and other obligations in a manner which will reserve a fair and equitable
3 burden of taxation for debt service, subject to Sec. 360 (Sec. 410) of this
4 chapter;

5 (2) provisions for

6 (A) the establishment of service areas; and

7 (B) the establishment of districts or sections for
8 the election of members of the legislative body of the unified
9 municipality, if election of members of the legislative body is
10 not areawide, and procedures by which to reapportion the election
11 districts or sections;

12 (C) reapportionment of the sections, if established;

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

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

19 (5) provision for exercise of the rights of initiative and
20 referendum as required by AS 29.15.050 (AS 29.13.050);

21 (6) a method of amending the charter;

22 (7) the date on which the charter, if approved at the charter
23 election required by Sec. 340 (Sec. 390) of this chapter, is effective;

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

26 (9) other charter provisions which the charter commission
27 elects to include and which may be included in a home rule charter under
28 this chapter and the state constitution.
29

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

3 Sec. 29.12.310. (Sec. 29.68.360.) PUBLIC HEARINGS. Both before and
4 after drafting the proposed charter, the charter commission shall hold a
5 public hearing in each area of the borough represented on the borough assem-
6 bly. Other public hearings may be held by the charter commission whenever
7 and wherever it believes necessary and appropriate.

8 Sec. 29.12.320. (Sec. 29.68.370.) FILING OF PROPOSED CHARTER. Upon
9 the adoption of a proposed home rule charter by the charter commission, the
10 charter shall be signed by at least a majority of the total membership of
11 the commission and shall be filed with the borough clerk. A copy with
12 signatures affixed shall also be filed with the clerk of each city within
13 the borough.

14 Sec. 29.12.330. (Sec. 29.68.380.) PUBLICATION AND POSTING OF PROPOSED
15 CHARTER. Within 10 days after filing the proposed charter, the borough
16 clerk shall have it published once in at least one newspaper having general
17 circulation distributed within the borough, if there is a newspaper having
18 general circulation distributed within the borough. In addition, the clerk
19 shall have a copy of the proposed charter posted in at least three public
20 places within each city of the borough and each area outside cities. Copies
21 of the proposed charter shall be made available by the borough assembly to
22 the public at both the office of the borough clerk and the office of the
23 clerk of each city within the borough. The clerk shall publish notice by
24 radio and television of the publication, posting, and availability of the
25 proposed charter in a manner intended to apprise the entire borough pop-
26 ulation of the existence of the proposed charter.

27 Sec. 29.12.340. (Sec. 29.68.390.) ELECTION ON CHARTER. (a) The pro-
28 posed charter adopted by the charter commission shall be submitted to the
29 voters for ratification or rejection at the borough election specified in

1 Sec. 300 (Sec. 350) of this chapter. The borough clerk shall prepare the
2 ballots for use in the election and shall give published notice of and
3 otherwise conduct the election in the manner in which regular municipal
4 elections are conducted. In addition, the clerk shall publish notice of the
5 election by radio and television in a manner intended to apprise the entire
6 borough population of the election.

7 (b) A person who is a qualified voter of the borough may vote in
8 the election on the proposed charter.

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

15 (1) lieutenant governor;

16 (2) commissioner of the Department of Community and Regional
17 Affairs;

18 (3) district recorder for the area of the borough;

19 (4) clerk of the borough;

20 (5) clerk of each city in the borough.

21 (d) If a proposed charter is rejected, the charter commission
22 shall prepare, adopt and submit a proposed charter to the voters at a general
23 or special borough election called by the borough and held within one year
24 of the date of the first charter election. If the second proposed charter
25 is also rejected, the charter commission shall be dissolved and the question
26 of unification shall be treated as if it had never been proposed or approved.

27 (e) If after the rejection of the first proposed charter, more
28 than one-half of the charter commission members resign from the commission,
29 the borough assembly shall appoint new members to fill the vacancies in
accordance with Sec. 160(e) [Sec. 110(e)] of this chapter.

1 Sec. 29.12.350. (Sec. 29.68.400.) EFFECT OF THE CHARTER AFTER RATIFI-
2 CATION. Upon ratification, the charter of a unified municipality organized
3 under Secs. 190-390 (Secs. 240-440) of this chapter operates to dissolve
4 all local governments within the area of unification in accordance with the
5 charter.

6 Sec. 29.12.360. (Sec. 29.68.410.) ASSETS AND LIABILITIES. A munici-
7 pality created by unification shall succeed to all the assets and liabil-
8 ities of the local governments it unified. A bonded indebtedness or other
9 debt incurred before unification shall remain the tax obligation of the area
10 which contracted the debt, except that the tax obligation may be spread over
11 a larger area by ordinance if the governing body determines that the asset
12 for which the bonded indebtedness or other debt was incurred was used for
13 the benefit of the larger area before unification, or is so used after
14 unification. However, preunification bonded indebtedness or other debt for
15 sewage collection systems, water distribution systems, and streets, even if
16 determined to be used for the benefit of a larger area than that which
17 incurred the debt, shall remain the tax obligation of the area which incurred
18 the debt.

19 Sec. 29.12.370. (Sec. 29.68.420.) ORDINANCES. Within two years after
20 ratification of the charter, the governing body of the unified municipality
21 shall revise, repeal, or reaffirm all borough and city ordinances, reso-
22 lutions and orders in force within the borough at the time of unification.
23 Each ordinance, resolution, regulation, or order in force at the time of
24 unification shall remain in force until superseded by action of the new
25 governing body.

26 Sec. 29.12.380. (Sec. 29.68.430.) RIGHT TO STATE AND FEDERAL FUNDS
27 PRESERVED. All provisions of law authorizing contributions of any kind, in
28 money or otherwise, from the state or federal government to boroughs and
29 cities shall remain in full force and effect with respect to a unified
municipality organized under Secs. 190-390 (Secs. 240-440) of this chapter.

1 Sec. 29.12.390. (Sec. 29.68.440.) POWERS OF A UNIFIED MUNICIPALITY.

2 A municipality organized under Secs. 190-390 (Secs. 240-440) of this chapter
3 shall have all powers

4 (1) not prohibited it by law or charter;

5 (2) granted to organized boroughs and first class cities.

6 Article 05. DISSOLUTION

7 (Article 5. DISSOLUTION)

8 Sec. 29.12.420. (Sec. 29.68.500.) METHODS OF DISSOLUTION. (a) Two
9 petition methods may be used to initiate dissolution of home rule and general
10 law municipalities:

11 (1) petition to the Local Boundary Commission under regulations
12 adopted by the commission; or

13 (2) the local option method specified in Secs. 430-500 (Secs.
14 510-580)
15 of this chapter.

16 (b) A home rule or general law borough is dissolved when its
17 entire territory is included within a home rule or first class city or
18 cities. A city is dissolved when all its powers become areawide borough
19 powers.

20 (c) The Department of Community and Regional Affairs shall
21 investigate a municipality which it considers to be inactive and shall
22 report to the Local Boundary Commission on the status of the municipality.
23 The commission may submit its recommendation to the legislature that the
24 municipality be dissolved in the manner provided for submission of boundary
25 changes in Sec. 12, art. X of the state constitution.

26 Sec. 29.12.430. (Sec. 29.68.510.) PETITION. (a) Municipal residents
27 may file a dissolution petition with the Department of Community and Regional
28 Affairs in the form prescribed by the department. The petition must be
29 signed by a number of municipal voters equal to at least 25 percent of the
number of votes cast in the last regular municipal election.

1 (b) The petition includes

2 (1) the name of the municipality;

3 (2) maps, documents, and other information showing that the
4 municipality meets the standards for dissolution.

5 Sec. 29.12.450. (Sec. 29.68.520.) STANDARDS. (a) Except as provided
6 in (b) of this section, a municipality may petition for dissolution when

7 (1) it is free of debt, or if in debt, each of its creditors
8 is satisfied with a method of repayment; and

9 (2) either it no longer meets the minimum standards prescribed
10 for incorporation by ch. 09 (ch. 18) of this title, or it ceases to use each
11 and every one of its mandatory powers.

12 (b) A home rule or general law city in a borough may petition for
13 dissolution if the borough consents to assume the city's rights, powers,
14 duties, assets and liabilities. The consent must be ratified by a majority
15 of borough voters voting on the question.

16 Sec. 29.12.450. (Sec. 29.68.530.) REVIEW. The Department of Community
17 and Regional Affairs shall review a petition for content and signatures and
18 shall return a deficient petition for correction or completion.

19 Sec. 29.12.460. (Sec. 29.68.540.) INVESTIGATION. If the petition
20 contains the required information and signatures, the Department of Community
21 and Regional Affairs shall investigate the proposal.

22 Sec. 29.12.470. (Sec. 29.68.550.) REPORT AND HEARING. (a) The
23 Department of Community and Regional Affairs shall report its findings to
24 the Local Boundary Commission with its recommendation regarding the
25 dissolution.

26 (b) The Local Boundary Commission shall hold at least one public
27 hearing in the area proposed to be dissolved.

28 Sec. 29.12.480. (Sec. 29.68.560.) DECISION. If the Local Boundary
29 Commission determines that the municipality fails to meet the standards for

1 dissolution, it shall reject the petition. If the commission determines
2 that the municipality meets the standards, it shall accept the petition.

3 Sec. 29.12.490. (Sec. 29.68.570.) ELECTION. (a) The Local Boundary
4 Commission shall immediately notify the lieutenant governor of its acceptance
5 of a dissolution petition. Within 30 days after notification, the lieutenant
6 governor shall order an election within the municipality to determine whether
7 the voters desire dissolution. The election is at least 30 and not more
8 than 90 days after the election order.

9 (b) A person who is a qualified voter of the municipality may
10 vote in the dissolution election.

11 (c) The lieutenant governor shall supervise the election in the
12 general manner prescribed by the Alaska Election Code (AS 15.05-15.60). The
13 state shall pay all election costs.

14 (d) The lieutenant governor shall certify the election results.
15 If dissolution is approved, he shall declare that the municipality is dis-
16 solved effective on the date of certification.

