

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86 / 2

772 SCOM423: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

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

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

6 (2) that number of qualified voters residing in each first
7 class and home rule city located in the borough equal to 25 percent of the
8 qualified voters who voted in the last regular borough election in each
9 city.

10 Sec. 29.12.220. REVIEW OF PETITION. Upon receipt of a petition, the
11 borough assembly shall review the petition within 15 days after its receipt
12 to determine whether it complies with Sec. 200 of this chapter.

13 If the petition does not meet the designated requirements, it shall be
14 immediately returned to the person who initiated the petition with a statement
15 indicating which requirements have not been satisfied.

16 Sec. 29.12.230 CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is
17 determined by the borough assembly that a petition meets the requirements of
18 Sec. 200 of this chapter, or the assembly by its resolution proposes an
19 election on formation of a charter commission to propose a unification
20 charter, the assembly shall issue a call for the nomination of charter
21 commission candidates, specifying the filing deadline and outlining the
22 procedure described for making nominations under Sec. 240 of this
23 chapter.

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

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

Sec. 29.12.250. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the borough clerk.

****Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The charter commission shall consist of 11 voters, three of whom shall be residents elected at large from the area of the borough and eight of whom, proportionate to the population as determined by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a home rule or first class city in the borough; or,

(2) residents of and elected from a home rule or first class city in the borough.

(b) If at least one nomination of a qualified charter commission candidate for each available seat is not filed in accordance with AS 29.12.240 the resolution or petition for unification is void and no election on the question shall be held.

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

1 (b) The ballot on the question of unification shall be worded
2 exactly as in Sec. 210(a) of this chapter.

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

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

7 Sec. 29.12.280. REQUIREMENTS FOR APPROVAL OF UNIFICATION AND ELECTION
8 OF CHARTER COMMISSION. (a) The votes on unification shall be tabulated in
9 two separate classifications. One classification shall consist of all votes
10 cast in the first class and home rule cities of the borough. The other
11 classification shall consist of all votes cast in the remaining areas of the
12 borough. In order for unification to be approved, it is necessary that a
13 majority of the votes in each classification favor unification.

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

17 Sec. 29.12.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a)
18 The charter commission authorized by this chapter shall hold its first
19 meeting within 30 days of the date of certification of its election. The
20 commission shall elect from among its members a chairman and a deputy chairman.

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

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

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

(e) Except as provided in AS 29.12.340(e), vacancies on the charter commission shall be filled by a majority vote of the commission . The person appointed to fill a vacancy must be a qualified voter of the same area as the person whom he succeeds and must have been a qualified voter of that area for at least one year immediately preceding the date of his appointment.

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

(g) Costs, fees, and other expenses incurred by the charter commission are a debt of the borough and shall be paid upon proper verification.

Sec. 29.12.300. CHARTER PREPARATION. (a) A charter commission established under this chapter shall prepare, adopt and submit a proposed home rule charter for the area to be unified to the voters for approval or rejection at a regular or special borough election called by the borough assembly held within 60 days of the date of publication and posting of the proposed charter as required in AS 29.12.380. The charter shall include among its provisions:

(1) provisions for adjustment of existing bonded indebtedness and other obligations in a manner which will reserve a fair and equitable burden of taxation for debt service, subject to AS 29.12.360;

(2) provisions for

(A) the establishment of service areas; and

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

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

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

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

8 (5) provision for exercise of the rights of initiative and
9 referendum as required by AS 29.15.050;

10 (6) a method of amending the charter;

11 (7) the date on which the charter, if approved at the charter
12 election required by AS 29.12.340, is effective;

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

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

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

20 Sec. 29.12.310. PUBLIC HEARINGS. Both before and after drafting the
21 proposed charter, the charter commission shall hold a public hearing in each
22 area of the borough represented on the borough assembly. Other public
23 hearings may be held by the charter commission whenever and wherever it
24 believes necessary and appropriate.

25 Sec. 29.12.320. FILING OF PROPOSED CHARTER. Upon the adoption of a
26 proposed home rule charter by the charter commission, the charter shall be
27 signed by at least a majority of the total membership of the commission and
28 shall be filed with the borough clerk. A copy with signatures affixed shall
29 also be filed with the clerk of each city within the borough.

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1 Sec. 29.12.330. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within
2 10 days after filing the proposed charter, the borough clerk shall have it
3 published once in at least one newspaper having general circulation distri-
4 buted within the borough, if there is a newspaper having general circulation
5 distributed within the borough. In addition, the clerk shall have a copy of
6 the proposed charter posted in at least three public places within each city
7 of the borough and each area outside cities. Copies of the proposed charter
8 shall be made available by the borough assembly to the public at both the
9 office of the borough clerk and the office of the clerk of each city within
10 the borough. The clerk shall publish notice by radio and television of the
11 publication, posting, and availability of the proposed charter in a manner
12 intended to apprise the entire borough population of the existence of the
13 proposed charter.

14 Sec. 29.12.340. ELECTION ON CHARTER. (a) The proposed charter adopted
15 by the charter commission shall be submitted to the voters for ratification
16 or rejection at the borough election specified in AS 29.12.300. The borough
17 clerk shall prepare the ballots for use in the election and shall give
18 published notice of and otherwise conduct the election in the manner in
19 which regular municipal elections are conducted. In addition, the clerk
20 shall publish notice of the election by radio and television in a manner
21 intended to apprise the entire borough population of the election.

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

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

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(1) lieutenant governor;

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

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

(4) clerk of the borough;

(5) clerk of each city in the borough.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit a proposed charter to the voters at a general or special borough election called by the borough and held within one year of 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 unification shall be treated as if it had never been proposed or approved.

