

LDIR#109

LOCAL

GOVERNMENT

1955-1966

Constitutional Convention
Committee Proposal/6/1
Style & Drafting/Article X
January 30, 1956

ALASKA CONSTITUTIONAL CONVENTION
REPORT OF THE COMMITTEE ON STYLE AND DRAFTING

Hon. William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Style and Drafting herewith presents
its redraft of the Article on Local Government for consideration
by the Convention.

Respectfully submitted,

George Sundborg, Chairman
R. Rolland Armstrong
Edward V. Davis
Victor Fischer
Mildred R. Hermann
James J. Hurley
Maurice T. Johnson
George M. McLaughlin
Katherine D. Nordale

BOROUGH GOVERNMENT IN ALASKA MOVES AHEAD

Eight of Alaska's nine organized boroughs have been in existence less than four years. Despite considerable public opposition and a number of transitional problems, they have consolidated their positions and are steadily increasing their influence and functions.

Alaska has no counties as such. Although the territorial equivalent of a county, the Alaska borough is neither a borough nor a county in the traditional sense. The delegates to the 1955-56 State Constitutional Convention deliberately chose to avoid the use of the word "county" so as not to encumber the new unit of local government with restrictive legal precedents and public connotations. Instead, they selected the term "borough" as meaning simply a place organized for local government purposes.

The Alaska Constitution provides that "the entire State shall be divided into boroughs, organized or unorganized." Under State law, the organized borough is a unit of areawide local government which encompasses a natural community, including cities, fringe areas, and adjacent rural areas. The entire State outside organized boroughs is a single unorganized borough, subject to direct control of the State Legislature.

The Constitution stipulates that "all local government powers shall be vested in boroughs and cities." The independent school district and the public utility district -- special districts created under the Territory -- are recognized as transitional units of local government which may "continue to exercise their powers and functions under existing law pending enactment of legislation to carry out the provisions" of the Constitution.

To accomplish the constitutional requirement that boroughs be established and that special districts be absorbed by borough or city governments, the Legislature passed the first Borough Act in 1961. The Act stipulated that the districts could continue to exercise their powers and functions under existing law only until July 1, 1963. In addition, it defined the characteristics of organized borough government and provided for the incorporation, organization, and functions of the borough.

Under the Act, organized boroughs are municipal in nature and have the same corporate status as cities. They may be incorporated by local option petition and election, but only if they meet certain standards. These include such factors as population, geography, economy, and transportation. Two state constitutional organs located in the Governor's Office, the Local Affairs Agency and the Local Boundary Commission, have the

STATE OF ALASKA

OFFICE OF THE GOVERNOR

LOCAL AFFAIRS AGENCY

WALTER J. HICKEL, Governor

POUCH AB — JUNEAU 99801

RESUME OF FACTS CONCERNING BOROUGH
GOVERNMENT IN ALASKA

A L A S K A L O C A L G O V E R N M E N T

Volume VII, No. 6

June, 1968

INCORPORATION
of an
ORGANIZED BOROUGH

May 1961

Local Affairs Agency

Box 710, Juneau, Alaska

STATE OF ALASKA

OFFICE OF THE GOVERNOR

LOCAL AFFAIRS AGENCY


KEITH H. MILLER, Governor

POUCH AB—JUNEAU 99801

QUESTIONS AND ANSWERS CONCERNING
FOURTH CLASS CITIES

ALASKA LOCAL GOVERNMENT
VOLUME VIII, No. 3

JULY 1969



BOROUGH
INCORPORATION
MANUAL

May 1962

Local Affairs Agency

Box 710, Juneau, Alaska

MAJOR DIFFERENCES BETWEEN FIRST, SECOND, THIRD
AND FOURTH CLASS CITIES IN ALASKA

The major differences between first, second, and third class cities in Alaska are few. They share many of the same powers and duties and have similar forms of municipal government. The major differences between the first three classes and the fourth class are greater. The various major differences between the several classes are as follows:

INCORPORATION:

- First Class: Requires at least 400 permanent inhabitants; at least 100 of the qualified voters sign an incorporation petition.
- Second Class: Requires at least 50 permanent inhabitants; at least 15 of the qualified voters sign an incorporation petition.
- Third Class: Requires at least 5 bona fide residents or property owners for petition; area limited to 50 square miles; no actual population requirement.
- Fourth Class: Requires at least 25 permanent inhabitants 19 years of age or older within a 3 mile radius; at least 10 qualified voters sign an incorporation petition; size not limited by 3 mile radius.