17 Sec. 29.12.500. (Sec. 29.68.580.) SUCCESSION. The government suc-
18 ceeding to a dissolved municipality succeeds to all its rights, powers,
19 duties, assets, and liabilities as provided in AS 29.09.130-29.09.140 (AS
20 29.18.130-29.18.140).

1 CHAPTER 15. HOME RULE MUNICIPALITIES

2 (CHAPTER 13. HOME RULE MUNICIPALITIES)

3 Article 1. CHARTERS

4 Sec. 29.15.010. (Sec. 29.13.010.) MUNICIPAL CHARTER ADOPTION. A
5 first class municipality or second class borough may adopt a charter for its
6 own government. A home rule municipality may amend its charter or adopt a
7 new one. A charter is framed by a charter commission of seven members
8 chosen by the municipal voters at a regular or special election. A candidate
9 for the commission shall be a qualified voter of the municipality and a
10 resident of the municipality for three years immediately preceding the
11 election. A charter commission election is called by filing a petition with
12 the borough assembly or the city council, or by resolution of the borough
13 assembly or city council. The petition shall be signed by a number of
14 municipal voters equal to 15 percent of the votes cast in the last regular
15 election of the municipality.

16 Sec 29.15.020. (Sec. 29.13.020.) NOMINATION. Charter commission
17 candidates are nominated by petitions signed by 50 voters or the number of
18 qualified municipal voters equal to 10 percent of the number of votes cast
19 in the last regular election, whichever is less.

20 Sec. 29.15.030. (Sec. 29.13.030.) ELECTION. At the charter commission
21 election the voters shall consider the question "Shall a charter commission
22 be elected to frame a proposed new charter?" and shall select the members of
23 the commission. If the question is approved, the seven candidates receiving
24 the highest number of votes shall immediately organize as a charter commission

25 Sec. 29.15.040. (Sec. 29.13.040.) PREPARATION OF CHARTER. The charter
26 commission shall, within one year, prepare a municipal charter. The proposed
27 charter shall be signed by a majority of the charter commissioners and filed
28 in the office of the municipal clerk. Within 15 days, the borough
29

1 assembly or city council shall have the charter published once in a newspaper
2 of general circulation if distributed within the municipality. The clerk
3 shall post copies of the proposed charter in at least three public places
4 and make copies available at the office of the clerk. The commission shall
5 give published notice of and hold at least one public hearing on the proposed
6 charter before the signing and filing of the charter.

7 Sec. 29.15.050. (Sec. 29.13.050.) INITIATIVE AND REFERENDUM. (a)
8 Municipal charters shall provide the procedures for the initiative and
9 referendum.

10 (b) A charter may not require an initiative or referendum petition
11 to have a number of signatures greater than 25 percent of the total votes
12 cast at the last regular municipal election.

13 (c) A charter may not permit the initiative and referendum to be
14 used for a purpose prohibited by Sec. 7, art. XI of the state constitution.

15 Sec. 29.15.060. (Sec. 29.13.060.) CHARTER ELECTION. The charter
16 shall be submitted to the municipal voters at a regular or special election
17 held not less than 30 days nor more than 90 days from the publication of the
18 charter.

19 Sec. 29.15.070. (Sec. 29.13.070.) CHARTER ADOPTION. (a) If a majority
20 of those voting on the question favor the proposed charter, it becomes the
21 organic law of the municipality. Thereafter, the court shall take judicial
22 notice of the charter. The municipality shall file the indicated number of
23 copies of the charter with the

- 24 (1) lieutenant governor - two copies;
25 (2) Department of Community and Regional Affairs - two
26 copies;
27 (3) district recorder - one copy;
28 (4) municipal clerk - one copy.
29

(b) If a proposed charter is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at a regular or special election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved.

Sec. 29.15.080. (Sec. 29.13.080.) CHARTER AMENDMENT. A municipal charter may be amended as provided in the charter or by initiative referendum as provided in AS 29.30.090-29.30.180 (AS 29.28.060-29.28.110), except that no amendment shall be effective unless ratified by the voters.

Article 2. HOME RULE LIMITATIONS

Sec. 29.15.110. (Sec. 29.13.100.) LIMITATION OF HOME RULE POWERS. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise as provided. They supersede existing and prohibit future home rule enactments which provide otherwise:

- (1) AS 29.09.140 (29.18.140) Borough Transition
- (2) AS 29.12.010 (29.73.050) Municipal Name Change
- (3) AS 29.12.040 (29.68.010) Annexation and Exclusion
- (4) AS 29.12.080-160 (29.68.030-29.68.110) Merger and Consolidation
- (5) AS 29.12.420-29.12.500 (29.68.500-29.68.580)

Dissolution

- (6) AS 29.15.080 (29.13.080) Charter Amendment
- (7) AS 29.24.010 (29.23.555) Conflict of Interest
- (8) AS 29.24.020 (29.23.580) Meetings Public
- (9) [Effective until January 1, 1981] AS 29.23.020-29.23.050
Borough Assembly Representation
[Effective January 1, 1981 AS 29.24.060; 29.24.080-29.24.140
(29.23.021; 29.23.025-29.23.050) Borough assembly composition
and Apportionment; Borough Assembly Members

- 1 (10) AS 29.24.150 [29.23.060(c)] Expulsion of Borough Assemblymen
2 (11) AS 29.24.200 [29.23.130(f)] Removal of Borough Mayor from
3 Office
4 (12) AS 29.24.290 [29.23.210(b)] Expulsion of City Councilman
5 from Office
6 (13) AS 29.24.340[a] (29.23.250[a]) Election and Term of
7 Mayor
8 (14) AS 29.24.350 (29.23.255) Removal of Mayor from Office
9 (15) AS 29.24.680 (29.23.540) Prohibitions Respecting Appointment
10 and Removal of Personnel
11 (16) AS 29.24.700 (29.23.560) Municipal Reports
12 (17) AS 29.27.010[a][12] (29.48.130[a][12]) Municipal Exemption
13 on Contractor Bond Requirements
14 (18) AS 29.27.060 (29.48.180) Codification
15 (19) AS 29.30.010, 29.30.030[b]-29.30.040 (29.28.010, 29.28.020[b]-
16 29.28.030 Municipal Elections
17 (20) AS 29.30.060(f) [29.28.050(f)] Expulsion, Removal from Office
18 (21) AS 29.30.210-29.30.330 (29.28.130-29.28.250) Recall
19 (22) AS 29.33.020 (29.48.037) Extraterritorial jurisdiction
20 (23) AS 29.33.030 (29.73.020) Eminent Domain
21 (24) AS 29.33.080 (29.48.033) Garbage and Solid Waste Services
22 (25) AS 29.33.090[b] (29.48.035[b]) Effect of Areawide Exercise
23 of Borough Power
24 (26) AS 29.33.090[c] (29.48.035[c]) Borough Building Code
25 Jurisdiction within Cities
26 (27) AS 29.33.100-29.33.160 (29.48.040-29.48.100) Utilities
27 (28) AS 29.33.220 (29.48.210) Expenditure of Borough Revenue
28 (29) AS 29.33.230 (29.48.220) Post Audit
29

- (30) AS 29.36.010[b] (29.33.010[b]) Areawide Borough Powers
- (31) AS 29.36.040, AS 29.36.230(d), AS 14.12.020[a] (29.33.050, 29.41.010[d], 14.12.020[a]) Responsibility for education on Military Reservations
- (32) AS 29.36.130[c] (29.33.290[c]) Acquisition of Additional Areawide Powers
- (33) AS 29.39.020-29.39.060 (29.43.020-29.43.040) Powers of Cities Outside Boroughs
- (34) AS 29.42.040[d] (29.33.090[d]) Zoning of State Land for Homesite Entry
- (35) AS 29.42.080[b] (29.33.150[b]) Applicability of Local Platting Regulations to State Land in a Municipality
- (36) AS 29.45.010-29.45.530 (29.53.010-53.400) Borough and City Property Taxes
- (37) AS 29.45.020 [AS 29.73.060(070)] Taxpayer Notice
- (38) AS 29.45.580[d] (29.53.415[d]) Interest on Sales Tax
- (39) AS 29.48.090 (29.63.065) Exemption from Special Assessment
- (40) AS 29.51.420-29.51.430 (29.58.345-29.58.350) Bonded Debt for School Construction
- (41) AS 29.51.210[b] (29.58.180[b]) Security for Bonds
- (42) AS 29.51.390 (29.58.315) Bond attorneys, Bond and Financial Consultants
- (43) AS 29.62. (29.88) Municipal Tax Resource Equalization
- (44) AS 29.62. (29.89) State Aid for Miscellaneous Municipal Services
- (45) AS 29.71.010 (29.73.030) Adverse Possession
- (46) AS 29.71.020 (29.73.040) Taxation of Municipalities

1 CHAPTER 18. DEVELOPMENT CITIES

2 (Article 4. DEVELOPMENT CITIES)

3 Sec. 29.18.010. (Sec. 29.18.220.) LEGISLATIVE FINDINGS. The legislature
4 finds that the development of natural resources in isolated and relatively
5 unpopulated areas requires a policy and procedure which will provide planning,
6 financial and other assistance necessary for encouraging orderly development
7 of well-planned, diversified and economically sound new cities necessary to
8 support the sound development of the state's resources by both the private
9 and public sector. It is the purpose of Secs. 220-460 of this chapter to
10 set out the mutual responsibilities of the private and public sectors to
11 achieve these objectives with a view to securing information valuable to
12 future legislatures so that general legislation applicable to the establish-
13 ment of development cities may be perfected.

14 Sec. 29.18.020. (Sec. 29.18.230.) DEVELOPMENT CITIES. Subject to
15 reclassification under Sec. 200(c) [Sec. 400(c)] of this chapter, a develop-
16 ment city is a city of the class designated by the Department of Community
17 and Regional Affairs.