(e) If after the rejection of the first proposed charter, more than one-half of the charter commission members resign from the commission, the borough assembly shall appoint new members to fill the vacancies in accordance with AS 29.12.160(e).

Sec. 29.12.350. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon ratification, the charter of a unified municipality organized under AS 29.12.190 - 390 operates to dissolve all local governments within the area of unification in accordance with the charter.

Sec. 29.12.360. ASSETS AND LIABILITIES. A municipality created by unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness or other debt incurred before unification shall remain the tax obligation of the area which contracted the debt, except that the tax obligation may be spread over a larger area by ordinance if the governing body determines that the asset for which the bonded indebtedness or other debt was incurred was used for the benefit of the larger area before unification, or is so used after unification. However, preunification bonded indebtedness or other debt for sewage col-

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lection systems, water distribution systems, and streets, even if determined to be used for the benefit of a larger area than that which incurred the debt, shall remain the tax obligation of the area which incurred the debt.

Sec. 29.12.370. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality shall revise, repeal, or reaffirm all borough and city ordinances, resolutions and orders in force within the borough at the time of unification. Each ordinance, resolution, regulation, or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.12.380. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to boroughs and cities shall remain in full force and effect with respect to a unified municipality organized under AS 29.12.190 - 29.12.390.

Sec. 29.12.390. POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under AS 29.12.190 - 29.12.390 shall have all powers

(1) not prohibited it by law or charter;

(2) granted to ~~organized~~ ^{home rule} boroughs and first class cities.

^{U.C.}
~~Article~~ 05. DISSOLUTION.

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

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

(2) the local option method specified in AS 29.12.430 - 29.12.500

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

(c) The Department of Community and Regional Affairs shall investigate a municipality which it considers to be inactive and shall report to the

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1 Local Boundary Commission on the status of the municipality. The commission
2 may submit its recommendation to the legislature that the municipality be
3 dissolved in the manner provided for submission of boundary changes in Sec.
4 12, art. X of the state constitution.

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

10 (b) The petition includes

11 (1) the name of the municipality;

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

14 Sec. 29.12.440. STANDARDS. (a) Except as provided in (b) of this
15 section, a municipality may petition for dissolution when

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

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

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

25 Sec. 29.12.450. REVIEW. The Department of Community and Regional
26 Affairs shall review a petition for content and signatures and shall return
27 a deficient petition for correction or completion.

28 Sec. 29.12.460. INVESTIGATION. If the petition contains the required
29 information and signatures, the Department of Community and Regional Affairs
shall investigate the proposal.

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1 Sec. 29.12.470. REPORT AND HEARING. (a) The Department of Community
2 and Regional Affairs shall report its findings to the Local Boundary Com-
3 mission with its recommendation regarding the dissolution.

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

6 Sec. 29.12.480. DECISION. If the Local Boundary Commission determines
7 that the municipality fails to meet the standards for dissolution, it shall
8 reject the petition. If the commission determines that the municipality
9 meets the standards, it shall accept the petition.

10 Sec. 29.12.490. ELECTION. (a) The Local Boundary Commission shall
11 immediately notify the lieutenant governor of its acceptance of a dis-
12 solution petition. Within 30 days after notification, the lieutenant
13 governor shall order an election within the municipality to determine
14 whether the voters desire dissolution. The election is at least 30 and not
15 more than 90 days after the election order.

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

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

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

24 Sec. 29.12.500. SUCCESSION. The government succeeding to a dissolved
25 municipality succeeds to all its rights, powers, duties, assets, and
26 liabilities as provided in AS 29.09.130-29.09.140.
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*Proofed 12-30*CHAPTER 12. ALTERATION OF MUNICIPALITIESArticle New. CHANGE OF NAME

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

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

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

Article 02. ANNEXATION AND EXCLUSION

Sec. 29.12.040. LOCAL BOUNDARY COMMISSION. (a) The Local Boundary Commission may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first 10 days of any regular session. The change shall become effective 45 days after presen-

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1 tation or at the end of the session, whichever is earlier, unless disap-
2 proved by a resolution concurred in by a majority of the members of each
3 house.

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

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

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

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

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

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

26 Article 03. MERGER AND CONSOLIDATION

27 Sec. 29.12.080. METHODS OF MERGER AND CONSOLIDATION. Two methods may
28 be used to initiate merger or consolidation of home rule and general law
29 municipalities:

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

3 (2) the local option method specified in Secs. 090-160 (~~Secs.~~
4 ~~40-115~~) of this chapter .

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

10 (b) The petition includes

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

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

13 (3) the proposed composition and apportionment of the assem-
14 bly or council;

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

17 Sec. 29.12.100. REVIEW. The Department of Community and Regional
18 Affairs shall review a petition for content and signatures and shall return
19 a deficient petition for correction or completion.

20 Sec. 29.12.110. INVESTIGATION. If the petition contains the required
21 information and signatures, the Department of Community and Regional Affairs
22 shall investigate the proposal.

23 Sec. 29.12.120. REPORT AND HEARING. (a) The Department of Community
24 and Regional Affairs shall report its findings to the Local Boundary Commission
25 with its recommendations regarding the merger or consolidation.

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

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1 Sec. 29.12.130. DECISION. If the Local Boundary Commission determines
2 that the proposed municipality fails to meet the standards for incorporation,
3 it shall reject the petition. If the commission determines that the proposed
4 municipality meets these standards, it shall accept the petition. If the
5 commission determines that the proposed boundaries or the composition and
6 apportionment of the assembly or council can be altered to meet the standards,
7 it may change the proposal and accept the petition. The decision may be
8 appealed under the Administrative Procedure Act (AS 44.62).