RECLASSIFICATION:

- First Class: May adopt home rule charter
- Second Class: May, if meets standards for incorporation of first class city, reclassify as first class city.
- Third Class: May, if meets standards for incorporation of higher class city, reclassify as higher class city.
- Fourth Class: May, if meets standards for incorporation of higher class city, reclassify as higher class city.

THE CONSTITUTION OF THE STATE OF ALASKA

ARTICLE X:

LOCAL GOVERNMENT

SECTION 1: (Purpose and Construction)

The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

SECTION 2. (Local Government Powers)

All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

SECTION 3. (Boroughs)

The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislation shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

SECTION 4. (Assembly)

The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter. Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council. The other members of the assembly shall be elected from and by the qualified voters resident outside such cities.

SECTION 5. (Service Areas)

Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter.

Constitutional Convention
Committee Proposal/6
December 15, 1955

REPORT OF THE COMMITTEE ON
LOCAL GOVERNMENT

Hon William A. Egan, President
Alaska Constitutional Convention

Dear President Egan:

Your Committee on Local Government herewith presents the proposed article on local government for consideration by the Convention. Also attached is a commentary on the proposed article.

Respectfully submitted,
John H. Rosswog, Chairman

John M. Cross
James P. Doogan
Victor Fischer
Eldor R. Lee
Maynard D. Londborg
Victor C. Rivers

FILE COPY

FOURTH CLASS CITY INCORPORATION MANUAL

For Use of Communities Incorporated or
Desiring to Incorporate Under the
Provisions of the Village Incorporation
Act
(Alaska Statutes 29.25.010-29.25.510)

1966 Edition Prepared by the Staff of the
Alaska Legislative Council in Cooperation with
the Local Affairs Agency

THE MINUTES OF THE COMMITTEE
ON LOCAL GOVERNMENT OF THE
CONSTITUTIONAL CONVENTION

Minutes, 1st Meeting
November 15, 1955

1. Meeting called to order by Chairman Rosswog. Members present: Cross, Doogan, V. Fischer, Lee, Londborg and V. Rivers.
2. The Committee agreed that the vice chairman be elected and the secretary be appointed by the chairman.
3. The chairman opened the meeting to nominations for vice chairman. V. Rivers and Londborg were nominated. Rivers declined due to chairmanship of another committee. Londborg was unanimously elected vice chairman.
4. The chairman appointed V. Fischer as secretary of the Committee.
5. There was general discussion regarding the establishment of a work schedule. The chairman, vice chairman and secretary were instructed to prepare a program for Committee work.
6. It was unanimously agreed that at the next meeting the staff report on local government would be read and discussed section by section. There was further consideration of the preparation of a core proposal which would constitute the basis for Committee review and revision and would lead to the preparation of the final committee proposal on local government.
7. Consideration was also given to the inter-relationship of this Committee with the work being undertaken by other committees.
8. There was some discussion about the scope of the Committee assignment. It was agreed that generally the responsibility covered everything below the level of state government. Attention was also given to the need of making local government work in the larger cities as well as the smallest villages.
9. There was some discussion regarding the form of local government in other northern countries particularly Scandinavia. It was decided to refer this matter to the staff for a report upon Scandinavian local government.
10. It was generally agreed that consultants would be valuable in bringing information to the Committee on what has been accomplished elsewhere. The chairman and secretary were unanimously instructed to investigate the availability of consultants to the Committee.
11. Meetings of the Committee on Local Government are to be public, according to an agreement among the members. At such time as the Committee began to formulate actual proposals or unforeseen difficulties arose, meetings might be closed.