18 Sec. 29.18.030. (Sec. 29.18.240.) INCORPORATION. An area not served
19 by an existing municipality which is not reasonably practicable to be served
20 by an existing municipality may be incorporated as a development city by

21 (1) petition of the industrial developer to the Department of
22 Community and Regional Affairs to be acted on by the Local Boundary Com-
23 mission; or

24 (2) act of the legislature.

25 Sec. 29.18.040. (Sec. 29.18.250.) PETITION FOR INCORPORATION. A
26 development city incorporation petition proposed by an industrial developer
27 shall include the following information about the proposed city:

28 (1) class,
29

1 (2) name,

2 (3) boundaries,

3 (4) composition of the council,

4 (5) maps, documents, preliminary economic development projections,
5 preliminary population projections, outline of the industrial developer's
6 investigative and development expenditures and its proposed capital program,
7 and other information required by the Department of Community and Regional
8 Affairs to show that the proposed city meets the standards for incorporation,

9 (6) the proposed agreement required under Sec. 120 (Sec. 330) of this
10 chapter .

11 Sec. 29.18.050. (Sec. 29.18.260.) REVIEW. The Department of Community
12 and Regional Affairs shall review the petition for content and shall return
13 deficient petitions for correction and completion.

14 Sec. 29.18.060. (Sec. 29.18.270.) INVESTIGATION. If the petition
15 contains the required information, the Department of Community and Regional
16 Affairs shall investigate the proposal to determine whether the development
17 expenditures and proposed capital program by the developer serve the public
18 interest and demonstrate a probability of being carried forward to a suc-
19 cessful conclusion.

20 Sec. 29.18.070. (Sec. 29.18.280.) REPORT. (a) The Department of
21 Community and Regional Affairs shall report its findings to the Local Boundary
22 Commission with its recommendations regarding the incorporation within 60
23 days of receipt of the petition for incorporation.

24 (b) The Local Boundary Commission shall review the petition and
25 the findings and recommendations of the Department of Community and Regional
26 Affairs within 60 days of receiving them.

27 Sec. 29.18.080. (Sec. 29.18.290.) DECISION ON DEVELOPMENT CITY INCOR-
28 PORATION. (a) The Local Boundary Commission may reject a petition for
29

1 incorporation if it finds that

2 (1) the area proposed for incorporation is served by an
3 existing municipality or could be served by an existing municipality;

4 (2) it is improbable that the proposed development will take
5 place;

6 (3) the program and activities contemplated by this chapter
7 may be undertaken through expansion of the corporate limits of an existing
8 city and then declares that city to be a development city for the purpose of
9 preferential designation under Secs. 10 and 130-460 (Secs. 10 and 340 460)
10 of this chapter;

11 (4) the program and activities contemplated by this chapter
12 may be undertaken by establishing a service area within an existing organized
13 borough for a development project, and declares the service area to be
14 eligible for preferential designation under Secs. 200 and 230 (Secs. 410 and
15 450) of this chapter;

16 (5) the proposed development does not serve the public
17 interest.

18 (b) If the Local Boundary Commission finds that a service area
19 within an organized borough is to be designated for preferential treatment
20 under (a)(4) of this section, the assembly may undertake the project in the
21 manner of a development city and shall present to the Local Boundary Com-
22 mission a contractual agreement outlining responsibilities assumed by the
23 borough and the industrial developer to implement the proposed development
24 program.

25 (c) The assembly may decline findings under (b) of this section
26 to establish a service area and in the alternative request the Local Boundary
27 Commission to approve incorporation of a development city.

28 (d) The Local Boundary Commission may dissolve a development city
29 established under Sec. 20 of this chapter if subsequent to its incorporation

1 (1) the major economic development projected does not occur
2 within a period of five years; and

3 (2) if the development project had been reviewed as a new
4 project the Local Boundary Commission determines it would have rejected the
5 petition on the basis that it is improbable the proposed development would
6 have taken place.

7 (e) A commission decision under this section may be appealed
8 under the Administrative Procedure Act (AS 44.62).

9 Sec. 29.18.090. (Sec. 29.18.300.) PRELIMINARY PLANNING. The city
10 shall prepare and submit to the state preliminary plans in advance of com-
11 pletion of the final basic comprehensive plan for the city. The preliminary
12 plans shall include

13 (1) maps, documents, preliminary economic development projections,
14 preliminary population projections, outline of the industrial developer's
15 investigative and development expenditures and its proposed capital program,
16 and other information required by reviewing agencies of the state;

17 (2) a report on the physical and biological character of the
18 proposed city's site and a land and water use plan and the design and siting
19 of the community to be developed based upon these natural factors.

20 Sec. 29.18.100. (Sec. 29.18.310.) REVIEW AND REPORT. (a) The division
21 of planning and research, in conjunction with the Departments of Community
22 and Regional Affairs, Natural Resources, and Environmental Conservation and
23 other departments as determined appropriate by the division of planning and
24 research, shall review the preliminary planning and additional data may be
25 requested.

26 (b) The division of planning and research shall coordinate the
27 preparation of a report and recommendations, if any, which shall be sub-
28 mitted to the governor within 60 days of receipt by the state of the pre-
29 liminary plans from the city. The city may proceed to the completion of

1 the final basic comprehensive plan upon satisfying any specific recommenda-
2 tions contained in the report.

3 (c) During the course of planning toward completion of the basic
4 comprehensive development plan the division of planning and research and the
5 Department of Community and Regional Affairs shall be kept currently informed
6 and the final plan shall be subject to review and recommendation by the
7 division of planning and research, which shall act in its coordinating
8 capacity to secure review by the Department of Environmental Conservation
9 and other state agencies as appropriate.

10 Sec. 29.18.110. (Sec. 29.18.320.) LIMITATION. The city may not proceed
11 with commitment of funds or formal undertakings for physical development
12 until it has a signed contract or contracts for sale of the company's pro-
13 ducts in quantities shown in the economic data and submitted by the company
14 to be adequate to sustain an economically viable operation. The company may
15 submit alternative valid evidence that the projected operation will proceed.
16 The company shall notify the Department of Community and Regional Affairs of
17 the meeting of this requirement. Unless the Department of Economic Develop-
18 ment makes a determination that the data is insufficient, the city may
19 proceed.

20 Sec. 29.18.120. (Sec. 29.18.330.) LOCAL HIRE. In consideration of
21 the incorporation of a development city under this chapter, the major develop-
22 shall enter into an agreement with the appropriate agencies of the state
23 concerning

24 (1) establishing and maintaining an approved Department of
25 Labor on-the-job training program to qualify Alaska residents lacking in the
26 requisite technical skills of the activities to be undertaken;

27 (2) establishing resident hire goals in terms of percent of
28 employees at the end of the first year, second year and third year of operation
29

(3) establishing the responsibilities of the various state agencies towards providing technical assistance, manpower procurement, relocation assistance, job opportunity services to residents in the area, supplemental vocational training, and the scope of effort each state agency has in this regard with specific commitments in terms of numbers of residents, time schedule and dollar value of training;

(4) establishing the penalties and conditions of noncompliance with the agreement.

Sec. 29.18.130. (Sec. 29.18.340.) DEVELOPMENT CITY COUNCIL. The council of a development city has five members consisting of the commissioner of the Department of Community and Regional Affairs, or his designee, and four public members designated by the governor. 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. The council shall serve at the pleasure of the governor. The designated councilmen need not be residents of the city during its development stage.

Sec. 29.18.140. (Sec. 29.18.350.) FILLING A VACANCY. If a vacancy occurs in the council as constituted under Sec. 130 (Sec. 340) of this chapter, the applicable appointing authority shall designate the replacement during the development stage of the city.

Sec. 29.18.150. (Sec. 29.18.360.) POWERS AND DUTIES OF THE COUNCIL. During the development stage the council of a development city may

(1) exercise the powers and duties of a school board if the city is located outside an organized borough;

(2) exercise the powers and duties of a planning commission under AS 29.42.020 (AS 29.33.080), except that during the first five years or until the development city has 400 permanent residents, zoning and zoning changes will be reviewed and approved by the division of planning and research and the Department of Environmental Conservation.

1 Sec. 29.18.160. (Sec. 29.18.370.) POWERS AND DUTIES OF DEVELOPMENT
2 CITY EXECUTIVE DIRECTOR. During the development stage the council shall
3 appoint an executive director of the development city, who may be one of its
4 members, to serve at the pleasure of the council. The executive director
5 shall have the powers and duties of all executive and administrative city
6 officials set out in this title in order to develop the city under a compre-
7 hensive community development plan.

8 Sec. 29.18.170. (Sec. 29.18.380.) PROCEDURES. During the development
9 stage, the council may provide for conference telephone or radiophone meetings
10 at times determined by the council and shall determine its own rules and
11 order of business.

12 Sec. 29.18.180. (Sec. 29.18.390.) DEVELOPMENT CITY CAPITAL IMPROVEMENT
13 FUNDS. All state agencies shall, where appropriate, adopt procedures to
14 insure that, during the development stage, the needs of a development city
15 are carefully considered in the allocation of funds available for capital
16 improvement projects where those funds have not otherwise been committed by
17 the legislature.

18 Sec. 29.18.190. (Sec. 29.18.400.) TRANSITION. (a) When a development
19 city has 400 permanent residents elections shall take place according to the
20 following schedule:

21 (1) in the first year two additional councilmen who shall be
22 city residents elected for three-year terms;

23 (2) in the second year two councilmen who shall be city
24 residents elected for three-year terms to replace one of the councilmen
25 nominated by the industrial developer and one of the public members desig-
26 nated by the governor;

27 (3) in the third year two councilmen who shall be city
28 residents elected for three-year terms to replace the commissioner of the
29 Department of Community and Regional Affairs and one of the councilmen
nominated by the industrial developer;

1 (4) in the fourth year a mayor who shall be a city resident
2 elected for a three-year term to replace the remaining councilman nominated
3 by the industrial developer.

4 (b) At the time of the election under (a)(4) of this section, or
5 any time after it, the electorate may exercise the right to become a home
6 rule city as authorized under this title.