9 Sec. 29.12.140. ELECTION. (a) The Local Boundary Commission shall
10 immediately notify the lieutenant governor of its acceptance of a merger or
11 consolidation petition. Within 30 days after notification, the lieutenant
12 governor shall order an election within the area to be included in the new
13 municipality to determine whether the voters desire merger or consolidation.
14 The election is held not less than 30 nor more than 90 days after the election
15 order.

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

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

21 (d) The lieutenant governor shall certify the election results.
22 If merger or consolidation is approved, he shall, within 10 days, set a date
23 for election of officers of the new municipality under AS 29.09.120 (~~AS~~
24 ~~29.18.120~~). The election date is not less than 60 nor more than 90 days
25 after the election order. This date is the effective date for the merger or
26 consolidation.

27 Sec. 29.12.150. ASSETS AND LIABILITIES. (a) When two or more munici-
28 palities merge, one municipality succeeds to the rights, powers, duties,
29 assets and liabilities of the others.

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(b) When two or more municipalities consolidate, the newly incorporated municipality succeeds to the rights, powers, duties, assets and liabilities of the consolidated municipalities.

Sec. 29.12.160. ORDINANCES. The ordinances, resolutions, rules, regulations, procedures and orders of the former municipalities remain in force within their respective territories until superseded by the action of the successor municipality.

Article 04. UNIFICATION OF LOCAL GOVERNMENTS

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

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

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

Sec. 29.12.210. PETITION REQUIREMENTS. (a) The petition shall read:
 "PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER
 We, the undersigned, qualified voters of the Borough do hereby petition that the following proposition be placed before the voters as provided by law:
 'Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the Borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified government as authorized by law? Yes ☐ No ☐

Inside First Class Outside First Class

or or

Signature Address Home Rule City Home Rule City

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(b) The petition shall be signed by at least

(1) that number of qualified voters of the borough living outside all first class and home rule cities in the borough equal to 25 percent of the qualified voters who voted in the last regular borough election; and

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

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

Sec. 29.12.230 CALL FOR CHARTER COMMISSION NOMINATIONS. Once it is determined by the borough assembly that a petition meets the requirements of Sec. 260 of this chapter, or the assembly by its resolution proposes an election on formation of a charter commission to propose a unification charter, the assembly shall issue a call for the nomination of charter commission candidates, specifying the filing deadline and outlining the procedure described for making nominations under Sec. 240 ~~(Sec. 290)~~ of this chapter.

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

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

Sec. 29.12.250. QUALIFICATIONS OF CHARTER COMMISSION CANDIDATES. A person is eligible to be nominated as a candidate for the charter commission if he has been a qualified voter of the area from which he seeks election for at least one year immediately preceding the date his nomination petition is filed with the borough clerk.

****Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The charter commission shall consist of 11 voters, three of whom shall be residents elected at large from the area of the borough and eight of whom, proportionate to the population as determined by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a home rule or first class city in the borough; or,

(2) residents of and elected from a home rule or first class city in the borough.

(b) If at least one nomination of a qualified charter commission candidate for each available seat is not filed in accordance with AS 29.12.240 the resolution or petition for unification is void and no election on the question shall be held.

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

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1 (b) The ballot on the question of unification shall be worded
2 exactly as in Sec. 210(a) ~~{Sec. 260(a)}~~ of this chapter.

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

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

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10 cast in the first class and home rule cities of the borough. The other
11 classification shall consist of all votes cast in the remaining areas of the
12 borough. In order for unification to be approved, it is necessary that a
13 majority of the votes in each classification favor unification.

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

17 Sec. 29.12.290. CHARTER COMMISSION ORGANIZATION AND PROCEDURE. (a)
18 The charter commission authorized by this chapter shall hold its first
19 meeting within 30 days of the date of certification of its election. The
20 commission shall elect from among its members a chairman and a deputy chairman.

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

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

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

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1 (e) Except as provided in AS 29.12.340(e), vacancies on the
2 charter commission shall be filled by a majority vote of the commission .
3 The person appointed to fill a vacancy must be a qualified voter of the same
4 area as the person whom he succeeds and must have been a qualified voter of
5 that area for at least one year immediately preceding the date of his appoint-
6 ment.

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

10 (g) Costs, fees, and other expenses incurred by the charter com-
11 mission are a debt of the borough and shall be paid upon proper verification.

12 Sec. 29.12.300. CHARTER PREPARATION. (a) A charter commission
13 established under this chapter shall prepare, adopt and submit a proposed
14 home rule charter for the area to be unified to the voters for approval or
15 rejection at a regular or special borough election called by the borough
16 assembly held within 60 days of the date of publication and posting of the
17 proposed charter as required in AS 29.12.380. The charter shall include
18 among its provisions:

19 (1) provisions for adjustment of existing bonded indebtedness
20 and other obligations in a manner which will reserve a fair and equitable
21 burden of taxation for debt service, subject to AS 29.12.360;

22 (2) provisions for

23 (A) the establishment of service areas; and

24 (B) the establishment of districts or sections for
25 the election of members of the legislative body of the unified
26 municipality, if election of members of the legislative body is
27 not areawide, and procedures by which to reapportion the election
28 districts or sections;
29

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

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

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

8 (5) provision for exercise of the rights of initiative and
9 referendum as required by AS 29.15.050;

10 (6) a method of amending the charter;

11 (7) the date on which the charter, if approved at the charter
12 election required by AS 29.12.340, is effective;

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

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

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

20 Sec. 29.12.310. PUBLIC HEARINGS. Both before and after drafting the
21 proposed charter, the charter commission shall hold a public hearing in each
22 area of the borough represented on the borough assembly. Other public
23 hearings may be held by the charter commission whenever and wherever it
24 believes necessary and appropriate.