7 (c) If, within a period of five years from the incorporation of a
8 development city, the number of permanent residents does not reach 400, the
9 Department of Community and Regional Affairs shall order an election for
10 city officials and designate a successor class of city based on population
11 as provided in this title. If the department designates a successor class
12 of city, the provisions of this title relating to that class of city apply,
13 and the city shall be reclassified accordingly.

14 Sec. 29.18.200. (Sec. 29.18.410.) HOUSING POWERS. From the time of
15 the appointment of the first city council and for a period of 10 years fol-
16 lowing the first election of councilmen, the council may act as its own
17 housing and urban renewal authority if such powers have been granted to
18 cities under applicable provisions of law.

19 Sec. 29.18.210. (Sec. 29.18.430.) REVENUE BONDS. Revenue bonds may
20 be issued by a development city under the provisions of AS 29.51.340-29.51.320
21 (AS 29.58.200-29.58.220). However, no vote of the people is required to
22 issue revenue bonds during the development stage. During the development
23 stage revenue bonds may be issued by a majority vote of the city council.

24 Sec. 29.18.220. (Sec. 29.18.440.) SHARED REVENUE. A development city
25 is entitled to shared revenue and other state funds on the same basis as a
26 city or organized borough of the first class or, if reclassified under Sec.
27 200(c) [Sec. 400(c)] of this chapter, on the basis of the reclassification.
28 During the development stage the Department of Community and Regional Affairs
29 may establish an assumed population figure which shall be used to determine
shared revenue based on population on per capita grants.

1 Sec. 29.18.230. (Sec. 29.18.450.) APPLICABILITY OF OTHER PROVISIONS
2 OF THIS TITLE. All applicable provisions of this title consistent with the
3 provisions of this chapter apply to development cities. Provisions of this
4 chapter prevail over other provisions of this title which are inconsistent.

5 Sec. 29.18.240. (Sec. 29.18.460.) DEFINITION. In this chapter
6 "development stage" means that period of time extending from the date of
7 incorporation of a development city until such time as the city may attain a
8 population of 400 permanent residents, or five years from the date of incor-
9 poration, whichever is earlier.

CHAPTER 21. CAPITAL CITY

(Article 5. CAPITAL CITY INCORPORATION)

Sec. 29.21.010. (Sec. 29.18.510.) INCORPORATION. There is created and incorporated a city of the state as the capital city of Alaska which is a city of the first class. The capital city has all the powers of a first class city.

Sec. 29.21.020. (Sec. 29.18.520.) BOUNDARIES. The boundaries of the capital city shall include all of that area of land designated by the voters of Alaska as the new capital site of the state.

Sec. 29.21.030. (Sec. 29.18.530.) CITY COUNCIL. (a) Until council members elected by the residents of the capital city take office as provided in Sec. 060 (Sec. 570) of this chapter, the council of the capital city shall have five members, four of whom shall be appointed by the governor and shall serve at the pleasure of the governor. The development corporation shall designate one person to serve as a member of the council. The council members appointed by the governor or designated by the development corporation shall serve an initial term which expires on the Monday following the first Tuesday in October of the calendar year following the calendar year of initial appointment or designation. Council members may be reappointed by the governor or redesignated by the development corporation. Except as provided in Sec. 060 Sec. 570 of this chapter, the successors of the initial appointees and designee shall serve for a term of two years commencing on the date the initial appointments and designation expire. Each appointee and designee shall hold office for the term of his appointment and until his successor has been appointed or designated and has qualified.

(b) Council members appointed by the governor or designated by the development corporation need not be residents of the capital city.

(c) The council shall elect a chairman from among its membership. The chairman presides at council meetings, determines the agenda for council meetings, and carries out the other duties specified by ordinance.

1 Sec. 29.21.040. (Sec. 29.18.540.) FILLING A VACANCY. If a vacancy
2 occurs among the members appointed by the governor, the governor shall
3 designate the replacement who shall serve for the unexpired portion of the
4 term.

5 Sec. 29.21.050. (Sec. 29.18.550.) APPOINTMENT OF CITY OFFICIALS.
6 Until a mayor is elected in accordance with Sec. 060 (Sec. 570) of this
7 chapter, the council shall appoint a city manager for the capital city to
8 serve at the pleasure of the council. The city manager may not be a council
9 member.

10 Sec. 29.21.060. (Sec. 29.18.570.) TRANSITION. (a) When the
11 capital city attains a population of 400 permanent residents, as certified
12 by the lieutenant governor based on the best information available, the
13 lieutenant governor shall notify the council of this determination. The
14 lieutenant governor shall specify an election date which shall be the first
15 Tuesday of October following the notification, except that if it is less
16 than six months from the date of the certification to the first Tuesday of
17 October then the election date shall be the first Tuesday of October of the
18 year following. The elected members shall take office on the Monday
19 following the election.

20 (b) After the lieutenant governor has specified the election date,
21 the council shall make arrangements for an election at which five council
22 members and a mayor shall be elected in the manner prescribed by ordinance
23 and law. The expenses of the election shall be borne by the state. The
24 council of the capital city shall have six members. The governor shall
25 designate

26 one council member holding office on the date of the election to remain a
27 member of the council for a single three-year term commencing on the date
28 the elected council members take office. The successors to the appointed
29 council members shall be elected by the residents, except that if the

1 appointed council member leaves office during the three years, the governor
2 may appoint a successor. The terms of all other appointed or designated
3 council members expire when the elected council members take office. The
4 term of elected council members is as provided in AS 29.24.280 [AS 29.23.200(c)]
5 except that three of the members are elected for an initial term of one
6 year.

7 Sec. 29.21.070. (Sec. 29.18.580.) PLANNING AND ZONING AUTHORITY. The
8 general development plan and specific development plans constitute the land
9 use plan for the capital city area. When a parcel of land has been developed
10 in accordance with the applicable specific development plan, that parcel
11 becomes subject to all planning, zoning, subdivision, building code or other
12 similar ordinances of the Matanuska-Susitna Borough.

13 Sec. 29.21.080. (Sec. 29.18.590.) TRANSFER OF UTILITIES TO THE
14 CAPITAL CITY. The development corporation, in cooperation with the capital
15 city, shall arrange for and agree to an orderly schedule for transferring to
16 the capital city ownership of, and financial and operational responsibility
17 for utilities and any other facilities which the development corporation
18 considers to be integral parts of the capital city infrastructure. Before
19 January 1, 1985, the development corporation and the council of the capital
20 city shall jointly retain independent consultants to study and determine an
21 orderly schedule for transfer of these utilities and facilities to the
22 capital city. The study shall consider the capabilities of the capital city
23 and its existing and anticipated residents to finance the cost of these
24 utilities and other facilities and their operating expenses. The consultants
25 shall propose a recommended schedule for and terms of transfer which are
26 commensurate with the capital city's existing and anticipated population,
27 tax base and any other factors relating to its capability to finance and
28 operate these facilities as they consider appropriate. The development
29 corporation shall, after considering the consultants' report, propose a

1 schedule of and terms and conditions of the transfer to the capital city,
2 which shall, upon review and approval by the council, be included in an
3 agreement between the development corporation and the capital city. If the
4 development corporation and the capital city are unable to agree within six
5 months after the development corporation submits its proposal, the development
6 corporation shall submit the proposal to the Legislative Budget and Audit
7 Committee which shall consider the proposal, and if the committee considers
8 it appropriate to do so, shall recommend to the legislature legislation it
9 considers desirable for the disposition of the utilities and other facilities.
10 If the legislature does not enact legislation regarding the disposition
11 within one year after the proposal is submitted to the Legislative Budget
12 and Audit Committee, the development corporation may at any time thereafter
13 sell or dispose of the utilities and facilities or any of them to a private
14 person or entity or government body, or continue to operate them.

15 Sec. 29.21.090. (Sec. 29.18.600.) DEFINITIONS. In Secs. 010-090
16 Secs. 510-600 of this chapter, unless the context requires otherwise,

17 (1) "capital city area" means the area described in Sec. 020
18 (Sec. 520) of this chapter;

19 (2) "capital city" means the municipality incorporated by
20 this chapter;

21 (3) "development corporation" means the Alaska Capital City
22 Development Corporation;

23 (4) "general development plan" has the same meaning as provided
24 in AS 44.07.360 and includes amendments to the general development plan;

25 (5) "specific development plan" has the same meaning as
26 provided in AS 44.07.360 and includes amendments to each specific development
27 plan.

28 Sec. 29.21.100. (Sec. 29.18.610.) SHORT TITLE. Sections 010-100
29 (Sections 510-610) of this chapter may be cited as the Capital City
Incorporation Act.

1 CHAPTER 24. MUNICIPAL OFFICERS AND EMPLOYEES

2 (CHAPTER 23. MUNICIPAL OFFICERS AND EMPLOYEES)

3 Article 1. CONFLICT OF INTERESTS, PUBLIC MEETINGS

4 Sec. 29.24.010. (Sec. 29.23.555.) CONFLICT OF INTERESTS. Each home
5 rule and general law municipality shall adopt a conflict-of-interests
6 ordinance which, other provisions of this chapter notwithstanding, includes
7 provision that an officer or employee shall disqualify himself from
8 participating in any official action in which he has a substantial financial
9 interest. If a home rule or general law municipality fails to adopt such a
10 conflict-of-interests ordinance within 90 days from September 10, 1972, the
11 conflict-of-interests provision of this section is automatically applicable
12 to and binding upon that municipality.

13 Sec. 29.24.020. (Sec. 29.23.580.) MEETINGS PUBLIC. Meetings of all
14 municipal bodies shall be public as provided in AS 44.62.310. The assembly
15 and council shall provide reasonable opportunity for the public to be heard
16 at regular and special meetings. This section applies to home rule and
17 general law municipalities.

18 Article 2. BOROUGH ASSEMBLY

19 (Article 1. BOROUGH ASSEMBLY)

20 Sec. 29.24.050. (Sec. 29.23.010.) GENERAL POWER. The legislative
21 power of a borough is vested in the assembly.

22 Sec. 29.24.060. (Sec. 29.23.021.) ASSEMBLY COMPOSITION AND
23 APPORTIONMENT. [Effective January 1, 1981].

24 (a) Assembly composition and apportionment shall be consistent
25 with the equal representation standards of the Constitution of the United
26 States.

27 (b) The assembly of a newly incorporated borough is, after incor-
28 poration and until the adoption of an ordinance providing for a change in
29 composition or apportionment, composed of the number of members and
apportioned as set out in the incorporation petition approved by the voters.

1 If the borough is already incorporated, the assembly shall be composed and
2 apportioned in a manner that is consistent with the requirements of this
3 section and prescribed by charter or ordinance.

4 (c) An assembly may not provide for weighted voting.

5 (d) A member of the assembly of a borough may not be elected or
6 appointed by and from the council of a city in the borough.

7 Sec.29.24.070. (Sec. 29.23.023.) COMPOSITION AND FORM OF
8 REPRESENTATION. (a) The borough assembly shall provide for its composition
9 and for the form of its representation.

10 (b) Not later than the first regular election which occurs after
11 the report of a federal decennial census, the assembly shall propose and
12 submit to the voters of the borough, at that regular election or at a
13 special election called for the purpose, one or more forms of borough
14 assembly representation. The forms of representation which the assembly may
15 submit to the voters are:

16 (1) election of members of the borough assembly at large by
17 the qualified voters throughout the borough;

18 (2) election of members of the borough assembly by district,
19 including

20 (A) election at large by the qualified voters
21 throughout the borough, but with a requirement that a candidate
22 live within an election district established by the borough for
23 election of assembly members; or

24 (b) election from election districts established by the
25 borough for the election of assembly members by the qualified
26 voters of a district;

27 (3) election of members of the borough assembly both at
28 large and by district.
29

1 (c) A form of borough assembly representation which includes
2 election of borough assembly members under (b)(2) or (b)(3) of this section
3 shall be submitted to the voters of the borough with a plan of apportionment
4 as required by AS 29.24.080 [AS 29.23.025(a)].

5 (d) The borough assembly shall, within 30 days of certification
6 of the results of the election held on a proposed form of representation
7 under this section, adopt an ordinance providing for its composition and the
8 form of assembly representation, and, if applicable, the apportionment of
9 assembly seats which corresponds to the proposed form of representation
10 which received the most votes at the election.

11 (e) This section does not apply

12 (1) to a unified municipality incorporated under AS
13 29.12.190-29.12.390 (AS 29.68.240-29.68.440);

14 (2) to a home rule borough if the borough charter contains
15 procedures for changing assembly composition and form of representation.

16 Sec. 29.24.080. (Sec. 29.23.025.) ASSEMBLY RECOMPOSITION AND REAPPOR-
17 TIONMENT. (a) Not later than two months after the official report of a
18 federal decennial census, the borough assembly shall determine and declare
19 by resolution whether the existing apportionment of the borough assembly
20 meets the standards of AS 29.24.060 (AS 29.23.021). If the borough assembly
21 submits to the voters a form of representation which includes election of
22 borough assembly members under AS 29.24.070(b)(2) or (b)(3) [AS
23 29.23.023(b)(2) or (b)(3)], the assembly shall submit with the proposition
24 of a proposed plan of apportionment which corresponds to the form of
25 representation proposed. The assembly shall describe the plan of
26 apportionment in the ballot proposition, and may present the plan in any
27 manner which it believes accurately describes the apportionment which is
28 proposed under the form of representation. If the borough assembly
29

1 determines that its existing apportionment meets the standards of AS
2 29.24.060 (AS 29.23.021), the assembly may include the existing
3 apportionment as a proposed plan of apportionment of assembly seats which
4 corresponds to a form of representation which is proposed.

5 (b) The borough assembly shall provide, by ordinance, for a
6 change in an existing apportionment of the borough assembly whenever it
7 determines that the apportionment does not meet the standards of AS
8 29.24.060 (AS 29.23.021). At the same time, the borough assembly may, by
9 ordinance, change the composition of the assembly.

10 (c) If a petition signed by not less than 50 registered voters who
11 are residents of the borough request the borough assembly to determine
12 whether the existing apportionment meets the standards for apportionment in
13 AS 29.24.060 (AS 29.23.021), and the petition contains evidence that the
14 existing apportionment does not meet those standards, the assembly may make
15 the determination requested. The borough assembly shall make a
16 determination required by this subsection within two months of receipt of a
17 petition which meets the requirements of this subsection.

18 (d) An ordinance adopted by the assembly under (b) or (c) of this
19 section shall be submitted to the voters for approval. In order for the
20 ordinance to be approved it must receive the approval of a majority of the
21 votes cast.

22 (e) Within six months of a determination by the borough assembly
23 under (b) or (c) of this section that the current apportionment does not
24 meet the standards of AS 29.24.060 (AS 29.23.021), the borough assembly
25 shall adopt an ordinance providing for reapportionment, and submit the
26 ordinance to the voters. If, at the end of the six-month time period, an
27 ordinance providing for reapportionment has not been approved by the voters,
28 the commissioner of the Department of Community and Regional Affairs shall
29 provide for the reapportionment in accordance with the standards of AS

1 29.24.060 (AS 29.23.021) by preparing an order of reapportionment and
2 delivering the order to the borough mayor.

3 Sec. 29.24.090. (Sec. 29.23.027) APPORTIONMENT APPEALS. (a) A
4 reapportionment ordinance approved by the voters, or a decision of the
5 borough assembly that the standards of AS 29.24.060 (AS 29.23.021) do not
6 require a change in apportionment, may be appealed to the commissioner of
7 the Department of Community and Regional Affairs. Fifty registered voters
8 who are residents of the borough may submit a petition to the commissioner
9 of community and regional affairs requesting the commissioner to determine
10 whether the proposed reapportionment ordinance approved by the voters meets
11 the standards of AS 29.24.060 (AS 29.23.021), or whether a decision of the
12 borough assembly that the standards of AS 29.24.060 (AS 29.23.021) do not
13 require a change of apportionment is correct. If the petition asks the
14 commissioner of community and regional affairs to review an ordinance
15 approved by the voters under AS 29.24.080(e) [AS 29.23.025(e)], the petition
16 shall be delivered to the commissioner not later than 20 days after
17 certification of the election. If the petition asks the commissioner of
18 community and regional affairs to review a decision of the borough assembly
19 under AS 29.24.080(c) [AS 29.23.025(c)], the petition shall be delivered to
20 the commissioner within 20 days of the decision of the borough assembly.

21 (b) The commissioner of community and regional affairs shall
22 review the petition and may make the determination requested. The
23 commissioner shall provide copies of his determination to the persons
24 petitioning for appeal and to borough officials not later than 60 days after
25 he receives the petition.

26 (c) If the commissioner of community and regional affairs deter-
27 mines that the proposed reapportionment ordinance approved by the voters
28 does not meet the standards of AS 29.24.060 (AS 29.23.021), or if he
29 determines that the decision of the borough assembly that the standards of

1 AS 29.24.060 (AS 29.23.021) do not require a change of apportionment is not
2 correct, the commissioner shall, by order, direct the borough assembly to
3 prepare a reapportionment ordinance which meets the standards of AS
4 29.24.060 (AS 29.23.021) and submit the ordinance to the voters.

5 (d) When the borough assembly has been directed by the
6 commissioner of community and regional affairs to prepare a reapportionment
7 ordinance under (c) of this section, the borough assembly shall, within two
8 months of its receipt of the commissioner's order, adopt an ordinance
9 providing for reapportionment. The borough assembly shall submit an
10 ordinance adopted under this subsection to the voters at a regular election
11 or special election held within 60 days of the date of adoption of the
12 reapportionment ordinance.

13 (e) If at the end of the time period provided under (d) of this
14 section an ordinance providing for reapportionment has not been approved by
15 the voters, the commissioner of community and regional affairs shall provide
16 for the reapportionment of the borough assembly in accordance with the
17 standards of AS 29.24.060 (AS 29.23.021) by preparing an order of
18 reapportionment and delivering the order to the borough mayor.

19 Sec. 29.24.100. (Sec. 29.23.029) JUDICIAL REVIEW AND RELIEF. (a) The
20 commissioner of community and regional affairs may request the superior
21 court to enforce a reapportionment order issued under AS 29.24.090(e) [AS
22 29.23.027(e)].

23 (b) Each of the following is subject to judicial review:

24 (1) a plan of reapportionment approved by the voters under
25 AS 29.24.080(a) [AS 29.23.025(a)];

26 (2) a determination by the borough assembly under AS
27 29.24.080 [AS 29.23.025(c)] that the standards of AS 29.24.060 (AS
28 29.23.021) do not require a change in apportionment;
29

(3) a reapportionment ordinance approved by the voters under AS 29.24.080(d) [AS 29.23.025(d)];

(4) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090(c) [AS 29.23.027(c)];

(5) a reapportionment ordinance approved by the voters under AS 29.24.090(d) [AS 29.23.027(d)]; and

(6) a reapportionment order of the commissioner of community and regional affairs made under AS 29.24.090 (e) [AS 29.23.027(e)].

Sec. 29.24.110 (Sec. 29.23.031) EFFECTIVE DATE OF APPORTIONMENT. (a) A change in assembly apportionment or composition under AS 29.23.080 (AS 29.23.025) or AS 29.24.090 (AS 29.23.027) is effective beginning with the first regular election for members of the assembly which is held more than 60 days after the later of:

(1) approval of a reapportionment ordinance by the voters under AS 29.24.080(a) [29.23.025(a)], AS 29.24.080(e) [29.23.025(e)], or AS 29.24.090(d) [29.23.027(d)]; or

(2) the delivery to the mayor of a reapportionment order of the commissioner of community and regional affairs under AS 29.24.090(d) [29.23.027(e)].