25 Sec. 29.12.320. FILING OF PROPOSED CHARTER. Upon the adoption of a
26 proposed home rule charter by the charter commission, the charter shall be
27 signed by at least a majority of the total membership of the commission and
28 shall be filed with the borough clerk. A copy with signatures affixed shall
29 also be filed with the clerk of each city within the borough.

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1 Sec. 29.12.330. PUBLICATION AND POSTING OF PROPOSED CHARTER. Within
2 10 days after filing the proposed charter, the borough clerk shall have it
3 published once in at least one newspaper having general circulation distri-
4 buted within the borough, if there is a newspaper having general circulation
5 distributed within the borough. In addition, the clerk shall have a copy of
6 the proposed charter posted in at least three public places within each city
7 of the borough and each area outside cities. Copies of the proposed charter
8 shall be made available by the borough assembly to the public at both the
9 office of the borough clerk and the office of the clerk of each city within
10 the borough. The clerk shall publish notice by radio and television of the
11 publication, posting, and availability of the proposed charter in a manner
12 intended to apprise the entire borough population of the existence of the
13 proposed charter.

14 Sec. 29.12.340. ELECTION ON CHARTER. (a) The proposed charter adopted
15 by the charter commission shall be submitted to the voters for ratification
16 or rejection at the borough election specified in AS 29.12.300. The borough
17 clerk shall prepare the ballots for use in the election and shall give
18 published notice of and otherwise conduct the election in the manner in
19 which regular municipal elections are conducted. In addition, the clerk
20 shall publish notice of the election by radio and television in a manner
21 intended to apprise the entire borough population of the election.

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

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

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(1) lieutenant governor;

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

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

(4) clerk of the borough;

(5) clerk of each city in the borough.

(d) If a proposed charter is rejected, the charter commission shall prepare, adopt and submit a proposed charter to the voters at a general or special borough election called by the borough and held within one year of 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 unification shall be treated as if it had never been proposed or approved.

(e) If after the rejection of the first proposed charter, more than one-half of the charter commission members resign from the commission, the borough assembly shall appoint new members to fill the vacancies in accordance with AS 29.12.160(e).

Sec. 29.12.350. EFFECT OF THE CHARTER AFTER RATIFICATION. Upon ratification, the charter of a unified municipality organized under AS 29.12.190 - 390 operates to dissolve all local governments within the area of unification in accordance with the charter.

Sec. 29.12.360. ASSETS AND LIABILITIES. A municipality created by unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness or other debt incurred before unification shall remain the tax obligation of the area which contracted the debt, except that the tax obligation may be spread over a larger area by ordinance if the governing body determines that the asset for which the bonded indebtedness or other debt was incurred was used for the benefit of the larger area before unification, or is so used after unification. However, preunification bonded indebtedness or other debt for sewage col-

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lection systems, water distribution systems, and streets, even if determined to be used for the benefit of a larger area than that which incurred the debt, shall remain the tax obligation of the area which incurred the debt.

Sec. 29.12.370. ORDINANCES. Within two years after ratification of the charter, the governing body of the unified municipality shall revise, repeal, or reaffirm all borough and city ordinances, resolutions and orders in force within the borough at the time of unification. Each ordinance, resolution, regulation, or order in force at the time of unification shall remain in force until superseded by action of the new governing body.

Sec. 29.12.380. RIGHT TO STATE AND FEDERAL FUNDS PRESERVED. All provisions of law authorizing contributions of any kind, in money or otherwise, from state or federal government to boroughs and cities shall remain in full force and effect with respect to a unified municipality organized under AS 29.12.190 - ^{29.12.} ~~390~~.

Sec. 29.12.390 POWERS OF A UNIFIED MUNICIPALITY. A municipality organized under AS 29.12.190 - ^{29.12.} ~~390~~ shall have all powers

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

Article 05. DISSOLUTION

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

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

(2) the local option method specified in AS 29.12.430 - ^{29.12.} ~~500~~

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

(c) The Department of Community and Regional Affairs shall investigate a municipality which it considers to be inactive and shall report to the

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1 Local Boundary Commission on the status of the municipality. The commission
2 may submit its recommendation to the legislature that the municipality be
3 dissolved in the manner provided for submission of boundary changes in Sec.
4 12, art. X of the state constitution.

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

10 (b) The petition includes

11 (1) the name of the municipality;

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

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

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

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

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

25 Sec. 29.12.460. REVIEW. The Department of Community and Regional
26 Affairs shall review a petition for content and signatures and shall return
27 a deficient petition for correction or completion.

28 Sec. 29.12.470. INVESTIGATION. If the petition contains the required
29 information and signatures, the Department of Community and Regional Affairs
shall investigate the proposal.

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1 Sec. 29.12.4⁸70. REPORT AND HEARING. (a) The Department of Community
2 and Regional Affairs shall report its findings to the Local Boundary Commission
3 with its recommendation regarding the dissolution.

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

6 Sec. 29.12.4⁹80. DECISION. If the Local Boundary Commission determines
7 that the municipality fails to meet the standards for dissolution, it shall
8 reject the petition. If the commission determines that the municipality
9 meets the standards, it shall accept the petition.

10 Sec. 29.12.5⁰⁰00. ELECTION. (a) The Local Boundary Commission shall
11 immediately notify the lieutenant governor of its acceptance of a dissolution
12 petition. Within 30 days after notification, the lieutenant governor shall
13 order an election within the municipality to determine whether the voters
14 desire dissolution. The election is at least 30 and not more than 90 days
15 after the election order.