(b) The provisions of (a) of this section do not apply to a borough in which a change in assembly composition or apportionment is subject to review and approval or determination of nonobjection by the Attorney General of the United States under the Voting Rights Act of 1965, as amended, (42 U.S.C. 1971 - 1974). A change in assembly composition or apportionment subject to review under the Voting Rights Act of 1965, as amended, is effective beginning with the first regular election for members of the assembly which is held more than 60 days after

(1) receipt by the borough assembly of approval by the Attorney General of the United States of the proposed change in the composition or apportionment of the assembly; or

1 (2) the delivery to the mayor of a reapportionment order of
2 the commissioner of community and regional affairs under AS 29.24.090(e) [AS
3 29.23.027(e)].

4 (3) the last day on which the Attorney General of the United
5 States may review a proposed change in the composition or apportionment of
6 the assembly.

7 Sec. 29.24.120. (Sec. 29.23.033) APPLICABILITY OF APPORTIONMENT
8 PROVISIONS. The provisions of AS 29.24.080-29.24.110 (AS 29.23.025 -
9 29.23.031) do not apply

10 (1) to a unified municipality incorporated under AS
11 29.12.190-29.12.390 (AS 29.68.240 - 29.68.440);

12 (2) to a home rule borough if the borough, by charter,
13 provides for reapportionment of the borough assembly.

14 → Sec. 29.24.130. (Sec. 29.23.040.) REGULAR TERM OF OFFICE. (a)
15 → ^{Sec 125 inserted}
16 Assemblymen are selected for three-year terms and until their successors are
17 selected and have qualified, unless different terms not exceeding four years
18 are prescribed by borough charter or ordinance. Except when otherwise
19 required by a change of composition or apportionment, if the term of an
20 assemblyman is changed by charter or ordinance, the term of an assemblyman
21 holding office at the time the change takes effect is not affected by that
22 change.

23 (b) The regular term of office begins on the first Monday
24 following certification of the election, unless a different date is
25 prescribed by borough charter or ordinance.

26 (c) This section applies to home rule and general law boroughs.

27 Sec. 29.24.140. (Sec. 29.23.050.) QUALIFICATIONS. A resident of the
28 borough is eligible to be an assemblyman if he is a borough voter. An
29 assemblyman who ceases to be a borough voter immediately forfeits his
office. An assemblyman elected from or selected to represent a borough area

1 less than the borough area at large and who becomes a resident of another
2 area may continue to serve only until the next regular election. The
3 assembly may by ordinance establish residence requirements for assemblymen
4 not exceeding three years. This section applies to home rule and general
5 law boroughs.

6 *Sec. 145 inserted*
7 Sec. 29.24.150. (Sec. 29.23.060.) PROCEDURE. (a) The assembly shall

8 meet at least once every month, unless otherwise provided by ordinance. All
9 meetings shall be public meetings. Special meetings may be held on the call
10 of the chairman, the presiding officer, or one-third of the members, upon
11 not less than 24 hours written or oral notice communicated to each member.
12 In an emergency a special meeting shall be a legal meeting if all members
13 are present or there is a quorum and all absent members have waived in
14 writing the required notice. A waiver may be either before or after the
15 time of the meeting. The waiver shall be attached to and made a part of the
16 journal for that meeting.

17 *29.23.160*
18 (b) The assembly shall elect from among its members a presiding
19 officer and a deputy presiding officer to serve at its pleasure, except that
20 in manager plan boroughs the borough mayor serves as presiding officer. If
21 the presiding officer is not present or disqualifies himself, the deputy
22 presiding officer shall preside.

23 (c) The assembly shall determine its own rules and order of
24 business and provide for keeping a journal of its proceedings. The assembly
25 is the judge of the election and qualification of its members and, with the
26 concurrence of two-thirds of its members, may expel a member for conviction
27 of a felony or misdemeanor described in AS 15.56 as a corrupt practice. The
28 assembly shall consider a conviction of a member for a felony or misdemeanor
29 described in AS 15.56 as a corrupt practice at its first meeting following
the final determination of the conviction.

1 (d) A majority of the membership authorized by law constitutes a
2 quorum. In the absence of a quorum, any number less than a quorum may recess
3 or adjourn the meeting to a later date. Actions of the assembly are adopted
4 by a majority of the votes authorized on the question. All assemblymen
5 present shall vote unless the assembly for special reasons permits a member
6 to abstain, except no assemblyman may vote on a question in which he has a
7 substantial direct or indirect financial interest.

8 (e) The final vote on each ordinance, resolution, or substantive
9 motion is a recorded "yes" or "no", except that if the vote is unanimous it
10 is necessary only so to state.

11 (f) Repealed by Sec. 16 ch 118 SLA 1972.

12 (g) Repealed by Sec. 16 ch 118 SLA 1972.

13 (h) Repealed by Sec. 16 ch 118 SLA 1972.

14 (j) Repealed by Sec. 16 ch 118 SLA 1972.

15 (out) Sec. 29.24.160. (Sec. 29.23.070.) DEPARTMENTS. (a) The assembly may
16 establish departments and distribute administrative functions among them.

17 (b) Each department is administered by a department head. With
18 the consent of the assembly, the borough mayor may serve as the head of one
19 or more departments or may appoint one person as the head of two or more
20 departments.

21 Sec. 29.24.170. (Sec. 29.23.080.) ASSEMBLY VACANCIES. The assembly
22 shall provide by ordinance the manner in which a vacancy in assembly
23 representation occurs. A vacancy is filled by the majority of the remaining
24 assemblymen, who designate a voter and, if the assembly seat vacated is
25 other than an at-large seat, a resident of the borough area to which the
26 seat was apportioned, to serve until the next regular election. However, if
27 under a borough apportionment city councilmen are appointed as assemblymen
28 or elected to dual assemblycouncil seats, a vacancy in a councilman's seat
29

→ insert 175

1 on the assembly shall be filled by a councilman designated by a majority of
2 the remaining membership of the council to serve until the next regular
3 election.

4 Article 3. BOROUGH EXECUTIVE AND ADMINISTRATOR

5 (Article 2. BOROUGH EXECUTIVE AND ADMINISTRATOR

6 Sec. 29.24.200. (Sec. 29.23.130.) POWER GENERALLY. (a) If the
7 borough has not adopted a manager plan, the borough executive and
8 administrative power is vested in an elected borough mayor. If the borough
9 has adopted a manager plan, the administrative power is vested in an
10 appointed manager and the executive power in an elected borough mayor who
11 has the same functions as those of the mayor of a manager-plan city under
12 Sec. 330 (Sec. 240) of this chapter.

13 (b) A borough voter is eligible to be borough mayor. The assembly
14 may by ordinance establish residence requirements for candidates for borough
15 mayor not exceeding three years.

16 1205 (c) The borough mayor's regular term of office is three years and
17 until a successor is elected and has qualified and begins on the first
18 Monday following certification of the mayor's election. The assembly may
19 provide by ordinance for a different term not to exceed four years, except
20 that the current term of an incumbent borough mayor may not be altered.

21 (d) A borough may adopt or abandon a manager plan at any time, as
22 provided in Secs. 550-620 (Secs. 410-480) of this chapter. The borough
23 mayor may not veto an ordinance or resolution calling for an election on
24 this question. The manager has all the powers and duties of the borough
25 mayor as chief administrative officer. The borough mayor then serves as
26 borough executive.

27 (e) A borough adopting a manager plan may, by agreement with a
28 city, enter into a contract providing for the manager of a city located
29 within the borough to serve also as borough manager. A city adopting a

1 manager plan may, by agreement with a borough, enter into a contract
2 providing for the manager of a borough within which the city is located to
3 serve also as city manager. Appointment and service of the manager shall be
4 as otherwise provided for managers in Secs. 200-220 (Secs. 130-150) and
5 Secs. 590-610 (Secs. 450 - 470) of this chapter. Nothing in this subsection
6 affects the authority of the assembly or council to provide for other dual
7 officeholding if the dual offices held are compatible or otherwise to
8 appoint officers and employees in accordance with law.

9 (f) The assembly, with the concurrence of two-thirds of its
10 members, may remove the borough mayor from office for a conviction of a
11 felony or misdemeanor described in AS 15.56 as a corrupt practice. The
12 assembly shall consider a conviction of the borough mayor of a felony or
13 misdemeanor described in AS 15.56 as a corrupt practice at its first meeting
14 following the final determination of the conviction.

15 Sec. 29.24.210. (Sec. 29.23.140.) POWERS AND DUTIES OF BOROUGH
16 ADMINISTRATOR. The borough mayor or manager as the case may be, as the
17 chief administrative officer, is responsible for the proper administration
18 of all borough affairs. The mayor or manager of the borough shall

19 (1) appoint borough employees and administrative officers, except
20 as provided otherwise in Sec. 480 (Sec. 360) of this chapter and (AS
21 29.33.050); he may hire necessary administrative assistants and may
22 authorize an appointive administrative officer to appoint, suspend, or
23 remove subordinates in his department;

24 (2) suspend or remove by written order borough employees and
25 administrative officers, except as provided otherwise in Sec. 480 (Sec. 360)
26 of this chapter and (AS 29.33.050);

27 (3) supervise enforcement of borough law;

28 (4) prepare the annual budget and capital improvements program
29 for the assembly;

(5) execute the budget and capital improvement program as adopted;

(6) make monthly reports to the assembly on borough finances and operations;

(7) report to the assembly at the end of each fiscal year on the finances and administrative activities of the borough;

(8) prepare and make available for public distribution an annual report on borough affairs;

(9) serve as borough personnel officer unless the assembly authorizes him to appoint a personnel officer;

(10) direct and supervise the administration of

— (A) the functions of all borough officers and employees except as provided otherwise in this title;

(B) the care and custody of all borough buildings and of all real and personal property of the borough, except as provided otherwise by AS (29.33.050);

(C) the construction, maintenance, and operation of all borough roads, bridges, drains, buildings and other public works;

(11) execute other powers or duties specified in this title or lawfully prescribed by the assembly.