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

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

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

24 Sec. 29.12.5¹00. SUCCESSION. The government succeeding to a dissolved
25 municipality succeeds to all its rights, powers, duties, assets, and liabilities
26 as provided in AS 29.09.130-29.09.140.
27
28
29

DRAFTED CHANGES ALTERED BY THE POLICY GROUP - 10 & 11 November 1980

Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The charter commission shall consist of 11 voters, three of whom shall be residents elected at large from the area of the borough and eight of whom, proportionate to the population as determined by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a home rule or first class city in the borough, or;

(2) residents of and elected from a home rule or first class city in the borough.

(b) If at least one nomination of a qualified charter commission candidate for each available seat is not filed in accordance with AS 29.12.240 the resolution or petition for unification is void and no election on the question shall be held.

EXPLANATION: Subsection (a) has been altered so that second class cities are included within the area outside cities for purposes of selecting representatives on the charter commission. This was done so that first class and home rule cities, with their greater concentrations of population, have less chance of overwhelming the rest of the borough. Subsection (b) has been added to avoid the expense and inconvenience of an election in the question of unification if not enough nominations of commission members are received. It is felt that failure to nominate a sufficient number of commission candidates indicates a general lack of interest in the question of unification.

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION.

sugg
(b) If at least one nomination of a qualified charter commission candidate is not filed in accordance with AS 29.12.240. for each available seat the resolution or petition for unification is void and no election on the question of unification shall be held.

*motion by Braison
no obj. no vote

EXPLANATION: Subsection (b) has been added to avoid the expense and inconvenience of an election on unification where there is not enough interest in the question to assure that a charter commission can be formed. An alternative would be to provide for appointment of members when not enough nominations are received, but it was felt that in such cases basic interest in unification was probably lacking so the process should be halted.

OK

Discussion:

CERA agrees - has happened in past

V pg 19

Par motion

2nd class cities be included in area
outside 1st & HR in both 210 & 260 (all)
motion carried unan.
back to tech for drafting.

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

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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.
29

Article 03. MERGER AND CONSOLDIATION

(Article 3. MERGER AND CONSOLIDATION)

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

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

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

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

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

(b) The petition includes

(1) the name and class of each municipality;

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

(3) the proposed composition and apportionment of the assembly or council;

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

Sec. 29.12.100. (Sec. 29.68.050.) REVIEW. The Department of Community and Regional Affairs shall review a petition for content and signatures and shall return a deficient petition for correction or completion.

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

Sec. 29.12.120. (Sec. 29.68.070.) REPORT AND HEARING. (a) The Department 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

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

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

(b) When two or more municipalities consolidate, the newly incorporated municipality succeeds to the rights, powers, duties, assets and liabilities of the consolidated municipalities.

Sec. 29.12.160. (Sec. 29.68.110.) ORDINANCES. The ordinances, resolutions, rules, regulations, procedures and orders of the former municipalities remain in force within their respective territories until superseded by the action of the successor municipality.

Article 04. UNIFICATION OF LOCAL GOVERNMENTS

(Article 3. UNIFICATION OF LOCAL GOVERNMENTS)

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

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

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

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

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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

DRAFTED CHANGES ALTERED BY THE POLICY GROUP - 10 & 11 November 1980 ng the date

Sec. 29.12.260. COMPOSITION OF CHARTER COMMISSION. (a) The
 charter commission shall consist of 11 voters, three of whom
 shall be residents elected at large from the area of the borough
 and eight of whom, proportionate to the population as determined
 by the Department of Community and Regional Affairs, shall be

(1) residents of and elected from the area outside a
 home rule or first class city in the borough, or;

(2) residents of and elected from a home rule or first
 class city in the borough.

2 (b) If at least one nomination of a qualified charter
 commission candidate for each available seat is not filed in
 accordance with AS 29.12.240 the resolution or petition for
 unification is void and no election on the question shall be
 held.

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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.

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. 29.12.4⁶0. (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. 29.12.4⁷0. (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. 29.12.4⁸0. (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. 29.12.4⁹0. (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. 29.12.⁵⁰⁰~~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. 29.12.¹⁰~~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).

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CHAPTER 15. HOME RULE MUNICIPALITIES.

^{u.c.}
Article 1. CHARTERS.

2nd class

Sec. 29.15.010. MUNICIPAL CHARTER ADOPTION. A first class municipality

~~or second class~~ ^{delete} borough] may adopt a charter for its own government. A home rule municipality may amend its charter or adopt a new one. A charter is framed by a charter commission of seven members chosen by the municipal voters at a regular or special election. A candidate for the commission shall be a qualified voter of the municipality and a resident of the municipality for three years immediately preceding the election. A charter commission election is called by filing a petition with the borough assembly or the city council, or by resolution of the borough assembly or city council. The petition shall be signed by a number of municipal voters equal to 15 percent of the votes cast in the last regular election of the municipality.

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

**** (b) A nomination petition shall be filed with the borough or city clerk on or before a date to be fixed by the borough assembly or council. If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question shall be held.

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

Sec. 29.15.040. PREPARATION OF CHARTER. The charter commission shall, within one year, prepare a municipal charter. The proposed charter shall be

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1 signed by a majority of the charter commissioners and filed in the office of
2 the municipal clerk. Within 15 days, the borough assembly or city council
3 shall have the charter published once in a newspaper of general circulation
4 if distributed within the municipality. The clerk shall post copies of the
5 proposed charter in at least three public places and make copies available
6 at the office of the clerk. The commission shall give published notice of
7 and hold at least one public hearing on the proposed charter before the
8 signing and filing of the charter.

9 Sec. 29.15.050 INITIATIVE AND REFERENDUM. ****(a) A municipal charter
10 shall provide procedures for initiative and referendum.

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

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

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

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

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(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. 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, [§] except that no amendment shall be effective unless ratified by the voters.

Article 2. HOME RULE LIMITATIONS

Sec. 29.15.110. 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 Borough Transition
- (2) AS 29.12.010 Municipal Name Change
- (3) AS 29.12.040 Annexation and Exclusion
- (4) AS 29.12.080 - 29.12.160 Merger and Consolidation
- (5) AS 29.12.420 - 29.12.500 Dissolution
- (6) AS 29.15.080 Charter Amendment
- (7) AS 29.24.010 Conflict of Interest
- (8) AS 29.24.020 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

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*✓ Berns
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sec.
as not "limitations"*

- 1 ~~✓(10)~~ AS 29.24.150(c) Expulsion of Borough Assemblymen
- 2 ~~✓(11)~~ AS 29.24.200(f) Removal of Borough Mayor from
- 3 Office
- 4 ~~✓(12)~~ AS 29.24.290(b) Expulsion of City Councilman
- 5 from Office
- 6 **** (13) AS 29.24.340(a) Repeal
- 7 ~~✓(14)~~ AS 29.24.350 Removal of Mayor from Office
- 8 ~~✓(15)~~ AS 29.24.680 Prohibitions Respecting Appointment
- 9 and Removal of Personnel
- 10 ~~(16)~~ AS 29.24.700 Municipal Reports
- 11 ~~(17)~~ AS 29.27.010(a)(12) Municipal Exemption
- 12 on Contractor Bond Requirements
- 13 ~~(18)~~ AS 29.27.060 Codification
- 14 (19) AS 29.30.010, 29.30.030(b) - 29.30.040 Municipal Elections
- 15 ~~✓(20)~~ AS 29.30.060(f) Expulsion, Removal from Office
- 16 (21) AS 29.30.210 - 29.30.330 Recall
- 17 (22) AS 29.33.020 Extraterritorial Jurisdiction
- 18 ~~✓(23)~~ AS 29.33.030 Eminent Domain
- 19 (24) AS 29.33.080 Garbage and Solid Waste Services
- 20 (25) AS 29.33.090(b) Effect of Areawide Exercise
- 21 of Borough Power
- 22 ~~(26)~~ AS 29.33.090(c) Borough Building Code *✓ on*
- 23 Jurisdiction within Cities
- 24 ~~(27)~~ AS 29.33.100 - 29.33.160 Utilities
- 25 **** (28) AS 29.33.220 Repeal
- 26 (29) AS 29.33.230 Post Audit
- 27 (30) AS 29.36.010(b) Areawide Borough Powers
- 28 (31) AS 29.36.040, AS 29.36.230(d), AS 14.12.020(a) Responsibility
- 29 for education on Military Reservations

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1 (32) AS 29.36.130(c) Acquisition of Additional
2 Areawide Powers

3 (33) AS 29.39.020 - 29.39.060 Powers of Cities Outside Boroughs

4 *Repeal* ~~(34)~~ AS 29.42.040(d) Zoning of State Land for
5 Homesite Entry

6 *Repeal* ~~(35)~~ AS 29.42.080(b) Applicability of Local
7 Platting Regulations to State Land in a Municipality

8 (36) AS 29.45.010 - 29.45.530 Borough
9 and City Property Taxes

10 ~~(37)~~ AS 29.45.020 *Taxpayer Notice*

11 ~~(38)~~ AS 29.45.580(d) Interest on Sales
12 Tax

13 (39) AS 29.48.090 Exemption from Special Assessment

14 *Repeal* ~~(40)~~ AS 29.51.420 - 29.51.430 Bonded Debt for
15 School Construction

16 (41) AS 29.51.210(b) Security for Bonds

17 *Repeal* ~~(42)~~ AS 29.51.390 Bond attorneys, Bond and Financial
18 Consultants

19 (43) AS 29.62. Municipal Tax Resource Equalization

20 (44) AS 29.62. State Aid for Miscellaneous Municipal
21 Services

22 (45) AS 29.71.010 Adverse Possession

23 (46) AS 29.71.020 Taxation of Municipalities
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25
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*Proofed 12-20*CHAPTER 15. HOME RULE MUNICIPALITIES

Article 1. CHARTERS

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

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

**** (b) A nomination petition shall be filed with the borough or city clerk on or before a date to be fixed by the borough assembly or council. If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question shall be held.

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

Sec. 29.15.040. PREPARATION OF CHARTER. The charter commission shall, within one year, prepare a municipal charter. The proposed charter shall be

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1 signed by a majority of the charter commissioners and filed in the office of
2 the municipal clerk. Within 15 days, the borough assembly or city council
3 shall have the charter published once in a newspaper of general circulation
4 if distributed within the municipality. The clerk shall post copies of the
5 proposed charter in at least three public places and make copies available
6 at the office of the clerk. The commission shall give published notice of
7 and hold at least one public hearing on the proposed charter before the
8 signing and filing of the charter.

9 Sec. 29.15.050 INITIATIVE AND REFERENDUM. ****(a) A municipal charter
10 shall provide procedures for initiative and referendum.

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

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

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17 the municipal voters at a regular or special election held not less than 30
18 days nor more than 90 days from the publication of the charter.

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

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(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.