No change
Sec. 29.24.220. (Sec. 29.23.150.) EXECUTIVE ABSENCE. The borough mayor, subject to assembly approval, shall designate a person to act as mayor during the mayor's temporary absence or disability. If a manager plan has been adopted, the assembly shall designate by resolution a borough administrative officer to act as manager during his absence or disability.

Sec. 29.24.230. (Sec. 29.23.160.) ASSEMBLY PARTICIPATION. The borough mayor may take part in the discussion of all matters before the assembly but may not vote.

Sec. 29.24.240. (Sec. 29.23.170.) VETO. (a) Except as provided in (b) of this section, the borough mayor may veto any ordinance, resolution,

1 motion or other action of the assembly and may, by veto, strike or reduce
2 items in appropriation ordinances except for school budget items. He shall
3 submit to the assembly at its next regular meeting a written statement
4 advising of his veto and giving his reasons. His veto may be overridden by
5 two-thirds of all the votes to which the assembly is entitled on the
6 question.

7 (b) The borough mayor may not veto actions of the assembly taken
8 under Sec. 200(d) [Sec. 130(d)] of this chapter or actions of the board of
9 equalization and the board of adjustment.

10 Sec. 29.24.250. (Sec. 29.23.180.) FILLING A VACANCY. A vacancy in
11 the office of the borough mayor occurring within six months of a regular
12 election shall be filled by the assembly. The person designated shall serve
13 until the next regular election and until a successor is elected and has
14 qualified. If an assemblyman is chosen, he shall resign his assembly seat.
15 If a vacancy occurs more than six months before a regular election, the
16 assembly shall call a special election to fill the unexpired term.

17 Article 4. CITY COUNCIL

18 (Article 3. CITY COUNCIL)

19 Sec. 29.24.280. (Sec. 29.23.200.) COMPOSITION, ELIGIBILITY, ELECTION
20 AND TERM. (a) Each first class city has a council of six members elected
21 by the voters at large. Each second class city has a council of seven
22 members elected by the voters at large. The council of a first or second
23 class city may by ordinance provide for election of members other than on an
24 at-large basis for all members.

25 (b) A city voter is eligible to hold office as a member of the
26 council. The council may by ordinance establish residence requirements for
27 council members not exceeding three years. A council member who ceases to
28 be eligible to be a city voter immediately forfeits that office.
29

*Expelling
members
Conflict of
interest*

(c) Councilmen are selected for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following certification of the election. The council may provide by ordinance for different terms not to exceed four years, except that the current term of incumbent councilmen may not be altered.

Sec. 29.24.290. (Sec. 29.23.210.) PROCEDURE. (a) The council shall meet at least once every month, unless otherwise provided by ordinance. Special meetings may be held on the call of the mayor or two councilmen upon not less than 24 hours written or oral notice communicated to each member. In an emergency, a special meeting called on less than 24 hours notice is a legal meeting if all members are present or there is a quorum and all absent members have waived in writing the required notice. A waiver may be made either before or after the time of the meeting. The waiver shall be attached to and made a part of the journal for that meeting.

(b) The council shall determine its own rules and order of business and provide for keeping a journal of its proceedings. The council is the judge of the election and qualification of its members and, with the concurrence of two-thirds of its members, may expel a member for a conviction of a felony or misdemeanor described in AS 15.56 as a corrupt practice. The council shall consider that conviction during its first meeting following final determination of the conviction.

(c) Four councilmen constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion.

(d) The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. All councilmen present shall vote unless the council, for special reasons, permits a member to abstain.

Sec. 29.24.300. (Sec. 29.23.220.) FILLING A VACANCY. If a vacancy occurs in the council, the council by vote of a majority of its remaining members shall designate a person to fill the vacancy until the next regular election, and until a successor is elected and has qualified.

1 Article 5. CITY EXECUTIVE AND ADMINISTRATOR

2 (Article 4. CITY EXECUTIVE AND ADMINISTRATOR)

3 Sec. 29.24.330. (Sec. 29.23.240.) MAYOR. Each city has a mayor as
4 executive who shall ^{IN 29.20.160} preside at council meetings, act as ceremonial head of
5 the city, and sign documents on the city's behalf upon council authoriza-
6 tion. In cities which have not adopted a manager plan, the mayor is
7 responsible for the duties listed in Sec. 390 (Sec. 290) of this chapter.

8 Sec. 29.24.340. (Sec. 29.23.250.) ELECTION AND TERM OF MAYOR. (a) A
9 voter of a home rule or general law city is eligible to hold the office of
10 mayor, except that a home rule city may prescribe additional residency
11 requirements by charter. The council, for all other cities, may by ordinance
12 establish residence requirements for candidates for mayor not exceeding
13 three years.

14 (b) The mayor of a first class city is elected at large for a term
15 of three years and until a successor is elected and has qualified. The
16 council may provide by ordinance for a different term not to exceed four
17 years, except that the current term of an incumbent mayor may not be altered.

18 (c) The mayor of a second class city is elected by and from the
19 council for a term of one year and until a successor is elected and has
20 qualified.

21 (d) The mayor's regular term begins on the first Monday following
22 certification of the mayor's election. The council of a second class city
23 shall meet on the first Monday after certification of the regular election
24 and elect a mayor who takes office immediately.

25 Sec. 29.24.350. (Sec. 29.23.255) REMOVAL FROM OFFICE. The council
26 may, with concurrence of two-thirds of its members, remove the mayor from
27 office for a conviction of a felony or misdemeanor described in AS 15.56 as
28 a corrupt practice. The council shall consider the conviction during its
29 first meeting following final determination of the conviction.

1 Sec. 29.24.360. (Sec. 29.23.260.) MAYOR'S VOTE. (a) The mayor of a
2 first class city is not a council member and may vote only in the case of a
3 tie.

4 (b) The mayor of a second class city is a council member and may
5 vote on all matters.

6 Sec. 29.24.370. (Sec. 29.23.270.) VETO. (a) The mayor of a first
7 class city may veto any ordinance, resolution, motion, or other action of
8 the council and may, by veto, strike or reduce items in appropriation
9 ordinances except, in a city outside an organized borough, for school budget
10 items. He shall submit to the council at its next regular meeting a written
11 statement advising of his veto and giving his reasons. A veto is overridden
12 by the vote of two-thirds of the authorized membership of the council.

13 (b) The mayor of a second class city has no veto power.

14 Sec. 29.24.380. (Sec. 29.23.280.) FILLING A VACANCY. (a) In a first
15 class city, a vacancy in the office of mayor occurring within six months of
16 a regular election shall be filled by the council. The person designated
17 shall serve until the next regular election and until a successor is elected
18 and has qualified. If a councilman is chosen, he shall resign his council
19 seat. If a vacancy occurs more than six months before a regular election,
20 the council shall call a special election to fill the unexpired term.

21 (b) In a second class city, a vacancy in the office of mayor is
22 filled by and from the council.

23 Sec. 29.24.390. (Sec. 29.23.290.) POWERS AND DUTIES OF A CITY
24 MANAGER. If the city has a manager, he is the chief administrative officer.
25 The manager shall

26 (1) appoint city employees and administrative officers, except as
27 provided otherwise in Sec. 480 (Sec. 360) of this chapter and AS 14.14.065;
28 he may hire necessary administrative assistants and may authorize an
29 appointive administrative officer to appoint, suspend, or remove
30 subordinates in his department;

1 (2) suspend or remove by written order city employees and
2 administrative officers, except as provided otherwise in Sec. 480 (Sec. 360)
3 of this chapter and AS 14.14.065;

4 (3) supervise enforcement of city law;

5 (4) prepare the annual budget and capital improvement program for
6 the council;

7 (5) execute the budget and capital program as adopted;

8 (6) make monthly financial reports to the council on city
9 finances and operations;

10 (7) report to the council at the end of each fiscal year on the
11 finances and administrative activities of the city;

12 (8) prepare and make available for public distribution an annual
13 report on city affairs;

14 (9) serve as city personnel officer unless the council authorizes
15 him to appoint a personnel officer;

16 (10) execute other powers and duties specified in this title or
17 lawfully prescribed by the council.

18 Article 6. SCHOOL BOARDS

19 (Article 5. SCHOOL BOARDS)

20 Sec. 29.24.420. (Sec. 29.23.310.) ELECTION. Each borough and city
21 school district has a school board. Members are elected at the regular
22 election held annually on the first Tuesday of October, unless a different
23 election date or interval of years is provided by ordinance, for three-year
24 terms and until their successors take office. All board members are elected
25 at large, but school zones for the election of borough school boards may be
26 established, altered, or abolished as provided by (Sec. 100) of this
27 chapter.

Article 7. UTILITY BOARDS

(Article 6. UTILITY BOARDS)

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Sec. 29.24.450. (Sec. 29.23.340.) UTILITY BOARDS. (a) The assembly or council of a municipality operating a public utility may provide by ordinance for a managing board of five members and define the board's powers and duties.

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(b) As determined by ordinance, members of the board are appointed by the municipal executive and confirmed by the assembly or council or are elected at the regular election held annually on the first Tuesday of October, unless a different election date or interval of years is provided by ordinance. The term of a utility board member is two years and until a successor is selected and has qualified. However, the assembly or council may by ordinance provide for a different term not to exceed four years and not altering the current term of an elected incumbent.

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(c) Vacancies in the board are filled by the municipal executive. Executive appointments shall be confirmed by the assembly or council. A person selected to fill a vacancy on a utility board serves until the expiration of the term and until a successor is elected and has qualified.

19
(d) Unless otherwise provided by ordinance, the board shall

20
(1) choose its chairman and secretary;

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22
(2) appoint the manager of the public utility for a term not longer than five years and set his salary;

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(3) formulate and enforce the general rules and policies of the utility.