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- (1) AS 29.09.140 Borough Transition
- (2) AS 29.12.010 Municipal Name Change
- (3) AS 29.12.040 Annexation and Exclusion
- (4) AS 29.12.080^{29.12.}~~160~~ Merger and Consolidation
~~29.12.080~~ $\hookrightarrow$
- (5) AS 29.12.420-29.12.500 Dissolution
~~29.12.420~~ $\hookrightarrow$
- (6) AS 29.15.080 Charter Amendment
- (7) AS 29.24.010 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, 198) AS 29.24.060; 29.24.080-29.24.140
 (29.23.021; 29.23.025-29.23.050) Borough assembly composition
 $\hookrightarrow$
 and Apportionment; Borough Assembly Members

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- 1 (10) AS 29.24.150(c) Expulsion of Borough Assemblymen
 2 (11) AS 29.24.200(f) Removal of Borough Mayor from
 3 Office
 4 (12) AS 29.24.290(b) Expulsion of City Councilman
 5 from Office
 6 **** (13) AS 29.24.340(a) Repeal
 7 (14) AS 29.24.350 Removal of Mayor from Office
 8 (15) AS 29.24.680 Prohibitions Respecting Appointment
 9 and Removal of Personnel
 10 (16) AS 29.24.700 Municipal Reports
 11 (17) AS 29.27.010(a)(12) Municipal Exemption
 12 on Contractor Bond Requirements
 13 (18) AS 29.27.060 Codification
 14 (19) AS 29.30.010, 29.30.030(b) $\hookrightarrow$ 29.30.040 Municipal Elections
 15 (20) AS 29.30.060(f) Expulsion, Removal from Office
 16 (21) AS 29.30.210-29.30.330 Recall
 17 $\hookleftarrow$
 18 (22) AS 29.33.020 Extraterritorial Jurisdiction
 19 (23) AS 29.33.030 Eminent Domain
 20 (24) AS 29.33.080 Garbage and Solid Waste Services
 21 (25) AS 29.33.090(b) Effect of Areawide Exercise
 22 of Borough Power
 23 (26) AS 29.33.090(c) Borough Building Code
 24 Jurisdiction within Cities
 25 (27) AS 29.33.100-29.33.160 Utilities
 26 $\hookleftarrow$
 27 **** (28) AS 29.33.220 Repeal λ
 28 (29) AS 29.33.230 Post Audit
 29 (30) AS 29.36.010(b) Areawide Borough Powers
 (31) AS 29.36.040, AS 29.36.230(d), AS 14.12.020(a) Responsibility
 for education on Military Reservations

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- 1 (32) AS 29.36.130(c) Acquisition of Additional
2 Areawide Powers
- 3 (33) AS 29.39.020-29.39.060 Powers of Cities Outside Boroughs
4 $\hookrightarrow$
- 5 (34) AS 29.42.040(d) Zoning of State Land for
6 Homesite Entry
- 7 (35) AS 29.42.080(b) Applicability of Local
8 Platting Regulations to State Land in a Municipality
- 9 (36) AS 29.45.010-29.45.530 Borough
10 $\hookrightarrow$
11 and City Property Taxes
- 12 (37) AS 29.45.020
- 13 (38) AS 29.45.580(d) Interest on Sales
14 Tax
- 15 (39) AS 29.48.090 Exemption from Special Assessment
- 16 (40) AS 29.51.420-29.51.430 Bonded Debt for
17 $\hookrightarrow$
18 School Construction
- 19 (41) AS 29.51.210(b) Security for Bonds
- 20 (42) AS 29.51.390 Bond attorneys, Bond and Financial
21 Consultants
- 22 (43) AS 29.62. Municipal Tax Resource Equalization
- 23 (44) AS 29.62. State Aid for Miscellaneous Municipal
24 Services
- 25 (45) AS 29.71.010 Adverse Possession
- 26 (46) AS 29.71.020 Taxation of Municipalities
- 27
- 28
- 29

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

✓ Sec. 29.15.020. NOMINATION.

(b) A nomination petition shall be filed with the borough or city clerk on or before a date to be fixed by the borough assembly or city council. If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and no election on the question shall be held.

EXPLANATION: Subsection (b) has been added to avoid the expense and inconvenience of an election on the question of forming a charter commission if not enough nominations for commission members are received. An alternative would be to provide for appointment of members in such cases but it was felt that failure to nominate a sufficient number of commission candidates indicated a general lack of interest in the formation of a charter commission.

NO DISCUSSION - OK

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.15.050. INITIATIVE AND REFERENDUM. (a) A municipal charter shall provide procedures for initiative and referendum.

EXPLANATION: This is technical clean-up creating no substantive change in existing law. However, it has been argued that the phrase "charters shall provide the procedures" refers to the procedures set out in Title 29 applicable to general law municipalities. Consequently, "the" has been dropped in order to clarify the fact that home rule municipalities are free to establish procedures which may differ from those set out in Title 29.

OK No discussion

DRAFTED CHANGES RECOMMENDED BY TECHNICAL COMMITTEE - 10 OCTOBER 1980

Sec. 29.15.110. LIMITATION OF HOME RULE POWERS. 32

(13) AS 29.24.340(a) (election and term of mayor) Repeal.

(19) AS 29.30.040 (voter qualification) *AS RETAINED & MADE UNIFORM STATEWIDE*

(28) AS 29.33.220 (expenditure of borough revenue) Repeal.

(13) No objections

EXPLANATION: AS 29.24.340(a) provides that a home rule city may prescribe additional residency requirements by charter for eligibility to hold the office of mayor. This is not a limitation and does not properly appear in the list of home rule limitations. That section also stipulates that a mayor must be a municipal voter, but it is felt that those sort of administrative decisions ought to be left up to a home rule municipality.

REPEAL NO OBJECTION
AS 29.30.010 provides that three judges shall be appointed for each polling place and that the assembly or council prescribe rules for conduction elections. These appear to be administrative decisions properly left up to a home rule municipality. This section is eliminated from (19) as a limitation.

REPEAL NO OBJECTION
AS 29.30.030(b) provides that the assembly or council may call a special election upon at least 20 days notice. This is an administrative matter properly left up to home rule municipalities and was eliminated from (19). However, it was felt that AS 29.30.040 dealing with voter qualifications ought to be included as a limitation on home rule powers to preserve uniformity across the state in this area.

NO OBJECTION
AS 29.33.220 provides that revenues collected on an areawide basis may be expended on general administrative costs and on areawide functions only. Likewise, revenues collected outside cities may be expended on general administrative costs and in providing services outside cities. It was felt that home rule municipalities ought to be given more flexibility in managing revenues.

Service area money spent onkeely

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
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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

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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 Porough 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

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- (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 (30) AS 29.36.010[b] (29.33.010[b]), Areawide Borough Powers
- 2 (31) AS 29.36.050, AS 29.36.320, AS 14.12.020[a] (29.33.050,
- 3 29.41.010[d], 14.12.020[a]) Responsibility for education
- 4 on Military Reservations
- 5 (32) AS 29.36.130[c] (29.33.290[c]) Acquisition of Additional
- 6 Areawide Powers
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CHAPTER 18. DEVELOPMENT CITIES

**** Repeal.

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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,
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(2) name,

(3) boundaries,

(4) composition of the council,

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

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

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

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

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

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

Sec. 29.18.080. (Sec. 29.18.290.) DECISION ON DEVELOPMENT CITY INCORPORATION. (a) The Local Boundary Commission may reject a petition for

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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

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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

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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
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(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.

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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:

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

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

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

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

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

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

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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.

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CHAPTER 21. CAPITAL CITY

Sec. 29.21.010. 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. 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. CITY COUNCIL. (a) Until council members elected by the residents of the capital city take office as provided in AS 29.21.060 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 AS 29.21.160 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.

Sec. 29.21.040. FILLING A VACANCY. If a vacancy occurs among the members appointed by the governor, the governor shall designate the replacement who shall serve for the unexpired portion of the term.

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1 Sec. 29.21.050. APPOINTMENT OF CITY OFFICIALS. Until a mayor is
2 elected in accordance with AS 29.21.060, the council shall appoint a city
3 manager for the capital city to serve at the pleasure of the council. The
4 city manager may not be a council member.

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

14 (b) After the lieutenant governor has specified the election date,
15 the council shall make arrangements for an election at which five council
16 members and a mayor shall be elected in the manner prescribed by ordinance
17 and law. The expenses of the election shall be borne by the state. The
18 council of the capital city shall have six members. The governor shall
19 designate

20 one council member holding office on the date of the election to remain a
21 member of the council for a single three-year term commencing on the date
22 the elected council members take office. The successors to the appointed
23 council members shall be elected by the residents, except that if the
24 appointed council member leaves office during the three years, the governor
25 may appoint a successor. The terms of all other appointed or designated
26 council members expire when the elected council members take office. The
27 term of elected council members is as provided in AS 29.24.280 except that
28 three of the members are elected for an initial term of one year.
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1 *Sec. 29.21.070. PLANNING AND LAND USE REGULATION AUTHORITY. The
2 general development plan and specific development plans constitute the land
3 use plan for the capital city area. When a parcel of land has been developed
4 in accordance with the applicable specific development plan, that parcel
5 becomes subject to all planning, zoning, subdivision, building code or other
6 similar ordinances of the Matanuska-Susitna Borough.

7 Sec. 29.21.080. TRANSFER OF UTILITIES TO THE CAPITAL CITY. The
8 development corporation, in cooperation with the capital city, shall arrange
9 for and agree to an orderly schedule for transferring to the capital city
10 ownership of, and financial and operational responsibility for utilities and
11 any other facilities which the development corporation considers to be
12 integral parts of the capital city infrastructure. Before January 1, 1985,
13 the development corporation and the council of the capital city shall jointly
14 retain independent consultants to study and determine an orderly schedule
15 for transfer of these utilities and facilities to the capital city. The
16 study shall consider the capabilities of the capital city and its existing
17 and anticipated residents to finance the cost of these utilities and other
18 facilities and their operating expenses. The consultants shall propose a
19 recommended schedule for and terms of transfer which are commensurate with
20 the capital city's existing and anticipated population, tax base and any
21 other factors relating to its capability to finance and operate these
22 facilities as they consider appropriate. The development corporation shall,
23 after considering the consultants' report, propose a schedule of and terms
24 and conditions of the transfer to the capital city, which shall, upon review
25 and approval by the council, be included in an agreement between the
26 development corporation and the capital city. If the development corporation
27 and the capital city are unable to agree within six months after the
28 development corporation submits its proposal, the development corporation
29 shall submit the proposal to the Legislative Budget and Audit Committee

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1 which shall consider the proposal, and if the committee considers it approp-
2 riate to do so, shall recommend to the legislature legislation it considers
3 desirable for the disposition of the utilities and other facilities. If the
4 legislature does not enact legislation regarding the disposition within one
5 year after the proposal is submitted to the Legislative Budget and Audit
6 Committee, the development corporation may at any time thereafter sell or
7 dispose of the utilities and facilities or any of them to a private person
8 or entity or government body, or continue to operate them.

9 Sec. 29.21.090. DEFINITIONS. In AS 29.21.010 - 29.21.090, unless
10 the context requires otherwise,

11 (1) "capital city area" means the area described in AS
12 29.21.020

13 (2) "capital city " means the municipality incorporated by
14 this chapter;

15 (3) "development corporation" means the Alaska Capital City
16 Development Corporation;

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

20 (5) "specific development plan" has the same meaning as
21 provided in AS 44.07.360 and includes amendments to each specific development
22 plan.

23 Sec. 29.21.100. SHORT TITLE. AS 29.21.010 - 100 of this chapter may
24 be cited as the Capital City Incorporation Act.

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*Proofed 12-30*CHAPTER 21. CAPITAL CITY

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