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Article 8. OTHER OFFICERS AND EMPLOYEES

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(Article 7. OTHER OFFICERS AND EMPLOYEES)

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Sec. 29.24.480. (Sec. 29.23.360.) APPOINTMENT OF OFFICERS. The municipal clerk, attorney, treasurer, and police chief are appointed by the chief administrator or by the assembly or council, as determined by

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1 ordinance. Officers serve at the pleasure of the appointing authority,
2 subject to ordinance Appointments by the chief administrator are subject to
3 confirmation by the governing body.

4 Sec. 29.24.490. (Sec. 29.23.370.) MUNICIPAL ATTORNEY. The municipal
5 attorney is the legal advisor of the council or assembly, the school board,
6 and the other officers of the municipality. He represents the municipality
7 as attorney in civil and criminal proceedings. The school board has the
8 right to hire independent counsel when in its judgment independent counsel
9 is needed.

10 Sec. 29.24.500. (Sec. 29.23.380.) MUNICIPAL CLERK. (a) The
11 municipal clerk shall

12 (1) give notice of the time and place of meetings to the
13 assembly or the council and to the public;

14 (2) attend meetings and keep the journal;

15 (3) arrange publication of notices, ordinances, and
16 resolutions;

17 (4) maintain and make available for public inspection an
18 indexed file including the municipal ordinances, resolutions, rules,
19 regulations, and codes;

20 (5) attest deeds and other documents;

21 (6) perform other duties specified in this title or
22 prescribed by the chief executive or by the governing body.

23 (b) The assembly or council may combine the office of clerk with
24 that of treasurer. If the offices are combined, the clerk shall, as
25 required of the treasurer, give his bond to the municipality for the
26 faithful performance of his duties as clerk-treasurer.

27 Sec. 29.24.510. (Sec. 29.23.390.) MUNICIPAL TREASURER. (a) The
28 treasurer is the custodian of all municipal funds. He shall keep an
29 itemized account of money received and disbursed. He shall pay money on
LA-20 checks drawn against appropriations.

1 (b) The treasurer shall give bond to the municipality in a sum
2 which the assembly or council directs.

3 Sec. 29.24.520. (Sec. 29.23.401.) APPOINTMENT TO MUNICIPAL BOARDS AND
4 COMMISSIONS. (a) Notwithstanding AS 39.05.100 or a provision of law
5 relating to age, the municipal appointing authority for a municipal board or
6 commission may appoint a 17-21 year old municipal resident to the board or
7 commission if recommended by the commission, established in AS 29.68.020
8 (Sec. 397) of this chapter.

9 (b) A young person recommended by the commission may be appointed
10 to a municipal board or commission having special qualifications for
11 membership if the proposed nominee, except for his age, meets the required
12 qualifications set by law.

13 (c) An individual appointed to a municipal board or commission
14 under this section is entitled to the rights, privileges and
15 responsibilities of other members, and his appointment is subject to
16 confirmation by the governing body when required by law.

17 (d) No additional seat on a municipal board or commission is
18 created by virtue of AS 29.68 (Secs. 395-401) of this chapter.

19 Article 9. ADOPTION OR REPEAL OF MANAGER PLAN

20 (Article 8. ADOPTION OR REPEAL OF MANAGER PLAN)

21 *Now Article 10.8*
22 Sec. 29.24.550. (Sec. 29.23.410.) APPLICATION. A municipality may
23 adopt a manager plan of government.

24 Sec. 29.24.560. (Sec. 29.23.420.) PETITION. Adoption of a manager
25 plan may be initiated either by petition or upon motion of the assembly or
26 council. A petition for the adoption of a manager plan is submitted to the
27 assembly or council. The petition must be signed by a number of municipal
28 voters equal to the following per cent of the votes cast at the preceding
29 regular election:

(1) 25 percent when the municipality has fewer than 7,500 persons;

(2) 15 percent when the municipality has 7,500 persons or more.

Sec. 29.24.570. (Sec. 29.23.430.) ELECTION. Upon receipt of the petition or upon its motion, the assembly or council shall provide by ordinance or resolution for a vote on the question at the next regular or special election. Notice of the election shall be published at least 30 days before the election.

Sec. 29.24.580. (Sec. 29.23.440.) ADOPTION. (a) If the manager plan is approved, the assembly or council shall, within 60 days, adopt the plan by ordinance or resolution.

(b) The assembly or council shall notify the Department of Community and Regional Affairs of the adoption of the manager plan.

Sec. 29.24.590. (Sec. 29.23.450.) APPOINTMENT. The assembly or council shall appoint a manager by a majority vote of its membership. He is chosen solely on the basis of his executive and administrative qualifications and receives the compensation set by the assembly or council. An elected municipal official may not be appointed manager of the municipality sooner than one year after leaving office, except that, by a vote of three-fourths of its authorized membership, the assembly or council may at any time appoint one of its members or other elected municipal officials as manager.

Sec. 29.24.600. (Sec. 29.23.460.) TERM. Subject to the contract of employment, the manager holds office at the pleasure of the assembly or council.

Sec. 29.24.610. (Sec. 29.23.470.) APPOINTMENT OF TEMPORARY OR NEW MANAGER. In the absence or disability of the manager, the assembly or council shall appoint a temporary manager. If the office becomes vacant, the assembly or council shall appoint a new manager.

Sec. 29.24.620. (Sec. 29.23.480.) REPEAL. A municipality may repeal the manager plan in the same manner used for its adoption. At its first

meeting after repeal, the assembly or council shall enact provisions for the reorganization of the municipal executive and chief administrator.

Article 10. MISCELLANEOUS PROVISIONS

(Article 9. MISCELLANEOUS PROVISIONS)

Sec. 29.24.650. (Sec. 29.23.500.) OATHS OF OFFICE. Municipal officers, before taking office, shall affirm in writing that they will honestly, faithfully, and impartially perform their duties. The oath is filed with the municipal clerk.

Sec. 29.24.660. (Sec. 29.23.520.) BONDING. The administrator and the other municipal officers or employees which the assembly or council may designate shall give bond in the amount and with the surety prescribed by the assembly or council. Premiums on bonds are paid by the municipality.

Sec. 29.24.670. (Sec. 29.23.530.) SALARIES OF ELECTED OFFICERS. The assembly or council shall fix by ordinance the salaries of elected officers. The salary of the mayor may not be reduced during his term of office. An elected officer may not receive any other compensation for service to the municipality. Per diem payments or reimbursements for expenses are not compensation under this section.

Sec. 29.24.680. (Sec. 29.23.540.) PROHIBITIONS. (a) No person may be appointed to or removed from municipal office or in any way favored or discriminated against with respect to a municipal position because of his race, color, sex, creed, national origin or, unless otherwise contrary to law, because of his political opinions or affiliations.

(b) This section applies to home rule and general law municipalities.

(c) No state employee or school district employee may be denied the right to serve as an elected municipal official because of his employment by the state or a school district unless specifically prohibited by charter or ordinance of a municipality, adopted at a special or general

election. However, no school district employee may serve on a school district board in the school district where he is employed. ~~Provisions of this section do not apply to term of office in effect on August 24, 1976.~~

(d) For purposes of this section a school district employee is not a municipal employee.

Sec. 29.24.690. (Sec. 29.23.550.) PERSONNEL SYSTEM. All appointments and promotions of municipal officers and employees are made on the basis of merit. The assembly or council may provide for a personnel system.

Sec. 29.24.700. (Sec. 29.23.560) REPORTS. (a) Home rule and general law municipalities shall file with the Department of Community and Regional Affairs:

(1) maps and descriptions of all annexed or excluded territory;

(2) a copy of the annual audit or in the case of second class cities an audit or statement of annual income and expenditures;

(3) tax assessment and tax levy figures as requested;

(4) repealed.

(5) a copy of the current annual budget of the municipality;

(6) a summary of the optional property tax exemptions authorized in the municipality, together with the municipality's estimate of the revenues lost to it by operation of each of the exemptions.

(b) Compliance with the provisions of this section is a prerequisite to receipt of municipal tax resource equalization assistance under AS 29.62 (AS 29.88) and state aid for miscellaneous municipal services under AS 29.62 (AS 29.89). The Department of Community and Regional Affairs shall withhold annual allocations under those chapters in the event of noncompliance until such time as the report requirements are met.

Sec. 29.24.710. (Sec. 29.23.570.) VACANCIES. An elected municipal office is vacated under the following conditions and upon the declaration of

1 vacancy by the assembly or council. The assembly or council shall declare
2 an elective office vacant when the person elected

3 (1) fails to qualify or take office within 30 days after his
4 election or appointment;

5 (2) is physically absent from the municipality for a 90-day
6 period unless excused by the assembly or council;

7 (3) resigns and his resignation is accepted;

8 (4) is physically or mentally unable to perform the duties
9 of his office;

10 (5) is removed from office;

11 (6) misses three consecutive regular meetings unless
12 excused; or

13 (7) is convicted of a felony or of an offense involving a
14 violation of his oath of office.

CHAPTER 27. MUNICIPAL ENACTMENTS

(CHAPTER 48, Article 3. MUNICIPAL ENACTMENTS)

Sec. 29.27.010. (Sec. 29.48.130.) ACTS REQUIRED TO BE BY ORDINANCES.

(a) In addition to other actions which this title requires to be by ordinance, the assembly or council of a municipality shall use ordinances to

(1) establish, alter or abolish municipal departments;
 (2) fix the compensation of members of the assembly or council;

(3) provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;

(4) provide for the levying of taxes;

(5) make appropriations ^{except} and supplemental appropriations or transfer ^{of} appropriations;

(6) grant, renew, or extend a franchise;

^{note} (7) regulate the rate charged by a public utility;

(8) adopt, modify or repeal the comprehensive plan, ^{land use regulation} zoning and subdivision ordinances, building and housing codes, and the official map;

(9) approve the transfer of a power to a borough from a city;

(10) designate the borough seat;

(11) provide for the retention or sale of tax-foreclosed property.

(12) exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025.

(b) This section grants no authority but requires the assembly or council to use ordinances in exercising certain of its powers.

Sec. 29.27.020. (Sec. 29.48.140.) FORM OF ORDINANCES. Ordinances are introduced in writing in the form required by the assembly or council.